

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



Aftermath of mining activities in a village in northern Sierra Leone.

**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, 1 April 2011

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

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## Sebutinde Vs. the rest

# Letters



must it always only an out-  
sider to pay? How then can  
Africans control their destiny?  
He who pays the pipes, they  
say, calls the tune. Is it why  
the AU has been procrastinating  
on Ivory Coast and other such  
matters affecting the soul of  
Africa? God save the African  
continent.

*Juliet Kongei*  
Arkansas, United States

### Sebutinde vs. the rest?

Justice Julia Sebutinde, the Ugandan judge in the Charles Taylor trial, the one the Americans claim is delaying the trial so she can pronounce the final judgment (*Africawatch*, February), appears to be a level-headed woman who is not prepared to be swayed by geopolitics to become a hatchet woman for anybody.

Her reasons for dissenting from the majority decision not to allow Taylor to file his final trial brief were brilliant. Why couldn't her two colleagues (Justices Teresa Doherty and Richard Lussick) see the issues as she saw them?

In the last few weeks of the trial, reports say, Sebutinde dissented three times from the rulings of her colleagues, and her non-appearance in court on Feb. 11 prevented the disciplinary action against Taylor's lead defense lawyer, Courtenay Griffiths, from going ahead.

Griffiths had walked out of court Feb. 8 in protest of the majority decision to reject Taylor's late-arriving final trial brief filed on Jan. 4. When the court asked for an apology, Griffiths offered none, and as such the court instituted a disciplinary action against him, against which Sebutinde again dissented.

To me, the latest events at the trial do not bode well for Taylor. The trial is at a very critical stage. With the filing of the final briefs, the judges are to retire and write their decisions, after three-and-a-half years of trial. With the spilling of bad blood on both the bench and bar at the last minute, are we going to see a result showing Sebutinde ver-

## The tribula

# Africawa



sus the rest? A 2-1 majority decision against Taylor? And will justice be served?

*Sam Cooper*  
Monrovia, Liberia

## Open Society Justice Initiative

Thursday, 31 March 2011

### **Concern over Cambodia's Khmer Rouge Tribunal**

Judges at the Extraordinary Chambers in the Courts of Cambodia are reviewing the appeal of Kaing Guek Eav, alias Duch, the former head of the notorious Tuol Sleng prison and torture center, who was sentenced to 35 years in prison last year in the court's first case. The tribunal is also preparing to try four surviving Khmer Rouge senior leaders later this year. But the Justice Initiative, which has been monitoring the ECCC since it began its work in 2003, is concerned that the fate of five additional suspects remains undecided—and may never reach trial because of interference from the Cambodian government. Clair Duffy, our trial monitor in Phnom Penh, outlined recent worrying developments in a post on our blog, while providing commentary to AFP, Radio Australia and other media on the Duch appeal.

## UN News

Wednesday, 30 March 2011

### UN-backed tribunal concludes appeal hearing for convicted Khmer Rouge figure



*Kaing Guek Eav, alias Duch*

30 March 2011 – The United Nations-backed tribunal in Cambodia dealing with mass killings and other crimes committed under the Khmer Rouge three decades ago today concluded the appeal hearing for the former head of a notorious detention camp who was convicted of war crimes and crimes against humanity last year.

Kaing Guek Eav, whose alias is Duch, was sentenced last July to 35 years in prison by the trial chamber of the Extraordinary Chambers in the Courts of Cambodia ([ECCC](#)), with a five-year reduction to remedy his illegal detention at a Cambodian military court.

The court found that Mr. Kaing not only implemented, but also actively contributed to the development of the policies of the Communist Party of Kampuchea at the S-21 camp, where numerous Cambodians were unlawfully detained, subjected to inhumane conditions and forced labour, tortured and executed in the late 1970s.

During the three-day appeal hearing held by the ECCC's Supreme Court Chamber, Mr. Kaing and his defence team reiterated that he was neither a senior leader nor one of those most responsible for heinous crimes being prosecuted at the court, and therefore should not have been tried at the court.

He told the chamber – consisting of four Cambodian judges and three internationals selected by the UN Secretary-General – that he merely acted on orders from his superior and he would have died if he didn't. "I survived the regime, only because I respectfully and strictly followed the orders," he said.

Meanwhile, the prosecution demanded a life imprisonment for Mr. Kaing's role as a chairman of the security prison, where at least 12,000 people died during the period from 17 April 1975 to 6 January 1979.

Co-Prosecutors Chea Leang and Andrew Cayley claimed that Mr. Kaing should have been cumulatively convicted for the crimes against humanity of persecution, enslavement, imprisonment, torture, rape, extermination and other inhumane acts as well as the enslavement of those detained in S-21. They demanded the Supreme Court Chamber impose a heavier sentence.

"We call for the imposition of a life term, reduced to 45 years simply to take account of that period of illegal detention," Mr. Cayley told the judges. "But for the purposes of history, a life term must be imposed in this case."

The Supreme Court Chamber is expected to hand down its appeals judgment in a few months. The appeal took place as the ECCC prepares for its second case concerning the four most senior members of the Democratic Kampuchea regime who are still alive.

Estimates vary but as many as two million people are thought to have died during the rule of the Khmer Rouge between 1975 and 1979, which was then followed by a protracted period of civil war in the impoverished South-East Asian country.

## Hirondelle News Agency

Thursday, 31 March 2011

### **Defence asks appeals chamber to remedy Nsengiyumva's conviction**

The defence team in the appeal case of genocide-convict Lieutenant Colonel Anatole Nsengiyumva Thursday asked the Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) to remedy life imprisonment sentence handed down to its client in December 2008, alleging that it was not based in law.

"We urge the Appeals Chamber to boldly remedy this injustice and set aside the conviction because it was not based in law," Nsengiyumva's lead counsel Gershom Otachi Bw'amanwa told the Chamber presided by Judge Patrick Robinson.

Lt. Col. Nsengiyumva was Commander of the military operation sector in Gisenyi prefecture during the 1994 genocide. He was found guilty of genocide, crimes against humanity and war crimes alongside two other former military officers and sentenced to life imprisonment on December 18, 2008.

The Chamber specifically found Nsengiyumva responsible for targeted killings in Gisenyi town on April 7, 1994 including massacres which took place at Mudende University and Nyundo Parish.

The defence counsel argued that the Trial Chamber substituted direct allegations against the appellant with others which were never pleaded in the indictment and went ahead convicting him. "The appellant was charged with direct participation in meetings in Gisenyi, where he allegedly ordered soldiers under him to kill Tutsis, training of Interahamwe militias, distribution of weapons and preparation of lists of people to be killed, all of which were dismissed by the Trial Chamber," he charged.

He claimed that the materials used by the Trial Chamber to convict his client were based on circumstantial and hearsay evidence with a number of inconsistencies on the evidence given by witnesses.

The defence counsel further elaborated that his client had no direct control of civilians, soldiers and militias who actively participated in the massacres.

Prosecution Counsel Abubacar Tambaou in his response told the Appeals Chamber that the defence team misconstrued the judgment, and hence the appellant grounds of appeal should be dismissed.

"The appellant was the most powerful and high ranking military officer in Gisenye, he put soldiers under his command to control movement of people and erect roadblocks and was even vigilant to make a tour of Gisenye town to see for himself what was happening around," Tambaou argued.

"The only reasonable inferences the Trial Chamber could draw is that the appellant ordered the killings," he emphasized.

NI/GF

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## Bloomberg

Friday, 1 April 2011

### **Kenya Files Challenge Against ICC's Post-Election Violence Cases**

By Sarah McGregor

Kenya's government filed applications challenging the International Criminal Court's authority to try six Kenyans accused of planning post-election violence that killed an estimated 1,500 people three years ago.

Suspects Henry Kosgey, who resigned as industrialization minister in January, suspended Higher Education Minister William Ruto and radio presenter Joshua Arap Sang are due to appear at the Hague-based court on April 7. The next day, Finance Minister Uhuru Kenyatta, Francis Muthaura, head of the civil service, and Mohammed Hussein Ali are expected to face the court.

The government is disputing both whether the cases are admissible and if the ICC has jurisdiction over them, Alfred Mutua said in a phone interview from Nairobi, the capital, today. U.K.-based lawyers Geoffrey Nice and Rodney Dixon are contesting the suits on behalf of the Kenyan government.

Fighting flared between ethnic groups in Kenya after incumbent President Mwai Kibaki claimed victory in an election in December 2007, which the opposition said was rigged.

The violence abated after two months when Kibaki signed a power-sharing accord with his political rival Raila Odinga, who was installed as prime minister. No one in East Africa's largest economy has been convicted for orchestrating the offences.

The ICC investigation found evidence that the six accused are responsible for crimes against humanity. All of the men defend their innocence and say they'll obey the summonses.

Kenyatta and Muthaura have for the interim stepped down from key security posts, Mutua said. Kenyatta quit the Cabinet Sub-Committee on Security and Foreign Relations and the Witness Protection Advisory Board, the Daily Nation newspaper reported today. Muthaura resigned as chairman of the National Security Advisory Committee, the Nairobi-based newspaper said.

"They've opted out for this period as members of these committees," Mutua said.

ICC Chief Prosecutor Luis Moreno-Ocampo last month demanded to know whether Muthaura's position as head of the public service granted him access to the state's security apparatus in a way that might interfere with witnesses.

To contact the reporter on this story: Sarah McGregor in Nairobi at [smcgregor5@bloomberg.net](mailto:smcgregor5@bloomberg.net).

To contact the editor responsible for this story: Andrew J. Barden at [barden@bloomberg.net](mailto:barden@bloomberg.net).