

**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, 2 November 2009**

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

## **PRESS RELEASE**

Freetown, Sierra Leone, 30 October 2009

### **Special Court Prisoners Transferred to Rwanda to Serve Their Sentences**

Eight persons convicted by the Special Court for Sierra Leone for serious crimes committed during the country's civil war were today transferred from the Court's detention facility in Freetown to Rwanda, where they will begin serving their sentences.

Amid tight security, the eight men were flown by helicopter from the Special Court compound to Lungi International Airport, where they boarded a UN-chartered plane for Kigali, Rwanda. The plane departed at 3:50 p.m. local time. The prisoners were accompanied by officials from the Special Court's Security and Detention sections.

Those transferred included three former leaders of Sierra Leone's Revolutionary United Front (RUF), whose sentences were upheld on appeal earlier this week: Former RUF Interim Leader Issa Hassan Sesay, Senior RUF Commander Morris Kallon, and former RUF Security Chief Augustine Gbao.

Also transferred today were three former leaders of Sierra Leone's Armed Forces Revolutionary Council (AFRC): Alex Tamba Brima, AKA: "Gullit"; Ibrahim Bazy Kamara and Santigie Borbor Kanu, AKA: "Five-Five," and two former leaders of the Civil Defence Forces (CDF): Moinina Fofana and Allieu Kondewa.

The prisoners will be incarcerated at Rwanda's Mpanga Prison under an agreement signed between the Special Court and the Rwandan government last March. The part of the facility where they will be held was originally built to house persons convicted by the International Criminal Tribunal for Rwanda (ICTR), and meets the international standards for treatment of prisoners which are required for persons convicted by international tribunals.

At present, no facility in Sierra Leone meets the required international standards.

The prisoners have been sentenced to sentences ranging from 15 to 52 years, with credit given for time served while in detention at the Special Court.

#END

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

INFORMATION FOR MEDIA - NOT FOR ADVERTISING

Produced by the  
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**Special Court for Sierra Leone**  
Outreach and Public Affairs Office

## **PRESS RELEASE**

Freetown, Sierra Leone, 2 November 2009

### **Justice Jon Kamanda Elected President of the Special Court**

Justice Jon Kamanda of Sierra Leone has been elected to a one-year term, effective 1 November, as Presiding Judge of the Appeals Chamber, a post which makes him President of the Special Court for Sierra Leone.



Justice Emmanuel Ayoola of Nigeria was elected Vice President. Justice Ayoola previously served as President of the Special Court from 2004-2005.

Justice Kamanda was educated in Sierra Leone and in the U.K. He trained as a Barrister at the Inns of Court School of Law in London, and was called to the Bar at the Middle Temple in 1975. From 1976-80 he worked as State Prosecutor in the Government Law Office, rising to the rank of Senior State Counsel. In 1980 he entered private practice in criminal law.

He has served as an Appeals Court Justice in the Sierra Leone judiciary since 2004, where he was the Presiding Judge in criminal appeals. He has also served as a High Court Judge in the Civil Division.

In 1982 he was elected to Parliament, and he has served as Deputy Minister of Mineral Resources and Minister of Health.

He was sworn in as a Special Court Appeals Judge in November 2007.

#END

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**Special Court for Sierra Leone**  
Outreach and Public Affairs Office

**PRESS RELEASE**

Freetown, Sierra Leone, 2 November 2009

**Claire Carlton-Hanciles Named Special Court Principal Defender**



Claire Carlton-Hanciles, a Sierra Leonean lawyer, has been named Principal Defender of the Special Court for Sierra Leone effective 1 November 2009. Ms. Carlton-Hanciles, who is the first Sierra Leonean to occupy this post, has served as Acting Principal Defender since the departure last December of Elizabeth Nahamya.

Ms. Carlton-Hanciles is a graduate of Fourah Bay College and the Sierra Leone Law School. She was called to the Bar in 1997 as a Barrister and Solicitor.

From 1998-2003 she worked in private practice, specializing in family and human rights law.

She joined the Special Court in 2003 as Legal Officer/Duty Counsel in the Office of the Principal Defender.

#END

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Saturday, 31 October 2009

REPUBLIC OF RWANDA  
MINISTRY OF INFORMATION

PRESS RELEASE

**SIERRA LEONE SPECIAL COURT CONVICTS ARRIVE IN RWANDA TO BEGIN PRISON SENTENCE**

Kigali, October 31, 2009. The Government of Rwanda today received eight convicts of the United Nations Special Court for Sierra Leone who arrived in Kigali on Saturday night to serve their prison sentences.

The convicts are to be housed in the special “UN block” of the Mpanga prison, in Nyanza District, Southern Province, for a period of time varying between ten and fifty years. The prison has medical and recreation facility to ensure the minimum fundamental rights of prisoners are met.

“Having been chosen to host the convicts from the Sierra Leone Special Court, Rwanda is pleased to make a modest contribution to international justice. The prisoners coming to Rwanda will be treated humanely and with dignity”, said Louise Mushikiwabo, the Government Spokesperson.

The Government of Rwanda’s offer to house the Sierra Leonean convicts is consistent with the country’s commitment to international justice and accountability, and in line with efforts to contribute to long-term peace and stability on the continent. This commitment is demonstrated by the role of Rwandan Police in the UNAMIL peacekeeping mission in Liberia and Rwanda Defence Forces in the UNAMID peacekeeping mission Darfur.

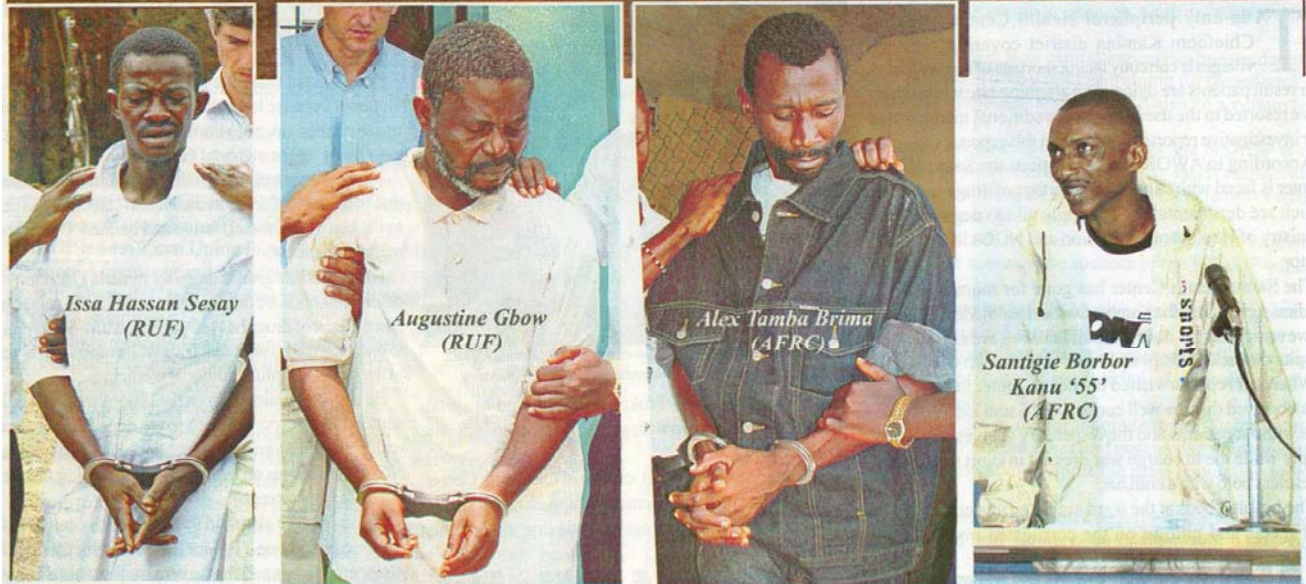
Awoko

Monday, 02 November 2009

# Special Court convicts whisked to Rwanda



*The Special UN Flight*



*Pics taken 2003*

# Special Court convicts whisked to Rwanda

*By Betty Milton*

**I**t was an emotional scene at the Freetown International Airport last Saturday when eight convicts of the Special Courts were whisked off to Rwanda in a United Nations Air Craft with registration UN-WWU which has been in the country since Friday.

At about 15:05 the helicopter carrying the convicts arrived

when 55 first disembarked from the helicopter escorted by the Mongolian Security and entered the special flight which had been stationed at the UN transit Camp.

The eight that will be serving their jail term in Rwanda are the three convicts of the Armed Forces Revolutionary Council (AFRC) Alex Tamba Brima, Brima Bazy Kamara and Santigie Borbor Kanu were sentenced to

50, 45 and 50 years jail; along with the two surviving Civil Defence Forces (CDF) convicts Alieu Kondewa and Moinina Fofana who were sentenced to 20 and 15 years respectively.

The last three are the RUF Issa Sesay, Morris Kallon and Augustine Gbow whose earlier sentences of 52, 40 and 25 years were re-affirmed last Monday.

## The Senator

Monday, 2 November 2009

### All You Need To Know About RUF Convict Morris Kallon

*Morris Kallon was indicted on 17 different counts on 7 March 2003. He was charged with crimes against humanity, violations of Art. 3 common to the Geneva Conventions and of Additional Protocol 11, and of other serious violations of international humanitarian law, in conformity with Articles 2, 3 and 4 of the Statute of the Special Court for Sierra Leone (SCSL). An 18th count was later added.*

Kallon was arrested and transferred to the SCSL on 10 March 2003.

At his initial appearance on 15, 17 and 21 March 2003, he pleaded not guilty to all of the charges. The bill of indictment held that at all times relevant to the allegations, that is from 30 November 1996, a state of armed conflict existed within Sierra Leone, and that a nexus existed between the conflict in question and all acts or omissions charged therein as Violations of Articles 2, 3 and 4 of the Statute of the SCSL.

As set out in the bill of indictment, Morris Kallon, as well as all other members of the armed factions engaged in fighting Sierra Leone were required to abide by International Humanitarian Law and the laws and customs governing the conduct of armed hostilities.

According to the bill of indictment, the RUF and the AFRC, including Morris Kallon, shared a common plan and purpose, thereby forming a joint criminal enterprise which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas.

This joint criminal enterprise included gaining and exercising control over the population in order to prevent or minimise resistance to their geographic control, and to use members of the population to support the RUF/AFRC. The crimes alleged in the indictment, including unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures, were either actions within the joint criminal enterprise or were reasonably foreseeable consequences of it.

According to the bill of indictment, Morris Kallon is individually criminally responsible for the crimes mentioned above, which he is said to have planned, instigated, ordered, committed or in which he would otherwise have aided or abetted or which crimes were within a joint criminal enterprise in which he participated.

In addition, or alternatively, the indictment holds him responsible, in his position of hierarchical superior, for the crimes committed by his subordinates in that he knew or had reason to know and failed to take the necessary measures to prevent such acts or punish the perpetrators thereof.

By his acts or omissions, committed directly by himself or by reason of his position of superior responsibility, Morris Kallon was accused of:

- crimes against humanity for: extermination, murder, rape, sexual slavery, other forms of sexual violence, enslavement in addition to other inhu-





### **Morris Kallon: Now in Rwanda**

mane acts;

- violation of Art. 3 common to the Geneva Conventions and of Additional Protocol II for: acts of terrorism and collective punishment against the civilian population, violence to life health and physical and mental well being of persons, in particular through mutilations, outrages upon personal dignity, pillaging abductions and holding as hostages;

- other serious breaches of international humanitarian law through the enrolment of children under fifteen years of age in the armed forces and by the deliberate attacks on humanitarian assistance personnel and peacekeepers.

On 28 February 2003, the SCSL ordained the junction of the Kallon, Gbao and Sesay cases and the hearing of a common trial.

On 13 March, the Appeals Court of the SCSL rejected the appeal lodged by Morris Kallon and Hassan Sesay, who argued that the Court was not competent to prosecute crimes falling under

the amnesty accorded by Article IX of the Lomé Accord of 7 July 1999 (see under spotlight).

The trial commenced before the SCSL on 5 June 2004.

On 17 September, the Appeal Court refused Morris Kallon's request for release on bail.

The trial takes place before the same Trial Chamber as the Civil Defence Force (CDF)-trial. The Chamber equally divides its time between the two cases, thus dedicating six months a year to each of them.

The Prosecution called 86 witnesses and concluded its case on 2 August 2006.

The Defence then submitted a request according to rule 98 of the SCSL's Rules of Procedure, demanding the defendants be acquitted with regard to certain aspects on which the Prosecutor had failed to present any evidence. The court decided on 25 October 2006 to deny this request, with the exception of certain places and villages mentioned in the indictment concerning which the Prosecutor had indeed failed to present evidence. These places and villages are thus no longer subject of the trial.

The Defence case opened on 2 May 2007 and ended on 25 June 2008.

The closing arguments took place on 4 and 5 August 2008.

On 25 February 2009, the Court found Sesay and Morris Kallon guilty of 16 of the 18 charges of crimes against humanity and war crimes. It convicted Augustine Gbao of 14 charges.

On 8 April 2009 Kallon was sentenced to a total of 340 years, but as the judges ordered separate sentences for 16 counts of war crimes and crimes against humanity to be served concurrently, he will spend a maximum of 39 years in prison.

The sentence was confirmed by the Appeals Chamber on 26 October 2009.

The Special Court for Sierra Leone cannot impose a life sentence.

## The Torchlight

Monday, 2 November 2009

### Maskita Was My Son

#### — CHARLES TAYLOR

Former Liberian President, Charles Taylor, took to the witness stand again after a three week judicial break, denying allegations that he ordered the execution of a key Sierra Leonean rebel commander, Sam Bockarie, during his neighboring country's vicious civil war.

Mr. Taylor is on trial in The Hague for his alleged role in war crimes, crimes against humanity and other serious crimes committed by rebel forces in Sierra Leone.

"The last person on this planet that I wanted killed was Sam Bockarie. I did not order him killed," Mr. Taylor told the Special Court for Sierra Leone judges today.

Mr. Taylor was responding to the testimony of a prosecution witness who in her September 2008 testimony said that Revolutionary United Front (RUF) commander Sam Bockarie (alias "Mosquito") was executed in Liberia while returning from Ivory Coast in 2003 on the orders of Mr. Taylor. Mr. Taylor denied the witness' claim.

"I never wanted him [Bockarie] dead. I liked him as a son. I never gave such an order that Bockarie should be killed," Mr. Taylor said.

Mr. Taylor dismissed as "nonsense" the witness' assertion that he ordered the execution of Mr. Bockarie to silence him, given Mr. Bockarie's level of knowledge about Mr. Taylor's relationship with the RUF.

"That is nonsense. Who knows more than Issa Sesay or all those RUF commanders on trial at the Special Court? What did Bockarie know that the other senior RUF officers did not know?" Mr. Taylor asked.

Mr. Taylor explained that Mr. Bockarie was killed in a cross-fire with Liberian government troops who had tried to stop him (Bockarie) from entering into Liberia with armed men from Ivory Coast. Mr. Taylor denied claims that he sent Mr. Bockarie with a group of fighters

to attack Ivory Coast. He referred to Ivory Coast as a friendly country against which he would not have ordered any attacks.

Mr. Taylor was responding in part to the 2008 testimony of a former Sierra Leonean member of Mr. Taylor's Anti-Terrorist Unit (ATU), Jabati Jaward. Mr. Jaward had testified that he was among those sent by Mr. Taylor to Ivory Coast under Mr. Bockarie's command. Mr. Taylor denied Mr. Jaward's claim, arguing that the Sierra Leonean members of the ATU decided they no longer wanted to be part of the Unit and decided to travel to different places, including Ivory Coast. Mr. Taylor explained that because they had left the country and launched attacks in Ivory Coast, he (Taylor) gave orders to his soldiers that Mr. Bockarie and his troops must be disarmed before they would be allowed to enter Liberia.

Mr. Taylor said that he personally sent his Vice President, Moses Blah, to travel to the border and put the situation under control. Mr. Taylor said he asked Mr. Blah to ensure that Mr. Bockarie was disarmed and personally brought to Mr. Taylor in Liberia. When Mr. Bockarie and his allied fighters refused to be disarmed, Mr. Bockarie was killed in an exchange of fire, Mr. Taylor said.

"I was very hurt when Blah told me that Bockarie was killed. I sent Blah there because I did not want that boy killed," Mr. Taylor said. "Blah lied here to say that he was just in the area when Bockarie was killed. I sent him there."

Mr. Blah testified as a Prosecution witness in Mr. Taylor's case in 2008 and discussed, among other things, Sam Bockarie's death. Indeed, the circumstances surrounding the death of Mr. Bockarie have been controversial throughout the trial. Several prosecution witnesses have testified that Mr. Bockarie was killed on the orders of Mr. Taylor, but accounts of how Mr. Bockarie died have differed among the witnesses.

Standard Times

Monday, 2 November 2009

## Issa Sesay, 7 others flown to serve Jail Term in Rwanda

**E**ight persons convicted by the Special Court for Sierra Leone for serious crimes committed during the country's civil war were today transferred from the Court's detention facility in Freetown to Rwanda, where they will begin serving their sentences.

Amid tight security, the eight men were flown by helicopter from the Special Court compound to Lungi International Airport, where they boarded a UN-chartered plane for Kigali, Rwanda. The plane departed at 3:50 p.m. local time. The prisoners were accompanied by officials from the Special Court's Security and Detention sections. Those transferred included three

former leaders of Sierra Leone's Revolutionary United Front (RUF), whose sentences were upheld on appeal earlier this week: Former RUF Interim Leader Issa Hassan Sesay, Senior RUF Commander Morris Kallon, and former RUF Security Chief Augustine Gbao.

Also transferred today were three former leaders of Sierra Leone's Armed Forces Revolutionary Council (AFRC): Alex Tamba Brima, AKA: "Gullit"; Ibrahim Bazy Kamara and Santigie Borbor Kanu, AKA: "Five-Five," and two former leaders of the Civil Defence Forces (CDF): Moinina Fofana and Allieu Kondewa. The prisoners will be incarcerated at Rwanda's

Mpanga Prison under an agreement signed between the Special Court and the Rwandan government last March.

The part of the facility where they will be held was originally built to house persons convicted by the International Criminal Tribunal for Rwanda (ICTR), and meets the international standards for treatment of prisoners which are required for persons convicted by international tribunals.

At present, no facility in Sierra Leone meets the required international standards. The prisoners have been sentenced to sentences ranging from 15 to 52 years, with credit given for time served while in detention at the Special Court.

Standard Times

Monday, 2 November 2009

# SPECIAL COURT SAILS THROUGH

BY MOHAMED KONNEH

**S**pecial Court Sierra Leone has sailed through to the semi finals of the Zain sponsored Corporate Gala 2009. The much fancied Special Court on Saturday defeated First International Bank to reach the semis in a one sided match. Francis Kelfala's spot kick midway into the second half was enough to put the defending champions of this competition through. Special Court now has nine points after winning all their three matches.

The first half was on low key as both teams allowed no opportunity to make the curtain raiser. The first half ended goalless. The second half started well with the introduction of Francis Kelfala. Special Court then started dominating the match with long passes. Ibrahim's left footed drive put Francis through but was pushed by the FIB defenders right inside the six yard box. The referee wasted no time in awarding a spot kick. A low drive by Kelfala sent the goalkeeper in the wrong direction to put his team ahead. The match was all over with the Law boys taking the day. On the same day, the US embassy came from behind to defeat the British High Commission by 2-1. Momodu

Samura first half's flick header put the British ahead in the 35 minute. A frenzied effort by Momodu allowed not a chance to the invading goalkeeper.

The US came back very strong introducing Dixon on the left. More pressure was piled into the game and at the brink of time the match was level. This time it was Mohamed Bangura who put his name on the score sheet after beating the entire defense to shoot from a tight angle.

The US Embassy was on the rampage again when taking the match to the opponent's half. With more pressure mounting up Abdul Sesay was sent off for using abusive words on the referee. His absence witnessed more pressure mounting upon his side, but deep into the match the US embassy was up with the match winner. Denis Kelfala's right volley was enough to take the match after a long ball in the 18 yard box.

Winning their next match will ensure that the US sail through and play against the Standard Chartered who lost their two group matches.

The matches continue next week at the St. Edwards School playing field, Kingtom.

## Sierra Express

Monday, 2 November 2009

### Taylor Denies Sharing Diamonds with RUF

Former Liberian President Charles Taylor has again rejected Prosecution testimony that he exercised control over the RUF to the extent that he decided between Sam Bockarie and Issa Sessay who should succeed Foday Sankoh when confusion erupted between Bockarie and Sessay.

Mr. Taylor said reference to the order for Bockarie to leave the rebel headquarters in Buedu and go to Monrovia was part of the ECOWAS initiative to speed-up the peace process in Sierra Leone.

The former Liberian President, said he and the Former Nigerian President Olusegun Obasanjo made the decision for Bockarie to leave Sierra Leone and go to Monrovia as part of the ECOWAS peace plan for Sierra Leone.

you. At that particular point, we did threaten to keep him in Liberia." Mr. Taylor told the court.

Mr. Taylor repeated his denial that the RUF took direct order from him as their leader.

The witness had said that the RUF rebels regarded Mr Taylor as Chief.

Mr. Taylor disagreed saying reference made to him by Bockarie and others as

"After Sam Bockarie left, Issa Sesay took charge as Interim Leader of the RUF rebel movement. Obasanjo and myself did take a very hard line in the final meeting. I have gone through at least a few weeks or more of dealing with this matter and when I reached a dead end that's when I invited Obasanjo along with the Secretary General of the United Nations to come to Liberia for us to deal with the situation," the former Liberian leader disclosed. "And in that meeting after we found out that when we could not get Bockarie to consent and I remember President Obasanjo even got upset and told him that the process will happen, we will do what we have to do even if it means we fight you and you will either leave or we will do something to hold

chief was an ordinary reference made to him by several others because of his position as President of Liberia.

Prosecution key allegation is that Taylor received diamonds from the RUF in exchange for weapons which a prosecution witness also alleged last year was true.

Mr. Taylor denied that diamonds mined from rebel

controlled areas in Sierra Leone were shared amongst RUF leaders, including himself.

He said he took no such loots from the rebels. "That is not true and we know some other lies that this witness told even while he sat here in this place so I wouldn't put any credence to what he's saying". Mr Taylor said. "The proof we have here, when

Sam Bockarie in 1999 came to Liberia and Foday Sankoh came to Liberia from Lome Togo, Sam Bokarie reports to Foday Sankoh. I see no reason why Sam Bokarie would hide from Foday Sanko that he has been giving me diamonds, Mr Taylor maintained. He continues his trial.

*Courtesy of BBC World Service Trust.*

## The Patriotic Vanguard

Monday, 2 November 2009

### Freetown: Special Court prisoners transferred to Rwanda



According to a Special Court press release, eight persons convicted by the Special Court for Sierra Leone for serious crimes committed during the country's civil war were on Saturday October 31 transferred from the Court's detention facility in Freetown to Rwanda, where they will begin serving their sentences.

Amid tight security, the eight men were flown by helicopter from the Special Court compound to Lungi International Airport, where they boarded a UN-chartered plane for Kigali, Rwanda.



*Moinina Fofana and Allieu Kondewa*

The plane departed at 3:50 p.m. local time. The prisoners were accompanied by officials from the Special Court's Security and Detention sections.

Those transferred included three former leaders of Sierra Leone's Revolutionary United Front (RUF), whose sentences were upheld on appeal earlier this week: Former RUF Interim Leader Issa Hassan Sesay (top photo), Senior RUF Commander Morris Kallon, and former RUF Security Chief Augustine Gbao.



*Morris Kallon*

Also transferred Saturday were three former leaders of Sierra Leone's Armed Forces Revolutionary Council (AFRC): Alex Tamba Brima, AKA: "Gullit"; Ibrahim Bazy Kamara and Santigie Borbor Kanu, AKA: "Five-Five," and two former leaders of the Civil Defence Forces (CDF): Moinina Fofana and Allieu Kondewa.



*Augustine Gbao*

The prisoners will be incarcerated at Rwanda’s Mpanga Prison under an agreement signed between the Special Court and the Rwandan government last March.



*Ibrahim Bazy Kamara*

The part of the facility where they will be held was originally built to house persons convicted by the International Criminal Tribunal for Rwanda (ICTR), and meets the international standards for treatment of prisoners which are required for persons convicted by international tribunals.

At present, no facility in Sierra Leone meets the required international standards.



*Santigie Borbor Kanu*

meets the required



*Alex Tamba Brima*

The prisoners have been sentenced to sentences ranging from 15 to 52 years, with credit given for time served while in detention at the Special Court.



## Reuters

Saturday, 31 October 2009

### **Sierra Leone court sends convicts to Rwandan prison**

FREETOWN, Oct 31 (Reuters) - The Special Court for Sierra Leone has transferred to Rwanda eight prisoners it has convicted of various serious crimes committed during the West African nation's decade-long civil war, the court said on Saturday.

The prisoners, which include both rebel and pro-government militia fighters from the 1991-2002 war, will serve sentences ranging from 15 to 22 years in Rwanda as there is no prison in Sierra Leone that meets the standards required, it added.

The court wound up its proceedings in Sierra Leone this week when it rejected the appeals of three former rebel Revolutionary United Front (RUF) commanders. Former Liberian President Charles Taylor, also accused of war crimes, will continue his trial at the Hague for security reasons.

"Amid tight security, the eight men were flown by helicopter from the Special Court compound to Lungi International Airport, where they boarded a U.N.-chartered plane for Kigali, Rwanda," the court said in a statement on Saturday.

The prisoners would be taken to Mpanga prison, under an agreement signed between the court and Rwanda earlier this year, it added.

Those transferred include Issa Hassan Sesay, Morris Kallon, and Augustine Gbao, the most senior surviving commanders of the RUF, whose uprising triggered the war that killed more than 50,000 people and was depicted in the 2006 film "Blood Diamond".

Alex Tamba Brima, Ibrahim Bazy Kamara and Santigie Borbor Kanu, members of the RUF-allied Armed Forces Revolutionary Council (AFRC), were also transferred.

Moinina Fofana and Allieu Kondewa, former leaders of the pro-government Civil Defence Forces (CDF) who were sentenced in 2008, were also on the plane to Rwanda.

The court in Freetown is an international body with a staff including Sierra Leoneans and foreigners. It is the first mixed tribunal of its kind, with judges appointed by the United Nations and Sierra Leone.

Taylor, who was also embroiled in Liberia's war, faces war crimes charges for his support of rebels in Sierra Leone. The intertwined wars in the two nations killed more than 250,000 people. (Writing by David Lewis; Editing by Richard Williams)

## CharlesTaylorTrial.org (The Hague)

Thursday, 29 October 2009

### **Liberia: Charles Taylor and Sam Bockarie Did Not Have A 'Master-Servant' Relationship, He Tells Special Court For Sierra Leone Judges**

Alpha Sesay

Charles Taylor did not have a "master-servant" relationship with Sierra Leone's notorious rebel commander Sam Bockarie ("Mosquito"), the former Liberian president told Special Court for Sierra Leone judges in The Hague today.

"There was nothing like a boy or master-servant relationship between Sam Bockarie and I," Mr. Taylor told the judges today.

Mr. Taylor was responding to testimonies of prosecution witnesses who have told the court that Revolutionary United Front (RUF) commander Sam Bockarie took orders from Mr. Taylor. Several witnesses testified that before Mr. Bockarie undertook operations in Sierra Leone, he sought advice from Mr. Taylor. Witnesses have also testified that Mr. Bockarie made regular trips to Liberia, taking diamonds for Mr. Taylor with him. When he returned to Sierra Leone, they said, he had arms and ammunition for the RUF.

In his testimony today, Mr. Taylor made efforts to describe the relationship that he had with Mr. Bockarie, arguing that he was not Mr. Bockarie's boss.

"For me, I will look at him as a young man and as an African man, a son. There was no cozy relationship between us, but I dealt with him as leader of his own group. I respected him, I did not order him," Mr. Taylor said.

Mr. Taylor refuted the testimonies of witnesses who have quoted Mr. Bockarie as saying he was taking orders from "his chief," referring to Mr. Taylor.

"Chief has nothing to do with direct control, it is just a title," he said. He explained that several other people referred to him as "chief" because of his position as President of Liberia.

A huge portion of the prosecution's case throughout 2008 centered on the relationship that existed between Mr. Taylor and Mr. Bockarie. The prosecution has alleged these two men had a "superior-subordinate" relationship, with Mr. Taylor being the "superior." This relationship, the prosecution alleged, put Mr. Taylor in a joint criminal enterprise with the RUF, and one where he had control over RUF actions and hence could act to prevent or punish crimes committed by the RUF. Under the prosecution's theory of the case, then, Mr. Taylor's alleged acts or omissions in relation to the RUF would make him responsible for crimes committed by the rebels in Sierra Leone. Mr. Taylor has argued that his relationship with Mr. Bockarie was purely geared towards bringing the conflict in Sierra Leone to a peaceful conclusion, and not one geared towards supporting RUF crimes. He has denied all charges against him related to the RUF.

Mr. Taylor also refuted the testimonies of a protected prosecution witness who in his 2008 testimony told the court that Mr. Bockarie had told him that it was Mr. Taylor who ordered him to leave Sierra Leone and relocate to Liberia in December 1999. (When RUF leader Foday Sankoh was released from jail in 1999, after his arrest in Nigeria in 1997, it is reported that he had disagreements with his once trusted

commander Mr. Bockarie, who himself had been interim leader of the RUF in Mr. Sankoh's absence. This disagreement, eventually led to Mr. Bockarie leaving Sierra Leone and relocating to Liberia with hundreds of RUF fighters who were loyal to him). Witnesses have testified that it was Mr. Taylor who asked Mr. Bockarie to relocate to Liberia.

Mr. Taylor has denied these allegations and has repeatedly said that he did not act unilaterally to get Mr. Bockarie out of Sierra Leone. Rather, Mr. Taylor has argued that he worked with other West African leaders - specifically former Nigerian President Olusegun Obasanjo – to get Mr. Bockarie out of his neighboring country because Mr. Bockarie had become a hindrance to the peace process in Sierra Leone.

"It was not a case of leave Sierra Leone and come to Liberia," Mr. Taylor said. "We did take a very hard line, we, I mean Obasanjo and I took a hard line in our meeting with Bockarie and Sankoh. We did threaten him [Bockarie] with keeping him in Liberia until the disarmament goes on in Sierra Leone."

Mr. Taylor denied allegations that he was the one who decided the replacement RUF leader when the group's head commander, Foday Sankoh, was arrested in 2000 after the abduction of United Nations peacekeepers by the RUF. West African leaders, he said, advised that another high level RUF commander, Issa Sesay should serve as interim leader of the rebel group. He referred to Mr. Sesay as a being "very trustworthy." (Issa Sesay's conviction for 16 counts of war crimes and crimes against humanity for crimes committed during Sierra Leone's war was upheld on appeal this week, with the Special Court for Sierra Leone's appeals chamber confirming his sentence of 52 years imprisonment

Also during his testimony today, Mr. Taylor's defense team showed the court a video as well as pictures of Mr. Taylor's White Flower residence in Monrovia, Liberia. Mr. Taylor's defense team also showed the court pictures of Mr. Taylor's Executive Mansion at the former Gbangha headquarters of his fighting force, the National Patriotic Front of Liberia (NPFL); his unfinished house on his farm at Gbangha, as well as pictures of the NPFL's training base at Gbartala, Liberia. The pictures and video were marked for identification and admitted into evidence by the judges.

While the defense submitted these exhibits without making their meaning explicit to the court today, it is anticipated that the defense may use these exhibits at a later stage to try to discredit prosecution testimony that these places were used to store arms and ammunition, some of which Mr. Taylor allegedly supplied to RUF rebels.

Mr. Taylor's testimony continues on Monday.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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## UNMIL Public Information Office Media Summary 30 October 2009

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

### **International Clips on Liberia**

#### **US Rubber Company disputes Liberia pollution study**

Source: AP Online Regional - Africa Date: October 30, 2009

MONROVIA, Liberia—An American-owned Rubber Company is disputing claims by the Liberian government that the company's waste products are polluting creeks. The Liberian government says a three-month investigation found high levels of orthophosphate being released into the water. But Firestone said in a statement released late Thursday that it has conducted its own extensive testing of discharge water and found it was not harmful to human health. The government's report appears silent on whether the company will pay any fines. Firestone signed a 99-year concession agreement with the Liberian government in the 1920s to grow and export rubber in the West African nation.

#### **Local company awarded contract to work on German Embassy in Liberia**

<http://www.charlestonbusiness.com>

Charleston-based [Global Building Solutions](#) has been awarded a contract with the German government to refurbish its embassy in Liberia. Global Building Solutions has previously worked on projects in Liberia through its Global Building Solutions Liberia Ltd. subsidiary, which is headquartered in Monrovia, the West African country's capital. It recently built a villa-style resort hotel, which opened in June. The company employs expatriates and local trade workers for its projects and has trained more than 300 workers in Liberia. Global Building Solutions also works in Gabon, in west central Africa, and it has contracted with the government there to build housing.

#### **Nigeria: UN seeks continuous role for Nigerian troops after UNMIL**

The request was conveyed to Nigeria's Defence Minister Godwin Abbe Thursday, through the Special Representative of the UN Secretary General to UNMIL, Ms Ellen Margrethe Løj, who met with him in Nigeria's capital city of Abuja. Ms Løj said with Nigeria's membership of the UN Security Council as a non-permanent member, starting 1 Jan. 2010, it was incumbent on it to do more in the maintenance of international peace and security.

Abbe, a retired Army General, said the UN request was because of the nation's 'enviable' track record in peacekeeping operations. Nigeria currently has 1,600 troops in Liberia, including two battalions of the Nigeria Army and some police units.

## **International Clips on West Africa**

### **Guinea**

#### **African Union slaps sanctions on Guinea junta**

(AFP) – ABUJA — African leaders on Thursday imposed a new barrage of sanctions Guinea's military rulers, increasingly under fire in the wake of last month's massacre of scores of opposition supporters. Heads of states who sit on the African Union Peace and Security Council decided to "to take all the necessary measures towards the implementation of targeted sanctions including denial of visas, travel restrictions and freezing of assets," a statement said. The sanctions will target junta leader Captain Moussa Dadis Camara "as well as members of the government and any of the civilian or military persons whose activities are aimed at maintaining the unconstitutional status quo in Guinea," the statement said. "The sanctions will enter into force immediately," said the head of the AU peace and security commission, Ramtane Lamamra.

#### **Guinea Meddling: Lawyers quit**

Conakry (AFP) Lawyers representing former police and army officials accused of drug trafficking in **Guinea** on Thursday said they quit because of "intolerable meddling" by junta leader Captain Moussa Dadis Camara. "So as not to give our support to a parody of justice... the collective of the accused's lawyers has decided to withdraw immediately from this case in which the die is already cast," the lawyers said in a statement sent to AFP in Dakar on Thursday. The lawyers say Camara, who seized power in December last year, went to the justice ministry on Monday to discuss the case of the accused drug traffickers with judges involved in the case, including the investigating magistrate. According to the lawyers the judges were "ordered to explain their rulings". This is "grave and intolerable meddling by the executive power in the functioning of the judiciary", the lawyers said in their statement.

### **Ivory Coast**

#### **UN Extends Ivory Coast Sanctions**

Source: English General News Date: October 29, 2009

UNITED NATIONS- The U.N. Security Council voted unanimously Thursday to extend an arms embargo on Ivory Coast and a ban on the export of rough diamonds for another year as well as travel and financial sanctions on individuals violating human rights and blocking peace. The resolution adopted by the council emphasized "the continued contribution" of the sanctions to the West African nation's stability, "in particular in the context of the planned presidential elections." Ivory Coast was split into a rebel-controlled north and government-controlled south after an attempted coup sparked civil war in 2002. A peace deal in March 2007 brought key rebel leaders into the administration and offered the best hope yet of a single government after years of foundering accords and disarmament plans but deep divisions remains.

### **Local Media – Newspaper**

#### **Press Union to Host Senatorial Debate Saturday**

(The Inquirer, The News)

- The Press Union of Liberia (PUL) in collaboration with the International Foundation for Electoral Systems (IFES) will this Saturday conduct a debate for Senatorial aspirants in the November 10 Montserrado County senatorial by-election.
- A PUL release said the debate which is being funded by USAID will be held at the Monrovia City Hall under the theme: Listen, Discuss, Ask Questions and Make an Informed Decision.
- During the debate, the aspirants would be given the opportunity to put forth their platforms and give reasons why they should be voted for.

- Meanwhile, the National Elections Commission (NEC) says the process of replacing voter Identification Cards ends tomorrow. NEC began the process on October 20, 2009

### **Six Counties to Benefit from USAID-funded Skills Training**

(The Analyst, Heritage)

- A global non-profit organization charged with the implementation of USAID-funded Core Education Skills for Liberian Youth (CESLY) Project, Education Development Centre has commenced operation in the country.
- A release issued said the programme will help young people develop skills and attitudes necessary for the attainment of formal academic learning.
- The release said the project will also seek to build the capacity of individuals in the informal sector and will target children and young adults between the ages of 10 and 35.
- According to the release, the two-year programme will increase access to education and enhance the quality of teacher among Liberian educators.
- Beneficiary counties of the CESLY's Core Education Project include Montserrado, Bong, Lofa, Nimba, Maryland and Grand Gedeh.

### **Government to Replace Old Passports...Launches Biometric Passports Monday**

(The Analyst, New Vision, The Inquirer)

- The Government of Liberia will on next Monday launch the New National Biometric Passports.
- According to a Foreign Ministry release the passports will meet the global requirements of the International Civil Aviation Organization (ICAO) for Biometric Machine Readable Passports to be in effect by April 2010.
- The new Ordinary Liberia Biometric Passport will be valid for five years, while the new Diplomatic and Official Liberian Biometric Passports shall be issued for two years, consistent with existing guidelines.
- The security delegation presented details of the Ministry of Justice, LNP, Bureau of Corrections and Rehabilitation, and Bureau of Immigration and Naturalization strategic plans at the Forum.

### **Liberian Woman Killed in Afghan Bomb Blast**

(Daily Observer, New Democrat)

- A Liberian woman, Yah Lydia Wonyene working as an U.N. Election Officer in Afghanistan was among those killed on Wednesday in a bomb blast in Kabul. Another Liberian, Helen Seyon-Howard was also wounded in the blast.
- The incident occurred when Taliban militants bombed the Indian Embassy and attacked an international guest house hosting Ms. Wonyene and other UN staff.
- The Taliban militants' assault on the international guest house in Kabul has raised questions about security for a presidential election run-off due in less than two weeks.

### **Alpha Logging Gives FDA Over US\$1.3m for Fees**

(The Inquirer, National Chronicle, Public Agenda, The Analyst)

- The Management of ALPHA LOGGING COMPANY yesterday presented a check for US\$1,309,362 to the management of the Forestry Development Authority (FDA), representing payment for annual contract and bid fees as well as land rental for Forest Management Contract (FMC) for area "A".
- The check is the final payment after another check for US\$188,100.00 was recently paid by the management of ALPHA.
- Receiving the check, the FDA Managing Director, John Woods said he was not surprised that ALPHA is in the forefront of the exercise of complying with the payment of all of its fees but according to him the company is trustworthy and absolutely credible.

### **US\$15M Committed to Fight River Blindness**

(The News)

- The British Department for International Development (DFID) has US\$1.5 million to twelve African Countries including Liberia, to implement programmes that would eliminate Lymphatic Filariasis which also causes river blindness.
- Making the disclosure Thursday at the three-day Mano River Union Conference on Onchocerciasis 'River Blindness', the Director of the Liverpool School of Tropical Medicine, Prof. Moses J. Bockarie said the money would go toward supporting drug distribution, capacity building, and operational research for community-based drug administration.
- Prof. Bockarie said the money would be apportioned based on the submission of proposal by targeted countries.
- He noted that new beneficiaries such as Liberia would be given US\$200,000.00 which would be ready in the next 2 years.

### **Bureau of Customs Launches ASYCUDA**

(The News, The Informer, The Independent, The Analyst)

- The Bureau of Customs and Excise will next week launch the ASYCUDA Liberia Software Pilot Project initiated by the Department of Revenues at the Finance Ministry.
- A Finance Ministry release said the ASYCUDA software system is intended to fully automate customs processes and improve its service delivery to the public.
- The ASYCUDA system is also intended to reduce customs clearance processes to facilitate trade and commerce particularly importation and exportation of goods.

### **UNDP, LNRCS in US\$98,000.00 Project Agreement**

(Daily Observer, New Democrat)

- The United Nations Development Programme (UNDP) has signed an agreement valued at US\$98,000.00 with the Liberian National Red Cross Society (LNRCS).
- The agreement is intended to respond to natural disaster such as flash flood in Liberia.
- UNDP Deputy Resident Representative for Programme, Maria-Threasa Keating lauded the efforts of the LNRCS in dealing with the issue of disaster management.
- Ms. Keating noted that UNDP will remain supportive in working with Government and other agencies not only in the areas of conflict and war but also in dealing with the issues of natural disaster.

**Local Media – Star Radio** (*culled from website today at 09:00 am*)

### **VP Boakai Speaks of Fresh Efforts to Revive Threshold Bill Passage**

- Speaking Wednesday when he met with the President of the International Foundation for Electoral Systems (IFES) William Sweeney, Vice President Joseph Boakai says the Legislature is speeding up measures to ensure the passage of the "controversial" population threshold bill.
- Earlier, Mr. Sweeney and the National Elections Commission (NEC), Chairman James Fromayan expressed concerns about delays in the passage of the threshold bill and is considered vital to the conduct of the 2011 elections.
- They stresses that the USAID US\$17.5 million grant provided for election purposes can only be utilized if the bill is passed.

### **Senator Lassana Indicts House Speaker, Others of Plundering Bomi Resources**

- Bomi County Senator Lahai Lassana has reported the discovery of a criminal syndicate in the county implicating House Speaker Alex Tyler.
- Speaking at a news conference Thursday Senator Lassana also linked Senator Richard Divine to the plundering of the county's natural resources. The accused lawmakers have since rubbished the report.

### **Press Union to Host Senatorial Debate Saturday**

(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)

### **Six Counties to Benefit from USAID-funded skills training**

- A global non-profit organization charged with the implementation of USAID-funded Core Education Skills for Liberian Youth (CESLY) Project, Education Development Centre has commenced operation in the country.
- A release issued said the programme will help young people develop skills and attitudes necessary for the attainment of formal academic learning.
- The release said the project will also seek to build the capacity of individuals in the informal sector and will target children and young adults between the ages of 10 and 35.
- According to the release, the two-year programme will increase access to education and enhance the quality of teacher among Liberian educators.
- Beneficiary counties of the CESLY's Core Education Project include Montserrado, Bong, Lofa, Nimba, Maryland and Grand Gedeh.

*(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)*

### **LINSU Recruits 20,000 Students for Civic Duties**

- The Liberia National Student Union (LINSU) says it has embarked on the recruitment and training of at least 20,000 students across Montserrado County.
- A LINSU release said the exercise is intended to prepare the students for civic assignment including poll watching and election monitoring.
- LINSU President Kwame Ross said the Montserrado Senatorial by-election is a critical process that demands serious attention.
- Mr. Ross believes the November 10 by-election projects a small picture of the 2011 general and presidential elections and as such must be closely monitored.

### **Firestone Workers Union Split Deepens**

- The Bonafide Due Payers of Firestone Workers Union of Liberia (FAWUL) says it takes serious exception to the Labour Ministry's final determination in a case between it and the FAWUL leadership.
- A spokesman of the Bonafide Due Payers, Sylvester Dweh said the Ministry's final determination has no element of legality and the group will protest at the Supreme Court.

### **Radio Veritas** *(News monitored today at 09:45 am)*

#### **Commotion Ensues Between Rep. Regina Teah and Suspected UP Partisans**

- Commotion reportedly broke out Thursday afternoon between Montserrado Country Representative Regina Sokan Teah and men believed to be partisans of the ruling Unity Party (UP).
- The incident occurred on Bushrod Island when Representative Teah accused the men of attempts to buy voter registration cards in favour of UP's senatorial candidate Clemenceau Urey.

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## The New Times

Monday, 2 November 2009

### Rwanda: ICTR Under Spotlight As Sierra Leone Convicts Arrive

James Karuhanga

Kigali — The decision not to transfer to Rwanda suspects and convicts from International Criminal Tribunal for Rwanda (ICTR), has once again put the tribunal under spotlight as a fellow UN court sends in convicts to serve their sentences in the country.

According to experts and government officials the coming of eight Sierra Leone convicts, to serve their prison sentences in Rwanda, is likely to mount pressure on the ICTR to revisit their infamous decision.

In March, Rwanda and the Special Court for Sierra Leone (SCSL), a UN instituted tribunal for masterminds of the crimes committed during Sierra Leonean civil war signed an agreement to see some of the convicts serve their jail terms here.

This agreement came to pass on Sunday morning when the first batch of the prisoners arrived to their new detention facility in Muhanga.

Justice Minister, Tharcisse Karugarama on Sunday stressed that : "The decision by the ICTR not to send prisoners here is a contradiction," after a UN court has, itself, determined that the country's detention facilities meet, or even surpass international standards.

"We believe that anybody who had doubts should re-visit, or re-examine their doubts."

"The decision by the Special Court for Sierra Leone to transfer those convicts here is an eloquent testimony that this court, after due diligence, was satisfied that the facility at Mpanga meets international standards," Karugarama said.

"We are told that it is ranked among the best in the world! - they (the SCSL) have set a good example and others should be able to follow suit."

Experts said the move puts ICTR under strong scrutiny, in its position that Rwanda's legal facilities do not meet international standards.

#### International Organisations

"This does not end on detention facilities alone, it also questions the sincerity of the excuses put forward by the ICTR to deny transfer of cases to Rwanda and is likely to mount pressure on the court to re-visit that decision," a legal expert who preferred anonymity said.

Meanwhile, the Sierra Leone convicts who arrived yesterday appreciated the conditions within the Prison and seemed to adjust fast to the new environment.

"When they arrived at Mpaga prison, they were pleased with their new environment and told prison warden that they were surprised with what they saw," said Mary Gahonzire, the Commissioner General of National Prisons Services.

Rwanda has continuously pushed for the transfer of convicts of the ICTR but the tribunal has remained defiant, instead opting to ferry off the convicts to western African countries like Mali.

Agence France Presse

Monday, 2 November 2009

## Karadzic will attend tribunal hearing

By Hermione Gee



The genocide trial of Bosnian Serb wartime leader Radovan Karadzic is set to continue in The Hague today despite his boycott of the proceedings. But his legal advisors announced this morning that he will attend a tribunal hearing on Tuesday.

Prosecutor Alan Tieger is scheduled to conclude his opening statement in the International Criminal Tribunal for the former Yugoslavia which had started on Tuesday by branding Karadzic the "supreme commander" of an ethnic cleansing campaign of Muslims and Croats during Bosnia's 1992-95 war.

Karadzic, 64, refused to leave his prison cell to come to court when the trial began last Monday, demanding more time to prepare his defence, which he is conducting himself.

This prompted a one-day adjournment, but when Karadzic was again absent on Tuesday presiding judge O-Gon Kwon ordered the proceedings to continue without him for now.

Karadzic, who faces 11 charges of genocide, war crimes and crimes against humanity, has vowed to remain absent when his trial resumes this Monday.

In this event, O-Gon has ordered a special hearing to be held the following day to determine how to proceed with the case in the face of his continued defiance.

Options include proceeding with the trial in Karadzic's absence or imposing a defence lawyer on him -- which could cause a delay of several months as that person acquaints himself with the case.

Marco Sladojevic, a legal adviser for Karadzic, has said his client may attend Tuesday's procedural hearing, when the defence and prosecution will make submissions.

Arrested on a Belgrade bus in July last year after 13 years on the run, Karadzic is charged with responsibility for the massacre of more than 7,000 Muslim men and boys at the UN-protected enclave of Srebrenica in July 1995 -- what Tieger called "the largest mass killing on European soil since World War II."

He is also charged for the 44-month siege of Sarajevo, which ended in November 1995 after some 10,000 people, many of them civilians, were killed.

Karadzic, who has insisted he would not accept imposed counsel, claims he needs more time to read a million pages of prosecution evidence and study the statements of hundreds of witnesses.

The Bosnian war claimed about 100,000 lives and caused 2.2 million people to flee their homes.

## International Justice Tribune

Friday, 30 October 2009

### African Union backs plan for Darfur hybrid war crimes court

By International Justice Desk



The African Union (AU) has backed a plan to create a special hybrid court for trying those accused of committing atrocities in Sudan's restive Darfur province.

The AU's Peace and Security Council, which met Thursday in Nigeria, endorsed the proposal

made by a panel headed by former South African president Thabo Mbeki, to create a court comprised of both international and Sudanese judges.

The conflict in Darfur began in 2003 when mainly non-Arab tribesmen took up arms against what they called decades of neglect and discrimination by the Arab-dominated government in Khartoum.

The UN says up to 300,000 people have been killed and 2.5 million displaced by the conflict. The Sudanese government claims only around 10,000 have died.

The International Criminal Court (ICC) has issued an arrest warrant for Sudanese President Omar al-Bashir, accusing him of war crimes in Darfur.

While backing Mbeki's plan, the AU once again called on the ICC to withdraw the warrant "in the interest of peace, justice and reconciliation."

However, the New York-based Human Rights Watch (HRW) said that any hybrid court should complement the ICC's work.

"A hybrid court and national law reforms could potentially help, but not substitute the ICC's cases," Richard Dicker, International Justice Program director at HRW, said in a statement.

## Sunday Tribune

Monday, 2 November 2009

### **Sudan accuse ICC prosecutor of standing behind AU hybrid court proposal**

(WASHINGTON) – The Sudanese government today stepped up its criticism of the African Union (AU) panel headed by former South African president Thabo Mbeki for recommending a hybrid court to try Darfur war crimes suspects.

Luis Moreno Ocampo, Prosecutor of the International Criminal Court (Getty Images) This week, the 15-member AU Peace and Security Council (PSC) endorsed the report compiled by the high level on Darfur including calls for a special court consisting of non-Sudanese judges.

But Khartoum gave the proposal a cool reception with 2nd Vice president Ali Osman Taha telling the PSC in Abuja that the judicial mechanism requires further discussion and stressing that Sudanese law and competence of judiciary “provides the necessary framework to achieve justice”.

Yesterday Sudanese presidential adviser Mustafa Osman Ismail reiterated this position saying that “the sovereignty of Sudan and the independence of its judiciary must be respected”.

Sudan official news agency (SUNA) quoted a senior National Congress Party (NCP) as saying that his party has full confidence in the ability of the local judiciary to achieve justice in Darfur.

The political bureau officer at the NCP Mandoor Al-Mahdi also accused the International Criminal Court (ICC) prosecutor Luis Moreno-Ocampo of standing behind the hybrid court proposal.

“After Ocampo failed in furthering his agenda through the ICC he now wants to find another entry though the so-called hybrid court” Al-Mahdi said.

This week the ICC prosecutor hailed the special tribunal proposal made by Mbeki’s panel saying that it would complement his court’s work.

“The primary responsibility lies in national states,” Ocampo told Reuters. “The ICC is just doing a piece — prosecuting the most responsible — but then there are other efforts needed”.

The Mbeki panel made an implicit endorsement of the ICC prosecutions in Darfur, contrary to the position taken by the AU which criticized the arrest warrant issued this year for Sudanese president Omer Hassan Al-Bashir and instructed its members not to cooperate with the Hague based tribunal in apprehending Bashir.

“This prosecutorial policy inevitably leaves the overwhelming majority of individuals outside of the ICC system and still needing to answer for crimes they might have committed.... justice from the ICC, exclusively, would therefore leave impunity for the vast majority of offenders in Darfur, including virtually all direct perpetrators of the offences” the AU panel report says.

Today a former UN official also criticized the Mbeki panel recommendations on justice saying that it will place Sudan “under international guardianship” and is an infringement on the country’s sovereignty.

“The wise men panel report on this regard is a late wisdom and advanced gullibility and whoever agrees to this proposal has effectively endorsed this late wisdom and hailed this advanced gullibility” the former

director general for the World Intellectual Property Organization (WIPO) Kamil Idris told the Al-Sudani newspaper in an interview.

Idris, who noted his friendship with Mbeki, suggested that the outcome of the report was a result of international pressure leading to “non-African solutions” stressing that Sudanese judiciary has excellent regional reputation.

However, a prominent Islamist writer today warned that the Sudanese government must accept the justice tools put forward by Mbeki.

“[Taha’s response] is a sealed rejection [of the hybrid court] that will eventually be uncovered. The [Mbeki] commission was aware of what he was referring to which is why it recommended changing judicial legislation. Ali Osman the Vice president should have answered as to why the Sudanese judiciary did not carry out its duties towards Darfur crimes over the last six years” Al-Tayib Zein Al-Abdeen wrote today in the independent Al-Sahafa newspaper.

“It is not hard for anyone to realize why the government is foot dragging on this matter all these years because its hands are not totally clean from these [Darfur] violations. All the world’s conspiracies will not clear the government from what it committed against its people in Darfur in heinous crimes” Al-Abdeen said.

“The government will find itself more under siege than ever. The AU stood on the side of the government more than any other international group and it is hard for the government to accuse it of serving imperialist colonialist goals against Sudan or that it stands against Islam and Muslims” he added.

Mbeki told reporters this week that Khartoum accepted hybrid court but that it would need further discussions with the AU especially where it concerned the hybrid court.

“They will look at what the Sudanese constitution allows with regards to that because this will be a precedence that has not been tried on the African continent before,” he said.

In order to allow for establishment of the special court, the panel wants Sudan is to change its laws to allow participation of foreign judges, something which Khartoum rejects.

Despite the opposition made by Khartoum to the AU report, observers express skepticism that the pan-African body will be willing to exert pressure on Sudan to implement it.

Reuters

Sunday, 1 November 2009

## Abu Garda appears in Hague court

By International Justice Desk



*The Hague,  
Netherlands*

International Criminal Court (ICC) prosecutors said on Monday Sudanese Darfur rebel leader Bahr Idriss Abu Garda deliberately ordered the killing of

12 African Union (AU) peacekeepers, leaving civilians unprotected.

Abu Garda, 46, is the first rebel to appear before the ICC. He appeared voluntarily for a hearing to determine whether he should face trial on three war crimes charges over the attack on an AU peacekeeping base in September 2007.

Two other rebels have also been accused of involvement in the attack. Abu Garda, chairman of the United Resistance Front (URF), has denied the charges. He is not yet in custody.

### **Murdered peacekeepers**

Deputy prosecutor Fatou Bensouda said the peacekeepers were sent to protect civilians from killings and rapes, to monitor peace and deliver aid, but were murdered by combined rebel forces under Abu Garda's control, in part for their equipment.

"They murdered peacekeepers, who were not killed accidentally. Nor were they killed in crossfire. Most of them were shot at close range. They were executed," Bensouda told the three-judge chamber.

The AU peacekeepers, now a joint AU-UN force, have been unable to end fighting between government and rebel troops since hostilities erupted in 2003. The UN says up to 300,000 people have been killed, but Khartoum says 9,000 people have died.

Abu Garda, wearing a grey suit and eyeglasses, is charged with murder, intentionally directing attacks against a peacekeeping mission and pillaging of vehicles, computers, phones, ammunition, money and military clothes and boots.

"A confirmation of charges hearing is not a trial, neither a mini trial nor a trial before a trial," Presiding Judge Sylvia Steiner said, adding it is used to distinguish cases that should or should not go to trial.

**Defence**

Defence lawyer Karim Khan said the prosecutor's evidence was unreliable and incomplete, adding that Abu Garda was not in Sudan in the months prior to the attack as he was travelling abroad in Africa as part of his work for the JEM (Justice and Equality Movement) political wing.

Abu Garda "did not order the attack on Haskanita. He did not encourage it [...] He did not participate in it," Khan said. "Rather than condoning or encouraging it, he went on record and roundly condemned it."

Brahima Kone, one of four legal representatives addressing the court on behalf of 78 victims, said one seriously injured victim was the sole provider for 23 people who lost their household goods after the attack and are seeking reparations.

Prosecutor Bensouda said about 1,000 rebels stormed the peacekeeping camp in 30 vehicles in the early evening using machine guns and rocket propelled grenades. The attack continued into the early morning. She added that Abu Garda's forces had just split from Darfur's rebel JEM and they needed equipment and recognition as a fully-fledged rebel force.

"International peacekeepers must be protected by more than just weapons and armour. They must be sheltered by all the power of international law," Bensouda said.

Abu Garda will only be detained if the court decides there is enough evidence for a trial. The court will have 60 days from the end of the hearing on 29 October to hand down a ruling.

Source: REUTERS

## The Standard (Kenya)

Monday, 2 November 2009

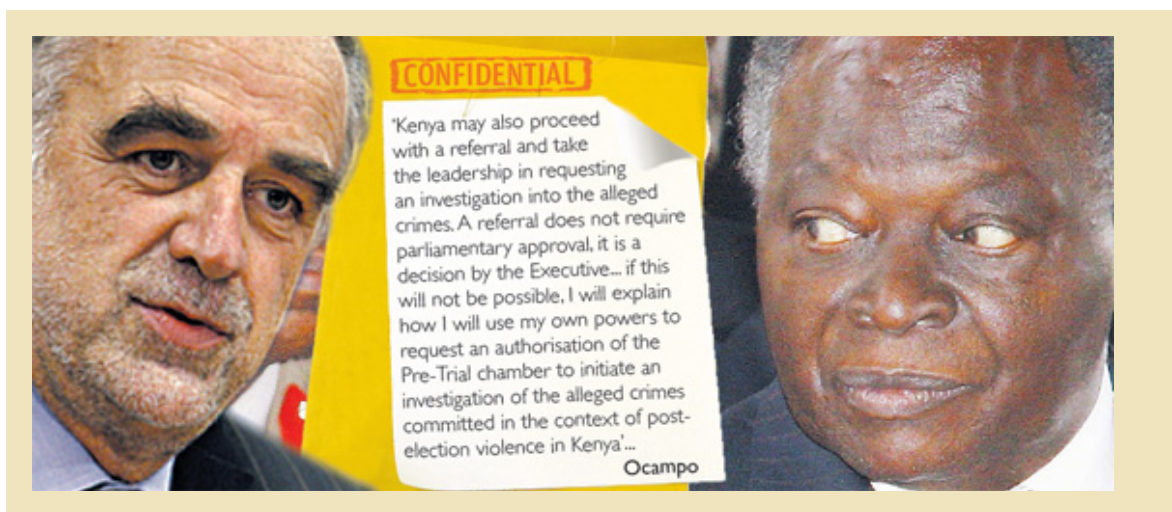
### Ocampo's secret letter to Kibaki

By David Ohito

In President Kibaki's folders lies a secret letter from International Criminal Court's Chief Prosecutor Luis Moreno-Ocampo nudging him to formally invite ICC to investigate and try kingpins of post-election violence.

A copy of the letter is also with Prime Minister Raila Odinga who, in the spirit of his shared executive authority with Kibaki in line with last year's power-sharing deal, is expected to sit with the President, listen to Moreno-Ocampo, and make the hard decisions that may not spare even their confidants. Moreno-Ocampo will also be asking Kibaki and Raila if the Government will arrest suspects should ICC judges issue arrest warrants or summons for them to appear before them.

Moreno-Ocampo, in his letter of response to President Kibaki's and Raila's request to him for a 'draft agenda' ahead of their meeting this week, also gives the two leaders the option of letting Kenya host the ICC proceedings against its citizens.



In the letter, which The Standard has seen, Moreno-Ocampo says he will be asking the two leaders to choose "if they find helpful", to sign an agreement with ICC that will allow those found guilty to serve their sentences in Kenya's prisons.

### Fuel animosity

In legal parlance, Kenya is being invited to negotiate "enforcement of sentence agreement" with the President of ICC Justice Sang-Hyun Song. "This could be done in the form of a tripartite agreement involving third party States willing to fund such an agreement," Moreno-Ocampo told the President and Raila.



Kenya's initial reaction to the prospect of trials and serving of jail terms on her soil was that it would fuel animosity. In his carefully-worded letter Moreno-Ocampo, probably because of the resistance Kenyan leaders put up against the establishment of a special tribunal, puts the burden of referral on Kibaki's shoulders.

"A referral does not require parliamentary approval, it is a decision taken by the Executive," he told Kibaki in the letter sent through Justice Minister Mutula Kilonzo.

In a nutshell, the ICC Chief Prosecutor told President Kibaki to take the formal but groundbreaking step that would allow it to take up investigation and prosecution of high-profile suspects, six of whom are believed to be Cabinet ministers.

Moreno-Ocampo goes ahead to tell the President that he will be explaining to him — in case he does not take action, "how I can use my powers to request Pre-Trial Chamber to initiate an investigation of the alleged crimes committed in the context of post-election violence in Kenya."

It was copied to Head of Civil Service Mr Francis Muthaura, in his capacity as Secretary to the Cabinet, and Mr Miguna Miguna who is the PM's advisor on Coalition Affairs.

Moreno-Ocampo not only sets out the agenda for his meeting with Kibaki and Raila on Friday but also explains his letter dated October 27 was aimed at submitting information which will "facilitate fruitful conversation" when they finally meet face to face.

The ICC prosecutor has vowed to make Kenya "an example to the world in fighting impunity". On Sunday, Mutula said, the issue of referring the case to ICC may feature at the meeting with the principals. "Those issues may or may not feature at the meeting and as such they are out of my province," he explained.

Lawyers argue it now depends on how the Government will treat the situation and whether the suspects including the high and mighty may be handed over to ICC.

Senior Counsel Paul Muite said, "If the Government refuses to refer the case, the Pre-Trial chamber will grant permission to Moreno-Ocampo and there is no escape route."

Muite explained Kenya risked being listed a pariah State should it fail to comply, despite an earlier commitment.

According to Article 15 of the Rome Statute, the Prosecutor of the ICC may initiate an investigation on the basis of information on crimes within the jurisdiction of the Court.

### **Worst violence**

Lands Minister James Orengo, speaking in Siaya, said, pressure must be piled on Kenya to ensure justice is done to the victims of post-election violence suspects.

Moreno-Ocampo has proposed a three-pronged approach in a bid to try and resolve Kenya's worst violence since independence.

The ICC, he said was a Court of last resort and will prosecute those most responsible while the national accountability proceedings through the enactment of the Special Tribunal for Kenya to prosecute middle and low-level criminals connected to post-election violence.

## ABC News

Saturday, 31 October 2009

### **Khmer Rouge trial judges accused of bias**

By David Boyle for Radio Australia



The Khmer Rouge tribunal has endured considerable controversy in its four years of existence. (Reuters: Chor Sokunthea, file photo)

The beleaguered Khmer Rouge trials in Cambodia have hit another obstacle.

Two pre-trial judges, including Australian Rowan Downing QC, have been accused of taking instruction from their respective governments in a motion filed last week.

The Extraordinary Chambers of the Courts of Cambodia were created to try the leaders of the Khmer Rouge regime, which is accused of killing more than 2 million people in the 1970s.

The Khmer Rouge tribunal has endured considerable controversy in its four years of existence and now many people believe it has become entrenched in its own politics.

The lawyers of accused war criminal, Ieng Sary, have filed a motion requesting that two pre trial judges, including Mr Downing, be removed from the court due to a public perception of bias.

Radio Australia has obtained a copy of the motion that seizes on comments recently made by the Cambodian Prime Minister, Hun Sen.

Mr Sen has alleged the two judges have been acting on the orders of their respective foreign governments.

#### ***'Fair trial'***

Michael Karnavas is one of the co-defence lawyers who filed the motion.

"What we're saying is we're caught in the middle of all of this, we're entitled to a fair trial," he said.

"The average person in Cambodia believes their Prime Minister. The United Nations hasn't stepped up to the plate, to either defend these judges or to show that they've taken any action to look into these allegations.

"The judges haven't spoken up, I suspect because of their position, but we want this matter cleared."

The two pre-trial judges, Mr Downing and Dutch national Katinka Lahuis are unable to comment on either Hun Sen's comments or the motion being filed against them.

#### ***Appropriate behaviour***

But a spokeswoman for the court, Yuko Maeda, says the court believes all their court officials are behaving appropriately.

"We believe all the judicial officials who work at the ECCC are performing accordingly, independently from any of the executive bodies," she said.

"This is the international standard, ECCC is following the international standard. We believe that none of the judicial officials who are working at the ECCC are influenced by any executive body."

Heather Ryan, a court monitor with the Open Society Justice Initiative, says she has seen no evidence to confirm the allegations, but says they should be publicly addressed to protect the credibility of the court.

"Many of the international players and the judges are in my view, unfortunately reluctant to speak publicly when statements like this that impact the credibility of the court are made," she said.

"I think it's part of that sort of general reluctance of commentators and officials of the courts to speak about what's going on in the court publicly. There's kind of a conspiracy of silence."

### ***Bribery claims***

An early report into the court's activities prepared for the US Agency for International Development concluded corruption was "pandemic" within the administration of local officials with bribery a widely accepted practice.

A subsequent report produced by the court, which was initially suppressed, revealed similar findings.

But there is no suggestion that these allegations relate to the judges of the court.

Lawyer Michael Karnavas dismisses any suggestion that his motion is designed further erode the tribunal's reputation, arguing it upholds expectations of transparency and due diligence.

"I haven't made these allegations, somebody else has. I'm not the one getting kick backs from the national staff. I'm not the one who is hiding the UN report, others are doing that," he said.

"So you can't blame the defence for trying to shed light and trying to make this process as transparent as possible."

Ms Ryan, of the Open Society Justice Initiatives, says the court should be concerned about mounting public scepticism over its transparency and capacity to deliver swift and effective justice.

"The court has an obligation now, if it's to preserve its obligation to the people of Cambodia to go out of its way and take additional steps to be transparent, to scrupulously deal with any allegations of misconduct or wrong doing and to ensure that people can see that they actually are serving the interests of justice," she said.

"Right now when everything is done behind closed doors people don't see that and so when statements like the one that is alleged by Ieng Sary's lawyers are made, it feeds on a kind of inherent suspicion."