

**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.
Any omission, comment or suggestion, please contact
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Local News

Special Court Changes to Residual Court / *Plain Truth* Page 3

Residual Special Court Awaits Johnny Paul / *Awoko Online* Page 4

International News

Cannibalism Sets tone For Khmer Rouge Trial / *The Australian* Pages 5-6

Cabinet Survival Trumps Objections to Tribunal / *The Daily Star* Pages 7-9

Gambian Emerges as Frontrunner for ICC Chief Prosecutor / *Voice of America* Page 10

Justice is Too Important to Be Left Solely to the Lawyers / *The Irish Times* Pages 11-12

Special Court Changes To Residual Court

A bill to establish a Residual Special Court for Sierra Leone will soon be brought before parliament to be passed into law.

This follows an agreement signed between the United Nations and the Government of Sierra Leone.

Speaking to parliamentarians at Committee Room No. 1 on 29th November 2011, the Coordinator of the Residual Court of Sierra Leone, lawyer Hancil assured them that it will remain the property

Contd. Page 11

Special Court Changes To Residual Court

From Front Page.

of the government and people of Sierra Leone.

This was to allay the fears of law makers who thought that the court would not belong to Sierra Leone because the UN would provide most of the judges.

The court when constituted will carry on the functions of the Special Court for Sierra Leone.

The Residual Court's functions would include preservation and management of the archives, provision of witness protections and support, management of requests for evidence from national jurisdictions, supervision of the enforcement of sentences, conduct of review of contempt of court proceedings and provision of defence counsel and legal aid for the conduct of proceedings before the Residual Court.

Meanwhile, the court shall have the powers to prosecute the remaining Special Court fugitives if such cases have not been referred to a competent national jurisdiction.

Residual Special Court awaits Johnny Paul

The Residual Special Court for Sierra Leone Agreement which was yesterday discussed at Pre-Legislative Session in the House of Parliament is drafted by the United Nations Special Court for Sierra Leone to continue with the mandate of the court after it would have rounded up the trial for the former Liberian Leader Charles Taylor.

Eventually, the Residual Special Court is (after it would have been enacted by Parliament) going to try the only remaining indictee, the former AFRC Junta Leader Johnny Paul Koroma. Former rebel leader Sam Bockarie (Maskita), who would have been another fugitive had been confirmed dead by UN's forensic experts.

The agreement, which is yet to face the Well of Parliament for approval is a fulfillment for the establishment of the Special Court for Sierra Leone as enshrined in UN Security Council Resolution 1315 of 2000.

The Residual Special Court, being an Act to ratify the agreement between the United Nations and the Government of Sierra Leone on its establishment will enable the Special Court for Sierra Leone to try other indictee (s) whom the UN has not been able to arrest and prosecute.

Explaining the component of the Residual Special Court, Special Court Officials said the principal sitting would be in Sierra Leone but extend functions with its interim sittings in the Netherlands, and other branches that operate within the purview of the International Criminal Court. Ten of the judges of the court will be appointed by the UN, while six will be appointed by Sierra Leone Government. It was noted that the court will operate with absolute neutrality, impartiality and devotion.

The official further said as the Special Court's present mandate draws very close to an end, the present structure will be left with a skeletal amount of staff to facilitate its functions.

Since Charles Taylor's trial, which is expected to end soon, would bring the number of those that were arrested to an end, the court is further glaringly looking at the only indictee left on the list of the Special Court, Johnny Paul Koroma, to be brought onboard and tried by the would be Residual Special Court in a bid to complete its mandate.

Moreover, it was noted that Sierra Leone stands to benefit from the present structure of the Special Court as they are going to create archives, museum and other information materials to tell stories about the country's ugly past.

At the Pre-legislative session, MPs raised concerns which among them, was the ownership of the court. The officials said "having the court in Sierra Leone does not mean it is owned by the country. The running of the court is based on voluntary contributions from organizations, states of which Sierra Leone too may contribute."

The court's set up was behind the motive of trying all those who bear greatest responsibilities for serious violations of International Humanitarian Laws and the Laws of Sierra Leone since the 30th of November 1996.

By Poindexter Sama

The Australian

Tuesday, 29 November 2011

Cannibalism sets tone for Khmer Rouge trial

by: MICHAEL SHERIDAN, PHNOM PENH



A Cambodian at the Tuol Sleng (formerly S-21 prison) Museum in Phnom Penh looks at some of the thousands of skulls and bones of 1.7 million Khmer Rouge victims.
Source: Supplied

THE trial of three elderly leaders of the Khmer Rouge will hear harrowing new evidence next month about how the revolutionary movement emptied Cambodia's cities and killed 1.7 million of its people.

"You will hear evidence concerning the inner workings of the regime which you will not have heard before," said Andrew Cayley, the British co-prosecutor at the tribunal.

Cayley has become a prominent figure in Cambodia after making a searing speech of indictment last week in which he cited the Nuremberg trials of the Nazis and scorned the defendants' claims that they were not to blame. "They took from the people everything that makes life worth living: family, faith, education, a place to rear one's children, a place to lay one's head," he told the court as the three men sat unmoved. "They are the three most senior living members of a really terrible regime," continued Cayley, 47, who moves around Phnom Penh under police protection. "It was a different type of killing, but when you look at the Holocaust and you look at this, there is a similarity in the sense of the numbers and also the organisation. It was done in a different way, but it was highly organised and centralised in much the same way."

The Khmer Rouge won a civil war in 1975 and turned Cambodia into an ultra-radical experiment in communism until they were driven from power in 1979 by a Vietnamese invasion.

The next phase of the trial will concentrate on how they drove the whole population into the countryside and executed anyone connected with the defeated government, which had been backed by the US.

The court was read an account of the exodus from Phnom Penh by Jon Swain of The Sunday Times, one of a handful of correspondents who stayed on to report the fall of the city.

Cayley said drivers, messengers, bodyguards and telegram clerks would place the trio at the scenes of the crimes.

The three old men looked impassive when details of cannibalism, torture, disembowelment and beatings were laid out by the Cambodian co-prosecutor, Chea Leang. She said women had their ears and noses torn off, then guards cut out their livers to fry and eat. Toddlers were beaten to death by swinging them against a tamarind tree. A pregnant woman was dropped into the foundations of a bridge and buried alive.

Even after decades of trying to forget, Cambodians expressed pain on hearing such things.

The three men in the dock are unrepentant and have decided to turn the trial into a platform for their cause.

Khieu Samphan, 80, the French-educated professor who was the Khmer Rouge "head of state", spoke fiercely in his own defence, denying the charges as "absurd" and justifying his actions as "patriotic". He was a figurehead who had nothing to do with murder. His lawyer, the French radical Jacques Verges, who acted for the Venezuelan terrorist known as Carlos the Jackal, compared the prosecution case to a novel by Alexandre Dumas and denounced the US for its secret bombing of Cambodia in the 1970s.

A second defendant, Nuon Chea, 85, who was "'Brother No 2" to the Khmer Rouge leader Pol Pot, who died in 1998, said the Khmer Rouge were nationalists who protected Cambodia from foreign plots. He claimed that black-clad agents of the fallen government had carried out the killings in Phnom Penh and said he had wanted "to build Cambodia as a society that was clean and independent".

The third man on trial, Ieng Sary, 86, the foreign minister who purged the elite of his own ministry, sat silent, his skin stretched like parchment over his gaunt face, as the indictment was heard.

Of all the surviving leaders, he knows most about the Khmer Rouge's alliance with China and its secret dealings with the West later on. But his only words were to plead ill health and to claim he had received a royal pardon from King Sihanouk and could not therefore be tried.

In fact, as prosecutors admit, the passage of time is the enemy of justice. Fears that the defendants will die led the court to divide the case into "mini-trials". This present one may take two years.

That is why prosecutors are still trying to get their fourth defendant - the only woman charged with genocide - into court. Ieng Thirith, 79, the wife of Ieng Sary, was the Khmer Rouge's social affairs minister. She studied Shakespeare at the Sorbonne and became the first Cambodian to hold a degree in English literature.

So far she has been ruled unfit for trial due to Alzheimer's disease. But, according to court transcripts, the medical evidence is not conclusive.

The defendants have been held at a special detention centre since 2007, where they can receive medical care and family visits.

The court is made up of Cambodian and international judges sitting as an Extraordinary Chamber in the Courts of Cambodia. It can impose a maximum sentence of life and so far has completed only one case: "Duch", the jailer at the regime's Tuol Sleng killing centre, was sentenced to 35 years, reduced to 19 on appeal. So far it has cost \$US149 million (\$151m).

The Daily Star (Lebanon)

Thursday, 1 December 2011

Cabinet survival trumps objections to tribunal

By Patrick Galey



Exterior view of the Special Tribunal for Lebanon building, near The Hague, Netherlands, Friday Nov. 11, 2011. (AP Photo/Peter Dejong)

BEIRUT: The zero-hour deal reached this week to pay Lebanon's share of 2011 funding for the Special Tribunal for Lebanon meant that Prime Minister Najib Mikati did not have to follow through with his threat to resign and that Lebanon is free – for the time being – from international sanctions.

But a Cabinet in which Hezbollah calls most of the shots supporting a court that accuses its members of assassinating Rafik Hariri cannot come to pass without the current restive climate in Syria, according to a senior political source.

“With all the storms around us in the region, especially over Syria, it is vital that we in Lebanon maintain our immunity and stability. This is best done by keeping this government afloat and functioning through finding a way to fund the STL,” the source said.

Given Syria's increasing isolation, it is important for President Bashar Assad to have allies in charge of Lebanon. Beirut's government has been one of very few to disassociate itself from or vote against United Nations and Arab League sanctions in Syria, and Damascus is keen to keep it that way.

Just as Syria needs a stable – and friendly – administration in Lebanon, so too does the health of the Lebanese government depend on sustained Syrian support. Saving the current Cabinet was mutually beneficial, even if what it took to save it was perhaps unpalatable for STL detractors, according to analysts.

“This government is based on power balances that were constructed in January. The future of the government and the balance of power is dependent on what happens in Syria,” said Paul Salem, director

of the Carnegie Middle East Center. “The fall of the regime in Syria would make Hezbollah more vulnerable but we don’t see the effect of that now. No one wants Lebanon to be recalibrated at the moment.”

With Syria’s influence still looming large in Lebanese affairs, the next few months are likely to test this Cabinet’s resolve, as Assad finds his tenure increasingly difficult amid sanctions and travel bans.

“Under normal circumstances, this Cabinet would be able to work together fairly well, given that it is based on a largely majoritarian formula. The situation in Syria, though, seems most likely to test this government’s cohesiveness,” said Elias Muhanna, author of the Lebanese Political blog Qifa Nabki.

The decision to fund the tribunal demonstrated that the current government values staying intact above a principled stance. The STL maintained that its operations would continue with or without Lebanese funding, even if failure to abide by U.N. Security Council Resolution 1757 would have placed Lebanon in direct opposition to the international community.

Although Hezbollah and its allies in Amal Movement and the Free Patriotic Movement had voiced their opposition to paying for a court they claim is a conspiracy, bringing down the government would have been too high a price to pay, analysts said.

Salem and Muhanna suggested that a tacit deal to fund the tribunal may have been in place for some time; the delay could have been a byproduct of court opponents seeking concessions from Prime Minister Najib Mikati, who had threatened to resign if an agreement was not reached.

“In the formation of the government, we don’t know if Hezbollah told Mikati it was clear it was committed [to tribunal funding] but it was Mikati’s understanding it would not break with international agreements,” Salem said.

Muhanna added: “It is entirely possible that [FPM leader Michel] Aoun and Hezbollah had come to an agreement to let the funding go through months ago, but decided to put up a fight in order to extract some valuable concessions out of Mikati.”

As well as averting potential sanctions, Wednesday’s decision has also helped to rebuild some of the international community’s lost confidence in Lebanon, after its stances on Syria.

Nadim Shehadi, associate fellow at the London-based think tank Chatham House, said that while Lebanon’s commitment to the STL is by no means complete, its support for the tribunal will be tested beyond the latest crisis over funding.

“The Lebanese government still has to cooperate by handing over the suspects to the STL and this will probably be an element of the next crisis,” he said. “The importance of the STL is that it is not only about the assassination of Hariri, it is also a challenge to a whole political culture that has prevailed in the region for the last 40 years and thus has significant regional implications.”

By supporting the tribunal, a Cabinet containing STL opponents has shown it is keen to at least be seen as in favor of international justice, Shehadi added.

There are many issues down the road likely to test the current administration’s unity. In addition to 2012’s draft budget, there are several pieces of legislation that need discussing, including a likely divisive draft election law and a planned overhaul of the energy sector.

Muhanna said Lebanon's political sectarianism made disagreement likely for any government, regardless of its complexion.

"Coalition governments all around the world have to deal with paralysis, stalemate, and extensive negotiation in order to get legislation passed. Lebanon is particularly vulnerable to breakdown because of the added confessional element," he said.

The government took months to build and has overcome a major hurdle by funding the STL. Salem argued that the Cabinet's March 8 core would likely seek to keep power in general rather than crumble on a matter of principle, whatever that principle proves to be.

"It's a government of contradictions but they have common interests. Aoun is a heavy bargainer but he wants to remain in government. The prime minister wants to stay in too," he said.

"[This Cabinet] will likely lurch from crisis to crisis and see what they can get out of it."

Voice of America

Thursday, 1 December 2011

Gambian Emerges as Frontrunner for ICC Chief Prosecutor

Fatou Bensouda of Gambia has emerged as the leading candidate to become the next chief prosecutor at the International Criminal Court.

The 50-year-old Bensouda is the deputy to the ICC's current chief prosecutor, Luis Moreno-Ocampo, whose nine-year term ends in June.

Bensouda has previously served as an adviser and trial attorney at the ICC Tribunal for Rwanda, as well as attorney general and justice minister in Gambia.

She would become the first African to hold the high-profile post at the ICC, which has been criticized by many African leaders for exclusively focusing on the continent.

Bensouda beat out 51 other candidates to win the informal endorsement, and is expected to be officially appointed at an ICC session on December 12 in New York.

Liechtenstein's U.N. Ambassador Christian Wenaweser, who heads the selection process, says he will formally recommend Bensouda at a meeting of ICC member nations on Thursday.

The International Criminal Court was founded in 2002 in order to prosecute individuals for war crimes, crimes against humanity, and genocide.

All of its cases so far have been in African countries.

The Irish Times

Monday, 28 November 2011

Justice is too important to be left solely to the lawyers

BILL ROLSTON

OPINION: The Transitional Justice Institute approaches the issues of justice and peace-building in an interdisciplinary way

THE ORIGINS of the transitional justice mindset can be traced back to the Nuremberg trials after the Second World War. But the concept really began to come into its own towards the end of the 20th century as a number of states in Latin America and Africa in particular began to emerge from protracted periods of authoritarian rule which involved mass killings, disappearances, torture and disdain for human rights.

The key issue was impunity: should the perpetrators be called to account for the abuses of the past? There were obvious mechanisms for doing precisely that, not least criminal trials. But, apart from the practical and political difficulties involved in bringing people to trial – not least the continuing or residual power of the military – human rights advocates faced a very real dilemma: would prosecutions and trials dislodge a fragile peace that is being constructed out of the wreckage of the past?

Transitional justice comes in with an answer, in effect calling for an imaginative approach that includes but also moves beyond criminal justice mechanisms. Truth recovery, amnesties, testimony and story-telling, memorialisation, institutional reform – all of these have been tried as a way of building a human rights-compliant future without at the same time encouraging amnesia about the past. In fact, at the core of the transitional justice approach is the belief that amnesia is never a solution, and that moving forward can only genuinely occur through coming to terms with the past.

The approach also rests on another belief, not necessarily articulated in these exact words, that justice is too important to be left solely to the criminal justice system. Whether it is restorative justice schemes on the Shankill Road, gacaca courts in Rwanda or trading amnesty for truth in the South African Truth and Reconciliation Commission, the goal has been a mechanism of justice which transcends the narrow formula of court, prosecution, judgment and sentence. This imaginativeness is deemed necessary because of the peculiar circumstances of the transition from conflict to peace, but there is also a suspicion that if the alternative mechanisms work, then they should not be confined solely to societies that are in transition.

It should be obvious that there are many resonances in the above concerns and questions with the situation in Northern Ireland. The Good Friday Agreement was a classic example of a peace agreement, and it led to the early release – although not full amnesty – of politically motivated prisoners.

Old institutions were refashioned, most notably when the Royal Ulster Constabulary was transformed into the Police Service of Northern Ireland. New institutions – such as the Police Ombudsman and the Historical Enquiries Team of the PSNI – were formed, both of which had a role in investigating historic cases, a process that can lead to prosecutions. And, even though the British government did not follow through, a group it set up, the Consultative Group on the Past, recommended a Legacy Commission, a local version of a truth recovery process.

Because of these resonances, a number of law professors at the University of Ulster, with major financial backing from Atlantic Philanthropies, established the Transitional Justice Institute in 2003. Since then, the institute has gone from strength to strength, producing world-class research on issues such as peace agreements, gender violence and conflict, amnesties, dealing with the past and memorialisation.

It has a number of goals: building an understanding of the relationship between justice and peace, examining the role of the international and domestic legal systems and institutions in facilitating transition from conflict; informing policymakers involved in peacemaking in local and international institutions; and paying particular attention to the gendered experiences of transition.

Above all, one of the goals of the institute is to make links between the experience of Northern Ireland and international experience, so as to benefit both Northern Ireland and other contexts. The last of these has turned out to be particularly fruitful, so that TJI researchers have ongoing contacts with researchers and activists in Colombia, Chile, Timor Leste, South Africa, Zimbabwe and elsewhere.

The institute is also involved in teaching at the postgraduate level, delivering an LLM in Human Rights Law and Transitional Justice, with a further LLM on Gender, Conflict and Human Rights in preparation.

At the same time researchers in the TJI are not uncritical missionaries for transitional justice. As a paradigm, transitional justice is not without its problems and contradictions. Truth commissions may not always deliver the full truth, even less reconciliation. Prosecutions may end up partial and symbolic, pursuing a few perpetrators but leaving most untouched. Release of prisoners may be a bitter pill to swallow for victims and survivors. Memorialisation and the writing of history may end up privileging some narratives and silencing others.

Be that as it may, there is enough evidence by now to lead to the conclusion that it is an approach which deserves to remain in the tool box of those involved in conflict transformation. The past may be, as the saying goes, another country, but it is still the country in which we have to live out our lives in the present.

Prof Bill Rolston is director of the Transitional Justice Institute in the University of Ulster and professor of sociology in its school of sociology and applied social sciences