

**SPECIAL COURT FOR SIERRA LEONE  
OUTREACH AND PUBLIC AFFAIRS OFFICE**



Congratulations to newlywed Mr. & Mrs. Hamid Dumbuya

**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:**

Monday, 13 May 2013

Press clips are produced Monday through Friday.  
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## The News (International)

Sunday, 12 May 2013

### **Genocide - the gravest crime in international law**

THE HAGUE: Genocide, which former Guatemalan dictator Efraim Rios Montt was convicted of Friday, is the gravest crime in international humanitarian law — and also the most difficult to prove.

Derived from the Greek word “genos”, for race or tribe, and the suffix “cide” from the Latin for “to kill”; genocide is defined by the United Nations as an “act committed with intent to destroy in whole or in part, a national, ethnic, racial or religious group.”

The word was coined in 1944 by Raphael Lemkin, a Polish Jew who took refuge in the United States, to describe crimes committed by Nazi Germany during the Holocaust.

It was used for the first time within a legal framework by an international military tribunal at Nuremberg to try Nazi leaders for their crimes in 1945. However, those accused were eventually convicted on charges of crimes against humanity.

Genocide has been recognised within international law since 1948, with the advent of the UN Convention. The massacre of hundreds of thousands of Armenians in 1915 was recognised in 1985 as genocide by the United Nations. But even though the European Parliament recognised the Armenian genocide in 1987, only France, Switzerland, Belgium and Greece have followed suit in Europe.

The Rwandan genocide, in which the UN said some 800,000 Tutsis and moderate Hutus were murdered in 1994, led to the creation of the International Criminal Tribunal for Rwanda, based in Arusha, Tanzania. It has handed out around 20 convictions since 1998 for the crime of genocide and complicity.

The massacre of almost 8,000 Muslim men and boys by Bosnian Serb forces at Srebrenica, in July 1995 during the Bosnian war, was recognised as genocide by the UN’s highest judicial organ, the International Court of Justice in 2007.

The Balkans war crimes court, the International Criminal Tribunal for the former Yugoslavia (ICTY), has convicted several accused of genocide — and several trials, including that of former Bosnian Serb military leader Ratko Mladic, are still underway.

In Phnom Penh, two former leaders of Cambodia’s Khmer Rouge regime from 1975-79 are currently on trial for genocide and war crimes before a UN-sponsored tribunal.

Sudanese President Omar al-Bashir is wanted by the International Criminal Court (ICC) on an arrest warrant for genocide related to crimes committed against Darfur’s civilian population. The Hague-based ICC, created in 1992, is the only permanent international tribunal to try the perpetrators of genocide.

## Reuters

Saturday, 13 May 2013

### Montt convicted for Guatemala genocide

Former Guatemalan dictator Efraín Ríos Montt was found guilty on Friday of genocide and crimes against humanity during the bloodiest phase of the country's 36-year civil war and was sentenced to 80 years in prison.

Hundreds of people who were packed into the courtroom burst into applause, chanting, "Justice!" as Ríos Montt received a 50-year term for the genocide charge and an additional 30 years for crimes against humanity.

It was the first time a former head of state had been found guilty of genocide in his or her own country.

Ríos Montt, now 86, took power after a coup in 1982 and was accused of implementing a scorched-earth policy in which troops massacred thousands of indigenous villagers thought to be helping leftist rebels. He proclaimed his innocence in court.

"I feel happy. May no one else ever have to go through what I did. My community has been sad ever since this happened," said Elena de Paz, an ethnic Maya Ixil who was two years old in 1983 when soldiers stormed her village, killed her parents and burned her home.



*Former Guatemalan dictator Efraín Ríos Montt is hounded by the media after being sentenced in Guatemala City on Friday.*

Prosecutors say Ríos Montt turned a blind eye as soldiers used rape, torture and arson to try to rid Guatemala of leftist rebels during his 1982-1983 rule, the most violent period of a 1960-1996 civil war in which as many as 250,000 people died.

He was tried over the killings of at least 1,771 members of the Maya Ixil indigenous group, just a fraction of the number who died during his rule.

A throng outside the court chanted "Justice! Justice!" when the guilty verdicts were handed down on Friday.

"They convicted him, they convicted him. I can't believe it," said Marybel Bustamante, whose brother was 'disappeared,' a euphemism for kidnapped and murdered, the day that Ríos Montt took power.

The human rights group Amnesty International hailed it as the trial of the decade.

“He had full knowledge of everything that was happening and did not stop it,” Judge Yasmin Barrios, who presided over the trial, told a packed courtroom where Mayan women wearing colourful traditional clothes and head-dresses closely followed proceedings.

Nobel Peace Prize winner Rigoberta Menchu was among them. “Today we are happy, because for many years it was said that genocide was a lie, but today the court said it was true,” she said.

Barrios has called a hearing tomorrow to discuss compensation for the victims of Rios Montt’s rule.

Rios Montt’s intelligence director, Jose Rodriguez Sanchez, also stood trial, but he was acquitted on both charges.

During the trial, which began on March 19, nearly 100 prosecution witnesses told of massacres, torture and rape by state forces.

At one point, the trial hung in the balance when a dispute broke out between two judges over who should hear the case.

Rios Montt denied the charges in court on Thursday, saying he never ordered genocide and had no control over battlefield operations.

“I am innocent,” he told the courtroom, sporting thick glasses and a grey mustache. “I never had the intent to destroy any national ethnic group.”

“I have never ordered genocide,” he added, saying he took over a “failing” Guatemala in 1982 that was completely bankrupt and full of “subversive guerrillas.”

Former US president Ronald Reagan provided support for Rios Montt’s government and said in late 1982 that the dictator was getting a “bum rap” from rights groups for his military campaign against left-wing guerrillas during the Cold War. He also once called Rios Montt “a man of great personal integrity”.

Defence attorneys said earlier they would appeal if Rios Montt was convicted. They argued that prosecution witnesses had no credibility, that specific ethnic groups were not targeted under Rios Montt’s 17-month rule and that the war pitted belligerents of the same ethnic group against one another.

Rios Montt has been under house arrest for more than a year. The right-wing party that he founded changed its name this year to distance itself from its past.

Guatemala’s civil war ended with peace accords signed in 1996 but the Central American nation remains a deeply divided society with very poor indigenous areas.

President Otto Perez, a former army general during the civil war, says he was part of a group of captains that stood up to Rios Montt.

Declassified US documents from the civil war years suggest Perez was one of the Guatemalan army’s most progressive officers and that he played a key role in an ensuing peace process.

But Perez was himself implicated in war crimes during the trial when one prosecution witness testified that soldiers under his command had burned down homes and executed civilians during Rios Montt’s rule.

Perez has argued that genocide did not take place during the war, underlining the divisions that persist in Guatemala over the conflict, which pitted leftist insurgents against a string of right-wing governments.

Perez, who took office in 2012, is the first military man to run the country since the war ended, and rights groups were concerned he could interfere with human rights trials.

Courts in Guatemala have only recently begun prosecutions for atrocities committed during the conflict.

Until August 2011, when four soldiers received 6,060-year prison sentences for mass killings in the northern village of Dos Erres in 1982, no convictions had been handed down for massacres carried out during the war.

A judge who initially presided over pre-trial hearings cast a new shadow of doubt over the Rios Montt case on Friday when she confirmed a decision she had announced on April 18 to wind back proceedings to November 2011, and void all developments since then.

Prosecutors insist that decision is illegal and are preparing legal challenges to the ruling, while defence attorneys have argued that the decision is binding and the trial should never have proceeded.

### **Genocide: gravest crime in international law**

Genocide, which former Guatemalan dictator Efraim Rios Montt was convicted of, is the gravest crime in international humanitarian law - and also the most difficult to prove.

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The Hague-based ICC, created in 1992, is the only permanent international tribunal to try the perpetrators of genocide.

## RAPSI (Russia Legal Information Agency)

Friday, 10 May 2013

Special Coverage

### **The US State Department's War Crimes Rewards Program takes on a new life**

Ingrid Burke, RAPSI

US President Barack Obama signed off on a law last January offering millions of dollars in rewards for information leading to the arrest, capture, or transfer of certain fugitives, such as those sought for certain horrendous large-scale crimes by international, mixed, and hybrid tribunals, including “new mixed courts that may be established in places such as the Democratic Republic of Congo or for Syria.”

In accordance with the legislative expansion, US Ambassador-at-Large for War Crimes Stephen J. Rapp announced in April the decision by US authorities to place a veritable bounty on the heads of a small handful of accused war criminals long sought by the International Criminal Court (ICC).

In fact, it may have seemed downright disconcerting to many when, citing the expansion of the US State Department's (State) War Crimes Rewards Program, Rapp explained during an April 3 briefing: “We're announcing today that the Secretary of State will offer up to \$5 million for information leading to the arrests, the transfer, or conviction of three top leaders of the LRA, the Lord's Resistance Army: Joseph Kony, Okot Odhiambo, and Dominic Ongwen, as well as the leader of the Democratic Forces for the Liberation of Rwanda, known as the FDLR, Sylvestre Mudacumura.”

#### **The program itself**

State's War Crimes Rewards Program empowers State to offer cash rewards for information leading to the arrest, transfer, or conviction of accused war criminals. The program was initially somewhat limited in scope, extending only to individuals indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the **Special Court for Sierra Leone (SCSL)**.

As explained by Rapp, “[s]ince 1998, our ability to pay these rewards has proven to be a valuable tool for the United States Government to promote accountability for the worst crimes known to humankind, by generating valuable tips that enable authorities to track down the world's most notorious fugitives from justice.”

He added that in the past two years, 14 payments have been made, the largest of these having been approximately \$2 million.

Rapp credited the assistance of the program with the fact that all ICTY indictees have been accounted for, and with the fact that only nine of the ICTR's 92 indictees remain at large. Notably, all nine remain on the list of reward-worthy individuals under the program.

Despite these accomplishments, Rapp pointed to a changing system of international criminal justice in explaining the necessity of reframing the program's scope. That is, as the ICTY, ICTR, and **SCSL** continue to wind down their activities, the program will lose its impact unless it advances to accommodate the new face of international criminal law. As explained by Rapp: “while the program has achieved great success with these three tribunals, it risks becoming obsolete as they gain custody of their last remaining fugitives. To that end, we began to advocate for an expansion of the program to bolster our ongoing efforts to bring other alleged war criminals to justice.”

## The expansion

Early last year, Congressman Edward Royce and now Secretary of State, but then-senator John Kerry introduced legislation aimed at expanding the program.

In a blog article for the Huffington Post written in April 2012, Kerry explained his intentions with specific reference to Joseph Kony: “Next month I’m introducing legislation to expand the War Crimes Rewards Program to target Kony – to take what’s currently a rewards program designed to secure arrests and convictions of terrorists and those trafficking in narcotics but expand it to target the war criminals of today. (Currently, there’s a smaller rewards program related to war crimes, but it is specifically limited to those wanted by special courts for Rwanda, Yugoslavia, and **Sierra Leone**, which are nearing completion).”

Rapp explained during the announcement that both houses of US Congress unanimously approved the bill on January 1 of this year.

On January 15, US President Barack Obama signed off on the legislation, thus officially increasing the scope of the State Department’s authority to offer cash for justice.

In accordance with the recent expansion, the Secretary of State – after consulting with concerned government agencies and notifying Congress – now has the authority to handpick individuals to offer rewards for information on. As explained by Rapp during the initial announcement: “The designated individuals must be foreign nationals accused by any international tribunal, including mixed or hybrid courts, for crimes against humanity, genocide, or war crimes. This includes the International Criminal Court, but also new mixed courts that may be established in places such as the Democratic Republic of Congo or for Syria.”

## Mixed, hybrid, and international tribunals

International justice plays out in a wide variety of courtrooms and tribunals, depending on the needs of a specific situation. According to the United Nations Rule of Law Website and Document Repository, “The principal judicial organ of the United Nations is the International Court of Justice... The Organization also supports other judicial mechanisms, such as the ad hoc criminal tribunals and hybrid tribunals, established mainly to address past international crimes in war-torn societies, and fact-finding/investigatorial bodies. Many of these mechanisms are hybrid tribunals or commissions, involving often mixed national and international composition and jurisdiction. They are set up in cooperation with national authorities under UN auspices and with mandates tailored to the specifics of each situation.”

To illustrate the difference, the **Special Court for Sierra Leone (SCSL)** was established and operated by the joint efforts of the government of Sierra Leone and the UN. This model contrasts that of the ad-hoc tribunals formed to adjudicate the war crimes, crimes against humanity, and acts of genocide committed in Rwanda and the former Yugoslavia. While the hybrid and ad-hoc models are based on the same legal principles, deriving from Chapter VII of the United Nations Charter, the former heavily relies on the contribution of the nation or region directly affected by the atrocities at issue, while the latter is carried out exclusively by the international community.

The ICC was established as the first permanent treaty-based international criminal court. Governed by the Rome Statute, the ICC functions independently of the UN. Thus the court relies heavily on contributions by member governments. According to its website, “Although the Court’s expenses are funded primarily by States Parties, it also receives voluntary contributions from governments, international organisations, individuals, corporations and other entities.”

Touching on the rationale behind its own existence, the ICC's website explains its advantages over the ad hoc system: "In the 1990s after the end of the Cold War, tribunals like the International Criminal Tribunal for the former Yugoslavia and for Rwanda were the result of consensus that impunity is unacceptable. However, because they were established to try crimes committed only within a specific time-frame and during a specific conflict, there was general agreement that an independent, permanent criminal court was needed."

### **Implications for the ICC**

When RAPSI reached out to the State Department for more information on the implications of the expanded program, a State Department official explained with specific reference to the ICC that in spite of the fact that the US is not a party to the Rome Statute, preventing and deterring atrocities is a priority for the US government. Noting the consistency of this point with US foreign policy, the official noted that President Obama's 2010 National Security Strategy had provided for US support of ICC prosecutions where such advances US interests and values.

Still, the official noted that the program is not linked with any specific tribunal, extending rather to all international, hybrid, and mixed courts.

The legislation itself provides that State must notify Congress at least 15 days prior to publicly announcing a reward offer for a foreign national accused of war crimes. While it is unclear whether Congress would have the authority under the legislation to override the selection of a given individual, a State Department official explained to RAPSI that State is prepared to work with Congress on any specific concerns. Still, having worked closely with Congress on the recent expansion, State expects little in the way of Congressional backlash.

### **Kony, Odhiambo, Ongwen, and Mudacumura**

Of the four individuals named by Rapp in his announcement of the program's expansion, Kony, Odhiambo, and Ongwen are currently on Interpol's Red List. All three are sought for their leading roles in the Lord's Resistance Army (LRA), which is accused of having committed atrocities against civilians across Uganda, the Democratic Republic of Congo (DRC), the Central African Republic, and South Sudan. According to State's rewards announcements, "the African Union and United Nations Security Council have repeatedly condemned atrocities committed by the LRA."

Kony, LRA Chairman and Commander-in-Chief, is being sought by the ICC for war crimes and crimes against humanity. According to State's \$5 million reward offer, "Kony is charged with responsibility for war crimes and crimes against humanity, for, among other acts, forced enlistment of children as soldiers through abduction, sexual enslavement, and intentionally directing attacks against civilian populations."

Odhiambo, LRA Major General and Senior Commander, has been charged by the ICC with "responsibility for war crimes and crimes against humanity for, among other acts, forced enlistment through abduction, intentionally directing an attack against a civilian population, and enslavement."

Ongwen, LRA Major General and Senior Commander, has been charged by the ICC with "responsibility for crimes against humanity and war crimes, for, among other acts, murder, enslavement, cruel treatment of civilians, and intentionally directing an attack against a civilian population."

Mudacumura, Supreme Commander of the Army of the Forces Démocratiques de Libération du Rwanda (FDLR), is being sought by the ICC based on having been charged with "responsibility for numerous war crimes for, among other acts, rape, murder, and mutilation."