

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



Registrar Binta Mansaray talking with the visiting ICTR Registrar Christopher Bongani Majola.

**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:**

Thursday, 13 June 2013

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

**International News**

UN Tribunals for ex-Yugoslavia and Rwanda Won't Meet UN Deadline... / <i>The Associated Press</i>	Pages 3-4
Prosecutor of UN Rwanda Genocide Tribunal Urges Cooperation... / <i>Spy Ghana</i>	Pages 5-6
African Political Leaders Widely Believe That the International Criminal Court... / <i>Aljazera</i>	Pages 7-9
ICC Cases: Is Kenya Going Rogue? / <i>Africa Review</i>	Pages 10-11
EU Wants Cambodia to Pay More for Khmer Rouge Crimes Court / <i>Reuters</i>	Pages 12-13

The Associated Press

Thursday, 13 June 2013

## **UN tribunals for ex-Yugoslavia and Rwanda won't meet UN deadline to finish work before 2015**

By Edith M. Lederer

The presidents of the U.N. tribunals prosecuting alleged war criminals from the conflicts in the former Yugoslavia and key figures in the 1994 Rwanda genocide said Wednesday they will not meet the Security Council deadline to complete their work by the end of 2014.

Judge Theodor Meron, president of the International Criminal Tribunal for the former Yugoslavia, told the council that three trials and three appeals are expected to go beyond that date, including the trial of former Bosnian Serb military commander Ratko Mladic, which is expected to conclude by mid-2016.

Judge Vagn Joensen, president of the International Criminal Tribunal for Rwanda, said the court has completed all trial work, and five of the six remaining appeals remain on track to be finished before the end of 2014 — but one appeal judgment isn't expected until July 2015.

He said one crucial piece of unfinished business is relocating seven people who were acquitted and three released after serving their sentences. Joensen appealed to all countries to host the 10 individuals who are still in Tanzania, where the tribunal is based, under its protection without proper immigration status.

The Security Council passed a resolution in December 2010 requesting the Yugoslav and Rwanda tribunals to complete their work by Dec. 31, 2014 and prepare for a smooth transition to a temporary new court that will complete all trials and appeals of the two tribunals.

The joint court, known as the International Residual Mechanism for Criminal Tribunals, is scheduled to officially take over on July 1, but initially it will operate alongside the Yugoslav and Rwanda tribunals.

The Yugoslav tribunal was established in 1993 to prosecute major figures from the wars sparked by the breakup of the former Yugoslavia. The Rwanda tribunal was established in late 1994 following the slaughter of at least 500,000 ethnic Tutsis and moderate Hutus during the 100-day genocide.

Meron, who will be president of the wrap-up court, said the Yugoslav tribunal is looking for ways to advance the completion dates for all the cases.

He expressed deep regret for the delays, but said the causes — including shortages of staff and judges — "are not uncommon to judicial and criminal proceedings the world over." He added that difficulties in presenting evidence are multiplied because most witnesses must be brought to The Hague, Netherlands, from thousands of kilometres (miles) away and speak different languages.

Meron said any appeals against last month's convictions of six Bosnian Croat political and military leaders for persecuting, expelling and murdering Muslims during Bosnia's war aren't expected to be completed until mid-2017, and may be heard by the wrap-up court rather than the Yugoslav tribunal.

The wrap-up court will also handle any appeals in the current trials of Mladic, Serb nationalist Vojislav Seselj who is accused of using hate-laced speeches to incite Serb atrocities in the Balkan wars, former Bosnian Serb leader Radovan Karadzic who is charged with genocide and crimes against humanity and Goran Hadzic, a former leader of rebel Serbs in Croatia, he said.

The new court is responsible for the enforcement of sentences, and Meron expressed concern that 17 people convicted by the Rwanda tribunal are serving sentences in Mali, which has recently been engulfed in political upheaval and fighting.

While all the main leaders sought by the Yugoslav tribunal were brought to The Hague for trial, nine fugitives indicted by the Rwanda tribunal remain at large.

Read more:

<http://www.montrealgazette.com/news/tribunals+exYugoslavia+Rwanda+wont+meet+deadline+finish/8517083/story.html#ixzz2W6MVxFFs>

## Spy Ghana

Wednesday, 12 June 2013

### **Prosecutor of UN Rwanda genocide tribunal urges cooperation to catch remaining fugitives**

With nine men linked to the 1994 genocide in Rwanda still on the run, the Prosecutor who would help to try them is today urging Member States to cooperate with the United Nations war crimes tribunal and its successor body to track down and arrest the fugitives.

At a press conference at the UN Headquarters in New York, Justice Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) and the Mechanism for International Criminal Tribunal reiterated the UN's call on Member States "to live up to their obligations to cooperate with the [residual mechanism], and the tracking and the arrest of these fugitives."

As for the fugitives, Mr. Jallow urged them to turn themselves in and stand trial in "very transparent and impartial" judicial processes.

"There is no time limit to the prosecution of these cases. Your hiding does not pay off. The mechanism will not relent," Mr. Jallow said.

Based in Arusha, Tanzania, the ICTR was set up after the 1994 Rwandan genocide, when at least 800,000 ethnic Tutsis and politically moderate Hutus were killed during a span of three months beginning in April 1994.

The Security Council has urged both the ICTR and the International Criminal Tribunal for the former Yugoslavia (ICTY) to conclude their work by the end of 2014.

It set up the International Residual Mechanism for Criminal Tribunals (IRMCT) in December 2010 and mandated it to take over and finish the remaining tasks of the two courts when they are closed after their mandates expire. The ICTR branch of the Residual Mechanism began its functions on 1 July 2012 in Arusha, while the branch for ICTY will start this coming July in The Hague.

Members of the Security Council had emphasized that establishing the Residual Mechanism was essential to ensure that the closure of ICTR and the ICTY "does not leave the door open to impunity for the remaining fugitives and for those whose appeals have not been completed."

"The ICTR has concluded the trial phase of its work and is currently focused on management of appeals, and legacy and closing issues," Mr. Jallow has said.

During its operations, it indicted some 93 people, all of whom were arrested with the exception of nine men. Augustin Bizimana, the Minister of Defence of the interim Government during the time of the atrocities; Félicien Kabuga, who is believed to have financed the genocide; Protais Mpiranya, who as Commander of the Presidential Guard Battalion in the Rwandan Army allegedly oversaw all the units in the battalion; as well as Fulgence Kayishema, Pheneas Munyarugarama, Charles Sikubwabo, Aloys Ndimbati, Ladislav Ntaganzwa and Charles Ryandikayo.

The Office of Global Criminal Justice – headed by Stephen J. Rapp, Ambassador-At-Large for War Crimes Issues in the Office of Global Criminal Justice who also attended the press conference – is offering up to a \$5 million reward for information leading to the arrest or conviction of any of the nine men.

“We are still very optimistic that we will track and find and bring them to justice,” Mr. Jallow said. “It is not an easy task to track.”

The Prosecutor noted that the men on the run make every effort to evade the trackers by changing their identities, relocating to different terrains and sometimes assisted by slow cooperation of Member States.

“There is nonetheless intense activity ongoing,” he added.

Given that there is no time limit to be prosecuted, the residual mechanism can be activated at any time to try the men. In addition, precautions have been taken to secure evidence against the accused and preserve testimony, if witnesses are no longer available to participate in person at future trials.

Aljazera

Tuesday, 11 June 2013

## **African political leaders widely believe that the the International Criminal Court is unfairly targeting Africans.**

At the recent African Union summit held on May 26-27, the AU's Assembly adopted a decision requesting the International Criminal Court refer back to Kenya its cases against Kenyan President Uhuru Kenyatta and Vice President William Ruto.

This is the latest in a series of decisions since 2008 in which the African Union expressed its displeasure with the ICC. The Assembly insisted upon "the need for international justice to be conducted in a transparent and fair manner, in order to avoid any perception of double standard, in conformity with the principles of international law".



*Critics have said the ICC focuses on crimes in Africa, ignoring atrocities in the other parts of the world [AFP]*

During the press conference at the conclusion of the AU summit, the chairperson of the Assembly - Ethiopia's Prime Minister Hailemariam Desalegn - said: "African leaders came to a consensus that the ICC process conducted in Africa has a flaw. The intention was to

avoid any kind of impunity but now the process has degenerated to some kind of race-hunting rather than the fight against impunity." While there is no doubt that these are strong views, in substance they are restatements of previously expressed views. For instance, in 2009, Benin's President Boni Yayi said that "[w]e have the feeling that this court (ICC) is chasing Africa".

As expected, the response from the media, ICC supporters, and the ICC itself was critical of the AU's position. In a statement issued on May 29, the ICC's president pointed out that "[d]ecisions are taken independently on the basis of the law and the available evidence and are not based on regional or ethnic considerations".

In a news article published on its website, Amnesty International characterised the AU's decision as a manifestation of a recent trend in which the "AU has become a forum for some African leaders to attack the ICC and to seek to protect those charged by the Court". One of South Africa's most powerful online magazines, Daily Maverick, put it even more strongly, lamenting that "African leaders aren't interested in justice. They're interested in immunity... in voting to protect Uhuru Kenyatta and William Ruto against the ICC, Africa's presidents and heads of state are just protecting themselves".

Are these concerns about the ICC valid? How should these claims or concerns be understood?

### **"A Western court to try African crimes"**

All cases so far launched by the ICC have been against Africans. This "Africanisation" of the ICC is one of, if not the major, source of the ICC's troubles in the continent.

The ICC's current list of cases puts into question the international character of the ICC, giving credence to descriptions of the court as being the "International Criminal Court for Africa". Echoing this sentiment, Professor Mahmood Mamdani of Columbia University wrote that "[i]ts name notwithstanding, the ICC is rapidly turning into a Western court to try African crimes against humanity".

The court's focus on Africa... perpetuates the old and tired Conradian caricature of Africa as the embodiment of the Hobbesian state of nature.

The court's focus on Africa also unwittingly perpetuates the old and tired Conradian caricature of Africa as the embodiment of the Hobbesian state of nature: brutal, barbaric, chaotic, monstrous, and the theatre of ICC crimes.

The ICC does not by design take a decision to target Africa. However, as the Nation's Karen Rothmeyr put it: "The ICC's choices of whom to go after stem... from the assumption that underlies much of the West's interaction with the continent: these people need our superior wisdom and 'help'."

Certainly, serious violations have occurred in the situations in which the ICC is involved. What makes the ICC's focus on Africa particularly troubling, though, is that it remains blind to similar situations in other parts of the world. Accordingly, the question is, as Professor William Schabas wrote: "Why prosecute post-election violence in Kenya or recruitment of child soldiers in the Democratic Republic of the Congo, but not murder and torture of prisoners in Iraq or illegal settlements in the West Bank?"

The position of the AU Assembly against the court in part manifests a rejection of this apparently skewed application of the ICC process.

This seemingly selective application of ICC processes also relates to concerns that ICC is being turned into a political tool. Understandably, the ICC emphasises that it is free from any political influences, and the ICC's president reiterated that "[t]he ICC operates strictly within the mandate and legal framework created by the Rome Statute, the founding treaty of the Court, and cannot take political factors into account".

While legally speaking this position is largely true, the nature and structure of international politics is such that the application of international justice processes more often than not reflects the distribution of power within the international community. The ICC is not immune to this, and the way in which the ICC launched its case in Libya is a testimony. The speed with which and the way the ICC prosecutor launched this case also betrays the ICC's acquiescence to its instrumentalisation by UN Security Council politics.

Another major concern is that the ICC's focus on prosecution limits discussion within the domestic sphere and crowds out alternative ways of dealing with political violence, while giving leverage to international actors. This is what informed the position the AU adopted in relation to the ICC cases in Darfur.

### **ICC focus on Africa is mostly invited**

Although the claim that the ICC targets Africa and serves the political interests of global powers is not baseless, the ICC's focus on Africa is also in large measure a result of requests by African states. In a press statement responding to the AU's recent decision, the ICC's president noted that many of the court's

cases are self-referred. Out of the 18 cases that the ICC is currently handling, 12 were initiated upon the request of countries concerned, while six were launched based on the referral of the UN Security Council.

Seen through the victims' eyes, there is a legitimate concern that the AU's position does not reflect their interests.

Some of the referrals, such as those in Uganda and Kenya, were inspired by domestic political calculations rather than the interest to serve justice. Indeed, in charging some people and not others in these cases, the ICC was in some ways playing local politics.

Yet for victims of alleged crimes, the ICC represents the only mechanism for fighting impunity by political leaders, who cannot otherwise be held accountable. There is, in the words of Mamdani, a popular outrage "throughout Africa, against the impunity with which a growing number of regimes have been resorting to slaughter to brutalise their populations into silence". Seen through the victims' eyes, the AU's position does not acknowledge this outrage and the need to fight impunity. The AU has thus been appropriately criticised for failing to show any sensitivity to the concerns of victims, as it does to those being pursued by the ICC.

The ICC has been in force for almost 11 years now, and by far the major challenge facing the court is how to deal with Africa. The recent decision of the AU Assembly embodies this challenge. Though partly self-serving, there are also legitimate concerns underpinning the AU's criticism of the ICC.

The ICC's success depends on whether, and to what extent, it shows flexibility in addressing the perception that it holds a double standard, and avoiding its instrumentalisation by global power politics. In this regard, the announcement by the judges of the ICC on June 3 that the court may hold parts of the trial of William Ruto in Kenya or Tanzania is a very interesting development.

Solomon Ayele Dersso, a legal academic and analyst of African affairs who regularly writes on African Union issues, is a senior researcher at the Institute for Security Studies, Addis Ababa office.

Follow him on Twitter: @SolomonADersso

The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial policy nor the positions of the institutions with which the author is associated.

## Africa Review

Wednesday, 12 June 2013

### **ICC cases: Is Kenya going rogue?**

Last month, two events suggested Kenya may be moving towards a more confrontational foreign policy in its engagement with the International Criminal Court (ICC) and the West.

Kenya's permanent mission to the United Nations submitted a strongly-worded, albeit strangely written letter to the UN Security Council, urging it to terminate the ICC cases against President Uhuru Kenyatta and Deputy President William Ruto.

The letter goes on to harshly question the legitimacy of the court, calling it "an affront to the domestic policy and internal affairs" of Kenya.

Shortly after, Kenya submitted a paper to the African Union asking member states to urge the ICC to terminate the crimes against humanity charges facing the president and his deputy.

Even though this was typically a rubber-stamping exercise - in 2009 the AU asked its member states not to act on the court's arrest warrant on Sudan's Omar al-Bashir - Kenya seems quite determined to use a mass African walkout from the ICC as a trump card.

Since 2011, Kenya's ICC strategy has been to frustrate the prosecution of the cases, without formally ending cooperation. The court's prosecutor has complained of the difficulties her office encounters in "securing full, effective and meaningful cooperation, which continues to deprive the chamber of evidence that may assist in adjudicating the Kenya cases."

This strategy also involved the failed attempt by former Vice-President Kalonzo Musyoka to lobby the UN and Western capitals for a deferral of the cases. Mr Musyoka presented a not-so-convincing case for local prosecutions.

He argued that Kenya was overhauling its legal framework under a new constitution promulgated in 2010, making it possible for the trials to be held locally in a reformed judiciary.

Kenya nevertheless continues to give a litany of the same old bizarre reasons why the trials should be terminated or deferred. It is yet to make up its mind on this.

### **Intimidated or bribed**

Choice ones include the unsubstantiated claim that the trials present a threat to national and international security, and the now famous argument that the suspects' democratic assumption of office demonstrates the "sovereign will" of Kenyans to have the trials terminated.

The latest reason - believe it or not - coming from the AU itself is that the Gambian-born prosecutor Fatou Bensouda is on a "race hunt". (The less said about this, the better). Nevertheless, this kind of logic is gaining some real traction among some African leaders and in public debates.

Kenya's new confrontational ICC strategy exhibits its chronic inability to constructively engage the relevant actors within the 'rules of the game' on the charges facing President Kenyatta and his deputy.

A country deeply immersed in impunity, Kenya has tried all the tricks to avoid international justice that would have otherwise worked very well were the trials held locally.

Some witnesses have reportedly been intimidated or bribed by the accused, while others have recanted their statements. But these machinations by Kenya, including attempts to lobby ICC state parties, have so far met little success and failed to attract sufficient followers.

Leveraging on an AU mass walkout from the ICC may not really work out for Kenya. As it turns out, not all African countries are on the same page on this despite AU's decisions reflecting an appearance of unanimity.

Notably, South Africa, Namibia and Botswana have made it clear that they intend to meet their international obligations to the Rome Statute.

The two events last month suggest Kenya may be preparing for an all-out direct confrontation with the ICC. The West will obviously hit back with punitive measures for non-cooperation and Kenyatta's administration is fully aware of this fact.

Is President Kenyatta willing to take his chances as an international fugitive? Or will he choose to continue cooperating despite the fact that there are serious odds against a successful conviction?

Does he have an ace up his sleeve?



*Trevor Analo is a Political Science graduate student at Central European University in Budapest, Hungary. ([trevoranalo@gmail.com](mailto:trevoranalo@gmail.com))*

## Reuters

Thursday, 13 June 2013

### **EU wants Cambodia to pay more for Khmer Rouge crimes court**

PHNOM PENH, Feb 21 (Reuters) - The European Union is calling on Cambodia to come up with more cash for a Khmer Rouge war crimes tribunal, where resignations have slowed proceedings and some staff are threatening to strike after going for more than two months without pay.

Up to 2.2 million people died under the ultra-Maoist Khmer Rouge regime from 1975 to 1979, a quarter of the population. The tribunal, set up in 2005, has found only one person, a relatively lowly prison chief, guilty of crimes connected with the killings.

Under the agreement for the U.N.-backed tribunal, the United Nations was to pay for international staff and operations, while Cambodia paid for the national side, but the government has been repeatedly criticised for a lack of support.

"The EU keeps encouraging the Royal Government of Cambodia to continue substantially increasing its own contribution to the tribunal, as a sound measure to improve its sustainability and its ownership by Cambodia itself," EU Ambassador Jean-Francois Cautain said in an email to Reuters.

Pol Pot, the architect of the "Year Zero" revolution, died in 1998, but three of his closest comrades are now on trial for murder and crimes against humanity, among a litany of charges.

The funding difficulties have put a spotlight on the government's commitment to the process.

It has been accused of interfering behind the scenes to put the brakes on the court and limit the scope of investigations that could implicate powerful political figures.

Prime Minister Hun Sen, himself a former Khmer Rouge guerrilla who defected to the regime's eventual conquerors, Vietnam, has said he would not allow any new indictments and that he would be happy if the United Nations packed up and left.

Two international judges quit within six months in 2011 and 2012 complaining of political interference, and many Cambodians fear the defendants in the court's second case - "Brother Number Two" Nuon Chea, a former foreign minister, Ieng Sary, and ex-president Khieu Samphan - may not live to hear a verdict.

### **NO PAY**

The EU, the second-biggest donor at the court after Japan, was holding back a 300,000 euro (\$401,000) grant until "the contractual obligations of the grant agreement are fully met", Cautain said.

About 270 Cambodians have not been paid since November and are working at the court without contracts.

The EU also wants to see a reduction in the running costs of the Cambodian side of the Extraordinary Chambers in the Court of Cambodia, as the tribunal is known, after a 20 percent cut in the international budget in 2013, Cautain said.

The government says it has committed  $\{\text{esc.dollar}\}$ 1.8 million for this year to pay for utilities, security, healthcare and transport, as well as the courthouse, which it owns.

Government spokesman Ek Tha pointed out that "exceeds the commitment from the national budget to the country's Supreme Court by 257 percent and to the Appeals Court by 300 percent".

The government has used outside contributions to pay the estimated  $\{\text{esc.dollar}\}$ 9.3 million a year wage bill for Cambodian staff.

The only conviction to date is that of Kaing Guek Eav, better known as Duch, sentenced to life imprisonment for deaths at the notorious Tuol Sleng prison in Phnom Penh that he ran. ( $\{\text{esc.dollar}\}$ 1 = 0.7479 euros) (Reporting by Prak Chan Thul; Editing by Alan Raybould and Robert Birsell)