

**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:

Thursday, 14 January 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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The Exclusive

Thursday, 14 January 2010

Independent Monitors Keep Eyes on...



Former Liberian President Charles Taylor at the U.N.-backed Special Court for Sierra Leone in The Hague

Charles Taylor Trial

As the trial of former Liberian President Charles Taylor resumes at the special tribunal in The Hague, monitors based in the United

States are keeping close tabs on proceedings and making sure their informa-

Continued page 2

Charles Taylor Trial

From front page

tion is available for the whole world on the Internet. They also say they are providing coverage traditional media have been unable to deliver.

"Mr. Taylor, it is true isn't it that in 1990, you moved your headquarters from Harbel to Gbanga?" asked the prosecutor. "That is not true," responded Taylor. Charles Taylor answered a prosecutor about his past as he was cross-examined on Monday in his trial, where he is accused of war crimes during Sierra Leone's recent civil war, allegedly backing brutal rebels to trade in lucrative diamonds.

Proceedings at the Special Court for Sierra Leone in The Hague play out on live streaming video on the Charles Taylor trial Web site (www.charlestaylortrial.org), operated by the New York-based Open Society Justice Initiative. The site was set up with the cooperation of the tribunal, and gives people a chance to voice their opinions.

Text on the site explaining what is going at the trial is often followed by dozens of comments. The group's legal officer for international justice, Tracey

Gurd, says the site has taken on a life of its own.

"It has been one of the unanticipated outcomes of our Web site which was really set up for journalists but the outcome was that a lot of people from Liberia and Sierra Leone got on and started commenting on the site so we have had about 7,000 comments since Mr. Taylor took the stand," said Tracey Gurd.

She said the range of comments also surprised her. "We have had the spectrum of opinion on there," she said. "Some people exhort Mr. Taylor's innocence and daily express their hope that he will come back, to be set free, and contest the next elections. Others are worried about whether he will get a fair trial and they are concerned that the court might be influenced by Western powers, like the United States or the United Kingdom. Others are hoping that he gets convicted and he never gets out of jail. And some say that he is on trial for the wrong war, that he should not be prosecuted for the Sierra Leonean war crimes but that he should be for those in his own home space,

back in Liberia."

Gurd says the postings are also being picked up by African news agencies and reprinted in newspapers across West Africa. "Information about the trial is getting back to the place where it really matters the most, which is West Africa, so that people can follow the trial even though it is being held half a world away over in The Hague," said Tracey Gurd.

The founding chief prosecutor of the Special Court for Sierra Leone, David Crane, now a professor in the United States, started another Web site called Impunity Watch. The site (www.impunitywatch.com) also has regular updates and commentary about the Charles Taylor trial, in addition to information about current tragedies.

"Most importantly is to make people aware of atrocity going on around the world, 24 hours a day, seven days a week, 365 days a year," said David Crane. "One of the challenges that I found when I was chief prosecutor over in the West African tribunal was that there is so little awareness of the tragedy that took place there in Sierra Leone

Continued page 3

Charles Taylor Trial

From front page

and most of the time when I was talking to people or giving speeches around the world they would come up to me and say 'had I only known', and so the motto of 'Impunity Watch' is 'Had I only known.'"

As it resumes in the new year, the Special Court is again running against financial shortfalls. But Crane, who has seen this scenario before, says he is not overly concerned.

"It is amazing," he said. "I have always called the Special Court the little engine that could because again it was one of those same comparable tribunals like Rwanda and Yugoslavia, etc, but yet it was always challenged by money. I began work with no pay as did all my staff so again that has been lingering and

has been a sort of Damocles over the head of that court ever since it was created. It will be done, it is a challenge. The world knows that this has to be done and they will give them the money but it just does not happen in the efficiency that it should, so it always comes to the brink and then money is paid."

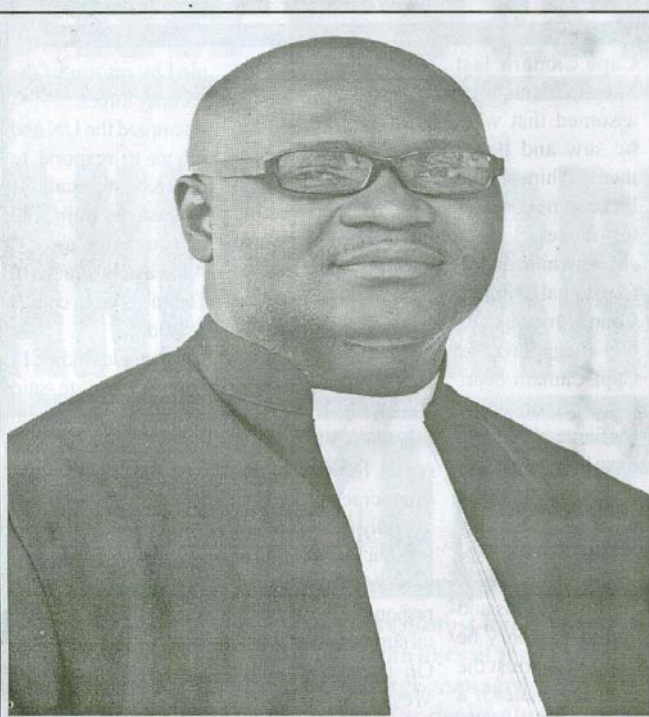
Crane is expecting a guilty verdict this year. Charles Taylor has pleaded innocent, and his defense team has portrayed him as a peacemaker acting in the interests of Africans. The defense is planning to bring nearly 100 witnesses to the stand in the coming months. Trial watchers can now turn to U.S.-based Web sites on the Internet to get their fill of live coverage, analysis and commentary.

*Also read this story on
www.exclusivepress.net*

For di People

Thursday, 14 January 2010

Sierra Leoneans Laud Special Court Acting Prosecutor



KAMARA:enjoys his job with tremendous professionalism

CALLER AFTER caller last night over CTN Radio lauded Deputy Prosecutor for the Special Court for Sierra Leone for the tremendous work they have done in the Taylor trial, going on at The Hague.

by **ELIAS BANGURA**

Speaking about the Prosecution's work, Mr Joseph Koroma said he was very pleased with the evidence presented against Mr Taylor during the Prosecution's case-in-chief. He spoke of the strength of the case, based on over 90 witnesses and documentary materials. He talked about the many witnesses who testified—the victims of crimes, the experts, and the individuals who used to be part of Mr Taylor's inner circle, all of whom came and testified against Mr Taylor.

"We are pleased to have begun our cross in earnest, and to be challenging the Accused with documents to show he has not been truthful in this courtroom.

"We've tested the credibility of Mr Taylor's claims on a number of fronts, and our cross has only just begun. He challenged us to bring forth evidence of the wealth he accumulated while in power. We were pleased to do this. And throughout our cross, we will confront his claim that he was a peacemaker in Sierra Leone. Our evidence shows just the opposite."

On how long the Prosecution's cross-ex-

amination will last, he replied that given the length of Mr Taylor's direct-examination, there are many issues for them to explore. He said they don't intend to take as long as the 13 weeks the Defense took but that it's important that they fully test Mr Taylor's stories and account."

And yesterday when FDP followed up with him regarding the whole trials themselves which is coming to a close, he said it has been a worthwhile venture and richly rewarding in terms of the experience he has gained. Towards the sentencing of the Civil Defence Forces, the Armed Forces Revolutionary

Council, and the Revolutionary United Front's leaders, he said the sentences have been appropriate and commensurate to their crimes.

And it is to such a successful conclusion that they as the Prosecution are looking forward to towards the Charles Taylor trial, depending on his cooperation as he seem to always cut and parry in his answers.

When the trials come to an end, sooner or later, Deputy Prosecutor Kamara said he certainly will feel a sense of accomplishment. And as a nation, he said we certainly would have learnt our lesson regarding war, with the notion that no one is above the law fully driven home into the mind of everyone.

After the trials, he said he indeed would like to contribute to the enhancement of the Judiciary by bringing the expertise he has learnt since January 2004 when he first became a part of the Special Court. Even so, he said he can't rule out other possibilities of giving his expertise to the outside world.

"And I must confess, in all my work here, I have enjoyed the teamwork of the Office of the Prosecution. It is a wonderful team," he said.

In August 2008 Joseph Fitzgerald Kamara was appointed by the Government of Sierra Leone and approved by the UN Secretary-General as Deputy Pros-

ecutor of the Special Court for Sierra Leone. He is the first Sierra Leonean to hold the office. In September 2009, Mr Kamara was appointed Acting Prosecutor.

Mr Kamara joined the Special Court in January 2004 and became the Senior Trial Attorney for the Civil Defence Forces trial Prosecution team in 2006. He successfully led Prosecution efforts to convictions of both Accused persons at trial and at the appeals level on numerous counts of war crimes, crimes against humanity, and other serious violations of international humanitarian law.

Mr Kamara's five year tenure at the Office of the Prosecutor witnessed the recognition for the first time in history of the crime of conscripting children under the age of 15 into armed conflict, and securing convictions on this charge. Other landmark precedents of the SCSL include the recognition of forced marriage as a crime against humanity independent from that of sexual slavery, and the recognition of and conviction for the war crime of attacks on peacekeepers.

In July of 2009, Mr Kamara was elected President of the Sierra Leone Bar Association, wherein he oversees the welfare of domestic lawyers and promotes legal education and professional responsibility. He holds this post simultaneously with, but independent from, his position

as Acting Prosecutor.

In 1990, Kamara was recruited into the Law Officer's Department of Sierra Leone where he served in the Office of the Director of Public Prosecutions as a prosecutor for eight years. Kamara was involved in high profile cases before the High Court, Court of Appeals and the Supreme Court. In the course of those eight years, he was promoted to Senior State Counsel.

Kamara obtained a Bachelor of Laws from the Faculty of Law, Fourah Bay College, University of Sierra Leone in 1989, part of one of the first sets of graduating students. He was called to the Bar in 1990. Today, Mr Kamara also teaches International Criminal Procedure and Practice at the Sierra Leone Law School.

In the year 2000, Kamara received a Masters-in-Law in International Comparative Law, specializing in International Business Transactions, from Southern Methodist University in the US.

Kamara was born in Makeni, Bombali District, Sierra Leone. He is married to Lynette Kamara. They have two daughters and a son, Francine Sukai, Simone Madikizela, and Jahzeel Angbalan.

Voice of America

Monday, 11 January 2010

Independent Monitors Keep Eyes on Charles Taylor Trial

Nico Colombant

Former Liberian President Charles Taylor at the U.N.-backed Special Court for Sierra Leone in The Hague, 13 Jul 2009

As the trial of former Liberian President Charles Taylor resumes at the special tribunal in The Hague, monitors based in the United States are keeping close tabs on proceedings and making sure their information is available for the whole world on the Internet. They also say they are providing coverage traditional media have been unable to deliver.

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She said the range of comments also surprised her.

"We have had the spectrum of opinion on there," she said. "Some people exhort Mr. Taylor's innocence and daily express their hope that he will come back, to be set free, and contest the next elections. Others are worried about whether he will get a fair trial and they are concerned that the court might be influenced by Western powers, like the United States or the United Kingdom. Others are hoping that he gets convicted and he never gets out of jail. And some say that he is on trial for the wrong war, that he should not be prosecuted for the Sierra Leonean war crimes but that he should be for those in his own home space, back in Liberia."

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Radio Netherlands Worldwide

Wednesday, 13 January 2010

SCSL faces financial constraints

Prosecutors at the Special Court for Sierra Leone resumed their cross-examination of former Liberian president Charles Taylor on Monday. Taylor has been testifying in his own defence since July, 2009.

Taylor has pleaded not guilty to all 11 charges of war crimes and crimes against humanity allegedly committed during Sierra Leone's civil war. Instead he claims he was working as a peacemaker on behalf of the international community. Acting Prosecutor Joseph Kamara, however, says "our evidence shows just the opposite."

The prosecution, Kamara says, "does not intend to take as long as the 13 weeks the defence took." And it could be even quicker than that: the case could soon come to a standstill for lack of money.

The SCSL "often [has] funding constraints," says court spokesperson Solomon Moriba, and, currently, funding is only sufficient until the end of February. "We rely on donations and voluntary contributions. If donors do not come forward the trial may come to a halt."

Thus far, the Taylor trial has been paid for using emergency funds received last July, but an additional \$15.1 million is needed for this year. "Since November, the Registrar has been holding various meetings across the world to explain the situation to [potential donors]. All are aware of the funding situation," says Moriba.

UNMIL Public Information Office Media Summary 13 January 2010

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Liberian Registry posts new record fleet numbers

Wednesday, 13 January 2010

The Liberian-flag fleet grew 215 ships and 10.5m gt to a record 3,140 ships, and 97.2m gt in 2009. A statement says: "2009 was a landmark year for the Liberian Registry. It was the year in which the 3,000th vessel was registered under the Liberian flag, and it was the year in which the agreement between the Liberian Bureau of Maritime Affairs and [US-based managing company] Liberian International Ship & Corporate Registry (LISCR) covering the management of the registry was extended for a further ten years." LISCR's chief operating officer Scott Bergeron, says, "The past twelve months have been a difficult period for shipping. The worldwide economic recession, plummeting freight rates, higher operating costs, the increased incidence of piracy attacks, and the unscheduled transfer of tonnage into lay-up to await more favorable market conditions, were just some of the more serious problems to have affected ship-owners and operators in 2009. He adds: "The true test of any service provider in the international shipping industry comes in times of difficulty, rather than in the good years. The Liberian Registry is committed to helping its owners and operators to survive the current economic downturn and difficult market conditions and to be prepared in every way for safe and profitable operation. The continued healthy growth in the size of the Liberian-flag fleet confirms that we are succeeding in those objectives."

Source: Maritime Global Net

International Clips on West Africa

Guinea

Camara's return could obstruct peace process - US

afrol News, 13 January - The US government official says the possible return of Guinea's ruling junta leader, Captain Moussa Dadis Camara, could spell disaster for the West African state's return to democratic rule. Last week Guinea's ruling junta deputy leader, General Sekouba Konate invited opposition parties to nominate a prime minister to head the government and prepare for the free and fair elections in the West Africa state. Capt Camara arrived in neighbouring Burkina Faso on Tuesday, after he was treated at a Moroccan hospital from a gunshot to the head on 3 December by one of his aides.

The US official said his return to the West African state could frustrate progress made by the country. Since the assassination attempt, Camara he has not appeared in public and it was not immediately known if he planned to stay in Burkina Faso or travel to another country. The United States for months has been insisting Guinea's military junta step down and that transition government takes over to prepare new, democratic elections.

Ivory Coast

Burkina Faso offers more troops for Côte d'Ivoire elections

afrol News, 13 January - The Presidents of **Côte d'Ivoire** and Burkina Faso have asked that an additional unit of up to 500 peacekeepers from Burkina Faso be added to the United Nations mission in Côte d'Ivoire to reinforce security ahead of elections intended to reunify the West African country that was split into a rebel-held north and Government-controlled south by civil war in 2002. The elections, originally scheduled for as far back as 2005 and continually postponed since then, most recently from 29 November, are now expected to take place in March. Secretary-General Ban Ki-moon has forwarded the request from President Laurent Gbagbo of Côte d'Ivoire and President Blaise Compaoré of Burkina Faso to the Security Council, which needs to authorise the three-month increase in strength of the UN Operation in Côte d'Ivoire (UNOCI) past its current level of 7,450, spokesman Martin Nesirky told a news briefing in New York yesterday.

Sierra Leone

Sierra Leone's Abdul Tejan-Cole's Life is Not In Any Danger

Jan 13, 2010, (Awareness Times) The Honourable Commissioner of the Anti Corruption Commission of Sierra Leone, Abdul Tejan Cole Esq. has told Awareness Times newspaper via an exclusive electronic interview that he has not fled Sierra Leone nor was his life threatened at any point in time as was being speculated in the media. "My life was never threatened. I have not fled nor have I resigned. People are always speculating," Tejan Cole informed. He strongly insisted that he had not been subjected to any threat on his life over the NRA investigations that warranted him being given extra security by the President. "They are preposterous and false," Tejan Cole stated of the speculative articles as he asked of all concerned to just ignore those speculative articles. He gave assurance that he would soon be back in Sierra Leone. Media reports had first of all stated that Tejan-Cole's life was in danger over his investigation of the NRA's Alieu Sesay. However, yesterday, a section of the media openly accused Tejan-Cole of seeking an international appointment and thus planting articles in the media claiming his life was in danger to make way for an alleged resignation he was planning.

Local Media – Newspaper

First International Witness Testifies In Angel Togba's Murder Case

(FrontPage, New Democrat, The Inquirer and The News)

- The state's first international witness in the Angel Togba murder case has disproved suggestions that the 13-year old hanged herself.
- Chief Homicide Investigator Charles Appiah of the Ghana Police Force said her guardians' assertions that Angel Togba died by hanging was not realistic as she was an inch taller than the rail on which her guardians, Hans Williams and his fiancée Mardea Paykue claimed they found her hanging.
- The Ghanaian Detective's testimony supports earlier testimonies by some senior Liberia National Police (LNP) officers that the victim was taller than where it was alleged she hanged herself. Another international investigator was due to testify today at Criminal Court "B".
- Chief Inspector Appiah also confirmed that Dr. Anthony Quaye was part of the second autopsy the Cuban pathologist conducted.
- Another international investigator is expected to testify today Wednesday at Criminal Court "B".

Ex-Servicemen 'Widows' Still Demand Benefits ...Storm Capitol Building

(The Inquirer, In-Profile)

- A group of women claiming to be "Widows" of fallen ex-servicemen yesterday stormed the Capitol Building in demand of what they called their just benefits.

- Speaking to journalists yesterday, the leader of the ex-police widows claimed government owes them US\$5,000.00 saying they had converged at the Capitol based on an agreement with the Ministry of National Defense which called for the signing of their documents by their representatives.
- This is not the first time the 'widows have besieged the Capitol in demand payment of benefits allegedly owed them by Government.
- Last month hundreds of widows of ex-security officers staged a demonstration before the National Legislature demanding benefits from government.
- At the time, the women claiming to be about 6,000 presented a petition to the National Legislature outlining their demands.
- The US\$5,000 claimed by each widow is about US\$3 million and there are concerns that government may not have the money to pay the women.

Senators Speak Out On TRC Report...Conflicting Reports from Rivercess

(The Inquirer)

- Two of four senators indicted in the Truth and Reconciliation Commission (TRC) report for war crimes and crimes against humanity have again condemned the charges levied against them.
- Senators Prince Johnson of Nimba and Jonathan Barney of Rivercess said the charges were mere lies concocted by the TRC.
- Briefing the Senate on their annual break, Senators Johnson and Barney claimed citizens of Nimba and Rivercess are not in favour of the TRC report.
- But Rivercess Junior Senator George Moore says the citizens fully support the implementation of the TRC report.
- Grand Cape Mount Senator Abel Massaley who spoke at the Senate Plenary said his County is in support of the implementation of the TRC report while Senator Clarice Jah of Margibi said views on the TRC report are divided in her County.

House Summons Finance, Education Ministers

(The Informer, Daily Observer)

- The House of Representatives has summoned Finance Minister Augustine Ngafuan and Education Minister Joseph Korto to appear before it on Tuesday January 19.
- The decision was sparked by a letter from Margibi Representative Saar Gbollie.
- The two Ministers are to brief the body on the status of US\$150,000 placed in government's accounts by Firestone Rubber Plantation.
- According to Representative Gbollie, the money belongs to Margibi County and is intended to rehabilitate and upgrade the Harbel Multilateral High School.
- The Margibi lawmaker wants to know why government is holding the money and not implementing the project.

Senate Addresses Salary Disparities, Sets Up Probe Committee

(Daily Observer)

- The Senate has set up a committee to review the salary structure of civil servants and officials of government.
- Senate sources say the move is aimed at addressing the disparities between the salary structures of degree holders and experienced civil servants without degrees. The Senate took the decision Tuesday during its first sitting.
- The action by the Senate follows a complaint filed to the office of the Senate Pro-tempore in 2009 in which the complainants expressed frustration over the pay structure of government.

On Assets Declaration, Several Government Officials Snub President's Ultimatum (New Democrat)

- President Ellen Johnson Sirleaf's ultimatum to her cabinet ministers and other officials to declare their assets within one week has expired with many officials still resisting, according to the Liberia Anti-Corruption Commission (LACC).

- In her memorandum, President Sirleaf noted that some officials were reluctant to comply, but warned that assets declaration was a pre-condition and therefore gave them a week to do so.
- The LACC said it is compiling a list of delinquents but it says nearly all heads of public corporations have not declared their assets as well as members of the Legislature and the Judiciary.

Nigerian Foreign Minister Begins Two-day Visit To Liberia

(New Vision, Public Agenda, The Analyst)

- A high-power Nigerian delegation headed by Foreign Minister Chief Ojo Maduekwe is in Liberia today at the start of a two-day official visit.
- According to a Foreign Ministry release, the Nigerian Government delegation will hold bilateral discussions with Liberian government officials at the Foreign Ministry.
- While in the country, Foreign Minister Maduekwe will pay a courtesy call on President Ellen Johnson Sirleaf and launch the Ambassadorial Lecture Forum at the Gabriel L. Dennis Foreign Service Institute of the Ministry of Foreign Affairs.

Local Media – Star Radio *(culled from website today at 09:00 am)*

Senators Speak Out On TRC Report...Conflicting Reports from Rivercess

(Also reported on Truth FM, Sky FM, and ELBC)

House Summons Finance, Education Ministers

(Also reported on Radio Veritas, Truth FM, Sky FM, and ELBC)

“Tax Law Is Making Life Difficult For Liberians” Says Representative Yarsiah

- A member of the House Ways and Means Committee says the tax law is making life difficult for Liberians and keeping investors away from the country.
- Representative Dixon Yarsiah said the revenue code is filled with provisions that lead to high taxes and unnecessary bureaucracy.
- An act to amend the investment incentives code of 1979 and some aspects of the revenue code of 2000 is currently before the House of Representatives.
- Representative Yarsiah assured he would work to ensure the revenue law is amended to an investor friendly law.
- He believes such amendment would help reduce the prices of basic commodities and make life easy for ordinary Liberians.

Finance Minister Predicts 7-percent Decrease In Growth Rate

- Finance Minister Augustine Ngafuan says the global economic meltdown has affected the country's growth indicators for 2010.
- Minister Ngafuan said government had projected a 14-percent growth rate in its poverty reduction strategy but can only achieve seven percent due to the crisis.
- According to the Finance Minister, the financial crisis led to delay in the beginning of investments, resulting to a drop in revenue.
- He noted that though there's a drop in revenue, Liberia's growth average is still higher than other African Countries.
- The Finance Minister is hopeful that some of the delayed investments will begin later in the year and increase government's revenue.

First International Witness Testifies In Angel Togba's Murder Case

(Also reported on Radio Veritas, Truth FM, Sky FM, and ELBC)

Radio Veritas *(News monitored today at 09:45 am)*

Nigerian Foreign Minister Chief Ojo Maduekwe Begins Two-day Visit To Liberia

LNP Officers Undergo Training In Forensic Investigation

- Over twenty officers of the Liberia National Police (LNP) Tuesday began a four-day intensive training in forensic investigation.

- According to police authorities, the training is intended to build the capacity of the police to support state prosecutors in investigations that require forensic examination.
- Speaking at the start of the workshop, Deputy Police Inspector General, Samuel Dakina said the training was necessary in support of government's rule of law policy.
- The training is being sponsored by the Swedish Government through the Swedish Police Force Service of the UN Mission in Liberia.

(Also reported on Truth FM, Sky FM, and ELBC)

Radio Netherlands Worldwide

Wednesday, 13 January 2010

Gacaca: Rwanda's grassroots justice

By Thijs Bouwknecht



Runda, Rwanda

Fifteen years on, Rwandans are still reliving the genocide. Every week, scores of people around the country attend the community-based Gacaca trials of alleged

génocidaires in their communities.

Two suspects dressed in pink prison uniforms are brought into the assembly room in a community centre in Runda, some 20 minutes outside Kigali. More than a hundred villagers take their seats in the small room, others gather around the building to watch the trial through the window. In attendance are victims, survivors and witnesses. The presiding judge asks for calm. "Please remember that this is not a market, this is a court of law."

After a minute of silence for victims of the genocide, the first suspect is called. Hitimana was a community driver in 1994 and is accused of having driven dead bodies from the central church and dumped them in the nearby Nyaborongo river. The man, who is in his thirties, claims he is innocent. He is a Tutsi and says that he was a victim of the genocide himself. Several witnesses confirm Hitimana's story while others say they witnessed his crimes. Establishing the truth will be a difficult task for the six community judges.

Reconciliation

The Gacaca tribunal in Runda has dealt with over a thousand genocide cases in the past four years. The court's coordinator Paul Rutega says the Gacaca has done much to "bring together and reunite" the community. It is all about reconciliation, he adds: "If someone apologises to you, it is like he releases his burden to you. If someone takes the courage to apologise, it is up to the victim to deal with it."

Hitimana's case is one of the last trials in Runda. So far, 12,103 Inkiko Gacaca have handled more than a million cases and convicted some 800,000 people nationwide. The work of the 169,442 local judges is nearly complete, although some 3,000 open cases will continue to be heard this year.

The age-old Gacaca system was revived in 2001 to deal with a collapsed justice system and overcrowded prisons and is intended to serve as a vehicle for truth, justice and reconciliation.

"Gacaca has had a very big role in promoting reconciliation in Rwanda because it is a forum in which those who killed come to face with the survivors," says Jean Baptiste Habyalimana of Rwanda's National Unity and Reconciliation Commission. "94% of Rwandans say they have faith in the process", he adds.

Gacaca is Rwanda's main instrument of transitional justice. And importantly, the system is community-based, unlike the International Criminal Tribunal for Rwanda (ICTR) in Arusha, in neighbouring Tanzania. The tribunal only prosecutes the main instigators of the genocide, including government officials, the military and militia leaders.

Criticism

In Rwanda, the ICTR is often perceived as a western way of doing justice - unproductive, time-consuming, expensive and not adapted to Rwandan custom. Moreover, victims and survivors have no means of seeing what goes on in Arusha. "The money which was brought to Arusha, could have been better invested in the development of the national judiciary," says Rwanda's Minister of Justice, Tharcisse Karugarama. "Then we could even have had much better and efficient trials in Rwanda."

The Gacaca have been criticized by human rights organisations because defendants are not allowed to have lawyers. The courts have also been troubled by corruption and have been accused of being used to settle other disputes. In the first years of the trials, there were even reports of witnesses and judges being murdered.

But Roelof Haveman of the National Institute for Legal Practice and Development (ILPD) says it is premature to evaluate the system given the breadth of its objectives. "We need an interdisciplinary approach - involving lawyers, historians, anthropologists and psychologists," he says. "It is too early because the whole process was rather experimental and not yet finished."

Radio Netherlands Worldwide

Thursday, 14 January 2010

Karadzic again challenges court-appointed lawyer



*The Hague,
Netherlands*

Judges hearing the genocide trial of Radovan Karadzic on Wednesday gave the former Bosnian Serb

leader a second chance to argue against the imposition of a court-appointed lawyer.

Judges appointed London-based barrister Richard Harvey in October after Karadzic boycotted the opening three days of his trial, saying he needed more time to prepare his defence.

Karadzic denies all 11 counts of war crimes relating to the 1992-95 Bosnian war, including the genocide of 8,000 Muslim men and boys at Srebrenica, the worst atrocity of the conflict.

Judges at the International Criminal Tribunal for the former Yugoslavia (ICTY) adjourned the trial until March to give Harvey time to prepare the case, but Karadzic has demanded someone who shared his "heritage and language".

In December, the court rejected an initial motion by Karadzic to replace Harvey but he renewed his appeal.

In a statement on Wednesday, the judges said they would listen to Karadzic's arguments once again as the issue of the defence's proper representation could affect the fair conduct of the trial when it resumes.

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Expert testimony may boost trial against Demjanjuk



Munich, Germany

Many prisoners of war who were made to work at Nazi death camps tried to flee despite the risk of execution, a

court heard on Wednesday, in testimony that could bolster the case against camp guard John Demjanjuk.

Demjanjuk, who fought in the Red Army before being captured and recruited as a camp guard, is accused by German prosecutors of participating in the killing of 27,900 Jews at the Sobibor extermination camp in Nazi-occupied Poland.

He denies a role in the Holocaust and his defence lawyers have said he became a "Trawniki" - a prisoner of war trained to perform duties at camps - to save his own life. Any work he did for the Nazis was involuntary and done under duress, they say.

Prosecutors have countered that Demjanjuk would have had chances to flee when he was off duty and that his possession of a gun would have made escape easier.

In testimony that could strengthen their argument, expert witness Dieter Pohl, a historian at the Munich Institute for Contemporary History, told the court on Wednesday that many Trawniki had fled from camps, notably from Treblinka and Belzec.

"There is also proof of multiple escapes from Sobibor," Pohl said. He noted, however, that guards who did flee risked death if they were caught.

Demjanjuk, 89, lay on a bed under a yellow blanket in the court room with his eyes shut and showed no reaction to evidence given over several hours.

He denies being at Sobibor, which prosecutors say was run by 20-30 Nazi SS members and up to 150 former Soviet war prisoners. But he has in the past acknowledged being at other camps.

His trial is expected to be the last major Nazi-era war crimes case and is being followed closely abroad. Demjanjuk emigrated to the United States in 1951 and worked in the auto industry. He was extradited from the United States last May. If found guilty, he could spend the rest of his life behind bars. His family argues he is too frail to stand trial.

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Wednesday, 13 January 2010

Antonio Cassese: “Protecting human dignity”

By Sebastiaan Gottlieb



*Leidschendam,
Netherlands*

Antonio Cassese was the first president of the International Criminal Tribunal

for the former Yugoslavia (ICTY) and is now head of the Special Tribunal for Lebanon (STL). He just announced that he will visit Lebanon in the coming weeks to complete the investigation into the assassination of former prime minister Rafiq Hariri.

He spoke to the IJT's Sebastiaan Gottlieb.

Can you tell us anything about the progress of the STL?

We have a limited staff but we are able to work hard and produce quite a few things. We have not yet any case, as you know, and will have a trial only probably in early 2011. Meanwhile we are preparing all the practical and legal infrastructures, so that as soon as we have a case, we can proceed very expeditiously and we will not waste money or time.

Do we still need ad hoc tribunals like the STL now that the ICC has opened?

Yes, because there are cases where a country wants to get involved in trials. Say Lebanon, Sierra Leone: they say we don't have the facilities or the necessary judiciary to bring to trial people who have committed horrendous crimes. We want an international tribunal to be established but we want to be part of that tribunal, so possibly the tribunal should be headquartered on our territory. Therefore there may be a situation where, in spite of the importance of the ICC, it would be important to set up a tribunal, which is tailor-made to a particular situation in a particular country.

What have been the benefits of the modern international criminal justice system?

The basic problem is the protection of human dignity, which may sound like an empty slogan but it's a reality. The existence of international criminal tribunals shows that the international community is given the right to respond to so many crimes committed in the world, namely a response that is not based on revenge, on simply execution or punishment, but on a proper trial. That is what the Americans rightly suggested in 1945 when the British were reluctant to set up a tribunal in Nuremberg and thought it would be sufficient to execute some 10,000 senior German officers, and the Americans rightly said the proper response is to put them on trial to see who is guilty, who is innocent and then to sentence the guilty people.

Are there any developments in international law that concern you?

I think sovereignty is the real stumbling block of real progress in the international community. States should gradually open up to international relations and implement international legal standards. I fear that unilateralism, too much emphasis on sovereign interests of states, and the protection of national interest, may in a way undermine the spread of universal values in the international community.

What are the most positive developments in international law?

The human rights doctrine, the emergence of this core of fundamental values that has universal scope. Also I think that in a way we should not underestimate the positive effect of what is now regarded by so many people as a negative development, namely the globalisation of the international community. Probably sooner or later sharing global interests will push states to set up true international institutions that are there only to protect collective values and this would be a very healthy development.

What do you make of the recent developments in the Karadzic trial?

I think that it would have been better from the outset to appoint a legal counsel for Karadzic. In many European countries, in criminal cases any defendant must be assisted by a defence counsel. This is a huge, extremely complex case where [Karadzic] is accused of tremendous crimes - genocide, war crimes, crimes against humanity. The Court would have been able to allow Karadzic to step in any time he wanted to take the floor on his own behalf but also be assisted by the defence counsel.

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Judges conclude Khmer Rouge investigations

By International Justice Desk



*Phnom Penh,
Cambodia
Phnom Penh*

The co-investigating judges of Cambodia's genocide tribunal have

concluded their investigations against five Khmer Rouge suspects.

“Today the Co-Investigating Judges have notified all the parties and their lawyers that they consider that the judicial investigation in Case 002, in which charges have been laid against Ieng Sary, Ieng Thirith, Nuon Chea, Khieu Samphan and Kaing Guek Eav, has been concluded,” says a statement issued by the extraordinary Chambers in the Courts of Cambodia (ECCC).

The announcement marks the conclusion of two and a half years of judicial investigation into alleged crimes committed between 17 April 1975 and 6 January 1979 during the Khmer Rouge regime. During the course of the investigation, tens of thousands of pages of documentary evidence have been placed on the casefile. More than 800 statements have been taken from witnesses, civil parties and charged persons.

Also, more than 2000 civil party applications have been received, the admissibility of which is currently being examined and will be decided upon before the Closing Order.

After 30 days, or after the Pre-Trial Chamber has heard any appeals, the Co-Investigating Judges will forward the case file to the Co-Prosecutors. The Co-Prosecutors will then have 45 days to make their final submission.

After receipt of the Co-Prosecutors` final submission, the Co-Investigating Judges will issue a Closing Order. The Closing Order will be either an indictment sending the case for trial or a dismissal of the case (partially or totally). Subject to the parties` exercise of their procedural rights the Co-Investigative Judges will endeavor to issue a Closing Order in September 2010.

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Wednesday, 13 January 2010

ICTY: Seselj's trial resumes in private



*The Hague,
Netherlands
The Hague,*

The war crimes trial of Serbian nationalist Vojislav Seselj resumed on Tuesday after a year's delay, with

witnesses testifying behind closed doors to protect their identity, an issue that has dogged the trial.

Seselj faces life in prison if convicted of inciting violence against Bosnians and Croats in the former Yugoslavia during the 1990s while head of the Serbian Radical Party.

He has pleaded not guilty to 15 counts for crimes committed between 1991 and 1993, including torture, murder and forced deportation of non-Serbs by his party's militia.

The trial, which began in late 2007 at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, was halted nearly a year ago after prosecutors said the case had been compromised by threats against a witness.

In the latest twist in the case, six witnesses said they now wanted to testify on behalf of the defence -- instead of the prosecution. They will now be called by the judges hearing the case, rather than by the defence or the prosecution.

The trial is expected end this year after judges call the six witnesses, with the judges to hand down their verdict after several months' deliberation.

Seselj was sentenced to 15 months in prison in July 2009 by the tribunal for contempt of court after he disclosed the identity of three protected witnesses in a book he admitted authoring. He will start serving his term after the current trial ends.

Ahead of Tuesday's witness testimony, Seselj made several requests of the court, including permission to address the Serbian public this month ahead of a regional election there.

"Over these seven years I have had a great many problems in my profession, in my active pursuit of political life," Seselj, who surrendered to the court in 2003, told the judges.

"I'm very very interested in the outcome of these elections... I would like to address the public and present my political views that are important for me and my political party, the Serb Radical Party," he said.