

**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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YFN-SL ends symposium on justice

By: SEM

With support from the Special Court of Sierra Leone, Youth Forum Network Sierra Leone concluded its symposium on the trial of Charles Taylor. *(Photo: Former Liberian president, Charles Taylor)*



Giving a run down on the trial, the post conflict recovery officer, Patrick J.B Tucker said the Special Court for Sierra Leone is trying Charles Taylor on account of his alleged involvement in the Sierra Leone war.

Adding that although the trial is held in The Hague, Charles Taylor is still being tried by the Special Court for Sierra Leone.

He said the trial is taking place on the premise of the International Criminal Court (ICC).

He said Taylor was charged with war crimes, terrorizing civilians, murder, outrages on personal dignity, cruel treatment, and looting.

He furthered that he was indicted with five counts of crimes against humanity, murder, rape, sexual slavery, mutilating and beating, and one count of serious violations of international humanitarian law on the recruitment and use of child soldiers.

He added however that thirteen people were indicted by the special court namely: RUF Late Foday Saybana Sankoh, Sam "Maskita" Bockarie, Issa Hassan Sesay, Morris Kallon and Augustine Gbao; AFRC Johnny Paul Koroma, Alex Tamba Brima, Ibrahim Bazy Kamara and Santigie Borbor Kanu aka "five-five; CDF Sam Hinga Norman, Moinina Fofana and Allieu Kondewa and former Liberian President Charles Taylor.

In his remarks the national coordinator Youth Forum Network, Edmond Pratt said as a youth organization, it is their duty to keep communities and the school going children informed about the ongoing trial, adding however that over three million five hundred have been transformed from negative to positive.

Giving an overview of the programme, Sallieu L. Kamara said the that Special Court for Sierra Leone was established on January 16, 2002 under an agreement between the United Nations and the Government of Sierra Leone.

He said it was established to try those who bear the greatest responsibility for war crimes, crimes against humanity other serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since November 30,1996.

In outlining the role of the national Youth Commission in it pursuit for peace building, a representative Mr.Cobe said that one of the roles of the National Youth Commission is the promotion of peace.

He said the Government, UN and development partners have agreed that youth employment was one of the three major threats to the country's stability.

By Mary .I. Kamara

Human Rights Watch

Friday, 17 February 2012

Belgium/Senegal: World Court to Hear Habré Trial Dispute

International Court of Justice Schedules Hearings in Case of Chad's Ex-Dictator

(The Hague, February 17, 2012) – The International Court of Justice (ICJ) has set arguments to begin on March 12, 2012, in a case between Belgium and Senegal over the fate of the former Chadian dictator Hissène Habré. The case could result in a binding legal order compelling Senegal to extradite Habré to Belgium if it does not prosecute him, Human Rights Watch said today.

Habré, who has been living in Senegal for more than 20 years, is wanted by Belgium on charges of crimes against humanity, war crimes, and torture for acts committed during his rule, from 1982 to 1990. Belgium recently filed its fourth request seeking Habré's extradition after Senegal rebuffed the others.

"This is the case that could finally force the Senegalese government to allow Habré to be brought to trial," said Reed Brody, counsel and spokesperson at Human Rights Watch, who has worked with Habré's victims for 13 years. "Senegal's legal obligation to prosecute or extradite Habré is clear."

Belgium filed suit against Senegal at the ICJ in February 2009 after Senegal failed to prosecute Habré domestically but also refused to extradite him. *In May 2009, the ICJ accepted Senegal's formal pledge not to allow Habré to leave Senegal pending its final judgment.*

Habré was first indicted in Senegal in 2000, but after political interference by the Senegalese government that was denounced by two UN human rights rapporteurs, the country's courts said that he could not be tried there. His victims then filed a case in Belgium. After four years of investigation, a Belgian judge requested his extradition, in September 2005. A Senegalese court ruled that it lacked jurisdiction to decide on the extradition request.

Belgium made a second extradition request on March 15, 2011. On August 18, the Dakar Appeals court declared the request inadmissible, saying that the Belgian arrest warrant did not accompany the extradition request. On September 5, Belgium filed a third extradition request. However, on January 10, 2012, the Court of Appeals again declared the request inadmissible, saying that the arrest warrant attached to the extradition request was not an authentic copy. On January 17, Belgium filed a fourth request for Habré's extradition, and alleged that it was the Senegalese government that was not transmitting the papers properly to the court.

"Belgium has stood by the victims from the beginning," said Clement Abaifouta, president of the Association of Victims of the Crimes of Hissène Habré, who as a prisoner under Habré was forced to dig graves for more than 500 fellow inmates. "We hope that the world court will see through the Senegalese government's charades and will order Senegal to hand Habré over to Belgium to face trial."

The ICJ, which sits in The Hague, is the United Nations' highest court. The court deals generally with cases between UN member states and it has no jurisdiction to prosecute individuals. Its rulings can be legally binding on states.

Belgium's application charges that Senegal has violated the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by failing to prosecute or extradite Habré, and has breached its obligations to bring to justice those accused of crimes against humanity.

In May 2006, the United Nations Committee against Torture found that Senegal had violated the Convention against Torture and called on Senegal to prosecute or extradite Habré, but Senegal has not complied with that ruling. In July 2011, Navi Pillay, the UN high commissioner for human rights, reminded the Senegalese governments that “[i]t is a violation of international law to shelter a person who has committed torture or other crimes against humanity, without prosecuting or extraditing him.”

The public hearings at the ICJ will extend until March 21. A ruling is not expected for a few months.

Hissène Habré ruled Chad from 1982 until he was deposed in 1990 by President Idriss Déby Itno and fled to Senegal. His one-party regime was marked by widespread atrocities, including waves of ethnic campaigns. Files of Habré's political police, the Direction de la Documentation et de la Sécurité (DDS), which were discovered by Human Rights Watch in 2001, reveal the names of 1,208 people who were killed or died in detention. A total of 12,321 victims of human rights violations were mentioned in the files.

The Daily Star

Monday, 20 February 2012

New STL indictment next week: March 14 sources



FILE - Judges, center, and the prosecution, right, take part in a special session of the UN-backed Special Tribunal for Lebanon at a court room in Leidschendam on November 11, 2011. (AFP PHOTO/POOL/PETER DEJONG)

BEIRUT: Special Tribunal for Lebanon Prosecutor Daniel Bellemare will submit a new draft indictment in three cases to the pretrial judge before leaving office next week, several March 14 coalition sources told The Daily Star Sunday.

According to a source with knowledge of Bellemare's meetings last month in Beirut, the prosecutor informed Lebanese officials that he would draft the new indictment for the attempted assassinations of former Deputy Prime Minister Elias Murr and MP Marwan Hamadeh, as well as the assassination of former Lebanese Communist Party leader George Hawi.

While the source could not verify whether the new draft would include names other than the four Hezbollah members who were charged last June, the source said Bellemare would submit all documents at hand, including a new indictment.

Last week, Prime Minister Najib Mikati told Agence France Presse that Bellemare had informed him that he would submit a new indictment before leaving office on Feb 29. Mikati also said that the STL prosecutor had briefed him on the cases of Murr, Hamadeh and Hawi.

The STL has refused to comment on the authenticity of the report.

Speaking to The Daily Star, Hamadeh said the new indictment would be submitted very soon. "Indictments are on the verge of being submitted and justice is moving forward to uncover those who assassinated former Prime Minister Rafik Hariri and the remaining martyrs of the Cedar Revolution," Hamadeh said.

According to Hamadeh, the new indictment will accelerate the trial proceedings, which are expected to start in the coming months. "Trial sessions will most probably start by summer."

Associated Press

Tuesday, February 21, 2012

Complex trial to begin in Rwanda genocide case

By Lynne Tuohy

CONCORD — A federal courtroom in New Hampshire is about to become a laboratory for analyzing the 1994 genocide in Rwanda and what role — if any — a Manchester woman from Rwanda played.

Prosecutors say 41-year-old Beatrice Munyenyezi lied on applications to enter the United States in 1995 and obtain citizenship in 2003. They say she ordered the rapes and murders of Tutsis in Butare during the three-month genocide of about 800,000 people. She denied any involvement.

Jury selection will begin Wednesday. Most of the witnesses will travel from Rwanda and speak no English. Three Kinyarwandan interpreters have been hired and housed. Court officials will not reveal their names or how far they have traveled. The identities of the Rwandan witnesses also are sealed.

Lawyers on both sides of the case did not return calls seeking comment in the days leading up to the trial. Many court documents are sealed, including those showing how much court-appointed lawyers David Ruoff and Mark Howard have been paid in time and expenses, including multiple trips to Rwanda to prepare for trial.

To prove Munyenyezi lied on immigration and naturalization applications, prosecutors must establish that she played a role in the slaughter of Tutsis by extremist Hutus. If convicted, the mother of three teenage daughters faces deportation to Rwanda and the likelihood of spending the rest of her life in prison there.

In a recent court order, Chief U.S. District Judge Steven McAuliffe described the case as a "particularly complex" one that will involve "navigating through a sea of bureaucratic obstacles ... at great expense in both time and money."

Court documents show that elaborate steps have been taken to ensure the safety of Rwandan witnesses, including an agreement between both sides that passport applications of defense and prosecution witnesses be submitted together to the Rwandan government to mask who is testifying for which side.

Some of the witnesses arriving to testify are incarcerated or on parole in Rwanda. U.S. Immigration and Customs Enforcement agents provide "constant supervision" of these witnesses, who will also be required to wear electronic monitors, according to court documents. An investigator for Munyenyezi's defense team — a prominent lawyer in Kigali, Rwanda — will also be monitored by ICE.

Munyenyenzi is married to Arsene Shalom Ntahobali, a commander in the former Rwandan army and one of the "Butare Six" tried before the International Criminal Tribunal for Rwanda in Tanzania. Ntahobali and his mother, Pauline Nyiramasuhuko, were both sentenced by the ICTR to life in prison last June for genocide, crimes against humanity and war crimes of violence. Ntahobali was also convicted of rape.

Munyenyenzi in 1994 lived in Butare, Rwanda, in a hotel owned by her husband's family. Federal prosecutors say Munyenyezi brought supplies to extremists, checked identity cards at the roadblock in front of the hotel and ordered rapes and murders. The affidavit alleges she struck a young Tutsi boy so hard in the head with a wooden club that he died instantly. The indictment also states she took personal property belonging to those who were murdered.

The only other similar trial in the United States involving immigration fraud related to the Rwanda genocide ended in a hung jury last May in Kansas.

Although the jury did convict 84-year-old Lazare Kobagaya of making false statements on immigration forms about dates and places he lived, they deadlocked on whether he played a role in the genocide. Federal prosecutors moved to set aside the guilty verdict on the lesser charge and dismiss the indictment three months later because they failed to disclose information about a witness who would have benefited the defense, according to court documents.

Munyenzezi has been in custody since her arrest in June 2010. Federal agents searched her Manchester home and seized numerous items. Court documents indicate the items seized include a photograph of Munyenzezi with her daughters at her naturalization ceremony. That ceremony took place in the same federal courthouse where she will stand trial nearly a decade later.

Voice of America
Friday, 17 February 2012

Rwanda Creates New Court for Genocide Cases

Rwanda's high court has established a special chamber to handle international crimes, including genocide cases transferred from the International Criminal Tribunal for Rwanda.

The U.N. tribunal, which was set up to try high-level suspects in Rwanda's 1994 genocide, is set to complete its work in 2014.

Rwanda's high court announced this week the new six-judge panel would hear cases transferred from the Tanzania-based tribunal as well as from other countries.

Rwanda has so far relied on community-based "Gacaca" courts to try people accused of committing genocide-related crimes. The traditional courts have heard more than one-million cases since 2001, mostly at the village level.

Last year, Human Rights Watch charged the Gacaca courts have carried out flawed trials that have led to miscarriages of justice. The rights group called for the Rwandan government to set up specialized units in the national court system to review alleged injustices.

The Rwandan government has defended the community courts, saying they cleared cases that were overwhelming the conventional court system.

Rwandan Hutu extremists killed an estimated 800,000 ethnic Tutsis and Hutu moderates during the killing spree between April and July 1994.

The Daily Nation (Kenya)

Monday, 20 February 2012

ICC's Inherent Weaknesses Hamper Its Work

By Ochiel J. Dudley

Opinion

The conduct of the two Kenyan cases at the International Criminal Court could seem fair and expeditious, thus offering hope of justice to both the victims and the suspects of the post-election violence.

However, the court suffers certain congenital defects that will always make its work difficult. The moment is right to focus attention on the court and interrogate its make-up.

First, being an unelected supranational institution unilaterally set up by State parties, the court is not answerable to any elected parliament or higher authority.

Therefore, it is a law unto itself, defining crimes, setting its own rules of procedure, and choosing its own judges.

The level of accountability through the traditional checks and balances system is, therefore, inhibited.

The court has been accused of serving the interests of Western powers, only pursuing individuals from African countries.

It has rejected demands that American and British political leaders be prosecuted for those countries' military assaults against Yugoslavia and Iraq.

Due to its selective indictments, the ICC has been accused of providing a moral and legal cover for Western military aggression.

It is ironical that those countries that are strongly behind the court are also the ones that tend to support invasion of sovereign countries.

The United States has refused to be a member of the court, although it supports the special tribunals in Yugoslavia and Rwanda.

The ICC is, therefore, vulnerable to the accusation of promoting neo-imperialism, in which Third World nations and their leaders are targeted.

Above all, the establishment of the ICC is an ideological threat to the International Court of Justice (ICJ), the "High Court" of the United Nations with the mandate to adjudicate disputes between states.

One instance that underlines the conflict between the two courts is the case where the ICJ has ruled as invalid an arrest warrant issued by Belgium for a former government minister from Congo.

The court said that Belgium, or any collection of nations, could not claim jurisdiction over the territory of other sovereign nations.

The ICC has been accused of being a remote bureaucracy that is not responsive to the individual, only serving the interests of the State parties that fund it, and the prosecutor seen as having sweeping discretionary powers as to the cases that should be prosecuted.

The location of the court in the Netherlands is also seen as a hindrance to the accused's ability to call witnesses or gather evidence.

Opinion is divided about the ICC, with some people considering it an instrument to help improve accountability in African countries devastated by impunity, while others argue that the court represents a threat to the established international rule of law and human rights. Clearly, the court is not perfect.

The writer is a constitutional lawyer and a member of the Nairobi Lawyers Association.