

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



Mongolian guard force during yesterday's hostage contingency exercise.

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, 16 April 2009

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Premier News
Wednesday, 15 April 2009

Prosecutor Damns Defence

The Prosecutor of the Special Court for Sierra Leone, Stephen Rapp yesterday said that he can not sit idly by while the Defence lawyers of the sentenced RUF convicts are going around thrashing the judicial process and "saying things that are unjustified."

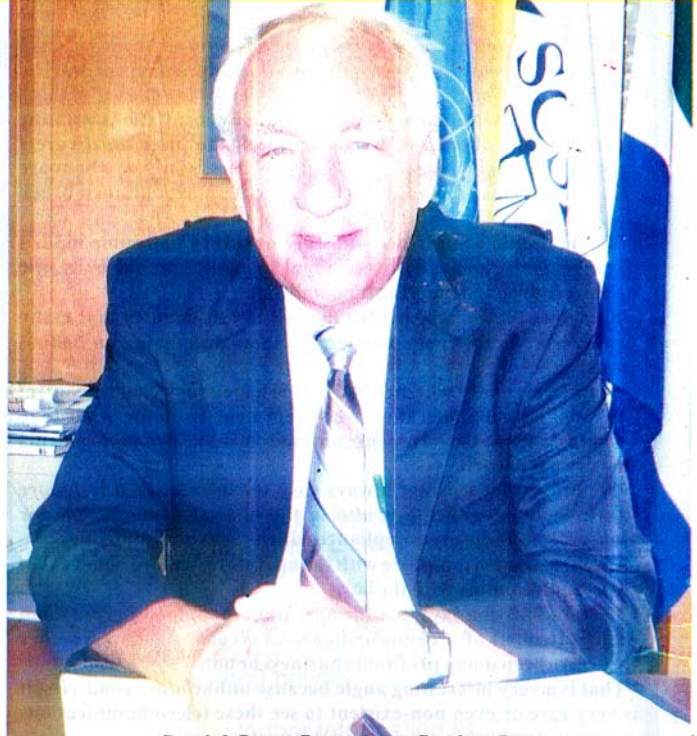
By Augustine Beecher

The eminent prosecutor said all the accused had a fair trial and had the opportunity to acquire excellent attorneys for their defence, adding that the defence had all the ability to call witnesses and research the law adequately.

"They were also given the opportunity to make both legal and factual objections," at any time during the proceeding, Mr. Rapp said.

He insisted that the trial was never a 'one-sided' matter, as the defence would want the public believe, because they were given the opportunity to say what they want to say, adding that all the allegations against the accused did not result in a guilty-finding.

He cited the case of the attack on Freetown, for which the RUF were not held responsible even though they were



Special Court Prosecutor, Stephen Rapp

accused of committing offences during their time in Freetown with the rebel soldiers.

He said it is contemptuous of the process and judges for the Wayne Jordash defence lawyer for Issa Sesay, to be saying that the trial was unfair when it is considered by many around the world to have met "the highest international standards" of judgement.

He acknowledged the contribution of Issa Sesay to the peace process, but argued that his

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Prosecutor Damns

From front page

direct involvement in the 2000 attack on peacekeepers that left four dead and over 500 abducted was contrary to the spirit and letter of the Lome Peace Treaty, which paved the way for peace in the country.

He said the RUF never collaborated with the international community until they were defeated, which was when Issa Sesay joined the peace trail.

He maintained that there is overwhelming evidence that the RUF was bent on terrorizing the population, with Issa Sesay being responsible directly for kidnapping and enslaving people to work in the diamond mines for the rebels.

Mr. Rapp said the manner in which the RUF conducted its campaign, with names like "operation no living thing," and "Commander gut-throat" was never encouraging or credible.

Regarding the weighing of evidence, the prosecutor said the judges weighed evidences from over 200 witnesses, and that most of the prosecution witnesses were found to be credible.

He said "insider witnesses" were necessary because that was the only way to know how the RUF was operating from the inside, adding that they did not take all the testimonies as correct, but that most of them were credible.

In relation to the reimbursement of witnesses, he said the judges found out that the payments were legitimate for various reasons including relocation or interruption of lives and similar situations.

"The payments were entirely appropriate," he said, adding, "similar payments were also made by the defence to defence witnesses, with the consent of the Court.

Responding to the remark by Wayne Jordash that the Court is sending a bad message to the international community with this kind of judgement, the prosecutor said they believe they "are sending a very good message, that when you do these kinds of things, you will be faced with these kinds of consequences."

"This is the message for the country and the sub-region, that there can be no more impunity in international law," he went on.

He advised all to remember that with the pending appeal by Issa Sesay and Morris Kallon, the RUF case is still not over, noting that five judges will be sitting on the case, two Sierra Leoneans and three foreigners.

He concluded the special interview by noting that the Court will not be seeking an increase in the sentences of the two men, if they lose the appeal, but stressed that there are issues that need to be addressed that may demand punishment if they fail to win.

Mr. Rapp was preparing to leave for the USA yesterday when this interview was conducted, but expressed the hope of returning to Sierra Leone soon to work on the pending appeal cases, which are expected to be heard sometime in June this year.

The leader of the RUF, Foday Sankoh and Commander, Sam Bockarie, were both indicted by the Court but Sankoh died in custody before judgement, while Bockarie was gunned down by Liberian soldiers at the Liberian border with Ivory Coast before he could be brought to the Court for trial.

Premier Media
 Tuesday, 14 April 2009

"Issa Sesay's Trial Was Unfair"

... Wayne Jordash

The Lead Counsel for Issa Sesay, Wayne Jordash on Thursday expressed disappointment with both the convictions and sentence received by Issa Sesay, stating that he did "not believe that the totality of the evidence before the Trial Chamber was reflected in the judgement."

By Augustine Beecher

The legal luminary made this statement at a special press briefing at the Sierra Leone News Agency (SLENA) the day after his client was sentenced by the Trial Chamber to 52 years after being found guilty on sixteen counts of war crimes and crimes against humanity.

He said that "while it is true that Sesay was instrumental to the peace process, it is his actions in the war that are truly



Wayne Jordash (R) and legally assistance at the conference

significant."

"The defence case was built largely on evidence of civilians- people working as farmers, teachers, nurses, palm wine sellers- who left their homes and families to travel to Freetown to speak on behalf of Mr. Sesay. These people all told a consistent story that in areas where Issa Sesay had command and control, civilians were well treated and any rebels who committed crimes were punished," he explained.

between Sesay and the crimes committed on the ground.

Mr. Jordash also noted with concern that the judgement ignored the defence case of 59 witnesses, 42 of whom were independent civilians.

"The judgement was based on largely the evidence of Prosecution insiders, some of who had received substantial sums, not only

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The defence team maintained that there was no doubt that terrible crimes were committed against the people of Sierra Leone by all the parties to the conflict, but stressed that justice demands a link

Trial Was Unfair

From front page

from the Witness Service but also from the Prosecution, to testify. Many of these insiders opposed disarmament, particularly while Foday Sankoh was imprisoned. They hold Sesay responsible for Sankoh dying in custody and their reduced quality of life in peacetime Sierra Leone, and this together with the money they received, motivated their testimony against Issa Sesay," he said.

He stated that a proper fair trial involves genuine enquiry and the stringent application of the rule of law, requires fair judges and the presumption of innocence.

"We all lose when these requirements are abandoned and when legitimate evidence is ignored to achieve a preconceived result," he said.

He cited Martin Luther King Jr., who said that "injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

The lead counsel concluded his statement by stating that they plan to appeal all the convictions and the manifestly excessive sentence, while hoping that the Appeals Chamber will recognize that justice is for everyone.

Asked whether he is aware that the sentences could be increased if they lose the appeal, Mr. Jordash said what is important is that justice is seen to have been done.

Similar sentiments were also made by the legal team of Morris Kallon headed by Chief Charles Taku, international lawyer.

He argued at a press briefing on the same day that his client was "illegally sentenced several times on

the same set of facts," adding, "that sentence is clearly illegal because it is forbidden by international criminal jurisprudence."

He cited the case of Celebici at the International Criminal Tribunal for Yugoslavia (ICTY), which forbids multiple sentences for the same violations.

Mr. Kallon was the victim of that... He was sentenced three times for the killing of a Nigerian woman," he stated.

He also argued that his client was initially indicted on March 7th 2003, and pleaded not guilty to the initial indictments.

"Thereafter, there were several amendments leading to the filling of new of new consolidated indictments," he said.

He said as a result of the consolidated indictment, the Prosecutor expanded the charges against Mr. Kallon by including new crime basis, sometimes covering new districts, and that even though Mr. Kallon insisted on his right to take a plea to the new indictment, "he was denied this fundamental right."

"I want the people of Sierra Leone to know that Morris Kallon's rights were violated from the inception of this case, and he was tried, convicted and sentenced on consolidated and amended indictments to which he was denied the right by the Trial Chamber to plea," he said.

"This is not the type of justice that the international community and the people of this great country, Sierra Leone, invested so much into," he lamented.

He also noted that his client has been convicted on crimes that were never charged in the indictment, adding that the Trial Chamber agreed with the Kallon defence in paragraphs 376-399 that

"no crimes underpinning the personal responsibility of Morris Kallon were pleaded in the indictment, and that Joint Criminal Enterprise ought to have been unambiguously pleaded, "yet without an application from the prosecution for an amendment, the Court on its own went ahead to invoke unjustified and egregiously biased and prejudicial reasons to proceed to convict Mr. Kallon."

"We believe that the fundamental bases of a fair trial were violated and that the judges compromised their independence in so proceeding. That is how Kallon came about being convicted and sentenced ...for the crimes to which the very Court agreed he was never charged. That is conviction by ambush and that is not what the international community and the people of Sierra Leone bargained for," he stated.

Given all these reasons and many more, the lead counsel said he has been instructed by his client to appeal so as to give the opportunity to save the legacy of the Special Court "by correcting this travesty."

"This is not just about Kallon, but about the future of criminal justice in Sierra Leone and other civilized countries around the world," he said.

He stated that his client would prefer to spend his jail term here in Sierra Leone instead of Rwanda or any other place, where there is very little regard for human rights, and where they will be totally removed from their culture and relatives.

That, he said, is a final appeal to the government of Sierra Leone, not to surrender them to a foreign government.

"Both of them wish to serve their sentences in Sierra Leone," he concluded.

Awareness Times

Tuesday, 14 April 2009

“ The Fundamental Right of Issa Sesay Was Denied”

By Bintu A. Sesay

"I do not believe that the totality of the evidence before the Trial Chamber was reflected in the judgment", says Lead Counsel for RUF convict Issa Hassan Sesay, at a press conference on Thursday 9th April 2008, at the Sierra Leone News Agency (SLENA). He was reacting to the sentencing of his client to a 52-year imprisonment, by the Special Court for Sierra Leone. According to Mr. Jordash who clearly registered his disappointment at the stance taken by Judges of the Trial Chamber to sentence his client to such a long term, said his client was 38 years old when he became the interim leader of the Revolutionary United Front (RUF) in August 2000, at the request of ECOWAS Heads of States.

He went on to state that his client was best known for pushing the RUF Movement through disarmament, and for his critical role in the peace process. Expressing disappointment with both the conviction and sentencing of his client, Mr. Jordash pointed out that "the Defence case was built largely on evidences of civilians, people working as farmers, teachers, nurses, palm wine sellers - who left their homes to travel to Freetown to speak on Sesay's behalf.

The Defense Witnesses, Mr. Jordash maintained, all told a consistent story that in areas where Issa Sesay had command and control, civilians were well-treated and that any rebel fighter who committed a crime against any civilian was punished.

Mr. Jordash made it clear that Sesay's Defence is not averse to the fact that terrible crimes were committed against Sierra Leoneans by parties to the conflict, but noted that justice demands a link between Sesay & the crimes committed during operations.

In line with this, Mr. Jordash alleged that the defence's case, in which 59 witnesses testified, 42 of whom were independent civilians, was ignored.

He added that, "The judgment was based largely on the evidences obtained from prosecution inside witnesses, some of whom had received substantial sums not only from the witness service but also from the prosecution to testify".

Concluding, Mr. Jordash observed that a proper fair trial involves genuine enquiry and the stringent application of the rule of law, adding that it requires fair judges and the presumption of innocence.

Mr. Jordash stressed further that Issa Sesay's defense team intends to "appeal all convictions" and "the manifestly excessive sentence".

"We hope that the Appeals Chamber will recognize that justice is for everyone, including Mr. Issa Sesay", Wayne Jordash ended.

Concord Times Online

Wednesday, 15 April 2009

West Africa: If Taylor, Why Not Compaoré?

Sahr Morris Jr

Freetown — The shadow over Burkina Faso's Blaise Compaoré is that Liberia's ex-President Charles Taylor may, during his trial at the Sierra Leone Special Court, sitting in the Hague, produce some embarrassing revelations about their cooperation (AC passim).

According to Africa Confidential 2009, Compaoré collaborated with warlord Taylor from the start of his rebellion in 1990 until around 2004, when they fell out over money.

Despite international condemnation (though Paris hardly said a word), Compaoré continued to supply arms to Taylor and the late Sierra Leonean militia leader Corporal Foday Sankoh and his Revolutionary United Front.

The Special Court has RUF documents which explicitly refer to the help Compaoré gave Sankoh.

It could be recalled that The Washington Post in 2000 reported that intelligence sources on Sierra Leone's rebel war and diplomats said international efforts almost failed in part because the isolated nation of Burkina Faso provided a key lifeline in the rebels' procurement of weapons.

Despite being under an international arms embargo, leaders of Sierra Leone's Revolutionary United Front procured at least five large planeloads of weapons from the former Soviet bloc through Burkina Faso in 1998 and 1999.

AllAfrica.com

Tuesday, 14 April 2009

Sierra Leone: Special Court Receives Funding Reprieve

Freetown — The Special Court for Sierra Leone has received US\$6.5 million in new contributions - enough, court registrar Herman von Hebel says, to avoid a shortfall that could have enabled former Liberian leader and war crimes defendant Charles Taylor to go free.

In March the court forecasted that funds would run out at the end of April, leading to concern that Taylor's trial could be delayed or discontinued, according to Special Court (SCSL) prosecutor Stephen Rapp.

"I could have the best evidence in the world, I could have the strongest advocacy, but if we ran out of funds, the court might have to let the accused go," Rapp told IRIN.

"You can't hold them if you don't have the resources to finish the trial. I don't want that to happen."

The recent donations will allow the court to continue functioning through June, according to von Hebel. Other contributions are expected to come through in the coming months. The court has said it needs \$28 million for 2009.

Anger

Many Sierra Leoneans are angry at how much the court has cost. "My whole family was displaced during the war. I needed money to build a new home, to send my children to school, to feed my family - we are living in poverty here. What has been the point of all this spending [on the court]? Why does it need more money?" Alison Turay, who lives in Kroo Bay slum in the capital, Freetown, told IRIN.

Victims of the conflict in Makeni, 120km east of Freetown, told IRIN that while they supported the work of the Special Court, programmes to help Sierra Leoneans recover their lives should also not be overlooked by donors.

Up to 100,000 Sierra Leoneans - among them amputees and other war-wounded, victims of sexual violence, war widows and children who are eligible for post-war reparations - have yet to receive any compensation. The National Commission for Social Action (NACSA), which is running the reparations programme, has less than \$3.5 million to run the programme in 2009-10 - far less than the \$14 million it requires.

I could have the best evidence in the world, I could have the strongest advocacy, but if we ran out of funds, the court might have to let the accused go

Funding voluntary

Unlike the international tribunals for Rwanda and the former Yugoslavia, where funding by UN members is stipulated, funding for the Special Court for Sierra Leone - a unique hybrid national/international body - is voluntary.

The SCSL's mandate is also limited, focusing on "persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law" from 1996 to the end of the 11-year civil war in January 2002. Thirteen people were indicted by the court.

Financial squeeze

Von Hebel said sluggish funding does not mean dwindling support for the court's work. "The political will is still there, but the financial means are more limited."

With similar tribunals now starting in Lebanon and Cambodia, there is more demand for money for international justice at a time when donors are facing the global financial crunch, Dominic Stanton with the British High Commission in Freetown told IRIN.

Relevant Links

The last trial to be held in Sierra Leone is nearing completion; three former leaders of the rebel Revolutionary United Front were sentenced on 8 April and appeals are expected to be completed by October. Charles Taylor's trial is taking place in The Hague.

Von Hebel expects Taylor's trial to wrap up at the end of 2009, with sentencing and appeals continuing through 2010.

The court's budget will drop to \$12.7 million in 2010, he said.

[This report does not necessarily reflect the views of the United Nations]

Voice of America

Friday, 10 April 2009

Rwanda Reacts to Release of Genocide Suspects in UK

By Thomas Rippe

Kigali, Rwanda

Rwandans continue to bury victims of the 1994 genocide that left 800,000 dead. This week Rwanda commemorates fifteen years since the 1994 genocide. Many here are outraged that during this time of national remembrance and mourning the British High Court has ordered the release of four genocide suspects.

The men were released after the British High Court decided that the UK lacked jurisdiction to try the suspects and that the suspects would not receive a fair trial in Rwanda and therefore could not be extradited.



Rwandans like Yvonne Umugwaneza are deeply angry about the decision. She says it's especially disappointing since the UK has been such a strong supporter of Rwanda. "If the UK releases four suspects, tomorrow they will release maybe ten if they have. This will happen in France like it happened before. If this happens in the whole Europe, what about the rest of the world? I'm not sure that also the United States will also make the difference. I'm not sure. And if the whole world is against the good justice for the suspects of the Rwandan genocide, what next? It's like all countries, all states, are denying the genocide in Rwanda," she said.

In April, 1994 unknown assassins shot down the plane carrying then-President Juvenal Habyarimana. The death of Habyarimana, a Hutu, set off a wave of violence against Rwanda's Tutsi minority. Over the next 100 days extremist Hutu militia killed 800,000 Tutsis and moderate Hutus.

Ever since then Rwanda has been working to achieve some sense of justice. Trials continue to this day in Rwanda's traditional gacaca courts and at the International Criminal Tribunal for Rwanda, based in neighboring Tanzania. And the international hunt for perpetrators also continues.

Martin Ngoga, Rwanda's Prosecutor General, says that while he is disappointed with the decision, he also appreciated the efforts of British prosecutors "The Crown Prosecution did a lot of work, they spent quite a lot of resources, they spent quite a lot of time. Their investigators were here, some of them I think stayed here for one year, working on these cases. We have never received a level of cooperation from one country than we received from the Crown Prosecution services in the UK," he said.

So while Rwandans still view the United Kingdom as friends, Umugwaneza and others are concerned about the consequences of the release of the suspects. "I'm not happy, as a genocide survivor. I'm not at all happy. Because this is not a good example from the UK," she said.

Rwandans are very suspicious of European ideas of justice, especially after the arrest of Rose Kabuye, chief of protocol for President Paul Kagame, in Germany last year. That arrest led to Rwanda asking the German government to recall its ambassador, seriously straining relations between the two countries.

Cocorioko

Tuesday, 14 April 2009

FACTSHEET : Africa and the International Criminal Court

Written by Stephen Arthur Lamony : Africa Outreach Liaison & Situations Advisor

In light of the recent arrest warrant issued for Sudanese President Omar Al-Bashir by the International Criminal Court, there have been allegations from some Arab and African leaders as well as certain prominent public figures and organizations that the ICC is a hegemonic tool of the West, designed to subjugate leaders of the African continent and advance an imperialist agenda.

Here are the facts on Africa and the ICC:

ON AFRICAN GOVERNMENTAL INVOLVEMENT IN ESTABLISHING THE COURT:

- African countries have been actively involved in the establishment of the International Criminal Court and the Rome Statute since negotiations for the Court began in earnest more than 20 years ago.
- Delegations from African states including Lesotho, Malawi, Swaziland, Tanzania and South Africa participated in discussions as early as 1993 when the International Law Commission (ILC) presented a draft statute to the United Nations General Assembly for consideration.
- 47 African states were present for the drafting of the Rome Statute, the founding treaty of the ICC, at the Rome Conference in July 1998; many of these countries were members of the Like-Minded Group which pushed for the adoption of the final Statute.
- Of the 47 African countries involved in the drafting of the Statute, the vast majority of them voted in favor of adopting the Rome Statute and establishing the ICC.

ON THE INVOLVEMENT OF AFRICAN CIVIL SOCIETY IN DEVELOPING THE COURT:

- Over 800 African civil society organizations are members of the Coalition for the International Criminal Court, representing approximately one-third of the global membership of the Coalition.
- 21 African countries have National Coalitions for the ICC which actively work for the implementation of Rome Statute provisions into national legislation and the strengthening of the Court's activities in Africa.
- Civil society organizations all over Africa are engaged in the fight against impunity and for the right of victims to truth and justice for atrocities committed against them. They see the ICC as an important complementary tool in their struggle to establish justice as the norm, rather than the exception.

ON CONTINUING AFRICAN SUPPORT OF THE COURT:

- 43 African countries are currently signatories to the Rome Statute of the ICC.
- 30 African countries have ratified the Rome Statute and are members of the ICC, making Africa the most represented region among the Court's membership.
- Approximately 20 African countries have final or draft national implementation legislation which incorporates the crimes listed under the Rome Statute, in order to ensure complementarity with the Court and/or enable full cooperation with the Court.
- In 2005, the African Commission on Human and Peoples' Rights issued a resolution on ending impunity in Africa and on the domestication and implementation of the Rome Statute of the ICC. It called on civil society organizations in Africa to work collaboratively to develop partnerships to further respect the rule of law internationally and to strengthen the Rome Statute.
- In the Strategic Plan of the African Union for the period of 2004-2007, one of the five commitments taken by the Union was to ensure the ratification of the ICC convention by all countries.

ON AFRICAN REPRESENTATION IN THE COURT:

- 5 of the Court's current judges are African: Fatoumata Dembele Diarra (Mali), Akua Kuenyehia (Ghana), Daniel David Ntanda Nsereko (Uganda), Joyce Aluoch (Kenya), Sanji Mmasenono Monogeng (Botswana). One former judge, Navanethem Pillay, (South Africa) is now the UN High Commissioner for Human Rights.
- In the recent March 2009 elections for new judges, 12 out of a total of 19 judicial candidates were Africans nominated by African governments.
- Among other Africans occupying high-level positions within the Court's internal structure are:
Fatou Bensouda (The Gambia) - Deputy Prosecutor of the ICC
Judge Fatoumata Dembele Diarra (Mali) - current First Vice President of the Court following the vice presidency of Ghanaian Judge Akua Kuenyehia
Didier Preira (Senegal) - Deputy Registrar

ON THE COURT'S INVOLVEMENT IN AFRICA:

- 3 of the 4 cases currently under investigation were referred to the Court by African governments themselves; between 2003 and 2005, the governments of Democratic Republic of Congo, Uganda, and the Central African Republic referred situations occurring on their territory to the Office of the Prosecutor of the ICC. These governments, all States Parties to the Rome Statute, recognized the lack of capacity of their national courts to address the grave acts occurring on their territory and subsequently requested that the Court open investigations into these alleged crimes in accordance with the complementarity principle of the Rome Statute.
- The 4th case, the situation in Darfur, Sudan, was referred to the Court by the UN Security Council in 2005; there were no dissenting votes among Council members on this resolution, including African Council members; both Benin and Tanzania voted to refer the situation while Algeria abstained from voting.
- The Court is also analyzing situations in Colombia, Afghanistan, and Georgia, and is examining whether the ICC has jurisdiction over the Palestinian territories and any crimes which may have occurred there since 1 July 2002. In years to come, it will no doubt open investigations in other parts of the globe as well.

ON AFRICA'S NEED FOR AN INTERNATIONAL CRIMINAL COURT:

- In the past decade alone, millions of Africans have lost their lives in conflicts and have been the target of war crimes, crimes against humanity, and, arguably, genocidal campaigns perpetrated against them by ruthless individuals.
- By attempting to punish those responsible for these crimes, the Court is standing up for African victims and attempting to prevent the future occurrence of atrocities.

THE ICC IS NOT A WESTERN COURT PICKING ON AFRICA

IT IS A GLOBAL COURT WITH HISTORICALLY VERY STRONG AFRICAN SUPPORT IT WOULD NOT BE THE COURT IT IS TODAY WITHOUT THE VALUABLE INPUT, INVOLVEMENT, AND SUPPORT OF THE MAJORITY OF AFRICAN STATES THE COURT SEEKS JUSTICE FOR ALL VICTIMS, INCLUDING AFRICANS; IT NEEDS

THE ONGOING SUPPORT OF AFRICAN GOVERNMENTS, CIVIL SOCIETY, AND THE PUBLIC IN ORDER TO ENSURE SUCCESS

THE ICC IS AN INTEGRAL AND ESSENTIAL PART OF THE FIGHT AGAINST IMPUNITY ALL OVER THE WORLD

Stephen Arthur Lamony

Africa Outreach Liaison & Situations Advisor

Coalition for the International Criminal Court

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Special Court Supplement
Hostage Contingency Exercise, in Photos
Wednesday, 15 April 2009



