

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



For more photos from yesterday's Day of the African Child commemoration, see today's '*Special Court Supplement*'.

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:

Tuesday, 18 June 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Star Tribune

Tuesday, 18 June 2013

International Criminal Court postpones pretrial hearing for African warlord Bosco Ntaganda

THE HAGUE, Netherlands — The International Criminal Court has pushed back a crucial preliminary hearing of evidence against an African warlord known as "The Terminator" to give prosecutors more time to prepare their case.

The court announced Tuesday that the date of the so-called confirmation of charges hearings against Bosco Ntaganda has been put back to Feb. 10 next year. It had been due to start Sept. 26.

The hearing is intended to let judges weigh if there is enough evidence to put Ntaganda on trial.

Rwandan-born Ntaganda was first indicted in 2006 on charges of recruiting and using child soldiers in Congo's eastern province of Ituri. Last July prosecutors added charges of murder, rape, sexual slavery, persecution and pillaging, in 2002-2003.

He turned himself in in March and is in custody.

Associated Press

Monday, 17 June 2013

Escaped Nazi War Criminal Found in Minnesota Did Terrible Job of Hiding War Crimes

The Associated Press has discovered a Nazi living in Minnesota. Michael Karkoc, 94, lied to American officials about his World War II activities in order to emigrate and actually commanded a notorious SS unit that (as notorious SS units are wont to do) committed numerous war crimes.

How was Karkoc found after so long? He has violated a couple of the most basic tenets of Concealing Your War Crimes. Rule No. 1: Do not write a memoir about your war crimes:

In a Ukrainian-language memoir published in 1995, Karkoc states that he helped found the Ukrainian Self Defense Legion in 1943 in collaboration with the Nazis' feared SS intelligence agency, the SD, to fight on the side of Germany -- and served as a company commander in the unit, which received orders directly from the SS, through the end of the war.

It was not clear why Karkoc felt safe publishing his memoir, which is available at the U.S. Library of Congress and the British Library and which the AP located online in an electronic Ukrainian library.

The memoir does not detail the crimes themselves, but it does extensively record his service in units whose members are banned from emigrating to the U.S. and about which Karkoc lied in order to enter the country.

And really, what is the cost-benefit calculus of publishing a memoir like that? You're not going to become the Elizabeth Gilbert of sadistic Ukrainian Nazi stooges. The best-case scenario when you're writing a memoir like that is that nobody reads it. (The corollary to Concealing Your War Crimes rule No. 1: If you must write a memoir about your war crimes, do not publish it.)

Concealing Your War Crimes rule No. 2: Come up with a good cover story. You've got the wrong guy! You were a double agent! Something better than this:

Karkoc now lives in a modest house in northeast Minneapolis in an area with a significant Ukrainian population. Even at his advanced age, he came to the door without help of a cane or a walker. He would not comment on his wartime service for Nazi Germany.

"I don't think I can explain," he said.

You've had 70 years to plan for this scenario and the best line you've come up with is "I don't think I can explain"?

The Southern Times

Monday, 17 June 2013

AU and ICC: Election Violence in Africa

The Guardian of May 28, 2013 carried a story recording the African Union outrage on the ICC's global prosecution of those charged with crime against humanity.

The African Union, reports The Guardian, "has accused the International Criminal Court (ICC) of 'hunting' Africans because of their race and hence, it expressed opposition to plans by the Court to try Kenya's President Uhuru Kenyatta on charge of crimes against humanity.

"The chairman of the body and Ethiopia's Prime Minister Hailemariam Desalegu, who disclosed this at the end of the AU Summit, said African leaders would raise their concerns with the United Nations (UN) ... Kenyatta is due to be tried in July on charges of crime against humanity".



The African Union's position in no way is taken as dismissal of the charge against the Kenyan President. It has stated that such crimes to which Uhuru Kenyatta is possibly culpable should be prosecuted by the Kenyan Courts.

The reality of such alternate suggestions of venue for the trial must be accepted. The government of Kenya is not likely to convict the President on what is a political charge, a crime arising out of electoral conflicts.

Is it not this probability that "crimes against humanity" are not likely to be justly prosecuted by national courts that led to the establishment of the ICC in the first place? Africa has recorded more than its share of conduct that can be described as crimes against humanity.

We only need to remember the course of conflicts in Somalia, Sudan, Rwanda, Sierra Leone, and Liberia to be aware of their genocidal consequences.

Such crimes have been recorded in Balkan's Central America and in the regime change conflicts of Libya, Iraq, Afghanistan and in the ongoing civil war in Syria and the Arab- Palestinian conflicts.

Africa's disquiet concerning the history of the ICC thus far is accounted for principally by two noticeable facts:

(1) That the ICC has not brought such charges and sought to try the Heads of Government of the major powers like US and Russia.

(2) That Africans are preponderantly the ones so charged.

"The British Broadcasting Corporation (BBC) cited Hailemariam as saying at the AU summit in Ethiopia's capital, Addis Ababa, that African leaders had expressed regret that out of those indicted by the ICC, '99 percent are Africans'."

Why is this the case? Is this a reflection in the international societies of a racist structure of power where the courts disproportionately indict and convict the weak while being protective of the strong?

Perhaps, this disproportion in the indictment and conviction rates is what has led the African Leaders to draw the conclusion that the bias of the ICC is a reflection of the racist infrastructure of the ICC "jurisprudence".

I believe the AU have good grounds to be worried about this imbalance in the ICC "judgments on the issues of crimes against humanity but I also believe the AU's case be better argued.

The first port of call in the argumentation is the issue of what constitutes the humanity that is the aggrieved. What is this humanity? Is it an abstract concept?

Is it a codification of the human conscience about human rights? Should not the victim of the crime against humanity be the specifically affected by the conduct of the "criminal"?

The Guardian's quote of the AU Chairman in this regard is relevant to the question of whose humanity had been affected by the crime.

"According to the Chairman, the ICC is 'chasing' Kenyatta and his deputy William Ruto, despite the fact that the rival Kalenjin and Kikuyu ethnic groups - who had fought after the 2007 election had come together to vote for him in the March (2013) polls.

"Kenyatta and Ruto were on opposite sides in the 2007 election, after which some 1 000 people were killed and 600 000 people fled their homes".

It should stand to reason that it is the process of the electoral contestations of these two rival groups that should be criminalised because of the outcome of their political rivalry.

If the two groups who were rivals in 2007 have become partners in the pursuit of their electoral interest in 2013, this fact shows that the two ethnic groups are not in inhuman enmity with each other and that the issue of inhumanity in conduct and the criminalisation of such conduct has to be addressed on a case by case basis most importantly in the specifics of the Kalenjin and Kikuyu contestations.

Herein lies a structural problem, that is thus phrased.

If the purpose of the ICC's criminalisation of the outcomes of particular courses of political contestations is to discourage particular structuring of political rivalries, can the ICC's objective be realised by law?

Can permissible structuring of political contestation be legislated for all countries?

And even if this were possible, can autonomy of action in the pursuit of sovereign interests, and interest of sovereigns be legally determined without the ICC becoming the Almighty Sovereign?

There is however the difficulty of attempting to "hold a moon beam" in the hand through post facto criminalisation of political struggles and their outcome by the court.

As the case of the Kalenjin and Kikuyu conflict shows, conduct is not essentialist but situation-specific and the two ethnic groups who were sworn enemies in 2007 are in 2013 political friends.

Third party views of relations between the Kalenjins and Kikuyus differ essentially from parties-in-conflicts views.

The question then is why third party interests in specific courses of conflicts should be privileged above the Parties in Conflict Interest in the same course of conflict?

Implicit in the fundamentals of the ICC is a superior-subordinate hierarchy of a sovereign court and subject nations.

What is defended in the establishment of the ICC is orders of subordination of the lesser powers permitted by the great powers whose affairs are outside the practical jurisdiction of the ICC.

This is how African politicians come to form the core of indictable subjects of the ICC, and why none of the permanent members of the Security Council has been indicted by the court.

We have thus far not addressed the two substantive issues that should constitute the principal objections of the African Union to be discussed with the United Nations.

They are namely:

(1)The value of the human in politics national and international;

(2)Why electoral politics in Africa generate conflicts that easily escalate into vicious courses of war and violence.

These issues of values touch on what is substantively the right of communities, nations, imperial states or corporate entities.

We need to be clear on what can be practically considered to be a right that can be qualified as divine, sovereign, national or human.

A right can only said to be a right if threatened can be defended by the Owners and when abridged can be restored by the owners of such rights.

A right to life is a right if threatened can be defended by the persons possessing such right and if abridged can be restored by the person possessing such right.

It is clear from such usage that a right secured by a third party is not a right but a statement of status, a normative ascription.

The power to secure the right and to defend its abridgment is inherent in the assertion of a right.

Rights postulated as a possession of individuals or groups by third parties who are covenanted to defend and maintain that right demonstrably deserve to be defined as right, be it of a class or humanity.

The problem is that there is no third-party agent covenanted to secure, protect and defend the right of humanity and to place such covenants above its responsibility to its nation.

Human rights are not political rights secured by government as rights have been defined in this essay.

Thucydides continues to have the last say - the weak suffer what they cannot avoid, and the strong do what they cannot be prevented from doing.

This addresses the issue of the value of rights, in national and international jurisprudence and diplomacy.

The point is that the giving of laws and their implementation are functions of givers not those of subjects.

The second issue addresses electoral violence in Africa.

Electoral contestations escalate into contestation for leadership, because the questions of Who Rules African Countries have remained unresolved and this is so because of the circumstance of the granting independence to countries who were provinces of empires.

Decolonisation of provinces left unresolved who would rule the ex-colonies!

This was the type of decolonisation sanctioned by the Allied Powers who also set up the post-World War II order.

This is why there is much hypocrisy in the assigning of criminality to Africans without the West recognising why Who Governs Elections in Africa's ex-colonial countries become Who Rules Elections.

Elections in the West are strictly about office holding at the pleasure of the electorate.

But make elections into the British Parliament or the US Congress a process of resolving Who Rules the Country, elections in the US will be more Kenyan because US electors control more lethal weapons of war than any African group of politicians could ever muster.

The African Union should highlight in their dialogue with the UN the causal responsibility of the permanent members of the Security Council for this state affairs in Kenya's elections in particular and elections in Africa's ex-colonies in general.

This is the argument that is to be made against the granting to the ICC the license to hunt African leaders who are yet to understand why elections in their domains are always violent. – Vanguard

The Independent

Friday, 14 June 2013

The globalisation of justice

Military and guerrilla leaders, Presidents know they could face justice for crimes against humanity

When the International Criminal Tribunal for the former Yugoslavia (ICTY) was established by the United Nations Security Council 20 years ago, on May 25, 1993, many regarded it as a meaningless gesture.

At the time, the war in Bosnia was already more than a year old; the city of Sarajevo was under siege; tens of thousands of civilian non-combatants had already died; and hundreds of thousands had been forcibly displaced.



The Bosnian Serbs – and their supporters in Serbia – seemed to be winning the war, while the UN made no provision for taking into custody those charged with ordering or carrying out atrocities. Indeed, some saw the creation of the ICTY as a poor substitute for the military intervention that was needed to halt the slaughter.

For a long time, that cynical response seemed to be justified. The ICTY was slow in getting off the ground. It took the UN 14 months to appoint a chief prosecutor. Another year passed before his office issued indictments against high-ranking figures responsible for major crimes. By then, the massacre of about 8,000 Muslim men and boys at Srebrenica, the largest mass killing in Europe since World War II, had already taken place.

But, though some aspects of the ICTY's performance merit criticism, its overall performance and achievements over the last two decades have made it a great success. That success is twofold: the tribunal's achievements with respect to the former Yugoslavia, and its impact worldwide on ending impunity for war crimes, crimes against humanity, and genocide.

As for the former Yugoslavia, the ICTY eventually obtained custody of all whom it indicted, except those who died in the interim. It has conducted fair trials and has provided a meaningful appellate process that has led to significant convictions and equally significant acquittals.

Its work has paved the way for the establishment of local courts in Serbia, Croatia, and Bosnia that have supplemented its work. By now, hundreds of those responsible for atrocities in the former Yugoslavia in the wars of the 1990's have been held accountable and have served – or are still serving – judicially ordered prison sentences.

The impact of the ICTY worldwide has been multifaceted. It has fostered the establishment of additional ad hoc international criminal courts with jurisdiction over such countries as Rwanda, Sierra Leone, Cambodia, and Lebanon.

It also provided impetus to the establishment of the International Criminal Court, while encouraging prosecutors in many countries to charge senior officials and guerrilla leaders for war crimes and bring them to trial in national courts.

The recent trial and conviction, in a national court, of former Guatemalan President General Efraín Ríos Montt on charges of genocide and crimes against humanity is only the latest blow against the impunity that previously protected high officials responsible for atrocities.

Though the conviction has since been overturned by Guatemala's Constitutional Court, Ríos Montt joins dozens of former heads of state and government leaders who have been prosecuted for gross abuses of human rights since the ICTY was established.

But, despite the achievements of the past 20 years, the movement for international justice is still in its infancy. Inevitably, mistakes have been made. Even so, the 20th anniversary of the establishment of the ICTY is worth celebrating, because the movement it has led has forced military commanders, guerrilla leaders, and heads of state around the world to take into account the possibility that they will face justice if crimes against humanity are committed on their watch.

To that extent, the ICTY has done more than bring a measure of justice to victims and survivors in the former Yugoslavia. It has also contributed to the prevention of injustice in contexts far removed from the Balkans.

Aryeh Neier, President Emeritus of the Open Society Foundations and a founder of Human Rights Watch, is the author of *Taking Liberties: Four Decades in the Struggle for Rights*.

- See more at: <http://www.independent.co.uk/column/comment/7894?task=view#sthash.j26m3yhi.dpuf>

The New Times
Monday, 17 June 2013

Rwanda: ICTR Judge Accused of Letting Top Suspects Free

By Frank Kanyesigye

The president of the International Criminal Tribunal for Rwanda (ICTR) Appeals Chamber, Theodor Meron, has over the years exerted undue influence on trial judges to let high-profile war crimes suspects go free, a Danish judge has said.

Frederik Harhoff's criticism, contained in a five-page confidential letter that leaked last week, also alludes to top suspects in the 1994 Genocide against the Tutsi.

The letter, whose content has since been published in Danish media, was addressed to 56 people, including several lawyers.

Harhoff, a Danish judge who sits on the International Criminal Tribunal for the former Yugoslavia (ICTY) trial panel, said Meron, an American, has been exerting "persistent and intense" pressure on his fellow judges to allow high-profile suspects go free.

Meron, who also presides over the Appeals Chamber of ICTY, earlier this year sparked controversy after a panel he led overturned guilty convictions of two former cabinet ministers in the genocidal regime of Juvenal Habyarimana.

In February 2013, Justin Mugenzi, who headed the trade ministry, and Prosper Mugiraneza, of public services, were controversially acquitted on appeal. An ICTR Trial Chamber had on September 30, 2011, found both men guilty of conspiracy to commit genocide and direct public incitement to commit genocide and sentenced each to 30 years in prison.

Manipulating judges:

In the letter, Harhoff scrutinises and criticises a series of judgements acquitting Serbian and Croatian leaders. He said Meron manipulated the acquittal of Croatia's Gen. Ante Gotovina and Momčilo Perišić, former Chief of the General Staff of the Yugoslav Army.

In 2011, Gotovina was sentenced to 24 years in prison for war crimes and crimes against humanity charges. He was accused of seeking the "permanent removal of the ethnic Serb population from the Krajina region" during the war for Croatia's independence in 1995.

Perišić was found guilty by a majority of the Trial Chamber of aiding and abetting murders, inhumane acts, persecutions on political, racial or religious grounds, and attacks on civilians between August 1993 and November 1995 in Sarajevo and Srebrenica.

The Danish judge's criticism amounts to a severe and dramatic accusation against the tribunal as a whole.

"The most recent of these judgments 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.

Harhoff has also worked at the Tanzania-based ICTR as a senior legal officer.

Rwanda reacts:

Speaking to The New Times at the weekend, Martin Ngoga, the Prosecutor General, said: "Unintentional as it is, what this judge has revealed is extremely shocking and surprising. It gives us a picture of what has been happening in the deliberation rules of the tribunal. The sad part of it is that the judge is only concerned with the cases in the Balkans and not Rwanda."

Ngoga added: "We all know that there have been acquittals with regard to Rwandan cases that were equally controversial. The silence about the Rwandan cases is questionable."

He said the resolution leaves a lot to be desired about the credibility of the court.

"They have to consider the status quo if future cases are to be decided in a credible way and if the tribunal is concerned with its legacy," the Prosecutor-General said.

Presently operating at a biannual budget of nearly \$250 million, the ICTR was established in 1994 to prosecute persons responsible for Genocide and other serious violations of international humanitarian law committed in Rwanda or in neighbouring States in 1994.

The court has completed 72 cases with 10 of them being acquittals, while 17 are pending appeals. It is slated to close down in 2014.

So far, six former ministers who served on the interim government, led by Jean Kambanda, have been acquitted, despite a detailed guilty plea entered by Kambanda on the role of his government in the Genocide.

The Daily Star (Lebanon)

Monday, 17 June 2013

Don't dismiss ex-Yugoslavia tribunal so readily

By Aryeh Neier

When the International Criminal Tribunal for the former Yugoslavia was established by the United Nations Security Council over 20 years ago, on May 25, 1993, many regarded the move as a meaningless gesture. At the time, the war in Bosnia was already more than a year old; the city of Sarajevo was under siege; tens of thousands of civilian noncombatants had already died from the fighting; and hundreds of thousands had been displaced. The Bosnian Serbs – and their supporters in Serbia – seemed to be winning the war, while the United Nations made no provision for taking into custody those who had been charged with ordering or carrying out the atrocities. Indeed, some saw the creation of the ICTY as a poor substitute for the military intervention that was seen as needed to halt the slaughter that was taking place.

For a long time, that cynical response seemed to be justified. The ICTY was slow in getting off the ground. It took the United Nations 14 months to appoint a chief prosecutor for the institution. Another year passed before his office began issuing indictments against high-ranking figures who had been responsible for major crimes. By then, the massacre of about 8,000 Muslim men and boys in the Bosnian town of Srebrenica, which was the largest mass killing in Europe since World War II, had already taken place.

But, though some aspects of the ICTY's performance merit criticism, the overall performance and achievements of the institution over the last two decades have made it a great success. That success has been twofold: there was, first, the tribunal's achievements with respect to the former Yugoslavia; and second, its impact worldwide on ending impunity for war crimes, crimes against humanity and genocide.

When it comes to the former Yugoslavia, the ICTY eventually obtained custody of all those whom it had indicted, except those who had died in the interim. It conducted fair trials and has provided a meaningful appellate process that has led to significant convictions and equally significant acquittals. The tribunal's work has paved the way for the establishment of local courts in Serbia, Croatia, and Bosnia that have supplemented its work. By now, hundreds of those responsible for atrocities in the former Yugoslavia in the wars of the 1990s have been held accountable and have served – or are in the process of serving – judicially ordered prison sentences.

The impact of the ICTY worldwide has been multifaceted. The tribunal has fostered the establishment of additional ad hoc international criminal courts with jurisdiction over such countries as Rwanda, Sierra Leone, Cambodia and Lebanon (for the assassination of the former prime minister, Rafik Hariri). It also provided impetus to the establishment of the International Criminal Court, while also encouraging prosecutors in many countries to charge senior officials and guerrilla leaders for war crimes and bring them to trial in national courts.

The recent trial and conviction, in a national court, of the former president of Guatemala, Gen. Efraim Rios Montt, on charges of genocide and crimes against humanity was the latest blow against the impunity that previously protected high officials who were responsible for atrocities. Though the conviction has since been overturned by Guatemala's Constitutional Court, Rios Montt joins dozens of former heads of state and leaders who have been prosecuted for gross abuses of human rights since the ICTY was established.

But, despite the achievements of the past 20 years, the movement for international justice is still in its infancy. Inevitably, mistakes have been made. Even so, the 20th anniversary of the establishment of the ICTY is one worth celebrating, because the movement it has led has forced military commanders,

guerrilla leaders and heads of state around the world to take into account the possibility that they will face justice if crimes against humanity are committed on their watch.

To that extent, the ICTY has done more than bring a measure of justice to victims and survivors in the former Yugoslavia. It has also contributed to the prevention of injustice in contexts that are far removed from the Balkans.

Aryeh Neier, president emeritus of the Open Society Foundations and a founder of Human Rights Watch, is the author of "Taking Liberties: Four Decades in the Struggle for Rights." THE DAILY STAR publishes this commentary in collaboration with Project Syndicate © (www.project-syndicate.org).

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