

**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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Salone Times

Tuesday, 24 July 2012

Book On Charles Taylor & The Bitterness Of War Launched

By Komba Fillie & Marilyn King

A book on the former Liberian President Charles Taylor and the Bitterness of Sierra Leone Rebel war was launched on Monday 23rd July 2012 at the British Council Hall, Tower Hill in Freetown title Charles Taylor: "The Bitterness of War".

The book provides significant account of Charles Taylor's involvement and the bitterness of Civil war especially that which happened in Sierra Leone.

Launching the book at the ceremony, one of the greatest writers in the country, Ramon Dé Sou Za-George lauded the effort of the author (Dandeson Smith) for taking his time in going through what he described as great challenges in writing books. He said the book is gaining create consciousness in the mind of Sierra Leoneans to be awakened.

He noted that the war led to underdevelopment and created negative impact in the lives of the people in the country. He added that the significance of the book is that it reflects the mind of people as how people went through the unproductive civil war. He encouraged government to use the book in schools, colleges, universities, other institutions and to be available in public library. He encouraged people to promote the authors so that similar books will be produced.

In his statement the Author of the book, Dandeson Smith expressed satisfaction and personal experience he had in publishing the book. According to him much has been said about the war and the man in question who people believe is responsible for the civil war in the country. He said that as a publisher and author of the book, Charles Taylor is an escape goat. He said Charles was not indicted on the ground that he contributed in fueling the civil war in Sierra Leone. He said that Charles Taylor is not responsible for what happened in Sierra Leone since he was not the one going from door to door cutting people's hands and killing innocent civilians. He pointed out that Charles Taylor only made a pronouncement in 1991 that Sierra Leone would taste the bitterness of war. He also made a comprehensive review of the book in all chapters and paid specially thanks to all who contributed to him during his research and launch.

In his welcome address the chairman of the ceremony Patrick M Wilson compared the author to other writers. He said that the author has now been a source of information for students, researchers and other interested people. He called on him to continue in the good spirit.

Justice for All? Forgotten Victims and Africa's Response

By: SEM Contributor

International criminal justice gained fresh impetus following the tragic events in Rwanda and the Balkans in the 1990s. From the ad hoc International Criminal Tribunals for Rwanda and the former Yugoslavia, and the Special Court for Sierra Leone, to the International Criminal Court (ICC), the international community showed that where there is willingness to bring to justice the people responsible for heinous crimes, it can be done. While the verdicts in those trials cannot bring back those who were killed, the trials can help bring a sense of closure to their families.



Since it was established, the ICC has been active primarily in Africa, with all of its current suspects coming from the continent. The court is investigating situations in Central African Republic, Ivory Coast, Democratic Republic of Congo, Sudan, Libya, Uganda, and Kenya. This has led to complaints that it is pursuing justice on a selective basis. This perceived bias against Africans has clearly offended many, particularly African leaders.

It is a completely different story for victims of heinous crimes in Syria, the West Bank and Gaza, Bahrain, and other parts of the world. The world has watched while thousands of civilians have been killed and millions of others forced out of their homes. Yet, there have been no concrete steps to deliver justice to them. While the personal circumstances of victims or the degree of suffering may vary, each victim needs and deserves justice. Yet it smacks of a double standard to address the justice needs of victims of Africa, while neglecting those of victims in other parts of the world.

The majority of situations before the ICC are in fact a result of voluntary requests by the African governments of the countries where the crimes were committed or referrals by the UN Security Council. But as the ICC celebrates its tenth anniversary this year, it is time for the Court and states to reflect more seriously on the crimes and injustice suffered by victims outside Africa. It is time to reposition the justice trajectory to combat the scourge of impunity more consistently across the globe.

The AU's concerns with the ICC and the United Nations Security Council also include a perceived disrespectful manner with which the UN dealt with its application to defer the arrest warrant for President Omar al-Bashir of Sudan. AU concerns have led to the AU calling for its members not to cooperate with the ICC in arrests of sitting heads of state – al-Bashir and Muammar Gaddafi of Libya, when he was still in power. The AU has suggested it might also broaden the mandate of the African Court of Justice and Human Rights (ACJHR) to include prosecution of war crimes, crimes against humanity, genocide, and other crimes prevalent on the African continent, such as mercenary activities.

Regardless of the merits of the AU's concerns, the AU and the UN Security Council perhaps could have managed the situation better. The Security Council could have taken African

states' deferral requests more seriously by deliberating on them in formal sessions. The AU could have expressed its disappointment that the al-Bashir case was not deferred without passing sweeping resolutions not to cooperate in arresting African heads of state who were ICC suspects.

The AU's decision to expand the mandate of the African Court seems to be a clear result of its gripes against the UN Security Council and the ICC and raises important questions. Would it mean that African states would no longer feel the need to participate in the ICC and carry out their cooperation obligations under the Rome Statute that they have assumed? Would it mean that the current cases before the ICC involving situations in Africa would somehow be removed from the ICC's jurisdiction? Would it mean that all African states would no longer see the need for an ICC and thus not make any more referrals to the court?

It is time for the AU, ICC, and UN Security Council to reflect a bit more and take some practical steps forward. There is no point reinventing the wheel. The AU has genuine concerns that need addressing, but setting up an African Court with criminal jurisdiction may not provide a "universal" remedy to impunity gaps.

African leaders should focus more on improving the human rights situation on the continent and promoting complementarity with the ICC, thereby encouraging states to carry out proceedings at the national level. Extending the jurisdiction of the African Court would be too expensive a distraction to afford – at least for now. African leaders should instead sustain efforts to strengthen national accountability mechanisms, while delivering on their human rights obligations under the African Charter on Human and Peoples' Rights.

Ten years after the ICC was established as a permanent court, it should be sure to hear the voices of victims throughout the world. This can be done by pressing for more countries to join the ICC, and by insisting that the UN Security Council refer cases to the ICC whenever the gravest crimes are committed — irrespective of politics.

But African victims also deserve a justice mechanism that will work for them, not struggle to keep itself afloat and potentially be at the whim of African leaders who are responsible for the atrocities against the victims in the first place. The ICC provides that justice mechanism. Just ask victims of post-election violence in Kenya who may not otherwise have seen their leaders made to answer questions about their involvement in the post-election violence. The voices of those victims must also be heard.

By Ibrahim Tommy

Ibrahim Tommy is executive director of the Centre for Accountability and Rule of Law

The New Democrat (Liberia)

Monday, 23 July 2012

Taylor Appeals

Liberia's ex-president Charles Taylor has appealed against his conviction and 50-year jail sentence, intended to be served in a British jail, after he was convicted of war crimes in Sierra Leone, according to the UN-backed Special Court for Sierra Leone.



“Charles Taylor appeals against the judgment and the sentencing judgment... and respectfully requests that (the) appeals chamber reverse all the convictions entered against him,” according to the defense request made public last Thursday by the UN-backed Special Court for Sierra Leone.

Taylor was found guilty in April of war crimes and crimes against humanity during the 1991-2001 civil war in Sierra Leone, for aiding and abetting “some of the most heinous crimes in human history,” the international court said.

He was the first former head of state to be convicted by an international tribunal since the Nuremberg Nazi trials in 1946.

The former warlord was sentenced in May to 50 years in jail after his conviction on 11 counts for arming Sierra Leone's rebels in return for “blood diamonds” during the war that claimed 120,000 lives.

In the appeal document, Taylor's defence said the court had made “systematic errors” in evaluating evidence, and relied on “uncorroborated hearsay evidence as the sole basis for specific incriminating findings of fact”.

The prosecution, which had sought an 80-year jail term for Taylor, has also appealed, according to the court, which is based outside The Hague.

The court had found that Taylor was paid in diamonds mined in areas under the control of Sierra Leone's Revolutionary United Front rebels, who murdered, raped and mutilated their victims as well as forced children to fight and keep sex slaves.

Taylor, 64, maintained his innocence during the trial where scores of high-profile witnesses, including British supermodel Naomi Campbell, testified.

After serving as president of Liberia 1997-2003, Taylor was arrested in March 2006 while attempting to flee from exile in Nigeria where he took asylum after he was forced to quit power in 2003 under international pressure to end the civil war in Liberia.

He was transferred to The Hague in 2006 due to fears that trying him in Freetown would pose a security threat.

The Irish Times
Monday, 23 July 2012

Final case before criminal tribunal

BRIEFS: On today, tomorrow and on Wednesday, the International Criminal Tribunal for Rwanda will hear closing arguments in *The Prosecutor v Ntirabatware*, which is the final case before the International Criminal Tribunal for Rwanda.

The tribunal was established in November 1994 by the UN Security Council to judge people responsible for the Rwandan genocide and other serious violations of international law in Rwanda.

Institute for Security Studies (Pretoria)

Tuesday, 24 July 2012

Mali: Implications of Another African Case As Mali Self-Refers to the ICC

By Otilia Anna Maunganidze & Antoinette Louw

On 18 July 2012, Fatou Bensouda, the prosecutor of the International Criminal Court (ICC), released a press statement confirming receipt of a referral of the situation in Mali by the country's interim Minister of Justice.

In terms of the 13 July 2012 referral letter, the government of Mali alleges that gross human rights violations and war crimes have been committed in the country, especially in the northern region. The alleged crimes include the summary executions of soldiers, rape of women and young girls, killing of civilians, the recruitment of child soldiers, torture, pillaging, enforced disappearances, and the destruction of property (including government buildings, humanitarian installations, religious establishments and gravesites). The prosecutor indicated that her office would conduct preliminary investigations into the alleged international crimes in accordance with the Rome Statute of the ICC.

The referral is the first received by the new prosecutor since she took office on 15 June this year. Notably, Mali is the fifth African country that has formally requested the ICC to investigate crimes in its territory and, if formal investigations are instituted, will be the eighth situation before the ICC - all of which are in Africa. This additional African situation comes at a time when the ICC is under fire for not opening investigations in other parts of the world. Some critics even go so far as to contend that the ICC is targeting Africa.

As the new prosecutor begins her tenure at the ICC, it is widely agreed that one of her office's main challenges is to ensure that the court rebuilds its legitimacy, especially in Africa. To do so the ICC must open formal investigations into situations outside the continent. However, this is easier said than done, as the additional self-referral by Mali - an African country - shows. Although self-referrals do signify support for the ICC by the governments concerned, they are not without their own controversies. For the most part, self-referrals now elicit more scepticism than compliments for the ICC. This has been the case with the self-referrals made by the governments of Uganda, the Democratic Republic of Congo (DRC) and the Central African Republic (CAR), as well as the Côte d'Ivoire case, which - although not a member of the ICC's Rome Statute - requested the ICC's intervention after accepting the court's jurisdiction. In all four cases, allegations are that these requests were intended to cripple government adversaries rather than end impunity for grave crimes, or that the cases represent 'victor's justice' rather than real justice for all sides to the conflict.

Similar criticisms are likely to be levelled at the Mali referral for a number of reasons. Politically, the stakes for control over a new government are now high. The violence that grips the country followed a coup d'état staged by mutinying soldiers. The coup, which began on 21 March 2012 when soldiers seized the presidential palace, state media and other buildings, forced then president Amadou Toumani Touré into hiding and eventually led to his resignation on 8 April. Consequently, the country's constitution was suspended. The situation in Mali prior to and after the coup has been tense. At present, an interim government - comprised mostly of technocrats - that was formed following the resignation of the president is running the country. This situation has been exacerbated by the Tuareg insurgency in the north of the country, where rebels have taken control of most of northern Mali and declared the independent nation of Azawad. The self-referral could thus be characterised as an attempt by the interim government - which is weak and in search of support and legitimacy both locally and abroad - to put down

the rebellion in the north, and eliminate opposition from those who might seek to destabilise a new government.

The political context aside, the Mali referral nevertheless signals welcome and continued support for the ICC and its goals in Africa. First, Mali's decision to refer shows that the government would like to see an end to the commission of international crimes within the country and that it believes the ICC can help in achieving this. Second (and unlike any of the other self-referrals), the Mali referral has the support of the West African region: on 9 July 2012 ECOWAS' Contact Group on Mali (composed of Benin, Burkina Faso, Côte d'Ivoire, Liberia, Niger, Nigeria and Togo) recommended that the situation be referred to the ICC. The seven-country contact group also called for the formation of a government of national unity, having already (on 15 May) released a statement accusing the military junta of blocking the return to civilian rule and threatening to impose sanctions.

With political support from both Mali and ECOWAS in place it is now up to the ICC to proceed in a manner that mitigates the criticisms that have been levelled at the other self-referrals. A procedural and transparent approach that emphasises the requirements of the Rome Statute at every step will assist in this regard. For example, if the ICC initiates formal investigations in Mali, it will be doing so in line with article 17 of the Rome Statute that allows the court to intervene only if the government in the country concerned is unwilling or unable to take action. Noting that Mali's current government is an interim administration, it is unlikely to have the capacity to prosecute the alleged perpetrators itself even if the political will to do so exists. Thus a referral by Mali signifies commitment by the state to end impunity and paves the way for future cooperation with the ICC in respect of investigations and possible arrests. (It is worth noting that this is an important consideration that lends support to cases coming to the ICC via self-referrals: the court lacks its own police force, which means it relies heavily on the cooperation of the states in which it works. Practically, self-referrals are understandably an attractive option for the ICC.)

The 'willing and able' test referred to above forms part of the ICC Office of the Prosecutor (OTP)'s obligations under article 53 of the Rome Statute to determine whether there is a reasonable basis to proceed with an investigation into the situation in Mali. To do this, the prosecution must determine whether the ICC has jurisdiction, whether the matter is admissible, and whether proceedings would be in the interests of justice. If the OTP decides to proceed, it is imperative that investigations cover all sides to the conflict from the outset in order to offset accusations that self-referrals result in victor's justice. These procedures, and their outcomes, need to be publicly explained by the OTP. This is neither an unreasonable requirement nor something foreign to the work of a prosecutor. At the national level prosecutions do not occur in a vacuum, with local courts similarly being vulnerable to abuse by political leaders determined to sideline their opposition. The onus is therefore on the OTP to carefully manage the selection of cases and subsequent investigations and prosecutions. Doing so will help ameliorate negative perceptions about the ICC.

Although it's still early days, the OTP's statement on the Mali self-referral demonstrates an awareness of the sensitivities around these types of cases. In her statement Bensouda outlines clearly the origins of the referral, and the steps, in terms of the Rome Statute, that the OTP will now take to determine whether a formal investigation can be launched. This approach is a good start and should assist the ICC in building its legitimacy despite the addition of yet another African situation to the court's caseload.

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