

**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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## The New Dawn (Monrovia)

Friday, 16 December 2011

### **Liberia: Still Chasing Taylor's Cash Amid Extended UN Sanction**

The Security Council on Wednesday extended the mandate of a United Nations panel of experts monitoring compliance with sanctions imposed on Liberia in connection with the country's civil war, noting a lack of progress in the implementation of financial measures stipulated in the sanctions regime, UN News reports.

The Panel of Experts was appointed by Secretary-General Ban Ki-moon in July 2007 to renew investigations on whether the sanctions were being enforced in the light of allegations that former president Charles Taylor still had access to considerable wealth in the country.

In Wednesday's resolution, the Council decided to extend the mandate of the panel for a period of 12 months. The panel will conduct two follow-up assessment missions to Liberia and neighbouring States to investigate and compile a mid-term and a final report on the implementation and any violations of the sanctions measures on arms.

It will also assess the impact, effectiveness and continued need for the sanctions measures related to Mr. Taylor's assets. The panel will identify and make recommendations on areas where Liberia's capacity and States in the region can be strengthened to facilitate the implementation of the sanctions.

The Council also authorized the panel - within the context of Liberia's evolving legal framework - to assess the extent to which forests and other natural resources are contributing to peace, security and development instead of instability.

The panel will also look into how the relevant legislation and other reform efforts are contributing to the transition, and provide recommendations on how Liberia's natural resources could better contribute to the country's progress towards sustainable peace and stability.

The UN body asked the panel to cooperate actively with the Kimberley Process Certification Scheme - an international initiative of governments, industry and civil society to stem the flow of conflict diamonds - and to assess the Liberian Government's compliance with the certification scheme.

It required the panel to provide a mid-term report to the Council through the Liberia sanctions committee by 1 June next year and a final report by 1 December 2012. The Council requested the panel to cooperate actively with other relevant panels of experts, in particular similar panels on Côte d'Ivoire and the Democratic Republic of the Congo (DRC).

The panel was also required to assist the sanctions committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists, according to the resolution. The Council requested the Secretary-General to reappoint the panel of experts and to make the necessary financial and security arrangements to support its work.

Meanwhile, the Council also heard briefings from four chairs of its committees, including Ambassador Nawaf Salam on the situation in Liberia, and Maria Luisa Ribeiro Viotti of Brazil, who chairs the sanctions committees on the DRC and Côte d'Ivoire.

It also heard from Ambassador Noel Nelson Messone of Gabon on Lebanon, while Ivan Barbalic of Bosnia and Herzegovina briefed on the Informal Working Group.

## BBC Online

Friday, 16 December 2011

### ICC says Muammar Gaddafi killing may be war crime



*Col Gaddafi had made a last stand in his home town of Sirte*

The death of Libya's former leader Muammar Gaddafi "creates suspicions" of war crimes, says the chief prosecutor of the International Criminal Court.

Luis Moreno-Ocampo said the ICC was raising the concern with Libya's National Transitional Council (NTC).

Col Gaddafi was killed on 20 October after being caught by rebels in his home town of Sirte.

NTC officials initially said he died in crossfire, but promised to investigate following Western pressure.

"I think the way in which Mr Gaddafi was killed creates suspicions of... war crimes," Mr Moreno-Ocampo told reporters.

"I think that's a very important issue. We are raising this concern to the national authorities and they are preparing a plan to have a comprehensive strategy to investigate all these crimes."

Rebel fighters found Col Gaddafi hiding in a concrete drainage pipe after a long and bloody siege of the former leader's home city of Sirte.

#### Uprising timeline

- **Feb 2011:** Arrest of human rights campaigner sparks violent protests in eastern city of Benghazi that rapidly spread to other cities.
- **March 2011:** UN Security Council authorises a no-fly zone over Libya and air strikes to protect civilians, over which Nato assumes command
- **May 2011:** International Criminal Court seeks arrest of Gaddafi for crimes against humanity
- **Aug 2011:** Rebels swarm into Col Gaddafi's fortress compound in Tripoli and he goes into hiding
- **Oct 2011:** Col Gaddafi is killed and three days later rebels declare Libya officially "liberated"

He had gone into hiding in August, six months after the Libyan uprising began and five months after Nato intervened in the conflict.

Amateur videos taken at the time of his capture showed him injured but alive, surrounded by a frenzied crowd of jubilant rebel fighters.

He is hustled through the crowd and beaten to the ground on several occasions, before he disappears in the crush and the crackle of gunfire is heard.

His son Mutassim, captured alive with him, also died in the custody of rebel fighters.

The National Transitional Council initially said that Col Gaddafi had been killed in crossfire, but under pressure from Western allies it later promised to investigate how he and his son were killed.

The ICC has indicted another of Col Gaddafi's sons, Saif al-Islam, for alleged war crimes and he is in the custody of the Libyan authorities.

Mr Moreno-Ocampo has accepted that Saif al-Islam will be tried in Libya, not The Hague.

## The New Times (Kigali)

Friday, 16 December 2011

### Rwanda: ICTR Under Spotlight Over Sentence Downgrades for Genocide Ringleaders

THE decision Wednesday by the Appeals Chamber at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania to downgrade the sentences of three most prominent individuals responsible for the 1994 Genocide against the Tutsi has been greeted by surprise and shock by many at the tribunal as well as internationally.

Standing side by side in the court, Theoneste Bagosora, former Chief de Cabinet at the Ministry of Defence and Anatole Nsengiyumva, former army commander in Gisenyi in April 1994, heard Presiding Appeals Judge Meron reduce their sentences for genocide and crimes against humanity from life to 35 years and 15 years respectively. In the case of 61 year-old Nsengiyumva who was arrested in 1996, it meant he walked free having already served the necessary time in prison.

Both men, dressed in expensive suits with gold rimmed glasses, sat impassively for the most part as the hour-long appeal judgment was read to the chamber and a packed public gallery. Nsengiyumva's defence team put forward 15 grounds for appeal, claiming both the original trial had included errors of law and failure by the prosecution to include crimes in the indictment for which he was later found guilty.

The appeal chamber overturned the majority of the original crimes he was found guilty of - including ordering the killings at Mudende University, Nyundo parish church and the mass slaughter in Bisesero at the end of June 1994 after Nsengiyumva argued he was not responsible for acts carried out by militias he said he had no control over. He was still held responsible for the killings in Gisenyi in April 1994 as the superior military officer.

Bagosora unsuccessfully argued as one of his six grounds of appeal that he was not in control of the Rwandan military in early April 1994 or had effective control over them. His third ground of appeal, that attacks on civilians were instigated by 'clandestine' networks or other unnamed military groups, was also dismissed by the judges.

The five appeal judges disagreed among themselves on several aspects of Bagosora's case, with one or two dissenting from the final judgment on many individual points. Reversing the findings of the original trial, they found Bagosora not to have ordered the killing of the 10 Belgian peacekeepers, but still upheld his responsibility for not protecting those of the UNAMIR troops still alive when he reached Camp Kigali where they were being held. All were later murdered.

The appeal judges decided Bagosora, even if he did not order particular killings at roadblocks or of prominent individuals, was still responsible given his superior military position, for failing to stop the killings.

After the verdict, Nsengiyumva was surrounded by defence lawyers and well-wishers congratulating him on his release. Bagosora cut a far more isolated figure, left on his own having looked both nervous and emotional during the later stages of the hearing and re-sentencing. Previously the same day, Dominique Ntawukulilyayo, 69, former sub prefect of Gisagara in Butare, also had his sentence cut from 25 to 20 years by the appeals chamber. The original court decision that he substantially aided and abetted the killing of thousands of civilians at Kabuye Hill was upheld.

The appeal chamber judges substantially reduced original trial sentences - despite reminding the accused they were responsible for genocide, crimes against humanity (extermination and persecution) and serious violations of article 3 of the Geneva Convention - the most heinous crimes imaginable. Judge Meron told Nsengiyumva that he remained convicted of 'extremely serious crimes' before reducing his tariff to 15 years. The result caused some members of the prosecution team at the tribunal to express both shock and bewilderment.

With all cases bar four now at the appeal stage, there is some trepidation among survivors that sentences passed at the original trials will continue to be downgraded. This would point either to the original trial judges failing to interpret evidence and sentencing guidelines correctly, or that the appeals court is seeking actively to stamp its own ideas on cases.

The Military 1 trial, which included Bagosora and Nsengiyumva, took six years to complete from its start in April 2002 until its conclusion in December 2008, though the appeal chamber reversed nearly all its decisions in the case of Nsengiyumva and many of Bagosora's, finding original trial judgments to have been 'in error.' The Military 1 trial also released Gratien Kabiligi and sentenced Aloys Ntabakuze to life imprisonment - though this sentence is still to be challenged on appeal.

A constant problem for the prosecution team has been trying to match the exceptionally high burden of proof that the ICTR requires for a conviction. Unlike the Holocaust, where documentary evidence was abundant, there is a lack of written evidence on the Rwanda Genocide and witness testimony has more easily been dismissed, contested or found uncorroborated. The appeals court would seem to be raising the burden of proof to a new higher level, while diminishing sentences even when the most serious crime of genocide stands proven. The lack of unity in decisions between the five appeal judges on many individual points was also noticeable - with two judges dissenting from Nsengiyumva's sentence decision. This lack of clear, cohesive understanding between trial judges and appeal judges among themselves on points of law and their own guidelines makes understanding the rationale for their decisions that much more difficult - for both lawyers and laity.

As Nsengiyumva has been granted his freedom, he will join several others who have been released by the ICTR and who currently still live in Arusha. Andre Ntagerura, Casimir Bizimungu, Jerome Bicamumpaka, Gratien Kabiligi, and Protais Zigiranyirazo are all awaiting visas to live in Europe, with Belgium the favoured destination - often to join families already there. However, European authorities seem highly reluctant to allow such individuals into their countries - with former transport minister Ntagerura, who attended the appeal, on Wednesday, to support the accused, having waited in vain since his release in 2004 for a visa. Such individuals now live in 'state-less limbo' at the UN's expense in Arusha, and can be seen daily in hotels, cafes and restaurants here - or even out jogging.

While the verdicts, on Wednesday, were greeted with celebrations among the various defence teams, the decisions mean the ICTR is again under the judicial spotlight. In September, the Tribunal had its Mandate extended into 2014 by the UN Security Council. After 17 years in existence, it has held 70 trials, with 60 convictions and 10 acquittals. After the conclusion, next week, of the trials of former secretary-general of the MRND Mathieu Ngirumpatse and former Minister of the Interior Edouard Karemera, the focus for the ICTR will be on the appeals chamber as all those convicted seek to get sentences overturned or downgraded.

Most important, in some ways, is the current case of Pastor Jean-Bosco Uwinkindi. He is challenging in the appeals chamber a ruling that would transfer him to Rwanda for trial on charges of organizing the genocide of thousands of Tutsis at Kayenzi Church Nyamata, and in the locality. If the appeal chamber upholds this ruling, expected early 2012, it will set a precedent that could allow dozens of alleged high profile genocidaires, currently held in other countries such as Belgium, France, Scandinavia and the UK, to be extradited to stand trial in the country where they are accused of organising mass killing, rape and torture.

Bagosora will be 89 before his release, but survivors will take little comfort that for such a ringleader of the Genocide that cost one million lives and scared countless others, even this crime has had its sentence downgraded at the ICTR. In contrast, last week in the UK, a man found guilty of killing four children was warned by the judge that his life sentence for murder meant he would probably never be released so terrible were his crimes.

## Associated Press

Wednesday, 14 December 2011

### 'Unfit' Khmer Rouge defendant to stay detained

PHNOM PENH, Cambodia—Cambodia's U.N.-assisted tribunal ordered Tuesday that a Khmer Rouge defendant earlier ruled unfit to stand trial will remain detained to see if her mental condition improves.

The highest chamber of the tribunal reversed a ruling by junior judges that would have freed 79-year-old Ieng Thirith whose doctors concluded has Alzheimer's disease. The lower panel had said the illness diminished her mental capacity. Prosecutors had appealed against her release.

The new ruling came during the second week of testimony in the trial of Ieng Thirith's three co-defendants, who include her husband, Ieng Sary, foreign minister in the 1975-79 Khmer Rouge regime. Ieng Thirith was social affairs minister.

The tribunal is seeking justice for 1.7 million people who died of starvation, lack of medical care or execution under Khmer Rouge rule. The defendants have been charged with crimes against humanity, genocide, religious persecution, homicide and torture. All have pleaded innocent and in statements to the tribunal have blamed Vietnam for much of Cambodia's troubles.

Lars Olsen, a spokesman for the tribunal, said Ieng Thirith would remain at the tribunal's detention center until medical treatment was arranged and she could be detained at the location where she undergoes treatment.

"After six months of medical treatment, Ieng Thirith shall undergo a new medical, psychiatric and/or psychological expert examination, before the Trial Chamber will have to make a new assessment of her fitness to stand trial," he said in an emailed statement.

Ieng Thirith has said the charges against her are "100 percent false" and said she always worked for the benefit of the people. She is the sister-in-law of Khmer Rouge supreme leader Pol Pot, who died in 1998. Pol Pot married Ieng Thirith's sister, Khieu Ponnary, who died in 2003.

Her husband and the other co-defendants were also part of the communist group's ruling inner circle: Nuon Chea, who was second in command to Pol Pot and the group's chief ideologist, and head of state Khieu Samphan.

To handle the case faster, the tribunal has grouped different charges to be tried separately. The current proceedings cover the forced movement of people and crimes against humanity.

Nuon Chea and Khieu Samphan gave testimony Tuesday -- both rehashing positions they had taken in their opening statements -- while Ieng Sary asserted his right not to testify.

Nuon Chea told the court that the forced evacuation of Phnom Penh had been planned by Khmer Rouge leaders two years before they captured the capital on April 17, 1975. More than 1 million people were forced to immediately go to the countryside, where most were forced to work on giant communes as the Khmer Rouge attempted to create a pure agrarian socialist society.

He said the Khmer Rouge had determined that the people in Phnom Penh were already starving and would be better off moving to the countryside.

They also wanted to see if the United States, which had been fighting against them, and Vietnam, socialist allies but Cambodia's traditional enemy, would seek to attack them.

He insisted that Vietnam, not the Khmer Rouge, was responsible for killing hundreds of thousands of Cambodians. Vietnamese spies and traitorous Cambodians were responsible for the regime's troubles, he insisted.

Only the most hardcore enemies of the Khmer Rouge, who would not reform despite repeated attempts at re-education, were killed, he said. The revolution needed human beings as capital, to defend the country, he said. Keeping people alive "was much better than killing them."

Khieu Samphan insisted he was not a part of the group's inner circle, but only an intellectual they had recruited but not really trusted. "I did not participate in any decision making process," he said.

"I was appointed deputy prime minister of nothing, a defense minister of nothing, military commander of nothing," Khieu Samphan said in his statement, referring to positions he held during the group's armed struggle for power in 1970-75.