

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



**PRESS CLIPPINGS**

**Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office**

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Press clips are produced Monday through Friday.  
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Ariogbo

Monday, 10 June 2013

## **Justice George Gelaga King Elected President of the Special Court**

**J**ustice George Gelaga King of Sierra Leone has been elected Presiding Judge of the Appeals Chamber, a post which makes him President of the Special Court. He succeeds Justice Shireen Avis Fisher of the United States, whose term ended on Monday this week.

Justice Emmanuel Ayoola of Nigeria was re-elected to a fourth term as Vice President, and Justice Renate Winter of Austria was elected as Staff Appeals Judge. Justices King, Ayoola and Winter were among the first set of Judges appointed to the Special Court at its inception in 2002, and they will serve in these posts until the Court completes its mandate.

Justice George Gelaga King has been President of the Sierra Leone Court of Appeal and of Court of Appeal of the Gambia. He served as Sierra Leone's Ambassador to France, Spain, Portugal and Switzerland from 1974 to 1978, and was at the same time Sierra Leone's Permanent Representative to UNESCO. Between 1978 and 1980 he served as Sierra Leone's Ambassador and Permanent Representative to the United Nations.

Justice King taught law at the Sierra Leone Law School from 1990 to 2005. He is Chairman of both the Sierra Leone Law Journal and the Gambian National Council for Law Reporting, and was a member of the Sierra Leone Council of Legal Education.



He is a Fellow of the Royal Society of Arts. He holds an LLB degree from London University, and was called to the Bar at Gray's Inn, London.

In May 2007, he received Sierra Leone's highest honour when he was named a Grand Officer of the Republic of Sierra Leone (GORSL). He is a "Distinguished Visiting Professor" of Kingston University in Essex, U.K. Justice King has been a Judge of the Special Court for Sierra Leone since 2002. He previously served two terms as President; he was first elected in 2006 and re-elected in 2007.

## The Star (Kenya)

Saturday, 8 June 2013

### Kenya: ICC Judges - Uhuru and Ruto's Fate Lies With These Four

By Nzau Musau

FOUR judges at the ICC are literally holding the future of President Uhuru Kenyatta and deputy President William Ruto in their hands.

The judges- Kuniko Ozaki, Chile Eboe-Osuji, Herrera Carbuccia and Robert Fremr are serving in the two benches announced last month to try the two. Eboe-Osuji will preside in the case against Uhuru and will be assisted by Carbuccia and Fremr.

Ozaki will preside in the case against Ruto but will be assisted by Fremr and Eboe-Osuji. The latter two will therefore have a say in both cases.

None of the judges is from Western Europe. There have been claims that Western powers have a hand in the ICC cases. It would therefore have been politically unwise to appoint Western Europe judges in the cases.

Eboe-Osuji is a Nigerian and was in fact endorsed by the African Union in 2011. The AU has since called on the court to refer the cases back to Kenyan courts.

Carbuccia who has been temporary seconded to the trial chamber from pre-trial is from Dominican Republic. She was endorsed by the group of Latin American and Caribbean states who have close historical ties to Africa.

Ozaki who had been presiding over the two cases before they were split apart is from Japan. She was proposed by the Asian group of ICC member states. Japan is one of the biggest donors to the ICC alongside Germany.

Besides financing the court, the two countries are also the biggest supporters of the ICC for historical reasons. Nuremberg trials and the Tokyo trials tried their nationals over crimes committed during the Second World War.

The fourth judge Fremr is from the Czech Republic. He was proposed for election by Eastern Europe members of the ICC. All the four judges are fairly new at the ICC.

Eboe-Osuji, Fremr and Carbuccia all became judges on March 11, 2012 and the Kenyan cases are their first assignment. Judge Ozaki is the eldest in the court having become a judge on January 2010. She is also involved in other trials besides the Kenyan ones.

#### **Herrera Carbuccia- independent:**

The 57 year old judge is reputed for her independence and is highly decorated according to the ICC website. She holds a doctorate of law and has over 30 years of experience in criminal law, criminal proceedings and administration of justice.

In her home country, she has worked as a prosecutor and a judge. In the bench, she had risen to the level of a president of the Criminal Chamber of the Court of Appeal by 2003.

"She has extensive practical experience in the fields of criminal law, human rights protection, perjury to women and children, the prosecution of crimes of a sexual nature, drug crime, money laundering as well as the elimination of the judicial delay with an emphasis on effective judicial administration to strengthen judicial effectiveness and efficiency," the ICC website says.

The judge has also excelled in academia. She has taught for many years at the National University Pedro Henriquez Urena. In 2003, she was awarded the 'Women's Medal of Merit' in law and justice by the President of Dominican Republic. As a new judge at the ICC and a new entrant into the Kenyan cases, very little is known of her.

### **Chile Eboe-Osuji- Tough and detailed:**

The age-mate of Uhuru's (Born 62) is perhaps the judge to watch in the Kenyan cases. The Nigerian judge is not only sitting in the two cases but is also the presiding judge in the Uhuru case.

His election as an ICC judge in 2012 was dramatic coming in the background of the African states threat of a mass walk-out from the ICC. His election was dramatic in other ways too.

A critic of the ICC mode of selecting judges described Eboe-Osuji's election campaign as "outrageous". He is said to have circulated candy boxes with his image on them declaring "vote for me for a judge at the ICC" at the Assembly of State Parties (ASP).

When the Star bounced these claims to Kenyans who attended the ASP and the Kampala Conference on ICC, they denied it but said it was nothing unusual:

"Election depends on the ability of the candidate, and perhaps more importantly, the state to lobby others to support its preferred candidate," law scholar Dr Godfrey Musila said. Without specific reference to the Nigerian judge, Musila added: "This system, which isn't unique to ICC as an international institution often produces less than qualified candidates as long as they can get the votes."

Betty Murungi opined: "All judges campaign. There is nothing unusual. And the campaigns were not in Kampala at all (there was no election there), they took place at the ASP in December 2012. As I recall, all judges had posters, booklets and CV s printed and handed out. Campaigns are coordinated by state parties themselves for their nationals."

All in all, the judge took his new job at the ICC with gusto and asserted his independence as a member of the trial bench of the two Kenyan cases. The Nigerian went for both the prosecution and the defence alike at the recent status conference.

Perhaps the biggest indicator of Eboe-Osuji's assertiveness and balance is the recent status conference when he took on both the prosecution and the defence in equal measure.

He challenged the prosecution to cite any specific right in the Rome Statute which compels an accused to be present at trial and which could neutralise defence Article 66(1) argument of innocence until proven guilty.

Prosecution's Cynthia Tai struggled to answer but the judge would not let go. He demanded to know what will become of Ruto's right as an innocent person to discharge his deputy President duties if he is compelled to attend full trial at the Hague.

Turning to the defence, the judge took on Ruto's lawyer Karim Khan for harping on Ruto's responsibilities as Deputy President. He asked Khan whether Ruto was compelled to run for the office of deputy President and whether he sought the office after proceedings against him had been commenced.

Eboe-Osuji is a keen listener and has an eye for details. In all the public sittings held thus far, Eboe-Osuji has sought the most of clarifications from the defence. This has in turn had the impact of helping the bench understand the submissions.

Before coming to the ICC, Eboe-Osuji had been the legal advisor to the UN High Commissioner for Human Rights Dr Navi Pillay. The latter is a former judge of the ICC. Eboe-Osuji has also worked as an appeals counsel for the prosecution in the Charles Taylor case at the Special Court for Sierra Leone.

Besides SCSL, Eboe-Osuji has worked at the International Criminal Tribunal for Rwanda in various capacities. As the legal advisor to the UN High Commissioner for Human Rights, he led in the writing of submissions filed on behalf of the High Commissioner in her various amicus curiae appearances in international courts.

He has practised criminal, civil and constitutional law in Nigeria and Canada. He holds a degree in law from the University of Calabar, a masters from McGill University in Canada and a PhD in international law from the University of Amsterdam. Away from law practice, Eboe-Osuji has taught international law as adjunct professor in Canada and is widely published.

**Robert Fremr- experienced:**

Born in 1957, judge Fremr scaled through the ladder of judicial practice in his home country rising to the position of a Supreme Court judge in 2004.

In the year 2006, Fremr joined the International Criminal Tribunal for Rwanda and served there as judge of the Trial Chamber until 2008 and then again from 2010 to 2012.

He represented his country as a member of several expert committees of the Council of Europe, some on organised crimes, corruption and human rights. He also taught and continues to teach criminal law at the Charles University in Prague.

Fremr is also a judge to watch because he will have a say in both the Uhuru and Ruto case, just like Judge Eboe-Osuji. As a new judge and new entrant in the Kenyan cases, not much is known of the judge.

**Kuniko Ozaki- Polite but resolute:**

Polite but no nonsense are perhaps the best adjectives to describe this Japanese judge who has led the trial of both Kenyan cases until fairly recently.

Despite her heavy work-load (she is involved in several other trials), Ozaki took her appointment as the presiding judge in the Kenyan cases with grace and unmistakable sense of duty.

Just like pre trial's Ekaterina Trendafilova, Ozaki did not appear swamped down by the numerous applications from both the defence and prosecution which have come to characterise the Kenyan cases.

It is only until very recently that the enormity of the work load before her was exposed when she applied to the presidency to be eased off one of the Kenyan cases. She however continues to be the presiding judge in the Ruto case.

Born 1956, Ozaki is the oldest of the four judges. She has extensive practical and academic experience in the field of international criminal law and human rights.

She has worked for the Japanese government in various capacities among them Ambassador and Special Assistant to the Foreign Ministry, Director for Human Rights and Humanitarian Affairs in the Foreign Ministry, Director for Refugees in the Justice Ministry and Specialist to the Criminal Affairs Bureau of the Justice Ministry.

From 2006 to 2009, she served as Director for Treaty Affairs for the United Nations Office on Drugs and Crime (UNODC). She has also taught as a professor of international law at the Tohoku University and other universities.

AllAfrica.com  
Sunday, 9 June 2013

### **Kenya: 93 Victims Withdraw Support for ICC Cases Against Kenyatta, Ruto**

Ninety-three victims of Kenya's post-election violence have formally withdrawn support for International Criminal Court (ICC) cases against President Uhuru Kenyatta and Deputy President William Ruto, three months before the trial is scheduled to begin, Kenya's Capital FM reported Saturday (June 8th).

"We wish to withdraw from the case and [ICC] process with immediate effect since we are no longer confident that the process which is going on at the court is beneficial to our interests," said a joint statement from the victims dated June 5th.

The 93 victims are mainly people who lost relatives or were forced to flee their homes during the post-2007 election violence. It is not yet clear whether the victims who withdrew were expected to appear before the court as part of the ICC victim participation scheme.

The court declined to comment on the authenticity of the letter and said further court procedures were necessary before the victims' names could be withdrawn.

The ICC said the victims' withdrawal would have "no consequence" on the case, as the main burden of proving the charges rests with the prosecutor.

## The Daily Star (Lebanon)

Saturday, 8 June 2013

### Official blames STL delays on flood of requests

BRUSSELS: One of the main reasons for the delay in setting a tentative date for the start of trials at the Special Tribunal for Lebanon is the flood of requests the Defense Office has submitted to the prosecution, court officials hinted this week. “[The Pre-Trial Chamber] is now dealing with the ninth or tenth request from one of the defense teams; so we’re only seeing the tip of the iceberg in terms of what the defense is asking the prosecution to give, and the prosecution must give because this is an ongoing obligation,” Christopher Black, one of the legal officers at STL’s Pre-Trial Chamber, told The Daily Star.

Black spoke during a news briefing on STL’s upcoming trial phase in Brussels Thursday. The panel was also attended by the court’s Acting Registrar Daryl Mundis and spokesman Marten Youssef.



*From right, Dimitri Fatouros from the UN regional information center, Daryl Mundis, Acting Registrar of the STL, Marten Youssef, Spokesperson of the STL and Christopher Roy Black, Legal Officer at the Pre-Trial Chamber, brief the media on the latest developments regarding the Tribunal and the preparation for the approaching start of the trial in Brussels on 6 June, 2013. (The Daily Star/STL, HO)*

and realizable.”

Court officials said pre-trial Judge Daniel Fransen would set a tentative date for the start of trials only when he was certain that the date is “attainable

The three officials also confirmed that an internal enquiry has been launched into the publication of an alleged confidential witness list in Lebanese media outlets in the past month, but refused to elaborate as investigations were ongoing.

They reiterated that the STL was not the source of the leaks.

The previous start of the trial date, tentatively set for March 25, was postponed in February by Fransen following a request from the defense, citing the prosecution’s failure to disclose all relevant documents.

Black revealed that the Office of the Prosecutor would submit to Fransen the last batch of information it was required to disclose, in line with the court’s statute, on June 17.

“The prosecution informed the pre-trial judge that by the 17th of this month it will have achieved a final disclosure of all exculpatory material; in other words all the evidence it has which might suggest the innocence of the accused or at least undermine the reliability of the prosecution’s evidence,” Black said.

The legal officer explained that evidence must be disclosed by the prosecution according to three categories.

First, Black said, the prosecution must provide all the information it relies on to make a case – in other words – the concerned witnesses, the exhibits that they will be submitting and all the information concerning the evidence it will be making use of, so that the defense can prepare for the case.

Black said the prosecution has already fulfilled that requirement.

Second, the prosecution is required to provide any information that it knows it has in its position “which either undermines its own case or demonstrates the innocence of the accused.”

“There is no deadline for that,” said Black, who added that this was an ongoing process on the part of the prosecution that had yet to be achieved but did not hinder the trial process as the prosecution could and should be giving out this type of information throughout the pre-trial and trial phases.

“I can say for now that the prosecution has now provided everything that they know they should provide but that through the course of the trial they will continue to execute that obligation,” he added.

The third category is the information which the defense itself requests and there is no deadline for submitting those requests.

Black maintained that the pre-trial chamber would have a clearer idea after June 17 with regard to setting a second tentative date for the start of trials.

Asked whether Sept. 1 could become the new date as circulated in media and political circles, spokesman Youssef explained that Franssen had not set a new date but based on submissions from the court’s organs – the prosecution, the defense and the victims’ representatives – the last quarter of 2013 has been suggested as a potential date.

“This, however, does not mean that this is when the tribunal will begin trials,” said Youssef.

Black noted that the “last quarter of the year runs from the first of September to the 31st of December.”

He added: “Are we still working toward a tentative trial date toward the end of the year – in the last quarter? Yes. Does that mean the first of September? No.”

According to Black, one of the reasons why that decision is taking more time is because the chamber knows that it is important to get it right and he intends to “set a date that is “attainable and defensible and realizable.”

“Because it makes no sense either to the people of Lebanon it would be unfair to the defense and inefficient for us simply to set another date that will have to be amended and reset and delayed,” Black continued. “Please rest assured that at such time when the pre-trial judge announces the next tentative date for trial will be announced after deep reflection and research and after consulting with all concerned organs and it will be fully realizable.”

As for efforts exerted by Lebanese authorities to arrest the four Hezbollah operatives the STL has accused of plotting the 2005 assassination of former Lebanese Prime Minister Rafik Hariri, Youssef said the STL’s trial chamber concluded in its decisions that “all reasonable steps have been taken by the Lebanese to secure the appearance of the accused and to notify them of the charges against them.”

He explained that Lebanon did have an ongoing obligation to search for and arrest the accused and they also had an ongoing obligation to report to the president on a monthly basis about the steps they had been taking to fulfil that obligation.

“Lebanese authorities have been submitting reports on the 19th of every month,” Youssef said.

Black said the state of Lebanon “is not obliged to arrest the suspects.”

“But it should do its best to arrest them,” he added. “If they stop trying then this is a problem.”

## Global Research

Wednesday, 5 June 2013

### **Is the International Criminal Court Guilty of “International Racial Profiling”?**

Memo to the International Criminal Court: Put Up or Shut Up About Not Targeting Africans

The ICC has managed to indict only Africans for crimes against humanity, “while ignoring numerous civilian deaths caused by U.S. air strikes in Afghanistan and other crimes committed by non-Africans.”

The U.S. military has been blamed for training Congolese soldiers who raped scores of civilians in the little village of Minova. As a consequence the prosecutor for the International Criminal Court (ICC) now has a new opportunity to dispel the widely-held belief that the court’s mission is to target only Africans and to ignore the crimes of imperialists. Many would likely be shocked if the ICC prosecutor were to investigate and interrogate any U.S. military personnel who trained the soldiers who committed the rapes.

The ICC was presumably established to pierce the sovereign shields that have historically protected soldiers and government officials – including heads of state – from efforts to hold them individually responsible for genocide, crimes against humanity, war crimes and criminal aggression. The fantasy of a U.S. president standing before the court having to answer for imperialist crimes may never become reality. That’s because unless a country has signed on to the “Rome Statute” (the treaty that created the International Criminal Court) that country is usually beyond the court’s reach.

President Clinton had reservations about the court, but he nevertheless took the first step toward signing on. President Bush later withdrew from the court altogether. Since then, the International Criminal Court has indicted a substantial number of African government officials while ignoring numerous civilian deaths caused by U.S. air strikes in Afghanistan and other crimes committed by non-Africans. Some have characterized this as international racial profiling, and it has caused considerable resentment throughout Africa.

Acknowledgment that the U.S. provided training to soldiers involved in the wanton, mass rapes adds another dimension to these crimes. A special United Nations human rights report says that at least 135 women were sexually assaulted by members of Congo’s army as troops fled from a battle with the M23 rebel group. Reuters news service quoted a U.N. official as saying: “We do know in the U.N. which are the two battalions [involved in the rapes]. Interestingly, one of them was trained by the Americans – that’s what the American ambassador himself told me.” It has been reported that U.S. Africa Command (AFRICOM) also acknowledged that the U.S. trained a Congolese light infantry battalion in 2010.

The UN report says: “Some of the human rights violations documented in this report may, as a result of their type and nature constitute war crimes and crimes against humanity as defined by Articles 7 and 8 of the Rome Statute...” It remains to be seen whether there will be an ICC investigation of these crimes, and if so whether it will delve into the U.S. connection.

If Congolese soldiers are prosecuted, it is important to determine the U.S. role, if any, in the commission of these crimes, even if the prosecutor concludes that in this case the U.S. is not subject to ICC jurisdiction. This is because Article 28 of the Rome Statute provides in relevant part that a military commander “or person effectively acting as a military commander shall be criminally responsible for crimes...committed by forces under his or her effective command and control...as a result of his or her failure to exercise control properly over such forces...”

The court’s perspective on these crimes could be significantly affected by evidence of what these soldiers were ordered to do – or not do. It has been reported that the soldiers were drunk and openly planning to

engage in mass rape. Were AFRICOM advisors on the ground with the troops, and did they know any of this? If so, did soldiers infer from the conduct of these advisors or other commanders that there was a green light to commit the crimes?

It may well be that AFRICOM personnel were nowhere near the scene of the crimes, and they had no direct knowledge of what happened. But an honest criminal investigation demands at a minimum that AFRICOM answer questions about a battalion that it trained. If AFRICOM personnel were not on the ground monitoring these troops, given past experiences with trainees and client soldiers who have gone rogue in Mali, Libya and elsewhere, U.S. military advisors should have known the risks of leaving such soldiers unattended. An impartial prosecutor should be willing to ask these hard questions without fear or hesitation. The Obama administration, which claims that it has moved the U.S. from hostility to “positive engagement” with the ICC should be willing to allow military personnel to answer the prosecutor’s questions.

In response to the pointed assertion that the ICC will not try British prime ministers or U.S. presidents, ICC prosecutor Fatou Bensouda said: “...our job is not to violate the due processes of law or to pick on individuals, as to who to prosecute or who not to prosecute. The office of the prosecutor is there for all the 121 States Parties, acting in full independence and impartiality.” If that is true, it’s time to put up or shut up. Even if in the end there is a determination in this case that an indictment of U.S. military personnel is not legally permissible, there are many Africans who would find it gratifying to – for at least one time – see AFRICOM confronted, interrogated, publicly exposed and made to squirm.

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