

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



We regret to announce the death of Esther Yambasu
who was intern in the Outreach section in 2009.

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:

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

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The World Outline

Tuesday, 28 May 2013

Seeking justice in post-conflict Syria

A man eats another's heart, a camera memorializes the act, and the internet spreads news of the crime. The world cries for justice while Syria continues to bleed. While the desecration of the body of a dead soldier is by no means the first or worst act committed during the Syrian conflict, this act's prominence raises an interesting question that no one is asking: what will justice look like in post-conflict Syria?

Ultimately, the nature of Syrian transitional justice depends on how the conflict ends. If Assad is victorious, then the solution is simple. In such a case, his government will round up the criminals, the rebels, the insurgents, and perhaps a few expendable pro-regime militiamen. After a short trial or a secret trial (Syria has a national security court that conducts its proceedings in secret), the detainees will face lengthy imprisonment or torture.

But if the "rebels" prevail in dismantling the current regime, transitional justice becomes more complex. Even if the best case scenarios play out in the aftermath of the conflict, it is improbable that the domestic Syrian courts would be able to adjudicate the many complex criminal trials. Like Rwanda, Yugoslavia, Sierra Leone and other nations scarred by war and atrocity, Syria will most likely rely on an international or quasi-international criminal tribunal to dispense justice.

There are several models, each developed in the aftermath of a specific, unique conflict. Each is introduced and analyzed below.

1. International Criminal Court (ICC)

The international community developed the ICC (in part) so that every conflict would not create another ad hoc tribunal in its wake. Unfortunately for the ICC, its preconditions to jurisdiction foreclose any possibility of any Syrian leaders or fighters facing prosecution in The Hague. The preconditions require that the territory of a state party be the site of the crime or that a national of a state party be the perpetrator. Excepting a few foreign fighters, neither the perpetrators or the locus of the crimes are under ICC jurisdiction. As a result, the international community must turn to ad hoc tribunals (for more information on why the ICC cannot adjudicate the Syrian conflict, see this World Outline article).

2. Purely International Tribunals (ICTR and ICTY)

The International Criminal Tribunals for Rwanda and Yugoslavia formed the basis for modern international criminal law. These tribunals are stationed outside of the locus of the conflict (Arusha, Tanzania and The Hague, Netherlands respectively) and are staffed by lawyers and professionals from all over the world. This model would likely be adopted if there is some sort of UN related mission in Syria or a multilateral military intervention.

Pros: The international tribunals could bring lots of resources and personnel to the conflict, especially because of the complexities of the Syrian situation. Additionally, these tribunals are more impartial and less likely to be influenced by national politics.

Cons: These tribunals can appear meddling to the local populations by depriving them of a sense of ownership over the proceedings.

3. Hybrid International Tribunals (Sierra Leone and Cambodia)

These tribunals, as their name would suggest, would combine the attributes of a purely international tribunal, while simultaneously affording the local population the chance to adjudicate the cases in a purely Syrian court. Like Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia, a Syrian hybrid court could have two chambers; one for “international” crimes or defendants and a domestic chamber for Syrians.

Pros: These tribunals give the local populations a sense of ownership in the proceedings while lending international support and guidance for specific international cases. In essence, it combines the benefits of both an international tribunal and a domestic court.

Cons: While the hybrid tribunal combines the benefits, it also combines the detriments of both models.

4. Domestic Syrian Court with International Assistance (Iraq)

To provide a simple solution, the Syrians could adopt a methodology similar to Iraqi courts: use Iraqi courts, judges, lawyers, and personnel, but receive international legal assistance from willing countries.

Pros: The cost would be minimal and Syrians would have the greatest amount of autonomy over the judicial process. In essence, Syrians would try Syrians.

Cons: The Syrian conflict grows larger and more international with each passing day. Even if Syria would have the personnel and facilities necessary to carry out these prosecutions, there would be fundamental concerns relating to the human and legal rights of the accused. Furthermore, with the increasing sectarian nature of the conflict, there may not be enough impartial personnel to carry out the prosecutions. Finally, if there is some sort of international intervention, the participants in that intervention would probably not entrust the exercise of transitional justice to the Syrians.

Out of the models listed above, the hybrid model would seem the best and most likely solution to the problem of transitional justice. To that end, the international community will have some role in the process, but how large that role is would be a matter of careful consideration of various complex factors.

Photo Credit: FreedomHouse

The Nations

Tuesday, 28 May 2013

In pursuit of criminals!

Last week also saw the conviction of Guatemala's former head of state, Efraín Ríos Montt, aged 86, for genocide — the mass murder of the country's indigenous people. This was the first time, anywhere in the world, that a former head of state has been put on trial for genocide by a national tribunal in his own country. Regrettably, the other day, the constitutional court ordered a partial re-trial. His conviction is still likely.

The International Criminal Court, established to try those accused of carrying out crimes against humanity, may be moving too slowly but cumulatively over the last 15 years there have been many trials (or pending trials) of accused from around the world, some under the auspices of the ICC itself, some under that of their country. This is a new thing. Only at Nuremberg and Tokyo after World War II when the Nazi and Japanese leadership were tried have we seen anything like it. These present day trials have taken place in countries as varied as ex-Yugoslavia, Cambodia, Rwanda (held in Tanzania), Sierra Leone, Chile, Argentina, Guatemala, the UK and, for the ICC, in Holland. (The Africans do not have a point when they complain that the ICC only prosecutes Africans. They should look at this broader picture.) Guatemala may be the worst of all. I remember visiting Guatemala to write for the New York Times back in 1981. I asked Thomas Hammarberg, the head of Amnesty International, which country was the worst practitioner of human rights. "Guatemala", he replied. I then asked him how many political prisoners there were on Amnesty's books. "None", he replied, "Only political killings". The army took no prisoners.

Ríos Montt's regime was not the first to run an alleged murder machine. A number of his predecessors had also done so. In fact, I traced the murders of the 1970s and 80s to the desk of President Lucas García. There was also clear evidence that the US was supplying military training and CIA financial support for leaders of the government. My editorial page column had no effect on Guatemala's regime and was shrugged off by the administration of president Ronald Reagan, which saw Cuban-supported communists under every bed. According to a dispatch in the New York Times last week by Elisabeth Malkin, "Embassy officials trekked up to the scene of massacres and reported back the army's line that the guerrillas were doing the killing". In 1999 the UN Truth Commission found Guatemalan security forces responsible for 90 per cent of the human rights violations.

Only decades later did President Bill Clinton go to Guatemala and make a public declaration of US guilt. (President Barack Obama should do the same in Cambodia whose regime, the Khmer Rouge, killed two million of its own people. It was supported at the UN as the legitimate government by presidents Jimmy Carter and Reagan, along with the Europeans, except Sweden.)

The ex-president of Argentina, Jorge Videla, presided over part of the long military dictatorship, which stretched from 1973 to 1986. Up to 30,000 people were killed in a campaign known as the "Dirty War". In 1985 he was convicted of torture and murder. In 1990, he was pardoned by President Carlos Menem. In 2010 the Supreme Court upheld a 2007 federal court decision to overturn his pardon. Last year in another trial he was convicted of overseeing the systematic theft of around 400 babies from political prisoners. Jorge Miguel Vivanco, director for Latin America of Human Rights Watch, said recently that Videla "was arrogant to the end and unwilling to acknowledge his responsibility for the massive atrocities."

Do these trials and convictions, whether nationally or internationally conducted, have any effect on deterring future would-be war criminals? Nobody for sure knows. One can surmise that the military junta that ruled Burma for decades decided on its recent political liberalisation partly because of the fear of ICC prosecution. It's also fairly clear that the recent general election in Kenya that was won by Uhuru

Kenyatta, who has been charged by the ICC for crimes against humanity, was conducted peacefully, unlike the last murderous one, because of the Sword of Damocles hanging over him.

Moreover, there may be others who decided or will decide to pull back after wanting to torture and murder in pursuit of their political ambitions, because they fear ICC punishment. The ICC has already proved that it has a long arm.

May it be long enough. May it win the battle against crimes against humanity.

The writer is a veteran foreign analyst. Courtesy Khaleej Times

The Analyst (Monrovia)

Monday, 27 May 2013

Liberia: Amnesty International Indicts Liberia Again

The Sirleaf Administration, now in its second 6-year term, rose from the ashes of the Liberian civil war to become the pacesetter for its run for democracy, the rule of law, justice, and opportunity for all. For more than six years running, the administration has been hooting its departure from the vices that plunged the nation into the inferno of war and destruction, and observers thought they saw the international community nodding in agreement. But the global rights watchdog, Amnesty International, in its latest country report on Liberia, says the nation is lagging behind terribly. The Analyst has been browsing that report for clues to its conclusion.

"The justice system continued to be inefficient. Access to prisons was restricted and discrimination continued against women and LGBTI people. Forty-one people were extradited to Côte d'Ivoire without due process."

This was the summary statement to AI's 2012 Country Report on Liberia, which dwelled on such subtopics as impunity, death penalty, violence against women and girls; rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people; the justice system; prison conditions; and the plight of refugee and asylum seekers.

The report said one of the contradictions of postwar Liberia was that even though the Special Court of Sierra Leone found former Liberian President Charles Taylor guilty and sentenced him to 50 years in prison for crimes committed in Sierra Leone, no Liberian have been prosecuted for human rights violations committed during Liberia's civil war.

"Most of the 2009 recommendations of the Liberian Truth and Reconciliation Commission (TRC) were yet to be implemented. These included establishing a criminal tribunal for prosecuting crimes under international law, as well as other legal and institutional reforms, and recommendations relating to accountability, and reparations," the report said.

Whether the authors of the AI report took into consideration the compromises that ended Liberia's war chapter after more than a decade of death and destruction and how those compromises affected the implementation of the TRC recommendations, observers say, it is difficult to say.

But the AI report insisted that the failure to implement the TRC report was not the only indicator that the Sirleaf Administration has failed to set Liberia on the proper trajectory for justice and rule of law.

The global watchdog said even though Liberia pledged in 2005 to uphold the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which commits the country to other human rights abuse, it extradited 11 asylum seekers to Ivory Coast without due process.

"The customary international legal principle of non-refoulement was also violated during the extradition process, as was the right to due process of many of the accused. During court proceedings related to the extradition many individuals did not have interpreters, and an appeal against their extradition as well as a habeas petition were pending at the time of their extradition," AI claimed in the report.

Besides, the report says, the Liberia government denied several unnamed asylum seekers "access to asylum proceedings and the UN refugee agency, UNHCR, lawyers, and others were not allowed access to these people to verify their identities or their potential claims to asylum".

The report said similar case is pending for seven adult men and one child who are facing charges in Ivory Coast for murder, rape, and being mercenaries in connection with cross-border attacks that killed seven UN peacekeepers and one Ivorian soldier.

"There are serious concerns about the lack of evidence in both cases. If extradited, they could be at risk of torture or other ill-treatment, unfair trial, arbitrary detention, enforced disappearance or extra-legal, arbitrary, or summary execution," the AI report contended.

On the domestic front the report claimed further that Liberia was still awash with violence against women. Liberian laws have yet to regard as crimes "domestic violence, rape, and other forms of sexual violence against women and girls, including harmful traditional practices, such as female genital mutilation and early marriage".

AI's claims that rape and domestic violence are not prosecuted or prosecutable in Liberian courts, observers say, has cast serious doubt over the seriousness of the report.

"How can any serious international human rights organization of AI's caliber say such a thing? Even the Liberian opposition, which is rivaling over the presidency, cannot spew such untruths about Liberia. Does AI really want the international community, which has representatives in Liberia, to believe this?" wondered one observer regarding the AI claims. He then accused the organization of "stretching the truth to justify its operational grants".

AI said instead of making efforts to improve its image vis-à-vis the upholding of the rule of law and making efforts to protect women and girls in the country, the Liberian parliament, heeding "widespread homophobia", has begun debating an anti-sex freedom bill.

The bill if passed, the AI report said, it would "further criminalize same-sex sexual conduct". It recalled that in July, the Senate voted unanimously to pass an amendment to the Domestic Relations Law of Liberia, which seeks to make same-sex marriage a second-degree felony.

"At the end of the year a vote by the House of Representatives was pending. A second bill seeking to amend the New Penal Code, criminalizing the 'promotion' of homosexuality and imposing long sentences for entering into a work towards abolition of the death penalty, death sentences continued to be handed down in 2012, although no executions took place. The death penalty was retained for armed robbery, terrorism and hijacking offences resulting in death".

The report contended that the ambiguity of the "promotion" clause in the House of Representatives bill has the potential for criminalizing the work of human rights defenders.

"A number of LGBTI people reported incidences of discrimination, harassment and threats based on their sexuality. Many of them also reported that the introduction of these bills, perpetuating the stigma of same-sex relationships, made them increasingly concerned for their safety and frightened to seek government services such as health, security, welfare," the report claimed.

It described Liberia's justice system as "inefficient, under-resourced, and corrupt" and noted that due to lengthy pre-trial detentions and slow court processes, more than 80 percent of those in jail in Liberia were awaiting trial.

"By the end of the year, public defenders were operating in each county, but civil society organizations reported it was still a challenge to find free legal representation," the AI report claimed.

The report praised the government for improving medical care for inmates, but in the same breath criticized prison authorities across the country for providing poor security and imposing harsh conditions, which the reports failed to name.

It quoted unnamed sources as claiming that several inmates blacked out last year in prisons across the country due to failure of prison authorities to allow them adequate time to stay outdoors for "fresh air and exercise".

"In January, a groundbreaking ceremony was held for construction of a new central prison in Montserrado County, which was expected to reduce overcrowding and provide improved facilities, but little progress had been made by the end of the year. Many expressed concern that a new prison would not solve the underlying issues that result in high numbers of pre-trial detainees," the report said.

It noted further that it was difficult to ascertain the conditions of inmates in Liberian prisons because the government, responding to its 2011 report on prison conditions in Liberia, has restricted access of national and international organizations to prisons and prison data.

"By the end of the year, the government had failed to make public a report by the UN Subcommittee on the Prevention of Torture, following a 2011 visit to inspect places of detention," the AI report said.

Revealing more on the plight of refugee and asylum seekers, the report said the government has so far extradited 41 persons to Ivory Coast in June 2012 at the request of the Ivorian government.

It said the government did so despite the expressed fears of UN agencies, human rights organizations, and others that the individuals would be at risk of torture or other ill-treatment and unfair trial.

The report said the Liberian government accused and arrested the 41 in 2011 on suspicion of attempting to cross into Côte d'Ivoire from Liberia with weapons.

The Liberian government has yet to respond to the report. It was not clear by press time last night whether the government has intentions to respond to the scathing allegations that many say are likely to throw a monkey wrench into the nation's relations with the human rights communities.

Incidentally, according to observers, strained relations with the human rights community often affective negatively, relations with the economic community that includes donors, lending financial institutions, and foreign investors.

The New Dawn (Monrovia)

Monday, 27 May 2013

Liberia: Confessions of Senator Prince Y. Johnson

By Bai M. Gbala

Opinion

Introduction

Dated Monrovia, Liberia, May 23, 2013, the New Dawn reported that "PYJ" (as the Senior Senator from Nimba County is widely called by friends and admirers) "confesses" to a litany of electoral, political transgressions in the Nimba County, senatorial elections of 2011. The Senior Senator, now former Flag Bearer of the political party, National Union for Democratic Progress (NUDP), is quoted as saying that some Nimba County, members of the NUDP, Independents and National, Political Notables/Heavy weights were closely involved in this electoral fraud, including the former chairman of the NEC, the Honorable James Fromayan.

Our commentary/intervention is as much a reflection on past confessions/revelations, the facts of history of our recent past and the prevailing, political shenanigans in our country.

The Commentary

During and after our civil war tragedy, I wrote several articles (including such articles as The Legacy of a Rebel Leader, Gbala on ULIMO Ethnic Feud, etc., in the Democrat) and condemned, consistently, not only the NPFL insurgency, adventure that threatened our nation and people with military dictatorship, but also, that the NPFL insurgency targeted specific ethnic/tribal groups for elimination. In response, the NPFL, its supporters and sympathizers (they were many in high and low places in government, as we were to learn), noting that I am a member of the ethnic/tribal group (Krahn/Madingo) so targeted who dared to raise the issue, rose in up arms against me, beginning with character assassination and demonization, including plans for my elimination.

Along these lines of approach, as a matter of fact, I was arrested, with 12 others of my Krahn tribal kinsmen, on September 18, 1998, during President Taylor's infamous, Camp Johnson Road "Surgical Operation" against the "Krahn" people. We were "tried, convicted" and sentenced to 20 years on the "one-size-fits-all", politically-motivated and trumped-up charge of Treason. After three, agonizing years at the Monrovia Central Prison, we were released on July 21, 2001, due to political, economic and diplomatic pressures brought on President Taylor by the Liberian people, the UN/International Community and others, led by the United States. We learned later that plans were under way for us to be taken out of the prison compound and executed, under the pretext that we were killed in a shoot-out with security forces during an escape attempt.

Upon release, President Taylor invited me (a friend of ULAA days USA, and former president of ULAA) to the Executive Mansion to apologize; in response, I told the President that there was no need for an apology, because I harbored no hard feelings; prison, to a committed/dedicated politician, is graduate school is the same as graduate study to a determined student.

Thomas Woewiyu' Open Letter

Some five years later, while I was in the United States, the Honorable Thomas Jucontee Woewiyu wrote and published an "Open Letter to Madam Ellen Johnson-Sirleaf", dated August 30, 2005.

In this letter, the former, Grand Bassa County senator, former defense spokesman (Defense Minister), powerful leader/head of the NPFL fighting forces and above all, the No. 2 person (Mr. Charles Taylor being No.1) in the NPFL hierarchy, "confessed" and revealed it all - spine-chilling political intrigues - a tale of meetings, planning, conspiracy, deception, double-cross, assassinations, murders, etc. that reads like a page from *Reflections of A Political Assassin* by a retired or reformed CIA, MI5, or KGB international spy operative. The Honorable Thomas Woewiyu is, also, former President of the Union of Liberian Associations in the Americas (ULAA) and member of the ULAA cadre of the late G. Moses Duopu, Charles McArthur Taylor, the late Tambakai Jangaba, Siahonkron Nyanseor, Bai Gbala and many, many others.

In my commentary on Tom Woewiyu's "confessions"/Revelations (Little Did We expect, September 20, 2005), I held that "No reasonable Liberian, especially one who suffered and bears the scars of the NPFL atrocities, will regard Mr. Woewiyu's confessions as a mark of contrition, patriotism and/or courage. For, in his Open Letter, he admits all of the horrendous acts committed against the Liberian people and nation. Moreover, the story of their deadly exploits in the name and under the banner of "freedom fighters", as told by the Honorable Woewiyu, will eventually come out and catch up with all of them. The fact of Mr. Charles Taylor's battle with extradition to face the UN-backed Court in Sierra Leone is a case in point". Indeed, that prediction came to pass with the conviction and long-term, prison sentence handed to Mr. Charles Taylor at the Hague.

I rejoiced from Honorable Woewiyu's "confessions" because the revelations supported and vindicated me. In that, the "confessions" disclosed the involvement of nationally-distinguished characters that constituted the cast of this deadly, political-power play. According to the Honorable Thomas Woewiyu, the cast included Liberian Political Notables - with names, dates, places, roles, conditions of involvement, etc., etc. - who were the brains behind the NPFL insurgency. Although there were the usual denials of "wrong-doing" and threats of court actions, but nothing of the sort materialized, up to this writing.

The PYJ "Confessions"

Similarly, today, May 2013, the "confessions" of or revelations by the Honorable Prince Y. Johnson, Senior Senator and former Standard Bearer of the NUDP, explodes on the political landscape of the Republic. Of particular concern/interest to and personal, specific vindication of me is that the revelations were and are by one of the major, political party leaders, and that the former chairman of the National Elections Commission, the Honorable James Fromayan was involved in electoral fraud during the 2011, national elections.

Significantly, "as a public servant, observer/commentator on and consistent advocate for reform/transformation of our socio-political order", I wrote a searching, information essay on the constitutionally-defined and prescribed powers of our presidents, entitled, "The Power of the Liberian President", detailed a "listing of the heads or individuals of ministries, agencies of government and state enterprises that are appointed by and serve 'upon the will and pleasure' of a president, one person who is answerable to no one, in accordance with the doctrine of our unitary-structured government".

To capture the essence and critical impact of this power on the individuals so appointed, I gave examples, such as judges, the police and related law enforcement agencies of government, including the National Elections Commission (NEC), a powerful, public policy administrator that referees the acquisition of the nation's presidency, the most powerful position of the land. On this, I wrote (specifically) that "Indeed, the

electoral process is seen by Liberian people as being manipulated and controlled by ruling, political parties. The recent, unusual and un-ceremonial abandonment of his position as chairman of the Nation's National Elections Commission and the secret, un-announced departure to the United States by the Honorable Fromayan, while in the midst of several allegations of electoral fraud is a case in point. What happened, and why?"

To this, the Honorable James M. Fromayan, former Chairman of our nation's NEC, took exceptions and submitted a Rejoinder, an attempted rebuttal/denial, basically, vicious, false and irrelevant allegations.

Today, this day, the PYJ "confessions"/revelations support and vindicate my contentions. The ball is now in the courts of the Honorable James Fromayan and supporters.

ENCA

Tuesday, 28 May 2013

<http://www.enca.com/africa/icc-racist-says-au-chair>

ICC is racist, says AU chair

THE HAGUE - The International Criminal Court (ICC) is racist.

That's according to African Union (AU) chief and Ethiopian Prime Minister Hailemariam Desalegn.

He maintains the ICC is targeting African leaders on the basis of race.



File photo (September 5, 2011) of the International Criminal Court in The Hague. The African Union chairman argued on May 27, 2013 that the ICC is targeting Africans on a racial basis. Picture: AFP

Desalegn was quoted as saying, "The process ICC is conducting in Africa has a flaw. The intention was to avoid any kind of impunity and ill governance and crime, but now the process has degenerated into some kind of race hunting."

The AU has, for some time, accused the court of targeting African leaders.

Sudan's Omar al-Bashir is wanted for war crimes and genocide committed in Darfur.

Liberia's former president Charles Taylor was convicted of using child soldiers.

And the court has also gone after recently elected Kenyan president Uhuru Kenyatta.

The court's chief prosecutor Fatou Bensouda is African.

She's consistently denied the AU's accusations.