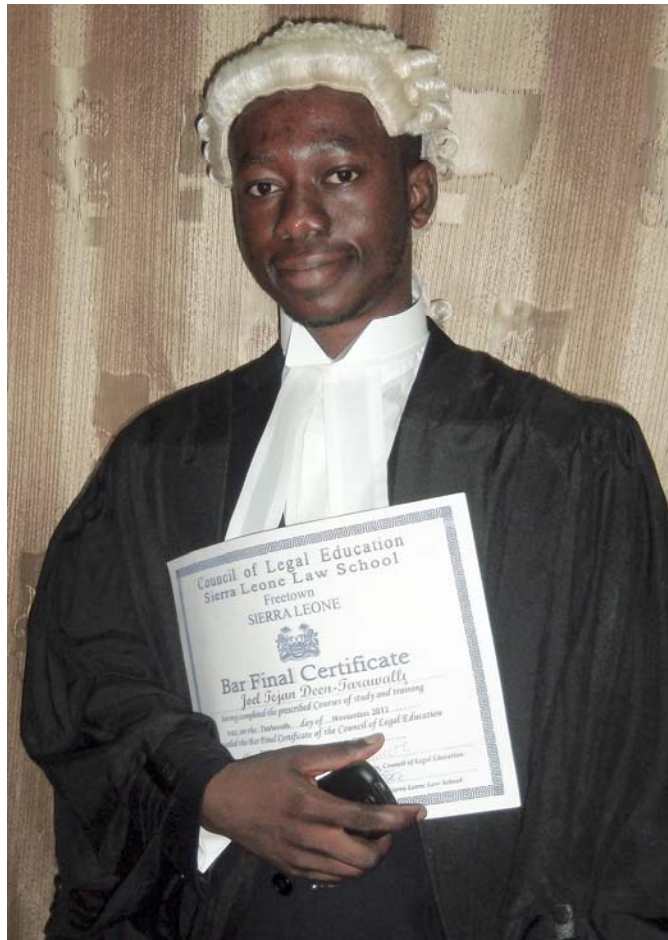


**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



The Special Court's newest lawyer: Tejan Deen of the Defence Office was called to the Bar on Wednesday evening.
Photo credit: Hassan Sherry

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, 15 November 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Outreach and Public Affairs

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For di People
Friday, 15 November 2013

UN Security Council must reject calls to defer ICC trial on Kenya

THE UN Security Council must not give in to political pressure to defer Kenyan President Uhuru Kenyatta's trial at the International Criminal Court for a year, Amnesty International said ahead of a scheduled vote on Friday.

Earlier this month, Rwanda, a Security Council member, circulated a draft resolution seeking the deferral. It is due to be put to a vote on Friday.

"The victims of the post-election violence in Kenya have waited long enough for justice,"

said Tawanda Hondora, Deputy Director of Law and Policy at Amnesty International. "It would be a shame if Security Council members prioritized the personal interests of political leaders over those of victims of crimes

against humanity."

"Deferring the trial sets a dangerous precedent for international justice—paving the way for future trials to be derailed for political interests."

Following the Westgate Mall attack in the Kenyan capital, Nairobi, between 21 and 24 September, the ICC granted Deputy President Ruto's application for postponement of the trials to allow him to deal with the ensuing crisis. The Court has also

said it will allow both accused to be absent from Court in exceptional circumstances

"Clearly, the ICC has been properly adjudicating over and managing the trials as provided for under the Rome Statute. There is no reason, therefore, for the Security Council to interfere and politicise ICC trials," said Tawanda Hondora.

Kenyatta's trial, which was due to take place

on 12 November 2013, has also been postponed until 5 February 2014.

"In these circumstances, a Security Council resolution would be precipitous and ill-advised," said Tawanda Hondora.

"African leaders displayed their commitment to international justice when they signed the Rome Treaty stating that no-one, not even a head of state, is exempt from criminal responsibility. They should not renege upon this now by calling for a deferral."

Compromises or political trade-offs will seriously undermine the international justice system and entrench impunity for heads of state accused of war crimes, crimes against humanity and genocide.

"The Security Council turned down a previous deferral request by Kenya in 2011 and rejected a request in May this year. We expect them to do the

Contd. P3

UN Security Council must reject calls to defer ICC trial on Kenya

same now, in the interests of the victims of crimes under international law committed in Kenya and around the world" said Tawanda Hondora.

Background

The UN Security Council is able to defer International Criminal Court proceedings for one year under Article 16 of the Rome Statute which governs the Court.

Kenya asked the UN Security Council to defer the cases against President Kenyatta and Deputy President Ruto in May 2013, and the African Union filed a new request on 12 October 2013.

More than 1,000 people were killed and some 600,000 displaced after violence rocked Kenya following the country's presidential and parliamentary elections in late 2007.

Violence erupted between groups supporting Mwai Kibaki of the

Party of National Unity (PNU), who was declared the winner of the presidential elections and his main rival Raila Odinga, leader of the Orange Democratic Movement (ODM) and was particularly concentrated in Kenya's Rift Valley and in the west of the country.

President Kenyatta and Deputy-President Ruto, who were both senior political figures at the time of the post-election violence, are accused of crimes against humanity including murder, forcible population transfer, and persecution. President Kenyatta is also accused of responsibility for rape and other inhumane acts – including forced circumcision and penile amputation – carried out by the Mungiki, a criminal gang allegedly under his control.

United Press International

Thursday, 14 November 2013

Charles Taylor backers threaten Britons in Liberia

LONDON, Nov. 14 (UPI) -- The British government warned Thursday of the risks of traveling to Liberia because of threats made by supporters of former Liberian President Charles Taylor.

"Taylor's supporters have warned that U.K. travelers in Liberia may be at risk of reprisal," the warning from the British Foreign and Commonwealth Office said. "You should be vigilant and avoid discussing political issues."

The British advisory outlined few specifics about the threats.

"Liberia has become increasingly stable since the internal conflict ended in 2003, but the security situation remains fragile," it said.

An appeals court for the Special Court for Sierra Leone issued a unanimous decision in September to uphold the 11 counts of war crimes and crimes against humanity filed against the former Liberian president.

At least 50,000 people were killed during the 11-year civil war in Sierra Leone that ended in 2001. Taylor was sentenced by a U.N. special court in May 2012 to 50 years in prison for aiding and abetting crimes against humanity committed by rebel forces in the West African country during the conflict.

He was sentenced to serve his sentence in a British jail.

UK.GOV

Thursday, 14 November 2013 (Updated)

<https://www.gov.uk/foreign-travel-advice/liberia/safety-and-security>

Foreign Travel Advice: Liberia

-SNIP-

Former Liberian President Charles Taylor is serving a long prison sentence in the UK following his conviction by the Special Court for Sierra Leone. Taylor's supporters have warned that UK travellers in Liberia may be at risk of reprisal. You should be vigilant and avoid discussing political issues.

Standard Media (Kenya)

Thursday, 14 November 2013

Amnesty opposes deferral of case in The Hague court

By ISAAC MESO

Amnesty International has urged the UN Security Council not to give in to pressure to defer President Uhuru Kenyatta's trial at the International Criminal Court.

On the eve of the crucial vote, Tawanda Hondora, Deputy Director of Law and Policy at Amnesty International said deferring the trials for a year will set a dangerous precedent for international justice, paving the way for future trials to be derailed to suit political interests

“The victims of the post-election violence in Kenya have waited long enough for justice. It would be a shame if Security Council members prioritised the personal interests of political leaders over those of victims of crimes against humanity,” he said.

Earlier this month, Rwanda, a Security Council member, circulated a draft resolution seeking the deferral, a proposal that is due to be put to vote today.

Hondora said the ICC had been properly adjudicated over and the trial had been managed as provided for under the Rome Statute and it would be in bad light for the Security Council to interfere and politicise the trials.

He further noted that African leaders displayed their commitment to international justice when they signed the Rome Treaty and they should not renege now by calling for a deferral.

Department for International Development Blog

Tuesday, 12 November 2013

Sexual violence in conflict

The use of sexual violence in conflict is an issue that has finally received the recognition it deserves, and I am proud to be part of the movement to end this crime. Since assuming the position of Special Representative of the Secretary-General on Sexual Violence in Conflict I have travelled to countries where rape as a weapon of war has been used against girls and women, and when you hear their stories of terror and degradation you know that one rape in war is one too many.

Unfortunately, the shame of these abuses is not endured by the perpetrator; rather it is borne by the survivors of these attacks. It is the victims and their families, not the attacker, who must deal with the devastating and long lasting consequences of this crime, which can include sexually transmitted diseases, damage to reproductive organs and health, depression, unwanted pregnancies, and social stigmatisation.

Girls and women suffer disproportionately from this crime and this is not by accident; when you attack a mother, a wife, a sister or a daughter you are attacking the very fabric of society. By assaulting girls and women you wreak havoc on society, weaken the resistance of an opposing side, and ensure that communities will struggle to recover from the devastating repercussions of sexual violence long after the conflict has ended.



Survivors of sexual violence at a Caritas drop-in centre in the Democratic Republic of Congo. Picture: Robin Hammond / Panos.

I have listened to the heartbreaking stories of survivors and their pain is tangible, even years after the attack. These women are often abandoned by their husbands, cast out by their families and ostracised by their communities. As a result, they face a life of poverty and marginalisation because of what they have endured. These women ask for justice and want their attackers held responsible for their actions. They ask for a helping hand to start the process of rebuilding their lives. They are in need of medical care to heal the physical and mental wounds they have sustained.

And they ask that we put an end to this crime so that they can emerge from the shadows where they hide in shame for what has happened to them.

The effect and use of sexual violence in each country is unique. In Syria, the threat of sexual violence was a major contributor to displacement as families fled in an attempt to get girls and women safe.

Unfortunately, this had the unintended consequence of early and enforced marriages as parents married their daughters off to older men in an attempt to keep them safe. In turn this led to trafficking of girls and women.

Each country has untold stories that the world will never hear. For this reason, we must be the voice of the voiceless and ensure that these women and girls are not just statistics referred to in media reports, but

human beings whose rights are being trampled and lives cut short by this atrocity. The stories of these girls and women have fuelled my determination to stand with these survivors and end what has been called "history's greatest silence" by being their voice on the international stage.

The past decade has been one of change, showing the commitment of the international community to break this silence. During the 68th UN General Assembly 135 countries endorsed the Declaration of Commitment to End Sexual Violence in Conflict. Initiatives such as these show that change is possible and that the plight of millions of victims of this crime will no longer be ignored, and along with resolutions adopted by the Security Council and the Declaration to Prevent Sexual Violence in Conflict endorsed by G8 nations, the international community has finally stood up to say that wartime rape is not a women's issue, it is a peace and security issue and deserves to be treated as the war crime that it is.

I hope that the High-Level Event on protecting girls and women in emergencies galvanizes public support and reinforces the resolve of those already dedicated to ending sexual violence in conflict and securing donors who share our goal. I hope that with this increased and renewed support, we can make even more progress toward ending this rights abuse that has been tolerated for far too long, in far too many places. We must pursue a global zero tolerance policy on sexual violence in conflict so that girls and women know they are protected and so that perpetrators know their crime will not go unpunished. It is time that we come together to end sexual violence everywhere and ensure that it claims no more victims.

World Policy Blog

Thursday, 14 November 2013

Opinion

Saving the International Criminal Court

By Ernesto J. Sanchez

Potentially insurmountable damage to the International Criminal Court's (ICC) credibility continues to mount. African leaders have circulated a draft UN Security Council resolution, approved by the African Union (AU), seeking a one year deferral of ICC charges against Kenyan President Uhuru Kenyatta and Vice President William Ruto. President Kenyatta and Vice President Ruto are accused of crimes against humanity via the orchestration of political violence that left at least 1,100 dead following Kenya's disputed 2007 presidential election. The Kenyan parliament has called for Kenya's withdrawal from the court, and political leaders across Africa have contemplated the same. The question therefore arises whether the Council will pass the resolution and compel the ICC to take other steps necessary to preserve its credibility.

The ICC has faced heavy criticism from commentators and governments alike because its governing Rome Statute does not comport with traditional international law granting immunity to heads of state and other high-ranking government officials. Underlying this law is the need for world leaders to fully concentrate on their duties while in office. In this respect, President Kenyatta has gained much sympathy from his counterparts as Kenya faces a heightened al-Shabaab terrorist threat following the Westgate shopping mall attack in Nairobi.

The unilateralism through which the ICC indicted Kenyatta and Ruto has also compromised its institutional validity. Neither the Kenyan government nor the UN Security Council called for an investigation of post-2007 election violence in Kenya. The indictments instead resulted from a unilateral referral that enabled the ICC's chief prosecutor to proceed under the Rome Statute's controversial grant of investigatory discretion.

Moreover, African leaders remain frustrated that all ICC indictments to date have concerned African countries exclusively. Ethiopian Prime Minister Hailemariam Desalegn has even charged that the ICC investigative process has degenerated into "some kind of race hunting." The fact that the ICC's chief prosecutor – Fatou Bensouda – hails from Gambia, which supports the draft UN resolution, has not placated these concerns.

Further damaging the ICC's reputation is the arbitrary nature of some of his rulings. The Court, for example, just last month dropped charges against former Libyan intelligence chief Abdullah al-Senussi, meaning that he will now be tried in Libya for allegedly orchestrating atrocities during the 2011 uprising against Libyan dictator Muammar al-Qaddafi. Yet, the same has not happened with the late dictator's son and seeming heir apparent, Saif al-Islam al-Qaddafi, who is charged with similar crimes. In comparing both cases, the ICC rightly noted that the Libyan central government's failure to secure Saif al-Islam's transfer from a militia's custody evidenced an inability to try him. But critics might still reasonably question why the ICC views the overall Libyan judicial system as adequate for Senussi, who is in Libyan central government custody, but not for Saif al-Islam were the militia to hand him over to central government authorities. These two decisions are now under appeal.

Both the Kenyatta-Ruto and Qaddafi-Senussi matters exemplify how the ICC can place itself at odds with national sovereignty in manners that inevitably do not sit well with state governments. This predicament is why passing the pertinent Security Council resolution could lessen the disdain African leaders have toward the ICC. But that alone will not be enough.

As it operates currently, the ICC currently makes its own decisions on a unilateral basis. However, The ICC must recognize that if it is to credibly investigate anyone for anything, it must draw upon knowledge and support from governments and outside actors. Often leaders will travel to countries where they can escape the ICC's reach and successfully avoid arrest. A recent example of this is Sundanese President Omar al-Bashir's escape under pending charges.

For the ICC to definitively cement its global credibility, at the very least the U.S., China, and Russia must join. And that simply will not happen unless the Rome Statute is amended to end the prosecutorial discretion behind the Kenyatta-Ruto cases. Because other states might also question the fairness of how the five permanent Security Council members' permanent veto effectively protects them from ICC investigation, perhaps the Council should not have the power to refer cases at all. In other words, the ICC investigative powers should be restricted to national government requests in times of calm or unrest.

The ICC has actually worked best in the wake of states' voluntary referrals. One such referral by the Democratic Republic of the Congo, for example, resulted in the ICC's first ever conviction and sentencing – that of warlord Thomas Lubanga, now serving a 14 term in a specially designated Dutch prison. Another referral by Uganda has resulted in the indictment of Joseph Kony and three other leaders of the infamous Lord's Resistance Army.

To strengthen its potential to be viewed by states as a resource, and not a tool for global governance, the ICC could also offer the option of "hybrid courts," entailing tribunals comprised of both judges from a country a case affects and judges working under ICC auspices. Patricia Wald, a former chief judge of the U.S. Court of Appeals for the DC Circuit and member of the International Criminal Tribunal for the Former Yugoslavia (ICTY), has praised such hybrid courts like the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. And she has lamented the failure of purely international courts like the ICTY or the International Criminal Tribunal for Rwanda to "touch the hearts and minds of those who were victims of the leaders and their subordinates who committed war crimes."

Implementing these changes would, of course, require an amendment to the Rome Statute. Given the Obama administration's greater sympathy for the ICC relative to its predecessor, the U.S. may consequently be the only permanent UN Security Council member with both the clout and interest to lead the sort of diplomatic initiative that could facilitate these reforms. Partnering with the African Union in doing so, the U.S. might gain good will in Africa, an increasingly important trade and counterterrorism front. The fact that the post-Qaddafi Libyan government has not ignored the Qaddafi-Senussi indictments, but actually presented a case in response to them, indicates how countries interested in comporting their own criminal justice systems to international legal norms will work with an ICC that respects national sovereignty. If the ICC can adapt itself along the lines of promoting inclusion in its decision-making process, it can remain, and perhaps even strengthen its effectiveness and credibility as an institution.

*Ernesto J. Sanchez is an attorney specializing in international law and senior analyst at Wikistrat, Inc. The American Bar Association has just published his book, *The Foreign Sovereign Immunities Act Deskbook*, on the law governing lawsuits against foreign governments in U.S. courts.*

Gates-Cambridge Blog

Wednesday, 13 November 2013

<http://gatescambridge.wordpress.com/2013/11/13/devils-advocates-at-the-khmer-rouge-trial/>

Devil's advocates at the Khmer Rouge trial



There is often a tension between facts as they are reported in media and facts as they are alleged – and only alleged – in courts of law before a verdict has been reached. The principle of “innocent until proven guilty” is essential to current justice systems, but it’s also ontologically confusing when news reports and other sources have already established the facts we “know”.

This tension was especially hard for me to get my head around when I started reporting on Cambodia’s Khmer Rouge tribunal a year ago. It’s a massive case trying ageing leaders for a slew of crimes that took place nearly 40 years ago. An estimated 1.7 million or more Cambodians died under the Khmer Rouge regime, which ruled the country from April 1975 until January 1979. Its surviving leaders are charged with crimes against humanity, war crimes and genocide for directing policies that saw all of Cambodia’s cities evacuated, the population forced into back-breaking labour in the countryside without adequate food or medical care and any suspected “enemies” executed, some having been tortured first.

It wasn't just the huge scale of the charges that made presumption of innocence for these leaders hard for me to grasp at first. It's rare, even among international courts, for trials to come so long after the events have been chronicled and examined through history books, survivors' memoirs, and the recollections of an entire generation. The time that has passed has solidified the outline of what happened in the public consciousness. So on my first day at court, it was somehow surprising to see erudite, soft-spoken defence lawyers energetically defending Pol Pot's right-hand man, Nuon Chea, and Khmer Rouge head of state Khieu Samphan. How could these seemingly reasonable lawyers still question the accepted facts or attempt to justify these men's actions?

Of course, I knew in theory that everyone has the right to a fair trial – even mass killers...er, alleged mass killers. That train of thought – the presumption of guilt, and the need to remind myself of the legal presumption of innocence – would become a familiar one for me over the past year as I covered the lengthy trial first for The Phnom Penh Post and then while interning for The Associated Press. I wasn't alone in my struggle. Sydney Schanberg, a formerly Cambodia-based journalist whose writings were the basis for the film *The Killing Fields*, became infuriated during his cross-examination by the defence lawyers – he seemed unable to comprehend how they could possibly question Khmer Rouge leaders' role in the tragedies he had witnessed.

Asserting relative guilt

Strangely, for my part, I found myself increasingly sympathising – even rooting for – the defence lawyers, though not for their clients. I was impressed by these professional underdogs' thoughtful arguments in what seemed a hopeless case. Their arguments often hinged less on claiming their clients' innocence and more on asserting the relative guilt of others who would never be tried, from current Cambodian government leaders who were once Khmer Rouge commanders to leaders of Western nations like France and the US. Such leaders, they argued, had set up an inherently biased court to absolve themselves of their own guilt, whether about complicity, colonialism or the carpet bombing of Cambodia during the Vietnam War.

“No one at this court is interested in ascertaining the truth,” said Victor Koppe, a defence lawyer for Nuon Chea, in his closing statements last month. “I can almost feel people in this courtroom saying to themselves, ‘Well, yes, but that's because they are guilty.’” Although the judges are supposed to announce a verdict in the first half of 2014, Koppe suggested they already had an answer, thus calling into question the point of the prolonged trial.

For me, the defence lawyers' very ability to raise such issues was part of the trial's point, even if their impact on the verdict is questionable at best. The defence's opportunity to humanise even the most notorious (alleged?) criminals, and to question the trial's framework, was perhaps ironically one of the trial's strongest rejections of regimes like the Khmer Rouge, which did not tolerate dissent nor acknowledge the humanity of its victims. The defence lawyers' arguments got less media attention than the prosecution's, but it was the defence that most often pointed out that these events did not occur in a vacuum and could not be pinned on a few isolated individuals. If lessons for the future are a goal of such tribunals, these attempts to connect crimes to their broader context deserve more notice.

**Justine Drennan [2011] did an MPhil in International Relations and has been reporting, writing and editing Cambodian news stories of international interest as an intern for The Associated Press. Picture credit of Cambodian youth seeing the victims' pictures at Tuol Sleng: Wikimedia Commons and Albeiro Rodas.*