

**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:

Monday, 15 November 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 12 November 2010

Defence Rests Their Case in the Taylor Trial

Counsel for Charles Taylor formally concluded their case today, after calling twenty-one witnesses in defence of the former Liberian president, including Mr. Taylor himself.

The Defence opened their case on 13 July 2009, and Mr. Taylor took the stand on the following day. He concluded his testimony on 18 February 2010. The last witness, a Liberian commander of the Revolutionary United Front (RUF), ended his testimony on 9 November 2010.

Between January 2008 and January 2009, 91 Prosecution witnesses took the stand in The Hague. Prosecutors also entered into evidence the written testimony of three additional witnesses under Rule 92*bis*. The Prosecution, with the consent of the Trial Chamber, re-opened their case in August 2010 to hear testimony from three additional witnesses.

The Special Court Registrar, Binta Mansaray, said the end of the Defence case “is not only a major milestone in the Charles Taylor trial, but in the work of the court as a whole”.

The Trial Chamber has scheduled closing oral arguments for 8, 9 and 11 February 2011, after which the Judges will retire to deliberate. Mr. Taylor faces an 11-count indictment for war crimes and crimes against humanity. A trial judgment is expected mid next year.

#END

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

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

PRESS RELEASE

The Hague, 12 November 2010

The Special Court Prosecutor welcomes the end of the Defence Case

Prosecutor Brenda J. Hollis today welcomed the end of the evidence phase of the trial as an “important step towards the completion of the Charles Taylor Trial”.

The Prosecutor echoed the appreciation of the Presiding Judge in thanking the staff of the Court for their hard work in moving the trial forward. Prosecutor Hollis looked forward to what she hoped would be a fair and expeditious completion of the trial process.

Prosecutor Hollis also expressed thanks to all the witnesses who testified during both the Prosecution and the Defence phases of the trial. “Their courage and willingness to take the stand and bear witness has been an inspiration. We in the Prosecution have always said that we fight for justice in the name of the victims, but they are the ones who have truly made justice possible”.

The Prosecution closed their case in February 2009 reopening briefly in August 2010 to hear the evidence of three additional witnesses. The Prosecutor explained, “we closed our case when we felt we had presented sufficient evidence to prove it, and now it is for the judges to decide, based on all the evidence, whether we have met our burden of proof.”

Prosecutor Hollis said now the parties would turn their focus to completing the final written submissions due in January.

#END

Produced by the
Office of the Prosecutor
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Visit the Special Court’s website at www.sc-sl.org

The Spectator

Monday, 15 November 2010

Defence Formally Closes Case in Taylor Trial



Defence lawyers for Charles Taylor today formally closed their case after calling 21 witnesses to testify on behalf of the former Liberian president in response to an 11 count indictment in which Prosecutors allege that Mr. Taylor provided support to and was in control of Sierra Leone's Revolutionary United Front (RUF) rebels, who waged an 11 year civil conflict in the West African nation. Mr. Taylor has denied all allegations against him. Between Janu 2008 and

Defense formally closes case in Taylor trial

By Alpha Sesay
February 2009, Prosecutors led 91 witness in evidence against Mr. Taylor, some of whom were victims of the conflict in Sierra Leone, while others were insider witnesses

comprising of former members of the RUF, former members of Mr. Taylor's National Patriotic Front of Liberia (NPFL), and former members of Mr. Taylor's Liberian government, including his former

vice president Moses Blah. The victim witnesses testified mainly about the atrocities that were committed by RUF rebels in Sierra Leone, while the insider witnesses attempted to link Mr. Taylor to the RUF and their activities in Sierra Leone. Mr. Taylor's lawyers formally opened the defense case on July 13, 2009, and the following day, the former Liberian president himself took the witness stand as a witness in his own defense. Mr. Taylor concluded his testimony on February 18, 2010. Mr. Taylor's final witness, a Liberian member of the RUF, Sam Flomo Kolleh, concluded his evidence on Tuesday, November 9, 2010.

Contd. page 2

Defense formally closes case in Taylor trial

From page 2

In bringing Mr. Taylor's defense to a formal closure today, lead defense counsel for the accused, Courtenay Griffiths, told the judges. "I'm grateful first of all to your honors for dealing with such alacrity with the outstanding motions, and I am pleased to announce that is the case for Mr. Taylor."

Mr. Griffiths thanked all the parties involved in the trial for their "contributions in ensuring that the proceedings in the courtroom have run as efficiently and smoothly as they have done."

"In thirty years of practice, this is the first trial I have been involved in of this magnitude involving so much evidence in which so little time has been lost either through illness or any other matter, and I think everyone ought to be commended for their efforts in ensuring that that was the case," Mr. Griffiths said. Mr. Griffiths also said that the differences in positions inside the courtroom should not be interpreted that the defense does not share the con-

cerns of the victims of the conflict in Sierra Leone. "I would also, in light of the comments I make, like to make clear that it has been accepted by us right from the outset that terrible crimes were committed in Sierra Leone. We share the concerns for the victims of these crimes, and we want to make clear that differences between the parties in the courtroom should not be exploited as evidence that either party naturally assumes a morally superior position," he said.

"On that note, this is the case for Mr. Taylor," Mr. Griffiths concluded.

Presiding Judge of the Trial Chamber, Justice Julia Sebutinde, thanked all parties who have worked to get the trial to this stage. She announced that after today's formal closure of the defense case, the court will resume again to hear closing arguments from the parties from February 8 to 11, 2011 before the judges retire for judgment.

In a press release issued by the Office of the Prosecutor, the Chief Pros-

ecutor of the Special Court for Sierra Leone, Brenda J. Hollis, said that today's closure of the defense case "is an important step towards the completion of the Charles Taylor trial."

Ms. Hollis thanked witnesses who have testified for both the prosecution and the defense, saying that "their courage and willingness to take the stand and bear witness has been an inspiration. We in the prosecution have always said that we fight for justice in the name of the victims, but they are the ones who have truly made justice possible".

In another press release issued by the Outreach and Public Affairs section of the Special Court for Sierra Leone, the Registrar of the court, Binta Mansaray, said that the closure of the defense case "is not only a major milestone in the Charles Taylor trial, but in the work of the court as a whole."

Mr. Taylor's trial will resume on February 8, 2010 to hear closing arguments from the parties.

RUF Rebel 'Exonerates' Charles Taylor

(AFP) THE HAGUE - A rebel fighter in Sierra Leone's brutal civil war concluded his evidence in Liberian ex-president Charles Taylor's war crimes trial on Tuesday, wrapping up the testimony for the defence.

Sam Flomo Kolleh, 38, was the last of 21 witnesses, including Taylor himself, to testify for the defence in The Hague since the trial started in earnest in January 2008.

Kolleh, who said he was captured and

forced to fight for the Revolutionary United Front (RUF), told judges that prosecution agents had tried to threaten and bribe him to testify against the warlord.

One of them had offered him 90,000 dollars (about 65,000 euros) and told him: "We want you to tell us you took those diamonds to Taylor," the witness said on his first day of testimony last Monday.

Kolleh admitted he had been a

"diamond courier" for the RUF, but denied he ever gave any gems to Taylor. Prosecutor Nicholas Koumjian, who cross-examined Kolleh for several days, accused him of lying to protect Taylor. "It was the RUF that cut the heads off victims and put them on sticks, that took young women as bush wives and that burn people alive ...? It was a human being, Charles Taylor, that made all of that possible?," he asked Kolleh, who replied: "No". Taylor, 62, has pleaded not guilty to 11 counts of war crimes and crimes against humanity stemming from the 1991-2001 civil war in Sierra Leone which claimed some 120,000 lives.

He stands accused of having fuelled

war in Sierra Leone by arming the RUF in exchange for so-called "blood diamonds", in a trial that saw testimony from supermodel Naomi Campbell.

The RUF is blamed for the mutilation of thousands of civilians who had their hands and arms severed in one of the most brutal wars in modern history.

Taylor insists that the case against him is based on "lies". The prosecution closed its case in January last year, having called 91 witnesses. The defence will formally close its case on Friday. The court has set a date of February 8, 2011 for the prosecution's closing arguments, followed by those of the defence the next day and rebuttals on February 11.

"My Life Is In Danger"

Special Court Witness

By Ibrahim Samura

One of Special Court witnesses, Samuel Kargbo, tagged TF 1-597,

says Special Court's recently released video cassette has posed threat to his life.

He made this disclosure shortly after enlightening the Sierra Ex-

press Media that the Special Court in 2008 hired him and others to testify against Charles Taylor, who faces prosecution for war crimes and crimes against humanity in The

Hague. Samuel Kargbo further said that he was flown to The Hague in April of 2008, by the Special Court and was ushered in wells of court chambers

where he tenders evidence against Charles Taylor.

"Prior to my departure to The Hague, management of the Special Court told me they will considerately protect my life from followers of warlord Charles Taylor. But see what they now do to me; the whole world including followers of Charles Taylor can now identify me. Is the Special Court here to

Contd. page 2

"My Life Is In Danger"

film people and make money out of them." Samuel regrettably questioned. The scene, according to Samuel, went rotten shortly after it was observed that the Special Court had conspiratorially released a video cassette that clearly exposed

some of us as witnesses of fact against Charles, putting our lives under threat. "The Special Court never told us it is using us for money making. As a Sierra Leonean I was willing to testify against Charles Taylor but was guaranteed safety and protection." Samuel said

Aki Bombalai, an employee of the Special Court Witness protection section, has admitted making an attempt of having a meeting with Samuel last week. According to Aki, he was only showing concern and wanted to hear the views and dislikes of Samuel over the release of the cassette in

question. It could be recalled that the Special Court exists not for business but for the purpose of prosecuting and punishing persons culpable of war crimes and crimes against humanity. Sources say hundreds of witnesses have gone to The Hague to testify for or against

Charles Taylor. None of the witnesses, according to findings, ever reached agreement with the Special Court of having their testimonies put into a video for sale to the public. Samuel, whose testimony in The Hague formed part of the Special Court video, has vowed filing law complaint against the

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management of the court. Surveys of public's view brings to light overwhelming condemnation of Special Court's un-called for release of such a video. Samuel has called on human rights organizations to come to his aid and cause him drag the Special Court to court for wrong doing.

Charlestaylortrial.org (The Hague)

Friday, 12 November 2010

Liberia: Defense Lawyers Formally Close Their Case in the Charles Taylor Trial

Alpha Sesay

Defense lawyers for Charles Taylor today formally closed their case after calling 21 witnesses to testify on behalf of the former Liberian president in response to an 11 count indictment in which Prosecutors allege that Mr. Taylor provided support to and was in control of Sierra Leone's Revolutionary United Front (RUF) rebels, who waged an 11 year civil conflict in the West African nation. Mr. Taylor has denied all allegations against him.

Between January 2008 and February 2009, Prosecutors led 91 witness in evidence against Mr. Taylor, some of whom were victims of the conflict in Sierra Leone, while others were insider witnesses comprising of former members of the RUF, former members of Mr. Taylor's National Patriotic Front of Liberia (NPFL), and former members of Mr. Taylor's Liberian government, including his former vice president Moses Blah. The victim witnesses testified mainly about the atrocities that were committed by RUF rebels in Sierra Leone, while the insider witnesses attempted to link Mr. Taylor to the RUF and their activities in Sierra Leone.

Mr. Taylor's lawyers formally opened the defense case on July 13, 2009, and the following day, the former Liberian president himself took the witness stand as a witness in his own defense. Mr. Taylor concluded his testimony on February 18, 2010. Mr. Taylor's final witness, a Liberian member of the RUF, Sam Flomo Kolley, concluded his evidence on Tuesday, November 9, 2010.

In bringing Mr. Taylor's defense to a formal closure today, lead defense counsel for the accused, Courtenay Griffiths, told the judges, "I'm grateful first of all to your honors for dealing with such alacrity with the outstanding motions, and I am pleased to announce that is the case for Mr. Taylor."

Mr. Griffiths thanked all the parties involved in the trial for their "contributions in ensuring that the proceedings in the courtroom have run as efficiently and smoothly as they have done."

"In thirty years of practice, this is the first trial I have been involved in of this magnitude involving so much evidence in which so little time has been lost either through illness or any other matter, and I think everyone ought to be commended for their efforts in ensuring that that was the case," Mr. Griffiths said.

Mr. Griffiths also said that the differences in positions inside the courtroom should not be interpreted that the defense does not share the concerns of the victims of the conflict in Sierra Leone.

"I would also, in light of the comments I make, like to make clear that it has been accepted by us right from the outset that terrible crimes were committed in Sierra Leone. We share the concerns for the victims of these crimes, and we want to make clear that differences between the parties in the courtroom should not be exploited as evidence that either party naturally assumes a morally superior position," he said.

"On that note, this is the case for Mr. Taylor," Mr. Griffiths concluded.

Presiding Judge of the Trial Chamber, Justice Julia Sebutinde, thanked all parties who have worked to get the trial to this stage. She announced that after today's formal closure of the defense case, the court will resume again to hear closing arguments from the parties from February 8 to 11, 2011 before the judges retire for judgment.

In a press release issued by the Office of the Prosecutor, the Chief Prosecutor of the Special Court for Sierra Leone, Brenda J. Hollis, said that today's closure of the defense case "is an important step towards the completion of the Charles Taylor trial."

Ms. Hollis thanked witnesses who have testified for both the prosecution and the defense, saying that "their courage and willingness to take the stand and bear witness has been an inspiration. We in the prosecution have always said that we fight for justice in the name of the victims, but they are the ones who have truly made justice possible".

In another press release issued by the Outreach and Public Affairs section of the Special Court for Sierra Leone, the Registrar of the court, Binta Mansaray, said that the closure of the defense case "is not only a major milestone in the Charles Taylor trial, but in the work of the court as a whole."

Mr. Taylor's trial will resume on February 8, 2010 to hear closing arguments from the parties.

Running Africa

Monday, 15 November 2010

Defense concludes its case on Taylor's behalf at the special court

The trial of former rebel in chief, war crime indictee and ex-Liberian President Charles Taylor has concluded in the Hague, the Netherlands as of Friday, November 12, 2010. Ironically the date also marks the 15th anniversary of the failed coup attempt against former Liberian military strong-man and slain President Samuel Kanyon Doe by his former army commander Brigadier General Thomas Quiwonkpa.

Defense lawyers for former Liberian President Charles Taylor led by the British barrister Courtenay Griffiths on last Friday formally closed their case after calling 21 witnesses to testify on behalf of the former Liberian president in response to an 11 count indictment unsealed against Mr. Taylor by Prosecutors of the Special Court for Sierra Leone. Charles Ghankay Taylor, the former President of Liberia, was indicted under seal on 7 March 2003. The indictment was announced on 4 June 2003 on his first trip outside of Liberia. In August 2003 Charles Taylor resigned as president and went into exile in Nigeria. He was transferred to the Special Court on 29 March 2006.

The Prosecution opened their case on 4 June 2007. Charles Taylor boycotted the proceedings and dismissed his legal team. The trial was adjourned until new counsel could be assigned. Barrister Griffiths was subsequently appointed,

The Prosecution opened witness testimony on 7 January 2008. The Prosecution formally closed their case on 27 February 2009 after having presented testimony from 91 witnesses. On 4 May 2009 the Trial Chamber dismissed in its entirety a Motion for Judgment of Acquittal of Mr. Taylor brought by the



defense. 2009/11615 YEATAN BENJAMIN

On July 13, 2009, the former Liberian president Mr. Taylor himself took the witness in his own defense. He concluded his own testimony on February 18, 2010.

The court transplanted its sitting to the Hague, in June, 2006 the Netherlands from Sierra Leone to avert igniting protest and violence by Taylor loyalists who are opposed to his trial.

Prosecutors allege in their case that Mr. Taylor provided support to and was in control of Sierra Leone's Revolutionary United Front (RUF) rebels, who waged a decade plus violent conflict in the West African nation. Mr. Taylor has maintained throughout his trial that he is not guilty.

In comments at the defense formal closure of their case, Mr. Taylor's lead defense counsel Courtenay

Griffiths, told the judges, "he is grateful first for dealing with such alacrity with the outstanding motions, and is pleased to announce that is the case for Mr. Taylor."

Mr. Griffiths thanked all the parties involved in the trial for their "contributions in ensuring that the proceedings in the courtroom have run as efficiently and smoothly as they have.

The Chief Prosecutor Madam Brenda J. Hollis shortly thereafter issued a press statement in which she noted that Friday's closure of the defense case "is an important step towards the completion of the Charles Taylor trial.

Judge of the Trial Chamber, Justice Julia Sebutinde has announced that the Court will resume again to hear closing arguments from the parties from February 8 to 11, 2011 before the judges retire for judgment.

The Special Court for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations. It is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

According to the Court's website, the three cases heard in Freetown have been completed, including appeals. Several rebels of the RUF convicted are serving long jail terms in Rwanda.

The British Government which was involved in decisively putting down the rebel strangle hold on Sierra Leone has said it will provide a jail cell for Mr. Taylor if he is found guilty of the charges against him. Sierra Leone which lies

as a neighbor to the west of Liberia is a former British colony.



Human Rights groups and activists and victims in and out of Liberia have been closely following the trial for the last 3 years. The current Liberian Government has consistently declined to comment on the prosecution of Mr. Taylor, a former head of state and maintains that it has no business with the Taylor trial since the indictment was brought by the Special Court for Sierra Leone.

Several former close associates of Mr. Taylor including an ex-wife and current Senator from Bong County, central Liberia Madam Jewel Howard Taylor are under a United Nations travel ban.

Meantime, a former head of Taylor's Presidential bodyguard unit at the Executive Mansion, one of several original insurgents trained in Libya General Benjamin Yeaten is believed to be residing in the West African nation of Togo.

INTERPOL issued a Red Alert for Benjamin Yeaten, former aide de camp of ex-president Charles Taylor on charges of murder and first degree felony. INTERPOL is the world's largest international police organization, with 188 member countries. According to Interpol, " A Red Notice is not an international arrest warrant.

These Interpol 'Red Notices' represent only a tiny fraction of the number of red notices issued by

Interpol.

The persons concerned are wanted by national jurisdictions (or the International Criminal Tribunals, where appropriate) and Interpol's role is to assist the national police forces in identifying or locating those persons with a view to their arrest and extradition.

These red notices allow the warrant to be circulated worldwide with the request that the wanted person be arrested with a view to extradition.

A distinction is drawn between two types of red notice: the first type is based on an arrest warrant and is issued for a person wanted for prosecution; the second type is based on a court decision for a person wanted to serve a sentence."

The arrest warrant followed the indictment by First Judicial Circuit, Criminal Assizes "A" for Montserrado County, Liberia.

In the indictment, the Court found that Defendant Yeaten violated Chapter 14 Section 14.1(a&b) of the New Panel Law of Liberia, Title 26, Liberian Code of Laws

According to the indictment "between the period of November 1997 to June 5, 2003 and June 8, 2003, Defendant Yeaten, former director of the Special Security Services (SSS), committed the crime of murder by killing John W. Yormie, who was at the time deputy minister for operations at the Ministry of National Security, Isaac Vaye, who was serving as deputy minister for technical services and Samuel Dokie, former minister of Internal Affairs and members of his family."

In his testimony to the Special Court. Mr. Taylor deflected any responsibility for the murders of Yormie, and Dokie saying General Yeaten went beyond his, Taylor's orders, of arresting the individuals for interrogation.

It is not clear under what immigrant status Mr. Yeaten is living in Togo and why his arrest and extradition to Liberia have not been effected to date.

Defendant Yeaten is also believed, on the orders of former President Taylor, to have executed former Sierra Leone rebel commander Sam Bockarie and his family in an effort to silence him just when international pressure was mounting on Taylor for his support of Mr. Bockarie who had relocated to Liberia. Taylor has also denied any linkage to the execution of Mr. Bockarie and his entire family.

On November 28, 2008, Liberia's Truth and Reconciliation Commission (TRC) issued a list of alleged perpetrators and persons of interest and named General Yeaten and his boss Charles Taylor among several such individuals. In that publication, the TRC requested General Yeaten, Taylor and others " to appear before it to address themselves to allegations of war crimes and gross human rights violations including violations of international human rights and humanitarian laws during the course of the Liberian crisis from 1979 to 2003.

The publication highlights violators and alleged perpetrators who have elected to ignore the TRC process and refused to appear before the Commission. The TRC also published a list of "Persons of interest" who to date have not appeared at the Commission but are considered persons who have particular knowledge and information about past events deemed expedient to the inquiry process of the commission, given their roles, positions in government or privy to public policy issues over the period 1979 to 2003."

Taylor and Yeaten did not appear before Liberia's TRC.

By Emmanuel Abalo and Reports from the Special Court for Sierra Leone and Interpol

The Daily Star

Monday, 15 November 2010

Clarity about diamonds' role in fueling human rights violations in Africa

By Peter Singer

Diamonds have an image of purity and light. They are given as a pledge of love and worn as a symbol of commitment. Yet diamonds have led to gruesome murders, as well as widespread rapes and amputations.

Charles Taylor, a former president of Liberia currently facing war crimes charges at a special court in The Hague, is alleged to have used diamonds to fund rebels in Sierra Leone's civil war. The case against Taylor represents only one of several examples in which diamonds have facilitated widespread human rights violations.

When diamonds' role in fueling violent conflict in Africa gained worldwide attention, the diamond industry established the Kimberley Process in order to keep "blood diamonds" out of international trade. The initiative has met with some success, although it has not completely halted trade in diamonds from conflict-torn countries like the Democratic Republic of Congo.

Recently, however, concern has been expressed – from within the diamond trade – that the scope of the Kimberley Process is too limited, and that consumers have thus been lulled into believing that there are no longer any ethical problems with diamonds. That is far from the truth.

The problem came to a head this year when the Kimberley Process began to certify diamonds from Marange, in Zimbabwe. The Marange diamond field, discovered in 2006, is one of the richest ever found.

According to Diamonds and Clubs, a recent report from Partnership Africa Canada, soldiers have press-ganged peasant farmers into working in mining syndicates at Marange. The soldiers then take half the proceeds. There have also been extensive beatings and arbitrary detentions. When Farai Maguwu, a Zimbabwean human rights activist, disseminated information about the abuses, he was arrested (he has since been released).

Zimbabwean authorities claim that the violent human rights abuses have stopped, but the ethical problem with Marange diamonds goes much deeper. Soon after the field was discovered, the Zimbabwean military took control of the area. According to the Zimbabwean finance minister, Tendai Biti, four years after the military took over the diamond fields, the national treasury has received not one penny of royalties from the sale of Marange diamonds. Zimbabwe's military and political elite has appropriated the diamond field's immense wealth for itself, with no benefits for the millions of desperately poor Zimbabweans who need the kind of services that the country has the resources to provide.

This is not, of course, the first time that the discovery of resources in an undeveloped country has led to riches for a few rather than greater prosperity for all. Teodoro Obiang, the dictator of tiny, oil-rich Equatorial Guinea, has an official salary of \$60,000, but owns six private jets and a \$35 million house in Malibu, as well as other houses in Maryland and Capetown and a fleet of Lamborghinis, Ferraris and Bentleys.

Most of the people over whom Obiang rules live in extreme poverty, with an average life expectancy of 49 years and an infant mortality rate of 87 per 1,000 live births (in other words, more than one child in

twelve dies before its first birthday). Nigeria and Angola are other glaring examples of countries that have failed to use their oil wealth for the benefit of their people.

Paradoxically, resource-rich developing countries are often worse off than comparable countries that lack those resources. One reason for this is that large resource endowments provide a huge financial incentive for attempts to overthrow the government and seize power. Rebels know that if they succeed, they will gain immense personal wealth, be able to reward those who backed their coup, and have enough arms to keep themselves in power, no matter how badly they rule. Unless, of course, some of those whom they arm are themselves tempted by the prospect of controlling all that wealth.

Thus, the resources that should benefit developing countries instead become a curse that brings corruption, coups, and civil wars. If we use goods made from raw materials that are obtained from a poor country without the proceeds being used to benefit the people of that country, we become complicit in a particularly iniquitous form of grand larceny.

It is therefore encouraging that concerns about Zimbabwean diamonds are being raised within the diamond trade itself. The Rapaport Group, an international network of companies providing services to the diamond industry, refuses to list Marange diamonds on its diamond-trading platform, RapNet. Martin Rapaport, chairman of the group, has called for free access to the diamond fields by non-governmental organizations and industry representatives to monitor the human rights situation. More significantly, in a speech in Mumbai earlier this year, he laid out requirements for legitimizing Marange diamonds that included some assurance that “the revenues from the diamond sales are distributed legally and in a way that reasonably and fairly benefits the people of Zimbabwe.”

There is a need for higher standards than those set by the Kimberley Process. If consumers insist on buying only ethical diamonds, traders might be able to push the demand back to their sources. And if the diamond industry can put itself on an ethical footing, it might send a message to other industries that deal in resources that are effectively being stolen from some of the world’s poorest people.

Peter Singer is professor of Bioethics at Princeton University. His most recent book, “The Life You Can Save,” addresses the obligations of the rich to the poor (www.thelifeyoucansave.com). THE DAILY STAR publishes this commentary in collaboration with Project Syndicate © (www.project-syndicate.org).

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(The Daily Star :: Lebanon News :: <http://www.dailystar.com.lb>)

Lack of information on ICC making us vulnerable to spin

By Muthoni Wanyeki

The trip of the Member of Parliament for Eldoret North to the Hague has demonstrated an astonishing lack of knowledge about the highest criminal justice process in the world, as manifest in ongoing debate by citizens, politicians and even media coverage.

It is imperative that this lack of information be addressed urgently, not only by the International Criminal Court's outreach office, but also by the government.

As for the media, the bosses should ensure that their journalists acquire at least the basic knowledge to follow this criminal justice process.

With respect to the criminal justice at the national level, all acts of commission and omission that are considered criminal are contained in the Penal Code and numerous pieces of legislation.

The ICC has the mandate to prosecute and try crimes that are enumerated in the Rome Statute—crimes against humanity, genocide and war crimes, as well as the crime of aggression.

The confusion in Kenya seems to arise from the fact that the ICC's Prosecutor is focusing on the possible commission of crimes against humanity alone.

Despite what is already in the public domain about the extent, nature and patterns of the 2007/8 violence, the perception persists here that he should be focusing on genocide. This perception must be addressed.

Back to the national level. Once an act believed to be a crime is committed, it is the obligation of the Criminal Investigations Department to investigate that act and compile evidence supporting its assertion any alleged perpetrator it identifies did indeed commit that act.

It is then the obligation of the CID, through the Director of Public Prosecutions, to ensure the case is tried.

At the international level, the ICC's Office of the Prosecutor has the responsibility for both investigations — in cooperation with national authorities. The OTP can ask the ICC judges for authority to investigate but it has to build its own case.

The confusion in Kenya here seems to be about the perception that the OTP's investigation is relying, in particular, on the reports of the Kenya National Commission on Human Rights and the Commission of Inquiry into the Post Elections Violence.

The CID and the DPP need to convince the bench that their evidence and witnesses justify a person's being charged with and, eventually, found guilty of a crime. Similarly, at the international level, the OTP needs to convince the judges of the same.

The ICC is, as its name implies, a court. And that is also the confusion in Kenya. Perhaps because the flow from CID to the DPP to the bench has not evidenced itself as being smooth and uninterrupted—based on strict considerations of law—the assumption seems to be that the ICC is not based on strict consideration of law either. We should disabuse ourselves of that fallacy. It is a court.

In short, our lack of information about the ICC is making us vulnerable to spin. And our politicians are notoriously un-short of spin.

The MP of Eldoret North may have presented himself to the OTP to give a statement of his own volition as to his knowledge of what happened in 2007/8. This however, does nothing to change the strictly legal process that the OTP is engaged in.

Let's have some sobriety, please. And let's have an attempt to discuss and debate the ICC's engagement in Kenya on an informed and rational basis.

L. Muthoni Wanyeki is executive director of the Kenya Human Rights Commission

Pan African News Agency

Sunday, 14 November 2010

Africa: Arusha Tribunal on Rwanda breaks culture of impunity in Africa

Arusha Tribunal on Rwanda breaks culture of impunity in Africa - A UN official has said the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, has left a legacy for African leaders by breaking the culture of impunity in the continent.

The Senior Press and Public Affairs Officer for the Tribunal, Bocar Sy, said the UN Security Council had decided that it no more wanted a repeat of the genocide in Rwanda on the continent.

In this regard, the Tribunal, which was set up in 1994, started prosecuting in earnest those indicted 13 to 14 years ago.

'We have prosecuted almost the whole cabinet of the former regime, which was at the helm of affairs during the genocide, including former Prime Minister (Celestin) Kabanda, who is serving a life sentence,' Bocar Sy said at a press conference in the Gambia.

Representatives of the UN Criminal Tribunal for Rwanda are in Banjul, The Gambia, for a three-day conference, exhibition and a public forum on the theme: 'The Legacy of the International Criminal Tribunal for Rwanda for the African Continent.'

Abubacarr Tambadou, an appeals counsel at the Tribunal for Rwanda, said they wanted Africa to take the Tribunal as their own and make use of the expertise it had built over the years.

The Tribunal, he said, offered a wide range of services, including capacity building in human resource management. For this reason, they were calling on the continent to accept, with commitment, what the Court had to offer.

'We also want Africa to put on trial in any court at any time, those indicted by the Tribunal and are currently at large, if they are apprehended in any of the African countries.'

The United Nations International Criminal Tribunal for Rwanda (ICTR) in Arusha has come to the final stages of its existence.

The Tribunal was established by the UN in 1994 to try suspected perpetrators of the Rwandan genocide. So far 82 of 92 suspects have been tried by the Court, some convicted, others freed while 10 are still at large.

However, one of the main questions to the build-up to the closure of the Tribunal is: What does Africa do with the Court that has offered so much expertise to the continent?

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ICTR/Weekly Summary - Gatete's fate in hands of trial chamber

Three trials continued this week before the International Criminal Tribunal for Rwanda (ICTR), including that of former Rwandan Director in the Ministry of Women and Family Affairs, Jean-Baptiste Gatete, which came to the end and the prosecution requested for life imprisonment sentence against him.

In its closing arguments, the prosecution submitted that Gatete should face the maximum punishment if convicted of offences allegedly committed in 1994, claiming that there was strong evidence presented before the court by witnesses detailing about the killers and the victims and also what the accused personally did.

However, the defence sought for acquittal of the accused, alleging that the prosecution has failed to substantiate the charges beyond reasonable doubt, citing several shortcomings including contradictions and hearsay evidence given by the witnesses.

Gatete has denied charges of genocide, conspiracy to commit genocide, incitement to commit genocide and crimes against humanity.

Other trials involve former mayor of Kivumu Commune in Kibuye prefecture (Western Rwanda) Grégoire Ndahimana and top leaders of then Rwandan ruling party, MRND, Mathieu Ngirumpatse, who was the president and his vice-president Edouard Karemera.

In the trial of Ndahimana the prosecution called six witnesses. This brings the total of witnesses so far testified to 15. The last witness continues to testify next Thursday.

During trial of MRND top leaders, Ngirumpatse called six witnesses to defend him. The hearing continues next Tuesday when the defendant will be presenting his defence case. Karemera has already completed his defence case.

Next week, the trial of former Rwandan Planning Minister Augustin Ngirabatware, charged with genocide and crimes against humanity, resumes Monday. The defence is expecting to start presenting its case. It has proposed to field 95 witnesses.

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