

**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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International News

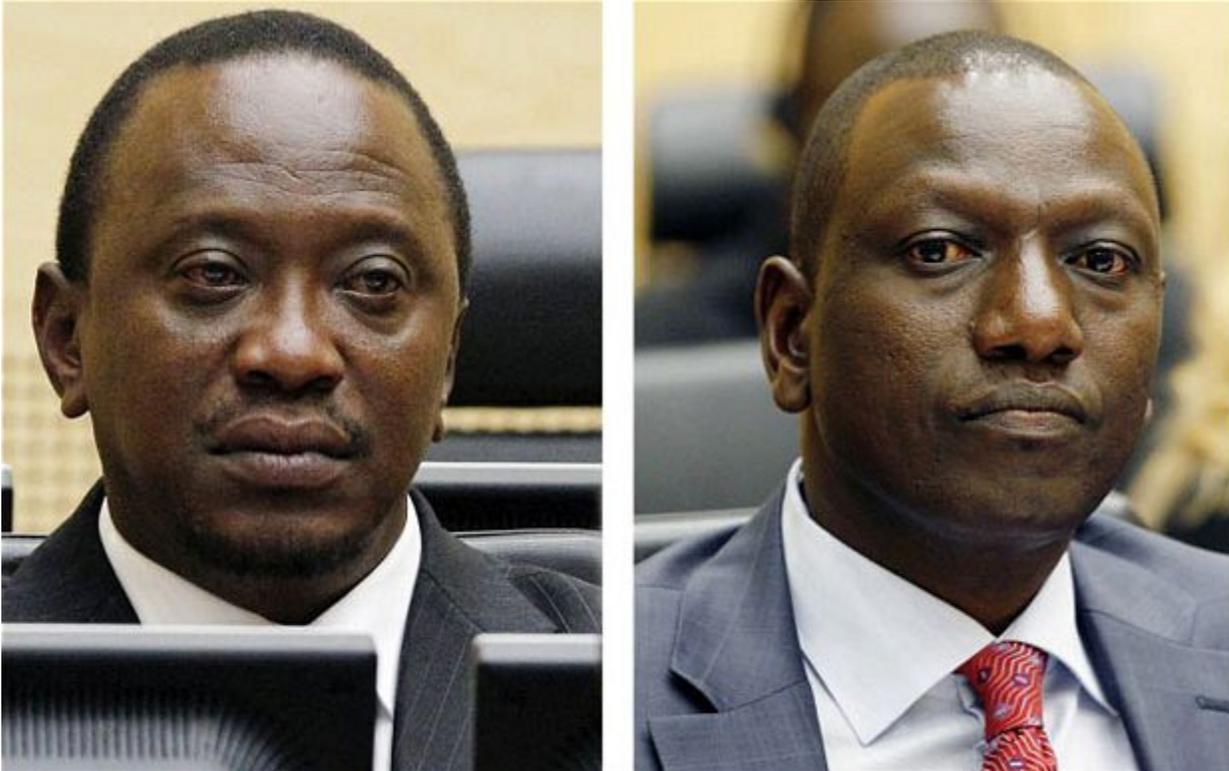
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The Telegraph

Tuesday, 3 July 2012

The International Criminal Court is hurting Africa

Britain's support for the International Criminal Court is wrong and undermines its credibility in African countries, writes Courtenay Griffiths.



Senior Kenyan figures facing International Criminal Court trial
Uhuru Muigai Kenyatta and William Samoei Ruto Photo: AP

By Courtenay Griffiths, QC

Imagine the British Government appointed as minister for Africa a man close friends with a mercenary who attempted to overthrow an African President. Imagine this same minister was fully supportive of an international court that, during its nine-year history, had only prosecuted black Africans. Imagine that this court's most high-profile case, against the deputy prime minister of Kenya, had been based solely on evidence from a single witness chosen by associates of his political opponent, the favourite of the British Government.

This is not a Frederick Forsyth novel, but the dangerous reality of Britain's foreign policy towards Kenya. Henry Bellingham, our Minister for Africa, is a close friend of Simon Mann, the mercenary who tried and failed to orchestrate a coup in Equatorial Guinea. Mr Bellingham has publicly supported the work of the International Criminal Court that has so far only tried black Africans, when, from Libya to Syria, there are many more victims who still await justice.

But as I learnt during my time as chief defence counsel to Charles Taylor, the requirement of international justice is not the *raison d'être* of the International Criminal Court at all. Instead, the court acts as a vehicle for its primarily European funders, of which the UK is one of the largest, to exert their power and influence, particularly in Africa.

Some would argue it is reasonable for countries to exercise their power in foreign countries through legal means. If this is the case, it is surely sensible to support both the institutions and legal cases that might realise this goal. However, Britain's support for the ICC, and in particular our country's funding of the Kenya case, is seriously undermining its credibility and influence in Africa.

The case against Uhuru Kenyatta, the deputy prime minister of Kenya, is of serious concern, not only because of the serious lack of evidence against him, but also because of the methods used to obtain this evidence. The ICC did not directly source witnesses for this case, nor has it done so in any other case heard before the court. Instead it outsourced evidence-gathering to local intermediaries. In the Kenya case, these intermediaries happened to be well known associates of Raila Odinga, the current prime minister of Kenya, and Mr Kenyatta's long-term political opponent.

This case, which revolves around a single witness sourced by those close to Mr Odinga, should set off alarm bells in the Foreign Office. Instead, the FCO has funded the witness protection scheme for the case and given its full support for the trial to proceed.

Britain does not want Mr Kenyatta to be President of Kenya. It sees its interests as best served through the election of Mr Odinga in the forthcoming contest, a peculiar position given Odinga's former support for East Germany and Cuba (his son is named Fidel Castro Odinga). The Western-educated Kenyatta appears a more obvious choice, had the British not been involved in the incarceration of his father.

Jomo Kenyatta, the first president of Kenya, was imprisoned by the colonial administration on charges of facilitating the Mau Mau rebellion against British rule. He was later released from prison following the discovery that his trial witnesses were from sources loyal to the British government.

Fifty years after Kenyan independence from Britain, history is repeating itself. Uhuru Kenyatta is considered likely to win the presidential election scheduled for 2013, not Britain's man Odinga.

For Britain to maintain its influence in Kenya and therefore in Africa it needs to withdraw its support and funding of the Kenyatta case. The FCO can retreat with its honour still intact, while maintaining its support for international justice by calling for a review of the Kenya case – even for its end – if politically unbiased evidence does not materialise.

Britain should encourage other countries that fund the ICC to pay for the witness protection scheme in its place. The parallels between the Jomo and Uhuru Kenyatta cases of funding politically biased witnesses are all too obvious. And Britain should make its impartiality towards the forthcoming Kenyan election explicit. This means inviting all credible Presidential candidates to the UK for discussions with officials at the FCO, not only Odinga, as has been the case for far too long.

It may be possible for Britain to maintain its support for the ICC, despite the criticism that it is a means to exert power for its funders rather than to deliver international justice. But while Britain continues to undermine Kenya's national sovereignty through intervening in its political sphere this will remain unlikely. There, as with other African countries, it is for their citizens to decide who rules them, not any foreign power. And Britain would do well to remember this; Uhuru in the Swahili language means "freedom". If Kenyatta wins the election this may mean that Kenya finally frees itself 50 years after independence from the influence or obligation to its former colonial master.

Courtenay Griffiths QC is a leading international expert in criminal law who acted as Chief Counsel to former Liberian President Charles Taylor at the Special Court for Sierra Leone

New York Times
Saturday, 7 July 2012

Arab Uprisings Point Up Flaws in Global Court



Tawakkol Karman, a Yemeni Nobel laureate, sought justice in the International Criminal Court for protesters killed in an uprising.

By LYDIA POLGREEN / The New York Times

JOHANNESBURG -- It was exactly the kind of case the International Criminal Court was created to investigate: Yemen's autocratic leader was clinging to power, turning his security forces' guns on unarmed protesters. Hundreds were left dead, and many more were maimed.

But when Yemen's Nobel laureate, Tawakkol Karman, traveled to The Hague to ask prosecutors to investigate, she was told the court would first need the approval of the United Nations Security Council. That never happened, and today the former president, Ali Abdullah Saleh, is living comfortably in Yemen's capital, still wielding influence.

Now, as the world confronts increasing evidence of atrocities on a much vaster scale in Syria as President Bashar al-Assad's government battles a growing rebellion, there are signs that Mr. Assad is likely to evade prosecution, much as Mr. Saleh has.

The men have not been prosecuted because they have powerful allies, underlining what critics say are crucial flaws in the court's setup. That now threatens to undermine the still-fragile international consensus that formed the basis for the court's creation in 2002: that leaders should be held accountable for crimes against their own people.

Already, the failure to act against some leaders challenged by the Arab Spring is emboldening critics who see the court as just another manifestation of a deeply undemocratic international order. So-called justice, they say, is reserved for outcast leaders, including an assortment of African officials from weak states with few powerful patrons.

"We have the feeling that international justice is not ruled by law," said Rami Nakhla, an exiled Syrian activist and member of the Syrian National Council, an opposition group. "It is ruled by politics, it is ruled

by circumstances. It depends on the situation, it depends how valuable this person is. That is not real justice."

Since it was created, the International Criminal Court has signed up 120 member states, including many nations that perpetrated or suffered some of the 20th century's gravest atrocities: Germany, Poland, Japan, Cambodia, the Democratic Republic of Congo, Sierra Leone, Argentina and Colombia. The long-held dream of a court with universal jurisdiction that could prosecute crimes against humanity committed anywhere is today closer than ever to being a reality.

Three former heads of state are in custody of international courts, and one, Charles Taylor, has been convicted of war crimes. The International Criminal Court has opened multiple investigations in some of the last decade's worst conflagrations, and convicted one defendant, a Congolese warlord who turned young boys into killers. The trial of a former Bosnian Serb general, Ratko Mladic, is scheduled to resume Monday at the tribunal created to try accused war criminals from the former Yugoslavia.

The International Criminal Court was meant to replace the ad hoc courts created for a single conflict like Sierra Leone and Yugoslavia with a tribunal with global reach to investigate continuing atrocities. But the court does not have truly universal jurisdiction. It can investigate crimes only in nations that have signed the Rome Statute, which created the court, unless the Security Council refers a case.

In the Middle East, where few nations have signed and many have strong allies on the Security Council, authoritarian leaders can proceed with impunity. That threatens to undermine confidence in the entire system.

"So many crimes have been committed here," said Nabeel Rajab, a rights activist in Bahrain, where the royal family, with help from Saudi Arabia and the acquiescence of the United States, has used force to put down a pro-democracy uprising. "But because of the close relationship between Western powers and the government of Bahrain, how can we hope for justice?"

The International Criminal Court began working a decade ago with very low expectations and little support from the major world powers. Three of the five veto-holding members of the Security Council -- the United States, Russia and China -- refused to subject themselves to its jurisdiction. Despite this, it has turned into a touchstone for justice-seekers so powerful that The Hague has become their desired destination for autocrats everywhere. The Security Council allowed the court to investigate Sudan's president, Omar Hassan al-Bashir, who ended up being indicted on charges of war crimes and genocide in Darfur, though the court has been unable to apprehend him.

And in February 2011, the Security Council voted unanimously to ask the International Criminal Court to investigate the Libyan government led by Colonel Muammar el-Qaddafi. The court handed down indictments against Colonel Qaddafi and several top officials, though he was killed in Libya before he could face prosecution.

But the court has not taken action in any other Arab uprising, in no small part because of the ties between the countries involved and veto-holding members of the Security Council. Bahrain and Yemen are allies of the United States, which is not a signatory to the International Criminal Court. Russia and China, neither of which is a signatory, are close to Syria's government, and are likely to block any attempt to refer a case to the court.

"Is Syria the kind of situation that should get the court's attention? Absolutely," said Kevin Jon Heller, a leading scholar of international justice and an international defense lawyer who teaches at the University of Melbourne in Australia. "But there is an inherent selectivity. As long as any country has a patron on the P5," he said, referring to the veto-holding members of the Security Council, "it will never get referred."

For years African countries have complained that the International Criminal Court has focused exclusively on African conflicts. In some ways this was unintentional: the court can investigate only atrocities committed after its creation in 2002, and in that period many of the bloodiest conflicts in the court's jurisdiction have taken place in Africa.

But the African focus shows how tricky the jurisdictional questions are. Much of Africa has ratified the Rome Statute, with notable exceptions like Sudan, Ethiopia and Zimbabwe. In some instances, governments in Africa have referred cases involving rebel groups on their own territory, as in Uganda and the Central African Republic. In others, like the postelection violence in Kenya in 2008, the office of the International Criminal Court prosecutor has used its power to open investigations.

But other situations have escaped the court's reach. At the bloody end of the civil war in Sri Lanka in 2009, 200,000 civilians were trapped on a beach between government forces and the Tamil Tigers. Tens of thousands are believed to have been killed, but the International Criminal Court has never investigated the case. Sri Lanka is a close ally of China. Charges of crimes in Gaza will never be investigated, international justice experts say, because of the ties between the United States and Israel.

The United States never agreed to be subject to the International Criminal Court because of constitutional issues and worries that its citizens, especially soldiers and spies, could be brought before the tribunal. This is no idle fear, given the human rights scandals that have exploded in Iraq and Afghanistan involving United States personnel. Other countries have rejected it as an unacceptable infringement on their sovereignty.

International justice is also slow and expensive, leading some to question whether it is really worth it. The International Criminal Tribunal for the former Yugoslavia was created in 1993, and it is not expected to wrap up its work until 2014. The Special Court for Sierra Leone, which convicted Mr. Taylor, was created in 2002 and has cost hundreds of millions of dollars, leading many people in that impoverished country to wonder whether the money could have been better spent on development.

Debates have raged for years about whether the court, by closing off a graceful exit, makes dictators more likely to fight to the death. Some question whether it is an effective deterrent of war crimes. The court has run into another problem in Libya: the new government seems intent on prosecuting surviving members of the old leadership itself despite deep concerns about the ability to hold fair trials.

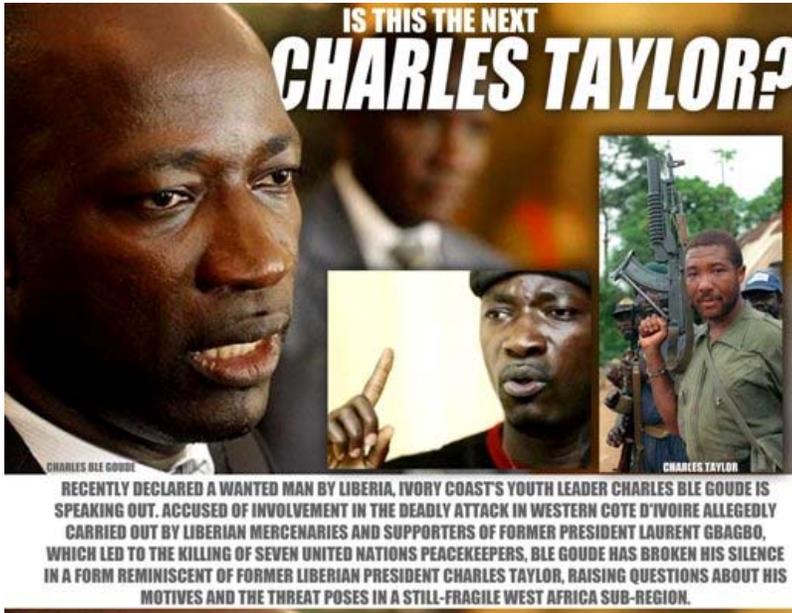
Supporters of the court say it has achieved far more than anyone expected when it was created. "The assumption was the court will take years to come into effect," said Darryl Robinson, a law professor at Queen's University in Canada who worked as an adviser to the International Criminal Court's prosecutor. "And once it is in force it is going to be this court with jurisdiction over Canada and Norway, with nothing to investigate."

Instead, much of the world has signed up, and protesters in Yemen, Bahrain, Libya and Syria have demanded that their leaders be sent to The Hague for trial, testimony to the court's wide resonance. The deeper question is whether the failure to prosecute the autocrats of the Arab Spring will erode faith in the movement toward a truly universal system of international justice.

"For justice to be legitimate, it is essential that it be applied equally to all," said Richard Dicker of Human Rights Watch. "Justice has advanced, and in doing so, the flaws that mark it in today's world become more apparent. The double standard must change for the whole undertaking to retain its legitimacy."

The Next Charles Taylor? Ivorian Fugitive Spells Trouble for Fragile W. Africa

Recently declared a wanted man by Liberia, Ivory Coast's youth leader Charles Ble Goude is speaking



out. Accused of involvement in the deadly attack in western Cote d'Ivoire allegedly carried out by Liberian mercenaries and supporters of former President Laurent Gbagbo, which led to the killing of seven United Nations Peacekeepers, Ble Goude has broken his silence in a form reminiscent of former Liberian President Charles Taylor, raising questions about his motives and the threat poses in a yet, still-fragile West Africa sub-region.

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Monrovia - Charles Ble Goude, a former youth minister in former Ivory Coast's president Laurent Gbagbo's government remains an enigma in the West African sub-region. His whereabouts remain unknown and until he broke his silence last week, many were unsure what to make of the man who once headed the Young Patriots, an ultranationalist youth group implicated in hundreds of killings in Ivory Coast by the watchdog group, Human Rights Watch.

Ble Goude, 40, recently headlined a laundry list of ten individuals the Liberian government declared as fugitives for their alleged involvement in a deadly attack in western Cote d'Ivoire allegedly carried out by Liberian mercenaries and supporters of former President Gbagbo.

The Government of Liberia (GOL) through the National Security Council (NSC) recently ordered the arrest of Gle Goude along with nine persons in connection with "security threats" at the Liberian-Ivorian border. Among those ordered arrested by the Liberian government are: Didier Gbagbo (no link to former Ivorian leader Laurent Gbagbo), Isaac Sayou Chegbo "alias" Bob Marley, Amos Cheyee, and Bobby Sharpee "alias" Julu. The rest are: Ofore Diah, Tailey Gladier "alias" Igwe, Abenego Zleh, Nehzee Barway and "General" Congbe Norman "alias" Col. One Way.

Among ten wanted

According to the Liberian government, the 'wanted men' are persons of interest concerning the conflict in neighboring Ivory Coast' and pose security threats to the two Mano River Union (MRU) countries. "The National Security Council (NSC) has endorsed specific addition measures to the border situation. One of these measures is to order security forces to identify and arrest persons of interest to both countries who maybe within the territory of the Republic of Liberia. Ten (10) individuals have been identified as persons

of interest. Security forces are going out searching for them. We are asking these individuals to turn themselves over," he maintained.

Long before the attack on the UN peacekeepers, Ble Goude had been in hiding for more than a year. The Associated Press reported last week that Ble Goude, through a go-between, broke his silence via telephone from an undisclosed location, similar to what Charles Taylor did during the early days of the Liberian civil war when he made phone calls to the BBC from undisclosed locations. Taylor's lengthy, sometimes combative interviews with the BBC's Robin White became a signature for many holed up in rebel territories awaiting salvation from rebels. In the end, the rebels' arrival for many led to deaths, chaos and loss of families, friends and loved ones.

In May, Taylor was found guilty of aiding and abetting rebels in Sierra Leone during the 1991-2002 civil war. Special Court for Sierra Leone judges said the sentence reflected his status as head of state at the time and his betrayal of public trust. Taylor, 64, insists he is innocent and his lawyer has said he will appeal against the sentence.

While the former Liberian President will probably spend the rest of his life behind bars, recent uneasiness at the Liberia-Ivory Coast border suggest that the West African sub-region remains fragile and Ble Goude appears to be right in the middle of it.

Tied to Peacekeepers' killings

The former Ivorian youth minister has been pinpointed as among the lead players in the recent bloody armed raid took place along the Liberia- Ivorian border. The bloody armed raid left seven U.N. peacekeepers dead. The peacekeepers, all from Niger, died in an ambush near the Liberian border. Eight civilians were also killed in the attack. The soldiers were on patrol south of the town of Tai, in an area where the U.N. has strengthened its presence due to threats of attacks against civilians.

The attacks were preceded by a Human Rights Watch warned that fighters loyal to Ivory Coast's former president Laurent Gbagbo are staging attacks on Ivory Coast from Liberia. The rights group said that about 40 people have been killed in cross-border raids in the past year. For its part, the Government of Liberia (GOL) in response said it has and will continue to pursue a decided policy, which prohibits even an inch of Liberian soil from being used to destabilize a neighboring country. "This policy is repeatedly exemplified in President Ellen Johnson-Sirleaf as Chairperson of the Mano River Union (MRU) and Liberia's participation in numerous regional, continental and global effects for peace, democracy and security," the GOL among other things added in a statement issued in Monrovia early last week.

Now Ble Goude, 40, is speaking out in a bid he says to give his version of events, declaring that he is prepared to face the International Court.

Said Ble Goude in an interview with the Associated Press: "I organized a struggle with bare hands in order to oppose the taking of power by the arms. Madam, is this something that should result in me going to the International Criminal Court?" he said in the telephone interview last week. "I have said it, and I repeat it — If I am asked to go to the ICC, I'm ready to go to the ICC."

The Ivorian fugitive who has been accused of using death squads in an attempt to silence supporters of the democratically-elected president Alassane Ouattara, has refused to accept defeat.

His Young Patriots played a decisive role in creating a climate of terror, erecting barricades and checkpoints where they attempted to identify "enemies of Ivory Coast," meaning supporters of Ouattara. Because Ouattara is from northern Ivory Coast, and one side of his family has roots in Burkina Faso, anyone having a northern name, as well as immigrants from neighboring nations, became targets.

Allegations reminiscent of Liberia's

Dozens of West African immigrants were killed at Young Patriot checkpoints, many of them by first being "necklaced" with a tire and set on fire.

The allegations is reminiscent of Liberia's civil war in which scores of people lost their lives.

Like Taylor, Ble Goude has denied involvement in the killings in Ivory Coast, in the same fashion Taylor denied being responsible for killings in both Liberia and Sierra Leone. "Can you show me a single video, or a single audio, where I asked the youth of Ivory Coast to hurt foreigners?" the Associated Press quoted Ble Goude as saying. "These are vulgar lies, that I deny. It's not true."

Human Rights Watch's report on the post-election period in the Ivory Coast stated that the violence against West African immigrants began in December, immediately after the country's election commission announced that Ouattara had won. However, the attacks intensified markedly in February, following a televised Feb. 25 speech by Ble Goude. In that speech, Ble Goude enjoined his supporters to erect checkpoints "and to check the comings and goings in your neighborhoods and denounce every foreign person who enters."

Both The Associated Press and the BBC reported the speech, and a transcript appears in Human Rights Watch's October 2011 report, as well as in the report of the United Nations Commission of Inquiry. A video clip is available on the website of Djibitv.com.

The Associated Press reported that after that speech, Human Rights Watch documented the gruesome killings of at least 32 immigrants, 14 of whom were gruesomely slain, including by being set on fire. Witnesses said the aggressors made reference to Ble Goude's "order." Ble Goude denies he ever made that speech, or any other that could have fanned the flames of hatred. "What you are saying is totally removed from reality. I never asked the young people to put up checkpoints in order to identify the foreigners — that's not true!" he said.

"The young people they put up checkpoints to see if the people living in their neighborhoods, or in different neighborhoods, are armed or not ... I never asked anybody to put up barricades so as to control the foreigners. This isn't true! It's your own invention."

According to the AP, Ble Goude, during the 40-minute interview, at several points got frustrated and wanted to know why the AP is interested in speaking about the past, rather than the present and pointed to the widespread human rights abuses he says have been committed by Ouattara's regime.

Although his victory at the polls was recognized by all the major world powers, Ouattara was only able to assume power after French and United Nations airstrikes made it possible for Ouattara's fighters to penetrate the security cordon around Gbagbo's bunker. The ex-president was arrested on April 11, and has since been transferred to The Hague where he is awaiting trial.

'Not Dying of Hunger

Since then, Ouattara's security forces are accused of carrying out massacres in areas of the country known to have supported the former ruler.

"Under the eyes of human rights operators, people are being abducted in Ivory Coast. You know very well they are being tortured," said Ble Goude. "No one is daring to speak about this."

The AP reported that Ble Goude called back once during the interview to try to get a clearer line. The bad connection, which at times made it impossible to hear him, suggests that he is not near a major population

center. There have been countless reported sightings of him, and speculation that he is everywhere from Ghana, Liberia and Togo — countries where many Gbagbo supporters fled — to Gambia and Angola, two countries that staunchly supported Gbagbo until the end.

He belied little about his current life, saying only that he "is not dying of hunger." He is also using his time to read, especially the biography of Mandela. He says it is not safe for him to return to Ivory Coast.

"A life in hiding is never normal. The situation that Ivory Coast is living through now is not normal. So I can't have a normal daily existence," he said. "I am reading a lot and I am praying a lot. ... This is a moment of reflection for me. A moment to look back a bit at everything that happened ... It's what I am doing right now."

Regional observers say Ble Goude's emergence and the timing of the recent events in the sub-region cannot be taken lightly especially in the wake of recent activities between the borders of Liberia and Ivory Coast. The Ivorian's rants coupled with the mystery of his whereabouts and that of former Liberian rebel actor Benjamin Yeaten suggest that regional leaders have their work cut out to find a way to fish out those lurking in the shadows of a fragile region, still searching for peace and stability.

Human Rights Watch

Monday, 9 July 2012

Media Advisory

ICC: First Sentence to be Handed Down

(Brussels, July 9, 2012) – The International Criminal Court (ICC) is scheduled to impose its first sentence on July 10, 2012, in the case of Thomas Lubanga, who faces up to 30 years in prison.

Lubanga is the former president of the Union of Congolese Patriots, a Congolese rebel group implicated in many serious human rights abuses. He was the first person arrested and brought before the ICC to be tried. Lubanga was found guilty on March 14 for recruiting children to be soldiers and using them in hostilities in the Ituri district of eastern Democratic Republic of Congo in 2002 and 2003.

The trial chamber, in determining the sentence, will consider the gravity of the crimes, Lubanga's personal circumstances, and any aggravating or mitigating factors. Under the ICC statute, the maximum prison term if the number of years is specified is 30 years. A life sentence may be imposed when justified by the extreme gravity of the crime. The court can also order a fine against the accused. In the case of Lubanga, the ICC prosecutor has asked for a 30-year sentence.

“The sentence against Lubanga should be fair and reflect the gravity of the crimes for which he was convicted,” said Géraldine Mattioli-Zeltner, international justice advocacy director at Human Rights Watch. “Lubanga's sentence is important not only for the victims who want justice done, but also as a warning to those who use child soldiers around the world.”

The decision on the sentence can be appealed.

Lubanga's co-accused, Bosco Ntaganda, continues to elude justice. He has been wanted by the ICC since 2006 for recruiting and using child soldiers in Ituri in 2002 and 2003. Recently the ICC prosecutor requested a second arrest warrant against him for his role in murder, pillage, and rape by the Union of Congolese Patriots in Ituri.

Ntaganda had been allowed to join the Congolese army in 2009 and had been promoted to the rank of general. Ntaganda deserted in March, however, and began a new rebellion. Human Rights Watch has documented Ntaganda's renewed involvement in the recruitment of child soldiers in the province of North Kivu in eastern Congo.