

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



A fishing boat passes Banana Island

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:

Friday, 14 June 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Prosecute fugitive Ibrahim Bah

- Rights campaigner demands

The Centre for Accountability and Rule of Law (CARL) has urged the Sierra Leone government to investigate and prosecute – if probable – United Nations wanted fugitive, Ibrahim Bah, for his role in pillaging Sierra Leone's diamonds and for other crimes he may have committed during the country's dreaded 11-year civil war.

Bah, who is on a UN travel ban for his alleged role in the Sierra Leone conflict and also for his involvement in illegal arms trade in the region, was a close associate to former Liberian President Charles Taylor and a private businessman, involving in illicit

diamond and arms trade.

CARL quoted recent newspaper reports which indicated that he has been residing in the country for a long time, but was recently arrested by the Sierra Leone Police. The government has refused to confirm or deny the reports.

"If Mr. Bah is in the custody of the Sierra Leone Police, the government must do the right thing...by immediately bringing him to justice for the crimes he allegedly committed against us," CARL's Executive Director, Ibrahim Tommy, said in a press statement yesterday.

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Prosecute fugitive Ibrahim Bah

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According to CARL, there is significant evidence that Bah, in conjunction with Charles Taylor and the RUF, facilitated forced labour in the Kono and Kenema diamond fields and reaped the benefits for nearly two years after the Lome Peace Accord.

"For this and other associated conduct, there is reasonable cause to believe that Mr. Bah would be criminally liable under the relevant laws of Sierra Leone that relate to pillage, forced labour/slavery and possibly looting," the rights campaigner said. "The [Special Court for Sierra Leone] SCSL's Trial Judgment in Taylor, several UN Panel of Expert Reports and other credible NGO reports speak to Mr. Bah's critical role in the overall sustaining of the conflict."

For instance, one witness testified that Issa Sesay said he gave "diamonds to Ibrahim Bah, who said that he had business partners, and Ibrahim Bah provided satellite phones, computers, food, and \$USD 50,000 for the RUF movement between 1999 and 2001", the group noted. Based on the accounts of various witnesses in the Charles Taylor trial, the Trial Chamber concluded that Ibrahim Bah was a "trusted emissary who represented the RUF at times and the Accused at times, and served as a liaison between them at times. He was a

businessman who helped arrange arms and diamond transactions."

According to CARL, prosecuting Bah in Sierra Leone is significant, especially as most of Africa's worst crimes are usually not adjudicated by and within the country they occurred but rather in The Hague or under universal jurisdictional doctrines in other countries, especially when they involve non-resident.

"Prosecuting Mr. Bah, who is not from Sierra Leone, in Freetown would set an important precedent and be possibly one of the first instances in which a foreigner was finally held to account in the country which suffered the consequences of his greed," the group indicated. "One does not need to imagine the positive effect this could have in places like the Democratic Republic of the Congo where outsider resource exploitation extremely aggravates the conflict."

CARL added: "Now that Mr. Bah is reportedly in the custody of the police, he should be tried in Sierra Leone for stealing the diamonds of Kono during the war, which is at the same time a war crime of pillage and also a common crime of theft. The government would let down the people of Sierra Leone if they let him go by simply deporting him."

The organization further urged the government to suspend any deportation plans and refer the fugitive's matter to the appropriate prosecution authorities within the government.

BT

Friday, 14 June 2013

<http://www.bt.dk/udland/english-version-murderers-are-being-allowed-to-go-free>

English version: Murderers are being allowed to go free

Af Simon Andersen



*Dansk dommer ved menneskerettighedsdomstolen i Haag Frederik Harhoff
(Foto: Courtesy of the ICTY) Se stort billede*

In a confidential letter, a Danish judge serving on the UN tribunal in The Hague criticises the tribunal for allowing senior Yugoslav officers accused of war crimes to go free.

Annonce

Several of the military leaders who in the early 90s helped reduce Yugoslavia, a country that had been an idyllic holiday destination, to ruins and who share responsibility for the executions, expulsion, shocking violence, burning of houses and ethnic cleansing suffered by the civilian population are now free – though they should have received severe sentences.

This is the opinion of one of the top Danes in the international judiciary, Frederik Harhoff. Harhoff is a judge on the International Criminal Tribunal for the former Yugoslavia. His criticism amounts to a severe and dramatic accusation against the tribunal as a whole. He maintains that the American president of the tribunal has exercised 'persistent' and 'intense' pressure on his fellow judges to allow top-ranking officers to go free.

Harhoff's five-page letter, the precise contents of which are confidential, was addressed to 56 people, including several lawyers. In the letter, Harhoff scrutinises and criticises a series of judgements acquitting Serbian and Croatian leaders.

"The most recent of these judgements have occasioned a deep professional and moral dilemma for me, one that I have never before experienced. The worst of it is the suspicion that some of my colleagues have been exposed to short-term political pressure and this completely changes the premises of my work to serve the principles of justice and reason", Harhoff writes in the letter. He makes it clear that the development "has awoken deep concerns both in myself and other colleagues in the corridors of this tribunal".

The dramatic letter is the first confirmation of a growing feeling that the UN International Criminal Tribunal for the former Yugoslavia (ICTY), which was established to ensure justice and reconciliation after the bloody war, is about to lose its legitimacy. Only ten days ago, the British weekly *The Economist* wrote that the credibility of the tribunal "was in tatters" after several people accused of war crimes escaped punishment.

Harhoff, an expert in international law who was appointed a judge by the United Nations General Assembly in 2007, directly accuses the president of ICTY, American Theodor Meron, of putting his judges under pressure to acquit war criminals. The motive apparently has to do with the fact that the court in The Hague is creating a – from the military point of view – alarming practice, which can mean that top-ranking officers or leaders can be put on trial if their subordinates have committed war crimes, even if the officer's part in these crimes was a minor one.

"It would seem", writes Judge Harhoff, "that the military establishment" in leading states such as Israel and the US "felt that the tribunal was getting too close to top-ranking military commands."

He continues:

"Has an Israeli or American official influenced the American President of the tribunal to effect a change of course?" Harhoff writes in the letter.

Harhoff points out that the tribunal, which was established in 1993, had set up a "fairly firm legal practice". This allowed for the conviction of military or political leaders with respect to crimes of genocide, war crimes and crimes against humanity, if such persons had associated themselves with or supported an aim to drive out ethnic groups from certain areas using violence, and had thus in some manner helped to make these crimes possible.

But this "just" practice is now changing, thinks Harhoff. He makes a direct reference in his letter to the acquittal in November 2012 by the appeals court of the high-ranking Croatian officers, Generals Ante Gotovina and Mladen Markac.

In 2011, the two officers were sentenced by the ICTY's Court of First Instance to 24 and 18 years' imprisonment respectively for, among other things, crimes against humanity, since they were partially responsible for the mass expulsion of Serbian civilians in the Krajina area in 1995. Since then, the very same tribunal's special court of appeal acquitted the two Croatian generals, by a vote of three judges to two. Harhoff is not alone in thinking that the acquittal is unjust. The Italian judge Fausto Pocar was one of the two judges who voted in the court of appeal to uphold the conviction and sentence. He writes that he is "fundamentally opposed" to the acquittal, which is "contrary to all forms of justice".

Harhoff also cites the acquittal of the Serbian Chief of the General Staff Momcilo Perisic, who was sentenced in 2011 to 27 years' imprisonment for "directly helping" and "encouraging" the crimes against humanity and war crimes committed between 1993 and 1995 in the Bosnian towns of Sarajevo and Srebrenica.

In February 2012, Perisic was acquitted by the appeals court. Here too, the judges voted 3-2.

Judge Harhoff states in his letter that the public "will probably never" be told to what extent his suspicion that the American President of the tribunal has influenced the result of the case for political reasons is true:

"But the report of the American president of the tribunal's persistent pressure on his colleagues in the Gotovina and Perisic cases does more than suggest that he was fairly intent on arriving at an acquittal and especially that he was lucky in being able to persuade the ageing Turkish judge to change his mind at the last minute."

The "ageing Turkish judge", Harhoff refers to is the 77-year-old Mehmet Güney, who voted in November to release the two Croatian generals Gotovina and Markac.

Harhoff says that the new precedent "will in future and in the majority of cases allow the top-ranking person to go free. This means that American (and Israeli) commanders in chief can breathe a sigh of relief...". Harhoff adds "I am left with the distinctly unpleasant impression that the tribunal has shifted course as a result of the pressure from 'the military establishment' of certain powerful countries."

The American journalist and author Chuck Sudetic, who covered the civil war for the New York Times and co-authored in 2009 a book on the work of the ICTY, told The Economist that the Nazi leader Adolf Hitler might very well have been cleared of his responsibility for the Holocaust if he had been judged using the standards that the UN tribunal in The Hague is now applying.

"This is not justice. This is blindness", he says.

Harhoff also criticises the Court of the First Instance of the tribunal, which is also thought to be under political pressure. In May, two Serbian security chiefs were acquitted, even though the tribunal maintained that they had built up and supported paramilitary groups that took part in "murder, deportation and mass expulsion with violence."

And one of the two judges voting for the acquittal, former Dutch Justice of the Supreme Court Alphons Orië "was under pressure from the American President of the tribunal", notes Harhoff:

"The word was that the president of the tribunal was demanding that the court pronounce judgement on the two accused men on the Thursday – before the three judges in the Court of the First Instance had time to properly discuss the question of guilt. The French judge (ed: who voted for the conviction) had only four days to produce his dissenting opinion, which was not in any case discussed by the three judges in the department".

Harhoff has told the BT that the letter he sent is "private" and that he does not want to comment on it. The UN tribunal president is likewise disinclined to comment on the matter.

The war

In 1991, Yugoslavia disintegrated when Slovenia, Macedonia, Croatia and lastly Bosnia broke away. The Yugoslav (Serbian) Army attacked Slovenia, then Croatia and Bosnia, which eventually saw the worst of the war. From mid-April 1992, all of Bosnia was at war and Serbian forces carried out ethnic cleansing and massacres of the mainly Muslim population. Later the civil war was all-encompassing, involving hostilities between Muslims and Croats. In 1995, Croatian forces launched a counter-offensive and recovered large areas from Serbian forces. During this time, Serbian civilians suffered atrocities. The war ended in January 1996.

The ICTY

The UN International Criminal Tribunal for the former Yugoslavia was established in 1993 in The Hague, Netherlands. Since that time, 160 people have been convicted of war crimes. The last judgement is expected to be passed in 2016.

Gender Justice and the International Criminal Court

On June 24 the United Nations Security Council, at the initiative of the United Kingdom, will hold an open debate to discuss ending impunity for crimes of sexual violence in conflict. This is not the first time that the Council has addressed the issue of sexual violence. The discussion builds upon the Council's previous decisions that show its resolve to deal with this issue.

Gone are the times when prohibitions against sexual violence were based on the idea that women deserved protection because they were the property of men. By now, rape and sexual violence have been long considered as crimes against women themselves. Although the main targets are women, it is now recognized that sexual violence is at times also committed against men.

Gender crimes have historically been a feature of armed conflicts but it is perhaps difficult to imagine that they are still an enduring part of conflicts well into the twenty-first century. The facts, however, are gruesome. Sexual violence is still being used as a tactic of war. Within the last 30 years, sexual violence has been reported in over 50 countries that have experienced conflict. Sexual violence is rampant in the Democratic Republic of the Congo. In some parts of the country more than 20 percent of women report having experienced sexual violence. It is estimated that between 20,000 and 50,000 women were raped during the war in Bosnia and Herzegovina in the early 1990s. It is also estimated that between 50,000 and 64,000 internally displaced women in Sierra Leone have experienced sexual violence at the hands of armed combatants.

And then they asked me to lie down on my bed and I said, 'I beg your pardon?' I didn't want to. ... He pointed his weapon at me. He threw me on the bed and pointed the weapon at my neck. He pulled out a small knife, tore off my shorts and my underwear and threw it away, then he forcibly spread my legs and then he slept with me. ... When the one who had been sleeping with me finished, he stood up and left. Another replaced him and slept with me. After him, there was another one who slept with me.

Testimonies like this one, from the trial of Jean-Pierre Bemba at the ICC in 2010, give an idea of what people have to suffer, on a routine basis, in situations of conflict.

The International Criminal Court is at the forefront of gender justice. The Rome Statute, the founding instrument of the International Criminal Court, contains a number of important innovations designed to ensure that sexual and gender based crimes are addressed. The Statute is a progressive instrument that goes far beyond the legal instruments that preceded it and builds on the experience of ad hoc tribunals that were established by the Security Council in the nineties. The Rome Statute criminalizes sexual and gender violence as war crimes and crimes against humanity. Accordingly, the definitions of war crimes and crimes against humanity include rape, sexual slavery (including trafficking of women), enforced prostitution, forced pregnancy, enforced sterilization, other forms of grave sexual violence, and persecution on account of gender.

In practice, the Court has proven itself to be sensitive to gender crimes. Charges for gender-based crimes have been brought in cases arising from at least six of the eight situations: Uganda, the Democratic Republic of the Congo, the Central African Republic, Darfur (Sudan), Kenya and Côte d'Ivoire. Charges of gender-based crimes have been brought in 13 of the 18 cases currently before the ICC, a proportion of over 70 percent.

However, bringing perpetrators to justice is just one aspect of the whole picture. Several critical factors make sexual violence in conflict resistant to eradication. Women's subordinate status in society in

peacetime puts them at increased risk for sexual violence in times of war. Women are often denied the right to equality before the law. As a result, in many countries, rape goes unreported. When it is reported, prosecutions are rarely successful. Sexual violence is the only crime for which the community's reaction is often to stigmatize the victim rather than prosecute the perpetrator.

It is clear that the ICC has shown that it is serious about addressing sexual violence and will continue to do so. The Prosecutor gives priority to sexual and gender-based crimes from the very stage of preliminary examinations. Nevertheless, there are important challenges that will have to be addressed:

First, it is of utmost importance that the Rome Statute's gender sensitivity is translated into national prosecutions to make sure that national proceedings take into account the gender dimension of atrocity crimes to the same extent as the Rome Statute does. National prosecutors and judges must also have the capacity and the expertise to properly prosecute and try individuals for gender crimes.

The second challenge is cooperation with the Court. The cooperation of States is central to every aspect of the Court's work, including in ensuring justice for gender crimes.

The Trust Fund for Victims established under the Rome Statute has been doing serious work in countries where the court is conducting investigations to alleviate the suffering of victims of crimes. Among other activities, it is also providing assistance to the victims of rape and to children born as a result of rapes. In replenishing the Fund, the United Kingdom, together with Estonia, Finland and Norway, have been paying special attention to the needs of victims of sexual violence who are very often stigmatized by their own communities.

The fight against gender-based crimes has gained new support and new traction in the international community, but there is still much work to do. As we move into the second decade of the existence of the ICC, we should take advantage of this momentum to make further advances towards ending the culture of impunity for gender-based crimes.

Associated Press
Thursday, 13 June 2013

International Criminal Court says case against former Ivory Coast president Gbagbo can proceed

THE HAGUE, Netherlands – International Criminal Court judges say the crimes against humanity case against former Ivory Coast President Laurent Gbagbo can go ahead because he does not face an ongoing prosecution in his home country.

The judges rejected Tuesday a challenge by Gbagbo's lawyers to the admissibility of the case at the ICC. Gbagbo's defense had argued that he should not be prosecuted in The Hague because he was being investigated for the same crimes in Ivory Coast.

Gbagbo is the first former head of state to appear at ICC, and prosecutors charge that he is responsible for murders, rapes and arbitrary detention of supporters of his political rival — and now president — Alassane Ouattara in the aftermath of 2010 elections.

Gbagbo has denied any wrongdoing.

UN News

Thursday, 13 June 2013

Rwanda: Despite Procedural Delays, UN War Tribunals Still Making Progress, Officials Tell Security

The United Nations war crimes tribunals set up in the wake of the 1994 genocide in Rwanda and the Balkan conflicts of the 1990s are despite various delays, close to completing their work, their officials told the Security Council today, stressing that they will need support of the international community to address remaining challenges.

The President of the International Criminal Tribunal for the former Yugoslavia (ICTY), Theodor Meron told an open meeting of the Council that "while the Tribunal has made tremendous progress in many respects, there have been some delays in certain proceedings."

The ICTY, which marked the 20th anniversary of its work just weeks ago, is tasked by the Council with trying those responsible for the worst war crimes and breaches of international humanitarian law committed during the various conflicts in the former Yugoslavia in the 1990s. Since its inception, the court has indicted 161 persons.

Only four trials concerning core statutory crimes remain to be completed. Three will be completed according to the schedule and one case which was originally meant to be completed at the end of December 2014 is now anticipated to be completed by July 2015.

Some appellate cases have also been delayed, Mr. Meron said, reminding the Council of the breadth and complexity of the crimes, as well as the logistical challenges that the Tribunal faces, including the distance between the facilities in The Hague, and the location of witnesses.

"All efforts are being made on the part of the Tribunal to complete its pending judicial work as quickly as possible while fully respecting the fundamental rights of its accused and appellants to due process in accordance with international standards," Mr. Meron said, adding that while the delays were regrettable, many of the factors leading to them "are not uncommon to criminal proceedings the world over."

In his capacity as President of the Mechanism for International Criminal Tribunals, Mr. Meron said "all arrangements are in place to ensure a seamless transfer of functions from the ICTY to the Hague branch of the Mechanism on 1 July.

The Council set up the Mechanism in December 2010 to take over and finish the remaining tasks of both the ICTY and the International Criminal Tribunal for Rwanda (ICTR) once their respective mandates expire. The Council has urged the tribunals to conclude their work by the end of 2014.

The ICTR branch of the Mechanism began its functions on 1 July 2012, while the branch for the ICTY will start on 1 July 2013.

The Mechanism will assume responsibility for a variety of functions previously carried out by the ICTY, including the enforcement of sentences, the provision of assistance to national jurisdiction, and the protection of victims and witnesses in completed trials, among other tasks.

As for the ICTR, Mr. Meron said that work on the Mechanism's permanent premises in Arusha, Tanzania is on track and funding is in place.

However, he expressed concern regarding the situation in Mali, where 17 persons convicted by the ICTR are serving sentences, and said the Mechanism - which is now responsible for the individuals - is taking steps to review enforcement practices and looking to increase its capacity to enforce sentences in Africa and establish enforcement agreements with new countries.

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.

Mr. Meron noted that the Mechanism is also responsible for the trial of three of the nine individuals indicted by the ICTR, and underlined that Member States play "an invaluable role in ensuring that fugitives are apprehended."

ICTR President Vagn Joensen told the Council the Tribunal has completed all trial work and successfully met all timelines projected in December for appeals. He added that the transition to the Arusha branch of the Mechanism is going smoothly.

In spite of this progress, he expressed concern over the issue of relocating acquitted persons and those released after completion of their sentence in Tanzania. There are now seven acquitted persons and three who have been released after completion of their sentences who remain in safe houses in Arusha under the Tribunal's protection, but they do not have proper immigration status and are unable to move about freely.

"The ICTR is deeply concerned about the consequences of failing to uphold the fundamental right of freedom to live one's life after being acquitted, and the importance of finding host countries for these persons before the Tribunal closes cannot be stressed enough," Mr. Joensen said. "We call upon all Member States [...] to assist with this persistent problem."

The Council also heard from the Prosecutors Serge Brammertz and Hassan B. Jallow, of the ICTY and ICTR, respectively.

Mr. Jallow stressed that the ICTR's work will only be completed when all fugitives have been arrested and brought to justice, and said the Mechanism is committed to supplement Rwandan efforts to track the six fugitives whose cases have been referred to the country's judicial system. He also called on the Council to request all Member States to support the Mechanism and the Rwandan Government to this end.

For his part, Mr. Brammertz emphasized the importance of having all parties commit to making national war crimes strategies successful. He stated that the two regional co-operation protocols for war crimes prosecutions - one between Serbia and Bosnia and Herzegovina and the other between Croatia and Bosnia and Herzegovina - were a sign of progress, but stressed that States must "turn their words into concrete action."

The Associated Press

Thursday, 13 June 2013

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

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.