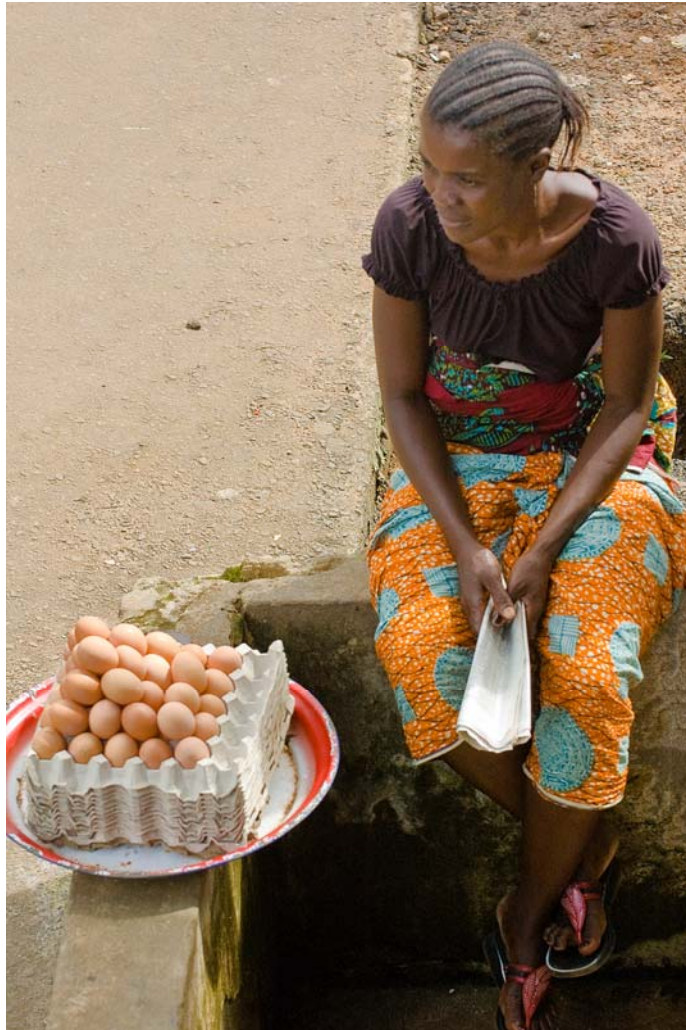


**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



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, 18 November 2013

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

Outreach and Public Affairs

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For di People
Monday, 18 November 2013

UN Rejects Africa Bid To Halt Kenya Leaders' ICC Trials

THE UN Security Council has rejected an attempt to suspend the trials of Kenya's president and vice-president at the International Criminal Court (ICC).

A resolution had been proposed by African states to suspend the trial of President Uhuru Kenyatta and his deputy William Ruto for a year. Eight of the 15 council members abstained and the motion did not pass.

Both men face charges over violence following the disputed 2007 election, which left some 1,200 people dead.

The resolution was proposed by Rwanda and seven members of the Security Council - including Russia and China - voted in favour. However, nine votes are needed for a resolution to be successful at the council.

The resolution had been widely expected to fail, the BBC's Nick Bryant reports from the UN in New York.

The resolution put forward by Rwanda, with

the backing of the African Union, complained that the ICC trials were distracting President Kenyatta and his deputy, William Ruto, from responding to September's attack on the Westgate mall in Nairobi.

They wanted a one-year deferral. But for African nations this vote, which they knew would never pass, had larger meaning - it was also a protest at what they regard as an institutional bias from the International Criminal Court against Africa.

In the end, the resolution mustered the support of seven nations, two short of the nine required, with America, France, and Britain abstaining.

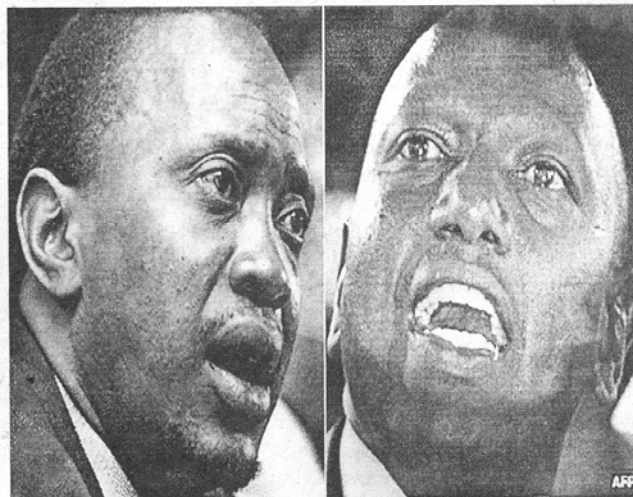
It was actually the first time in decades that a

resolution had failed in this way. Usually, resolutions fail because they are vetoed by one of the five permanent members. That underscores how symbolic this vote had become.

African diplomats called it a watershed moment, complaining that the vote betrayed a lack of trust in Africa. France and Britain, who opposed the resolution, have been upset with that kind of "for us or against us" rhetoric. They're worried about a rift now opening up.

Western countries on the council had opposed a delay, characterising their support for the ICC trials going ahead as part of a fight against impunity, our correspondent adds.

There was an angry reaction from African diplomats to the vote, who said it would change the way the continent interacts with



BOTH MEN deny involvement in post-election violence in 2007

the international community, he says.

While Mr Ruto went on trial in September, the ICC delayed President Kenyatta's trial until February following September's attack on the Westgate shopping mall in the Kenyan capital Nairobi, which left 67 people dead.

Mr Ruto's trial was adjourned for a week in the immediate aftermath of the attack.

However, last month the court said he must attend most of his trial, although he could be excused on a "case by case" basis.

Mr Kenyatta is to become the first serving head of state to go on trial at an international court.

Last month, countries attending an African Union summit in Ethiopia demanded a further deferral for Mr Kenyatta's trial.

It also agreed a resolution stating no sitting African head of state should appear before an international court.

With Sudanese President Omar al-

Bashir facing an ICC case as well as Mr Kenyatta, African leaders have long complained that the court unfairly targets them.

Also on Friday, an opinion poll by the Ipsos Synovate company of 2,060 Kenyans indicated that 67% of those asked wanted Mr Kenyatta to travel to the ICC and clear his name.

25% of respondents said Mr Kenyatta should not attend.

[Note: This article also appeared in the Independent Observer]

The New Republic (Liberia)

Sunday, 17 November 2013

Britain Warns Its Citizens - of Risks of Traveling to Liberia

The Government of Great Britain is not taking very lightly threats made by supporters of former President Charles Taylor that British citizens would be subjected to uncomfortable experiences should they come to Liberia.

Cyril Allen, Chairman Emeritus of the former ruling National Patriotic Party (NPP) recently indicated that citizens of Britain in Liberia would not have any oasis of comfort if the government of Britain continues to make former President Taylor uncomfortable.

His statement stemmed from reports that former President Taylor who is serving jail sentence in a British jail was being mal-treated.

Allen then: "If [the British] try to make Taylor uncomfortable [...] we can make Liberia very uncomfortable for [them] through our traditional values."

"If they try to make Taylor uncomfortable where he is, we can make Liberia very uncomfortable for some of their citizens through our traditional values," the former NPP chairman said recently in Monrovia.

"They are roaming around our interiors, they are roaming around our country, and this government cannot protect them.

"You cannot take our traditional leader and treat him like a common British criminal. If they don't stop treating our (leader) in a manner that is unacceptable to us, we are going to fight back."

However, in what seems as a proportionate response to the threats made against Britons, Britain has warned its citizens of the risk of traveling to Liberia.

UPI news quoted British Foreign and Commonwealth Office as indicating that warning is against threats made by supporters of former President Taylor.

"Taylor's supporters have warned that U.K. travelers in Liberia may be at risk of reprisal," British Foreign and Commonwealth Office is quoted as saying.

It called on its citizens to should be vigilant and avoid discussing political issues, if they are to make to Liberia anyhow.

The British advisory outlined few specifics about the threats.

"Liberia has become increasingly stable since the internal conflict ended in 2003, but the security situation remains fragile," it said.

Supporters of the former President recently alarmed over the alleged maltreatment he (Mr. Taylor) is subjected to in jail.

According to them, he had fallen sick as a result of the ill-treatment that is meted at him in cell.

The former president is serving a 50-year jail sentence in a London Jail following his conviction of war crimes and crimes against humanity by the UN-backed Special Court for Sierra Leone set up to try those who responsible for the carnage visited upon that nation.

In September, the former Liberian leader's appeal to the Appeals Chamber of the Special Court to overturn the ruling of the Trial Chambers was quashed.

Taylor was convicted by the Special Court in May 2012 and sentenced to 50 years in prison for aiding and abetting crimes against humanity committed by rebel forces in the West African country during the conflict.

At least 50,000 people were killed during the 11-year civil war in Sierra Leone that ended in 2001.

The Telegraph

Saturday, 16 November 2013

The women who bear the scars of Sierra Leone's civil war

In Sierra Leone's civil war, young girls were captured, raped and forced to take up arms. Here, more than a decade later, they share their stories

By Jean Friedman-Rudovsky

Laura Conteh didn't know what war sounded like until the night it engulfed her life. She was 12, and although her tiny west African nation of Sierra Leone had been submerged in bloody strife since 1991, the fighting hadn't yet reached her small village of Binkolo. So when the gunshots and the crackle of thatched roofs on fire began, Laura said, 'my older sister was the only one who understood that the rebels had arrived.'

'We didn't have time to pack anything,' Laura, now 27, said of that night in 1999. 'We just ran.' They headed into the bush and, from a distance, she saw her childhood home go up in flames. The Revolutionary United Front (RUF) rebels had surrounded them, and in the ensuing chaos Laura was separated from her family. 'There was no way to escape,' she said, 'so I was captured.'

For the next three years, until the end of the war, Laura remained with a rebel contingent, a large group of boys and men who went by code names such as Rat and Boss Man. She spent most of her time cooking, fetching water and maintaining their makeshift homes. She was also given a gun, which was so heavy that she sometimes let it drag behind her as they marched. But she wielded it under orders during the raids on nearby towns and villages when her group stole crops, food, clothes, radios, batteries – anything, really – to sustain their lives in the bush.

Her weapon, however, did not protect her from her fellow rebels. The sexual abuse started the night she was captured, when one man 'virginated' her. Later, a different man claimed her as his 'bush wife'. Although this was supposed to mean she belonged only to him, that did not stop other men from raping her. Her son, now 13, was born during this time.



Laura Conteh in her family's house in Binkolo, which was burnt by rebels when she was seized at the age of 12. Photo: Jonathan Torgovnik/Reportage by Getty

Reports by groups such as Human Rights Watch and Médecins sans Frontières are filled with stories similar to those Laura and other young women in Binkolo recount. 'I was raped by 10 men on the first day,' Fatsmata Koroma, a husky-voiced former combatant, said. Fatsmata thinks she was 11 at the time. She added, 'They took turns with me and then left me lying there.' Others remembered being penetrated with foreign objects such as poles. Laura said, 'You just wished you weren't beautiful because they didn't let the beautiful ones do anything or go anywhere, even to fetch water. You were guarded day and night because they really didn't want you to escape.'

At first female involvement in the war had nothing to do with gender – the rebels simply needed manpower. But a few years into the conflict the rebels began targeting girls because their soldiers had little aptitude for the domestic chores such as cooking and cleaning traditionally relegated to women, so they brought in girls to do it for them. In this way, the former soldiers say, daily life in the rebel camps wasn't so different from normal. 'We spent our time cooking and bringing water,' Mimunatu Bangura, a shy, wide-eyed young woman in her late 20s told me. 'Kind of like what we do now.'

'If they even thought you were thinking about escaping they would flog you,' she added. Other infractions included showing homesickness, or crying when seeing someone else tortured or killed. The women rattled off common punishments: forced squats holding your ears, being locked in the toilet for a day, or even 'having to eat the toilet'. None even considered resisting a sexual advance. 'You just got used to it,' Laura said.

But they were not only victims: they were forced to become combatants, too. The young women used the word ‘we’ when talking to me about the ‘bad things’ they did. ‘We were given guns, we learnt how to shoot them and we killed people,’ Laura said, as her friends nodded agreement. ‘We asked God for good food, for the war to end, and for forgiveness.’

In January 2002 the war did end, almost as suddenly as it had begun. What had started with a group of young rebels challenging deep-seated corruption among the ruling elite had degenerated into one of Africa’s most bloody modern conflicts: 50,000 deaths, hundreds of thousands displaced, and thousands more left as amputees. Coup had followed counter-coup, and it was only the intervention of a large UN force backed by Britain that finally brought the fighting to an end.



Hawa Samura, who was captured at 16, with her daughter, Janet. Photo: Jonathan Torgovnik/Reportage by Getty

‘The message came on the walkie-talkies,’ Laura said. ‘There was an order that there was to be no more looting, no more raping, no more killing... And anyone who didn’t obey would be killed.’ Her rebel camp was near Binkolo, so she walked back, carrying her son, who was not yet two years old. Her family had rebuilt the childhood home she had watched go up in smoke. She remembered feeling happy and relieved to be back. Then she, like many others, realised that the final part of her daily prayers had not yet been answered. For, after 12 years of horror, the country now had to put itself together again.

Janet Masaray’s family had thought she was dead. That was the rumour her parents heard during her almost three-year disappearance. She had managed to get word to them that she was alive only just before the war ended, so when she appeared following the ceasefire, pregnant and with a daughter born in the bush, no one thought they were seeing a ghost. She remembers her mother’s smile and embrace. ‘My father didn’t want to see me,’ she said. Janet is a tall woman in her 30s who has a commanding presence

and likes to wear football shirts on top of her traditional colourful wraps. ‘He was ashamed of me. He and a lot of others here thought we weren’t fit to live with our families any more because we had been with the rebels.’ This was the norm. ‘People would say to me and the other girls, you are rebels – you don’t belong here,’ Laura remembered.



Mabinti Jawara, who was shot in the leg at the age of 12 when rebels attacked Binkolo, does not know which of them fathered her son, Alusine. Photo: Jonathan Torgovnik/Reportage by Getty

Families and communities throughout the country shunned young women returning from war; the reasons were multiple. First, not everyone realised that most of the girls had been captured, or that they had stayed with the rebels because they feared being killed if they tried to escape. Reliable information was so hard to come by during the war that some families thought their daughters’ and sisters’ absence must have been because they were enjoying a life of sex and stealing in the bush. Others understood that the girls were virtual prisoners, but that didn’t matter: girls who had been raped were considered stained and thus brought shame on their families. Many households were afraid of losing face in the community if they accepted their daughters back. In turn, they were de facto barred from schools and they were given skills training, counselling, medical treatment and more. They were offered free tools or stipends to start businesses or continue schooling in their home towns or elsewhere. While the programme was theoretically open to any rebel, girls and young women seldom attended. Throughout the 11-year war, virtually all the rebel camps, and some of the government bases, too, were heavily populated by girls: it is estimated that between 10,000 and 20,000 (roughly 30 per cent) of the children involved in the nation’s war were girls between the ages of eight and 18. Yet only 506 girls, compared with 6,952 boys, went through the DDR.

‘We weren’t fortunate enough to have a gun,’ Janet said, shrugging her shoulders as a way to explain why she and almost every former girl combatant she knows didn’t go through DDR. Although some of the girls had weapons, when the war ended and word spread that a firearm gave access to free services or cash, the boys took their guns. There were other reasons, too. ‘I just wanted to get back to my family,’ Mimunatu explained. Moreover, in order to access DDR services, a photo ID was issued. For girls already facing severe stigma for having been in the war, the last thing they wanted was their face on a card that labelled them as an ex-rebel.



Sally Koromo, who was 11 when she was abducted, was beaten to make her fight. Photo: Jonathan Torgovnik/Reportage by Getty

Those involved in the peace process in Sierra Leone say that girls weren’t purposefully sidelined but that they were overlooked. ‘We thought that girls were fine and that all was OK,’ Raymond Senesi, a programme manager for Defence for Children International in Sierra Leone, admitted. He said that it was not until he started on a study to assess the progress of reintegration efforts commissioned by the International Rescue Committee that he realised the former girl soldiers were far from OK. ‘Most of the girls broke down in the interviews,’ he told me.

Late one afternoon this spring, Laura, Janet, Mimunatu and the other young women whom I had met in Binkolo made their way through the village as the sun began its swift descent towards the horizon. They doubled over in laughter as they joked with young men leaning on their motorcycles in the middle of town. Further along the road, the group exchanged greetings with elders sitting on the stoops of their mud homes, enjoying the respite dusk brings to the day’s heat. At the dirt volleyball court Laura, an avid player, joined in a game. A little while later the others left her there, heading to the soccer field to watch some of their children play.

‘We feel much better now,’ Janet said with a smile, keeping one eye on her daughter, Mamaiye, now 16 and one of the village’s best young soccer players. The girls in the group are no longer in shacks. Janet’s father died several years ago, and she told me they had made peace. Many continued with schooling and are managing to support their children. They all have boyfriends, although none has yet married.



Sinnah Kalokah, abducted at the age of 10. Photo: Jonathan Torgovnik/Reportage by Getty

More than a decade on from the war, former combatants throughout the country are living lives very different from those they were living when the war ended. ‘In the long run we can’t forget, but we have learnt to forgive,’ said Joseph Conteh, a 25-year-old motorcycle-taxi driver from Binkolo, who spent months hiding in the bush when his town was attacked to avoid conscription by the RUF. ‘At first, after the war, we all had a lot of rage towards the rebels, the boys and the girls. But then that slowly went away,’ he said.

The country was aided along its path towards healing by a three-year Truth and Reconciliation Commission that held hearings in almost every corner of the country to give victims and combatants, including girl soldiers, a chance to air their experiences and build mutual understanding. Amnesty was given to all but a handful of top leaders. In addition the Special Court established to hold to account the top leaders responsible for the nation’s bloodbath indicted 14 men; the charges included sexual violence and sexual slavery. For the first time in history, forced marriage (including the taking of a bush wife) became an international war crime. Some hope that the fact that these institutions made clear that the perpetrators of sexual violence bear culpability – rather than the survivors – will help to diminish, at least minimally, the rape stigma carried by former soldiers.



Kadiatu Koroma in the ruins of Binkolo. Photo: Jonathan Torgovnik/Reportage by Getty

But more significant in places such as Binkolo are the grassroots efforts to re-establish harmony and empower the young women themselves. Local and large-scale non-governmental organisations set up varied programmes – from skills-building workshops to community radio stations and trauma counselling – for the young women.

One initiative stood out. In a programme led by Susan McKay, a retired professor of women's and international studies at the University of Wyoming, 20 former girl soldier collectives, with a focus on those who became mothers during the war, were established in Sierra Leone, Uganda and Liberia (two other nations with high numbers of girls emerging from recent conflict). 'It was unique because the girls designed it all themselves,' Eburn James, the director of the Sierra Leone Council of Churches, who helped lead the project in Sierra Leone, said. The girls used micro-grants to fund collective endeavours of their choice, based on their skills, the needs of the region and the market opportunities they identified. The projects ranged from restaurants, bakeries and rice mills to goat or pig farms and small trading businesses. In Binkolo Laura, Janet and about 20 other girls established a communal peanut farm; a few others in the group used the money they were given to return to school. The farm generated a small profit, some of which they split and the rest they put into a communal bank account to be used when members were in need. Once, for example, they withdrew money to pay for a hospital bill.



Nancy Karama, who was seized on Christmas Day, and her daughter, Victoria. Photo: Jonathan Torgovnik/Reportage by Getty

‘The girls were eye-openers in their communities to the realities they faced,’ Agnes Marah, a social worker who worked in several of the project sites in Sierra Leone, said. ‘When my daughter first came back I was very wary of her,’ Mamoud Tikoroma, the father of a former Binkolo girl combatant, said. ‘But after hearing from the group about what she went through and seeing her try to better herself, we welcomed her back.’

Marie Manyeh, a retired Unicef child protection specialist from Sierra Leone said that this programme stood out because participants designed solutions fitting to their lives. All too often, Manyeh said, programmes for former girl combatants were designed in offices rather than in the field, and had serious flaws – teaching skills that might not bring in any income (such as hairdressing in an area where no one pays for that service), for example. Few paid any attention to helping the young women to re-establish ties to their families or community leaders.

Regardless of the solid footing, even the McKay project wasn’t a panacea. In Binkolo, when the local organisations stopped providing even the minimal economic support they had offered, the project effectively ended. The young women withdrew their share of the communal bank account and went their own ways. (Laura decided to keep working the land, bought a goat with the earnings and now raises several.) The girls uniformly want to study business but seem unsure how best to do this. And the fact that Sierra Leone is still one of the most impoverished countries in the world is a stifling factor.

Yet the group continues to meet – simply to talk. For 10 years the young women have used each other as sounding boards. In the beginning they offered advice on boyfriends and mothering, since few in the

community would talk to them. They talked about what to tell their children when they asked about their fathers. For years, those with children too young to remember the bush told them their fathers had died, without mentioning rape or the war. Then they started working through their memories of the war in the meetings organised as part of the collective: the rapes, the beatings, the blood that was spilt. Most had been too ashamed to talk openly about their experiences, but when they realised they had all endured similar fates, the stories flowed. 'We'd tell each other, it's not your fault and to take courage, that we'll all get through this,' Janet remembered.

The hard days continue still. For Laura, a violent film on television can bring back memories of the war; for Nancy Karama, Christmas is exceptionally painful, because that was the day she was captured and first raped. Sometimes they seek each other out when rage builds up. This may happen, they say, if one of them crosses the path of a man who had raped her and held her captive – men who were also from Binkolo and returned after the war to live there. The girls say these are the worst days, but there is not much they can do other than give voice to what that man did to them. 'If you keep it in your heart then it hurts,' Janet said, 'so we've learnt to let it out.'

Human Rights Watch

Monday, 18 November 2013

ICC: Africa Should Reject 'Free Pass' for Leaders

Activists Call for Governments to Support Court at its Annual Meeting

(Johannesburg, November 18, 2013) – African governments should reject special exemptions for sitting officials before the International Criminal Court (ICC), African organizations and international organizations with a presence in Africa said in a document released today. The ICC's annual meeting, the Assembly of States Parties (ASP), will take place from November 20 to 28, 2013, in The Hague, Netherlands.

The ICC faces important challenges in Africa. In October the African Union said that the trials of Kenya's president and vice president, Uhuru Kenyatta and William Ruto, should be suspended and that all sitting national leaders should receive immunity before international courts.

"Immunity for government leaders before the ICC is contrary to the basic principle that no one should be above the law," said Georges Kapiamba, president of the Congolese Association for Access to Justice. "We should not deny justice to the victims and their families because their tormentors hold high political positions."

The meeting's general debate and scheduled session on the impact of indicting sitting heads of state will offer African and other governments important opportunities to affirm support for the ICC's independent role in ensuring justice for the gravest crimes.

"Human rights abuses by governments and armed groups remain one of the biggest challenges confronting people in Africa," said George Kegoro, executive director at the International Commission of Jurists-Kenya. "Ideally, domestic courts will ensure justice for these crimes, but the ICC serves as a crucial court of last resort when they are unable or unwilling."

Some African leaders have taken the position that the ICC is targeting Kenya. In Kenya, where the authorities failed to respond adequately to post-election violence, the ICC prosecutor's office acted to open an investigation. In all other situations before the ICC, the situations were referred by the governments where the crimes took place or by the United Nations Security Council, as with Libya and Darfur, Sudan.

"The ICC is far from perfect, but it is not targeting Africa," said Angela Mudukuti, international criminal justice project lawyer at the Southern Africa Litigation Centre. "The majority of ICC investigations came about because African governments requested the ICC's involvement. These countries should work to dispel inaccurate information and to correct misperceptions about the court."

At the same time, there are double standards in the delivery of international justice that need to be addressed, the organizations said.

"The ICC's reach should be improved, but justice should not be denied in Africa because it is not yet possible everywhere," said Chinonye Obiagwu, national coordinator at Nigeria's Legal Defense and Assistance Project. "ICC members can demonstrate their commitment to victims by supporting prosecutions wherever the worst crimes are being committed."

The document released today is intended to promote common advocacy aims in advance of the ASP session. Organizations involved include the following: Burundi Coalition for the ICC, Center for Democratic Development of Ghana, Centre for Accountability and Rule of Law – Sierra Leone, Coalition for the ICC, Congolese Association for Access to Justice, Human Rights Watch, International Commission of Jurists-Kenya, International Crime in Africa Programme of the Institute for Security Studies, Legal Defence and Assistance Project of Nigeria, Media Foundation for West Africa, NamRights in Namibia, Nigerian Coalition for the ICC, Southern Africa Litigation Centre, and Transformation Resource Centre of Lesotho.

Agence France-Presse

Sunday, 17 November 2013

AU 'disappointed' over Security Council vote

The African Union said Friday it was "disappointed" at the UN Security Council's rejection of its demand that the International Criminal Court trials of Kenya's president and vice president be delayed.

"Well of course we are disappointed," Erastus Mwencha, deputy head of the AU Commission, told AFP in Addis Ababa, where the AU is headquartered.

"I think at this stage we will have to reflect on it and then find a way forward," he added.

The UN Security Council on Friday rejected a resolution proposed by African states calling for the deferral of the trials of Kenyan President Uhuru Kenyatta and Vice President William Ruto for a year.

Kenya's leaders secured support from the AU at a special summit last month, which called for a deferral but stopped short of calling for an Africa-wide withdrawal from The Hague-based ICC.

The AU argued that Kenya's leaders, who are facing crimes against humanity charges, should be allowed to fulfil their duties of running the country.

African leaders frequently complain that the ICC discriminates against their continent.

China and Russia gave strong backing to the resolution.

ICC member states acknowledge that Kenya is a special case, but say Kenyatta and Ruto must be judged on their legal merits.

Western diplomats and activists see the campaign to halt the proceedings as political and, more generally by countries opposed to the ICC, to discredit the court.

"Reason and the law have been thrown out the window. Fear and distrust has been allowed to prevail. Africa is disappointed and we regret this very much," Kenyan UN Ambassador Macharia Kamau said after the vote.

He blasted what he called the "paranoid" fear of some nations that other leaders could use the deferral as a precedent to delay any proceedings against them.

Rwanda, a temporary member of the Security Council, played a key role in drawing up the resolution. Its UN envoy, Eugene Richard Gasana, said the council had "failed" Kenya and Africa by rejecting the resolution.

But the African nations who put forward the measure also faced strong criticism for the way it was portrayed as a vote for or against Africa.

Guatemalan UN Ambassador Gert Rosenthal called the tactic "offensive" and highlighted how Security Council countries had provided peacekeeping troops to Africa and backed efforts to boost justice on the continent.

“In our view, the voting was detrimental for the African Union, which perceives that its proposal was rejected; for the International Criminal Court, whose aspiration of universal membership is under assault, and for the Security Council, which presents itself... divided,” Rosenthal said.

French UN Ambassador Gerard Araud said the vote risked sparking an “unnecessary confrontation” between the African Union and the Security Council.

Britain’s UN envoy Mark Lyall Grant, meanwhile, said the resolution was “unnecessarily” put to a vote.

The United States, Britain and France said Africa’s complaints should be put to a meeting of the ICC member countries due to start in The Hague on Wednesday.

The meeting is to consider changes in procedure — such as allowing defendants to appear by video conference — which could ease the conditions for the trials of the Kenyan leaders.

“We believe that justice for the victims of that violence is critical to the country’s long term peace and security,” said US UN envoy Samantha Power, whose country is not an ICC member but strongly supports its work.

Ruto’s trial has started, while that of Kenyatta is scheduled to get underway February 5 after being delayed three times.

“Kenya’s leadership wants these cases squashed, but that would rob the victims of horrific crimes of any hope of redress,” said Richard Dicker, international justice specialist for Human Rights Watch.

“One wonders whether the governments which pushed the resolution did so in a bid to ward off the possibility of their own officials being prosecuted for crimes in the future,” he added.

PressTV (Iran)

Monday, 18 November 2013

African courts have potential to replace ICC: Dr. P. Clark

Press TV in its Africa Today program has conducted an interview with Dr. Phil Clark, lecturer in international politics, SOAS, Rwanda about Africa's determination to control her own destiny and the issue of continued acceptance of ICC rule in favor of regional courts is under the spotlight.

The following is an approximate transcript of the interview.

Press TV: Do you feel that the ICC (International Criminal Court) essentially is a token representation of the balance of power internationally and really has got nothing to do a fair play of justice across the board?

Clark: Yes I think there is some very legitimate concerns about the power differentials that the ICC represents.

I think in Africa in particular there are some very legitimate concerns that some of the major powers on the UN Security Council for example that are wielding the ICC as a legal tool particularly the US, Russia and China are themselves not subject to the jurisdiction of the ICC and so I think that that's a concern for many African leaders and also many people at the popular level in Africa as well.

Press TV: Do you feel that really the ICC if it can be reformed should stop calling itself an international criminal court with this huge absence of such big-power players who could potentially come under its wing should they decide to go crazy like they did during the Iraq war?

Clark: I think this is the challenge for the ICC over the next five or ten years to make itself a truly global institution.

I think it's been a serious strategic error by the court in its first ten years of operation to focus solely on Africa and African leaders. But the problem I guess that's facing the ICC prosecutor Fatou Bensouda at the moment is that she's inherited this enormous Africa case load from her predecessor Luis Moreno-Ocampo and it's going to take Bensouda I would say at least the next five to seven to eight years to clear this backlog of Africa cases.

But the court is completely log-jammed with the African cases at the moment and so until it has actually dealt with that backlog it is not going to be able to focus its attention on the rest of the world.

So there are serious... on the court at the moment, but then nevertheless that is the challenge for the court to get out of Africa and to be as a truly global institution and particularly to go after I think leaders of some of the major powers.

Until the court does that I think it is going to be seen largely as an illegitimate institution.

Press TV: What are your thoughts about the potential for this actually being a blessing in disguise with regard to African countries finally focusing in a very fine-tuned way on how they deal with the injustices across the continent.?

Clark: I'm not sure if we can thank the ICC for this renewed African interest in dealing with serious crimes because in many ways African countries were already dealing with the atrocities of the past long before the ICC emerged on the scene.

You can think of countries like Rwanda that has prosecuted hundreds and thousands of genocide cases through a community court.

Perhaps most importantly in the case of Eastern Democratic Republic of Congo the local judiciary in fact was already dealing with the cases of the very same warlords that the ICC then whisked off to The Hague. And there has been enormous frustration about the fact that the ICC has basically stolen these cases from right underneath their own nose.

So I think we have to recognize that there was already enormous momentum around prosecuting genocide war crimes and crimes against humanity in many African countries before the ICC emerged on the scene and I think that that's something the court and its supporters ignore all too readily.

Press TV: Do you think there is potential for this momentum to keep building up because some people argue like Desmond Tutu does that the people who are actually seeking to remove themselves from the ICC should actually be in front of it?

Clark: I don't think it's as straight forward to think that it's the ICC or no justice whatsoever.

I think we need to shift the whole debate to focus on what African States themselves can do in terms of prosecuting these very serious crimes.

It is true that some African states are more willing to do this than others and I think that there needs to be more pressure on some African states to deal with their own problems, but I think by the same token we need to recognize that there is an enormous amount of domestic momentum in many, many African countries to hold their own leaders and other perpetrators of serious crimes accountable.

And so I think we should shift the whole debate not so much to talk about international justice, but in fact to talk about African justice and the things that are already very productively being done in many African court rooms as we speak.

Press TV: Can they escape justice with the existence of an African court of justice because this debate is going to force the AU to discuss a potential existing solution.

You know, it's OK to be against the ICC, but what about justice for those people who are clamoring for justice and are not getting any?

Clark: Yes I would agree with that. I think that it's fine for the AU to express these very important concerns about the ICC, but the pressure is now on the AU itself to set up a viable regional body and unfortunately the Africa Court of Justice on human rights at the moment is basically a skeleton of an institution - it exists on paper, but it has very little momentum and activity around it.

So the press is on the AU to firstly make that a functional body. The second that I think that needs to be done is that there needs to be much more international attention paid to the possibility of prosecuting cases through domestic courts in Africa.

I've already mentioned Rwanda, where I am currently, and north eastern Congo as places where here have already been important justice processes happening.

But there are also important processes happening in places like Senegal, which is prosecuting the former president of Chad; we've seen use of the South African courts to deal with human rights cases from Zimbabwe; and we've also seen an important development in South Kivu province in Congo, which has been the use of mobile courts to deal with sexual violence cases. Those mobile courts have been a combination of domestic Congolese judges working in concert with external experts.

And so there are these very important domestic justice processes that are happening in Africa and I think that much of the international debate would benefit from focusing on that potential and whether the billions of dollars that are being spent on international criminal justice could in fact be better spent in terms of judicial reform within African states themselves.

SC/PR

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Lawyers divided over election of nominee to JSC

By ROBERT NYASATO

A sharp split looms among lawyers following the pushing to next year of the election of their representative to the Judicial Service Commission (JSC).

The Law Society of Kenya (LSK) pushed the election of its nominee from this year to February 20 next year, raising concern among some lawyers that the society will miss proper representation for more than three months.

Some also alleged the decision could have been made to favour one of the candidates. Lawyers are also worried that the society will be represented by only one member, Florence Mwangangi, at the commission instead of two as legally provided in the Constitution.

The three-year term of the current LSK representative to JSC Ahmednassir Abdullahi expires on December 31.

Lawyers interviewed by The Standard On Sunday but who wished not to be named for fear of being accused of undermining the society, said the Judiciary seemed to have pulled a first one on LSK as they conducted elections to replace their representative, Justice Isaac Lenaola, ahead of expiry of his term last October.

Justice Aggrey Muchelule was elected to replace Justice Lenaola who did not defend the seat after landing a job as a judge in the Special Court for Sierra Leone.

Raised questions

Advocates have raised questions as to why the dates were changed, claiming they were meant to favour certain candidates.

But LSK chairman Eric Mutua dismissed the allegations, saying fixing of election dates was arrived at in consultation with the Independent Electoral and Boundaries Commission (IEBC) which will conduct the polls, and was never a unilateral decision of the society.

“The electoral body was not available until next year as it is busy with by-elections...the change of dates was purely logistical and should not raise any alarm,” Mutua told The Standard on Sunday.

He said there would be no vacuum at the JSC since the society already has a representative (Mwangangi), whose term is still valid and that the commission only needed seven members to have quorum.