

**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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ICC trial: Kenya's Ruto 'partially exempt' from attending

The International Criminal Court (ICC) has ruled Kenyan Deputy President William Ruto only needs to be "physically present" at key sessions of his trial, due to start in September. Mr Ruto, accused of crimes against humanity, had requested to participate in the trial via video link. The court said it had partially granted his request to



accommodate the "demanding functions" of his office. Mr Ruto has denied orchestrating 2007 post-election violence. He has been indicted alongside President Uhuru Kenyatta. Both men were on opposite sides in the ballot six years ago. Some 1,200 people died and more than 500,000 fled homes in the post-election unrest, which brought the country to the brink of civil war.

No immunity

The ICC said Mr Ruto would have to attend the opening and closing statements of all parties and participants, and "when victims present their views and concerns in person during the trial". He would also be required to attend the delivery of the judgment and, if applicable, sentencing. "The Rome Statute does not afford any immunity based on official capacity," the court said in a statement. "Permission granted Mr

Ruto to not be continuously present was strictly for purposes of accommodating the demanding functions of his office as Deputy Head of State of Kenya and not merely to gratify the dignity of his own occupation of that office." Earlier this month, judges at the ICC accepted a request by Mr Ruto's lawyers to delay his trial and obtain more time to prepare his defence.

The court also recommended parts of the trial should be held in Kenya or Tanzania. The announcements came after weeks of pressure from other African states and the African Union to drop the charges against Mr Kenyatta and his deputy. The AU said the ICC was being racist by only prosecuting cases in Africa - an allegation the chief prosecutor, who is from The Gambia, denies by saying she is standing up for the African victims of crimes against humanity.

Saif al-Islam Gaddafi to be tried in Libya in August



Saif al-Islam Gaddafi has been held in Zintan since 2011. Saif al-Islam Gaddafi, the son of former leader Libyan Col Muammar Gaddafi, will be tried in August, the prosecutor's office has announced. It said the case against him and other senior regime members would include charges of forming criminal gangs, inciting rape and illegal detentions. Prime Minister Ali Zeidan told the BBC that they would "receive a fair trial". Libya has resisted the International Criminal Court's requests to extradite Saif al-Islam for trial in The Hague. He is wanted by the ICC on war crimes charges, but Tripoli insists he will be prosecuted at home, where he could face the death penalty. Among those who are expected to go on trial in August are Col Gaddafi's intelligence chief Abdullah al-Senussi and ex-Prime Minister al-Baghdadi al-Mahmoudi. Saif al-Islam is currently being held in the western Libyan town of Zintan, following his capture by militiamen at the end of 2011. He was considered the most likely successor to Col Gaddafi before the uprising that led to his father's downfall two years ago. In January, Saif al-Islam Gaddafi appeared in Zintan's court in a separate case on the accusations of trading information threatening Libya's national security. That trial was later postponed.

Institute for War and Peace Reporting

Tuesday, 18 June 2013

Africa: ICC's Funders Seek Greater Efficiency

By Blake Evans-Pritchard, Simon Jennings

As the court asks for a bigger budget, it will need to consider where cost savings can be made.

The gleaming new front desk which greets visitors as they enter the International Criminal Court's, ICC, Hague-based headquarters does not exactly scream austerity.

Renovating the entrance lobby, which is jointly shared with Eurojust, a judicial agency of the European Union, cost 50,000 euro, 66,000 US dollars, according to diplomatic sources.

Given that the ICC is due to move to new premises within the next couple of years, such apparently lavish spending rankles with the governments that pay for it, particularly at a time when they are cutting expenditure at home.

The 25,000 euro spent on the lobby - Eurojust paid the other half - is of course just a tiny fraction of the court's overall budget, set at 109 million euro, 145 million dollars, for 2013. Court insiders say that the new lobby has improved security and saves energy through better insulation, thus reducing costs.

For officials in many of the contributing states, however, this kind of expenditure is symptomatic of the way the court operates, and is one of the reasons why they are reluctant to give it the money it badly needs.

Questions have been raised about a wide range of ICC expenditure, from travel costs to current management structures, and the contributing countries want action.

"We believe there is a need for the ICC to challenge itself more on its needs and required budget so that it can ensure that its operations are as effective and efficient as possible," a spokesperson for the British Foreign and Commonwealth Office told IWPR. "It isn't possible to put a price on justice, but there are areas where we need more information from the court as to how certain budget lines are spent and how they contribute to the overall effectiveness and efficiency of the court."

Other governments that are major contributors to the ICC budget hold similar views, although officials were not willing to be quoted on the record.

DOUBTS ABOUT FINANCIAL PRUDENCE

The ICC's budget is set by the Assembly of the States Parties to the Rome Statute or ASP, made up of the governments which signed up to the court's founding charter. In recent years, the ASP has been criticised for adopting a zero-growth policy for funding the court, even though the geographical scope of investigations has greatly expanded.

Many ASP members question whether the court is getting the most out of its current budget. The thinking is that if the ICC cannot be trusted to make every penny count, then it should not be entitled to more money.

Some have voiced concerns, for example, over the amount being spent to furnish the ICC's new headquarters, which it is due to move into in 2015. New desks in the building reportedly cost 6,000 euro each.

According to the FCO, the British government has asked the court to provide more information about why certain costs are so high, with a view to "challeng[ing] their assumptions in order to reduce costs".

"These areas include things like the cost of office equipment, travel and provision of services," the FCO spokesperson said. "We are asking [the court] to be creative and inventive in how it finds efficiencies, for example through procurement, and revising policies so as to reduce costs - [such as] how long computers are kept for - so that this money can be used in support of the court's work in other areas."

Herman von Hebel, who replaced Silvana Arbia as the court's registrar in March, recognises these concerns and has promised to address them.

"It is all about developing trust," he told IWPR. "What I would like to do is develop a transparent discussion with the ASP to show exactly what our needs are and what we can do with the money that we are being provided with. When we speak about efficiency, there's always room for critically assessing one's own working methods."

Von Hebel says that one of his priorities will be to look at the registry - the body in charge of administrative and financial management at the ICC - and to explore ways of doing more for less money.

"We need to be very specific about exactly what our needs are," he said. "I think that this is something that could be done not only within the registry, but on a court-wide basis."

Von Hebel certainly has the credentials for tackling budgetary constraints, and member states seem to have faith that he will make a difference.

He spent three years as deputy registrar and then registrar at the Special Court for Sierra Leone in Freetown, followed by a similar period as deputy registrar and then registrar at the Special Tribunal for Lebanon, based in The Hague.

Both of those courts rely heavily on short-term voluntary funding, which often places tremendous pressure on their budgets.

"In these other tribunals, I led forthright internal discussions about our needs and resources, and was often perceived as tough in terms of the budget," Von Hebel said. "Perhaps this is my Dutch nationality, but I hope that this is a reputation I will also have with the Assembly [of States Parties]."

PRESSING NEED FOR MORE FUNDS

There has never been greater urgency for the ICC to show that it is a responsible organisation that can be entrusted with more funding.

The court has come in for serious criticism in recent months following a string of failed investigations that have left prosecutors unable to bring enough evidence against suspects. (See ICC Under Fire Over Investigations)

Supporters of the court say the Office of the Prosecutor is overstretched and needs more funding to enable it to conduct investigations to the necessary standard.

Four years ago, the ICC was investigating just four situations, in the Democratic Republic of Congo, Uganda, Darfur and the Central African Republic. Since then, it has added four more investigations, in Kenya, Libya, Mali, and the Ivory Coast.

At the same time, the court's budget has barely increased at all, inching up from 101 million euro in 2009 to this year's 109 million.

"We see that there's a real problem with the number of investigations increasing whilst the number of investigation teams remain the same," Jonathan O'Donohue, legal adviser at the advocacy organisation Amnesty International, said. "Staff often have to be moved around in order to cover the increased workload. The ultimate goal must be for the court to function effectively, but this is constantly overshadowed by the zero-growth argument."

Von Hebel recognises that certain areas of the court are in desperate need of more funding, and he hopes that by making savings elsewhere he can persuade member states to increase the overall allocation.

"The prosecutor is in dire need of more resources to do investigations," said Von Hebel. "Compared with other courts and tribunals, the number of staff per investigation is extremely low. If you have eight situations and just over 60 investigators, then you have a very tough job. We have discussed already with the prosecutor how we can internally streamline to further support this work. All member states have significant financial challenges at the moment, so we need to recognise this and create a culture of transparency, trust and confidence within our organisation."

MAKING A DIFFERENCE

It is too early to tell whether the new registrar's good intentions will make a meaningful difference to ICC expenditure, and there are few signs that member states are prepared to loosen their purse strings just yet.

This year's negotiations on the budget are under way, and it is unlikely that anything more than a very slight increase will be agreed when member states meet in New York in November.

Still, diplomatic sources indicate that if the ICC is able to increase the ASP's confidence in it by demonstrating a high level of transparency, subsequent years could see real steps towards addressing its funding needs.

"The court's willingness to respond to requests from the ASP on how it views and manages its budget has improved over the last few years," the FCO spokesperson said. "We can see a growing partnership between the ASP and the court to develop and improve the overall efficiency of its operations."

A source in another ASP member told IWPR, "The ICC has not always fostered a high level of trust with member states, which can make it difficult for the court to clearly show that it should be entitled to more funds. Things have improved noticeably since the low point of 2010, though, and we hope this continues."

Von Hebel says that it is soon to say which areas can be subject to efficiency savings. Nevertheless, a draft report prepared by the consultancy firm PricewaterhouseCoopers offers some clues.

The document, seen by IWPR, was prepared at the request of the ASP's Committee on Budget and Finance, which wanted an external assessment of the court's organisational structure and a view on where savings might be made.

The report focuses primarily on changes to the registry and the judiciary. A separate report looking at the Office of the Prosecutor is being worked on at the moment.

"It can be concluded that the registry should seek to reduce its structural complexity with clear hierarchical and escalation lines, with a view to strengthening internal (and thereby external) cooperation and coordination," the report states.

In his interview with IWPR, Von Hebel indicated that the registry's managerial structure was an area he would be looking at.

The report also says that the registry suffers from a lack of adequate performance measurements, hampering efficient and targeted application of budget funds.

The report also recommended better communication among different ICC departments, suggesting that some of their functions may overlap.

The PricewaterhouseCoopers consultants also tackled the issue of staffing, which, according to the latest figures from the court, eats up nearly 70 per cent of the budget.

Finally, the report notes a lack of staff motivation in some areas of the court, largely caused by a lack of career opportunities and general dissatisfaction with the performance appraisal system.

MEASURING JUSTICE

In national courts, it is quite common to use a series of benchmarks to measure the effectiveness of the justice process.

Pim Albers is a policy advisor within the Dutch ministry of justice and a senior researcher at the Hague Institute for Global Justice. He says it is normal practice, for example, to look at the duration of cases of a similar type and the ratio between incoming and completed cases.

However, it is not clear whether this would readily translate to the sphere of international justice, given the many variables that affect the success of any given investigation or prosecution.

"A court is not a factory that produces shoes," Von Hebel said. "There are all sorts of factors that determine the effectiveness of the court. Whilst it may be useful to have a look at some quantitative factors such as the number of court hearings or the number of ongoing investigations, it's also a question of what you can achieve on the ground, and it's far too early in the court's lifespan to make a complete assessment of this."

Albers recognises that things work very differently at the ICC, and that there are huge challenges in comparing one trial or country situation with another. However, he thinks that some steps could be taken in this direction.

"It would be useful if the ICC could publish a breakdown of the time required by staff in order to reach a judgement," he said. "It would be useful to measure how long it takes to prepare an indictment, how much time is spent on the investigation, how long the trial phase lasts. Then the court might be able to draw some useful conclusions about where cost savings would make most sense."

Albers points out that such performance indicators might also reveal other valuable facts about the process of international justice, beyond merely where inefficiencies lie.

He suggests, for example, that it might be helpful to compare the number of indictments with the number of trials concluding, either in a conviction or an acquittal.

"A particularly high ratio... could indicate a high-level of cooperation with the situation country," he said. "Conversely, a particularly low ratio may mean the level of cooperation is insufficient and steps should be taken. Performance indicators are useful at showing where the bottlenecks lie."

Patrick Vinck, a research scientist at the Harvard Humanitarian Initiative, a centre within Harvard university, has been looking at ways in which indicators can be used to measure the effectiveness of outreach - the efforts made to communicate with people affected by the trial in the country concerned.

In the past, the court has been criticised for cutting its outreach programmes too quickly, since they are often viewed as a "non-core" function. This is something that Von Hebel wants to change.

"The key challenge is to decide what exactly you are trying to measure and what you are trying to do with outreach," Vinck said. "If you are only trying to measure how much people have heard about the court or a particular trial, then things are fairly straightforward. But if you're trying to capture true understanding of the trials, then measuring the impact becomes much more complex."

Vinck says the methodology he uses is the same as might be used to measure the extent of a disease.

"We interview representative samples of the population and use this data to measure the prevalence of knowledge, attitudes and perceptions," he said.

Whilst Vinck does not think it makes sense for benchmarks to be used to shape the budget, he nonetheless sees it as important to gather this kind of data, as a way of finding out whether ICC outreach work is effective, and whether more funding is needed. For example, past research into outreach activities in the Central African Republic, CAR, revealed that awareness of the ICC was especially low among women, even though gender-based violence forms a large component of the ongoing case against Jean-Pierre Bemba, a Congolese politician accused of crimes in CAR.

"The budget for outreach in the ICC is ridiculously small," said Vinck. "By evaluating their own work and effectiveness, outreach units can better demonstrate what their needs are."

Blake Evans-Pritchard is an IWPR contributor in The Hague and Simon Jennings is IWPR's Africa Editor in London.

Human Right Watch

Wednesday, 19 June 2013

Sierra Leone: Investigate Alleged Rebel Arms Supplier

Former Associate of Charles Taylor, Rebels Identified in Freetown

(Nairobi) – The Sierra Leone authorities should open a criminal investigation of a suspected arms supplier for his alleged involvement in international crimes during Sierra Leone’s civil war. This would be Sierra Leone’s first purely domestic prosecution in relation to war crimes or crimes against humanity committed during its 11-year armed conflict, which ended in 2002.

Ibrahim Bah, also known as Ibrahim Balde, is a Senegalese national who allegedly provided arms and materiel to the rebel Revolutionary United Front (RUF), according to a United Nations panel of experts and the UN-backed Special Court for Sierra Leone. The RUF committed widespread and systematic abuses against civilians characterized by murder, mutilation, amputation, torture, rape, and forced abductions during the war.



Revolutionary United Front rebels patrol through downtown Freetown on June 7, 1997. © 1997 Reuters

Ibrahim Bah was allegedly involved in arming and supporting Sierra Leone’s rebels, who committed massive atrocities during the country’s 11-year civil conflict. Now that Bah has been located in Freetown, Sierra Leone authorities should promptly open a criminal investigation.

“Ibrahim Bah was allegedly involved in arming and supporting Sierra Leone’s rebels, who committed massive atrocities during the country’s 11-year civil conflict,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “Now that Bah has been located in Freetown, Sierra Leone authorities should promptly open a criminal investigation.”

Bah has been subject to a UN-imposed travel ban since 2004 for his alleged role in illegal arms and diamond dealing and for supporting former Liberian President Charles Taylor’s effort to destabilize Sierra Leone. He was believed to be living in Burkina Faso, but a new report issued by a UN panel of experts on May 31, 2013, found that Bah has been living in Sierra Leone since 2008.

The UN-backed Special Court for Sierra Leone found that Bah was a close associate of Taylor, who was convicted by the court in 2012 for his role in providing arms and other assistance to the rebels. Taylor’s conviction is on appeal. From 2002 to 2009, the Special Court tried and convicted three former leaders of the RUF rebels, three former leaders of the rebel Armed Forces Revolutionary Council, and two former members of a pro-government civil defense militia, in addition to Taylor.

The Sierra Leone government and the UN established the hybrid international-national court, the Special Court for Sierra Leone, in 2002 to prosecute those “bearing the greatest responsibility” for crimes committed during the conflict. However, the tribunal is winding down operations. One of the hoped-for legacies of the Special Court is that it has helped build capacity in Sierra Leone to prosecute international crimes domestically, including those committed during Sierra Leone’s armed conflict. Numerous Sierra Leoneans have worked as investigators, prosecutors, and defense counsel at the court.

“The Special Court has made a vital contribution, but its work should not be the end of the road,” Dufka said. “Domestic cases are also needed to more fully ensure justice for the gravest crimes committed during Sierra Leone’s war.”

Sierra Leone’s domestic criminal code lacks some definitions of serious crimes in violation of international law, and laws incorporating these crimes should be adopted. However, ordinary crimes such as rape and murder that underlie such crimes are available under the domestic code.

“Sierra Leone has taken major steps over the past decade to promote justice for serious crimes committed during its horrific civil war and to build respect for the rule of law,” Dufka said. “Investigating Bah for possible criminal prosecution would be an important way to build on this progress.”

The New Dawn (Liberia)

Wednesday, 19 June 2013

Liberians Seek War Crimes Court

Most ordinary Liberians are calling for the establishment of a war crimes court to prosecute perpetrators of hideous crimes during the country's civil conflict.

The Independent National Commission on Human Rights (INCHR) said most Liberians believe there can be no genuine peace without justice therefore, perpetrators of mayhem against peaceful citizens should have their day in court.

A peace deal signed by Liberian warring parties in Accra, Ghana in 2003 settled for a Truth and Reconciliation Commission against a war crimes court, a key compromise that motivated warring factions to disarm in 2004, which paved the way for democratic elections subsequently.

The TRC, which completed its duties in 2009, indicted leaders of various warring factions, including top commanders for war crimes and recommended for prosecution, but the final report of the commission seems to have been placed on the shelf by the Liberian Government.

However, the INCHR Commissioner Thomas Abu Bureh said participants of phase one of a palaver hut program conducted recently in three counties, Grand Bassa, Rivercess and Sinoe, respectively called for a war crimes court.

Commissioner Bureh said people were yet to come to terms with their wounds as they continue to grieve of hurt sustained from the civil conflict, which ended nearly 10 years ago.

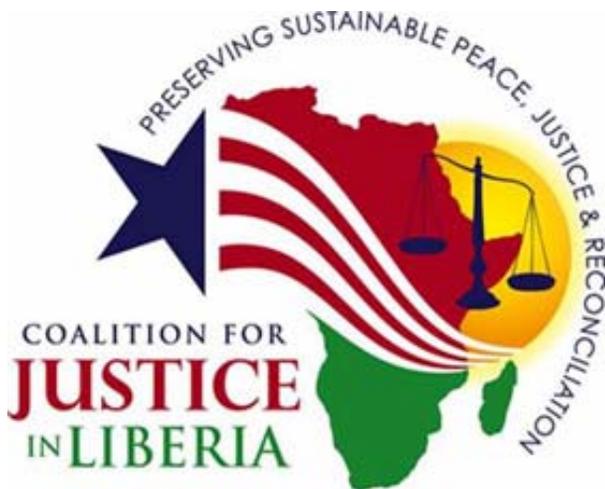
"These participants or victims believed that there must be prosecution before reconciliation so they want war crimes court set up here," Bureh noted. He said it is possible for both victims and perpetrators to sit face-to-face, but regrettably, the issue of prosecution is not in the palaver hut program.

The former TRC recommended names of over 100 war crimes suspects for prosecution. The Liberia conflict reportedly killed about 500,000 people with millions of dollars worth of properties destroyed from 1989 to 2003; writes TKS.

Liberia strife toll: Starvation, massacres, child soldiers, rape

The Coalition for Justice in Liberia (CJL) symposium geared toward training staffers on how to unearth and report gross human rights abuses, including war related massacres taking place around the world, ended last week with participants pledging to work together to end a "culture of impunity" by perpetrators of genocides.

Most of the speakers at the ceremony vowed that war criminals living in the United States and Europe will eventually be booked no matter how long they run or evade justice.



The conference, held at the Brooklyn Center City Hall, brought together a group of hardcore international human rights activists, lawyers and representatives, some from the U.S. Department of Justice and the Department of Homeland Security and Naturalization. Liberian human rights journalists were also among the panelists at the forum.

Among the journalists were CIVITAS' director, Hassan Bility and former Associated Press correspondent James Kokulo Fasuekoi. Bility who presently runs CIVITAS, a human rights group based in Liberia, suffered severe torture at the hands of Charles Taylor's securities prior to the fall of Taylor's regime. Bility spoke about his ordeals

in the former dictator's prison and the process which led to his released. Taylor had agreed to free Bility but only if he would agree to leave Liberia. Bility was later flown to Ghana, and then to the U.S. after the U.S. Embassy in Monrovia reached a compromise with the former warlord.

Journalist and author, Fasuekoi who covered the Liberian Civil War for more than a decade before escaping the country two years after Taylor became president, introduced a new dimension to the event.

He screened vivid photographic slides of child-soldiers, mass starvation, massacres, warlords and rebel commanders, which brought fresh memories of the war. Some of Fasuekoi's war images were so ghastly that some members of the audience had to turn away from the screen. Among panellists⁰ for were University of Liberia political science professor Alaric Tokpa and Tony Leewaye, a Minnesota based Liberian community organizer and social worker.

During the conference, participants spoke of gross human rights abuses including genocides carried out in Liberia with a focus on people whose actions led to the carnage and mayhem that characterized the 14-year brutal war.

Other places where gross human rights violations have occurred in the past such as the East African country of Rwanda and Guatemala in South America were placed under the spotlight and U.S. human rights activists and lawyers attending the forum briefed the audience on the level of progress they have made so far in those countries in terms of prosecuting perpetrators of abuses and massacres via international justice systems.

During opening remarks, founder and interim president of the Coalition for Justice in Liberia, Lovetta Tugbeh, lamented on the plights of vulnerable women and children throughout Liberia.

Tugbeh told the audience, "Soldiers (rebels) forced men to rape their daughters in front of others, mothers were forced to have sex with their sons; sisters with brothers."

She urged the U.S. Department of Justice to work hand in hand with rights groups in and out of the U.S. in order to track down and subsequently prosecute "perpetrators of heinous crimes against humanity" and not allow them use the U.S. as a safe heaven.

Speaking further, Tugbeh assured the audience and victims of war that her new organization would not limit itself to the provision of rehabilitation and trauma counseling for raped and war victims, but would also strive make free medical services available to them.