

**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 (Liberia)

Friday, 13 July 2012

Africa: War Crimes Court for Africa?

The African Union's Human Rights Commission seated in Banjul, The Gambia could be used as Africa's War Crimes Court in trying those accused of committing war crimes and crimes against humanity on the continent.

The Court, when established, will try those bearing the greatest responsibility of human rights violations and humanitarian human rights laws against innocent people during conflicts.

According to reports monitored on the British Broadcasting Corporation's Network Africa Program Thursday, the item on the agenda of Africa setting-up its own War Crimes Court will form part of the AU meeting. It comes ahead of Saturday, 14 July Addis Ababa, Ethiopia Summit of African heads of states and governments. It is expected to assemble the continent 54 countries.

The agenda is being prepared by the continent's foreign ministers of various countries. The reports said though the suggestion could be welcomed, the issue of implementation will be difficult when approved. There are two United Nations-backed tribunals on the continent that are trying those Africans accused of committing war crimes and crimes against humanity on their own people.

They are the Tanzania-based Arusha court which is trying those accused of committing heinous crimes during the course of the Rwandan civil war in which more than 1 million people were killed in 1994 and the Special Court for Sierra Leone which is prosecuting those who might have borne the greatest weight of that country's 10-year conflict in which thousands of people died.

The International Criminal Court (ICC) which came into being in 2002 and sitting in The Hague, Nederland has indicted several Africans for war crimes and crimes against humanity, among them President Omar El-Bashar of Sudan Republic, former presidents Hesse Habre of Chad and Laurent Gbagbo of Ivory Coast. Others are Charles Ble-Goulde of Ivory Coast, General Bosco Ntaganda of M23 (March 23rd) rebel movement in the DR Congo and others.

The Bahamas Weekly

Monday, 16 July 2012

<http://www.thebahamasweekly.com>

The World to Celebrate International Justice Day

By Coalition for the International Criminal Court



Global Coalition Calls on States to Make Justice a Priority

New York / The Hague — On 17 July, the world will celebrate International Justice Day, a commemoration of the adoption of the Rome Statute, the founding treaty of the International Criminal Court (ICC) and a celebration of the achievements of international criminal justice. On this occasion, we call on all governments to make a firm commitment to make international justice a priority and seek to hold accountable those who are suspected of committed the gravest crimes, the Coalition for the ICC said.

“The journey from Nuremberg to ‘Never Again’ has proven to be extremely difficult and may still take decades to complete, but the progress of the last 14 years has been phenomenal,” said William R. Pace, convenor of the Coalition for the ICC. “The tools for ending impunity exist for perhaps the first time in history; it is now a matter of galvanizing universal political will to make them fully operational.”

International Justice Day is also an opportunity for the world community to celebrate the historic advances in ending impunity for the worst crimes in international law. Since 1993, around 200 trials dealing with terrible crimes committed in 12 countries have been held by six international and special tribunals. Similar trials are ongoing at the national level.

“International Justice Day is an opportunity for the world community to celebrate the historic advances in ending impunity for the worst crimes in international law as 14 years ago on this date, the Rome Statute was adopted by an overwhelming vote of 120 states,” said Raj Kumar Siwakoti, secretary general of FOHRID Human Rights and Democratic Forum. “Today, 121 states have joined the Court and the number keeps growing. FOHRID is celebrating this day in solidarity with victims of crimes against humanity, genocide and war crimes.”

“As people the world over celebrate International Justice Day, emphasis should be guided toward the plight of the victims of war crimes and crimes against humanity, and to the families looking for their loved ones among the dead and the living both,” said Daniel Okello, programs coordinator for Lira NGO Forum in Northern Uganda. “While this day has been widely celebrated in Africa, the one concern that remains is the commitment by ICC member states to realize the actual meaning of International Justice Day, bearing in mind the obligations attached to membership in the Court.”

“On the occasion of International Justice Day, it is now the chance for civil society organizations to review and renew their engagement and commitment towards the ICC through urging states to join the Court, launching training for lawyers, judges and stakeholders, and documenting the crimes against humanity committed in the

region to ensure the accountability of its perpetrators,” said Asem Rababa of the Adaleh Center for Human Rights Studies.

At the ICC, three trials are being conducted, investigations in six countries have been opened, and 22 public arrest warrants and at least nine summonses have been issued. Allegations of crimes committed in many other countries are also being considered by the office of the ICC Prosecutor.

This past year witnessed the Special Court for Sierra Leone convict former Liberian president Charles Taylor for aiding and abetting war crimes and crimes against humanity—the first conviction of a head of state since Nuremberg—as well as the first verdict in an ICC case, the conviction of Thomas Lubanga Dyilo for conscripting and enlisting children under the age of 15 and using them to participate in hostilities.

“The ICC is a crucial institution to advance gender justice and to provide accountability for gender-based crimes. With its first trial judgment and sentence delivered, and the ICC entering a new era under Prosecutor Bensouda, the Court is well positioned to make substantial progress for victims and survivors of the most serious crimes,” said Brigid Inder, executive director of the Women’s Initiatives for Gender Justice. “The ICC has come a long way in the ten years since it began its work. On this International Justice Day, the Women’s Initiatives for Gender Justice, together with our 6,000 grassroots members and partners, celebrates the widespread and strong support for the ICC from governments, advocates and citizens around the world.”

“I believe that the ICC represents a great chance to confront the past. Lubanga and other trials from DRC and six other countries give us hope for the future,” said Dr. Günel Kurşun, spokesperson of the Turkish Coalition for the ICC. “I urge the government of the Republic of Turkey to ratify the Rome Statute as soon as possible, as promised 10 years ago,” Kurşun added. “Turkey’s accession to the system will be a big asset in resolving crises in countries like Syria and give us more courage to fight against impunity in our region.”

“We have 121 state parties—nearly two-thirds of the world’s nations—and in Turkey and 30 other countries national coalitions are working to advance their governments’ ratifications. The wheels of international justice are advancing, and the places where impunity still survives are shrinking, though getting some major powers to join the Court remains a massive challenge,” said Pace. “With continued support, victims of the world’s most serious crimes will see justice done and have opportunities to seek redress,” Pace added. “We are approaching a moment in history where even the most powerful government leaders will be held responsible if they commit ICC crimes.”

Background: The ICC is the world’s first permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently seven investigations before the Court: the Central African Republic; Cote d’Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; and Libya. The ICC has publicly issued 22 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012. Two other trials are ongoing. The ICC Office of the Prosecutor has also made public that it is conducting seven preliminary examinations on four continents: Afghanistan, Colombia, Georgia, Guinea, Honduras, Republic of Korea and Nigeria.

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: www.coalitionfortheicc.org.

Associated Press

Monday, 16 July 2012

Mladic back in court for trial after health scare

THE HAGUE, Netherlands Former Bosnian Serb military chief Ratko Mladic is back in court for his genocide trial at the Yugoslav war crimes tribunal after recovering from a health scare that saw him rushed to the hospital last week.



This video image made available by The International Criminal Tribunal for the former Yugoslavia, ICTY, shows former Bosnian Serb military chief Ratko Mladic in the court room in The Hague, Netherlands Monday July 9, 2012. Mladic faces 11 charges of genocide, war crimes and crimes against humanity. He denies wrongdoing.

The 70-year-old Mladic rose slowly from his chair in the courtroom Monday as judges entered and then polished a pair of reading glasses as his attorney, Branko Lukic, resumed the cross-examination of a witness that was interrupted last Thursday when Mladic complained of feeling ill.

Neither Lukic nor Presiding Judge Alphons Orie has said anything about Mladic's health.

The tribunal released a statement Friday saying tests conducted at a Hague hospital showed Mladic was fit to stand trial.

He faces 11 charges alleging he master

Agence France Presse

Saturday, 14 July 2012

Khmer tribunal 'a battle against time': Japan judge

By Shigemi Sato

TOKYO — Cambodia's UN-backed court on Khmer Rouge atrocities may be "a battle against time" but it is paving the way for national reconciliation, the outgoing Japanese judge in the tribunal said Thursday.

The court, set up in 2006 to seek justice for the deaths of up to two million people under the 1975-1979 hardline communist Khmer Rouge rule, has so far settled just one case.

It sentenced former prison chief Kaing Guek Eav, better known as Duch, in February to life in jail for overseeing the deaths of some 15,000 people.

"Although it has finished only one case so far, I think it has provided something that can be a prerequisite for national reconciliation," Motoo Noguchi told a news conference in Tokyo.

The 51-year-old Japanese is one of three foreign judges in the seven-member top panel in the Khmer Rouge tribunal, formally called the Extraordinary Chambers in the Courts of Cambodia (ECCC).

"Tens of thousands of people have observed the trial so far" and it has been widely reported, said Noguchi.

"People are beginning to talk in an open manner about the Khmer Rouge days with the younger generations listening," he said, adding that the Khmer Rouge was now mentioned in Cambodian school textbooks after a blackout that lasted decades.

Noguchi will formally leave his judge's post on Sunday to work as a senior official at a research institute of the Japanese justice ministry.

He admitted that the court was now proceeding with its second case at "what the people may regard as a stressfully slow speed".

"It is literally shaping up as a battle against time as the victims and the defendants are getting older," Noguchi said, attributing the delay to "technical" reasons, rather than any political interference.

The second case involves former Khmer Rouge leaders "Brother Number Two" Nuon Chea, former head of state Khieu Samphan, and ex-foreign minister Ieng Sary.

All in their 80s, they face charges of genocide, war crimes and crimes against humanity.

Ieng Sary's wife Ieng Thirith, the regime's former social affairs minister, faces the same charges but she has been ruled unfit to stand trial because she has dementia.

Top Khmer Rouge leader "Brother Number One" Pol Pot died in 1998.

Apart from the age problem, Noguchi said there was a funding bottleneck for the court amid a global economic slowdown, even as Japan remained its top donor.

"There seems to be no magical solution to it."

Noguchi said his decision to leave the post had nothing to do with the resignation of two international judges in the court in the six months to March.

They resigned over difficulties investigating two new cases involving lower-level officials due to strong opposition from the Cambodian government.

The tribunal was set up in 2006 and the second trial only started in late 2011.

"It may take a few more years for the second case to reach the appeal court," Noguchi said. "I thought it was timely to leave the post now."

Criminal Justice Degree Schools

Tuesday, 17 July 2012

ICC Sentences Congolese Warlord

By Justin Davis

There's a reason why you've never heard the name Thomas Lubanga Dyilo, even if you're well-versed in the world of criminal justice.

The International Criminal Court (ICC) recently found Lubanga guilty of abducting children, many under the age of 15, and enlisting them in his army to fight in a war in the Democratic Republic of Congo (DRC) between 2002 and 2003. The court sentenced Lubanga to 14 years in jail, reduced by six years for the time he spent incarcerated and awaiting trial in the DRC.

Some are calling it a landmark moment in the 10-year history of the ICC, while others are calling it a costly and time-consuming jurisdictional quagmire. Critics say that a court that takes six years to try, convict and sentence one criminal (who many argue was obviously guilty), and only sentence him to 14 years in prison for abducting children and sending them out to be slaughtered is an insult to justice rather than a milestone.

Similar conclusions were drawn about the ICC's performance in the trial and sentencing of Charles Taylor, the former president of Liberia. Taylor was given 50 years for his role in facilitating atrocities committed during Sierra Leone's civil war in the 1990s. These atrocities included mass rape, executions, amputations and eyewitness testimony of Taylor eating a human heart with others in a secret bonding ritual.

It would seem that deplorable acts like these would draw swift and thorough justice, but the ICC is too bound by complicated matters of foreign policy, diplomacy and statesmanship to act with any real authority. It is no accident that the ICC wades only reluctantly into matters of African civil war, while completely ignoring similar atrocities taking place in other regions that are even more politically contested than Africa.

At its heart, criminal justice requires that all parties involved agree to be subjected to applicable laws and authority, and many say the ICC – isolated in The Hague in the Netherlands – is too far removed from state-level action to be effective in the actual service of justice.

The Guardian

Monday, 16 July 2012

What is the international criminal court's legacy?

The question must not be avoided. The ICC must act on its obligations around the concept of complementarity

This international justice day marks several prominent events. The international criminal court (ICC) has now completed its first decade of operations. Last month, the new prosecutor commenced her nine year term. Last week, the court delivered its first sentencing judgment. At this juncture, there is much cause for retrospection to uncover lessons learned and best practices. But the big question yet to be addressed by the court is: what is the impact of these efforts, or in other words, what is the ICC's legacy?



The ICC has now completed its first decade of operations. What is the impact of these efforts?

Photograph: Robin Utrecht/EPA

Legacy is a concept that has been applied to previous international tribunals. Its exact definition is debated but generally it encompasses the notion that an international court ought to have a lasting impact beyond the litigation of specific

atrocities cases. Beyond this generalisation, there are two contrasting visions of what legacy means.

The more conservative definition limits legacy activities of international tribunals to strengthening the rule of law in communities recovering from conflict. This narrower concept of legacy emphasises enhancing national capacity to conduct domestic trials, in part by using international trials as a "demonstration" of model prosecutions. This approach prioritises activities such as knowledge transfer between international and national staff, training and facilitating legal reform, and is typically supported by those financing international institutions, such as the United Nations and national governments.

A broader approach to legacy tends to place greater demands on international justice in facilitating the path towards peace. This sentiment is reflected in the preamble to the Rome statute which specifically recognises that accountability and stability are inexorably intertwined insofar as "grave crimes threaten the peace, security and well-being of the world". Other tribunals established prior to the ICC, such as the UN tribunal investigating the Rwandan genocide, were established under the expectation that prosecutions would "contribute to the process of national reconciliation". This more ambitious approach is generally pushed by civil society to advance initiatives outside the courtroom, such as the construction of the Peace Museum documenting the civil war in Sierra Leone.

As yet, there has been little discussion of the extent to which these different concepts of legacy should apply to the ICC. This is an unfortunate example of not learning from past mistakes. Prior international tribunals were also late to consider the broader impact of their efforts – including those for the former Yugoslavia, Rwanda and for Sierra Leone – and only seriously began addressing the issue of legacy once they were required to define their strategies for the completion of their mandates.

The ICC requires a new conceptualisation of legacy. Unlike past UN tribunals, the ICC is the first permanent international court and the first court with global application. It was established by treaty instead of a UN resolution or agreement, and it has 121 state parties to its statute.

At first blush, it appears that a permanent court might not require consideration of legacy because its operations do not cease and therefore there would not be any requirement for a completion strategy nor an assessment of the court's impact. However, ultimately the court will disengage from certain countries under investigation once trials are completed, and it is essential to start thinking about such scenarios earlier rather than later.

Similarly, it could be argued that the global reach of the ICC ensures that it might not be possible to devise a singular legacy strategy for the entire court. It is indeed important that tailor-made legacy strategies be elaborated for each country, which must be planned from the beginning of the interaction with a given country, in consultation with key stakeholders, particularly with victims. However, there are strategies linked to legacy that apply to all of the court's operations.

Central to the definition of legacy for the ICC is the concept of complementarity. The Rome Statute is premised upon the notion that the ICC is a court of last resort which "complements" domestic jurisdictions. Under this principle of complementarity, the ICC is specifically mandated to facilitate national courts in pursuing international crimes. Thus complementarity strengthens the rule of law within the narrower vision of legacy, without excluding scope for proposing broader legacy objectives.

But if complementarity offers great promise in theory, it has been underutilised by the ICC in practice. There have been some training conducted by the ICC with local practitioners but this has not been consistent nor is it apparent that this has been implemented in accordance with a broader legacy strategy or policy. The secretariat to the assembly of state parties (the body of states which have accepted the ICC's jurisdiction) has been mandated to facilitate the actualisation of complementarity but to date the most feasible proposal has been a website for information sharing which has yet to be launched. In 2009, some state parties to the ICC made pledges on how they would facilitate complementarity which have yet to be reviewed by the assembly.

In terms of conceptualizing legacy more broadly, there may be concerns that stepping beyond complementarity could lead towards a wishlist that alienates donors who are already struggling to pay for justice in austere economic times. However, it is critical to emphasise that victims concerns are central to the rationale for the existence of the ICC, and as such, engaging with expectations is central to the objectives of the court. Although consultations and dialogue around legacy may result in demands on the court that are broader than completing trials or facilitating complementarity, it is highly possible that communities may raise broader legacy objectives which are attainable within the remit and budget of the court.

The question of the legacy of the ICC cannot be avoided. To mark the various events surrounding the 10th anniversary of the court, the ICC and the assembly of state parties must act on its complementarity obligations, and engage in proactive public information and outreach campaigns to begin examining its broader impact.