

**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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Tuesday, 19 March 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

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The Exclusive
 Tuesday, 19 March 2013

Taylor Wants \$200,000 Pension

Lawyers for former president of Liberia and his wife say he is entitled to retirement benefits to support his family.

The former president of Liberia and convicted war criminal, Charles Taylor, and his wife, Victoria Addison-Taylor, claim they are owed a pension of more than \$200,000 (£128,000) earned during the 111 months since he stepped down from power.

The amount is equivalent to half of what the current president, Ellen Johnson Sirleaf, is paid, plus personal staff and facilities worth \$25,000 a year for the rest of Taylor's life.

Last May, UN-backed court sentenced him to 50 years' jail on 11 counts of war crimes in which he aided and abetted Sierra Leone's rebels during the 1991-2002 civil war.

"President Taylor who is in detention in The Hague has a huge family back

home and, by law, he is entitled to his retirement benefits to support his wife and family," said Sayma Srenius Cephus, a lawyer at Kemp & Associates in Monrovia who is representing the first African head of state to be convicted of crimes against humanity.

"At the moment, Mrs. Taylor is struggling with 12 little children in the home of the former Liberian president and life there is precarious and absolutely condescending and unsuitable for the family of a former constitutional president of our country," Cephus added.

Liberian law provides that former presidents and vice-presidents who are "honourably retired" and no longer employed by the government are entitled to special pension allowances. But Liberians are divided about whether Taylor should qualify.

"Everybody is talking about this. Opin-

ions are very divided," said Wade Williams, a journalist at the Liberian newspaper FrontPage Africa. "Some people are saying that Charles Taylor didn't give anyone benefits whilst he was president of Liberia, so he shouldn't expect benefits himself.

"But others are constitutionalists, and the constitution requires that as a former president, you get half of what the current president is earning, as well as security, diplomatic passports for your children and other benefits."

"Taylor is very popular still in Liberia," said Aaron Dixon, a resident in Monrovia. "If he were to run for election now, he would win. The opposition party is full of Taylor supporters, so this is a political issue." Liberia has a complicated history of unpopular former heads of state. The former president Samuel Doe, who seized power in Liberia in a bloody 1980 military coup and was tortured and killed by rebels a decade later, was awarded his retirement benefits, paid posthumously to his wife, Nancy Doe.

She gave a series of interviews in Liberia in which she told journalists that she was living in poverty. "My children did not go to school. I am sleeping in the dark, no security," she was reported as

saying before she received the payments.

Cephus said: "The widow of the late president Samuel Kanyon Doe, who did not retire but was rather assassinated, filed a petition for a writ of mandamus for the retirement benefits of her late husband and the government of Liberia paid her over \$400,000.

"What is good for the geese is also good for the ganders."

But the Liberian government denies it has any duty to provide the same benefits for Taylor.

"It was out of goodwill that Samuel Doe's wife received support," said a Liberian government adviser, who asked not to be named. "That does not mean that there is an obligation to provide the funds in Taylor's case."

The case is not the first time that Taylor has raised eyebrows with his demands since being arrested by the Sierra Leone special court in 2006 and detained in The Hague, where the court convened specially for his trial.

It has been reported that Taylor has converted to Judaism in detention - receiving regular visits from a rabbi. He has been allowed conjugal visits with his wife, whom he married in 2002, fathering at least one child while in custody.

Awoko

Friday, 15 March 2013

Academics dialogue on the impact of Special Court

The Mass Communication Department in partnership with the Department for International Media Analysis, Research and Consultancy, University of Bedfordshire UK yesterday concluded a one day seminar on the legal and social impact of the Special Court for Sierra Leone (SCSL) as an international tribunal.

The SCSL was established in 2002 through a request by the Government of Sierra Leone to the United Nations to ‘prosecute those that bear the greatest responsibility for serious violations of international humanitarian law committed in the country since November 1996.’

In his keynote address, former prosecutor of the SCSL now Commissioner of the ACC Joseph Kamara, said that one significant development in the field of international criminal law is through the establishment of the Court in the country.

And that the presence of the SCSL, presents an opportunity to engage in activities and also to the efforts to address the root cause of the war in the country.

Joseph Kamara stated that with the Court’s creation, there was quest of the court to tangible impact on the people “such as the poor state of the national judicial system, the absence of the rule of law and the lack of accountability, all contributing factors to the conflicts which plagued the sub-region.”

One of the challenges of the court, he said, is that of its legitimacy, which is very important in making the justice system credible in the eyes of the public and that if the public cannot accept the idea of the court, then the outcome will not be accepted.

Joseph Kamara said that there are a series of legacy that were left by the Court, as it was the first court that gave conviction on the conscription of children in the war and the recognition of sexual violence as an international crime.

The Vice-Chancellor of the University of Sierra Leone Professor Jonas Redwood-Sawyer said that he is confident that the issue surrounding the court is discussed and it will send a positive message to the youths which will bring an end to impunity.

He said the Court has made a lot of social changes, as the court brought to light, issues about the atrocities of the war and how people suffered, women raped and children killed during the war.

Professor Jon Silverman Co- Director of the British Academy stated that the process of the court is not concluded, as the trial of Former President Charles Taylor who is waiting for his Appeals judgment. Adding that the impact of the court is why they are discussing its legacy and writing about it. He said to continue with the partnership, they are planning to set up a forum, wherein academic staff from both Liberia and Sierra Leone will be taken to UK about these issues.

Magistrate Abou Binneh- Kamara, Phd student of USL/ University of Bedfordshire gave a background of creation of the Special Court for Sierra Leone and the role of the media and civil societies through the work of the court.

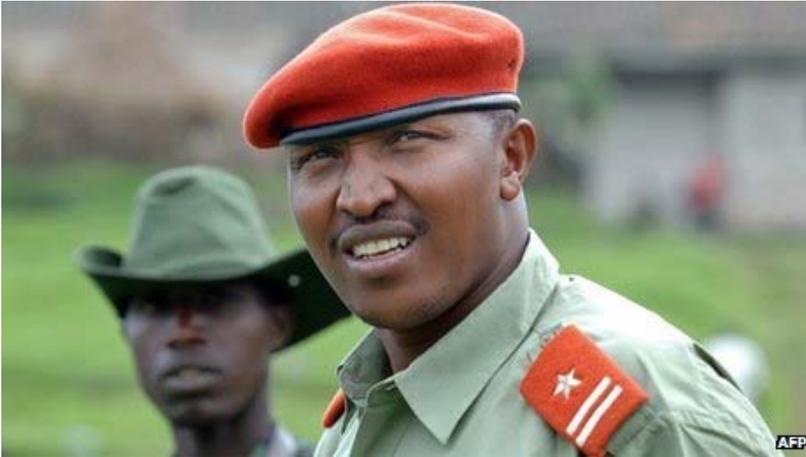
By Betty Milton

BBC

Monday, 18 March 2013

Bosco Ntaganda: Wanted Congolese in US mission in Rwanda

Bosco Ntaganda has been wanted by the ICC since 2006



Democratic Republic of Congo war crimes suspect Bosco Ntaganda has handed himself over to the US embassy in the Rwandan capital Kigali, the US says.

The state department said he had asked to be transferred to the International Criminal Court (ICC).

The ICC issued an arrest warrant for Gen Ntaganda, known as "The Terminator", in 2006.

He denies charges of conscripting child soldiers, murder, ethnic persecution and rape.

Those charges relate to his time as the leader of a militia in the north-eastern DR Congo between 2002 and 2003.

Since then he has fought for other rebel groups in the region, as well as the Congolese army.

Most recently he was believed to be one of the leaders of the M23 rebel group, which is fighting government troops in the east of the country.

'Serious signal'

The United Nations believes the M23 group is backed by the government of neighbouring Rwanda, though Rwanda denies this.

On Sunday, the DR Congo government said Gen Ntaganda, who comes from the Tutsi ethnic group, had fled to Rwanda after he and some of his followers were apparently defeated by a rival faction of the M23 group.

“Start Quote

Bosco Ntaganda is not called 'The Terminator' for nothing”

Sasha Lezhnev Enough Project analyst

"I can confirm that Bosco Ntaganda... walked into the US embassy in Kigali this [Monday] morning," US state department spokeswoman Victoria Nuland told reporters.

"He specifically asked to be transferred to the ICC in The Hague."

The US was now in contact with the ICC and the Rwandan government to "facilitate his request", Ms Nuland added.

Rwanda's Foreign Minister Louise Mushikiwabo said the government was "currently establishing further details on this evolving situation".

"We have just learned that Gen Ntaganda presented himself at the US Embassy early this morning," she said, in a statement.

Neither the US nor Rwanda recognise the ICC.

Rights groups called for the US to transfer Gen Ntaganda to The Hague.

'The Terminator' at a glance

- Born in 1973, grew up in Rwanda
- Fled to DR Congo as a teenager after attacks on fellow ethnic Tutsis
- At 17, he begins his fighting days - alternating between being a rebel and a soldier, in both Rwanda and DR Congo
- In 2006, indicted by the ICC for allegedly recruiting child soldiers
- He is in charge of troops that carry out the 2008 Kiwanji massacre
- In 2009, he is integrated into the Congolese national army and made a general
- In 2012, he defects from the army, sparking a new rebellion which forces 800,000 from their homes

"Bosco Ntaganda is not called The Terminator for nothing. If he is at the US embassy, the US should immediately hand him over to the International Criminal Court for trial," said Sasha Lezhnev, senior analyst for the Enough Project in Washington, Associate Press news agency reported.

"This would send serious signals to current and future warlords who continue to perpetrate atrocities in eastern Congo."

BBC East Africa correspondent Gabriel Gatehouse says that if Gen Ntaganda does reach the ICC, many will be hoping he can shed light on the accusations of Rwanda's involvement in the Congolese conflicts, including the backing of the M23 rebels.

Eastern DR Congo has been riven by conflict since 1994, when some of the ethnic Hutu groups accused of carrying out the genocide in neighbouring Rwanda fled across the border.

Gen Ntaganda appears to have been throughout the long conflict, fighting for both rebels and government armies.

His military career started in 1990, at the age of 17, when he joined the Rwandan Patriotic Front (RPF) rebels, now the ruling party in Kigali.

In November 2008, international journalists filmed him commanding and ordering rebel troops in the village of Kiwanja, 90km (55 miles) north of Goma in DR Congo, where 150 people were massacred in a single day.

In 2009, he was integrated into the Congolese national army and made a general following a peace deal between the government and rebel troops he commanded.

However, he defected from the army last April, accusing the government of failing to meet its promises.

It is not clear why Gen Ntaganda chose this moment to surrender himself to the ICC, but there are suggestions the split in the M23 movement has made him vulnerable.

Daily Maverick

Tuesday, 19 March 2013

International Criminal Court: A Congolese warlord's last refuge

No one was expecting Congolese warlord Bosco Ntaganda – one of the world's most wanted men – to hand himself over to US embassy officials in Rwanda. But, running out of options, that's exactly what the man they call "The Terminator" did, choosing the relative comforts of international justice over the unpalatable consequences of his declining popularity at home. By SIMON ALLISON.

The International Criminal Court has been unsuccessfully chasing Bosco Ntaganda for quite some time. The leader of a rebel militia in eastern Democratic Republic of Congo, Ntaganda – nicknamed "The Terminator" for very literal reasons – has been evading the court since an international arrest warrant was issued in his name in 2006. He was accused of recruiting children under the age of 15 into his militia, and using them as frontline soldiers. In 2012, a second warrant was issued with even more charges: murder, rape, sexual slavery, pillage and persecution.



None of this seemed to faze Ntaganda or his allies, who ignored the arrest warrants and renewed their hostilities against the Congolese government when that government threatened to enforce them (this was one of several factors behind the recent conflict in eastern Congo). The International Criminal Court, powerless to enforce its own warrants, could only look on helplessly as Ntaganda dined in fancy restaurants in the eastern city of Goma, or played tennis, brazenly thumbing his nose at the international community.

Until Monday morning, when, to the shock of American officials, none other than Bosco "The Terminator" Ntaganda himself strolled into the US Embassy in Kigali, Rwanda, requesting to be handed over to the ICC to stand trial.

"I can confirm that Bosco Ntaganda... walked into the US embassy in Kigali this morning," state department spokeswoman Victoria Nuland told equally surprised reporters on Monday. "He specifically asked to be transferred to the ICC in The Hague." The US, she added, is liaising with the Rwandan government to "facilitate his request".

Nuland did not speculate on why Ntaganda might have given himself up, but it's not too hard to connect the dots and come up with a reasonable hypothesis.

Truth is Ntaganda is not as popular or powerful as he once was. The movement that he played a leading role in, known as M23, is riven by factionalism, and recent reports indicate that this has spilled over into actual conflict between the two competing factions – one led by Ntaganda, another led by General Sultani Mukenga. These two men have never quite seen eye to eye, with Mukenga remaining loyal to former leader Laurent Nkunda, now under house arrest in Rwanda.

Over the weekend, reports emerged which suggested that Ntaganda's faction had been forced to flee M23-held areas of eastern Congo. Take this from Al-Jazeera: "After nearly three weeks of on-and-off fighting between the two factions, hundreds of Ntaganda's men have now fled. Some surrendered to UN peacekeepers in Congo, others to Mukenga's faction of M23, and many ran, along with civilians, into

neighbouring Rwanda. The Rwandan government said it received about 600 combatants, who were disarmed and detained.”

All this left Ntaganda in a bit of a tight spot. Hounded out of eastern Congo, he was short on friends and surrounded by enemies. He could keep fighting a losing battle, risking a messy fate at the hands of Congolese or Rwandan justice or perhaps the more summary, brutal justice (in which he himself is alleged to be an expert) as administered by his former allies. Or he could hand himself over to a rather more comfortable enemy: the International Criminal Court.

As prisons go, the ICC’s detention centre in The Hague is not bad. Not bad at all, in fact. Prisoners awaiting and during trial (if convicted, they are sent to serve their sentence in a another country) enjoy a roomy, private cell in one of the city’s most exclusive areas. In the cell, where prisoners are kept from 21:00 to 7:30, is a bed, desk, bookshelf, cupboard, toilet, basin, telephone (although calls are placed by prison authorities), and TV. During the day, prisoners can mingle with other inmates and are fed three square meals by the prison canteen, which has been criticised in the past for serving vegetables too “al dente” for some tastes. Prisoners have access to multimedia facilities, and can partake in “a series of training, leisure and sports programmes” on offer, according to the ICC’s website.

Contrast this with Al Jazeera’s 2010 report of from a jail in eastern DRC (things haven’t changed much since then): “Prisoners continue to live in extremely cramped conditions, with the jail holding five times more than its 100 inmate capacity... People crowd in tiny rooms while motionless men line the edge of the prison’s courtyard, backed up against latrines that have an overwhelming smell of excrement... In one windowless cell 108 men lay packed side-by-side on threadbare mats on the ground, dozing in the dank surroundings. Plastic bags hanging above their heads carrying each person’s belongings are the only spots of colour. The odour of sweat and other bodily fluids is inescapable.”

If I was Bosco Ntaganda, I know where I’d rather spend the next few years – but there are a few more hurdles to overcome before he can enjoy some telly and a good night’s sleep in his new home. The biggest of these is that the US and Rwanda have to figure out some mutually acceptable way of getting him to The Hague. This is not as simple as it appears. Neither country is a signatory to the Rome Statute which created the international court, meaning they have no obligation towards it. While America will undoubtedly try to comply with the court’s arrest warrant, Rwanda’s position is less clear. The country has, in the past, been very critical of the role of the ICC in Africa, and might have a strong motive for preventing a lengthy, detailed Ntaganda trial, which would shed a lot more light on Rwanda’s oft-denied involvement in facilitating conflict in the DRC.

The cooperation of the Congolese government is also not guaranteed. Although it is doubtlessly delighted that Ntaganda is in someone’s custody, the DRC has repeatedly demanded that it try Ntaganda, and could well reiterate these calls.

These are relatively minor obstacles, however, and the prosecutors at the ICC will be celebrating the chance to prepare a case against one of the DRC’s most notorious warlords. They won’t mind that Ntaganda’s surrender was because of the perception that the ICC offers the softest justice around, and neither should we: fact is, the court offered a way out for Ntaganda that will see him lay down his weapons and answer for his crimes, and that is no small accomplishment. DM

The Jakarta Post

Tuesday, 19 March 2013

The ICC and the commitment to human rights

There were at least two main reasons for the establishment of the International Criminal Court (ICC). First, the world affirmed that the most serious crimes of concern to the international community as a whole namely; the crime of genocide, crimes against humanity, war crimes and crimes of aggression, must not go unpunished and that their effective prosecution must be ensured by taking measures at the international level and by enhancing international cooperation.

Second, since 1948, when the Convention on the Prevention and Punishment of the Crime of Genocide was adopted, the United Nations General Assembly recognized the need for a permanent international court to deal with the kind of atrocities which had just been perpetrated.

This idea of a system of international criminal justice reemerged after the end of the Cold War. Subsequently, an ad hoc international tribunal for serious crimes in the territory of the former Yugoslavia and in Rwanda established by the UN Security Council had the most significant impact on the decision to convene the conference which established the ICC in Rome on July 1998. Currently 122 countries are parties to the Rome Statute.

The Rome Statute recognizes two important principles: non-retroactivity and complementarity. Non-retroactivity means that the ICC has jurisdiction only with respect to events which occurred after the entry into force of its statute on July 1, 2002.

If a state becomes a party to the statute after its entry into force, the court may exercise its jurisdiction only with respect to crimes committed after the entry into force of the statute for that state, unless that state has made a declaration accepting the jurisdiction of the ICC retroactively.

However, the court cannot exercise jurisdiction with respect to events which occurred before July 1, 2002. For a new state party, the statute enters into force on the first day of the month after the 60th day following the date of the deposit of its instrument of ratification, acceptance, approval or accession.

The second most important principle is complementarity which means the ICC does not replace national criminal justice systems — rather, it complements them. States retain primary responsibility for trying the perpetrators of the most serious crimes.

If we fully understand the essence of these two main principles — non-retroactivity and complementarity — the ICC is not a threat to our nation's sovereignty, but an instrument to pursue global justice and security by ending the impunity for the most serious crimes of concern to the international community.

Is there any exception to the principle of complementarity? There are at least four different ways that the ICC can initiate investigation or prosecution.

First, a situation of inability or unwillingness. The ICC can investigate and, where warranted, prosecute and try individuals only if the state concerned does not, cannot or is genuinely unwilling to do so. This might occur where proceedings are unduly delayed or are intended to shield individuals from their criminal responsibility.

In order to determine inability in a particular case, the ICC can only take over the investigation and prosecution if the particular state has suffered a total or substantial collapse in its national judicial system or the system is unavailable thus preventing the state from carrying out its criminal enforcement proceedings.

To date, none of the cases investigated and prosecuted by the ICC have been based on unwilling-or-unable situations.

Second, by request of the UN Security Council. The UN Security Council, acting under chapter 7 of the Charter of the United Nations may also request the ICC prosecutor to investigate any serious crime under the Rome Statute

whenever such crime appears to have been committed in any country. Such referrals have been made by the UN Security Council on Darfur/Sudan on March 31, 2005 and Libya on Feb. 26, 2011.

Third, referral of a situation by a state party. A state party may voluntarily refer a case to the ICC prosecutor to investigate where one or more serious crimes appear to have been committed.

As far as possible, a referral shall specify the relevant circumstances and be accompanied by supporting documents. There have been at least three referral cases to the ICC; from the government of Uganda (2003), Central African Republic (2004) and Democratic Republic of Congo (April 2004).

Fourth, the ICC Prosecutor's Initiative to Investigate (*proprio motu*). The ICC prosecutor may initiate investigations *proprio motu* (on one's own initiative) on the basis of information on crimes within the jurisdiction of the ICC. *Proprio motu* should be based on the seriousness of the information received and there being a reasonable basis to proceed.

If these two elements are satisfied then the prosecutor should request an authorization to the Pre-Trial Chamber, consisting of three independent judges, to get authorization for investigation. *Proprio motu* has been applied so far in Cote d' Ivoire (2011) and Mali (2013).

For Indonesia, which has planned to ratify the Rome Statute as outlined in the National Human Rights Action Plan (RANHAM 2011-2014), two of the four ways for the ICC to initiate investigations namely; the unable-or-unwilling situation, and *proprio motu* (ICC prosecutor's initiative), should be studied objectively and carefully, so as to include intensive consultation with the ICC itself (the ICC president and prosecutors) and relevant state parties, particularly parties from ASEAN who have already ratified the statute: the Philippines, Cambodia and Timor Leste.

The government of Indonesia can commission a team consisting of international law and human rights experts who have not been influenced by any predetermined interests to come up with a strong analysis, especially with regard to how the two issues could impinge on national interests and how the risks could be prevented and resolved.

There are some potential benefits for Indonesia ratifying the Rome Statute: Strengthening our commitment to promoting and protecting human rights at the domestic as well as global level; strengthening Indonesia's commitment to participating actively in creating global peace and security as mandated in the 1945 Constitution; motivating ourselves to protect human rights, uphold the rule of law and strengthen our democratic system through, among other things improving our criminal justice system, and finally widening access to international law and human rights cooperation.

Undoubtedly as a country which is committed to the protection of human rights and an important global player, Indonesia will enjoy benefits from the ratification of the Rome Statute. However, in this context we need to have a clear outline and roadmap for strengthening our democratic system by accelerating the independence of the judiciary, ensuring that the strategy of peaceful social-conflict prevention and resolution as outlined in the law on social conflict handling (Law No. 7/2012) is consistently implemented, and by improving the professionalism, independence and even-handedness of law enforcement.

Close coordination among the executive, legislature and judiciary with support from civil society organizations is a must in order to answer the challenges above.

The writer, a rule of law specialist, is currently deputy head of the President's Delivery Unit for Development Monitoring and Oversight.