

**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

as at:

Tuesday, 26 March 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Standard Times
Tuesday, 26 March 2013

Appeals Chamber Upholds Contempt Convictions against Former AFRC Leaders

A three-judge panel of the Appeals Chamber has rejected the appeals by three former AFRC leaders convicted in September 2012 of contempt for interference with Prosecution witnesses.

The appeal was heard by Justice Emmanuel Ayoola (presiding), Justice Renate Winter, and Justice Jon M. Kamanda.

Ibrahim Bazzay Kamara and Santigie Borbor Kanu (aka: "Five-Five") each appealed against their convictions and sentences of one year and fifty weeks for "knowingly and willfully interfering with the administration of justice" in violation of Rule 77(A) (ii) and (iv) of the Rules of Procedure and Evidence, by interfering with prosecution witnesses who had testified against them in their trial for war crimes and crimes against humanity. Kamara was convicted on two counts of otherwise interfering with a prosecution witness, and for knowingly disclosing the identity of a protected witness. Kanu was convicted on two counts of offering a bribe to a witness and otherwise interfering with a witness.

Samuel Kargbo (aka: "Sammy Ragga"), who pleaded guilty to two counts at his initial appearance in July 2011, appealed what he al-

leged was the trial judge's failure to order protective measures for him. A fourth defendant, Hassan Papa Bangura (aka: "Bombblast"), did not file a proper Notice of Appeal within the extended time granted him by the Appeals Chamber to do so.

In the summary of the decision read out in court by Presiding Judge Justice Emmanuel Ayoola, the Chamber found that many of Kamara and Kanu's grounds of appeal failed to comply with the Special Court's Practice Direction for Certain Appeals, noting that both their form and contents did not satisfy the standard of review for appeals from judgements.

The Judges dismissed Kamara's appeal as "incompetent" on the grounds that his Notice of Appeal failed to stipulate "the grounds on which the appeal was made" (Article 1.1 of the

Practice Direction), or "clearly delineate which filing or part of the filing constitutes grounds and which part of the filing constitutes submissions based on those grounds" (Article 1.2).

"The Appeals Chamber is unable to overlook the fundamental flaw in the Notice of Appeal brought about by the manifest non-compliance with Rule 106(A) and the 2004 Practice Direction," Justice Ayoola said.

The Judges also dismissed Kanu's 27 grounds of appeal against conviction and three grounds of appeal against sentence, finding that "several, if not all, of his grounds of appeal suffer from similar deficiencies to those outlined in Kanu's grounds of appeal.

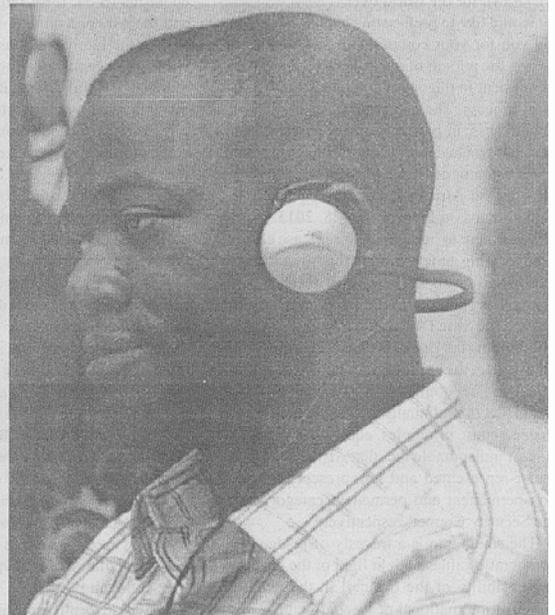
The Judges dismissed Kargbo's appeal as "incompetent" on the grounds that it was not an appeal either against conviction or against sen-

tence, and thus did not fall within the appellate jurisdiction of Appeals Chamber.

"For the foregoing reasons, the Appeals Chamber... dismisses all the grounds advanced by Defence of Samuel Kargbo, Brima Bazzay Kamara and Santigie Borbor Kanu, affirms the sentences imposed on Samuel Kargbo, Brima Bazzay Kamara and Santigie Borbor Kanu by the Single Judge, and orders that the Judgment be enforced immediately pursuant to Rule 102 of the Rules," Justice Ayoola said.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.



BBC

Tuesday, 26 March 2013

DR Congo: Bosco Ntaganda to appear before ICC

The BBC's Anna Holligan in The Hague says many believe Bosco Ntaganda surrendered because it was his best chance of staying alive

Congolese war crimes suspect Bosco Ntaganda is set to appear before the International Criminal Court at The Hague for the first time, following his surprise surrender last week.

Gen Ntaganda, a key figure in the conflict in eastern DR Congo, denies war crimes and crimes against humanity.

At Tuesday's pre-trial hearing he will be informed of the charges - and dates for future appearances will be set.

He faces 10 counts, including rape, murder and using child soldiers.

Gen Ntaganda is the first suspect to surrender voluntarily to the ICC's custody.

He handed himself in at the US embassy in the Rwandan capital Kigali on 17 March and was flown to the Netherlands, where the war crimes court is based.

Known as "The Terminator", he has fought for a number of rebel groups as well as the Congolese army.

'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 allegedly 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
- In March 2013, hands himself in to US embassy in Kigali

Most recently, he was believed to be one of the leaders of the M23 rebel movement, which has been fighting government troops in the east.

He is accused of seven counts of war crimes and three counts of crimes against humanity allegedly committed in Ituri, DR Congo, between 2002-2003.

In the courtroom on Tuesday he will be asked to confirm his identity and tell the judges in which language he would like to follow the proceedings.

They are then expected to set a date for the confirmation hearing, which will determine whether there is enough evidence against him stand trial.

Eastern DR Congo has long suffered from high levels of violence linked to ethnic rivalries and competition for the control of mineral resources.

Human rights groups have celebrated Gen Ntaganda's surrender to the court as a victory for international law and the victims of atrocities in the region.

But some analysts have suggested his surrender was his last resort and only chance of staying alive after splits within the M23 rebels, the BBC's Anna Holligan in The Hague says.

SPYGhana

Tuesday, 26 March 2013

Kenyatta requests charges be dropped in The Hague

By Abayomi Azikiwe

Editor, Pan-African News Wire

Known on the continent as the “African Criminal Court” due to its exclusive indictments, prosecution and persecution of regional leaders, the International Criminal Court (ICC) has refused to drop charges against President Uhuru Kenyatta. Kenyatta was elected by over 50 percent of the people in his country during internationally-supervised polls in early March.

Despite threats from the United States and Britain toward the Kenyan people, the electorate defied the two leading world imperialist countries by placing Kenyatta in office. Kenyatta, 51, is the son of Kenya’s first president and nationalist leader, Jomo Kenyatta, who was a staunch ally of Washington and London during the 1960s and 1970s.

Nonetheless, in the modern period, the imperialist states are bent on total control of political developments in Africa. The U.S. State Department’s top African envoy, Johnnie Carson, has warned the Kenyan electorate that if Kenyatta won the race against former Prime Minister Raila Odinga, that there would be a price to pay.

A similar tone was set by Britain when the Foreign Office said that if Kenyatta won London would maintain relations at a distance. Although both Britain and the U.S. will not subject their political leaders to international scrutiny, they have consistently utilized the ICC and other special courts in the Netherlands to hound African leaders and the former President of Yugoslavia Slobodan Milosevic who refuse to accept dominance by the West.

The pledge to go ahead with a trial by ICC chief prosecutor Fatou Bensouda came as a surprise to many since Kenyatta’s co-defendant Francis Muthaura had all charges dropped against him resulting from the failure of the principal witness to provide testimony. The two had been accused of financing criminal gangs to attack political opponents in the aftermath of disputed elections during 2007-2008.

Kenyatta and Mathaura both have denied the charges. Kenyatta says that he is willing to defend himself before the ICC.

Bensouda told the press that the situation involving the charges against Kenyatta related to witnesses having been intimidated. She said that “Kenya is the most challenging situation we have ever had to deal with.” (AFP, March 21)

Kenyatta’s lawyer, Steven Kay, stressed that the charges against his client should be dropped since the main witness is refusing to testify. Kay says that based on these developments the case should go back to pre-trial phase to determine whether there is even enough evidence to continue.

“To a certain extent we have lost faith in the decision-making as we warned the pre-trial chamber of the quality of the evidence and we were ignored,” Kay said. Later on March 24, the charges against Kenyatta were revised in an effort to provide a legal rationale for continuing with the prosecution of the president.

ICC Continues Tradition

Other leaders under attack by the ICC include Republic of Sudan President Omar Hassan al-Bashir who has refused to acknowledge or recognize the charges filed under the previous prosecutor. President Bashir says that the charges are designed to destabilize his government and country which is not even a party to the Rome Statute which served as the basis for the creation of the ICC.

Also ousted President Laurent Gbagbo of Ivory Coast is currently facing charges before the ICC as well. Gbagbo was overthrown by France in 2011 because he refused to allow the imperialist states and their allies to determine who should be allowed to hold office in the West African country.

Gbagbo has rejected the charges against him and says that he has always been committed to a democratic process of governance. Ivory Coast, a former French colony, is the largest producer of cocoa in the world.

At present his political party is refusing to participate in the elections scheduled to be held in Ivory Coast where Alassane Ouattara, who was backed by the West, assumed power after French military action led to the overthrow and capture of Gbagbo and his forced exile to the Netherlands.

A Special Tribunal on Sierra Leone prosecuted former Republic of Liberia President Charles Taylor and convicted him in 2012 for involvement in a war in a neighboring country. The special tribunal on Sierra Leone attempted to make a case that blamed Taylor for the proliferation of illegal diamond trading internationally, something that has been in existence for centuries and controlled by various imperialist states.

When the U.S. and NATO waged its war to overthrow Col. Muammar Gaddafi and the Jamahiriya in 2011, the ICC indicted Gaddafi and his son Seif al-Islam. Gaddafi was brutally assassinated at the aegis of the White House on October 20, 2011 and Seif was later captured by western-backed militias who still hold him inside Libya.

Although the ICC says that Seif cannot get a fair trial under the existing regime now running Libya, the same body has not filed charges against the General National Congress which is violating the rights of thousands of Libyans and foreign nationals being held illegally inside the country. A delegation sent to Libya in 2012 to investigate the status of Seif al-Islam was held for several weeks by the same militia forces that have illegally detained Gaddafi's son.

Nonetheless, no charges were filed in relationship to this situation and many others now plaguing post-Gaddafi Libya. Earlier in March, a relative of Gaddafi was kidnapped in Egypt and threatened with deportation to Libya without any response from the state department.

The stage was set for the convening of such tribunals and courts in the Netherlands with the coup against former Yugoslavian President Milosevic in 2000. After the overthrow of the leader of the socialist government, which had been largely dismembered by wars supported by the U.S. and other imperialist states, he was kidnapped and held in detention in the Netherlands until his death in 2006.

Most of the cases against leaders in The Hague have been done in a way which advances the interests of imperialism. Yet these same western states are never held accountable for the horrendous war crimes carried out in Afghanistan, Panama, Grenada, Iraq, Iran, Yemen, Libya, Somalia, Zimbabwe and Colombia where millions have died over the last three decades.

The Economist

Monday, 25 March 2013

Laws in translation

THINGS are getting quieter at the International Criminal Tribunal for the former Yugoslavia (ICTY). The court, which was established in 1993 to deal with war crimes in the Balkans in the 1990s, has not indicted anyone since 2004. It is closing down its case docket. Its highest-profile indictee, Slobodan Milosevic, died while awaiting trial in 2006. Just three cases out of 161 are up for trial now. The ICTY was the first international criminal court since the Nuremberg and Tokyo tribunals in the 1940s, and it is now beginning to assess its legacy.

Translating between languages is a hurdle for all of the international courts: the pace of the courtroom can creep, even with simultaneous interpreting. The ICTY is faster than, say, its younger and bigger successor, the International Criminal Court (whose language changes with each case). This is partly because it focuses on one linguistic region. Its purview is mostly limited to three languages—the two working languages of the United Nations, English and French, and what the court terms "BCS": Bosnian/Croatian/Serbian. (For crimes committed in Kosovo and Macedonia, the court temporarily introduced Albanian and Macedonian, but English, French, and BCS form its permanent core.)

The politics of BCS is complex. Some people separate the group into Serbo-Croatian and Bosnian; others distinguish all three. Serbs use the Cyrillic alphabet; Croats and Bosnians the Roman alphabet. There are several major dialects, but these do not line up neatly along ethno-nationalist lines. The Croatian dialects are quite distinct from one another. In any case, the various dialects are all mutually intelligible, the main reason why linguists traditionally considered them a single language. The break-up of Yugoslavia has naturally led to the increased tendency for nationalists to insist that they are distinct. The court brings them all together in official documentation under the label BCS. However they are counted, however, BCS cover essentially all lawyers, judges, defendants and witnesses.

As a result, the ICTY is able to deliver high-quality, quick translations, so fast that translated courtroom exchanges proceed almost as fast as monolingual dialogue. It is a bit like watching a dubbed movie in real life, but at least it is smooth. Some hearings at the International Criminal Court (ICC) are choppy; a dubbed movie whose audio is half a minute out of sync, if you will. BCS typically follows a subject-verb-object structure, making it easier to translate into English (though unlike English it is highly inflected). At the Special Tribunal for Lebanon (STL), also in The Hague, Arabic interpreters work more slowly. Hearings are harder to follow.

Humming busily in the background is an electronic management system, E-court, which was introduced in 2006. Some of E-court's most significant changes involved language in the court. A live transcript (translated into English and French) of the proceedings can be flashed on one of the many computer screens in front of everyone in the courtroom. Parties can challenge the translation immediately, which could be crucial for a case. The translations of testimony and proceedings not in French or English must be kept in those two languages, so accuracy is paramount. E-court also allows witnesses to remain abroad and send their testimony via a video link, with simultaneous translation happening remotely. (This technology is used in the ICC, too.)

Despite BCS's copious use of diacritical marks, the ICTY does not have to deal with a totally different script, as in the ICC or the STL, both of which must work partly in Arabic now. (The ICTY must use Cyrillic to process Serbian documents, but it delivers BCS in Roman. There are brief exceptions: during the Macedonian cases, Cyrillic was used.) At the STL, Arabic proves daunting for Western lawyers tasked with leafing through thousands of pages of handwritten Arabic-language evidence. Doing language tech right isn't easy.

The ICTY's legal legacy will be debated, of course. But as the first court of its kind in 50 years, it seems at least to have dealt well with language, one of international lawyers' biggest sources of difficulty.