

SPECIAL COURT FOR SIERRA LEONE OUTREACH AND PUBLIC AFFAIRS OFFICE



A group of participants in the walk to support the Peace Museum arrives at the Special Court on Saturday.

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:

Tuesday, 29 November 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

Local News

Supporters March Through Freetown to Support Peace Museum / *Press Release* Page 3

International News

Even Tainted Diamonds Sparkle / *The Africa Report* Page 4

Justice Sebutinde Nears World Court Job / *Daily Monitor* Pages 5-6

Define 'Crimes Against Humanity': Rapp / *BD News* Pages 7-8

A Sample of Federal Court Decisions / *Vancouver Sun* Pages 9-10

Cosy Club or Sword of Righteousness? / *The Economist* Pages 11-12

Libya Ex-rebels Still Hold 7,000 Prisoners, Says UN / *BBC* Page 13

United Nations: A Move Toward Prosecuting Chad's Ex-Dictator / *HRW* Page 14



The Sierra Leone Peace Museum

Site of the Special Court for Sierra Leone
Jomo Kenyatta Road, New England, Freetown

+232 (0)76 81 92 42
slpeacemuseum@gmail.com

28th November 2011

Supporters March through Freetown to Promote Peace Museum

Representatives of civil society and human rights organisations, victims and handicapped groups, agencies, non-governmental institutions and government marched through Freetown on Saturday to promote Sierra Leone's new Peace Museum.



The two groups, one which started from the Lumley roundabout and the other from Upgun, converged a few minutes after noon at the Special Court compound in New England, where the museum is being constructed.

Handicapped and hearing-impaired persons from the NGO One Family People provided music and entertainment for the event. Special Court Registrar Binta Mansaray and

UNDP Country Director Mia Seppo also joined in the march.

Lorna French, representing the Office of the President, affirmed the Government's continued commitment to the Peace Museum. Ms. French encouraged members of the public to contribute to the Museum by taking part in the Memorial Design Competition, and by donating texts and artefacts relating to the war and the peace process.

The Sponsored Walk which took place on Saturday, 26 November saw supporters of the Peace Museum walk the streets in T-shirts inscribed with messages, distribute leaflets and sang peace songs. The One Family People, a drama group made up of the deaf and dumb provided entertainment for the march.

Groups from across Sierra Leone affirmed their support: Beatriz Balbin on behalf of UNIPSIL, Abdul Konta for Children's Forum Network, and Edward Conteh for the War Victims Association. Mr. Conteh told marchers the war victims have moved on with their lives, and stand ready to support the Peace Museum in preserving the history of the war and the story of the peace.

The museum is slated to open in 2012.

Saturday's walk was sponsored by the Family Kingdom Resort, Sam-King Group Limited, Hotel Barmoi and the Sierra Bottling Factory ###

Please note that, until the formal establishment of the Sierra Leone Peace Museum, all letters are sent on behalf of the Peace Museum Project Management Team.

The Africa Report

Tuesday, 29 November 2011

<http://www.theafricareport.com/index.php/2011112850176332/columns/even-tainted-diamonds-sparkle-50176332.html>

Even Tainted Diamonds Sparkle

The International Criminal Court (ICC) recently wrapped up its case against former President of Liberia, Mr. Charles Taylor. The case had spun over three years. Yet the highlight moment of the trial that left the world aghast was when the Court hauled Naomi Campbell to the witness stand to testify that she had received a gift of diamonds from the accused.

No doubt many wondered at the involvement of this fashion model with a mass murderer who had looted and massacred hundreds of thousands of innocent civilians in a country he had taken oath to protect.

Ms. Campbell stood her own and faced down her "persecutors" that in all reality had no business behaving as they had... parading her to the world in front of cameras so as to thrust their case-that-the-world-forgot onto Prime-Time.

Did anyone ever point a finger at the millions that wear innumerable carats of "blood diamonds" on their deity pinkies? Or at the very wealthy merchants who trade in the billions of dollars worth of these rarest of gems?

The war was funded by diamonds many damsels are flashing around in the streets of New York, London and HongKong

The public was left shaking its head and wondering how Ms. Campbell's testimonial would impact the case. Maybe it was just cheap PR for an ever unpopular court that has been accused of slanting its work towards third world countries, especially African ones and just because they could.

A better reason would be that it was done to highlight the plight of a country that had suffered under the rule of a hardened criminal of the worst kind. But the evidence of Mr. Taylor's crimes were overwhelmingly rampant and to prosecute him could only be a child's play.

That Ms. Campbell is of a daunting personality is no doubt. But is that why her frenemies (as in Miss Mia Farrow and another nondescript person) took matters in their hands tale-telling Prosecutors that she, Naomi, had received some diamonds from Mr. Taylor; a matter that was evidently a distraction from the case at hand.

Because not only did Ms. Campbell give the "diamonds" away – short of throwing them away - but that they were not even a sizable amount of loot to fund her signature hair do.

Those "few small dirty looking stones" as she described them were not what paid for the decade long war in Sierra Leone or Liberia. The war was funded by diamonds many damsels are flashing around in the streets of New York, London and HongKong.

Daily Monitor (Uganda)

Tuesday, 29 November 2011

<http://www.monitor.co.ug/News/National/-/688334/1281154/-/bg9f7wz/-/>

Justice Sebutinde nears world court job



By TABU BUTAGIRA

In Summary

Justice Sebutinde's likely selection as judge of the International Court of Justice would elevate Uganda's position in both development and codification of International law. Victory would make her the first African female judge of the world court.

Justice Julia Sebutinde and Sierra Leonean Judge, Abdul Koroma, are locked in dead-heat contest for the coveted slot of judge of the world's highest court, forcing the UN to adjourn for emergency consultations.

Whereas the Ugandan jurist picked the majority votes in 11 rounds of ballot by the 192 UN General Assembly members, Mr Koroma, on the other hand, marginally led in simultaneous but separate voting at the UN Security Council.

The two UN organs first cast the ballot on November 10, and again on November 22.

In the last round, Justice Sebutinde polled 102 of the 191 UNGA votes while Mr Koroma obtained only 89. He, however, picked eight votes in the 15-member Security Council slightly ahead of Justice Sebutinde with seven. Either candidate has to win approval of both UN organs to become one of 15 judges at the International Court of Justice (ICJ) for the next nine years.

The inconclusive results last week forced Qatari diplomat Nassir Abdulaziz Al-Nasser, who is president of the General Assembly, to adjourn the voting exercise and allow for further consultations by countries on the two candidates.

Diplomatic sources said Koroma's standing took Uganda by surprise since the African Union twice - during its 18th and 19th sessions in Addis Ababa, Ethiopia and Malabo, Equatorial Guinea, respectively - unanimously endorsed Justice Sebutinde as a sole candidate.

It is not clear why Sierra Leone made a U-turn, a decision that has stirred mistrust among AU members. The unexpected decision came weeks after Mr Joseph Bandala Dauda, the Foreign Affairs minister of the West African country, assured his Ugandan counterpart Sam Kutesa during a meeting on September 22 that Sierra Leone would formally withdraw Mr Koroma's candidature.

An upbeat Mr Kutesa wrote to the Sierra Leonean government a day after the meeting at Uganda House in New York, appreciating their decision to rescind judge Koroma's bid.

"I wish to thank you for honouring your commitment made to the African Union in Malabo, Equatorial Guinea, to formally withdraw the candidature of Abdul George Koroma, in order to avoid undermining Judge Julia Sebutinde, the Ugandan candidate who was endorsed by the African Union," Mr Kutesa wrote to his counterpart, Mr Dauda, on September 23.

He also reminded Freetown that the tradition of endorsing single candidates is "Africa's strength". It would, however, appear Uganda's praise of Sierra Leone was premature as the two countries have now each gone on a diplomatic charm offensive to outwit the other to secure victory of their candidate.

Yesterday, Mr Adonia Ayebare, Uganda's acting Permanent Representative to the UN, said they are working round-the-clock to ensure a Sebutinde victory in a yet unscheduled round of voting.

He said: "We have so far run an excellent campaign as evidenced by [Sebutinde's] 11 wins in the UNGA and we are shy of one vote to clinch the ICJ judge spot."

tbutagira@ug.nationmedia.com

BD News (Bangladesh)

Monday, 28 November 2011

<http://www.bdnews24.com/details.php?id=212370&cid=2>

Define 'crimes against humanity': Rapp

Dhaka, Nov 28 (bdnews24.com)—A former prosecutor for courts trying crimes against humanity, Stephen J Rapp said the war crimes tribunal should define "crimes against humanity" as soon as possible.

Reading out a statement on Monday, he also said the war crimes trial being held in Bangladesh under the International Crimes Tribunal should be transparent and accessible to all.

The former prosecutor for the Special Court for Sierra Leone, and the International Crimes Tribunal of Rwanda, said that while the term crimes against humanity had been defined in the statutes and cases of international courts, it had not in Bangladesh.

"In their charge framing order in the first case, the judges said that they would interpret the statute according to Bangladesh law but look for additional guidance in the decisions of international tribunals."



Also a US ambassador-at-large for war crimes issues, invited here by the government, Rapp pointed out at his press briefing that it was not, however, clear whether murders and rapes were stipulated to be "part of a widespread and systematic attack. Or whether they were committed on a racial, religious, or political basis; or whether the alleged perpetrators would need to have knowledge of the larger attack.

Before rushing off to a meeting with the prime minister, Rapp made a few more observations but stressed on broadcasting the trial proceedings on television since it was not easy for the people to attend court session.

"Ideally, the trial sessions should be broadcast on television or radio, or weekly reports be aired that would show key testimony, arguments, and rulings."

Rapp also suggested 'neutral observers' to follow the trials and produce daily and weekly reports available through the internet and other media.

The US special envoy said in his written speech that he had made a few recommendations in March on amending the rules for these trials to ensure fair and transparent proceedings. "Some of these suggestions were incorporated in amendments adopted in June. I regret to say that many were not."

To a question regarding the removal of Justice Nizamul Huq, the former war crimes prosecutor said he was not here to take sides and would not comment on how he would have judged it. But Rapp did mention that he had recommended a system that would allow parties to challenge the proceedings at a different court.

To another question about foreign attorneys arguing cases before the tribunal, Rapp said it would actually be beneficial for all parties. "I myself have benefited from the experience of attorneys from different backgrounds and cultures."

However, he did acknowledge that the Bangladeshi laws did not allow anyone but local citizens to act as barristers. "But foreign attorneys could sit in as advisers at the trial."

To another question of transparency and accessibility, he said that the ongoing trials were significant and historic for Bangladesh. "I want people around the world to see how these trials are going."

Rapp suggested that there should be interpretations so that when people testified, or spoke in English it is instantly translated to Bengali and vice versa.

Rapp has had a round of meetings with relevant officials. He met the war crimes tribunal on Sunday. The defence lawyers of those currently facing war crimes charges had a lunch with him at the Ruposhi Bangla Hotel in the afternoon.

That was followed by a meeting with law minister Shafique Ahmed from where he reached the Dhaka Reporter's Unity for the press briefing.

bdnews24.com/ta/bd/1820h

Vancouver Sun (Canada)

Friday, 25 November 2011

<http://www.vancouversun.com/news/sample+Federal+Court+decisions/5769421/story.html>

A sample of Federal Court decisions

By Don Butler, Postmedia News



Supreme Court of Canada is seen on Wednesday, Apr. 13, 2011 in Ottawa.

OTTAWA — In the first six months of this year, the Federal Court overturned 184 citizenship and immigration decisions made by tribunals, officers and citizenship judges. Here is a sample of those cases.

-SNIP-

ROSALINE KARGBO

The background: Kargbo is a citizen of Sierra Leone. In 2000, she was kidnapped and forced by rebels to live as a captive "wife." After a year, she escaped and eventually made her way to Canada, where she was accepted as a refugee. She became a permanent resident in 2006.

Her husband died in Sierra Leone's civil war. At the time of the Federal Court ruling, she had not seen her two children since 2000. But several years ago, she discovered their whereabouts and submitted sponsorship and permanent residence applications to bring them to Canada, ultimately asking that the applications be considered on humanitarian and compassionate grounds.

Her application was twice refused in error. As a result, the government agreed in 2010 to have her case heard again by a different officer. Kargbo's lawyer asked the Federal Court to direct the government that she and her children had sufficient humanitarian and compassionate grounds and to make a final determination within a set time. They also asked for an award of costs, highly unusual in such cases.

The Federal Court decision: Justice James Russell said the facts of the case present "an extremely compelling case of unusual, undeserved and disproportionate hardship.

"This is a case that, from the beginning, cried out for compassion and prompt action," Russell wrote. Kargbo and her son and daughter "have faced trauma that simply cannot be comprehended by most people."

The Kargbos, he said, have been treated insensitively, subjected to needless delays and needless resistance in rectifying "obvious mistakes." He could see nothing, he wrote, that should prevent a positive decision on humanitarian and compassionate grounds.

The judge gave the government seven days to redetermine the issue and notify the Kargbos. And he awarded them \$4,000 in special costs because of its officials' "careless mistakes" and the minister's "unfair and oppressive" approach to the case, which only changed shortly before the judicial review hearing.

Update: Following the court's direction, the government swiftly approved Kargbo's application. Her children are now permanent residents of Canada, reunited with their mother for the first time in 11 years.

The Economist

Saturday, 26 November 2011

Cosy club or sword of righteousness?

An arrest in Libya, a change of guard at the top, and a big decision on Kenya will mark imminent moments of truth for the International Criminal Court



ON NOVEMBER 22nd Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court (ICC), flew into Tripoli in perhaps the last high-wire act of his career. He and his deputy, Fatou Bensouda, a Gambian lawyer, began haggling over the fate of two men who are wanted in more than one place: Saif al-Islam, son of the late Libyan dictator Muammar Qaddafi, who has just been arrested while trying to flee to Niger (above), and Abdullah al-Senoussi, a former Libyan spymaster.

On the Libyan street there is a palpable desire to see the two men hanged. The new Libyan authorities are insisting that they are capable of staging fair trials. Mr Moreno-Ocampo had at first argued that the prior claim belonged to the ICC, which issued arrest warrants for the two Qaddafis and Mr Senoussi at the behest of the United Nations Security Council in June. But on November 23rd—though doubting whether Mr Senoussi really had been arrested—he accepted that Libyan courts could give the younger Qaddafi a decent hearing. He added that the ICC, in its capacity as a court of last resort, would help if needed.

From the suspects' viewpoint, a deliberate inquiry by the ICC in The Hague, with a chance to defend themselves and no death penalty on the statute book, would be preferable to a trial in the vengeful atmosphere at home. But an ICC trial would have limitations. The charges drawn up by Mr Moreno-Ocampo pertain only to misdeeds committed since February this year, when civil war escalated and the UN called in the court as one of many instruments designed to thwart the Qaddafi regime. The UN could in theory authorise a broader probe, but the court can never look into anything that happened before its doors opened in 2002. So a trial in The Hague could not investigate the downing in 1988 of an American passenger plane over Scotland, or the killing of 1,200 inmates in a Libyan jail in 1996.

Some institutional interests are at stake. A Libyan case would have thrust the court at last into the limelight, confirming its role as the place where victims of the worst misdeeds—crimes which might otherwise go unpunished—can seek restitution. Set against the Utopian predictions made in 1998, when the Rome statute providing for the court was signed, the record so far has been rather disappointing. The

court was destined, said one campaigner for its creation, to “save millions of humans from suffering unspeakably horrible and inhumane death.” Of course, its very existence may have made some would-be dealers of death hold back; but such extravagant claims are hard to sustain.

The most ambitious thing the ICC has done is to indict Omar Hassan al-Bashir, the president of Sudan, on a charge-sheet that includes genocide in the Darfur region. But he remains firmly in office and seems free to travel to a good number of countries. The indictment has not triggered the bloodbath some feared, but it has not done much good either—leaving untouched, for example, the military and intelligence apparatus of the Sudanese state.

The court faces a turning point next month, when member states confer in New York. A new prosecutor will be chosen from four candidates, including Ms Bensouda. Six of the 18 judges will also be replaced, in a ballot preceded by an unseemly round of bargaining and canvassing. Arcane rules govern the choice of judges: the sexes must be balanced, and each of the world’s main regions must be equally represented. But candidates need not have been judges at home; one Japanese member of the court has been a law professor and diplomat. Of the 19 runners in next month’s ballot, four seem unqualified, says one team of legal pundits; but they may still be voted in thanks to diplomatic back-scratching. The field at least looks better than it did in September, when the deadline had to be extended for want of suitable names.

Whatever happens, the court may be less of a cosy club than it has been hitherto, insiders say. A handful of individuals were closely involved in the talks to set it up, and many of them took senior jobs. Next month’s choices will help to determine whether the institution develops a robust life of its own, or simply becomes one more wagon in the UN gravy train.

Many hope the court will broaden its geographical ambit, although any such move will face huge political obstacles. No member of the UN Security Council has ever been in the court’s sights; indeed only two permanent council members, Britain and France, belong to it. All five countries where villains are expected to go to The Hague (see table) are in Africa. This year the court has also become involved in Côte d’Ivoire and Libya. In three cases, the countries themselves called in the court; but this narrow focus has made many African governments suspicious of a body which has many member states—119 and rising—but big absentees, from America to India to most Middle Eastern countries.

BBC

Tuesday, 29 November 2011

Libya ex-rebels still hold 7,000 prisoners, says UN

The UN has urged the new Libyan government to act fast to deal with the prisoner situation

Former Libyan rebels are still holding about 7,000 prisoners, the United Nations says.

The detainees are being held without access to legal process because the police and courts are not functioning, and some may have been tortured.

Many are sub-Saharan Africans suspected of being mercenaries hired by the Gaddafi regime.

The UN said the new Libyan government had responded positively when pressed to deal with the issue.

The BBC's Barbara Plett in New York says this was the first UN assessment of the situation in Libya since the end of the eight-month civil war.

The report, by the UN Secretary General Ban Ki-moon, estimates that 7,000 prisoners in Libya are currently held in prisons and makeshift detention centres, most under the control of revolutionary brigades.

Human rights

"While the (National Transitional Council) has taken some steps toward transferring responsibility for the detainees from brigades to proper state authorities, much remains to be done to regularize detention, prevent abuse and bring about the release of those whose detention should not be prolonged," the report says.

Mr Ban said: "I believe that the leaders of the new Libya are indeed committed to building a society based on the respect for human rights."

"Achieving this requires the earliest possible action, however difficult the circumstances, to end arbitrary detention and prevent abuses and discrimination, against third country nationals as well as against any group of Libya's own citizens," he added.

The UN's Libya envoy Ian Martin welcomed last week's appointment of an interim government in Tripoli.

"It is indicative of the difference from the attitudes of past regime that there is no denial that human rights are being violated and in most cases international organisations are granted access to detainees," Mr Martin told the BBC.

"The new minister of the interior told me he welcomed public criticism as strengthening his hand in tackling the issues," Mr Martin added.

But whatever the attitudes of new government members, Mr Martin told the Security Council the interim government faced enormous challenges:

- disarming and integrating revolutionary fighters who have now taken over law and order functions in the absence of a police force
- securing weapons stockpiles and stopping the proliferation of arms
- building from scratch an electoral system able to hold elections by June.

Human Rights Watch

Tuesday, 29 November 2011

Press Release

United Nations: A Move Toward Prosecuting Chad's Ex-Dictator

Torture Panel Tells Senegal to Prosecute or Extradite Habré

(Geneva, November 29, 2011) – The United Nations Committee against Torture (“the Committee”) has called on Senegal to comply with its obligation to prosecute or extradite Chad's exiled former dictator, Hissène Habré, Human Rights Watch said today.

The Committee's action came after Senegal announced that it would not prosecute Habré in Senegal, and Belgium introduced a new extradition request to try Habré.

“The UN has stood up for Habre's thousands of victims who have been seeking justice from Senegal for 21 years,” said Reed Brody, counsel with Human Rights Watch, who represents the victims before the Committee. “Since Senegal refuses to prosecute Habré, it needs to extradite him to Belgium right away.”

Habré is accused of thousands of political killings and systematic torture when he ruled Chad from 1982 to 1990, before fleeing to Senegal. The government of Senegal over the years has refused, then agreed under pressure, and finally refused again to prosecute him.

The Committee consists of 10 experts elected by the 149 states that have ratified the UN Convention against Torture. In 2006, following a petition by Habré's victims, the Committee found Senegal in breach of its legal duty to bring Habré to justice. In a letter to Senegal's permanent representative in Geneva dated November 24, 2011, the Committee's rapporteur, Fernando Mariño, recalled its 2006 decision and said that if Senegal was not going to prosecute Habré, it must, under the convention, extradite him to Belgium or another country that will prosecute him.

In the letter, the UN rapporteur noted that Senegal had failed to institute action against Habré and said that “the Committee wishes therefore to remind [Senegal] of its obligation under the Convention against Torture, to submit the case to its competent authorities for the purpose of prosecution or failing that, since Belgium has made an extradition request, to comply with that request,” or another extradition request made pursuant to the convention.

In July 2010, Archbishop Desmond Tutu and 117 groups from 25 African countries denounced the “interminable political and legal soap opera” to which Habré's victims had been subjected over 20 years.

Habré was first indicted in Senegal in 2000, but following political interference, the country's courts said that he could not be tried there. His victims then filed a case in Belgium. After years of investigation, in September 2005, a Belgian judge requested his extradition. Senegal asked the African Union (AU) to recommend a course of action, and in July 2006, the AU called on Senegal to prosecute Habré “on behalf of Africa.” Years of stalling ensued, however, even after international donors fully funded the US\$11.9 million trial budget in November 2010.

In May, Senegal walked out of talks with the AU over the trial and made clear that it would not prosecute Habré in Senegal. On July 10, President Abdoulaye Wade of Senegal reversed a decision announced two days earlier to expel Habré to Chad, where he has been sentenced to death in absentia.

Belgium then made a new extradition request, which is pending. On July 22, the government of Chad announced that it was in favor of extraditing Habré to Belgium. Although Rwanda recently announced that it was also willing to try Habré in its courts, Human Rights Watch and Habré's victims believe that this option would lead to many more years of delay before the trial could be held.