

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



Autographed photograph of Banja Tejan-Sie,
Governor-General of Sierra Leone, 1970-71

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

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Press clips are produced Monday through Friday.
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CNN

Wednesday, 20 April 2011

Global cocoa trade complicit in Ivory Coast atrocities

By Christopher Santora, Special to CNN



Ivorian workers empty bags of cocoa beans into a container at the Port of Abidjan.

***Editor's note:** Christopher Santora worked as a trial attorney in The Hague for the prosecutor for the Special Court for Sierra Leone in the case against the former Liberian President Charles Taylor. He also worked in Freetown, Sierra Leone, as a prosecutor in cases involving armed factions in*

that country's 11-year conflict.

(CNN) -- The capture of Laurent Gbagbo, whose refusal to concede the presidency of the Ivory Coast to challenger Alassane Ouattara despite his internationally recognized election loss nearly five months ago, is being accompanied by calls for him and his associates to face justice. But it is unclear what form this justice will take.

Gbagbo's capture by U.N. peacekeeping troops could be the final act in the post-Cold War drama in West Africa. Since 1989 in Liberia, inter-related conflicts have raged in all Liberia's neighboring countries -- including Sierra Leone, Guinea and most recently, Ivory Coast. Each conflict had its own peculiarities and dynamics, but in all of them, commercial interests profited from and contributed to the wide-scale misery of the civilian populations.

Whether it was timber and rubber in Liberia, diamonds in Sierra Leone, bauxite in Guinea or cocoa in the Ivory Coast, outside commercial interests, engaging with ruling governments or rebel factions, have been complicit in the theft of natural resources. In many instances, these companies could be liable under a variety of aiding and abetting or conspiracy theories of criminal law.

A proverb has been recently coined in West Africa: "Reconciliation without justice is like a man winking to a woman in the dark." After years of impunity for the worst abusers in the region, recent efforts in Sierra Leone, including the trial of the former Liberian President Charles Taylor, have been at least a small step toward justice for victims. But noticeably absent from any form of accountability throughout all these conflicts, whether in the International Criminal Court in The Hague or domestically, have been the profiteers.



In the case of Ivory Coast, it might finally be possible to change this. President-elect Ouattara has expressed the right sentiment recently, saying there can be no reconciliation without justice, and indicated he plans prosecutions at the international and national level, for all sides. He said he would ask the International Criminal Court to investigate massacres that members of Gbagbo's forces, and even his own, were suspected of carrying out.

He has also talked about plans for a "Truth and Reconciliation" committee responsible for "shedding light on all the massacres, crimes, and all cases of human rights violations."

Ouattara's focus on all factions is encouraging, especially in light of the ethnic divisions that have been aggravated by the conflict. But it is not enough. Rather, true accountability must include the outsiders who played a vital role in sustaining and promoting the Ivorian conflict through the cocoa trade.

Both the United Nations and NGOs such as the London-based Global Witness have documented the role that segments of the country's cocoa sector have played in funding and in profiting from the nearly decade-long war. In a 2007 report, Global Witness documented how the cocoa industry, including subsidiaries of major international corporations, provided money for Gbagbo to purchase arms. The report connected this to some of his regime's worst human rights abuses. This was despite the imposition of a United Nations arms embargo on Ivory Coast as part of the U.N.'s effort to foster reconciliation and a unity government.

It is an indisputable fact that the conflicts in Africa over the last 30 years have been characterized by an inordinate amount of suffering by civilians. When efforts at justice focus only on African leaders and their immediate subordinates, while ignoring the international commercial actors, there is a true double standard.

Post-conflict justice and reconstruction efforts in Ivory Coast offer a chance to rectify this omission. During the course of the war, the value of cocoa amounted to about \$1.4 billion a year. It is simply unjustifiable that Ivorians should pick up the full tab for the reconstruction of the country whose primary export enriched so many while the country fell apart.

Any proposed reconstruction plan for the Ivory Coast should include a concerted effort to assist the new Ivorian government in conducting impartial, independent, well-resourced investigations and trials that focus on these economic actors. This should include investigations into certain multinational coca exporters and actions for reparations where feasible. It should include the new government taking steps to initiate judicial actions in Europe and the United States, where feasible, for civil and criminal claims of pillage.

For the Ivory Coast's future, the cocoa trade is critical. Taking steps now to initiate some accountability for involved companies would encourage future transparency and help curb trade that facilitates conflict. But most important, it will provide a comprehensive form of justice for all those complicit in some of the worst crimes of our time.

The opinions expressed in this commentary are solely those of Christopher Santora.

Ndahimana never led Tutsis' attacks in western Rwanda, claims witness

A defence witness before the International Criminal Tribunal for Rwanda (ICTR) claimed Wednesday that former Rwandan Mayor Grégoire Ndahimana was not among authorities who led attacks of Tutsis who sought refuge at a church in Western Rwanda on April 15 and 16, 1994.

"I never saw him there," claimed witness code named ND22 to protect his identity when he was referring to Nyange Church massacre site in Kivumu Commune, Kibuye prefecture. The prosecution alleges that more than 2000 Tutsi refugees were killed at the church when it was attacked on both occasions.

Led by the defendant's co-counsel, Wilfred Nderitu, the witness named the authorities who were present as Fulgence Kayishema, former Judicial Police Inspector of the commune, Telesphore Ndungutse and Anasthase Rushema, both teachers and Christophe Mbakilirehe, who was brigadier of the commune.

"(On April 15, 1994), those people were right next to the Virgin Mary Statue mobilizing people by telling them that they should be ready to confront the Tutsis," the witness, who was among the attackers, said as he was testifying in Kinyarwanda for Ndahimana, the former mayor of Kivumu Commune.

The witness, currently living in Rwanda after spending 12 years in jail for his involvement in the attacks, said he saw same authorities at the church on April 16, 1994, giving instructions to destroy the church. "I did not see any other authority speaking to drivers of bulldozers which destroyed the church," he alleged.

Cross-examined by trial attorney Segun Jegede, witness ND22 admitted that he could not have seen Ndahimana at the church if he was with parish priest Father Athanase Seromba in his office because he did not go there. He insisted, however, that he did not see Ndahimana outside the church during attacks.

Asked whether has it came to his knowledge that the accused had participated in the massacres at the church on both occasions, the witness responded, "except when I learnt that he had been detained here in Arusha, I know of no crimes he may have committed. I never saw him anywhere committing crimes whatsoever."

Ndahimana is charged with genocide or complicity in genocide, in the alternative and extermination, as a crime against humanity. He is accused of planning the massacres at the church jointly with other officials, including father Seromba, currently serving life imprisonment sentence for his involvement.

Others are businessman Gaspard Kanyarukiga, who was sentenced to 30 years imprisonment for similar involvement and Kayishema, who is still at large. Ndahimana was arrested in the DRC on August 10, 2009. He was transferred to Arusha on August 21, 2009. He made his initial appearance on September 28, 2009 and denied all the charges.

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Tuesday, 19 April 2011

ICTR dismisses Ngirabatware's appeal over disqualification of judges

The Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) has dismissed the appeal by former Rwandan Planning Minister, Augustin Ngirabatware, challenging the Tribunal's Bureau decision over his motion for disqualification of judges trying the case against him.

"The Rules do not provide for an interrogatory appeal to the Appeals Chamber of a decision taken by the Bureau pursuant to Rule 15 (B) of the Rules. The Appeals Chamber accordingly finds that it is not properly seized of this appeal. The Appeals Chamber dismisses the appeal," it said in its decision of April 18, 2011.

According to the Chamber, the Rule states that an application for disqualification is to be made to the Presiding Judge of the Chamber seized with proceedings. The Presiding Judge then confers with the Judge in question and if the party disputes his decision, the Bureau shall determine the matter afresh.

However, in Ngirabatware's case, Presiding Judge William Sekule was also a subject of the motion for the disqualification because he and other judges of the bench were biased and the Appeals Chamber recalled that he could not rule on the request. Under such a situation, he must have referred the issue to the Bureau.

The Bureau, in its decision dated January 25, 2011, found, among others, that the defence failed to establish any actual or apparent bias of the Trial Chamber composed of Judges Sekule, Solomy Bossa and Mparany Rajohnson.

In his appeal, Ngirabatware was asking the Appeals Chamber to reverse the Bureau's impugned decision and determine the disqualification motion afresh. He, alternatively, sought for remand of the matter for the appointment of a new panel of judges to determine the disqualification motion.

The appellant had advanced three supporting grounds of appeal to fault the Bureau's decision. They include error and misapprehension of the law, disregard of the defence submissions and mischaracterization of the evidence brought by the defence.

In its response, however, the prosecution had asked for summarily dismissal of the appeal in its entirety because Ngirabatware had no rights of appeal and had failed to identify any errors of law or of fact warranting appellate intervention.

The trial resumes on June 6, 2011 when Ngirabatware is expected to continue presenting his defence case. He is charged with genocide or in the alternative conspiracy to commit genocide, direct and public incitement to commit genocide and extermination and rape as crimes against humanity.

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Asia Sentinel

Thursday, 21 April 2011

Echoes of the Killing Fields

Written by Simon Roughneen



How far can Cambodia's Khmer Rouge tribunal go?

It has been over three decades since the nightly convoys of trucks that carried the emaciated, the half-dead and the terrified from S-21 jail in Phnom Penh to Choeung Ek, 17 kilometers away, came to a halt.

Whether or not the blindfolded and shackled men, women and children knew in advance of their fate is unclear. Some surely did, but all were murdered in this flood-prone former orchard, mostly by a blow to the

back of the neck with an iron bar, followed by a knife across the throat.

The dead and dying were piled in the freshly dug pits, as a generator ran in the background to drown out any screams.

Now, a Buddhist stupa dominates the Killing Fields, stacked with thousands of human skulls dug up from the ground around it, where some 17000 people were murdered. Most of the skulls are behind glass, but some, lower-down, can be touched. Visitors light incense and candles and wait their turn to photograph this gruesome memento of Cambodia's greatest tragedy.

While this grim memorial keeps the horrible memory of the Khmer Rouge alive and gathers a steady stream of several hundred visitors a day, the effort to find justice for the victims of Pol Pot and his ultra-left movement remains slow. So far, only one man, the commander of S-21, also known as Tuol Sleng, has been convicted in the UN-backed tribunal that is underway.

While Japan largely pays for the proceedings, both the government in Phnom Penh and its allies in Beijing are wary of going too far. The wounds in the society remain deep and the potential for political embarrassment is great.

Out here in the killing fields, diplomacy is the last thing on the mind of Cham, a bedraggled man with one-leg. "I have children, they go school," he implored as he begged one day recently. He said that he lost his right leg in 1988 when he was a soldier, but he declined to say which side he fought for in those closing years of Cambodia's long civil war that ended in the 1990s.

Youk Chhang, head of the Documentation Centre of Cambodia (DCCAM), said in an interview that many of the 5 million Khmer Rouge survivors live in penury in the countryside, some without family or any support. Despite recent economic growth, 80 percent of Cambodia's people live in the countryside, where the average income for the rural poor is much lower than the official \$2,000 per capita for the country as a whole.

In a small way, the inequity is symbolized by a controversial deal signed in 2005, when the Cambodian Government sold the rights to run Choeung Ek to a Japanese company, JC Royal, which pays US\$15,000 per year to the Phnom Penh city government in return. The ticket on the gate says US\$3, but the actual fee I paid to get in was a dollar less. Does any of this go to help survivors or the relatives of those who were killed here? It seems not.

On the ticket is the following reassurance: "Choeung Ek Genocidal Centre, in collaboration with Sun Fund [affiliated with Prime Minister Hun Sen], sponsors the poor and talented students. Your admission fee, a kind charity will ultimately contribute to development, conservation of the centre and sponsorship for education of the poor students."

When I asked, staff at the center could not give any further details about the poor and talented students or how much of the \$600-800 the center makes a day on gate fees from 300-400 daily visitors goes to help them.

At the end of March, Duch, the man who ran Tuol Sleng and the sole person to be convicted for crimes committed by the Khmer Rouge, appealed the effective 18-19 year sentence handed down to him last year by the Khmer Rouge tribunal. Despite previously expressing remorse for his crimes, he now says that he cannot be held fully responsible as he was directed to kill by the Khmer Rouge leaders.

At the latest hearings, held March 28-30, at the Extraordinary Chambers of the Courts of Cambodia (ECCC), the tribunal's official title, Duch's defense team told the court that their client "tried to isolate himself from the crimes at S-21."

"What would you or anyone have done in his shoes? It would be like trying to disobey orders from the SS," the lawyers said.

Duch, who on occasion accompanied his subordinates out to Choeung Ek from S-21 to oversee a night's murder, is to be the key witness in the tribunal's upcoming Case 002, in which the four main surviving Khmer Rouge leaders, Khieu Samphan, Ieng Sary, Ieng Thirith and Nuon Chea, are to stand trial in a proceeding that has been delayed by claims that the elderly defendants are too frail to face justice.

Some say Duch's credibility as a witness has been hurt by his u-turns and that the case against the four could be damaged as a result. There are now rumors that Case 002 is being deliberately undermined, and that Pol Pot's surviving lieutenants could escape justice.

Certainly there is little eagerness among Cambodia's rulers to see the tribunal go very far. The government has already demanded that no second-tier Khmer Rouge, other than Duch, face trial. Hun Sen — himself a low-level Khmer Rouge before turning against the group — says that additional trials could spark another civil war. Late in 2010, Hun Sen told visiting United Nations Secretary-General Ban Ki-moon that new cases would not be permitted.

Since Duch's appeal, Theary Seng, an outspoken US-schooled lawyer whose parents were killed by the Khmer Rouge, has lodged a civil suit naming the former commanders of the Khmer Rouge navy and air force as among the defendants in cases 003 and 004, which are not yet scheduled to go before the ECCC. Lars Olsen, a spokesman for the tribunal, described her lawsuit as reckless.

Behind the scenes, there are also echoes of big-power politics at play.

Thus far, the Japanese Government has been the largest single donor to the tribunal, providing \$67 million, according to the ECCC website, nearly half of all pledges and contributions.

If there are difficulties with the ECCC going forward, however, China, and to a lesser extent the United

States, could emerge as the beneficiaries. The US bombing of Cambodia during the Vietnam War seems to have facilitated the rise of the Khmer Rouge as the group fought its way across the Cambodian countryside to Phnom Penh. Case 002 could see the US embarrassed by whatever the aged former leaders say about the impact of the bombings and later US diplomatic support for the Khmer Rouge after the Vietnamese invasion in 1979 ripped them from power.

These days China has become a key ally of the Hun Sen government, offering loans and grants that do not come with the conditions required by the Western donors with whom Hun Sen has had a testy relationship. Chinese investment in Cambodia exceeds that of any other country, with \$8 billion in projects lined up so far this year.

Japan's backing for the court can also be seen in the context of the always-touchy history between China and Japan, as well as China's growing economic and strategic weight in southeast Asia. For its part, China says that it wants nothing to do with the tribunal, describing it as a "domestic matter."

However, Beijing supported the Khmer Rouge, financially, diplomatically and militarily, before, during and after the group's 1975-79 rule. Duch is said to have taken sanctuary in China after the fall of the Khmer Rouge, and the four senior surviving Khmer Rouge leaders may have more to say about the nature of Chinese backing for their regime, if and when they face trial.

At the Killing Fields, periodic rainstorms still strip away the topsoil to reveal human bones that rise up from the ground. Just as those bodies have not been fully buried, the full truth about the Khmer Rouge and the tragic history of Cambodia seems destined to remain partially uncovered at best.

The Standard

Tuesday, 19 April 2011

Ocampo to line up 20 witnesses

By Evelyn Kwamboka and Agencies

International Criminal Court (ICC) prosecutor Luis Moreno-Ocampo will assemble 20 witnesses to testify against the six individuals he wants tried for crimes against humanity during the confirmation hearings that begin in September.

The news came even as Karim Khan, the lawyer for Head of the Public Service and Secretary to the Cabinet Francis Muthaura, complained to the Pre-Trial Chamber II presiding judge Ekaterina Trendafilova that the prosecutor was creating "innuendo" around the pre-trial proceedings with his public statements on his client.

And there was also a light moment when defence counsel for the 2007 poll chaos suspects were advised by Justice Trendafilova to shed their wigs next time they appear before her at the chamber.

Some of the lawyers turned up on Monday in traditional black gowns and white horsehair wigs for the status conference.

Justice Trendafilova paused briefly at the end of the hearing to pass a hair-raising judgment.

"This is not the dress code of this institution," she said.

"In this quite warm weather maybe it will be more convenient to be without wigs," she added with a smile.

It is unusual for lawyers to appear at the International Criminal Court in wigs, but not unheard of. At least three lawyers wore wigs during the initial appearance of three Kenyan suspects on April 8, without Justice Trendafilova issuing any dress code guidelines.

Steven Kay, one of the lawyers wearing a wig, said the court's registry gave him the option of wearing Dutch lawyer's garb or the English version of wig and gown.

"I was not aware before the proceedings of any rule that there were no wigs at the ICC," Kay said in an email.

Court spokesman Fadi El Adballah said there were no specific rules about wigs, and it is up to individual judges to run their courtrooms "in a harmonious way."

Trendafilova decided that since wigs are not mandatory, it would be better for all lawyers to have the same dress code — in this case without wigs, he added.

David Hooper, another British barrister who appeared in court Monday, did so without his wig.

Statements

In 2006, Serb nationalist Vojislav Seselj refused to accept a be-wigged Hooper as a court-appointed defence lawyer because he wanted to defend himself at the Yugoslav war crimes tribunal.

"This man with a bird's nest on his head has been falsely introduced as my counsel," Seselj told the court, referring to Hooper's wig.

"He will never be my defence counsel."

On Monday it emerged that half of the witnesses will testify against Eldoret North MP William Ruto, Tinderet MP Henry Kosgey and radio journalist Joshua Sang. The other 10 will testify in the case involving Deputy Prime Minister Uhuru Kenyatta, Head of Civil Service Francis Muthaura and former Commissioner of Police Hussen Ali.

The prosecution made the revelations on Monday during a meeting with defence lawyers in a status conference held at the ICC base at The Hague.

The prosecution will present 7,800 pages of statements collected from the 20 witnesses.

A total of 11,000 documents would be relied on by the prosecution, which also said that they would disclose 600 of them in redacted form.

The prosecution said they would need to edit the 600 documents to conceal the identity of witnesses.

The revelations were made on Monday, as it also emerged that Ocampo is in possession of files that contain information that the defence could use to exonerate Ruto, Kosgey and Sang from some of the charges leveled against them.

Ocampo had filed an application at the court on Friday saying that he had received two files containing exonerating information from the Government, concerning violence in Eldoret and Kapsabet.

But the prosecutor said he can only part with the files when he gets consent from the Kenya Government, which had originally given him the documents.

The prosecutor filed an application on Friday at the Pre-Trial Chamber II saying that he has already written to Kenya for the required consent.

The first file from the Criminal Investigations Department (CID) is to do with investigations into violence in Kapsabet and the related arrest and release of five persons.

The other file in his possession concerns investigations into the burning of Kiambaa Church in Eldoret and the related arrest and acquittal of four suspects.

"As to the possibility, if any, for waiving the restrictions imposed by the information provider, the Prosecution has sent a letter to the Government of Kenya requesting its consent for the disclosure of these documents as evidence before the Court," he stated in the application.

The application was in compliance with the Chamber's requirement that the prosecution submits a report indicating the number of documents of exculpatory (proving that somebody is free from guilt) nature.

Ruto, Kosgey and Sang face charges, including responsibility for the burning of the Kiambaa Church and the violence in Kapsabet.

Protect witnesses

The prosecutor informed the court that he received two confidential documents and needs consent from the sources before furnishing the defence with the same.

Justice Trendafilova said it was alright for the prosecutor to consult with the information providers before disclosing to the defence.

The revelations about the number of witnesses and documents that prosecutor would rely on were made on Monday even as Moreno-Ocampo waits for the judges to decide on application he filed seeking to be shielded from sharing the evidence with the defence.

On Monday, the judge said the Chamber would set a calendar on how the prosecution is to supply its evidence to the defence.

Armed with the knowledge of the number of witnesses and evidence against their clients, the defence lawyers are gearing up to rebut the prosecution's case by assembling their own witnesses and exhibits.

Ruto's lawyer David Hooper said they would definitely call defence witnesses. Up to 4,700 of the 7,800 pages of witness statements relate to the case facing Ruto, Kosgey and Sang.

"We are not in a position to indicate at this time the number of witnesses. We are thinking of a minimum of 15 oral witnesses," he said.

During Monday's proceedings, the chief prosecutor's representative said they would have to redact some of the evidence to protect their witnesses.

He claimed that some of the suspects hold positions of power that may be used to intimidate the witnesses.

"We are operating in a situation where the suspects remain in position of power, where an environment the witnesses frequently disappear or become uncooperative," Pre-Trial Chamber II was told.

Kosgey's lawyer, George Oraro said the defence was not yet aware of evidence used by the prosecutor to obtain summons against the suspects on March 8, but would decide the number of witnesses they would assemble once they are supplied with the prosecution's evidence.

"We shall definitely call witnesses to rebut what the prosecution says," Oraro said.

Sang's lawyer Katwa Kigen said that he may call around 15 witnesses who would give oral and written testimony.

Lawyers who spoke to The Standard did not mention any difficulty in the proceedings and appeared pleased with the proceedings.

But the smooth start to the process of sharing evidence could be affected if the judges agree with Moreno-Ocampo's request for him to file an appeal against the order requiring sharing with the defence both incriminating as well as exonerating evidence.

If allowed to appeal, Moreno-Ocampo wants his application to be heard and determined by the full Chamber (judges Trendafilova, Hans Peter Kaul and Cuno Tarfusser).

He argues that disclosing evidence would be forcing him to divert resources "in ways that are not required by the Statute or Rules that will also improperly restrict the prosecution's independent authority to undertake other investigations, including those referred by the Security Council or States."

Moreno-Ocampo said in the application that disclosure of evidence is time and resource consuming.

"The imposition of this taxing requirement on the prosecution renders it unavoidable that the prosecution will need to delay and postpone the confirmation proceedings," he said.

He said the decision to communicate to the Chamber all evidence furnished to the defence "imposes a burden without benefit."

However, the defence team filed their responses on Friday, asking the Chamber to dismiss Moreno-Ocampo's application.

When they made their initial appearance at the ICC early this month, the presiding judge ruled his analysis must consist of presenting each piece of evidence according to its relevance in relation to constituent elements of the crimes he presented.

She added that all evidence given to the defence would be communicated to the Chamber, regardless whether parties intend to rely on or present the evidence at the confirmation hearing.

Moreno-Ocampo is now asking the Chamber permission to appeal on the issue of whether the Statute and Rules impose a duty on him to explain to the defence the potential relevance on non-incriminatory evidence.

Haharnet

Wednesday, 20 April 2011

STL Hosts 30 Lebanese Lawyers as Part of 3-Day Seminar on Int'l Justice



The Special Tribunal for Lebanon has hosted nearly 30 lawyers from Lebanon and provided them with briefings on the work of the court, STL's press office announced Wednesday.

The legal professionals, who traveled to The Hague for a seminar on the development of international justice, met officials from all the organs of the tribunal. They were given a tour of the courtroom and were able to ask questions about the work of the STL.

"The three-day event explored international justice, especially the challenges and successes that jurists face in this field," the press office said in a statement.

The lawyers also visited the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court (ICC). They also met representatives from various non-governmental organizations in The Hague, including the Coalition for the International Criminal Court and the International Bar Association.

The event was organized by the Lebanese NGO Justice Without Frontiers in close cooperation with the Outreach and Legacy Section of the STL.