

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



Boat building at No.2 River

PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office

as at:

Monday, 15 January 2007

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

Monday, 15 January 2007

Africa: The Laboratory of Justice

When – constrained by its donors – it closes its doors, it will have been in existence for around fifteen years and probably swallowed up \$1.4 billion. By contrast the Freetown Court was set up on the understanding that it must complete its work in three years with a total budget of around \$60 m, less than two thirds the annual cost of the ICTR. Washington also insisted that the Special Court should be free of the United Nations bureaucracy. So the Court runs on voluntary contributions from states and its budget is closely monitored by a management committee composed of the main donors, a UN representative and a representative of the Sierra Leonean government. A clear advantage of the Freetown Court's emancipation from the UN has been its infinitely greater flexibility in recruitment. A greater handicap is the precariousness resulting from its mode of finance: the promises of states lack the certainty of the annual budget of the United Nations.

Judges in Question

"The new model of Sierra Leone may well be the right one. [Its] advantages could be used elsewhere," said the President of the Special Court, Geoffrey Robertson, in January 2003.⁶ Even before it has accomplished anything at all, the Special Court for Sierra Leone has been promoted by both its members and several elements of the U.S. media as a model that could be applied elsewhere. Clearly this is taking things rather fast. Apart from the questions raised about the interaction between the Court and the society around it, the necessary focus of prosecutions or the cost and duration of the process, the Special Court for Sierra Leone has yet to prove its capacity to deliver trials that are both swift and fair. At the moment, after a convincing launch, the Court seems to be looking for its second wind. The first trials began in June, fifteen months after the first arrests, and it remains to be seen whether the Court will avoid the procedural complexities in which the ICTR became rapidly and fatally embroiled.

The role of the judges is crucial here. In March, faced with a first crisis that undermined their president, the Appeals Chamber judges sent out a rather disturbing message. Justice Robertson's impartiality was questioned by defense lawyers on the basis of what he had written about the rebels of the Revolutionary United Front (RUF) in a book published in 2002.⁷ Justice Robertson's peers eventually decided to keep him on, but forbade him to hear the cases of RUF members – in other words a third of the trials.⁸ This inevitably gave the impression that personal considerations override "the superior interests of justice," to use the lawyers' wonderful phrase. For how, in the context of so limited a mandate as that of this jurisdiction, is it possible to justify keeping a judge in post when he is prevented from hearing at least one case in three?⁹ At the same time, in a plenary session, the judges made opportune modifications to the regulations, by reducing the presidency of the Court to a non-renewable term of one year, thereby making it possible to replace Justice Robertson immediately in this post. The bizarre combination of the functions of judge and legislator given to the judges of the ICTR and ICTY clearly led to these tribunals' sliding worryingly off-course. Here the Freetown judges have ventured onto the same slippery slope.

Dealing with Defense

The Special Court for Sierra Leone also has yet to deal with the question of legal aid and, more generally, the place of the defense within the institution. At both the ICTY and ICTR, the defense costs of the accused have been a matter of lively debate. In addition to the fact that they have generally spun out of control, these expenses have been subject to widely-recognized abuse by a minority of teams of lawyers, with the at least passive complicity of the tribunals' administrators. At a more institutional level, the defense has always felt excluded or denigrated as an integral, fundamental element in the trials. The countries financing the Freetown Court are particularly worried about budgetary matters, so it is important for this new tribunal to innovate and protect itself from the financial mismanagement and corruption that has undermined the ICTR.

The mechanism selected has now become apparent. Drawing on the British model, the establishment of a Defense Office led by a 'Chief Defender', and a ceiling on lawyers' fees, should guarantee budgetary control and a greater participation by the defense in the functioning of the Court. It is crucially important that this initiative should prove successful if the Court is to become a model for future judicial initiatives.

Assessment of a Dual Process

Another lesson can now be learned from the Sierra Leonean experience concerning the possible relationship between a criminal court and a truth and reconciliation commission. The two institutions functioned simultaneously throughout 2003. Many fears were expressed concerning the potential conflicts arising from their parallel operation; however these have largely been calmed, notably as a result of the positions adopted by the Prosecutor.

In May 2003 the Canadian William Schabas, one of the foreign commissioners of the Truth and Reconciliation Commission, said, "I note that the two institutions function in synergy rather than in a competitive way. We are currently proving that the two institutions can co-exist, responding to the same problem in different ways, although we may not have explored the limits of possible conflicts due to problems with the functioning of the Commission." A year later, when the Commission was in the final stage of drawing up its report, David Crane reinforced this view, saying that "it has largely succeeded. It wasn't perfect, but mainly positive."

For di People
Monday, 15 January 2007

Rebels Snub Ugandan Peace Talks

Uganda's rebel Lord's Resistance Army says they will not participate in peace talks with the government that are to resume next week in southern Sudan.

Delegation leader Martin Ojul said public pronouncements by President Omar al-Bashir and his deputy Salva Kiir show they are not welcome in Sudan.

He said Kenya should host any further talks as it would be neutral ground.

The talks have been seen as the best chance to end 20 years of conflict but progress has been slow.

"In view of the statements by the two leaders and security considerations, the LRA delegation for the peace talks are not going back to Juba," Mr Ojul told reporters in Nairobi.

He said they had communicated their position to ex-Mozambican President Joaquim Chissano, the newly appointed United

Nations envoy for Uganda at a meeting in Nairobi.

Mr Chissano who was appointed last month to help resolve the 20-year conflict, made his first visit to Uganda this week hoping to bring fresh impetus to the government's peace talks with rebels. Mr Ojul who was accompanied by LRA spokesman Obonyo Olweny called on Kenya President Mwai Kibaki, the current chairman of regional body Igad to convene a summit to salvage the talks in Juba.

The talks began in July

2006 and have led to a truce, extended until February.

Rebels are supposed to assemble in two areas by 28 February.

The BBC's Sarah Grainger in Uganda says after six months of talks, the talks have only reached item two on the agenda.

She says one serious sticking point has yet to be discussed - the issue of reconciliation and accountability.

LRA leader Joseph Kony and three of his top commanders are wanted on war crimes charges by the International Criminal Court and have indicated that no deal can be signed while warrants for their arrest remain in place.



REBELS: have until February 2007 to assemble in southern Sudan


United Nations Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 13 Jan 2007

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

International Clips on Liberia

UN Blue Helmets Help Police Boost Security At Large Rubber Plantation

Jan 12, 2007 (UN News Service/All Africa Global Media via COMTEX) --United Nations peacekeepers have been called in to assist Liberian police to enhance security and improve management of a large rubber plantation in the West African nation that is consolidating democracy following a 14-year civil war. The Liberian Government has ordered management be replaced at Cocopa Plantation in Nimba County, close to Liberia's border with Guinea, and the UN Mission in Liberia (UNMIL) is assisting to ensure a smooth transition. "Our overriding interest in this in all of this is to make sure the Government has control over the natural resources of the country and the communities where these resources are found," Paul Egunsola, acting spokesman of UNMIL, told a press briefing in Monrovia.

Access to Clean Water Difficult in Dry Season

Monrovia, Jan 12, 2007 (UN Integrated Regional Information Networks/All Africa Global Media via COMTEX) -- The majority of Liberians in towns, cities and villages alike are still drinking dirty water more than three years after the end of the country's civil war, a recently released joint United Nations and Liberian government survey says. The Comprehensive Food Security and Nutrition Survey, which was carried out nationwide late last year among 5,000 Liberians, said 68 percent of people rely on untreated wells, rivers, ponds, creeks and swamps for drinking water. Even in the capital, Monrovia, Liberian water authorities said conditions are hardly better.

International Clips on West Africa

African countries to start mulling 'deadlocked' Ivory Coast peace process

ABIDJAN, Jan 13, 2007 (AFP) - African countries are to begin reviewing the situation in troubled Ivory Coast next week ahead of a February 1 deadline for a report to the United Nations, UN sources said Saturday. The regional Economic Community of West African States (ECOWAS) will meet on January 19 in Ouagadougou, and the African Union on January 29 and 30 in Addis Ababa, the office of the UN head of mission in Ivory Coast, said. On Friday an international working group chaired by the United Nations and the African Union warned that the peace process in Ivory Coast, divided since 2002, was at total deadlock.

Four arrested after attacks at Ivory Coast border

ABIDJAN, Jan 13 (Reuters) - Ivory Coast's security forces have arrested four people after attacks on two checkpoints near the border with Ghana in which two military police and a customs officer were killed, the army said in a statement. Army spokesman Colonel Hilaire Babri Gohourou said two of the attackers had also been killed in Friday's violence, raising the death toll to five. One of the four arrested was an air force deserter and they were being detained at a police station on the border pending investigations, he said in the statement.

Local Media – Newspapers

Security Threat Hangs Over Gbarpolu County, Lawmaker Discloses

(National Chronicle)

- [sic:] Gbarpolu County Lawmaker, Bondojeveh Quiah has expressed fear and serious concern over the security situation in Gbarpolu especially Kongba District.
- Representative Quiah said the lack of UNMIL Peacekeepers and Liberia National Police presence in Kongba District was “worrisome” and called on government and UNMIL to step up security in the area to prevent the influx of illegal aliens who are engaged in illicit mining.

Government’s One Year to be followed by Cabinet Shuffle

(National Chronicle)

- Quoting credible information from the Executive Mansion, the Chronicle newspaper said President Ellen Johnson-Sirleaf is expected to reshuffle her cabinet as government makes a year in office next Tuesday.
- President Johnson-Sirleaf had earlier said that all appointed to cabinet positions were serving a one year probation period.

Supreme Court Prohibits Government from changing Cocopa’s Management

(National Chronicle)

- The Supreme Court of Liberia has issue a writ of prohibition against government in its bid to change the Cocopa Rubber Plantation company management.
- The government recently announced a change in the management team of the plantation citing poor administration.

Star Radio *(News culled from web today at 8:35 am)*

Presidents Sirleaf and Obasanjo Discuss Bi-lateral Cooperation

- In an interview, Presidential Press Secretary, Cyrus Badio, said the Liberian leader, Ellen Johnson-Sirleaf and Nigerian President Olusegun Obasanjo have been holding discussion in Accra, Ghana on bi-lateral cooperation in the area of debt relief for the country.
- Mr. Badio said President Obasanjo hopes Liberia would emulate Nigeria’s approach for debt relief and said Finance Minister Antoinette Sayeh would visit Abuja in furtherance of the discussion.
- President Sirleaf is in the Ghanaian capital, Accra, to attend the German-Africa Summit which opened today.

Grand Kru Senator wants LPRC MD, Board to Resign

- Grand Kru County Senator Blamoh Nelson has called for the resignation of the Managing Director of the Liberia Petroleum Refining Company and the Board of Directors and said that the UN Panel of Experts Report on the nine-month operation of the Greaves' administration at the LPRC is worrying.
- The UN Panel of Experts Report said seven million United States dollars could not be accounted for at the LPRC and called for a total review of the operation of the LPRC.

Government Drops Charges Against Suspended SSS Director

- The Liberian Government has dropped charges against suspended Deputy SSS Director Ashford Peal.
- According to the Solicitor General, Tiawan Gongloe, the government dropped charges against Mr. Peal due to lack of evidence in connection with the death of Emmanuel Williams, an SSS officer who was shot and killed at the home of Director Chris Massaquoi.

Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Weah Karpeh at karpeh@un.org.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 12 Jan. 2007

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International Clips on Liberia

Philippines to send 320 peacekeepers to Haiti, Liberia

MANILA, Jan 12, 2007 (Xinhua via COMTEX) -- The Philippine military is sending 320 peacekeepers to Liberia and Haiti before the end of January, a spokesman said on Friday. Armed Forces spokesman Bartholomew Bacarro said 165 peacekeepers will be sent to Liberia on Jan. 24, while 155 others will leave for Haiti on Jan. 29. The fresh batch of peacekeepers will replace an existing force of similar number in the said countries. They will stay there for six months, Bacarro said.

International Clips on West Africa

VOA 11 January 2007

Ivorians Seek Justice for Illegal Toxic Waste Dumping

By Phuong Tran

Some victims of last year's toxic waste dumping in Ivory Coast are staging a hunger strike to demand promised government compensation, while others are joining lawsuits. At least 10 people died, and thousands were admitted to hospitals with respiratory problems, following the illegal dumping. Phuong Tran reports from the VOA West Africa bureau in Dakar.

Europe gives Ivory Coast 103m euros for disarmament and polls

ABIDJAN, Jan 11, 2007 (AFP) - The European Union announced Thursday that it will give Ivory Coast 103 million euros (134 million dollars) to organize elections and help fund a disarmament process in the politically and militarily divided nation. Visiting EU Commissioner for Development and Humanitarian Aid Louis Michel signed the financial protocol here with Prime Minister Charles Konan Banny and said it was support for "efforts by the international community and Ivorians" to end a four-year crisis.

Local Media – Newspapers

TRC Will Not Prosecute People

(The Informer, Heritage and The News)

- Speaking to journalists yesterday, the Chairman of the Truth and Reconciliation Commission (TRC), Counselor Jerome Verdier disclosed that testimonies of victims and perpetrators will not be used against them in court. Counselor Verdier said the process was an opportunity for national healing and not for recrimination and reprisals.

US \$7m Unaccounted for at Liberia Refinery Company, UN Report Reveals

(Democrat)

- A new UN report on Liberia has revealed that US \$7 million can not be accounted for by the current Liberia Petroleum Refinery Company management.

- The report said excluding tax free imports by UNMIL, imports reported by the LPRC between January and September 2006 suggest that there was a loss in duties and taxes collected. The Panel also reported the absence of a competitive bidding process in the "controversial" Nigerian oil deal.

In Transitional Government Corruption Case Defense Lawyers Rejected

(The Analyst, Daily Observer, The Inquirer, Public Agenda, Democrat, Heritage and The News)

- In its ruling yesterday, the Monrovia City Court dropped defense lawyers representing former transitional government officials accused of corruption for conflict of interest as they served as judicial officials in the NTGL.

UNMIL Decorates Jamaican Police with Peacekeeping Medals

(The Informer)

- The Officer in Charge of UNMIL, Jordan Ryan yesterday decorated eight Jamaican Police Officers serving in the United Nations Mission in Liberia.
- Mr. Ryan praised the police officers for the training they have provided the Liberia National Police which he said has contributed to ending the culture of impunity and re-establishing the rule of law.

UN Refugee agency Breaks Ground and Dedicate Projects in Nimba

(The Informer)

- The UN Refugee Agency yesterday turned over a newly renovated police station to local authorities in Saclepea Nimba County and broke ground for the construction of a market building. Speaking at the dedicatory ceremony, President Ellen Johnson-Sirleaf commended efforts of the international community to Liberia's development agenda.

Local Media – Radio Veritas *(News monitored yesterday at 18:45 pm)*

UN Experts Question Oil Deal between Liberia and Nigeria

- A United Nations Panel of Experts has questioned the oil deal between the Liberia Petroleum Refining Company (LPRC) and Nigeria under which Nigeria would give Liberia 10,000 barrels of crude oil daily for one year.
- The Experts alleged that the LPRC awarded the oil contract to ADDAX of Nigeria without any competitive bidding though Liberia receives US\$500,000 from the deal.
- The Panel wanted to know how ADDAX and Liberia's share were determined in the absence of competitive bids - a situation LPRC Managing Director, Harry Greaves blamed on the lack of time.
- The report added that Mr. Greaves had told the Panel that he and a Liberian Ambassador handled the transaction upon the order of the LPRC Board.
- The Panel also reported that the National Port Authority Board Chairman Musa Bility's Srimex Enterprise and Gulf Trading were "hugely indebted" to the LPRC, contending that during the first 9 months of 2006, Mr. Bility paid only US\$125,000 out of US\$3 million he owes the Company. But Mr. Bility said that he only owes the Company "a negligible" amount of US\$130,000.

(Also reported on ELBS Radio and Star Radio)

Lofa County Lawmakers Support Removal of Speaker Snowe

- Lofa County Representatives Moses Kollie, Malian Jalieba, Eugene Kpakah and Vaforay Kamara said that they supported the removal of Representative Edwin Snowe as House Speaker and called on him to resign, adding that they signed the resolution to remove Mr. Snowe but denied taking bribe.

- Meanwhile, Grand Gedeh County Representative Zoe Pennue said that he had evidence of the source of more than US\$250,000 which was allegedly given out to Lawmakers to remove Mr. Snowe. He alleged that the meeting to present the money to 5 Lawmakers was held at Careysburg, outside Monrovia.

(Also reported on ELBS Radio and Star Radio)

Criminal Court Rejects Motion to Retry Auffrey Murderers

- The Criminal Court-C yesterday rejected a Defense motion calling for the retrial of suspected killers of American military official John Auffrey in 2002. The Defense counsel filed the motion Wednesday on grounds that the evidence presented by the State contravened the verdict.

(Also reported on ELBS Radio and Star Radio)

Labour Minister Returns Christmas Gifts

- Correspondents said that the Labour Minister Samuel Woods returned gifts sent to him during the Christmas Season by several companies operating in the Country. The Minister declined to identify the companies and argued that the givers committed no crime but the gifts were against his reason for coming into government. Journalists have embarked on investigating the receipt of gifts from companies by officials of government as giving and receiving gifts violated Article 90 of the Constitution of Liberia.

(Also reported on ELBS Radio and Star Radio)

Truth Commission Postpones Commencement of Hearing Process

- The Truth and Reconciliation Commission said that it has collected more than 1,900 statements from victims of the Liberian conflict and that the Commission would commence hearing on 30 January.
- Addressing a news conference yesterday, the Chairman of the Commission, Cllr. Jerome Verdier assured the public that the Commission would accord all victims and perpetrators the due process of law but clarified that the TRC is not a court but has the obligation to make recommendation.

(Also reported on ELBS Radio and Star Radio)

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Star Radio (Liberia)

Sunday, 14 January 2007

War Crimes Court advocacy group holds demo Monday

Written by Moses Wenyoun

The Forum for the Establishment of a War Crimes Court in Liberia says it will hold a demonstration in Monrovia on Monday.

The Chairman of the Forum says the demonstration is aimed at pressurizing the Legislature to begin an impeachment proceeding against President Ellen Johnson -Sirleaf.

Mr. Mulbah Morlue says the Forum has already presented a petition to the Legislature.

The petition, he said, calls on the House of Representatives to draft an impeachment for President Ellen Johnson Sirleaf.

The Forum accused President Johnson-Sirleaf of constitutional violations.

Institute for War and Peace Reporting

Friday, 12 January 2007

US Lacks Confidence in Balkan Courts

American officials are adamant that local judiciaries should not try Karadzic and Mladic

By Katy Glassborow and Aleksandar Roknic in The Hague (TU No 484, 12-Jan-07)

The US ambassador for war crimes says fugitives Radovan Karadzic and Ratko Mladic should face an international court if they are captured after the Hague tribunal is closed.

Clint Williamson recently told the Sarajevo newspaper Dnevni Avaz that if the tribunal winds down in 2010 as planned, a "new body in the international system" must be found to try them. He added it would be "absolutely unacceptable" to try Karadzic and Mladic in Belgrade.

This adds a fresh dimension to the time pressure the tribunal is already under to finish all trials by 2008 and appeals by 2010. Williamson said that if Karadzic and Mladic are arrested and come to the tribunal in 2009, "we must be flexible and allow the tribunal to try them".

If this optimistic hypothesis does not play out and the tribunal closes without Karadzic and Mladic, "we must find a body in the international jurisdictional justice system to try them", said Williamson.

The spokesperson for the prosecutor at the tribunal, Olga Kavran, told IWPR that Karadzic and Mladic must be tried at the ICTY, and that "we should not close our doors until this happens".

Kavran said "there are still some years remaining to catch all six ICTY fugitives" and insisted that "they cannot be tried before local courts".

Just in case, the US ambassador said his country is engaged in talks with governments and the international community over different bodies which might succeed the tribunal.

The world's first permanent war crimes court - the International Criminal Court, ICC, also based in The Hague - may seem like an obvious choice to replace the ad hoc war crimes tribunals for Rwanda and the former Yugoslavia that preceded it.

However, prosecutors in this court only have jurisdiction over crimes committed after 2002 when it was founded. Another problem is that the ICC is not supported by the US.

The special assistant to the US war crimes ambassador, Matthew Lavine, told IWPR that in consultation with other governments and the ad hoc tribunals themselves, the US is envisaging a "residual reserve capacity" for the ICTY, with a "small, permanent registry" to persist after 2010.

Lavine explained that the ICTY could forge an agreement with the ICC to use their facilities, in the same way that the Special Court for Sierra Leone has negotiated the trial of Charles Taylor to be hosted in The Hague, rather than in Freetown where the Special Court is based.

It is important to establish an international mechanism that can "always be there to try fugitives" and send a message that they cannot "escape justice or outlive the tribunal", said Lavine.

Others agree that this is the only viable route for the ICTY past 2010.

William A. Schabas, the director of the Irish Centre for Human Rights, said that the tribunal will have to maintain some presence to deal with issues such as the detention of accused in custody past 2010.

He said it cannot be ruled out that new witnesses could one day come forward proving categorically that one of the convicted was not in Yugoslavia during the Nineties atrocities, adding the ICTY statute “provides for reviewing cases that have been completed, with no time limit”.

Therefore, a skeleton ICTY must be on standby after the doors of the tribunal are closed for new cases, with a handful of judges who could reconvene at short notice in a courtroom borrowed from the ICC to deal with new evidence or parole issues.

A different option is that of “universal jurisdiction”.

A three-judge ICTY referral bench could send cases to the courts of the territory where the crime took place such as Bosnia; the courts of the country where the accused was arrested; or even to a country other than those of the former Yugoslavia such as Norway or Canada.

The judges would consider the “gravity of the crimes charged and the level of responsibility of the accused”, which Schabas says would be used as an argument against the court sending important offenders to national courts.

Lavine worries that because Balkans courts do not practise extradition, “there is no way of getting a suspect tried in Bosnia” if he is apprehended in Serbia, for example.

However, Schabas says the rules can be changed by judges, explaining that “this is not a choice between a new international tribunal and the Bosnian courts” as Karadzic and Mladic could be prosecuted by national courts in countries like Belgium or the Netherlands.

This seems to be a slap in the face for courts in the former Yugoslavia, especially the Belgrade District Court War Crimes Chamber and Bosnia’s War Crimes Chamber in Sarajevo, which have been working hard to try lower ranking accused.

But several international lawyers are urging them not to be discouraged.

Stuart Alsford from the International Bar Association told IWPR that “very few national courts” exist anywhere in the world that could deal with cases of this complexity.

Ironically, it is those countries emerging from years of conflict which are asked to deal with cases of grave war crimes and crimes against humanity, which is why international assistance is always necessary.

Even Iraq’s attempts to try Saddam Hussein locally necessitated huge assistance from the US and a plethora of other international organisations, and still the fairness of his trial was criticised.

Alsford added that if it were possible for the international community to put together a package of support to assist national judiciaries - such as in Iraq and Cambodia - then this should be the first consideration once the ICTY is gone.

Accordingly in 2003, the US gave the Serbian judiciary four million US dollars to restore the old military court which now houses the War Crimes Chamber and 870,000 dollars for electronic equipment.

They also provided support for the establishment of a victim support unit, and in December 2006 donated 50,000 dollars to the Belgrade court to buy audio equipment for the new fifth courtroom.

Alsford said trials of war crimes suspect in domestic courts “is the future” and at the heart of “complementarity”, a principle underpinning international law which puts the first responsibility on the national justice system.

However, Alsford acknowledged that there needs to be a system to deal with cases when the national system cannot, but said the issue is at which point to intervene and provide assistance to the country, or take the case away to stage it elsewhere.

Dejan Anastasijevic, a journalist from the Belgrade-based news magazine Vreme (Time), told IWPR that the Americans are insisting on trials in The Hague because Karadzic and Mladic are “big fish”, too big for local judiciaries. However, he said the US government supports trials of lower ranking accused in local courtrooms and also investigations being carried out in national judiciaries.

The spokesman for the prosecutor’s office in Sarajevo, Boris Grubestic, told IWPR that Bosnia’s court is “capable of trying Karadzic and Mladic”, having “proved this already by prosecuting 50 individuals in 27 cases for war crimes”.

But he added that the general attitude in Sarajevo is that they “should be tried in the Hague tribunal”, because they were such high ranking political and army officials in Republika Srpska during the Bosnian war.

Lavine told IWPR that if local judiciaries are capable and willing to try cases, as a matter of principal it is “always preferable” for suspects to be tried in those countries, as this is the “best route towards reconciliation”.

He said that the US has confidence in national courts, and that in November 2006 the Bosnian court successfully completed the case against Radovan Stankovic - which was passed down from the ICTY - to a “very high standard”. Stankovic was sentenced to 16 years in jail.

Lavine also pointed to the Ovcara case, which centred on crimes Croatia’s Serbs committed against Croats in Vukovar in November 1991. Fourteen former soldiers from the Vukovar Territorial defence, TO, were accused of participating in the killings of more than 200 Croat patients and civilians taken out from the Vukovar hospital after the town was overrun by the Yugoslav army.

Lavine says the case is a “great testament that Serbs could try their own war crimes suspects in Serbia”.

In December 2005, all 14 TO members were found guilty by the War Crimes Chamber of the Belgrade District Court, but one year later, the Serbian Supreme Court overturned this verdict and ordered a retrial.

The US, which was convinced that the trial in Belgrade was run by the book, were disappointed with this new development.

“There is a reason to suspect this was a political decision,” said Lavine.

The Americans worry that the same may happen in a case against Karadzic or Mladic if tried locally and are concerned that supporters of the suspects may exert political pressure, which would be very damaging for a case that is so politically sensitive.

Alsford told IWPR that Karadzic and Mladic carry with them “huge loyalties, which is how they have evaded capture” but also “feelings of revulsion” for what happened, and stand accused of deaths of hundreds of thousands of people. Therefore, national trials “could spark all kinds of difficulties”, he said.

It seems that this argument was central to the tribunal’s prosecutors’ June 2005 decision to withdraw their earlier suggestion that the “Vukovar Three” trial should be referred from The Hague to local judiciary in Croatia or Serbia.

Former Yugoslav army officers Veselin Sljivancanin, Mile Mrksic and Miroslav Radic are currently on trial for allegedly commanding and supervising troops - including those on trial in Belgrade - who killed 200 Croats at the Ovcara farm near Vukovar.

In a report to the judges explaining her decision, the tribunal's chief prosecutor Carla del Ponte said there were "several potential problems" during the talks with Croatian and Serbian authorities.

In July 2005, the trial chamber decided the Vukovar case was not eligible to be sent to national judiciaries, because the accused were high-ranking officers indicted for very serious crimes, with emotions surrounding the case very strong in the region.

Therefore, the trial of the Vukovar Three started in The Hague in October 2005.

Lavine reiterated that the US has confidence in local judiciaries, but because of the political stature of Karadzic and Mladic, local courts are not the solution - partly because the accused may have "more confidence, and a chance to distort the record" in a court in Belgrade.

Because ad hoc criminal tribunals will not be repeated, due to their expense and the existence of the new permanent ICC, justice for those outstanding Yugoslav suspects will be a combination of a skeleton ICTY at the ICC, with domestically tried cases.

Alsford said that the Security Council may even be able to identify former ICTY judges to go and hear cases locally, producing a hybrid system like in the Special Court for Sierra Leone.

It is also worth remembering that the tribunal has indicted 161 individuals, but there were a vast number of crimes committed between 1992 and 1999 in the conflict that devastated the former Yugoslavia.

Kavran told IWPR that local courts still need to exercise their jurisdiction, which is in "complement to the tribunals".

She said the ICTY will try those with the highest level of responsibility, but there are "hundreds if not thousands of individuals that need to be tried for crimes committed, so the local courts have plenty of opportunity to prove their ability to try these crimes".

Daily Observer

Friday, 12 January 2007

ICC Deputy Prosecutor calls on Jammeh

Written by Alhagie Jobe

Fatou Bom Bensouda, Deputy Prosecutor at the International Criminal Court (ICC) in the Hague, yesterday paid a courtesy call on President Yahya Jammeh at State House.

Speaking to reporters shortly after her audience with the Gambian leader, Ms Bensouda said she was delegated by the Prosecutor of ICC to meet President Jammeh on “certain issues of cooperation” with the government of The Gambia.

According to her, The Gambia is a state party and statutory to the ICC and the court depends a lot on themember states for cooperation, to be able to execute its functions. “The court cooperates with state parties and other partners on issues of investigation of our cases in which most of them are in Africa now. By that I am referring to the Uganda case, where the Lord Resistant Army, we have issued an arrest warrant against the top Commander, and also in the Democratic Republic of Congo, in which we have had the first accused person transferred to the courts on child conviction cases and also the case of Darfur which has been referred to the court by the United Nations Security Council,” she said.

The Gambian-born ICC Deputy Prosecutor and former Solicitor-General of The Gambia, said for the cases in Africa, the court need the cooperation of the AU to enable the court execute its functions. “We also need the cooperation of individuals, Heads of State and governments that are members of the Rome Statutory and have signed the Rome Statutory, to assist us in executing our functions,” she noted.

Commenting on the update on the case of Charles Taylor, former President of Liberia, Ms Bensouda said the accused is being tried by the special court of Sierra Leone. She said the Special Court of Sierra Leone had requested from the ICC to use its premises. She elaborated that the Special Court uses the facilities of the ICC in the Hague, because of security threats. According to her, it was thought that the accused be tried outside the region.

She then expressed confidence in Taylor’s trial, saying “obviously, I have no doubt that Charles Taylor will be tried very fairly and will be tried by international standards. I have no reasons to think that he will not be judged fairly”.

On the arrest of Joseph Koneh, Leader of Lord Resistance Army in Uganda, Ms Bensouda said the arrest does not depend on the court. “We rely on state parties. We rely on other partners to assist us to effect the arrest. Sometime in 2005, we issued an arrest warrant against Koneh and the other commanders. We now rely on the international community to assist the court in arresting Joseph Koneh of the Lord Resistance Army”, she explained.

She informed the reporters about the ongoing negotiations in Uganda, noting that “the court is sensitive to that. The court is observing what is going on. We are constantly being updated by the government of Uganda of what is going on regarding the peace negotiation and we hope that eventually, we should be able to step in, if necessary. If otherwise, they are able to negotiate a deal, the Lord Resistance Army Commander will also be tried by the Ugandan government. Then the Court will take a back step”. She then emphasised the importance of accountability in the process.

UN Chronicle Online

Friday, 12 January 2007

Blood Diamonds at the United Nations

By Jonas Hagen

Hollywood and United Nations agenda converge in the film "Blood Diamonds", which depicts how the world's most precious stone fuelled the conflict in Sierra Leone, leading to civil war in the 1990s, and portrays child soldiers and other human rights abuses. A panel discussion following the screening of the film at UN Headquarters brought together experts on diamonds and conflict, as well as non-governmental organizations (NGOs), diplomats, and one of the film's leading actors.



Djimon Hounsou, a leading actor in the film (left) and Radhika Coomaraswamy, Special Advisor to the Secretary General on Children and Armed Conflict (right), at the discussion following the screening of "Blood Diamonds". UN photo

The Sierra Leone civil war, initiated by the Revolutionary United Front (RUF) in 1991, involved various rebel groups, government armed forces, foreign mercenaries and neighbouring countries including Liberia and Guinea. The conflict, which lasted over ten years, resulted in an estimated 50,000 deaths and the displacement of over 2 million people--well over one third of the population--many of whom became refugees in neighbouring countries. In July 1999, negotiations between the Government of Sierra Leone and the RUF led to the signing of the Lome Peace Agreement, facilitated by the United Nations and the Economic Community of West African States. Later that year, the Security Council established the United Nations Mission in Sierra Leone (UNAMSIL) to help create conditions in which the parties could implement the Agreement. Hostilities continued until January 2002, when the war was officially declared over.

"Blood Diamonds" tells the story of a Sierra Leonean family that is caught amidst fighting between the RUF and government forces, who are helped by a soldier-turned-diamond smuggler and an idealistic journalist. The film shows how rebels financed the purchase of weapons with illicit diamonds extracted from mines they controlled. It also depicts the brutal human rights abuses that occurred during the conflict, including cutting off limbs with machetes and using children as soldiers, as happened to an estimated 10,000 children during the civil war.

John McNee, Canada's Permanent Representative to the United Nations, opened the roundtable by outlining the Kimberly Process, a UN-sanctioned initiative among Governments, the international diamond industry and civil society designed to stem the flow of conflict diamonds--rough diamonds that are used by rebel movements to finance wars against legitimate governments. "The Kimberly Process has made great strides toward halting the global trade in conflict diamonds since it was implemented three years ago. It has deprived criminals and non-State armed groups of the capital they require to wage violence", said Mr. McNee.

Actor Djimon Hounsou from Benin, who played one the major roles in the film, said that although "Blood Diamonds" was entertaining, it was ultimately "a vehicle to highlight the illicit diamond trade". He also supported the Kimberly Process, saying that it was the best means to stop the trade of illicit diamonds that lead to conflict in Africa.

Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict, said the film accurately portrayed the horrors and complexities around child soldiers, saying that "they look ruthless, in control or aggressive one moment, and the very next they are playful, childlike and will cry openly". She also noted that UN efforts to stop children from being used in armed conflict had achieved important results, particularly since a 2005 Security Council resolution established a comprehensive monitoring and reporting mechanism to ensure the protection of children exposed to armed conflict. Under the resolution, a list of countries and non-State parties that use child soldiers is compiled and made public. Some of those listed, such as Uganda, Myanmar and the Karen rebels in Myanmar, have subsequently asked what actions to take to be removed from the list, said Ms. Coomaraswamy.

Jimmy Briggs, a freelance journalist on the panel who has written extensively on child soldiers, brought attention to "issues beyond the film, namely, girl soldiers and the sexual violence that is an entrenched part of this phenomenon". He said that "too often, in the rehabilitation process, the gender violence girl soldiers endure is not dealt with" and that the violence in Sierra Leone was also made possible by the wide availability of small arms. He urged continued efforts to reduce access to small arms in conflict zones.

"Nothing in the film exaggerates what happened in Sierra Leone, and it happened for ten years, not two hours", said Ian Smilie, a Canadian specialist on development, who served on the Security Council's panel on diamonds in conflict. Apart from the UN agencies working in the country, the United Kingdom and a few other countries, the world had forgotten about Sierra Leone, he said. "People in Sierra Leone are trying to get back to normal-if there ever can be a 'normal' there, and they're not getting a lot of help". As for the Kimberly Process, Mr. Smilie said that "from 1 to 10, it is about 7.5", saying it was the first attempt to control "the most concentrated form of wealth on earth". The Kimberly Process is getting stronger, with the force of law in 71 countries, he said, but stressed the urgent need to improve conditions for the 1 million artisan diamond diggers that work for less than \$1 a day.

"The graphic depiction of abuses in the film underscores why justice is so important for the crimes committed in Sierra Leone", said Elise Keppler, Counsel with Human Rights Watch's International Justice Program. The Special Court on Sierra Leone is "making a vital contribution to bringing justice to people who committed serious crimes" in that country and helping order in a place that had been a "vacuum of the rule of law", she said. The tribunal was set up between the United Nations and the Government of Sierra Leone to try serious violators of international

humanitarian law, and has indicted people with charges that include murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, child recruitment into armed forces and attacks on United Nations peacekeepers and humanitarian workers. The Court's outreach programme is "doing so much to make the Court's work accessible to the people of Sierra Leone and West Africa", Ms. Keppler said. She also remarked that the upcoming trial of Charles Taylor, former President of Liberia accused of human rights violations by the Special Court, "demonstrates that no one is above the law".

Beloit Daily News
Saturday, 13 January 2007

International jurist to speak

International jurist Richard J. Goldstone, who has helped to shape new governments from South Africa to Yugoslavia, will visit Beloit January 17 - 28.

Goldstone will deliver the annual Marvin Weissberg Lecture on Wednesday, Jan. 24, at 8 p.m. in Moore Lounge in Pearsons Hall on the Beloit College campus. His topic will be "South Africa's Transition to Democracy: The Role of the Constitutional Court."

The day-long Conference on Transitional Justice will bring some of the leading figures in the field together for a series of discussions on the "Politics of Accountability in Post-Conflict Societies." Sessions will focus on "Challenges of Political Will" and "Domestic Approaches to Transitional Justice." A panel, including former prosecutors of some of the world's leading despots, will also discuss "Prosecuting the 'Big Fish.'"

Former U.S. Ambassador for War Crimes David Scheffer will offer the keynote address at the conference on the "Future Direction of Transitional Justice." Panellists in the program will include: Robin Vincent, former registrar for the Special Court for Sierra Leone and advisor on the Saddam Hussein and Khmer Rouge trials; Gregory Stanton, president of Genocide Watch; David Crane, former chief prosecutor for the Special Court for Sierra Leone; Gerald Gahima, former prosecutor general in Kigali, Rwanda and currently a judge with the War Crimes Chamber of the Court of Bosnia-Herzegovina; and Ambassador Scheffer. Attendees will include representatives from the Associated Colleges of the Midwest as part of a workshop on "Teaching Peace, Justice and Human Rights."

As chair of the Goldstone Commission in South Africa from 1991 to 1994, Goldstone played an integral role in managing the transition from apartheid to democracy.

BBC Online

Monday, 15 January 2007

Saddam Hussein's top aides hanged

Two of Saddam Hussein's key aides have been hanged in Baghdad, two weeks after the chaotic execution of the former Iraqi president.

There were "no violations" this time, officials said, but Saddam Hussein's half-brother, Barzan al-Tikriti, was decapitated as he was hanged.

He and Awad Hamad al-Bandar, a top judge under Saddam, were convicted over the killing of 148 Shias in the 1980s.

The country's president Jalal Talabani had urged their executions be delayed.

Government officials said the decapitation of Barzan was not abnormal, although it was rare for the head to be severed during hanging. One described it as "an act of God".

The executions took place at 2400 GMT, apparently in the same building where Saddam Hussein was put to death on 30 December after being convicted of the same crime.

The manner of his execution has sparked controversy around the world, after unofficial mobile phone footage was released showing him being taunted and insulted in his final moments.

Iraq's Shia-dominated government pledged a full investigation. Government spokesman Ali al-Dabbagh said this time everyone present at the facility had signed a document pledging appropriate behaviour.

Correspondents say the gruesome detail about Barzan's decapitation was probably made public in order to avoid it being leaked later with accompanying allegations of mistreatment.

A member of their defence team, Issam al-Ghazzawi, told the Reuters news agency he was outraged by the execution.

"When a man is hanged, he does not lose his head," he said. "The way Barzan was executed is shameful."

The bodies of the men are to be handed over to their families within the next few days.



Barzan al-Tikriti headed Saddam Hussein's secret police

JUDICIAL HANGING

Execution intended to break the neck, not strangle

'Long drop' method developed in late 19th century

Length of rope calculated using prisoner's weight
Drop is usually 4ft-10ft (1.3m-3m)

Too long a drop leads to decapitation

'Key target

Barzan Ibrahim al-Tikriti was the former Iraqi leader's half-brother and served as the head of his feared secret police, the Mukhabarat.

He was a senior figure in the Iraqi government at the time of the US-led invasion of 2003 and was a key target for capture.

During his captivity, it emerged he had cancer and a number of calls were made for his release for treatment on humanitarian grounds.

Awad Hamad al-Bandar was chief justice of the Iraqi Revolutionary Court. According to his indictment, he conducted show trials which often led to summary death sentences.



The court he headed issued death sentences against residents of the town of Dujail in the aftermath of the failed assassination attempt on the president on 8 July 1982.

His lawyers argued that he had simply been following the letter of Iraqi law, as it was written at the time, and also denied that he had ordered the execution of juveniles.