

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



Pupils of Richard Allen High School during yesterday's outreach at the school.
See more pictures in 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:**

Friday, 10 June 2011

Press clips are produced Monday through Friday.
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Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 9 June 2011

Justice Jon Kamanda Re-elected President of the Special Court

Justice Jon M. Kamanda of Sierra Leone has been elected unanimously to a third term as Presiding Judge of the Appeals Chamber and President of the Special Court for Sierra Leone. He is expected to hold that office until the end of the Court's mandate in 2012.



Justice Kamanda's re-election took place during the 15th Plenary of Judges in The Hague late last month.

Justice Emmanuel Ayoola of Nigeria was also re-elected as Special Court Vice President and Staff Appeals Judge.

Justice Kamanda has served as an Appeals Court Justice in the Sierra Leone Judiciary since 2004, and has been Presiding Judge in criminal appeals. He has also served as a High Court Judge in the Civil Division.

In 1982, he was elected to Parliament, and has served as Minister of Health and Deputy Minister of Mineral Resources.

He was sworn in as a Special Court Appeals Judge in November 2007.

Justice Ayoola was Judge of the Supreme Court of Nigeria, President of the Seychelles Court of Appeal, and former Chief Justice of the Gambia. He has been a Vice President of the World Judge's Association, and won the UN Human Rights Fellowship award, in 1996. He is a graduate of London and Oxford Universities and has edited the Seychelles Law Digest, the Law Reports of the Gambia, and the Nigerian Monthly Law Reports.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

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Another Contempt Case at Special Court

The Special Court for Sierra Leone has announced contempt indictment of five Sierra Leone; but public's contemplation illustrates big doubt.

The court has confirmed serving all five persons the orders in lieu of an indictment subsequently charging them with contempt of court under Rule 77(A) of the rules of procedure.

The accused, it is revealed, interfered with prosecution witnesses who testified in two separate trials before the Special Court.

Ibrahim Bazy Kamara, Santigie Borbor Kanu aka 5-5 (all serving sentences in Rwanda), Hassan Papa Bangura aka Bomblast and Samuel

Kargbo known as Sammy Ragga, awaits trial for contempt as alleged by the Special Court.

It could be recalled that the Special Court, in 2005, proffered charges of contempt against a private investigator (Brima Samura) on allegation that he disclosed the name of a protected witness to wives of AFRC convicts.

The Special Court trial chamber I presided over the case, but proved that the prosecution unpleasant has no case nay finding the accused not guilty.

It is a fact that the Special Court has never enacted contempt proceeding against per-

sons working for the office of the prosecutor of Special Court, but at all times persons related to the defence.

The contempt trial against private investigator Brima Samura was marred with 'make up' stories by witnesses (all workers of the Special Court) in favour of the prosecution.

Be it known however that one Samuel Davies who works at the audio visual section at Special the Court was one of five or more witnesses shamefully ushered into the well of trial chamber I to offer 'make up' testimonies against Brima Samura. The proceeding conclusively disapproved

prosecution's case and found the forenamed accused not guilty as charged.

To this, has the public now question reasons leading to Special Court's recent proffering of another charges of contempt against two war crime convicts and two of their allies, who virtually have no bearings to the Charles

Taylor trial in The Hague.

Disclosures have it that the indictments of all five (5) persons by the Special Court, stems from one of the court's prosecution witnesses, Bobson alias Bobby, who claimed he was interfered with by AFRC war crime convicts and allies.

It has reached this press that two of the five indicted contemnors, Hassan Papa Bangura and Samuel Kargbo alias Sammy Ragga poised calling up a press briefing to au-fait the media of Special Court coined up charges against them. To be continued.

Sierra Leone Special Court indicts 5 for contempt

By KEMO CHAM in Freetown



Former Liberian president Charles Taylor.

The Special Court for Sierra Leone has indicted five people on charges of contempt.

Four former combatants, together with a defence investigator for former Liberian President Charles Taylor, who is awaiting sentencing at The Hague, face seven years in jail if found guilty of interfering with Prosecution witnesses.

A statement released by the Special Court Tuesday said no arrest warrant had been issued yet for the men, although they had been served with "orders in lieu of an indictment".

They include two convicted former leaders of the Armed Forces Revolutionary Council, who are serving lengthy jail terms, having been convicted for war crimes and crimes against humanity, in a Rwandan prison, where they were handed their indictment.

Alongside two other men presently resident in Sierra Leone, they were charged with two counts of attempting to bribe a witness to recant his previous testimony, according to the Special

Court release. One of them faces an additional count of disclosing the name of a witness in protection.

The fifth, Eric Senessie, a defence investigator for Taylor, was indicted on nine counts of attempting to induce prosecution witnesses in the trial of the former Liberian leader, to have them recant testimony they gave before the court.

United Nations News

Thursday, 9 June 2011

Sierra Leone: President of UN-Backed War Crimes Court in Sierra Leone Re-Elected

Justice Jon M. Kamanda of Sierra Leone has been re-elected unanimously to a third term as Presiding Judge of the Appeals Chamber of the United Nations-backed war crimes tribunal set up to deal with crimes committed during the civil war in that West African nation.

The selection as appeals court presiding judge, voted last month in a plenary session of judges in The Hague, automatically makes him the President of the Special Court for Sierra Leone (SCSL).

Justice Emmanuel Ayoola of Nigeria has also been re-elected as Vice-President, according to a press release issued today by the court from Freetown, the Sierra Leonean capital.

The Special Court is an independent tribunal established jointly by Sierra Leone's Government and the UN in 2002. It is mandated to try those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

The trials of three former leaders of the Armed Forces Revolutionary Council (AFRC), two members of the Civil Defence Forces (CDF) and three former leaders of the Revolutionary United Front have been completed, including appeals.

The trial of former Liberian President Charles Taylor, which is taking place in The Hague, is currently in the defence phase.

The Heritage Foundation

Thursday, 9 June 2011

International Criminal Court Complicates Conflict Resolution in Libya

By Brett Schaefer

Despite NATO intervention and advances by opposition forces, the Libyan conflict appears far from resolution. The White House support for rushing referral of Muammar Qadhafi to the International Criminal Court (ICC) has significantly complicated efforts to get Qadhafi to leave the country.

The lesson of the ICC referral of Libya is that the pursuit of international justice is not without consequences and must be balanced with the need to resolve threats to international peace and security. The Administration should be more cautious when considering future proposals to refer situations to the ICC.

Troubled Precedents

Qadhafi cannot hold out indefinitely. He is running out of vital supplies and equipment. A number of Libyan diplomats abandoned Qadhafi in the early days of the conflict, and there have been additional defections recently as his supporters conclude that Qadhafi cannot win. Yet Qadhafi's resolution despite near-certain defeat is clear in his declaration that he "will stay in our land dead or alive."[\[1\]](#)

Qadhafi's interests in persevering are clear and he is likely gambling that he can hold out until the NATO coalition splinters or support for the operation weakens. This is certainly possible given the constraints placed on the NATO intervention under U.N. Security Council resolutions 1970 and 1973[\[2\]](#) and the questionable level of support for an extended NATO mission as demonstrated by Germany's reluctant support of the NATO operation and the dissatisfaction of many Republican and Democratic lawmakers expressed in a recent resolution passed by the House of Representatives.

Qadhafi may also believe he has no other option than to hold out. Early in the conflict it was believed that Qadhafi was considering options for exile. If true, Qadhafi's consideration of this option was undoubtedly influenced by the Security Council referral of Libya to the ICC, which significantly complicates options for exile.

As Qadhafi himself has observed, when Charles Taylor was turned over to the Special Court for Sierra Leone, it virtually ended the chances that future dictators will accept exile.[\[3\]](#) There are 114 ICC member states obligated to enforce ICC warrants, and international pressure can lead even non-ICC member countries to renege on sanctuary deals. Reportedly, the threat of prosecution concerns Qadhafi enough that he engaged a South African law firm to prepare a defense against possible ICC charges.[\[4\]](#) Based on the unprecedented speed with which the ICC is pursuing the situation in Libya, he is right to be concerned.

Libya on the ICC Fast Track

Once a situation is referred to the ICC, the prosecutor's office conducts a preliminary investigation to determine if the court has jurisdiction, investigate the claims, and examine the evidence to verify if an investigation is warranted. Historically, the preliminary examination takes months, even years, to complete before a formal investigation is opened. For instance, of the current cases before the ICC, preliminary examination of the situation in the Central African Republic took just under two years, the situation in Uganda took six months, and the situation in the Democratic Republic of the Congo took two months. In the case of Darfur—which, like Libya, was referred to the ICC by the Security Council—the preliminary examination took two months, despite voluminous documentation and evidence of crimes from impeccable sources.

The prosecutor's office has been also conducting preliminary examinations of situations in Afghanistan, Georgia, Guinea, Côte d'Ivoire, Colombia, Palestine, Honduras, Korea, and Nigeria for extended periods without reaching a decision to conduct an investigation.

Based on past practice, the ICC is moving at an unprecedented pace on Libya. Following the Libyan referral, the ICC prosecutor opened a preliminary examination and made a decision to open an investigation after *five days*. In a little over two months, the prosecutor requested that the ICC judges approve arrest warrants for Qadhafi, his son Saif al-Islam, and Libyan intelligence chief Abdullah al-Sanousi. Other cases generally experienced a gap of a year or more between the opening of an investigation and the issuing of warrants. It took the ICC years to issue an arrest warrant for Sudanese President Omar al-Bashir.

Qadhafi has no doubt committed serious crimes, but the speed of this process should raise flags and questions about the motivation of the court. Bashir has remained free despite an ICC warrant outstanding since 2009. The ICC could be seeking to use a weakened Qadhafi to prove that heads of state are not beyond its reach. ICC prosecutor Moreno Ocampo, whose term in office expires in mid-2012, could see this case as the culmination of his career in The Hague. Regardless of motivation, letting political expediency drive the actions of the court will only serve to damage the court in the long term.

An Unnecessary Complicating Factor

The Libyan people deserve justice for the terrible actions taken by their government against them. However, the Security Council acted prematurely in referring Libya to the ICC. The ICC is supposed to be a court of last resort, becoming involved only if national authorities prove unwilling or unable to pursue the alleged crimes. It is still far from clear whether a successor government in Libya would be unable or unwilling to hold Qadhafi to account for his current crimes or those long past, such as the Lockerbie bombing.

Moreover, justice is not the only consideration. The ICC referral is likely impeding international efforts to oust Qadhafi by removing the option of offering him exile in return for leaving Libya. If securing an exit safe from prosecution for Qadhafi can

shorten the conflict and save lives, it becomes a legitimate option. This solution may or may not be acceptable to the Libyan opposition, but it is a choice that they should be able to consider without having to worry about the ICC scuttling a potential agreement.

Even the Obama Administration appears, belatedly, to be recognizing that the ICC presents an impediment to resolving the situation in Libya. Reportedly, President Obama asked Russian President Dmitry Medvedev "to pass on a message that the Libyan leader's safety would be guaranteed if he fled to another country.... Washington is hoping that assurances that Col Gaddafi would not be pursued if he left Libya would finally persuade him to make an exit." [5] The story went on to report that White House sources confirmed that the Obama Administration was prepared to negotiate terms for his departure.

That Qadhafi has not leaped at this offer illustrates the complications of referring a case to the ICC. Once the Security Council referred the Libyan situation to the ICC, it lost a vital bargaining chip. The Security Council cannot reverse its decision to refer a case to the ICC. Once referred, it is entirely up to the court to decide whether to issue arrest warrants and pursue the case.

Under Article 16 of the Rome Statute, the council can defer ICC consideration of the case for a year and can renew that deferral indefinitely by passing an annual resolution. But once Qadhafi leaves power, the incentive for the council to annually adopt resolutions to protect a brutal dictator known to support terrorists is reduced. Qadhafi knows that it would only be a matter of time until honoring the deal becomes more trouble than it is worth.

Justice Can't Be Severed from Political Reality

The ICC was created to investigate and prosecute individuals for committing heinous crimes. This is an admirable, but singular, mission that is not always congruent with addressing vital issues of international peace and security. An ICC referral reduces options for resolving a conflict by activating an independent judicial authority that has no obligation to weigh the political and security ramifications of its decisions.

The authority of the Security Council to refer a case to the ICC has no expiration date, and, considering the limited ability of the court to execute its warrants, the consequences of delaying a referral are unlikely to outweigh the advantages of keeping options for negotiation open. The U.S. should oppose future referrals to the ICC unless it is clear that the referral would not prematurely exclude future options to resolve a conflict, negatively influence an ongoing crisis, or serve to intensify a concerning situation into a crisis.

Brett D. Schaefer is Jay Kingham Fellow in International Regulatory Affairs in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.

ICTR to rule this month on referral application

The President of the International Criminal Tribunal for Rwanda (ICTR), Judge Khalida Rachid Khan, has said the application for referral of a case to Rwanda for trial involving Pastor Jean Uwinkindi will be determined at the end of this month.

"The trial decision in the case of Jean Uwinkindi was due to be rendered at the end of the month and the inevitable appeal was projected to be finished in October," the president is quoted in a statement issued by the UN Department of Public Information as saying when briefing the UN Security Council on the case.

Uwinkindi, who was arrested on June 30, 2010 in Uganda, is charged with genocide and extermination, as a crime against humanity.

On November 4, 2010, the Prosecutor of ICTR filed three new applications for referral of cases to Rwanda for trial involving Uwinkindi, who is detained at the UN Detention Facility in Arusha and two fugitives still on the ran.

They are Fulgence Kayishema, former judicial police inspector of Kivumu commune in Kibuye prefecture (Western Rwanda) and Charles Sikubwabo, ex-mayor of Gishyita commune in the same prefecture.

The decision to be rendered is highly awaited as it would guide Chambers in deciding the two other applications which have been deferred, pending their arrest or final determination of Uwinkindi's case.

The first five similar applications filed in 2007 were rejected because the Chambers were of the view that the accused would not receive fair trials in Rwanda as a result of the laws in existence in the country at that time.

When filing the new applications, Jallow said Rwanda was now ready to prosecute the accused for the crimes against them in accordance with established international standards.

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Rwanda suggests cancellation of transfer of cases to France

The government of Rwanda has suggested to the International Criminal Tribunal for Rwanda (ICTR) to cancel the transfer of two cases to France for trial involving Father Wenceslas Munyeshyaka and ex-governor Laurent Bucyibaruta, if their prosecutions would continue to be delayed.

Rwanda Representative to the UN, Eugène-Richard Gasana on Monday "urged the Council to obtain an official report on the status of prosecutions of the two cases transferred to France for trial in 2007", according to the UN Department of Public Information.

He stated that "the Tribunal has the duty to revoke those referrals if they continued to delay prosecution of Father Wenceslas Munyeshyaka and Laurent Bucyibaruta".

In his response the ICTR Prosecutor Hassan Bubacar Jallow "assured Gasana that there were extensive arrangements to monitor the two cases being tried in France".

"Both cases were now before an investigating judge and the monitoring arrangements would continue to provide information on their status," he said in the statement, adding that during his recent trip to Europe he had received assurance from French authorities of their effective procedure in connection with the cases.

In November 2007, the ICTR referred to France the cases of Munyeshyaka, a Priest at the Holy Family Parish in Kigali between 1992 and 1994 and that of Bucyibaruta, former Governor of Gikongoro prefecture and the prosecution appointed monitors to observe and report on progress made in investigations and prosecution.

Father Munyeshyaka, who lives in exile in Gisors (North-west of France) since 2001, is accused by ICTR prosecutor of killing and raping several persons and handing over dozens of Tutsis to the Interahamwe militiamen, who then killed them. In Rwanda, Father Wenceslas was sentenced in 2006, in absentia, to life in jail.

Bucyibaruta lives near Troyes (North-east of France). The ICTR alleges that he incited the Interahamwe to perpetrate the genocide in Gikongoro (South of Rwanda).

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Ahram Online

Friday, 10 June 2011

<http://english.ahram.org.eg/NewsContentP/4/14007/Opinion>

The ICC's Challenge in the Middle East and North Africa

Habib Nassar

The ICC must better communicate what is driving its actions to the public of the Middle East and elsewhere if it is to develop confidence in its capacity to act as a guardian of international criminal law

The number of developments relevant to the International Criminal Court's (ICC) mission is growing by the day: from direct involvement in Libya to potential involvement in Israel and the Occupied Palestinian Territory, from crimes committed in Syria, Yemen and Bahrain—which ultimately may come under its jurisdiction—to impending ratifications of the Rome Statute by Tunisia and Egypt.

International courts face enormous challenges in building a sense of ownership among the communities affected by their work due to numerous factors, including distance (both physical and cultural), use of languages and rules often unfamiliar to the people under their jurisdiction, and, most importantly, hostile rhetoric often employed by some local opinion makers. The ICC is no exception, especially in the MENA region where its engagement requires a robust outreach effort.

On May 16, the court's prosecutor, Luis Moreno-Ocampo, delivered the news of his application for arrest warrants against Colonel Muammar el-Qaddafi, his son Seif al-Islam and Libya's head of intelligence services Abdullah al-Senussi on charges of crimes against humanity. The charges relate to the attacks of Qaddafi's security forces on the demonstrators who have protested against his regime since February.

Moreno-Ocampo explained the evidence "shows that civilians were attacked in their homes; demonstrations were repressed using live ammunition, heavy artillery was used against participants in funeral processions, and snipers placed to kill those leaving the mosques after the prayers."

And while this action of the prosecutor was warmly welcomed by all who support accountability for leaders who violently suppress their own citizens, questions emerged in the Middle East and North Africa region and beyond about the criteria that determine where and when the ICC gets involved. People in the region, including civil society groups promoting rule of law and directly advocating for the ICC, questioned how Qaddafi's conduct differed from that of Assad in Syria, Saleh in Yemen or al-Khalifa in Bahrain.

The immediate response to this query would be that the Libya situation was referred to the ICC by the UN Security Council. This is one of the mechanisms triggering the court's jurisdiction that has not been applied thus far in the cases of Yemen, Syria or Bahrain. The ICC can exercise its jurisdiction only if the state where the crimes have occurred, or from which perpetrators come, accepts its jurisdiction, or if a case is referred by the UN Security Council acting under Chapter VII of the UN Charter to maintain or restore international peace and security. Yemen, Syria and Bahrain are not parties to the Rome Statute and it is difficult to believe their current rulers are eager to accept the court's jurisdiction.

The court cannot control what the Security Council refers to it, but only to determine if there is a reasonable basis to open an investigation in case of a referral. This does not mean Security Council referrals are bereft of political considerations. The speed with which the Security Council acted to refer Libya to the ICC, and its deafening silence on similar violence against civilians elsewhere in the Middle

East, especially in Syria and Yemen, could leave the impression that powers dominating the council are turning to the court only when politically convenient to their interests.

This, coupled with a lack of response from the prosecutor to the Palestinian Authority's January 2009 recognition of the ICC's jurisdiction—intended to enable the court to investigate alleged breaches of international criminal law committed during the 22-day conflict in Gaza and southern Israel in 2008–2009—threatens to undermine the court's credibility in the region through allegations of double standards. The ICC cannot allow for these perceptions to cement, but should actively work to address them.

The recent conference on the ICC in Qatar and the resulting attention the court received in the regional media can be seen as a positive step. However, a more substantive and diverse engagement is necessary to achieve the desired degree of understanding and acceptance.

The ICC needs to be active in establishing a strong outreach presence in the MENA region to actively disseminate information governing its jurisdiction and work with media and civil society groups who can further distribute it. Its online presence must be broadened to the region and Arabic included as a language of communication on the ICC website. But more than simply providing explanations of the Rome Statute and distributing its digests and documents, the court needs to engage.

Prior to the conference in Qatar, senior ICC officials, including the prosecutor Luis Moreno Ocampo, rarely visited the region. Now is the time to do so on a more regular basis, to demonstrate the ICC's relevance to ongoing events in the region, and send clear messages about its mandate to dispel allegations of bias or politicization.

Involving prominent legal and academic figures from the region and elsewhere—the likes of former ICC president Philippe Kirsch or former judge Mohamed Amin El Mahdi of the International Criminal Tribunal for the former Yugoslavia (ICTY)—who would be able to speak about the ICC and provide analysis without the constraints of being ICC staff could be a substantive step forward.

The role of civil society cannot be overemphasised in this effort. To add to the work of the Coalition for the ICC, which has worked with local NGOs to lobby for the ratification of the Rome Statute, the ICC itself needs to establish strong links with relevant civil society groups that will spread its message and help counter misperceptions in their constituencies.

Calls for justice and accountability have been heard in Tunisia, Egypt and across the region. It is telling that one of the first decisions of Tunisia's interim government was to initiate ratification of the Rome Statute and that interim authorities in Egypt have announced the intention to do so. If the ICC is to engender the trust of people seeking justice in the region and across the world, and to relay a strong message that there can be no impunity for crimes against humanity, it has to clearly communicate what makes it act in one situation and not in another.

It has a responsibility to explain to those it sees as its constituents what factors drive these key decisions, what its reach is and where it stops. This will greatly help its credibility in the eyes of the public in the region and bring clarity to the debate already polluted with allegations of double standards and politicization.

The writer is the director of the US-based International Centre for Transitional Justice's Middle East and North Africa program.

UN war crimes tribunals face staffing crisis as end of their mandates approaches



Security Council in session

Top officials of the two United Nations tribunals trying key suspects accused of genocide and war crimes in the former Yugoslavia and Rwanda today voiced concern over a staffing crisis resulting from the departure of employees as the courts prepare for the approaching end of their mandates.

In a briefing to the Security Council, Serge Brammertz, the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) said that the remaining staff are shouldering unrealistically heavy burdens.

Echoing Mr. Brammertz, ICTY President Patrick Robinson called for the support of the Council and UN Member States at large.

“We need your influence and support if we are to complete the work with which you have tasked us. And I must be blunt: if something is not done to alleviate the staffing crisis, the Tribunal will be forever reporting slippages in its work schedule,” said Mr. Robinson.

Hassan Jallow, the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR), also stressed the challenges posed to the tribunal by early staff departures.

“As an institution in the final stages of its mandate, we have particular problems that cannot be solved by application of the standard human resources policies,” said Judge Khalida Rachid Khan, the President of ICTR. “In this respect we support President Robinson’s proposal for a limited payment to staff members with five more years of continuous service who remain until the abolition of their posts,” she said.

Briefing the Council on the progress in trials and appeals at ICTY, Mr. Brammertz said his office had completed the presentation of its case in all but three cases, and that focus will now turn towards the appellate phase of proceedings.

He said steady progress was also being made towards implementing the Security Council’s resolution calling for the establishment of the International Residual Mechanism for Criminal Tribunals.

The Council set up a mechanism last December to finish the remaining tasks of ICTY and ICTR when their mandates expire, urging them to conclude their work by the end of 2014.

The mechanism’s branch for ICTR will begin functioning on 1 July 2012, while the branch for ICTY will commence on 1 July 2013.

Mr. Jallow told the Council that a consultative process between the ICTY and ICTR prosecutors has been established and an understanding arrived at between them regarding the structure and staffing of the mechanism.

Ms. Khan drew the Council attention to the problem of relocating people acquitted by the ICTR, saying three former suspects cleared of their charges remain in safe houses in the northern Tanzanian town of Arusha, where the ICTR is based, due to the lack of relocation arrangements.

“The challenge to relocation is the unfortunate result of the absence of a formal mechanism to secure the support of Members States to accept these persons within their territories,” she said.

Special Court Supplement
Photos from yesterday's outreach event at Richard Allen High School, Kissy



