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
as at:
Wednesday, 10 August 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Concord Times (Online)
Wednesday, 10 August 2011

Sierra Leone: New Contempt Proceedings At UN Special Court

John Momoh

Freetown — Five persons are being charged to appear before the UN Special Court in two separate cases for interfering with prosecution witnesses who testified before the Court, according to the Coalition for Accountability and Justice (COJA).

Speaking to this press in an exclusive interview yesterday, the Coordinator of COJA Sulaiman Jabati stated that it is an issue being raised by the organisation and Manifesto 99, two civil society organizations working directly with the UN-backed Special Court, adding that they are two separate contempt cases involving interference with Special Court witnesses - that is between the independent Prosecutor versus Ibrahim Bazzy Kamara, Santigie Borbor Kanu, Hawa Papa Bangura and Samuel Kargbo on the one hand.

He said it also involves the Independent Prosecutor versus Eric Koi Senessie on the one hand, and the Independent Prosecutor versus Hassan Papa Bangura. He said although the Special Court convicts have been tried, found guilty and sent out of the country to serve their prison sentences, they as civil right defenders are looking into the degree of how the above individuals interfered with prosecution witnesses that may have impacted their trial and that of the ex-Liberia President Charles Taylor currently wrapping up at The Hague, Holland.

According to the COJA boss, Eric Koi Senessie - a former member of the Revolutionary United Front (RUF) - is charged with 9 counts of attempting to induce Prosecution witnesses who testified against Charles Taylor to recant their testimony.

He added that in the case relating to the Armed Forces Revolutionary Council (AFRC), trial that ended with the conviction of AFRC leaders Ibrahim Bazzy Kamara, Santigie Borbor Kanu, Samuel Kargbo and others, Kamara faces a third count of knowingly disclosing the identity of a protected witness.

He said these convicts knowingly and willfully interfered with the Special Court's administration of justice by otherwise interfering with a witness who has given testimony before a Chamber in violation of Rule 77 (A) (iv). Jabati noted that a person convicted of these offences under Rule 77 of the Rules of the Special Court could serve a maximum term of seven years imprisonment, a fine of up to two million Leones.

In the views of the COJA boss, the contempt proceedings which started in February 2011 at the UN Special Court and are on course, prove wrong those critics that have been alleging that the UN-backed Special Court has been closed. He noted that the Special Court is still alive, adding that it can be possible to add more years to the prison terms of convicts in Rwanda and other places.

The Canadian Press
Thursday, 11 August 2011

Today in History - Aug. 11

Today is August 11th

Today's highlight in history:

In 2003, Liberian President Charles Taylor resigned and went into exile in Nigeria. The former warlord was blamed for 14 years of bloodshed in Liberia and was indicted for war crimes in neighbouring Sierra Leone.

UN Chronicle
Thursday, 11 August 2011

Conflict Resolution and Human Rights in Peacebuilding: Exploring the Tensions

By Eileen Babbitt

Preventing wars and massive human rights violations, and rebuilding societies in their aftermath, requires an approach that incorporates the perspectives of both human rights advocates and conflict resolution practitioners. This is easier to assert than to achieve. These two groups make different assumptions, apply different methodologies, and have different institutional constraints. As a result, they tend to be wary of one another.

In the short run, both seek to end violence, loss of life, and other suffering as quickly as possible. In the long run, both human rights and conflict resolution practitioners try to assist societies in taking steps to ensure that the violence does not recur and that the rights of every human being are respected. Yet the methods each uses to achieve these goals, as well as their underlying assumptions, are different. As a result, at times they adopt contradictory or even mutually exclusive approaches to the same problem. For example, conflict resolvers, eager to achieve a negotiated settlement to a conflict with minimum loss of life, may insufficiently factor in the relevance of human rights to the long-term success of their work and to the protagonists they seek to bring together. Human rights advocates, by limiting their activities to shaming, negative publicity, and judicial condemnation of responsible individuals, may miss opportunities for human rights improvements that could be achieved through the use of negotiation and diplomatic techniques upon which conflict resolvers rely.

In order to explore these apparent differences more explicitly, I worked with a human rights colleague, the late Ellen Lutz, to commission a set of case studies of conflicts in which both human rights and conflict resolution professionals have worked extensively: Colombia, Sierra Leone, and Northern Ireland. Our purpose was to see how these two agendas proceeded in each case, and whether constructive interaction between their activities was achieved. Our case studies uncovered two crucial dilemmas that must be addressed if we are to see better understanding and synergy between human rights and conflict resolution in peacebuilding practice. One is the tension between establishing sustainable non-violent relations between contending groups within a country, and prosecuting the members of such groups for human rights abuses and/or war crimes. The second is the significant role that the international community plays in supporting or undermining norms that would help to integrate human rights and conflict resolution practices.

ACCOUNTABILITY VS. INCLUSION IS A DOMINANT CHALLENGE DURING ALL PHASES OF CONFLICT, NOT JUST AFTER A PEACE AGREEMENT HAS BEEN SIGNED.

One of the most challenging issues in the period after a peace agreement has been reached is how to deal with war crimes and human rights abuses committed by the previous Government. While human rights advocates push for accountability for crimes committed and punishment to deter further abuses, conflict resolution advocates worry that punishing the perpetrators might further splinter the society, making the healing process more difficult.

One of the interesting findings in our case studies is that this disagreement about whether perpetrators should be punished or rehabilitated occurs not only after an agreement has been reached, but also at every other conflict

phase. In Colombia, where violence is still occurring and no agreement has been reached, this tension manifests itself in the Government's response to the guerillas, particularly the Fuerzas Armadas Revolucionarias de Colombia (FARC). One of our case writers claims that while there is a real yearning on the part of FARC leaders for inclusion and dignity, they have come to see violence as the only way they can participate in a Government from which they have been alienated for generations by the Liberals and Conservatives. However, over the years these same guerillas have turned to illegal activities, including war crimes and drug trafficking, to support themselves. This creates a real challenge: to recognize the legitimate interests of the guerillas to establish that politics, as opposed to violence, is the way to resolve differences (the conflict resolution perspective), while at the same time to strengthen the rule of law by prosecuting criminals for their drug activities and kidnappings (the human rights perspective). How can both views be accommodated?

In Sierra Leone, the conundrum occurred around the issue of amnesty for Fodoy Sankoh, the leader and founder of the rebel group Revolutionary United Front, as the peace agreement was being negotiated. It was such an important case that it pushed then United Nations Secretary-General Kofi Annan, as an institutional policy, to explicitly withhold UN support for the granting of amnesty to faction leaders for war crimes as an incentive for a peace deal. While the Secretary-General could not initiate sanctions against such leaders, the withholding of UN approval for amnesty sent a signal that the United Nations was refusing to be a party to such a deal. Since the Sierra Leone talks, the International Criminal Court (ICC) has started its operations, making it possible to prosecute leaders for alleged war crimes. This makes it even less likely that leaders can demand complete amnesty in return for signing a peace accord. It remains to be seen what the impact of the ICC will be on future peace negotiations. As of this writing, for example, the ICC investigations into the actions of the Lord's Resistance Army in Northern Uganda are impeding the conclusion of peace talks there.

The Good Friday Agreement in Northern Ireland, while containing a strong human rights component to govern future relations, is silent on acknowledgment of past acts of discrimination against the Catholics in the region—which was the original cause for violence when the Troubles began in the late 1960s. Our case writers note that the founding of the state was based on discrimination and, even now, the human rights provisions in the Good Friday Agreement are "under-implemented." In fact, over the years the emphasis shifted from a focus on human rights to a focus on power-sharing. One might argue that the continuing low-level violence and tenuous implementation of the Agreement may, in some measure, be because the core of the conflict is still largely not discussable and has still not been addressed.

These cases do not provide answers to these conundrums, but rather illustrate how complex the trade-offs are in the context of real world circumstances. For example, no systematic analysis has been done that determines whether or not amnesty leads to the undermining of rule of law or to the instability of peace agreements. These cases point to the need for such an analysis to be done.

THE INTERNATIONAL COMMUNITY PLAYS A KEY ROLE IN DETERMINING WHETHER HUMAN RIGHTS AND CONFLICT RESOLUTION PRACTICES COMPETE OR COLLABORATE.

In all three of our cases, outside actors had a huge impact on how human rights and conflict resolution processes have proceeded. The United States and the United Nations, in particular, set the tone by their policies and behaviours.

The United Nations was the dominant external actor in Sierra Leone, fielding a strong team of human rights experts to advise on provisions of the peace agreement, structure a truth commission, and coordinate the activities of the

many human rights non-governmental organizations (NGOs) that were active in the country. Even on the conflict resolution side, as discussed above, the Secretary-General's Special Representative for Sierra Leone took a strong stand against international amnesty for human rights violations. The United Nations also helped set up a tribunal to prosecute perpetrators when the violence escalated after an agreement had been reached. The collaboration that took place between the conflict resolution and human rights actors in Sierra Leone, encouraged and supported by the United Nations, provides a positive model to draw upon in designing operations in other countries.

As our cases show, such collaboration has not occurred in Colombia or Northern Ireland. In Colombia, with both United States military training and financial support, the Government has taken a military approach toward the guerilla movements, hoping to defeat them and destroy the drug trade. Neither goal has been accomplished. While the human rights violations get international attention from NGOs and the United Nations High Commissioner for Human Rights, the peacemaking process has not received comparable outside support. It appears that international involvement, especially from the United States Government, has made the situation worse instead of better, particularly in relation to human rights/conflict resolution collaboration.

To some extent, the same can be said of Northern Ireland. The peacemaking process, conducted under the auspices of international mediators, reinforced the notion of two tribes engaged in inevitable competition, according to our case writers. The power-sharing arrangements enshrined in the 1998 Good Friday Agreement further solidified these divisions. At the same time, thirty years of violence might have been avoided if the international community had been willing to confront the discrimination and human rights abuses that took place there much earlier on, before the Troubles began. Even now, the human rights origins of the conflict are not resolved, and low-level violence continues. Both the human rights and conflict resolution agendas are suffering.

The international community, therefore, has a responsibility to incorporate human rights norms in conflict resolution efforts for peacebuilding in cases of extreme power asymmetry. Human rights norms help address these asymmetries in two important ways. First, they help empower the weaker party—a norm that the conflict resolution community already endorses. By strengthening the salience of human rights norms, third-party conflict resolution processes can achieve greater efficacy by giving a weaker party the support it might need to negotiate from a more equitable vantage point. Second, human rights norms are important in reinforcing the notion that a state's sovereignty carries with it a responsibility to protect the civilians within its borders.

Most importantly, those designing and implementing conflict resolution processes for peacebuilding in intra-state conflicts cannot assume that human rights are "not our issue." They are key components of parties' interests and concerns, significant indicators of power asymmetry and sometimes power abuses, and often both a cause and a consequence of the conflicts we are trying to settle or transform. It is crucial that peacebuilders know and understand the strengths and weaknesses of human rights norms, and how to use these norms in a constructive and appropriate way.

** For further reading see: Babbitt, Eileen F. and Lutz, Ellen L. (eds.) (2009) Human Rights and Conflict Resolution in Context: Colombia, Sierra Leone, and Northern Ireland. Syracuse, New York: Syracuse University Press; Babbitt, Eileen F. (2008) "Conflict Resolution and Human Rights: Pushing the Boundaries." In Zartman, I.W., et al., (eds.) The Handbook of Conflict Resolution. San Francisco: Sage Publications.*

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Hirondelle News Agency
Wednesday, 10 August 2011

Judges admit extra defence evidence in two trials

The International Criminal Tribunal for Rwanda (ICTR) has admitted additional defence testimony in the genocide trials of former Rwandan military officer Captain Ildephonse Nizeyimana and former Youth Minister Callixte Nzabonimana, both of which are due to resume in September.

In an August 5 decision, the court granted a motion from Nizeyimana's defence to hear additional evidence from protected witness BNN07, and set a date of September 6. In a separate decision, judges granted a request from Nzabonimana's defence to admit written statements from three protected witnesses dubbed T2, T73 and T103.

The Nizeyimana case had previously been scheduled to resume on September 7, 2011, to hear the prosecution's "rebuttal" evidence challenging the defence of alibi for the accused. Nizeyimana claims that he was not in Butare in the months of April and May, 1994, when the crimes of which he is accused were allegedly committed. The defence had closed its case on June 16, after calling 38 witnesses.

The Tribunal considered it "in the interest of justice to allow the defence to re-open its case for the purpose of hearing witness BNN07", who will testify about events at the Groupe Scolaire, where the accused is alleged to have authorized, ordered or instigated soldiers from different camps to kill Tutsi refugees.

Resumption of the Nzabonimana trial is scheduled for September 12 with prosecution cross-examination of defence witnesses T2 and T73, whose statements describe the political climate in Gitarama prefecture, central Rwanda, at the time of the alleged crimes.

The Tribunal said that "addition of the witnesses is supported by good cause and in the interest of justice." The evidence phase in Nzabonimana's trial had been closed on May 6, 2011, when the defence wound up its case after presenting 37 witnesses. Presiding Judge Solomy Balungi Bossa subsequently ordered the parties to submit their written closing briefs by July 5, 2011 and said the date for oral submissions would be announced later.

FK/NI/JC

Hirondelle News Agency
Wednesday, 10 August 2011

Gacaca service says 54 cases still pending

Rwanda's semi-traditional gacaca courts have 54 genocide related cases left to complete before winding up their activities in December this year, according to the Executive Secretary of Gacaca services. Some of these include appeals.

Domitille Mukantaganzwa told a news conference in Kigali on Tuesday that her services would do everything possible to conclude the remaining cases in the next two months, according to Wednesday's edition of the New Times newspaper.

"We should have completed all the cases but we were challenged by the new cases that were brought about by the Rwandan refugees from DRC (Democratic Republic of Congo) who voluntarily returned home recently," the New Times quotes her as saying.

Mukantaganzwa said delays had also been caused by "some suspects who take their time", intentionally delaying proceedings. "Sometimes they claim that their eyewitnesses are not around and the courts should wait for them to return," she added.

Gacaca are semi traditional courts introduced to deal with the backlog of over a million cases involving persons suspected of taking part in the 1994 genocide.

Mukantaganzwa said the final overall report on gacaca courts would be made public before the end of the year and would contain "achievements, challenges and recommendations", according to the New Times.

After several postponements, Rwandan Justice Minister Tharcisse Karugarama announced in May that gacaca would be officially closed in December 2011. He said the courts had tried over a million people, "a great achievement that would otherwise have been impossible".

Also in May, the New York-based NGO Human Rights Watch released a 144-page report entitled "Justice compromised: the legacy of Rwanda's community-based gacaca courts". It said the legacy of gacaca was mixed and included fair trial violations.

NI/FK/JC

Associated Press
Thursday 11 August 2011

Hariri tribunal head urges suspects to surrender

The president of the U.N.-backed tribunal investigating the assassination of former Lebanese Prime Minister Rafik Hariri has called on the four suspects to turn themselves in, promising they will get a fair trial.

In an open letter published Thursday, Judge Antonio Cassese said the four should at least name lawyers and consider testifying by video, since their trials will proceed later this year without their presence if necessary.

In June, The Special Tribunal for Lebanon indicted the four members of the Iranian-backed Shiite guerrilla group Hezbollah for alleged involvement in the 14 Feb., 2005, truck bombing that killed Hariri and 22 others.

Hezbollah, which dominates Lebanon's government, denies involvement and says it cannot find the suspects.

Kenya Broadcasting Corporation
Wednesday, 10 August 2011

ICC to allow 2 witnesses for each PEV suspect

Written By:Koech Cheruyoit

The ICC spokesman said 327 victims will participate in the confirmation hearings of Ruto, Sang, and Kosgey.

The International Criminal Court (ICC) has limited the number of defense team witnesses to two for three Post Election Violence suspects ahead of their confirmation hearings scheduled for September 1.

ICC spokesman Fadi El Abdallah says the decision by pre-trial II chamber judges was reached as the 48 witnesses William Ruto, Joshua Sang and Henry Kosgey had applied to take to the confirmation hearings were far too many since the process was only meant to confirm whether they have a case to answer and not to establish their innocence.

Fadi says the decision for the other three suspects whose confirmation hearings are set for September 21 to October 11 had not been reached adding that the suspects can choose to attend the hearings or leave it to their legal counsels.

Saying that the prosecution will not call any witnesses but rather rely on documentation, the ICC spokesman said 327 victims will participate in the confirmation hearings of Ruto, Sang, and Kosgey.

Pre-Trial Chamber II believe that Ruto and Kosgey are criminally responsible as indirect co-perpetrators for crimes against humanity of murder, forcible transfer of population and persecution.

Decision on whether trials will commence will be reached two months after the confirmation hearings.

The chaos led to deaths of more than 1300 people prompting the international community to intervene.