

**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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Boston Globe
Sunday, 15 July 2012

The Hague's deliberate enforcer

This month marks the 10th anniversary of the International Criminal Court in the Hague, an institution whose supporters believed it would seriously curb the world's human rights abusers — but whose critics (including many in the United States) feared it would undermine national sovereignty. The result has been less exceptional on both scores. After a decade, the court has an imperfect record. Still, it represents a cause worth pursuing.

The list of criticisms against the court is longer than its list of convictions. Sweeping war crimes have proved difficult to investigate and prosecute, delays have been frequent and often interminable, and cooperation is lagging even in those countries that have signed on as members. (The United States, fearful of putting its own military under the court's jurisdiction, has not.) For example, the court's indictment of the longtime Sudanese President Omar Hassan al-Bashir for genocide in Darfur was ignored by the African Union, which told its members not to comply with the arrest warrant, amid complaints that the court had a bias against African nations. But it is Africans who suffer from African leaders, as the court's recent conviction of Liberian President Charles Taylor for atrocities against his own people proved.

It isn't fair to point to the United States' failure to join the court for its lack of influence, as some international critics have done; American officials now work closely with the court on investigations, while providing judicial assistance to countries that seek to prosecute their own war criminals.

Even in those cases, which aren't International Criminal Court prosecutions, much of the moral impetus and urgency derives from the international imprimatur. Despite its deficiencies, the court serves as a reminder to those who would perform the most cruel and depraved acts that justice might be delayed or denied, but it won't be forgotten. That seems especially true today as Syrian protesters' carry signs that say, simply, "Assad to The Hague."

Wire Update

Sunday, 14 July 2012

ICC issues arrest warrants for DR Congo rebel leaders

By BNO News

THE HAGUE, NETHERLANDS (BNO NEWS) -- The International Criminal Court (ICC) has issued arrest warrants for two Rwandan and Congolese warlords who are accused of committing numerous war crimes in the Democratic Republic of the Congo (DRC) during the past decade, court officials said on Friday.

The arrest warrants were issued for Rwandan rebel group leader Sylvestre Mudacumura and Congolese rebel leader Bosco Ntaganda, who are both accused of committing war crimes in the DRC. Both warrants were issued following submitted requests to the ICC in May of this year, and the arrest warrant for Ntaganda is his second from the UN-backed court.

Mudacumura, 58, is the supreme commander of the Rwandan rebel group best known by its French name the Forces Démocratiques pour la Libération du Rwanda (FDLR), or the Democratic Forces for the Liberation of Rwanda. The group, which is accused of committing attacks and atrocities such as rapes and killings, is composed almost entirely of ethnic Hutus who fled from Rwanda after the genocide of 1994.

The ICC's arrest warrant said the court has reasonable grounds to believe that Mudacumura is responsible for nine counts of war crimes which were committed between January 2009 and September 2010 in the DRC. The counts consist of attacking civilians, murder, mutilation, cruel treatment, rape, torture, destruction of property, pillaging and outrages against personal dignity.

Meanwhile, a new arrest warrant was issued for Ntaganda, 41, who is currently a general in the DRC's national army. He is accused of committing four counts of war crimes and three counts of crimes against humanity between September 2002 and September 2003 in the DRC.

The counts of crimes against humanity consist of murder, rape and sexual slavery, and persecution. The counts of war crimes consist of murder, attacks against the civilian population, rape and sexual slavery, and pillaging. The court said his arrest is necessary to prevent him from continuing to carry out crimes in the DRC, which is within the ICC's jurisdiction.

The ICC's first arrest warrant for Ntaganda was issued in August 2006. The warrant accused him of committing three counts of war crimes against civilians in the DRC's Ituri region from 2002 to 2003. The counts are the enlistment of children under the age of 15, conscription of children under the age of 15, and using children under the age of 15 to participate actively in hostilities.

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Coastweek

Friday, 13 July 2012

Kenyan police denies wanted Rwandan fugitive is in Kenya

SPECIAL REPORT BY XINHUA CORRESPONDENTS

Peter Mutai AND Ronald Njoroge

NAIROBI (Xinhua) -- Kenyan authorities on Thursday refuted reports that Rwandan fugitive Felicien Kabuga who is wanted by the UN International Criminal Tribunal for Rwanda (ICTR) to answer serious charges of crimes against humanity is in the country.

Kenyan police spokesman Eric Kiraithe told a news conference in Nairobi that contrary to media reports joint efforts by detectives from the Arusha-based UN tribunal and America's Federal Bureau of Investigation (FBI) have failed to trace Kabuga.

"Local media reports that Kabuga is in Kenya but this is not true and the person identified as the suspect is in fact Daniel Muthee Ngeera, a 58 year-old Isiolo-based businessman," Kiraithe told journalists in Nairobi during joint media briefing with members of Ngeera family.

Currently, he said, the ICTR is represented by detectives - Moussa Sanogo, Cheikna Samassa and Michael Stacin who along with their Kenya and FBI counterparts have been given unfettered access to every part of this country in their efforts to investigate this matter.

He said the detectives and local experts have searched all places following over 30 leads in the East African nation but maintained that the official position is that the elusive Rwandan fugitive is not in Kenya.

"Some of their (detectives) investigations include inquiries at the Kenya Revenue Authority since 2008. Since then the team has responded to several leads provided by informers in and outside Kenya on the fugitive's possible presence," Kiraithe said.

Kabuga has been accused of war crimes during the Rwanda genocide in 1994 that led to the slaughter of 800,000 lives and a bounty of 5 million U.S. dollars has been placed on his head for any information that may lead to his arrest.

According to Kiraithe, pieces of information pursued included allegations that he was hiding with in-laws in Western Kenyan town of Siaya, running a school in Nyeri, the central Kenya as well as doing real Estate business in Mombasa.

"In Narok it was dramatically alleged that he owned land where he was farming along with some prominent Kenyans," he said.

The police spokesman said the detectives have severally visited land registries in the country, inspected records at the ministry of immigration, as well physically perusing records in all entry and exit points in this country on site including the border points of Nairobi and Moyale in Eastern Kenya.

"Considering all these efforts and the fact that there is a 5 million dollars bounty over his head, the government of Kenya has repeatedly stated in various forums that we don't believe that Felicien Kabuga could be hiding anywhere in this country," Kiraithe said.

Kabuga, a wealthy businessman, is accused by the ICTR for sponsoring the 1994 Tutsi genocide, in particular the Radio Television Mille Collines (RTL), and purchasing machetes that were used by Interahamwe militias to kill over 1 million Tutsis.

The U.S. government has been putting pressure on Kenya to arrest the elusive Rwanda who is believed to be hiding in the country.

But Kiraithe said that Dr Peter Rakwach, who the local media in an investigative series alleged treated Kabuga, did not die under mysterious circumstances.

"The family doctor of Rakwach, together with their physician does not suspect any foul play in his death and therefore the report should be treated as untrue," he said.

According to the local media report, a military officer named Michael Sarunei provided security for the fugitive but Kiraithe dismissed this saying "in our police and military service, there is no record of Michael Sarunei as having served in any government security agency".

Kiraithe said the police are therefore continuing with diligent efforts to trace Kabuga in order to effect an international warrant of arrest.

He said that the ministry in charge of radio and television should take any necessary action it deems fit against local media and the police is not in a rush to prosecute any one for giving false information.

Ngeera, whom the local media station had represented as Kabuga, said that his photo was taken without his knowledge.

"I don't know who took my photograph as I did not give any anyone consents to take a picture of me," he added.

Family lawyer Mwangi Kariuki said that they are contemplating taking legal action against the local media that linked him to fugitive.

"As a result of the allegation the family has been forced to leave their house and move to hotel for fear for their life," Kariuki said.

The lawyer said that the police are therefore providing armed guard to the family until they feel that they live are not under threat.

A 5 million dollar bounty has been out on Kabuga's head, for whoever provides information leading to the arrest of this fugitive by Washington.

CNN

Friday, 13 July 2012

How the world took a step closer to ending impunity

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By Mark Vlasic, Special to CNN

This week, the eyes of the world returned – if only for a moment – to the world of international justice in The Hague. In the same week, the International Criminal Court (ICC), the world's first permanent war crimes court, sentenced its first war criminal, Congolese warlord Thomas Lubanga, to 14 years in prison. And across town at the first international tribunal since Nuremberg, the International Criminal Tribunal for the former Yugoslavia (ICTY), U.N. prosecutors called their first witnesses in their case against General Ratko Mladic, charged, in part, with the Srebrenica genocide and the siege of Sarajevo. Thus, in two courtrooms in The Hague, the world was reminded that while international justice may be slow, it does come – and with it, so may come the end of impunity that often exists for mass atrocities.

To be sure, for those in Syria, Sudan and elsewhere, justice and the end of impunity won't come soon enough. But the fact that some sense of justice has come to those who perished in Congo and Bosnia is nothing to scoff at.

Lubanga, thought once by many to be untouchable, was convicted for his role in enlisting, conscripting, and using child soldiers in the Second Congolese War. And importantly for the march of international justice, Lubanga's trial, conviction and sentencing marked a number of notable firsts: it was the ICC's first successful prosecution since its 2002 founding; Lubanga is the first individual to be convicted by the ICC for crimes related to the use of child soldiers; and the trial was the first in which victims participating were able to present their views in court.

Beyond such notable "firsts," the judgment will likely raise awareness over the plight of child soldiers and, according to the international justice advocacy director at Human Rights Watch, Géraldine Mattioli-Zeltner, it may put military leaders on notice that "using children as a weapon of war is a serious crime that can lead them to the dock." It may also help bring renewed attention regarding the need to apprehend Joseph Kony, the leader of the Lord's Resistance Army, who is also wanted by the ICC.

To be sure, the ICC's new chief prosecutor, Fatou Bensouda, a capable Gambian jurist, still has her work cut out for her as the ICC confronts high-profile cases ranging from Uganda to Libya to Sudan and elsewhere. And in many ways, much of the pressure on the ICC is based upon an impressive success rate at the first international tribunal since World War II – the ICTY.

Charged with investigating and prosecuting war crimes arising out of the "Death of Yugoslavia," the ICTY issued 161 indictments. As of last year, not a single person remained at large – an impressive statistic for any prosecution shop – let alone one that faces the many challenges of an international tribunal.

Thus, this week, as the lead prosecutors on the Mladic case, Dermot Groome and Peter McCloskey, called their first witnesses against a man who was once feared by his enemies and soldiers alike, so too do they call what may be some of the last witnesses at the tribunal that helped pave the way for international justice as we know it today.

And it's fitting that one of the last cases at the ICTY should focus on Mladic, the commander of the Bosnian Serb Army and alleged mastermind of the Srebrenica genocide, in which more than 8,000 Muslim men and boys were executed. Why? Because, in some ways, the eyes of the world first focused on the tribunal when his accomplice, former Drina Corps commander, Radislav Krstic, was put in the dock (and later convicted) for his part in the slaughter.

As the prosecutor's case will show, some of Srebrenica's Muslims were opportunistically killed, but most were slaughtered in a full-scale military operation: hands were tied, eyes were blindfolded and unarmed civilians were lined up before freshly dug mass graves and shot in the back by automatic weapons.

It's a tragedy that boggles the mind. And perhaps even more so as it happened in Europe – just 17 years ago this week. But the fact that the case is finally coming to conclusion – with the trial of the most senior Bosnian Serb general of the war – is a testament to the march of international justice.

In many ways, the end of high-level impunity came with the arrest and trial of Slobodan Milosevic, the first high-profile head of state to be tried for war crimes at an international tribunal in the history of our planet. Then came the arrests of former presidents Saddam Hussein of Iraq and Charles Taylor of Liberia. They were followed by the arrests of Chad's former president, Hissene Habre, Cambodia's Khieu Samphan, the former president of the Khmer Rouge, and Radovan Karadzic, who is now being tried in another courtroom in The Hague.

And what is unique, is that in each case, men who were once deemed untouchable – like Mladic and Lubanga – have been brought to justice, not by the sword, but by the pen. Lawyers and their investigative colleagues have built criminal cases and applied to judges to approve indictments and sign arrest warrants, leading to the arrests and trials of a former strongmen. What happened in The Hague this week is therefore historic. It marks not just the end of impunity for victims in Congo and Bosnia, but in many ways it is a symbolic victory of the pen over the sword. This week, we should all be proud.

Oxford University Press Blog

Thursday, 12 July 2012

<http://blog.oup.com/2012/07/egypt-arab-spring-transitional-justice/>

Beyond Conventional Transitional Justice

By Reem Abou-El-Fadl

After former Egyptian President Hosni Mubarak was toppled in February 2011, the Supreme Council for the Armed Forces assumed executive power in Egypt, and launched the ‘transitional period.’ In the seemingly boundless space created by Mubarak’s absence, millions of citizens freely debated every aspect of the emerging political and social order, in public meetings, at home, in the media, and on the streets. It was a time of limitless imagination. Meanwhile, amongst international and Egyptian human rights organisations, a more contained conversation began on the practice and precedents of transitional justice.



Cairo soon played host to major conferences on the subject. In these meetings, three central assumptions were regularly made, particularly by international participants. First, transitional justice precedents offer the necessary prescriptions for Egypt at this time. Second, the Egyptian people are unaware of this and need

educating accordingly. Third, and underpinning the rest, the most deceptively straightforward premise: Egypt’s transition is underway. But as the conference proceedings showed and events since have confirmed, these premises should actually have been posed as questions.

Do international transitional justice precedents suit the Egyptian case?

In 2011, Egyptian demonstrators proclaimed revolution and not reform. The slogan they borrowed from their Tunisian forerunners was ‘The People Want the Fall of the Regime,’ where the Arabic word for ‘regime,’ al-nizam, also connotes ‘order’ or ‘system.’ By contrast, transitional justice offers mechanisms for a more conservative conception of transition, confined within the realms of criminal law and political reform. Several studies have reflected on the limits of this standardisation.

Two neglected areas resonate particularly in Egypt. First, as with the US occupation in Iraq, and NATO in Kosovo, transitional justice practice rarely highlights the accountability of external actors. American and European governments are often held up as ideal-types, while developing state actors are scrutinised, reinforcing existing imbalances of power. The Mubarak regime’s collaboration with London and

Washington — not least on extraordinary rendition — is a case in point. Significantly, an American National Lawyers Guild delegation recently visited Egypt to document the role of US government and corporations in human rights abuses.

Another neglected question concerns the kind of injustice being righted. In Egypt, violations in the field of social and economic rights abound. Accepting his first IMF package in 1991, Mubarak had established a neoliberal order which flouted several international economic rights conventions on unionisation, child labour, gendered wage discrimination, and migrant labour. And yet, in transitional justice practice, critiques of crony capitalist interests as culpable are rare.

Do Egyptians need an education in transitional justice?

If the Mubarak regime's violations outstrip conventional transitional justice provisions, then the assumption that Egyptian society needs an education in it appears flawed. Certainly, knowledge of international precedents only enriches public debate. Yet Egyptians' intimate understanding of the crimes committed by the Mubarak regime, and of potential remedies, was made clear in the slogans and demands of the revolution's opening 18 days. Protests were called against 'Torture, Corruption, Poverty, and Unemployment' on Police Day, and the chant 'Bread, Freedom, Human Dignity,' popularised. As rights activist Hossam Bahgat recalled, by condemning the authorities' violation of political, civic, social, and economic rights together, Egyptians had 'completely surpassed' the artificial sequencing of rights debate.

Protesters' earliest demands were for the trials of old regime members, overhaul of state institutions, and reparations for victims of state violence. They displayed a clear preference for retributive justice — *al-qasas* — over the non-judicial prescriptions of some international practitioners, such as truth and reconciliation commissions. But beyond these transitional justice-related themes, they also demanded representative government, autonomy from Washington in policymaking, and social justice. Civil society campaigns targeted military trials, state media, odious debt, stolen public funds, and injustice in the workplace. These millions of Egyptians envisioned fundamental socio-political change.

Is Egypt really 'in transition'?

Clearly, then, there are differences in scope between reformist and revolutionary conceptions of transition. Yet the paradox that Egyptians are experiencing today is the sheer ephemerality of that transition. In most successful transitional justice cases, one common condition is the existence of the political will to propel the process. In Egypt, the military council simply lacks that political will, and has presided over a year and counting of military trials for civilians, repression of demonstrations, and media censorship.

As of their constitutional declaration in March 2011, the generals enjoyed full executive powers. Citizens have been disappointed at the outcomes of former regime members' trials, and the lack of vetting, whether in Egypt's police apparatus, prison system, or official media. Meanwhile, recently negotiated IMF packages carefully preserve the neoliberal status quo.

During the presidential elections in June 2012, the generals issued yet another constitutional declaration, which stripped the presidency of many of its powers. The elections themselves were invalidated in the eyes of many by the candidacies of two former regime members, and the lack of oversight regarding campaign funds and tactics. In this context, the victory of Muslim Brother Muhammad Mursi left both his powers and allegiances very much in question, particularly due to the Brotherhood's silence during and perceived complicity in the military council's repression.

Today, Egypt's transition is at best suspended, and over the past months, transitional justice mechanisms like trials and reparations have been selectively developed by a state elite that is untransformed. Hence the activists' mantra, 'the revolution continues' (*al-thawra mustamira*), and the continued protests against the 'remnants' (*fulul*) of the Mubarak regime.

Looking Forward

However well-intentioned their efforts then, a warning note must be sounded to those interested in transitional justice in Egypt today. Pushing this agenda when its principal precondition, political will, is absent risks legitimising a ‘transitional’ order little different from the old. Consequently, most Egyptian activists have maintained that the transition has yet to come, and have advised international colleagues not to engage the military council.

This situation has only been exacerbated by the election of Mursi, which should have signalled the end of the transition, but which has not been received as such, due to the flawed electoral process, and the military council’s ongoing domination of executive powers in Egypt. A case in point came with Mursi’s decree to reconvene parliament on Sunday – it had been dominated by members of his own organisation, and dissolved with the approval of the military council in June 2012. By Monday, the military council had shot down Mursi’s decision and issued the president a warning. Meanwhile, political and legal activists urged him to use his position to free those in military prisons since 2011, that is, to begin what might resemble a transitional justice process earnestly.

The Egyptian revolution’s demands, however contested, transcended the bounds of reformist transitional justice practice. Egyptian rights activists have resourcefully incorporated transitional justice principles into their campaigns, while aiming at more far-reaching goals and showing their international colleagues how to support them. Indeed, the revolution is further proof that there is no ‘one-size-fits-all’ remedy for transitional justice: it is preferable to promote ‘local’ formulae in light of global experience, rather than vice versa. Today, as varying levels of mobilization recall Mubarak’s last years in power, the call for transitional justice may have to become a strategy for political pressure in Egypt, before it can become a process for genuine change.

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