

**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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United Nations Radio

Wednesday, 17 October 2012

<http://www.unmultimedia.org/radio/english/2012/10/special-court-for-sierra-leone-nears-completion-of-mandate/>

Special Court for Sierra Leone nears completion of mandate



Secretary-General visiting Special Court for Sierra Leone accompanied by President Ernest Bai Koroma (sic.)

Secretary-General visiting Special Court for Sierra Leone accompanied by President Ernest Bai Koroma

In less than a year, the United Nations-backed Special Court for Sierra Leone is expected to complete its mandate.

It was established by the United Nations and the government of Sierra Leone to prosecute perpetrators of war crimes during the country's 11-year civil war which started in 1991.

The perpetrators of war crimes included leaders of the Revolutionary United Front (RUF) rebels who gained notoriety for cutting off people's limbs.

It is estimated that about 50,000 people were killed during the eleven-year civil war.

Derrick Mbatha discussed the work of the court with its President Shireen Avis Fisher and the Registrar, Binta Mansaray when they were in New York recently to report to the Security Council.

He first asked Ms. Mansaray, a Sierra Leonean national, about the attitude of Sierra Leoneans towards the court.

BINTA MANSARAY: Sierra Leoneans have a very positive attitude towards the Special Court. Keep in mind, this court was created to assist Sierra Leone to move from war to peace. At the time the court was created, Sierra Leoneans were afraid. They thought that by holding perpetrators accountable for atrocities committed during the war, that could trigger another war. The court reassured them that it is impunity that perpetuates war, not criminal accountability and since the court was established, Sierra Leone's peace has been holding.

How many people have been indicted and convicted by the Special Court, Madam Fisher?

JUSTICE SHIREEN AVIS FISHER: There were 13 people indicted. Eight were convicted; two people died before the process was completed. One person has been convicted but his case is now pending on appeals but there is no final judgement, and one person is at large. We don't know his whereabouts or whether or not he's alive.

And the pending case is that of former President of Liberia, Charles Taylor, right?

FISHER: It is. It's Mr. Taylor's case.

When is it expected to be concluded?

FISHER: Well, that's the estimate that we have for the conclusion of our mandate, which is 11 months and three weeks, we hope.

Now the cases were dealt with in Sierra Leone itself – all of them except that of Charles Taylor. Any particular reason why Taylor's case was in The Hague, Madam Mansaray?

MANSARAY: It was for security reasons. As you know, the border between Sierra Leone and Liberia is very fragile, and Sierra Leone does not have the kind of security apparatus that would support a former head of state trial. It was for security considerations.

Yeah, let's talk about some of the challenges that the Special Court for Sierra Leone has faced. Can you identify one or two?

MANSARAY: Yes. First and foremost, the Special Court is based in the country where the crimes were committed. So witness protection was a great challenge because people would be fearful to come forward and give testimony against perpetrators with whom they live in the same community. But the Special Court created a very robust witness protection programme to make sure that witnesses who have the courage to come before the court and testify suffer no harm.

How did the court do that?

MANSARAY: We had safe houses. Witnesses who are extremely vulnerable were kept in safe houses removed from their own place of residence. Also during court testimony we had measures which such as face distortion, voice distortion, also *in camera* testimony given by the witnesses. We had physical psycho-social counselling for the witnesses. So we have all of these witness protection measures which we took.

Madam Fisher?

FISHER: The other point is that the security that we provide witnesses is before, during and also the trial proceedings, and the Residual Special Court, which will come into being when the Special Court concludes its mandate, will have the responsibility to continue to protect those witnesses.

Madam Mansaray?

MANSARAY: When you talk about challenges, that is one critical challenge that the court faces. Another important challenge is the funding – the financial constraints the court is facing, because the Special Court was based on voluntary contributions.

Let's talk about some of the crimes that were committed by people who stood before the court.

MANSARAY: Well, crimes against humanity, war crimes – it we look at gender crimes that were committed, rape, gang rape and sexual violence, sexual slavery, enforced prostitution, sexual mutilation – a whole range of gender-based crimes were committed against women.

Madam Fisher?

FISHER: The Special Court has been a pioneer in terms of jurisprudence in a variety of areas. Ms. Mansaray has just spoken about gender violence. In addition, we are the first to have concluded that

forced marriage in a war situation is a crime against humanity. We are also the first court to have jurisprudence on the use and recruitment of child soldiers. We have also determined that sexual violence can constitute the crime of terrorism. In addition, we were the first court to deal with the attacks on peacekeepers. We were the first to deal with the problem of amnesty in international law. We were the first to deal with the problem of immunities for sitting heads of state. Mr. Taylor was the first sitting head of state that was indicted since Nuremberg.

I think we can take the court to its conclusion now. What's going to happen to the court, to the infrastructure of the court?

MANSARAY: Well, it's a fantastic court site: 11.5 acres. Part of the court site would be used as a peace museum. Part of the court site would be used – in fact it is being used – to house female detainees. The courthouse itself will go to the national judiciary. The other structures would be used as offices by other institutions.

FISHER: And also the law school.

MANSARAY: Yes, the law school is the classes on our site, yes.

[Transcribed by Outreach and Public Affairs]

The New Dawn

Friday, 9 November 2012

45 Legal Errors Identify in Taylor's Verdict

Lawyers representing ex-President Charles Taylor say they have identified 45 legal errors in his verdict, 42 of which is currently being reviewed by the defense team, Taylor's new lead Defense Counsel, Morris A. Anyah told journalist here Thursday.



He said oral arguments into the Appeals filed by ex-President Charles Taylor against his 50-years sentence on "aiding and abetting" the Sierra Leone brutal civil war is expected to start next January 2013, Closing argument and ruling will be expected around October or November of the same year if the court's schedule stands.

Mr. Anyah claims systematic errors through the

judgment as grounds for appeal against his client's verdict. He said Taylor is resolute and is determined to fight his appeal to the end.

He denounced rumors that Taylor is being ill-treated in The Hague, adding, the ex -Liberian president is physically fit, and his spirituality has kept him going, "anybody who feels Taylor is beaten or ill-treated is making a mistake,"

Taylor, 65, was found guilty of all 11 counts of aiding and abetting the deadly rebel campaign in Sierra Leone on May 30, 2011. He has insisted on his innocence as his lawyers prepared for the hearing which has in between schedules pretrial conferences next month.

Mr. Anyah who maintained that there were flawed in the judgment said parts of the verdict were based on hearsay, with allegations of bribery of prosecution witnesses to testify against the convict.

He also repeated the defense earlier claims that the 50-year jail sentence of his client (Taylor) was hash, especially for the crime of aiding and abetting. He noted that the verdict is not accepted because an individual cannot be given punishment that is equal or more than the doers of the act.

Mr. Anyah stressed the significant Taylor's appeal, saying that this should be the concern of all West African, while encouraging the government of Liberia to stay online with the issue of Charles Taylor.

He added that the future of Liberia is yet to come, and Taylor issue should now be debated here so as to provide the clear understanding to the young people who will take over Liberia afterward.

Taylor was sentenced to 50 years in jail by a UN-backed war crimes court for Sierra Leone on May 30, 2011. He 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.

The Denver Post

Tuesday, 13 November 2012

Liberian Nobel laureate champions nonviolent action outside government

By Bruce Finley

Nobel Peace laureate Leymah Gbowee poses for a photograph Sunday in the lobby of the Burnsley Hotel in Denver. She will give the keynote address Tuesday at the fourth annual PeaceJam Hero Awards Luncheon in the Seawell Grand Ballroom. (Helen H. Richardson, The Denver Post)

When civilians live through war-zone atrocities, they lose fear, enabling resistance as bold as facing down armed fighters, said Nobel Peace laureate Leymah Gbowee.

"There is this numbness. You are living. But your soul has left your body," Gbowee said, reflecting on her experience mobilizing Liberian mothers in fish markets and along warlords' motorcade routes.

Today, the fighters who raped and maimed villagers in Liberia and Sierra Leone still go about as if nothing happened — despite a U.N.-backed special court's conviction of former Liberian President Charles Taylor of war crimes.

And Gbowee still is uneasy.

She shared the 2011 Nobel Peace Prize with current Liberian President Ellen Johnson Sirleaf after her praying, pleading mothers helped end Liberia's 14-year civil war. She is in Denver for PeaceJam's annual Hero Awards Luncheon on Tuesday.

Sirleaf tapped Gbowee to run a government-led reconciliation effort. Gbowee started, on the condition she stay independent of the government — to be credible. She said administration officials announced wrongly that she received government funds, compromising her position, and then refused to correct the error. Last month, Gbowee quit — and spoke out about corruption in Sirleaf's administration.

As a touring laureate, she is championing nonviolent action outside government and rallying hospital supplies and scholarships for girls and boys. She arrived in Denver on Sunday afternoon — needing a winter coat.

"There is no rest for anyone trying to bring about social change," she said as local volunteer Mary Zinn greeted her at a hotel.

This year, Liberians celebrated when Taylor was convicted of aiding and abetting and planning war crimes and crimes against humanity in neighboring Sierra Leone. But fighters who terrorized communities melded back in. Villagers see them and "still have to endure them going about with impunity," she said.

Justice efforts usually "miss the mark" because people cannot identify with the processes, she said. "The International Criminal Court is there, but local people do not understand its functioning."

More promising, she said, may be rural courts, similar to those in Rwanda, where villagers themselves delve into disputes.

To be effective, justice must include reparations, she said. Today, victims whose hands were chopped off must beg for food.

Rather than in governments, power increasingly will be rooted in popular movements, Gbowee said — "in the slums, in communities, inner cities, people going door-to-door, mobilizing, especially women and young people."

The problem is that, once movements elect new leaders, "we relax, and we don't hold them accountable," she said in a telephone interview last week from her home in West Africa. "Checks and balances. That's where the gap is — in the United States, Liberia, Ghana.

"Look at the Arab Spring. How many young people have benefited from policies of those who came into power? And these were the young people who pushed for the change. It's still the big guys in the black suits or in military uniforms who are making the decisions."

Americans working internationally must move beyond the notion "that in Africa the women have begging bowls and sagging breasts and need saviors," Gbowee said. "Come with the mentality that you are on a journey to accompany people, to provide support. You are not coming to lead."

She grew up in Liberia's capital, Monrovia, in a community that kept village traditions, speaking the local language Kpelle. She wanted to be a doctor. When war broke out, she was 17 and fell into abusive conditions.

Medical school never happened. Healing remains her mission.

"Any life that is easy is not a life that is worth living," Gbowee said. "I may not be doing the physical kind of healing. But when I go to communities and listen to women, I am bringing a form of healing to them."

Read more: Liberian Nobel laureate champions nonviolent action outside government - The Denver Post http://www.denverpost.com/environment/ci_21983603/liberian-nobel-laureate-champions-nonviolent-action-outside-government#ixzz2C60kuzym

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Hirondelle News Agency (Lausanne)

Friday, 9 November 2012

Rwanda: ICTR/ Completion Strategy - Rwanda Tribunal 'Expects to Meet Closure Target'

Arusha — The International Criminal Tribunal for Rwanda expects to complete all its judicial activities by the end of 2014, in accordance with a UN deadline, ICTR officials told Hirondelle on Thursday.

To help the Tribunal meet the deadline, the UN set up the Mechanism for International Criminal Tribunals (MICT), which in July took over some of the ICTR's functions.

"According to the current evaluation of the President (of the Tribunal), all the ICTR's judicial activities should be completed around December 31, 2014, as specified," said ICTR spokesperson Roland Amoussouga.

The current President of the ICTR is Danish judge Vagn Joensen.

"According to the President, there are now two main judicial tasks for the ICTR, which are to complete the last first-instance trial, and to clear all other judgments and decisions," said Amoussouga.

The only trial still before a first-instance court is that of former Rwandan Planning Minister Augustin Ndirabatware. A judgment is expected before the end of this year, according to Tribunal forecasts.

The handling of appeals is also "on the right track", according to Amoussouga and should be finished by the end of 2014.

Seven cases involving 17 former Rwandan personalities are currently at the appeal stage. Four are joint cases, while the others all involve one person only.

The furthest advanced is the case of former ministers Justin Mugenzi and Prosper Mugiraneza, who were both sentenced to 30 years in jail by the lower court. The two had their appeal hearing on October 8, and judges are now deliberating their decision.

Dates have not yet been set for appeals hearings in the other cases. Proceedings are being slowed down by translation problems, as documents need translating mainly from English to French, the working language of those concerned.

The most high profile and the most complicated case involves former Minister of Family Affairs Pauline Nyiramasuhuko and five others including her son, Arsène Shalom Ntahobali. Nyiramasuhuko, the only woman indicted by the ICTR, has been convicted for crimes including conspiracy to commit genocide and rape.

Then comes the case of former Rwandan army officers, including the former chiefs of the army and gendarmerie, Augustin Bizimungu and Augustin Ndirindiyimana.

The last joint case involves Mathieu Ndirumpatse and Edouard Karemera, ex-president and vice-president respectively of the former ruling party MRND.

The three cases with one individual involve a former minister, a former army officer and a former mayor.

Amoussouga said it was clear that handling appeals in the joint cases is more complicated but said work was nevertheless proceeding in accordance with ICTR forecasts. "We hope that continues," he added.

Other functions such as the management of ICTR archives, supervision of sentence implementation, witness protection, tracking fugitives and cooperation with national jurisdictions are now in the hands of the MICT. If Ndirabatware appeals, it will also be up to the MICT to handle his appeals case.

Beginning the Justice Process for Syria: The Special Tribunal for Lebanon



JURIST Guest Columnist Gregory Gordon of the University of North Dakota School of Law and Benjamin Brockman-Hawe of the Bosman Law Firm say that some measure of justice could be brought to the conflict in Syria by amending the statute for the Special Tribunal for Lebanon...

Well over one year into the bloody sectarian conflict in Syria, evidence of Assad regime atrocities appears incontrovertible. In September, among other findings, the UN-sponsored Independent Commission of Inquiry on Syria presented evidence that Syrian armed forces were shelling entire cities and neighborhoods indiscriminately and killing civilians on a massive scale. In a sealed list, it ascribed liability to a group of Assad regime officials for war crimes and crimes against humanity. It also urged the UN Security Council to refer the situation to the International Criminal Court (ICC) through its Chapter VII powers.



Unfortunately, though, bringing Syrian perpetrators to justice in The Hague through conventional means may not be possible. Syria has signed but not ratified the Rome Statute and both Russia and China have elected to shield the Assad regime from a Chapter VII referral. At a recent UN Security Council meeting [PDF], Russia suggested it was prepared to veto any proposed resolution that would bring the situation before the ICC. China, for its part, issued a thinly veiled warning that it would block any such initiative.

But blame for this state of affairs does not rest entirely on Russian and Chinese shoulders. The UK and the US have not even attempted to pressure their intransigent colleagues in the P-5 (the five permanent members of the UN Security Council) and neither power has publicly called for the prosecution at the ICC of Assad and his top officials. That leaves France as the sole permanent Security Council member to have called for an ICC investigation into the situation.

But there may be an alternative path to at least partial justice in The Hague. The Special Tribunal for Lebanon (STL) is a Chapter VII court created for the express purpose of trying the killers of former Lebanese Prime Minister Rafiq Hariri. A careful reading of the STL's jurisdictional provision, however, reveals that the Security Council left open the possibility of modifying the STL Statute to bring other crimes within the remit of the Court. Article 1 states:

If the Tribunal finds that other attacks that occurred in Lebanon [...on...] any later date decided by the Parties and with the consent of the Security Council, are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005, it shall also have jurisdiction over persons responsible for such attacks.

The Security Council could modify the statute and then refer the killing of former Lebanese intelligence chief Wissam al-Hassan — believed by many to be a casualty of the Syrian Civil War.

What does the assassination of a Lebanese official have to do with the Syrian Civil War? Consider the circumstances surrounding the crime. In August 2012, al-Hassan arrested a former Lebanese minister for collaborating with high-ranking Syrian officials to assassinate a number of prominent anti-Assad Lebanese public figures. In his subsequent recorded confession, the arrested Lebanese minister allegedly

stated that "[t]his is what Bashar (Assad) wants." Two months after this confession, al-Hassan was killed in a car-bomb explosion bearing a striking resemblance to other recent Syrian-attributed assassination plots targeting prominent anti-Assad Lebanese. Strong evidence suggests these attacks were carried out by Syria's domestic proxy, Hezbollah, four of whose members have already been indicted by the STL in connection with the Hariri case.

An STL referral may be the perfect vehicle to allay Russian and Chinese concerns about international meddling in Syria while bringing to justice persons linked to an important aspect of the Assad regime's criminality. While Russia and China are certain to nix a general referral of the Syrian situation to the ICC, sending the al-Hassan assassination to the STL may prove far more palatable to them. At the moment, there is no "smoking gun" that implicates Syria in the assassination. So sending the matter to the STL may seem relatively innocuous at this point. Potential Sino-Russian sympathy for such a move is already in evidence as both powers recently agreed to a UN press release that emphasized "the need to bring the perpetrators, organizers, financiers and sponsors of [the al-Hassan murder] to justice" and recalled "that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security."

And such a course of action might be advantageous for Russia and China on other grounds as well. In particular, an STL referral would allow the two P-5 powers to deflect some of the bad press they have received for shielding the Assad regime and present themselves as flexible global powers concerned about regional instability. Moreover, both Russia and China have struggled with armed separatist movements inside their own borders, and referring the case to the STL could be presented to their allies as consistent with their longstanding "anti-terrorism" policies.

Apart from side-stepping Sino-Russian obstruction, an STL referral could have other advantages too. In many ways an STL-led investigation — versus one at the ICC — is more likely to result in a successful prosecution. The recent situation in Libya might be instructive in this regard. In the absence of domestic cooperation, the ICC has struggled to obtain custody of indicted Libyan suspects Saif al-Islam Gaddafi and Abdullah al-Senussi. So their cases in The Hague may never proceed. A similar lack of cooperation from Syria and Lebanon can be anticipated in the al-Hassan case. In a worst-case scenario, the STL is at least authorized by Article 22 of its constitutive Chapter VII Resolution to try accused in absentia. While this may raise legitimate due process concerns — although attenuated since in most cases the accused can be re-tried in person if later apprehended — given current regional realities it may be the only way to shed light on the underbelly of the Assad regime in a court of law. And, like Rule 61 hearings at the ICTY (where, in cases of failure to execute arrest warrants, prosecutors present the indictment and supporting evidence in open court), in absentia trials could lead to other, more robust justice efforts. At the same time, given its familiarity with the regional power dynamics, major players and situation on the ground in the Hariri case, the STL is uniquely qualified and better prepared to lead an investigation into the murder of al-Hassan.

Moreover, sending the case to the STL may help placate Lebanon's Sunni population, which clashed in the streets with Assad sympathizers in the wake of al-Hassan's murder. While fears that the assassination would trigger a wave of sectarian violence have dimmed over the past two weeks, an STL referral would still yield important dividends by giving some sense of security to Lebanese concerned that Syria is attempting to reignite its long moribund civil war. Such a desideratum has likely motivated certain Lebanese politicians to call for the STL to be seized of the al-Hassan case. And invoking STL jurisdiction may provide the added bonus of helping deter additional assassination attempts going forward.

Sending the al-Hassan case to the STL can in no way substitute for the larger justice enterprise the Syrian situation warrants. And perhaps the risk of in absentia trials and resultant due process deficits outweigh the salutary effects of any such referral. But as evidence mounts of the Assad regime's bloody handiwork and the Syrian conflagration spreads to neighbor states, initiating an STL case may represent the best

chance of sending an important signal to Damascus and at least beginning the inevitable accountability process.

Gregory Gordon is an Associate Professor of Law at the University of North Dakota, where he also serves as Director of the University of North Dakota Center for Human Rights and Genocide Studies. He teaches in the areas of international and criminal law. Gordon has worked with the Office of the Prosecutor for the International Criminal Tribunal for Rwanda, where he served as Legal Officer and Deputy Team Leader for the landmark "media" cases: the first international post-Nuremberg prosecutions of radio and print media executives for incitement crimes.

Attorney Benjamin Brockman-Hawe has worked at the Special Tribunal for Lebanon, the Special Court for Sierra Leone and the Court of Bosnia and Herzegovina (War Crimes Chamber). He recently accepted a position with a civil rights law firm in New York.

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