

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



A village in Biriwa chiefdom

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:

Wednesday, 17 November 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

Local News

Issa Sesay Spits Fire / <i>The Exclusive</i>	Page 3
Former Commando Asks for Forgiveness / <i>New Vision</i>	Page 4

International News

'Terrible Crimes Were Committed in Sierra Leone' Taylor's Lawyer Admits / <i>Daily Observer</i>	Pages 5-6
The Diamond Industry's Search for Clarity / <i>The Guardian</i>	Pages 7-8
Senegal: Donors to Meet to Fund Hissène Habré Trial / <i>Human Rights Watch</i>	Pages 9-10
Extradition of 'Arms Dealer' Viktor Bout Goes Ahead / <i>BBC Online</i>	Pages 11-13
Challenging Impunity the Legacy of the International Criminal Tribunal.../ <i>Foroyaa Newspaper</i>	Pages 14-15
December Date for Six Kenya Chaos Suspects / <i>Daily Nation</i>	Pages 16-17
Khmer Rouge Tribunal Final Cases / <i>Open Society Justice Initiative</i>	Page 18
Khmer Rouge Tribunal in Jeopardy / <i>The Nation</i>	Pages 19-20
ICC Intermediary Denies Bribing Witnesses in Lubanga Trial / <i>Radio Netherlands Worldwide</i>	Page 21
Bangladesh Becomes ICC State Party / <i>Radio Netherlands Worldwide</i>	Page 22

The Exclusive

Wednesday, 17 November 2010



Gen. Issa Sesay

Issa Sesay Spits Fire

***We Are Suffering In Rwanda**

We Are Suffering In Rwanda

By Ibrahim Foday

The convicted former leader of the Revolutionary United Front (RUF) rebel movement, self styled Gen. Issa Sesay has disclosed to The Exclusive that himself, Morris Kallon, Augustine Gbao, Alex Tamba Brima (Gullit), Allie Kondowa, Moininah Fofanah and Santigie Kamara a.k.a 55 are currently suffering in Rwanda detention centre.

Speaking to this reporter from their detention center in Rwanda over the weekend, the former RUF strongman said the Special Court of Sierra Leone (SCSL) has neglected them with regards their wel-

fare. This, he said, has made life very difficult for them especially when he said they are serving their jail terms in a foreign country.

According to Gen. Issa Sesay, the Registrar of the SCSL, Madam Binta Mansaray recently sent a correspondence to the Rwanda Prisons Authorities informing them that, the Special Court has ceased to support their wellbeing and that they should now be treated like other Rwandese prisoners. He said the said correspondence was also copied to them.

Elaborating further, the convicted RUF leader said they no longer receive allow-

ances from the Special Court, they are also denied access to their lawyers and worse of all, their family members are no longer allowed to visit them. According to Issa Sesay, the Special Court has refused to provide air tickets for their family members to visit them. "This is unfair," he lamented. Gen. Issa Sesay is however calling on Government to facilitate the trip of the Sierra Leone Ambassador to Ethiopia to visit them so as to have firsthand information about their current plight. He said they would also want him to engage the Special Court on how to address their issue and see how he can influence their

New Vision

Wednesday, 17 November 2010

Former Commando Asks For Forgiveness

By Mohamed Koroma

Fambul Tok International last Friday reconciled the people of Kamara chiefdom in the Kono district at a ceremony held at the Tombodu court barray.

The reconciliation was focused on Mr. Mohamed Savage former soldier of the Republic of Sierra Leone who in 1998 became rebel commander in the eastern district of Kono.

See page 10

Former Commando Asks For Forgiveness

In his testimony, Savage said he became commander in the jungle when lots of atrocities were committed ranging from arson to decapitation of civilian heads and hands among others. The rebel commander maintained that since he was in control of some parts of the Kono district, he had no alternative but to claim responsibility for all atrocities that were committed. The ex-rebel commander called on the people of Kamara Chiefdom to forgive him for what had happened during the civil war years.

Savage explained how he was jailed for eight years, six months and eight days at the maximum Pademba road prison, adding that after his release he decided to come to the people of Kamara chiefdom to ask for forgiveness for all the atrocities that he might have committed against them.

He maintained that with the help of

Famble Tok International, he hoped to once more reunite with the people of Kono.

In his statement, Paramount Chief Aiah Melvin Ngekia II of Kamara Chiefdom called on his people to accept the apology of Mohamed Savage who he said has openly accepted all the atrocities they committed during the war. Chief Aiah Ngekia noted that such a man should be embraced even though he noted it is difficult considering the level of atrocities that took place in the district.

In her contribution, the chiefdom chairlady Madam Bondu Kaku maintained that even if the youths decided to mutilate Savage's body, the lives that have been lost during the war will not be regained. Madam Kaku who was speaking on behalf of the women

noted that if the former commando has come out and asked for forgiveness, the people of Kamara chiefdom should accept it. She said that the former rebel commando is welcomed in the chiefdom in spite of all what has happened.

Meanwhile at a press conference held at the Fambul Tok International office in Koidu city, the Director Fambul Tok International Mr. John Caulker pointed out that they have been working with the people in the chiefdom in particular and the district in general to reconcile with Mr. Mohamed Savage who many see as some one that brought hardship to the Kono community. Mr. Caulker therefore called on the people to accept Savage's apology.

Daily Observer (Liberia)
 Wednesday, 17 November 2010

'Terrible Crimes Were Committed in Sierra Leone' Taylor's Lawyer Admits

By: Alpha Sesay



*Former President
 Taylor*

Closing his war crimes trial that lasted for more than one year, defense lawyers for former Liberian president Charles Taylor acknowledged the brutal nature of the crimes that were committed in Sierra Leone and expressed grave concerns for victims of those crimes.

The defense presented 21 witnesses at The Hague trial to testify on behalf of the former Liberian president. Taylor has been on trial on an 11-count indictment in which prosecutors alleged that he 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 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.

In bringing Mr. Taylor's defense to a formal closure on November 12, 2010, 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 made, like to make it 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 the 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, 2011 to hear closing arguments from the parties.

The diamond industry's search for clarity



Charles Taylor, the former Liberian president, sits in the the international criminal court last year during his war crimes trial. Photograph: United Photos/Robin Van Lonkhuijsen/EPA

rapes and amputations.

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

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 fuelling 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 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 \$35m 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 12 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 organisations and industry representatives to monitor the human rights situation. More significantly, in a speech in Mumbai earlier this year, he laid out requirements for legitimising 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.

Human Rights Watch

Tuesday, 16 November 2010

Senegal: Donors to Meet to Fund Hissène Habré Trial

For Immediate Release

(Dakar, November 16, 2010) – A meeting of international donors in Dakar on November 24, 2010, to finance the prosecution of Hissène Habré is a potential turning point in the long campaign to bring the former Chadian dictator to justice, a coalition of human rights organizations said today.

Proceedings against the exiled dictator have been held up for years due to Senegal's insistence on full up-front international funding. The meeting is expected to result in pledges to match the US\$11.7 million (€8.59 million) budget presented by the African Union and the European Union. The Senegalese government has said that it will begin pretrial proceedings once it receives the funding.

"After so many years of tenacity and disappointments, Hissène Habré's victims can finally see the light at the end of the tunnel," said Reed Brody, counsel for Human Rights Watch, who works with the victims. "Senegal needs to get the proceedings under way before even more survivors die."

Habré is accused of thousands of political killings and systematic torture when he ruled Chad, from 1982 to 1990, before fleeing to Senegal. Habré was first indicted in Senegal in February 2000, but Senegalese courts ruled that he could not be tried there. His victims then turned to Belgium and, after a four-year investigation, a Belgian judge in September 2005 sought his extradition. On July 2, 2006, the African Union said it would instead "mandate" Senegal to prosecute Habré "on behalf of Africa," and President Abdoulaye Wade declared that Senegal would do so. For years, however, Senegal has said that it would not process the case until it received €27 million, its estimate of the costs, from the international community.

After lengthy negotiations, the AU and EU presented the budget of roughly €8.59 million. The budget foresees a 20-month pretrial investigation and a 5-month trial. The AU, the EU, Belgium, Chad, the Netherlands, and the United States have already indicated that they will make significant contributions to the trial, and other contributions are expected.

Special rules need to be put in place to prosecute mass crimes by a former head of state of another country, said Human Rights Watch, the Chadian Association for the Promotion and Defense of Human Rights (ATPDH), the Dakar-based African Assembly for the Defense of Human Rights (RADDHO-Senegal), and the International Federation of Human Rights (FIDH). The groups called on Senegal and the AU for the rapid conclusion of an agreement on witness and victim protection, immunity for "insider" witnesses, and the broadcast of proceedings to Chad.

Senegal had said that it did not want to be involved in handling funds for the trial. Under the funding plan, contributions will be deposited in an AU-controlled bank account. A management committee, with representatives from Senegal, the AU, the EU, and leading donors, will supervise the distribution of funds.

"A fair trial for Habré in Senegal could be a milestone in the fight to hold the perpetrators of atrocities in Africa accountable for their crimes," said Alioune Tine, president of RADDHO.

The groups said that one of the major challenges to maximizing the impact of Habré's trial would be to ensure its accessibility to the Chadian people. The budget includes a significant amount for outreach, press information, and trial monitoring activities.

"Holding Habré's trial thousands of miles away from the victims and the country he ruled will require significant outreach to make sure that people in Chad know and understand what is happening and that the trial stimulates their own understanding of the past and the search for justice," said Dobian Assingar, a Chadian activist with the FIDH.

For more Human Rights Watch reporting on the Habré case, please visit:
<http://www.hrw.org/en/habre-case>

For more information, please contact:

In Geneva, for Human Rights Watch, Reed Brody (English, French, Spanish, Portuguese): +32-498-625-786 (mobile)

In Dakar, for the African Assembly for the Defense of Human Rights, Alioune Tine (French, English): +221-644-33-96 (mobile)

In N'Djamena, for the International Federation of Human Rights Leagues (FIDH), Dobian Assingar (French): +235-66-29-06-80 (mobile)

In N'Djamena, for the Chadian Association for the Promotion and Defense of Human Rights (ATPDH), Jaqueline Moudeina (French): +235-66-27-09-92

BBC Online

Tuesday, 16 November 2010

Extradition of 'arms dealer' Viktor Bout goes ahead



Alleged arms dealer Viktor Bout is on his way to the United States from Thailand after being extradited to face charges of conspiring to sell weapons.

The Russian national was flown out of Bangkok after the Thai cabinet backed the US extradition request after months of legal wrangling.

Mr Bout was arrested in Bangkok in 2008 after allegedly trying to sell weapons to agents posing as Colombian rebels.

Russia's foreign minister has called the extradition a "glaring injustice".

Sergei Lavrov reiterated Russia's belief that the US pursuit of Mr Bout was politically motivated, and said Russia would use all legal means to support him.

Mr Bout, who is 43, allegedly spent more than 15 years running guns to African warlords and Islamic militants.

He was dubbed the Merchant of Death by a British politician.



Mr Bout's wife Alla rushed to the prison to see him - but found she was too late

But he denies being, or ever having been, an arms dealer - and Moscow also insists he is innocent.

If convicted, he faces a maximum penalty of life in prison.

Thai dilemma

Mr Bout was flown out of Bangkok on a charter flight hours after Prime Minister Abhisit Vejjajiva said the Thai cabinet had backed an appeal court ruling which cleared the way for his extradition.

Dozens of police officers watched over the operation as Mr Bout was transferred from a maximum-security prison to the airport.

Analysis



Mark Doyle BBC international development correspondent

Viktor Bout first came to prominence a decade ago when he was described in a United Nations report as "a well-known supplier of embargoed non-state actors" - the UN's way of describing an arms supplier to rebels.

He was alleged to have supplied arms to Angola, Liberia and the Democratic Republic of Congo. But he is also suspected of having used his network of air freight companies to supply weapons, in the early 1990s, to Afghanistan and Bosnia.

A website that describes itself as "The official site of Viktor A Bout" says he is a businessman with an undying love for aviation and an eternal drive to succeed.

The website says he started his career in the army of the former Soviet Union - and it was when the Soviet Union collapsed that he started buying up surplus Antonov and Ilyushin cargo planes.

His wife, Alla Bout, who has been a frequently tearful figure at Mr Bout's court hearings over more than two years of detention since he was arrested, appeared outside the prison in an apparent attempt to see her husband before he left - but she was too late.

Mr Abhisit has faced a difficult dilemma over Mr Bout's case, says the BBC's Vaudine England in Bangkok - whether to co-operate with long-standing ally the United States or to appease Russia, which has a growing tourist and business presence in Thailand.

The courts went back and forth, promising and then delaying the extradition.

A Thai court ruled in August that the extradition should go ahead within three months.

The US even sent a plane to pick him up - but that move proved to be over-confident, our correspondent says.

The courts delayed the extradition again, saying that other charges of money laundering and fraud, earlier laid by US prosecutors, had to be examined.

In October, the court decided to drop those charges, clearing the way for extradition.

But Moscow has been demanding his release, saying that Mr Bout is an innocent businessman and criticising the extradition moves as politically motivated.

'Illegal'

"It is deeply regrettable that the Thai authorities have yielded to political pressure from outside and carried out this illegal extradition," Russia's Foreign Ministry said in a statement on Tuesday.

Both Mr Bout's wife and the Russian embassy have expressed surprise at the sudden nature of Mr Bout's removal.



Moscow says Mr Bout is the victim of a politically motivated campaign

"Nobody knew about this [the extradition], neither I nor the lawyer," she told Russia's Rossiya Television.

"I came to the prison but Viktor was no longer there. This is clearly a decision that has been lobbied for by the US and taken under US pressure because only several

days remained till Viktor's term was up and, under the law, he was supposed to be freed because from the legal point of view, from the point of view of legality, we had every ground to win this case."

In remarks quoted by Russian news agency Interfax, Mr Bout's attorney Viktor Burobin alleged the extradition was illegal "because the Thai court never reviewed the second US extradition request".

A Russian embassy official told the BBC that the Russian consul had also been unable to see Mr Bout.

Mr Bout, a former Russian air force officer, is thought to have knowledge of Russia's military and intelligence operations.

Diplomats fear the revelations Mr Bout might make in open court, our correspondent says.

Foroyaa Newspaper (Serrekunda)

Monday, 15 November 2010

Rwanda: Challenging Impunity the Legacy of the International Criminal Tribunal for Rwanda for the African Continent

Banjul, The Gambia, 13 November 2010. (On the margins of the 48th ordinary session of the African Commission on Human and Peoples' Rights)

Opening Remarks (Excerpts) by Justice Hassan Bubacar Jallow (Former Justice of the Supreme Court of The Gambia), Chief Prosecutor, UN-ICTR

Some sixteen years ago in 1994 what may perhaps rank as the world's worst humanitarian tragedy unfolded in that small but beautiful country in the Great Lakes Region of Africa. Over a period of a hundred days close to a million people were killed - men, women and children - for no reason other than their minority Tutsi ethnicity. With them too perished non-Tutsis, people of courage who stood up to the murderous genocidaires and protected the victims.

For the past decade and a half the UN-ICTR, created and mandated by the UN Security Council acting under Chapter VII of the UN Charter has been actively engaged in prosecuting those who played a leading role in the tragedy of 1994 and in so doing on our part to contribute to healing, reconciliation, justice and the restoration of the rule of law in Rwanda and in this way to strengthening the worldwide struggle against impunity and the global quest for justice.

The execution of such a mandate has been full of challenges. But the level of international cooperation and support enjoyed by the Tribunal from member states has greatly assisted in effectively meeting these challenges. African states have been in the forefront of such cooperation, particularly in respect of the critical aspects of our work relating to arrest and transfer of fugitives being sought by the ICTR as well as providing other facilities such as places of imprisonment for convicted persons. We are indeed greatly indebted to them and the other member states of the United Nations for their valuable and indispensable support.

In the course of its mandate the ICTR has indicted some 93 persons who played a leading role in the Rwandan genocide of 1994. With the cooperation of states and with the effective tracking activities by my office we have been able to arrest 83 of these indictees in operations covering some 50 countries; Ten (10) of the indictees however continue to be fugitives from justice. We shall however continue the relentless search for them to bring them to justice. They should be aware of the fact that there is no limitation period for the prosecution of the crimes of genocide, war crimes and crimes against humanity with which they stand indicted.

We have now concluded the trial of 55 of the accused with 47 convictions and 8 acquittals. Judgments are expected in respect of some 16 other accused persons and the trials of 5 other accused persons are in progress. We expect to conclude the trials of the last detainees shortly and conclude the trial phase of the current detainees by mid 2011. The appellate workload would continue into late 2012 or early 2013 when, with its conclusion we anticipate the closure of the Tribunal.

The ICTR has not however been alone in this venture of combating impunity through the administration of international criminal justice. The ICTY, the Sierra Leone Special Court and the Extraordinary Chamber of the Cambodian Court and indeed several other national jurisdictions have been active partners of an international criminal justice process which has within a decade and a half succeeded in bringing to account over 300 leading personalities who might have otherwise escaped justice; in expanding the frontiers of international law through a rapid and extensive development of the jurisprudence in the

substantive law as well as on practice and procedure; and in developing best practices and techniques in all aspects of the investigation and prosecution of international crimes as well as in its judicial administration.

Today as the ICTR and indeed all the other ad hoc tribunals stand on the verge of closure a few years hence, the principal challenge we face is how to secure, consolidate and further improve upon the gains made by these tribunals in combating impunity and in promoting justice and accountability. International criminal justice, despite its potency has the limitation that its reach must be reserved only for the most difficult cases, those whom national jurisdictions cannot or will not undertake to prosecute. But the primary responsibility for investigating and prosecuting these serious crimes, as the JCTR and ICTY experiences as well as the ICC complementarity regime underscore, rests with national states, with national jurisdictions.

Each state must discharge that responsibility, that legal obligation fully and effectively. No state should permit impunity to reign in its territory or for its territory to be used as a safe haven for those who violate so egregiously the right of others. Each state should ensure that its justice and law enforcement institutions as well as its legal framework has adequate capacity to effectively bring violators to account. Law reform to domesticate international criminal law - both treaty and jurisprudence as well as capacity building through training and other measures can assist substantially to this end. The ICTR stands ready to share its experience in this respect.

Technical capacity and competence can however be useful only if supported by the requisite political will to combat impunity and promote justice. Impunity breeds injustice. Injustice leads to conflict, very often the setting for mass atrocities that international justice is called upon to attend to. As the former UN Secretary-General Kofi Annan put it so memorably in welcoming the first judgment on genocide delivered by the ICTR in the case of Prosecutor v. Jean Paul Akayesun that there can be no peace without justice and no justice without accountability.

At the heart of all the conflicts in which international criminal justice is called upon to intervene as part of post-conflict reconstruction is the common denominator of poor governance: disrespect and disregard for the rule of law, systematic violations of human rights, disregard for democratic principles, impunity and lack of accountability and social and economic injustice. Whilst we must remain clearly committed to bringing to account in a court of law those who commit particularly these serious crimes, the best option must always be a preventive strategy. A strategy which aims at building and sustaining an environment of good governance in all our communities - based on the respect for the rule of law, the equal protection of the rights of all, an independent, impartial and effective judiciary, on democratic principles and on the accountability of all those who carry the public trust. Such an environment provides the best bulwark against conflict and its attendant consequences as well as providing the basis and opportunity for progress. If we make our communities spaces for justice and good governance they we will also, no matter how small their size, be havens of peace, tranquility and progress.

I hope that the UN-ICTR, through these series of events, will be able, in partnership with governments, civil society and the African Commission to contribute in no small measure to creating the capacity, enhancing the political will and fostering the environment to enable national systems discharge effectively their primary responsibility of combating impunity through accountability so that peace, justice and progress can prevail in our countries.

I wish us all a successful conference and thank you for your attention.

December date for six Kenya chaos suspects

By BENJAMIN MUINDI, bmuindi@ke.nationmedia.com



International Criminal Court Prosecutor Luis Moreno-Ocampo has said he will present names of six post-election violence suspects to the ICC Judges before the year ends

The International Criminal Court Prosecutor Luis Moreno-Ocampo has said he will present names of six post-election violence suspects to the ICC Judges before the year ends.

Mr Moreno-Ocampo, speaking through a video link, said he has been collecting evidence against the individuals who used their communities to carry out crimes against humanity.

He said the suspects will be drawn from both the Party of National Unity (PNU) and the Orange Democratic Movement (ODM).

"We'll prove that some leaders from both parties, both sides, were abusing the loyalty of their communities to attack others," he said.

"This will never happen again.

"For the last months we were collecting evidence to present the case before the judges who will review our application and decide," he said in a video recording at his offices in The Hague.

The video clip, shot on Monday, was shared Tuesday by a part of ICC team that is conducting a two-week training for journalists in Nairobi.

"The crimes committed were serious," Mr Ocampo went on.

"They were not just crimes against one community or Kenya; but crimes against humanity and justice has to be done."

"This is why the ICC is important," he added.

The violence that was sparked by a disputed presidential election left 1,133 Kenyans dead and 650,000 others displaced.

“We hope that the ICC will contribute to the prevention of future crimes in Kenya. But it’s not just the work of the ICC, it’s a common challenge.”

He noted that Kenyans will have to face the challenge as well as work together to compensate the victims of the violence - those who were displaced, tortured or rape.

“The people will also have to work together and select a new leadership in 2012 and ensure that the General Elections are peaceful.”

“It is a challenge but you will not be alone. We will work together to ensure that there is justice in Kenya and no more violence in the future.”

Two weeks ago, Eldoret North MP William Ruto visited the Hague for a meeting with Mr Moreno-Ocampo to "set the record straight".

Mr Ruto said he had requested the meeting to record a statement with the court.

He said: “I asked for an appointment with Ocampo and his group so that we can set the record straight and get to the truth and I’m happy that they gave me the appointment.”

On his return, the suspended Higher Education minister said he was satisfied with his trip and that he held successful discussions with ICC investigators.

Open Society Justice Initiative

Monday, 15 November 2010

Update: Khmer Rouge Tribunal Final Cases

The Open Society Justice Initiative has been monitoring the progress of the Khmer Rouge Tribunal since its inception. We'd like to update you on our latest report, examining how the court can best conclude its work.

High-level war crimes cases should be tried by the UN-backed Extraordinary Chambers in the Courts of Cambodia, rather than transferred to local courts, said a report released this month by the Open Society Justice Initiative. Ordinary domestic courts cannot guarantee international fair trial standards, given the intense political interference of Cambodian leaders.

Four cases—involving a total of ten accused persons—are currently pending before the tribunal. Case 001 is under appeal; Case 002 is set to go to trial in mid-2011. Cases 003/004, involving persons alleged to be “most responsible” for Khmer Rouge crimes, are currently under investigation, but Cambodian leaders have repeatedly sought to block their progress. Last month, Cambodian Prime Minister Hun Sen publicly repeated his view that the cases should not continue and vowed to stop them.

In light of this direct political interference, the Justice Initiative has called on the United Nations and international donors to help ensure that any completion plan for the court guarantees fair trials and appeals in all remaining cases on its docket.

While a few different proposals are under discussion among policymakers, the Justice Initiative argues that it is possible for the existing hybrid tribunal to keep expenses in line and bring all cases to a close while still upholding the principle of judicial independence. To do this, the Justice Initiative recommends conducting simultaneous trials for Cases 002 and 003/004. This is practical because the aging leaders accused in Case 002 would need to have a less than full-time trial schedule in any event. While more expensive in the short run, simultaneous trials will ultimately reduce the cost and time required to complete all cases with the current structure.

Maintaining robust international involvement in the court is crucial at this stage, given the relentless political pressure placed on the court by Cambodian leaders.

The full report is available online.

The Nation

Monday, 15 November 2010

Khmer Rouge Tribunal in Jeopardy

Barbara Crossette

Surrounded from its inception by squabbles between the Cambodian government and the United Nations, mired in charges of corruption and perennially short of cash, the tribunal set up to judge surviving leaders of the Khmer Rouge regime is once again in jeopardy.

The question of where the tribunal is headed arose again in early November because of two events: an unusually candid and critical farewell message from the departing chief of the defense support section and the publication by the New York-based Open Society Justice Initiative of a report acknowledging that the court will sooner or later be wound down, and that plans should be made now to avoid having its work cut short by the government of Prime Minister Hun Sen, who has made no effort to hide his distaste for it.

In a third, separate but not unrelated development, Hun Sen has told the UN that unless it removes its chief human rights representative in Cambodia, Christophe Peschoux, the government will close down the Phnom Penh office of the UN High Commissioner for Human Rights, the first of its kind to be established in a national capital. Peschoux, who is accused by officials of favoring opposition politicians, has been outspoken on threatened political and economic rights, including the beating of protesters and the practice of "land-grabbing," when poor Cambodians' properties are seized illegally for the use of politically well-connected people or foreign companies.

The Paris-based International Federation for Human Rights said on November 2 that the dual threats to the Khmer Rouge tribunal and the UN human rights office "seriously question the state of the rule of law and the development of democratic institutions in the country."

Though the Cambodian government has usually been cast as the villain in this long-running story—the court was first proposed formally in 1997 and took a decade to be fully functioning—both the UN and the United States are complicit, given their missteps in the years leading to the tribunal's creation.

Cambodia's autocratic and uncooperative government, and Hun Sen himself, might not be so strongly and willfully entrenched if the UN, running a transitional administration in the early 1990s, had not so readily given in to his bullying. Hun Sen was a holdover from a government installed under virtual Vietnamese occupation after Hanoi's troops overthrew the Khmer Rouge in 1979, and he stood for reelection in 1993, under UN oversight. His Cambodian Peoples Party lost decisively to a royalist party led by Nodom Ranariddh, a son of King Norodom Sihanouk.

In the years that followed, Hun Sen, as co-prime minister with Ranariddh in an unworkable coalition, simply pushed the victor aside by claiming key ministries—with UN acquiescence—and finishing the job with a coup after the UN was no longer in charge.

From the American side, UN legal experts say that there was intense pressure on them to set up a tribunal to try Khmer Rouge figures. The United States and Southeast Asian nations had in the 1980s backed an armed opposition arrayed against Hun Sen and the Vietnamese that included the defeated Khmer Rouge. There was something exculpatory about the way Washington campaigned for a tribunal to try leaders of the monstrous regime after that fact. The State Department also funded the Cambodia Genocide Project, an archive of Khmer Rouge atrocities based at Yale that later moved much of its operation to Phnom Penh.

Kofi Annan, then UN secretary-general, and his top legal advisor, Hans Corell, a Swedish judge, were skeptical of the odd hybrid of a tribunal being created, and wanted to back out at one point, but the United States pressed on, at times in almost a threatening manner, UN officials said. What resulted was a court based in Cambodia (on a military outpost no less) that is officially part of the Cambodian justice system. It is a half-and-half setup, with the UN supplying half the professional legal staff and the Cambodians the other half. Prosecution and defense teams have to work in tandem, one local and one international, literally side by side. Judges are an international mix. To

make life even more complicated, the court uses three languages: Khmer, English and French. Finding quality translators and interpreters have been persistent problems.

On November 10, Richard J. Rogers, the British-born international lawyer who has been chief of the defense support section—not an easy mantle to wear when the Khmer Rouge are the defendants—said in his departing statement that the court operates "in a country where the institutions of justice and respect for the rule of law are still developing." He added that "the greatest challenge for the defense remains the threat of political interference that may undermine the independence of the court."

Rogers and others working in the defense section were not only under constant scrutiny by the government (which has former Khmer Rouge figures in its ranks) but also faced strong public reaction against the very idea that Khmer Rouge leaders should have their day in court. A weak and politically manipulated judicial system has not taught Cambodians the principle of fair trial.

Hun Sen, a former Khmer Rouge regional official himself who fled to Vietnam when the movement split in the late 1970s—is content to see the biggest names of the "other" faction on trial, but wants to leave it at that. The danger to him seems to be that more prosecutions would sooner or later focus on some people in his government.

As the showcase trial of four top Khmer Rouge leaders still alive looms in the new year, pressure is mounting on the court to wind up its business and not indict any further figures from the 1975–79 experiment the revolutionaries called Democratic Kampuchea, which left up to 2 million Cambodians dead or in exile.

So far only one trial has been completed, that of Kaing Guek Eav, known as Duch, the commander of Tuol Sleng prison and torture center, who was convicted in July and is appealing a jail sentence.

Next on the docket—combined into one case—are Nuon Chea, "Brother Number Two" to Pol Pot, who died in 1998; Khieu Samphan, the regime's head of state, and the powerful couple of Ieng Sary, foreign minister, and his wife, Ieng Thirith, minister for social affairs. All are in their 80s or late 70s, none of them in robust health, and there are concerns that one or more of them may die before the completion of their trials, due to start in mid-2011.

Prosecutors for the court want to add another round of cases, with a total of five more defendants, none of them named so far. That provoked Hun Sen, who told Secretary-General Ban Ki-moon in October that new cases beyond that of the big four now preparing to go on trial will not be allowed.

The report from the Open Society Justice Initiative, part of the Open Society Institute founded and funded by George Soros, suggests that additional trials would not necessarily have to prolong the tribunal's life, since they could take place parallel to the one beginning in 2011, which is bound to be dragged out, possibly over a year or more.

The report—Salvaging Judicial Independence: The Need for a Principled Completion Plan—strongly rejects the proposal that any new cases should be turned over to Cambodian national courts. The Justice Initiative, which has a Cambodian branch in Phnom Penh, says that both the UN and donor countries, chafing at perennial demands for more funds, would be failing in their responsibility to insure that trials would meet international standards if cases were transferred entirely to Cambodian jurisdiction from the hybrid tribunal, formally titled Extraordinary Chambers in the Courts of Cambodia, or ECCC.

This would amount, the report says, to the tribunal risking the appearance that it is "dumping" new cases "because it is unwilling or unable to deal with the political interference that has come to haunt the ECCC."

Radio Netherlands Worldwide

Wednesday, 17 November 2010

ICC intermediary denies bribing witnesses in Lubanga trial



The Hague, Netherlands

A prosecution intermediary at the International Criminal Court last week denied bribing a witness to tell the court that he had served as a child soldier in Thomas Lubanga Dyilo's DR Congo rebel group.

"This is false," 'intermediary 316' told the court in The Hague, to allegations that he had coached 'witness 15'. In his testimony in March, 'witness 15' said he had agreed to lie to investigators because the intermediary had bribed him. "At the time he had money, he would buy me drinks, and he encouraged me to take action. He would give me a bit of money, and I agreed to lie."

Lubanga has been on trial since January 2009 for allegedly enlisting, conscripting, and using child soldiers in his militia between 2002 and 2003. Earlier this year judges ordered several intermediaries and investigators to answer to several defence witnesses who testified that they were bribed and coached to give false evidence.

Radio Netherlands Worldwide

Tuesday, 16 November 2010

Bangladesh becomes ICC state party

By International Justice Desk



*The Hague,
Netherlands*

The International Criminal Court (ICC) welcomed its newest state party Bangladesh in a ceremony last week in The Hague.

“By ratifying the Rome Statute, Bangladesh has joined the growing number of the world’s nations that have combined forces to end impunity for the most serious crimes of concern to humanity,” ICC Court President Sang-Hyun Song said.

Bangladeshi ambassador to the Netherlands, Muhammad Ali Sorcar , commented during the ceremony that his country “deeply identify ourselves to the collective conscience of mankind that led to the elaboration of the Rome Statute and the creation of the International Criminal Court.”

Sorcar further pointed to Bangladesh’s “ongoing effort to bring to justice those who committed war crimes during the 1971 War of Liberation of Bangladesh.”

Last year, Bangladesh set up a tribunal to prosecute those accused of committing war crimes during its war of independence with Pakistan in 1971. The tribunal aims to put on trial those Bangladeshis who at the time collaborated with Pakistan.

Dhaka claims it has evidence that militias worked together with the Pakistani army, which is accused to killing millions of Bangladeshis and raped over 200,000 women.

The Vice-President of the ICC’s Assembly of States Parties and Ambassador of Mexico, Jorge Lomónaco, said Bangladesh’s decision to become a state party means that “156 million more persons are now protected by the legal regime of the Rome Statute system”.