

**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.
Any omission, comment or suggestion, please contact
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Special Court appoints new presiding Judge

Justice Richard Brunt Lussick of Samoa has been elected Presiding Judge of Trial Chamber II. He succeeds Justice Teresa Doherty, whose one-year term ended on 17 January 2012.

Pursuant to Rule 27 of the Special Court's Rules of Procedure and Evidence, the Presiding Judge of the

Trial Chamber is elected for a renewable term of one year. It has, however, been the practice of the Trial Chambers to rotate the position of Presiding Judge at the end of each one-year term.

Justice Lussick was appointed a Judge at the Special Court in 2004. Prior to joining the Court, he held a

wide variety of positions within the Samoan judiciary, including Acting Chief Justice, Judge of the Court of Appeal, Acting President of the Land & Titles Court, Supreme Court Judge, Chairman of the Public Service Appeals Board, District Court Judge, and Coroner. From 1995-2000 he served as Chief Justice of the Republic of Kiribati. He is a past Vice President of the Commonwealth Magistrates and Judges Association.

Justice Lussick previously served as Presiding Judge of Trial Chamber II from 2006-2007 and from 2009-2010.

Trial Chamber II is currently considering their judgement in the trial of former Liberian President Charles Taylor.

Lussick Succeeds Doherty As SCSL Presiding Judge of Trial Chamber II

Justice Richard Brunt Lussick of Samoa has been elected Presiding Judge of Trial Chamber II as successor to Justice Teresa Doherty, whose one-year term ended on 17 January 2012, says a release from the Special Court for Sierra Leone SCSL yesterday. "Pursuant to Rule 27 of the Special Court's Rules of Procedure and Evidence, the Presiding Judge of the Trial Chamber is elected for a renewable term of one year. It has, however, been the practice of the Trial Chambers to rotate the position of Presiding Judge at the end of each one-year term," the release stated.

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variety of positions within the Samoan judiciary, including Acting Chief Justice, Judge of the Court of Appeal, Acting President of the Land & Titles Court, Supreme Court Judge, Chairman of the Public Service Appeals Board, District Court Judge, and Coroner.

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WEST AFRICA NEWS

When Charles G. Taylor tied bed sheets together to escape from a second-floor window at the Plymouth House of Correction on Sept. 15, 1985, he was more than a fugitive trying to avoid extradition. He was a sought-after source for American intelligence. After a quarter-century of silence, the US government has confirmed what has long been rumored: Taylor, who would become president of Liberia and the first African leader tried for war crimes, worked with US spy agencies during his rise as one of the world's most notorious dictators.

The disclosure on the former president comes in response to a request filed by the Globe six years ago under the Freedom of Information Act. The Defense Intelligence Agency, the Pentagon's spy arm, confirmed its agents and CIA agents worked with Taylor beginning in the early 1980s. "They may have stuck with him longer than they should have but maybe he was providing something useful," said Douglas Farah, a senior fellow at the International Assessment

and Strategy Center in Washington and an authority on Taylor's reign and the guns-for-diamonds trade that was a base of his power.

The Defense Intelligence Agency refused to reveal any details about the relationship, saying doing so would harm national security.

Taylor, 63, pleaded innocent in 2009 to multiple counts of murder, rape, attacking civilians, and deploying child soldiers during a civil war in neighboring Sierra Leone while he was president of Liberia from 1997 to 2003. After a proceeding that lasted several years, the three-judge panel of the UN Special Court for Sierra Leone is now reviewing tens of thousands of pages of evidence, including the testimony of about 100 victims, former rebels, and Taylor himself, whose testimony lasted seven months.

"We hope the verdict will come in the first quarter of this year," said Solomon Moriba, a spokesman for the court in The Hague.

Moriba said any relationship Taylor had with American intelligence was

Former Liberian dictator Charles Taylor had US spy agency ties



not related to his case before the court, but those who investigated the atrocities said it might explain why some US officials seemed reluctant to use their influence to bring Taylor to justice sooner.

After Taylor stepped down as Liberian president in 2003 following his indictment, he lived virtually in the open for three years in exile in Nigeria, a US ally. The Bush administration

came under intense criticism from members of Congress for not intervening with the Nigerian government until Taylor was finally handed over to the court in 2006.

Allan White, a former Defense Department investigator who helped build the case against Taylor on behalf of the United Nations, said the news reinforced suspicions he had for years.

UN names new adviser for Cambodia Khmer Rouge trials

Three Khmer Rouge leaders (photos from left) Nuon Chea, Khieu Samphan and Ieng Sary are on trial



Three Khmer Rouge leaders (photos from left) Nuon Chea, Khieu Samphan and Ieng Sary are on trial

The United Nations has named a new special expert to advise on assistance to the Khmer Rouge trials in Cambodia.

David Scheffer, the former US ambassador-at-large for war crime issues, is "very well qualified to provide expert advice", the UN said in a statement released on Wednesday.

He replaces Clint Williamson, whose term expired on 30 September 2011.

The UN-backed genocide court is seeking justice for almost two million deaths under the Khmer Rouge in the 1970s.

Mr Scheffer was involved in the establishment of the Extraordinary Chambers in the Courts of Cambodia, said the UN statement.

He was also experienced in setting up the International Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Criminal Court and **the Special Court for Sierra Leone**.

In November 2011, three top Khmer Rouge leaders - Nuon Chea, Khieu Samphan and Ieng Sary - went on trial for crimes committed during the regime's rule.

Who were the Khmer Rouge?

- Maoist regime that ruled Cambodia from 1975-1979
- Led by Saloth Sar, better known as Pol Pot
- Abolished religion, schools and currency in effort to create agrarian utopia
- Up to two million people thought to have died of starvation, overwork or by execution
- Defeated in Vietnamese invasion in 1979
- Pol Pot fled and remained free until 1997 - he died a year later

Another leader, Ieng Thirith, was found incapable of standing trial because of ill health.

Former Khmer Rouge prison chief Kaing Guek Eav, better known as Comrade Duch, was convicted of crimes against humanity in 2010 in the tribunal's first case.

Last week, a Swiss judge publicly accused his Cambodian counterpart of stopping him from revealing key information about two other possible prosecutions.

It is the latest row between judicial officials at the UN-backed court.

The Swiss judge replaced a German judge who resigned unexpectedly in October 2011, citing political opposition to further prosecutions.

The trial of Nuon Chea, Khieu Samphan and Ieng Sary continued this week.

Hirondelle news agency

Thursday, 19 January 2012

ICC ruling in cases of top Kenyans Monday

The International Criminal Court (ICC) is expected to announce by Monday whether it is confirming crimes against humanity charges against six prominent Kenyans charged in connection with post-election violence in 2007-2008. The six include two senior politicians who are running for the next presidential elections in 2013.

Judges of the ICC must decide whether, on the basis of preliminary evidence, there are “substantial grounds” to go ahead with a trial. The judges may also decide to dismiss charges against one or more of the accused, or ask the prosecutor to provide additional information.

The suspects include Deputy Prime Minister Uhuru Kenyatta, former Police Commissioner Hussein Ali and Cabinet Secretary Francis Muthaura, who are charged together.

They are considered close to the Party of National Unity of President Mwai Kibaki, who was re-elected in the disputed 2007 presidential elections.

The other case involves members of parliament Henry Kosgey and William Ruto, along with radio journalist Joshua Arap Sang. They are all considered close to the Orange Democratic Movement of current Prime Minister Raila Odinga.

It was the announcement that ODM had lost the elections that sparked the 2007-2008 violence, which left more than one thousand people dead and many more displaced.

All six of the accused appeared voluntarily at ICC confirmation of charges hearings in The Hague in September/October 2011.

The judges' decision could have an impact on the next presidential elections in 2013, especially since both Kenyatta and Ruto are candidates.

“The ruling is anxiously awaited and it could mark a turning point in the direction of the Kibaki succession,” according to Kenyan daily newspaper, The Standard.

On Tuesday, Kenyatta said his campaign to succeed Kibaki was not hinged on the ICC decision, according to The Nation newspaper. “My campaign is not anchored on the ICC process, but on an agenda that I have for the country,” he is quoted as saying in Nairobi. Separately, Ruto said he was confident that his latest political vehicle, the United Republican Party (URP) would form the next government.

“We are going to mobilise support from every part of the country and make sure we are in the next government. The ICC ruling will not distract my course to change the living standards of Kenyans,” he said.

If the judges confirm the charges against Kenyatta and Ruto, they will not make any decision about whether the two can run for election. They could, however, order them to be arrested at any point and transferred to the ICC prison in The Hague.

During the confirmation of charges hearings in September and October 2011, pre-trial judges warned the accused that they risked being arrested if they tried to obstruct the course of justice by, for example, intimidating witnesses.

Nairobi Star (Nairobi)

Wednesday, 18 January 2012

Kenya: We Have No Faith in ICC, Says IDPs

Irene Wairimu

THE IDPs in camps around Nakuru county are disillusioned by the International Criminal Court process.

They say they have no faith the court will bring them justice and have instead expressed fears that the pre-trial chamber ruling expected in less than a week might lead to a re-emergence of tribal hostilities.

According to them emphasis should have been placed on compensating and restoring the dignity of the post election violence victims, something they accuse the international community and the Kenyan government of relegating to the back seat. Elizabeth Kemunto, an IDP at Nawamu camp near Elementaita regrets that while the ICC was at first painted out as the only hope for victims like her, it has been such a long winded process that has been overshadowed by Kenyan political intrigues.

Kemunto who lost her husband and home in Ndeffo area of Njoro district during the violence fears that if the government is not compelled to resettle her ahead of the next general election, she will be resigned to living the rest of her life in camps. "Despite numerous promises and assurances by the government that I will get new land to settle on, this has not been done. The ICC can do nothing to change this so it cannot give me justice," she said.

A leader at Nawamu camp, Sospeter Omari, is anxious that the ICC process has become highly ethnicised in recent months. "The suspects went on the ethnic offensive ahead of the Pre-trial hearings and galvanised the support of their tribes behind them. So this time, I am afraid it is going to be a case of every tribe for their person. That can be catastrophic in an election year," he said. Joyce Kamurira who still lives in a worn out tent at Pipeline IDP camp on the outskirts of Nakuru town, four years after she was displaced from Sachang'wan in Molo says more efforts should be concentrated on reconciliation and cohesion instead of retribution.

The 54-year-old woman says the ICC process is meaningless for her as investigators and the prosecutor failed to involve IDPs in the process. Kamurira is angry that ICC investigators neglected thousands of people living in camps like her who suffered the brunt of the violence when interviewing witnesses. "We are more interested in the truth. I want to know who planned or ordered the attacks and why. Punishment is not of importance to me as I have already forgiven those who attacked me," she said. The mother of eight is afraid that if the ICC confirms charges against the six Kenyan suspects, it might lead to backlash during the coming elections.

The Voice of Russia

Thursday, 19 January 2012

Hague court to rule on financial disputes

The Hague has launched a new international court in addition to its collection of judicial institutions. Prime Finance, an international tribunal for financial disputes, will deal with all kinds of knotty financial squabbles. More than 100 highly qualified judges will rule in the court's cases. The court will boast the highest rate of decision making and its rulings will be impossible to contest. Experts are at odds over its future given that it is being created amid the second wave of a global financial crisis.

According to Prime Finance founders, the new court was set up in order to avoid any delays or unexpected turns in decision making at the local level. In times of crisis, these kinds of actions have to be precluded, or the price to pay for them could be too high. This becomes clear from the clashing rulings of the US and British courts on lawsuits against Lehman Brothers Holdings, which was declared bankrupt in 2008. Jeffrey Golden, Prime Finance head, comments.

"A tribunal for financial disputes marks a significant milestone in global finance. We'll administer law and distribute rulings in London, or New York. In these countries the judges do their jobs perfectly well but the main problem until now was that their rulings were not always binding in the jurisdiction of one of the parties."

The newly founded tribunal will consider cases which will be submitted to it with the consent of both parties. This will guarantee that its rulings will be mandatory. Thus Prime Panel will perform the functions of an arbitration court. Lawyer Vladimir Yurasov has this to say.

"According to international law, any country, or any legal entity, has the right to create an international court. In fact, it's a sort of arbitration court. In their agreement the parties involved may make a reservation to the effect that in case there is a financial dispute, it will not be passed to courts on the territories of the defendant or the plaintiff, it will go to the financial tribunal in the Hague. The new court will not necessarily handle all financial disputes."

Prime Finance will deliver rulings in a record short time, within one year, even on the most sophisticated and "costly" cases. It will also handle disputes between companies and states. Some media reports say that the creation of such a tribunal spells the oncoming default of a number of eurzone countries. They say investors are getting ready to face a sweeping financial turmoil. Economist Maxim Bratersky comments.

"The Westphalian system is as relevant as ever. The country's ratings can be downgraded, it may be denied loans, but the international law knows no such mechanism which would make it possible to declare a country bankrupt and divide it between the creditors. No international court will help if a nation defaults. In that case, the entire system of international law will have to be changed. Prime Finance is a market-driven initiative launched by the Dutch in order to secure more international weight. It's a private-public project with a vague future. However, I wouldn't say that it'll be totally useless. Such companies as Google, for one, would prefer to settle a dispute in one place rather than hire 10 teams of lawyers, litigate in 10 different courts and pay multimillion fees."

Over the first two years, Prime Finance will be supported financially by the Dutch government. Afterwards, it's expected that the financial resources will come from parties to disputes. Prime Finance is the fourth international court which will operate in the Netherlands, in addition to the International Criminal Court, the International Tribunal for former Yugoslavia and the UN's International Court of Justice on whose premises it will be based.

The Independent
Thursday, 19 January 2012

Nato accused of war crimes in Libya

New report criticises Western forces for bombing civilian targets in Sirte during conflict
Rachel Shabi



An independent report published by Middle Eastern human rights groups says there is evidence that war crimes and human rights violations were committed by all the participants – Nato, rebel forces and those loyal to Colonel Gaddafi – in last year's Libyan uprising.

The report, published today by the Arab Organisation for Human Rights together and the Palestinian Centre for Human Rights with the International Legal Assistance Consortium, follows extensive fact-finding work carried out by law and war crimes experts. While the document stresses that findings are not conclusive, it adds weight to growing concerns about violations committed by all sides in the conflict.

After interviews with eye-witnesses and victims of attacks, and after visiting areas targeted by Nato, the Independent Civil Society Mission to Libya report highlights the issue of Nato classifying some civilian sites as military targets during its operations.

Nato was authorised by the UN Security Council to protect civilians in Libya from attacks by the Gaddafi regime during the uprising of last year, but drew criticism for what many described as going further than the terms of the mandate.

Raji Sourani, the head of the Palestinian Centre for Human Rights who took part in the Libya mission, said: "We are not making judgements – that is not the mission mandate. But we have reason to think that there were some war crimes perpetrated.

"We are asking questions, especially about what happened in Sirte," referring to Nato strikes in that city last September, when 47 civilians were killed. Eye-witnesses in the city told report investigators that civilians converged at the site of Nato strikes on two trucks, and were subsequently killed by a third missile.

Whether or not this amounts to a war crime, the revelation, if proved, will serve as an embarrassment to the Alliance, which stressed its efforts to avoid civilian deaths. Separately, the International Criminal Court's chief prosecutor, Luis Moreno-Ocampo, said last November that Nato forces would be investigated along with the two Libyan sides of the conflict for breaches of the laws of war.

Late last year, Nato's Secretary-General, Anders Fogh Rasmussen, said: "We have carried out this operation very carefully, without confirmed civilian casualties."

A Nato official said yesterday that, despite the Alliance's best efforts – including the cancellation of two-thirds of intended strikes because of the risk of casualties – its "goal of zero civilian casualties is highly unlikely".

The official added: "Nato is working closely with the UN and with Libyan counterparts – they are the best place to have these concerns looked at and we have already started to provide information to help with that. If anyone else presents these concerns to us, we will do the same. We would like the opportunity to work with them and go through our data, to see if that can help allay concerns and determine what actually did happen."

Today's report observes that establishing what happened in Nato strikes in Libya was potentially hindered by the "apparent desire" among those interviewed on the ground "to protect Nato, or avoid any direct or indirect criticism".

The UN Secretary-General, Ban Ki-moon, last year rejected claims that Nato had exceeded its mandate in Libya: "Security Council resolution 1973, I believe, was strictly enforced within the limit, within the mandate," he said.

The investigation also set out to probe alleged violations committed by former opposition forces allied to the National Transitional Council. As well as evidence of killing, torturing, detention and ill-treatment of individuals who may have been loyal to the former regime, the mission examines the forced displacement of suspected "enemies of the revolution" – especially in Tawergha.

Reports described Tawergha, near Misrata, as a "ghost town" – 30,000 residents had been driven out of their homes in what looked like an act of revenge and collective punishment carried out by anti-Gaddafi fighters.

Addressing such violations, the report quotes a senior military commander in Tripoli, who says: "What I fear most now are the revolutionaries themselves." The group's plan to follow up today's report with similar investigations in Syria and Yemen.