

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



Bumbuna reservoir

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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FBI most wanted fugitive nabbed in Freetown

By Mohamed Massaquoi

Report reaching Concord Times has revealed that one of the key financial conduits between the Revolutionary United Front (RUF) and Charles Taylor during the Liberian and Sierra Leonean civil wars has been arrested in Freetown.

Though no official statement has been put out by the Sierra Leone Police on the arrest, yet information gathered so far by Concord Times revealed that FBI wanted man, Ibrahim Bah - despite being under a UN travel ban and asset freeze - has been

travelling in and out of Sierra Leone frequently and conducting businesses unencumbered in Freetown and in the West Africa sub-region.

An impeccable source within the Sierra Leone Police confirmed to Concord Times that Bah, who is on the FBI's 10 most wanted list, was arrested by the police over the weekend at his Aberdeen residence. The police still need a proper identification of [Bah] before putting out an official statement about his arrest, the source said.

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FBI most wanted fugitive nabbed in Freetown

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"I understand that somebody is currently helping the police with their investigation. The police have asked the UN to give a clear identification backed with coloured pictures of [Bah] for proper proof of identity," the officer said.

However, the head of the police investigation, Supt. M.B. Lappia, has neither confirmed nor denied the arrest of the FBI wanted fugitive, saying he could not give any further explanation on the development on the ground that he was out of office.

"I cannot comment now because I am not in the office. Can you please call

by 5:00pm?" he requested.

However, this reporter called again at 5:00pm and at 6:30pm with the officer still failing to adequately respond to questions regarding the said arrest.

It was reported that in 2008, Bah had a gold and diamond trading company based out of an office very close to a police station in Freetown. He is also alleged to have been involved in a mercenary firm that has tried unsuccessfully to engage in recent conflicts in Cote d'Ivoire and Libya.

However, Sierra Leonean officials have been turning a blind eye to all of this.

International Criminal Court Prosecutor opposes Uhuru Kenyatta's application

By Moses Njagih

The International Criminal Court (ICC) Chief Prosecutor Fatou Bensouda has opposed the application by President Uhuru Kenyatta to have his trial postponed to January 2014.



Urging trial judges to reject the application, Bensouda said the application, if allowed, would impede on justice and the interests of victims and witnesses.

President Uhuru Kenyatta

The opposition at The Hague based court comes at a time when victims of the 2007/08 post-election violence have raised

concern about Uhuru's application terming the move as one meant to give him sufficient time to engineer a political and diplomatic campaign to stop his trial, in light of the on-going moves orchestrated through multiple channels.

Bensouda told the judges that the application by President Uhuru does not give satisfactory reasoning to warrant the adjournment of the trial for such a lengthy period. The trial is slated for July 9.

However, the Prosecutor says in the event that the court is persuaded to warrant Uhuru's application, then the court should consider starting the trial after the summer recess.

She said the court must consider balancing the interests of victims and witnesses, even as they ensure Uhuru is subjected to a fair trial.

The Arusha Times

Saturday, 8 June 2013

Tanzania: Uhuru, Ruto Trials Likely to Be Held in Arusha

Arusha is bracing to host the international trial of Kenya's Deputy President William Ruto which is now likely to be heard in either Nairobi or Arusha. Ruto and his co-accused - radio presenter Joshua arap Sang - are charged with crimes against humanity emanating from the 2007 post election violence .

The International Criminal Court (ICC) Trial Chamber V(A) on Monday recommended to the ICC Presidency that it may be desirable to hold the start of trial and other portions thereof, to be determined at a later stage, in Kenya or, alternatively, in Tanzania.

The recommendation implies that the other ICC case against President Uhuru Kenyatta would also most likely be held in Arusha.

Last year, the ICC asked Tanzania, Kenya and the International Criminal Tribunal for Rwanda to make submissions on whether the Kenyan cases could be heard in Arusha.

The trial chamber wanted the International Criminal Tribunal for Rwanda (ICTR) to advise whether the facilities in Arusha for the Rwanda genocide trials would be suitable for the ICC.

The ICTR , in the process of winding up its work, has four trial chambers in Arusha with support infrastructure of detention cells and offices that could conveniently be used to try suspects appearing before the ICC.

The recommendation made by Trial Chamber V(A) was only a step in the procedure. The final decision on the issue would be made in due course by the judges in plenary session by conducting a vote.

Already there are recommendations to establish the ICC African Regional Chapter in Arusha and according to Arusha's Regional Commissioner Mr. Magessa Mulongo, earlier this year , the Court had already been allocated land in the outskirts of Arusha city to build its own court facility.

Already Arusha hosts the African Court for Human and People's Rights , the East African Court of Justice, which operates under the auspices of the East African Community, and the United Nations Criminal Tribunal for Rwanda which was established in 1995 but is now winding up.

But as the ICTR prepares to exit Arusha, the United Nations has earmarked USD 8.7 million dollars for the construction of a building in Arusha to house archives of the UNICTR as well as an office for the Tribunal's Residual Mechanism.

The archives and offices will be constructed at a piece of land, provided by the Tanzanian government to the UN, located at the former Laki Laki Estate, Kisongo area, about 15 kilometres west of Arusha city. According to the Director of Planning and Budget Division of the General Assembly of the United Nations, Mr. Johannes Huisman the Assembly had already allocated USD 3 million for the initial stages of the construction work.

Presenting a report March to the Fifth Committee of the General Assembly, which deals with matters related to Administration and Budget, the Director thanked the Tanzania government for making available the land for the construction of the UN buildings.

"I am pleased to present to you the report of the General Secretary, as the regulation stipulates. At the outset, I am taking this opportunity to express my gratitude to Tanzania for offering a piece of land and also for co-operation which the government continued to give us up to now in the preparation of execution of the project," said Mr. Huisman.

Among initial activities to be undertaken are preparation of architectural drawings, feasibility study, project's costing and schedule of implementation.

The Cambodian Daily

Monday, 10 June 2013

Genocide Not Included in Law on Denial of KR Crimes

By Dene-Hern Chen and Phorn Bopha

A new law called for last week by Prime Minister Hun Sen to criminalize the denial of crimes during the Khmer Rouge regime does not contain the word genocide.

Though the official definition of genocide refers to attempts to destroy in whole or in part any ethnic, religious, national or racial group, scholars here have said the word has never been properly translated into Khmer and its usage in the Cambodian context applies to crimes in general during the Pol Pot regime.

The Khmer Rouge war crimes tribunal has also not ruled on whether genocide actually took place in Cambodia under the Pol Pot regime.

According to a copy of The Law on the Denial of Crimes Committed During the Period of Democratic Kampuchea obtained Tuesday by The Cambodia Daily, the legislation will punish individuals who “refuse to acknowledge, diminish, deny, or challenge the existence of crimes or glorify crimes committed during the Democratic Kampuchea in accordance with criminal provisions.”

The public denial of crimes can take the form of a public announcement, “written correspondence or paintings” and “audio-visual communications for the public,” the draft law states, add-ing that punishments for denying crimes will range from six months to two years in jail and be levied with a fine ranging from 1 million riel to 4 million riel, or about \$250 to \$1,000.

Officials from the opposition Cambodia National Rescue Party (CNRP) said Tuesday the draft law criminalizing the denial of Khmer Rouge crimes should persecute government officials who interfere with proceedings at the Khmer Rouge tribunal and prevent former “leaders” of the regime from taking up positions as senior government officials.

Mr. Hun Sen called for the law to be drafted last week, just days after the government released an audio recording of the CNRP’s acting president, Kem Sokha, apparently accusing Vietnam of inventing the torture and jailing of thousands of Cambodians at the Khmer Rouge’s Tuol Sleng prison in Phnom Penh.

The law, drafted and hastily ap-proved by the National Assembly in just four days, will be debated on Friday and if passed, could see people imprisoned for up to two years for denying crimes that took place during the Pol Pot era.

In an emailed statement Tuesday, CNRP president Sam Rainsy said the opposition party would propose changes to the law when it is debated later this week.

“The CNRP will propose an amendment to also punish those who use and abuse their political position to interfere in judicial proceedings with the effect of ob-structing justice and preventing the due prosecution of former Khmer Rouge leaders responsible for crimes against humanity,” Mr. Rainsy said.

Though the government has denied having any influence over the Khmer Rouge tribunal, Mr. Hun Sen has previously stated on several occasions that any additional trials beyond Case 002 would not be allowed to move forward as wider investigations could reignite a civil war.

CNRP spokesman Yim Sovann said Tuesday that the opposition would also push for the inclusion of an article that prevents former Khmer Rouge leaders from being allowed into senior positions inside the government.

“We do not want the Khmer Rouge regime to happen again in Cambodia and most of the former Khmer Rouge have their hands dirtied with blood and they should not become the leader of the country,” Mr. Sovann said.

“We want to ban Khmer Rouge leaders from taking high positions in the government,” he continued, declining to elaborate on the definition of a Khmer Rouge leader or say whether the law could be used to target any current members of the government.

“I do not want to tell any names and I don’t want to target any individual, but this should be in the law,” Mr. Sovann said.

Mr. Hun Sen is often credited by his supporters for having developed the so-called win-win policy in the 1990s by dismantling the Khmer Rouge through integrating them into the government. There are many former Khmer Rouge members in the government including Mr. Hun Sen himself, National Assembly President Heng Samrin and Senate President Chea Sim, all of whom defected from the regime when it was in its latter stages.

CPP lawmaker Chheang Vun, who helped to draft the new law, said that since national election candidates for the CNRP are no longer members of the Human Rights Party and SRP—which merged to form the CNRP last year—their arguments would be dismissed during Friday’s parliamentary session.

“Whatever they suggest, I will not take it into consideration since they are no longer the members of the National Assembly,” Mr. Vun said. “We won’t think about it since it would cause us a headache.”

Sok Sam Oeun, executive director of the Cambodian Defenders Project, a legal aid NGO, welcomed the CNRP’s proposed article criminalizing political influence over the Khmer Rouge tribunal.

“To punish the ones who interfere in the [Extraordinary Chambers in the Courts of Cambodia] is necessary. But it should not only be for the ECCC, but for all crimes and all courts,” Mr. Sam Oeun said.

However, he said an article forbidding “former Khmer Rouge leaders” from taking high-ranking government positions was too vague and could fuel discrimination.

“What is a leader and what is a high-ranking official in government?” Mr. Sam Oeun asked. “It looks like discriminating [against] former Khmer Rouge because not all Khmer Rouge leaders were involved with the killing so we cannot presume like this.”

The International

Monday, 10 June 2013

Uhuru Kenyatta and the Future of the International Criminal Court

By Steven Robles

Uhuru Kenyatta, who won the Kenyan presidency by a narrow margin in March, stands accused of crimes against humanity for his supposed role in the tribal violence that followed the 2007 election cycle. Five other Kenyans, including Deputy President William Ruto, have been indicted alongside Kenyatta.

Kenyatta has assured his compliance with the International Criminal Court (ICC) as it investigates the charges brought against him. But with Kenyatta's court date at the Hague fast approaching, many have pushed for his trial to be returned to Kenya's domestic courts.

Last Monday, the African Union (AU) asked the ICC to withdraw Kenyatta's case from its docket. The upcoming cases expose important questions about the place of the young tribunal in the administration of international justice.

In an interview with the BBC, Kenyatta reaffirmed his responsibility to "insure that Kenya meets her international obligations." As a state-party to the ICC, Kenya is obligated to adhere to and support the ICC process.

Despite this assurance, Kenya's government has taken steps to halt the ICC cases. As Al Jazeera reported on May 9th, Kenya's ambassador to the UN wrote the Security Council asking "for the immediate termination of the case at The Hague."

The African Union's announcement adds to the political pressure opposing the ICC. According to the BBC, the AU accused the ICC process of devolving into "some kind of race hunting," unfairly targeting prominent Africans.

The ICC is just over a decade old, and its place in the international community remains ambiguous largely because of the limits placed on its jurisdiction. Kenyatta's indictment and upcoming trial bring this ambiguity into stark relief. The outcome of these events will influence the future of the ICC.

Kenyatta's indictment

Kenyatta's indictment stems from his supposed role in the violence that followed the 2007 General Elections. The elections were fraught with allegations of vote rigging, and according to the BBC, the ensuing violence left nearly 1,200 dead with another 500,000 displaced. In a submission to the United Nation's Human Rights Committee, Amnesty International cited cases of "rape, gang rape, sexual mutilation [and] loss of body parts."

Former UN Secretary General Kofi Annan stepped in to broker a power sharing deal that came into effect on February 28th, 2007, nearly two months after the post-election conflict began. Despite the fragile peace, Amnesty International's submission accuses the Kenyan judicial process of failing to "seek accountability against persons bearing the greatest responsibilities for the crimes."

Consequently, at the request of Kenya's own Committee of Inquiry into the Post Election Violence, the names of the six prominent Kenyans were submitted to the Prosecutor of the ICC for analysis.

Jurisdiction and the ICC

The ICC was established in 2002 under the Rome Statute of 1998. Over one hundred nations have ratified the founding document with the important exception of three permanent members of the Security Council, the United States, China and Russia.

According to Ian Hurd, the ICC's jurisdiction as stated in the Rome Statute is "limited in important and interesting ways." Most importantly, the ICC can only proceed in cases where a nation's domestic courts have proved unwilling or unable to carry out an investigation.

As Amnesty International argued in its submission to the UN, the Kenyan case satisfies this requirement because no steps have been "taken...to establish a credible local judicial process with jurisdiction over post-election violence cases."

But Kenyatta and leaders of other AU nations have argued that the cases should be referred back to the Kenyan domestic court system following a series of constitutional changes.

Elizabeth Evenson of Human Rights Watch warned that the AU's announcement should "fool no one as to the prospects for meaningful justice in Kenya. Recent events [...] underscore the need for the international community to redouble efforts to press Kenya to put politics aside and let the ICC's cases run their independent judicial course."

As Reuters reported, ICC Chief Prosecutor Fatou Bensouda responded to the AU's criticism on Thursday. Bensouda stated that for the cases to be sent to Kenya's domestic courts, the government must "satisfy the [ICC] judges that it is genuinely conducting proceedings against the same persons for the same crimes.

The upcoming trials

With the trials set to commence in July, those who wish for the cases to take place in Kenyan courts will be hard pressed to satisfy the ICC's demands.

If the ICC finds Kenyatta and Ruto guilty, the Kenyan government will have an even stronger incentive to shirk its responsibilities as a state party to the Rome Statute.

The trials are uncharted territory for the young international tribunal, and will test its ability to administer justice in the face of the significant political pressure posed by Kenya and the AU. Still, many people inside and outside of Kenya doubt that any other court can genuinely ascertain Kenyatta's guilt.

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