

**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**

**as at:**

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Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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**Local News**Charles Taylor Judgement Day, April 26 / *Standard Times*

Page 3

**International News**Nuremberg's Legacy Lives on in a World Determined to Prosecute / *MPR*

Pages 4-5

International Crimes as Asymmetrical Security Threats / *The Jakarta Post*

Pages 6-7

## Charles Taylor Judgment Day April 26

**T**he Special Court for Sierra Leone is scheduled to issue a judgment in the case of former Liberian President Charles Taylor on April 26, 2012.

The judgment will be a major development for victims of horrific crimes committed in Sierra Leone during its armed conflict, which ended in 2002. Taylor, whose influence extended throughout West Africa, is the first former head of state to face judgment in an international or hybrid international-national court on charges of war crimes and crimes against humanity. Slobodan Milosevic was the first head of state to be tried by an international criminal tribunal, but he died before a judgment was issued.

The Special Court indicted Taylor on March 7, 2003, for crimes - including murder, terrorizing civilians, rape, sexual slavery, and recruiting and using child soldiers - committed during Sierra Leone's armed conflict. After enjoying safe haven in Nigeria, Taylor was apprehended in March 2006 and transferred to The Hague for trial by the Special Court.

"The Special Court's judgment in the Taylor trial will be a watershed moment regardless of the verdict," said Elise Keppler, international

justice senior counsel at Human Rights Watch. "Those implicated in the gravest crimes, even at the highest echelons of power, are being held to account."

The judgment in the Taylor case will come less than five months after former president of neighboring Côte d'Ivoire, Laurent Gbagbo, became the first former head of state to appear at the International Criminal Court on charges of crimes against humanity.

The Special Court for Sierra Leone was created by an agreement between Sierra Leone and the United Nations to prosecute "those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996." Eight individuals associated with the three main warring factions have been tried and convicted by the Special Court in Freetown, and all are serving their sentences in Rwanda. The Taylor trial, held in The Hague due to concerns raised over stability in the West African sub-region, is expected to be the final trial of the Special Court, which is in the process of winding down its operations.

MPR

Thursday, 19 April 2012

## **Nuremberg's legacy lives on in a world determined to prosecute the worst of crimes**

By Ellen J. Kennedy

*Ellen J. Kennedy is executive director of World Without Genocide at William Mitchell College of Law.*

Last September, in The Hague, Netherlands, 92-year-old Ben Ferencz spoke impassioned words in the prosecution's closing arguments against Thomas Lubanga, who was charged with abducting and using hundreds of young children as soldiers in the Congo.

More than half a century earlier, Ferencz had liberated the Nazi death camps of Buchenwald, Mauthausen and Dachau as a soldier in the U.S. Army. He then became chief prosecutor for the United States in the Einsatzgruppen Case, which the Associated Press called "the biggest murder trial in history." Twenty-two Nazi defendants were charged with murdering over a million people. It was Ferencz's first case.

All of the defendants were convicted. Thirteen were sentenced to death. This trial, held in Nuremberg, Germany, in 1945, was one of 13 trials organized by the four major Allied forces (the United States, France, England and the Soviet Union) to prosecute the worst perpetrators of the Holocaust.

This was the first time in the history of the world that nations came together to adjudicate crimes that occurred not on their own soils but elsewhere, and crimes perpetrated not by their own citizens but by others.

This was a seismic change in efforts to create global justice and global jurisprudence. Nothing like it was seen again until after the Cold War.

In 1993, the United Nations established an international tribunal to prosecute perpetrators of the crimes occurring in the former Yugoslavia. This tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), was also breathtakingly precedent-setting on several counts. First, it was established by the United Nations, not by a small group of victorious countries. Second, the tribunal began while violence was still occurring, so the goal was not only to track down and remove those who were organizing the mass atrocities, but also to act as a deterrent to others.

A year later, 800,000 people were slaughtered in a genocide in Rwanda. Again, the United Nations established an international court, the International Criminal Tribunal for Rwanda (ICTR), to prosecute the worst of those responsible for organizing, inciting and carrying out the violence. At ICTR, the first person ever to

be charged with the crime of genocide was found guilty, and rape was officially labeled a crime of genocide.

These two United Nations tribunals, and others like them, are ad hoc courts, designed solely to adjudicate perpetrators in specific conflicts — former Yugoslavia, Rwanda, Sierra Leone, Kosovo. When the judges and lawyers in these courts complete their tasks, these tribunals will disband.

This was a scatter-shot approach to justice, however, depending on the United Nations Security Council members' approval to create and fund these tribunals, a process often mired in political complexity and expediency. A permanent court was needed to prosecute genocide, war crimes and crimes against humanity on an ongoing basis.

In 2002 that permanent court came into being, the International Criminal Court. It is at that court, headquartered in The Hague, where Lubanga was on trial for rape, murder and the heinous crime of using children, often as young as 7 or 8, as soldiers. It was at that trial, more than 60 years after Ben Ferencz prosecuted Nazis, that he urged the judges to find Lubanga guilty.

And just as in Ferencz's first case, when all the defendants were found guilty, so, too, was Lubanga. It was the first verdict of this new global court, a court Ferencz had devoted his life to create.

The legacy of Nuremberg has reached across the ocean and across the decades to create a permanent court of justice. Ben Ferencz says that this court reflects "the awakened conscience of the world."

Today, April 19, we honor Holocaust Remembrance Day and think about the 6 million Jews, and millions of others, who perished under the Nazi regime. It is a good day to think, also, about Ben Ferencz and his journey — from that heroic young man's successful prosecution of those responsible for killing more than a million Jews, to his words at the world's first permanent court to prosecute the perpetrators of humanity's worst crimes.

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*World Without Genocide is hosting three events to commemorate the legacy of Nuremberg and Holocaust Remembrance Day: at 7 p.m. today, the film "Nuremberg: Its Lesson for Today"; at 7 p.m. Friday, April 20, the play "If the Whole Body Dies: Raphael Lemkin and the Treaty against Genocide"; and at 1 p.m. Saturday, a conference titled "Nuremberg: Its Legacy for Today - from the Holocaust to Rwanda." For details, visit [worldwithoutgenocide.org](http://worldwithoutgenocide.org).*

The Jakarta Post  
Thursday, April 19, 2012

Opinion

### **International crimes as asymmetrical security threats**

Muladi, Jakarta | The rise of a new globalized security environment in the post Cold War world has been marked by a transformation from the traditional spectrum of symmetrical security threats with their conventional alliances such as NATO and the Warsaw Pact to a situation viewed by some analysts as representing an emerging form of globalization of non-state actor warfare — or asymmetrical security threats.

The asymmetrical security threat is transnational in nature and very dynamic, unpredictable, diverse, fluid, networked and constantly evolving (Jenkins, 2004).

Informal violence could be identified as international crime and modern transportation, communication, information and weapon technology have all been employed effectively to support the operations of criminals. As a kind of asymmetrical security threat, international crimes consist of four special categories in term of their characteristics and development.

The first category is general international crimes, which have evolved over the years essentially through customary laws and conventions in international law.

This category of crimes consist of serious offenses such as unlawful use of weapons, aircraft hijacking, drug trafficking, sea piracy, terrorism, unlawful use of mail, interference with submarine cables, falsification and counterfeiting and taking civilian hostages.

Those crimes have been stipulated by international instruments based on the existence of several characteristics: The explicit recognition of proscribed conduct as constituting an international crime; the implicit recognition of the penal nature of the act by establishing a duty to prohibit, prevent, prosecute and punish; the criminalization of the proscribed conduct; the duty to prosecute, punish, extradite and cooperate in prosecution and punishment; the establishment of a criminal jurisdiction basis and the reference to the establishment of an international criminal court or tribunal and the elimination of the defense of superior orders (Bassiouni, 1986).

The adoption of the UN Convention against Transnational Organized Crimes and the Protocols thereto (Palermo Convention) by UN General Assembly on Nov. 15, 2000, followed by the signing of the convention in Palermo, Sicily in December 2000, marked the presence of the second category of international crimes; namely Transnational Organized Crimes (TOC).

The convention represents a major step forward in the fight against TOC and signifies the recognition by member states of the seriousness of the problems posed by it, as well as the need to foster and enhance close international cooperation in order to tackle those problems, including the creation of domestic criminal offenses (participation in an organized criminal group, serious crimes, money laundering, corruption and obstruction of justice).

The three protocols that are referred to jointly as the Palermo Convention of TOC are the Protocol of Trafficking in Persons, especially women and children; the Protocol of Smuggling Migrants by Land, Sea

and Air; and the Protocol of Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition.

Since the first and second category of crimes are arranged by the laws of states, based on the principle of an indirect enforcement method by the criminal justice system of the member states, the third category of international crimes, namely cosmopolitan crimes stipulated by the law above nations or the law for states and the principle of the direct enforcement method by an international criminal court or tribunal, could be applied when the state concerned is unwilling or unable to bring to justice the perpetrators of the crimes of genocide, crimes against humanity, war crimes and crimes of aggression.

The establishment of Rome Statute of International Criminal Court (ICC) 1998, the International Criminal Tribunal for the Former Yugoslavia (ICTY) 1993 and Rwanda (ICTR) 1994 were reflections of this international law regime.

The fourth category is international crimes that rise to the level of Jus Cogens or preemptory norms, which is accepted by international community of states as a norm from which no derogation is ever permitted or violated. It is generally accepted that Jus Cogens includes the prohibition of genocide, maritime piracy, slavery, torture, wars of aggression and crimes against humanity.

For this category, the principle of universal jurisdiction could be upheld. Under this principle any state is empowered to bring to trial persons accused of international crimes, regardless of the place of commission of the crime, or the nationality of the author or of the victim (Cassese, 2008).

The asymmetrical security threat of international crimes is no longer a mere domestic security issue. Therefore countries must act in concert to fight those global threats seriously.

The adoption of new frameworks for extradition, mutual legal assistance, transfer of sentenced persons, transfer of legal proceedings, joint investigations, law enforcement cooperation, the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities and information exchange is absolutely required.

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