

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



Handicapped and hearing-impaired visitors to the Court performed music, dance and a skit on sexual abuse for Court staff yesterday. See photos in today's *'Special Court Supplement'*.

**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:**

Tuesday, 27 July 2010

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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The Exclusive  
 Tuesday, 27 July 2010

# Special Court Write The Exclusive

Dear Mr. Sesay,

I would like to call your attention to several errors of fact in your article "Special Court Under Pressure."

First, the Court has not spent anything like \$400 million. The total amount spent since 2002 has been just over \$100 million. The money does not come from the United Nations, as you have informed your readers in the past. The money comes from voluntary donations from UN member states. This is money which would not have come to Sierra Leone except for the existence of the Court, and it is money that was not earmarked for development anywhere.

Every government and every institution makes its own case to donors. It is the same donors who fund the Special Court, and who believe that redressing crimes committed against civilians in Sierra Leone, working to restore the rule of law, and addressing impunity, are goals worth working for and worth funding. It is the same international community which funds development in Sierra Leone.

The Special Court was given a mandate by the United Nations and the Government of Sierra Leone. You mention that UNSG Ban Ki-Moon came to Sierra Leone, but you do not mention that he visited the Special Court while here, and that he praised the work that the Court has done.

The Special Court for Sierra Leone is an international tribunal and must conform to international law. At this time, there is no prison facility in Sierra Leone which meets minimum standards of detention as set down by the UN.

I consider the attack on the highly professional Mongolian Guard Force to be unwarranted, and unworthy of your newspaper.

As you know, the Court is downsizing in Sierra Leone. People are losing their jobs, not because they are not highly competent, but because with the completing of trials there is no job left to do. We understand that this can be stressful. It is going to happen to all of us as we work our way out of a job. I wonder if this is not the source of this angry (and unsigned) article.

Please consider that justice is the foundation of good governance. One cannot exist without the other. The Court costs the people of Sierra Leone exactly nothing, yet the institution has played its part in making sure that the recent history of the country is not repeated. Justice which meets international standards is expensive, but the Special Court for Sierra Leone costs a fraction of what other tribunals have spent and continue to spend. Sierra Leone is part of the international community. Do Sierra Leoneans deserve anything less than what was available for people elsewhere?

Regards,  
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# Special Court denies spending US\$400million

Unsigned but very similar articles, actually opinion pieces, appeared Friday and today in two local newspapers. The articles contained factual errors and misunderstandings, a few of which should be addressed.

1. The Special Court has not spent \$400 million, or anything like it. The total amount the Court

- has raised since its inception in 2002 is just over \$100 million. International courts cost money, but compared to sister tribunals such as the ICTR and ICTY, which have had budgets well in excess of \$100 million a year, it has been widely regarded as a model.
2. There is an implication

in the article that the money spent by the Special Court was taken from Sierra Leone's development funds, or that had the Court not existed the money would have been spent on development. Nothing could be further from the truth. The Court's funds come from voluntary contributions from State donors - the same countries

which also support development in Sierra Leone. An institution or government, having received funding from donors for one purpose, cannot then divert money to another purpose, and had the Court not existed, the money would not have come to Sierra Leone at all.

3. The article suggested

that the Special Court spends more than UNIPSIL. The Special Court has spent in eight years just over \$100 million. According to published sources, UNIPSIL will spend \$350 million through 2012. Money is, however, not a valid comparison of institutions. Both institutions have provided great assistance to Sierra Leone in recovering from more than a decade of war. It is worth noting that both the Court and UNIPSIL have cost Sierra Leone nothing.

4. The article suggests that keeping those con-

victed by the Special Court in Rwanda is a waste of money and that they should serve their sentences at Pademba Road Prison. The Special Court for Sierra Leone is an international criminal tribunal, bound to observe minimum standards set down by the United Nations. This is not a choice. At present, there is no facility in Sierra Leone which meets international standards. Again, the money does not come from Sierra Leone's budget. It comes from funds set aside by donor nations for international justice.

Premier News  
 Tuesday, 27 July 2010

## Charles Taylor's Trial...

**J**udges of the United States Court of Appeals for the Eleventh Circuit Thursday issued a decision affirming the conviction of Charles Taylor Jr., aka 'Chuckie' Taylor.

He was convicted in October 2008 by the United States District Court for the Southern District of Florida and sentenced to 97 years imprisonment for "committing numerous acts of torture and other atrocities in Liberia between 1999 and 2003," while he served as head of the country's "Anti Terrorist Unit" (ATU) during the presidency of his father, Charles Taylor Sr. who is himself presently being tried by the Special Court for Sierra Leone sitting in The Hague for allegedly controlling and supporting rebel forces who fought and committed heinous crimes in Sierra Leone from 1991 to 2002.

Mr. Taylor Sr. has denied the charges against him.

Mr. Taylor Jr. was convicted and sentenced in 2008 under a United States domestic statute—the Torture Act which establishes the basis for prosecution of United States citizens for crimes of torture committed abroad. Mr. Taylor Jr., a United States citizen by birth, sought a reversal of his conviction on the basis that the "Torture Act is unconstitutional."

According to Mr. Taylor Jr., while the Torture Act derives its authority from the obligations owed by the United States as a signatory to the United Nations Convention Against Torture (CAT) of 1984, the Act "impermissibly exceeds the bounds of that authority, both in its definition of torture and its proscription against conspiracies to commit torture." Mr. Taylor Jr., also challenged his conviction on several other grounds, including based on a section of the Torture Act which makes it a criminal offense to use or possess a firearm in connection with a crime of violence, that the said provision "cannot apply extraterritorially to his actions in Liberia," and that his trial was unfair based on several

procedural errors, and that the United States District Court erred in sentencing him after his conviction.

After assessing all the facts of the case, the United States Court of Appeals for the Eleventh Circuit issued a decision that Mr. Taylor Jr.'s convictions were constitutional, and that it would maintain the powers of the United States Congress to criminalize torture as well as conspiracy to commit torture. The Court of Appeals also ruled that contrary to Mr. Taylor Jr.'s suggestions, "both the Torture act and the firearm statute apply to extraterritorial conduct, and that their application in this case was proper." According to the Court of Appeals Mr. Taylor Jr.'s trial and convictions "were not rendered fundamentally unfair by any evidentiary or other procedural errors, and that his sentence is without error." The convictions and sentence of the District Court were affirmed in entirety by the Court of Appeals.

At age 20, Mr. Taylor Jr., called mostly in the Court's judgment as "Emmanuel" was appointed as head of Liberia's ATU, which was also known as "Demon Forces" after his father, Mr. Taylor Sr. became the democratically elected president of Liberia in 1997 after having led the National Patriotic Front of Liberia (NPFL) rebel group in a bloody war that sought to unseat the government of Master Sergeant Samuel K. Doe. The ATU was charged with the responsibility of providing security to the Liberian president and his family.

As head of the ATU, Mr. Taylor Jr. recruited men into the Unit and established its training camp at a place called the Gbatala Base. As described in Court by one of the ATU recruits Wesley Sieh, under the direction of Mr. Taylor Jr., ATU soldiers dug "twenty grave-size prison pits," and covered them with

“metal bars or barbed wires.” The base also contained a holding cell for ATU soldiers who became disobedient and an educational training center called the “College of Knowledge.” The commander of the Gbatala Base was David Campari, who took his orders from Mr. Taylor Jr. According to the Court, the ATU was Mr. Taylor Jr.’s self-described “pet project” and that all ATU affiliates called him “Chief” and that his car license plate carried the inscription “Demon.” The Court noted that from 1997 to 2002, Mr. Taylor Jr. wielded his power in a terrifying and violent manner, torturing numerous individuals in his custody who were never charged with any crime or given any legal process. Several witnesses testified at Mr. Taylor Jr.’s trial including victims such as Sierra Leonean refugees who were arrested at checkpoints and tortured at the

Gbatala Base, and Liberian nationals who were arrested and tortured because they were perceived as being affiliated with groups opposed to Mr. Taylor Sr.’s presidency in Liberia. Witnesses also spoke about individuals being executed based on orders from Mr. Taylor Jr. After his father, Mr. Taylor Sr., left the Liberian presidency and sought asylum in Nigeria before he was finally taken into the custody of the Special Court for Sierra Leone, Mr. Taylor Jr. left Liberia in July 2003. In March 2006, as he attempted to enter the USA from Trinidad and Tobago, Mr. Taylor Jr. was arrested at the Miami International Airport for attempting to enter the country using a false passport. When his luggage was searched, US lawmakers discovered a book on guerilla tactics and notes of rap lyrics which made reference to the ATU. In November 2007, a grand jury sitting in the US District Court for the Southern District of Florida issued an indictment against Mr. Taylor Jr., with charges relating to “conspiracy to commit torture in Liberia against seven unnamed victims with death resulting to at least one victim by seizing, imprisoning, interrogating, and mistreating them, and by committing various acts with the specific intent to inflict severe physical pain and suffering, conspiracy to use and carry a firearm during and in relation to a crime of violence, and committing substantive crimes of torture against five named victims...” in violation of the US Torture Victim Protect Act of 1994 (The Torture Act). In October 2008, after a trial which lasted for one month, Mr. Taylor Jr. was convicted on all counts and sentenced to an imprisonment term of 1,164 months or 97 years. Mr. Taylor Jr. appealed his conviction and sentence before the US Court of Appeals for the Eleventh Circuit. On said appeal, the Court of Appeals noted the following:

On Mr. Taylor Jr.’s appeal that the Torture Act is “invalid because its definition of torture sweeps more broadly than that provided by the CAT [ UN Convention Against Torture],” the Court of Appeals noted that “Notably, the existence of slight variances between a treaty and its congressional implementing legislation do not make the enactment unconstitutional; identity is not required. Rather...legislation implementing a treaty bears a “rational relationship” to that treaty where the legislation “tracks the language of the [treaty] in all material respects.”

“Applying the rational relationship test in this case, we are satisfied that the Torture Act is a valid exercise of congressional power...because the Torture Act tracks the provisions of the CAT in all material respects...and the CAT declares broadly that its provisions are “without prejudice to any international instrument or national legislation which does or may contain provisions of wider application...Put simply, the CAT created a floor, not a ceiling, for its signatories in their efforts to combat torture,” the Court of Appeals said.

On Mr. Taylor Jr.’s appeal that “the Torture Act oversteps the bounds of the CAT by criminalizing not only consummated acts of torture, but acts done with no more than the “specific intention to inflict” severe pain or suffering, whether or not such pain or suffering is actually inflicted,” the Court of Appeals noted that “The CAT expressly directs state parties to punish un consummated crimes of torture. Specifically, it requires that state parties criminalize not only torture, but also attempts to commit torture.”

“In simple terms, an attempt to commit torture is exactly the same as an act done with the specific intent to commit torture,” the Court of Appeals said.

***Continued next edition***

# CORRIGENDUM

## SPECIAL COURT MUST STAY

My attention has been draw to a front page story appearing in the New Citizen of Friday, July 23 rd 2010 captioned 'CLOSE DOWN THE SPECIAL COURT'.

*Continued on page 2*

# CORRIGENDUM

*From page 1*

Among other things, the article stated that the Special Court had outlived its usefulness in Sierra Leone and that even though ex-junta leader, Johnny Paul Koroma, had not been captured and tried by the Special Court for Sierra Leone, the fugitive AFRC leader could STILL be tried BY THE International Court in The Hague when captured in the future.

The publication also suggested that the Special Court for Sierra Leone had spent Four Hundred Million US Dollars (\$ 400,000,000), money that could have been spent in the development of Sierra Leone.

The fact of the matter is that the money spent by the Special Court over the years was only US\$ 100,000,000 (One Hundred Million Dollars).

Moreover, that money spent by the Special Court did not come from Sierra Leone but from the donor community that is interested in seeing justice at work in Sierra Leone.

In a conversation with the head of the Outreach Section of the Special Court Mr. Peter C. Andersen, I learned that if the Special Court was not established in Sierra Leone, the money used to run it would not have come to Sierra Leone as is not possible to transfer Special Court money to other projects.

The article in question also suggested that the Special Court convicts serving jail terms in Rwanda could be brought back to serve their jail terms in Sierra Leone like other Sierra Leoneans; to which Mr. Andersen told me that the convicted men were international criminals and that the prison conditions of Sierra Leone did not meet international standards and that is why the decision to keep the prisoners elsewhere was made.

I am aware that the Special Court is the creation of the international community and the Special Court can make its own decision on any matter in which it is interested according to its mandate.

The New Citizen cannot be a spokesman for Sierra Leone government while it is an independent newspaper cannot articulate the position of government on the Special Court.

As Managing Editor of the New Citizen, I am aware that some stories get published without my knowledge or approval as ours is a truly independent newspaper and a champion in the fight to gain Freedom of Information and the right to Freedom of Speech.

Therefore, the views contained in the article under consideration cannot be that of the New Citizen and we have no idea what the position of the government is as we are not part of the government.

We are an independent newspaper frequently used by a large number of people whose views may be quite different from ours and if such views have created some discontent, we apologies for not blocking such views from the pages of the New Citizen.

There is no doubt that the relevance of the Special Court has not yet diminished.



## LOCAL NEWS

Spokesperson of the Special Court for Sierra Leone has described local newspaper reports claiming that the court has spent a whopping \$400 million since its inception as containing factual errors and misunderstandings.

Peter C. Andersen, who doubles as the court's chief of outreach and public affairs, said the total amount the court has raised since its inception in 2002 was just over \$100 million.

Two local tabloids on Friday and Monday published what Andersen referred to as "unsigned but very similar" opinion articles alleging that the Special Court had taken the said sum from Sierra Leone's development funds, and that had the court not existed the money would have been spent on development.

"The Special Court has not spent \$400 million, or anything like it. The total amount the court has raised since its inception in 2002 is just over \$100 million. International courts cost money, but compared to sister tribunals such as the ICTR and ICTY, which have had budgets well in excess of \$100 million a

# 'SC has not spent \$400M'

## ...Spokesman clears

year, it has been widely regarded as a model," Andersen reacted.

According to him, the implication that the money spent by the court was taken from the country's development funds was further from the truth, noting that the court's funds come from voluntary contributions from state donors - the same countries which

also support development in Sierra Leone.

"An institution or government, having received funding from donors for one purpose, cannot then divert money to another purpose, and had the court not existed, the money would not have come to Sierra Leone at all.

"The article suggested that the Special Court

spends more than UNIPSIL. The Special Court has spent in eight years just over \$100 million. According to published sources, UNIPSIL will spend \$350 million through 2012. Money is, however, not a valid comparison of institutions. Both institutions have provided great assistance to Sierra Leone in recovering from more than a decade of war. It is worth

noting that both the court and UNIPSIL have cost Sierra Leone nothing," the spokesperson maintained.

He continued: "The article suggests that keeping those convicted by the Special Court in Rwanda is a waste of money and that they should serve their sentences at Pademba Road Prison. The Special Court for Sierra Leone is

an international criminal tribunal, bound to observe minimum standards set down by the United Nations.

"This is not a choice. At present, there is no facility in Sierra Leone which meets international standards. Again, the money does not come from Sierra Leone's budget. It comes from funds set aside by donor nations for international justice."

## CharlesTaylorTrial.org (The Hague)

Monday, 26 July 2010

### **Liberia: Naomi Campbell's Testimony Moved to August 5; Issa Sesay Says He Was Made Interim Leader of the RUF By West African Leaders, Not Charles Taylor Alone**

Alpha Sesay

As the trial of former Liberian President Charles Taylor resumed today, the much-anticipated testimony of supermodel Naomi Campbell was delayed until Thursday next week, August 5.

Meanwhile, a former Sierra Leonean rebel leader returned to the witness stand today and said that his appointment as the top rebel was made by a group of West African leaders - not by Mr. Taylor alone, as prosecutors have alleged.

Before last week's judicial recess, prosecutors had asked the Special Court for Sierra Leone's judges to reschedule Ms. Campbell's testimony from the end of this week to a later date. (Judges had previously issued a subpoena for Ms. Campbell to testify on July 29 regarding allegations that she received rough diamonds from Mr. Taylor after they had both attended a star-studded dinner in September 1997 in South Africa). When court resumed today, prosecution counsel Nicholas Koumjian told the judges that Ms. Campbell's representatives have made a written request for the supermodel's appearance to take place a week later.

"There is an outstanding court order for her [Campbell] to appear on the 29th of July. A communication has been received by, I believe, the court, that they are requesting a modification of the order to the 5th of August. The prosecution has no problem with that, so we would request that the date of appearance be modified to 5 August, for Ms. Campbell," Mr. Koumjian asked the judges.

After consulting her colleagues, presiding judge of the Trial Chamber Justice Julia Sebutinde granted the prosecution's request.

"We can only say that the leave is granted and the date is postponed accordingly for her appearance, with the hope that it would not be postponed yet again," Justice Sebutinde said.

Issa Hassan Sesay, the former interim leader of the Revolutionary United Front (RUF) rebel group, then took the witness stand to resume his testimony as a defense witness for Mr. Taylor, who is responding to allegations that he had control over and provided support to RUF rebels during Sierra Leone's 11 years civil conflict.

Mr. Sesay today denied claims that he was appointed as leader of the RUF in May 2000 by Mr. Taylor (a claim that the former Liberian president has also denied). According to Mr. Sesay, his appointment as leader of the RUF was made by West African leaders at a meeting in Liberia. He said that the West African leaders told him that working with the RUF leader, Foday Sankoh, to bring the Sierra Leonean conflict to an end had become impossible. The leaders present at the meeting were Mr. Taylor, former Nigerian president Olusegun Obasanjo, former Togolese president Gnassingbe Eyadema, former Malian president Alpha Oumar Konare and Gambian president Yahya Jammeh, Mr. Sesay said.

Mr. Sesay explained that "...during that meeting, the Heads of States spoke one after another but the main thrust of their discussion was that they were the moral guarantors of the Lome Peace Accord [peace agreement between the RUF and the Sierra Leone government] and that they were no longer able to work with Foday Sankoh."

"President Obasanjo asked Mr. Taylor that the time you were negotiating the release of the peacekeepers, 'who did you speak with?' and Mr. Taylor said it was this young man sitting here. And Obasanjo said 'well it seems like Issa is someone who listens to people so do you think we should give him the leadership?' and Mr. Taylor said 'yes, Issa is a man that listens to people'," Mr. Sesay said.

The other West African leaders at the meeting agreed to the suggestion that Mr. Sesay be made leader of the RUF, Mr. Sesay said.

According to Mr. Sesay, he insisted that Mr. Sankoh be consulted on the matter. He then wrote a letter which the West African leaders took to Mr. Sankoh (who was then in the custody of Sierra Leone government). Mr. Sankoh wanted another RUF commander, Mike Lamin, to be given the RUF leadership but according to Mr. Sesay, the West African leaders insisted that Mr. Sesay was the person with whom they were prepared to work.

At a second meeting that was held at the Roberts International Airport (RIA) in Monrovia, the West African leaders informed Mr. Sesay that they had got support from other West African leaders - including Sierra Leone's president Ahmed Tejan Kabbah -that he (Sesay) was to become leader of the RUF. The following day, a helicopter flew Mr. Sesay from Monrovia to the Liberian town of Foya, before he proceeded to Sierra Leone.

Prosecutors have long maintained that it was Mr. Taylor who appointed Mr. Sesay as leader of the RUF. This, prosecutors say points to the control that Mr. Taylor had over the Sierra Leonean rebels. Prosecution witnesses have also testified that it was Mr. Taylor who made Mr. Sesay leader of the RUF and that on his return to Sierra Leone via Foya, Mr. Taylor had given Mr. Sesay supplies of arms and ammunition which were dropped at Foya by the same helicopter that Mr. Sesay had used, and were then transported to Sierra Leone. Mr. Sesay today described these accounts as false.

"Were you appointed leader of the RUF by Charles Taylor alone?" Courtenay Griffiths, lead defense lawyer for Mr. Taylor asked Mr. Sesay.

"No. In fact, it was Obsanjo who brought about the idea," Mr. Sesay responded.

When asked whether he returned to Sierra Leone with a consignment of arms and ammunition, Mr. Sesay said "no, not at all."

The former rebel leader insisted that Mr. Taylor never at any point gave him arms and ammunition to be taken to Sierra Leone.

Mr. Sesay's testimony continues tomorrow.

## Voice of America

Monday, 26 July 2010

### Taylor War Crimes Trial Will Take Star Turn With Model's Testimony

By Nico Colombant



**Photo: AP**

The ongoing Charles Taylor West African war crimes trial in The Hague will take a star turn next week when supermodel Naomi Campbell testifies.

Officials at the Special Court for Sierra Leone say Campbell is due to appear August 5, after she asked for a postponement from a scheduled appearance this week.

They say they hoped there would be no more delays.

Earlier this month, the British supermodel was subpoenaed to testify about claims Charles Taylor gave her a large rough-cut diamond, allegedly linked to Sierra Leone's conflict, at a dinner party in South Africa in 1997.

Earlier this year, Campbell had told American television host Oprah Winfrey she did not want to be involved in the Taylor case. She said she did not want to put her family in danger.

But after the court's subpoena, she said she would testify.

Lawyers for the former Liberian president have called the move a publicity stunt, and say the testimony will be a distraction.

Former chief prosecutor of the Special Court for Sierra Leone David Crane, who indicted Mr. Taylor in 2003, disagrees.

"I think what the prosecutors there are doing, they are just showing everybody the fact that Charles Taylor was very much involved, moving about using diamonds as cash and guns for influence," he said.

Mr. Taylor, who has been on trial since 2008, has denied charges he backed rebels in Sierra Leone in exchange for diamonds. He says he is being blamed for situations he did not control.

American actress Mia Farrow wrote a statement to the court saying Campbell had told her she had been given a large diamond from Charles Taylor after the 1997 dinner in South Africa, which they all attended.

Crane says the incident is revealing. "The fact that Charles Taylor was showing off and using the diamonds that he received from Sierra Leone, giving them allegedly to other people, famous people like Naomi Campbell, just shows the kind of a mindset," Crane says, "an evil-thinking mind of Charles Taylor, and what he was doing with the diamonds from Sierra Leone."

Yale University political anthropologist Mike McGovern, a West Africa expert, says besides the Campbell involvement there has been little awareness in the United States of the Taylor trial.

"Honestly, West Africa tends not to make the news unless there is some kind of horrible event taking place or famine or a visit by some American official," McGovern states.

But Mr. Taylor and his family have a long history with the United States. The former Liberian president was a student in the Boston area in the 1970s.

After fleeing Liberia in the 1980s, he was put in jail in Plymouth, Massachusetts, on a warrant for extradition to face embezzlement charges. He allegedly escaped, but during his current trial he said he had received help from a prison guard and U.S. agents, claims that have not been independently confirmed.

His son, who was born in Boston, Emmanuel Chuckie Taylor, is serving a 97-year sentence in Florida, after being convicted of torturing or ordering the torture of dozens of his family's political opponents in Liberia.

His conviction marked the first time a U.S. law allowing prosecution for overseas torture was used.

McGovern says the Charles Taylor trial is also very significant, and deserves attention beyond the Naomi Campbell appearance.

"Heads of state who abuse their citizens may now find themselves in the dock later on, in the way that Taylor did," McGovern said. "It is really a precedent setting trial. Presidents from any country in the world might one day find themselves in the same situation."

The Special Court for Sierra Leone was created jointly by the government of Sierra Leone and the United Nations.

It is also the first international criminal tribunal to be funded entirely from voluntary contributions. The trial is taking place in the Hague because of security concerns.

## Associated Press

Tuesday, 27 July 2010

### **UK in hot water over ‘conflict mineral’ trade**

LOBBY group Global Witness is to take the UK government to court for failing to refer companies trading in DRC “conflict minerals” for UN sanctions.

The move comes amid global efforts to halt the lucrative trade in rebel-controlled minerals like tin, gold, and coltan in the central African country where some five million people have died since the start of a 1998-2003 civil war . — Reuters

### **‘Blood diamond’ delay**

A WAR crimes court yesterday delayed by a week, to August 5, supermodel Naomi Campbell’s testimony about a “blood diamond” she allegedly received from former Liberian president Charles Taylor in 1997.

The fashion model was initially due to have testified on Thursday after the Special Court for Sierra Leone issued a subpoena , but her lawyers asked for a delay .

Campbell will have to testify about claims by her former agent Carole White and actress Mia Farrow that Taylor gave her a diamond after a celebrity dinner hosted by then- South African President Nelson Mandela . — Sapa-AFP

Times Live

Monday, 26 July 2010

### **Hague court just an imperialist tool**

By Patrick Rampai, Klerksdorp

The International Criminal Court has proffered genocide charges against Sudan's President Omar al-Bashir.

Al-Bashir was democratically elected by Sudan's electorate. That the court is not even willing to wait for al-Bashir to finish his term is baffling and sounds tantamount to a coup being waged.

The African Union should renounce and disentangle itself from this unfair and imperialistic body and set up its own tribunal that would give effect to an African solution to African problems.

Hoodlums should be pursued for the sake of the victims, but this should be fair and justice should be seen to be done.

We do not want a body that is used by Western powers to settle scores with the African leadership.

Agence France Presse

Monday, 26 July 2010

### **Germany arrests Rwanda genocide suspect for third time**

Federal prosecutors said Monday that a former Rwandan mayor had been arrested for a third time in Germany over his alleged involvement in the country's 1994 genocide.

Onesphore Rwabukombe, a 53-year-old ethnic Hutu, "is strongly suspected of assassinations and genocide" against ethnic Tutsis, said a statement from the prosecutor's office in the southwestern German city of Karlsruhe.

He was already held in Germany from July to November 2008, when a court in the western city of Frankfurt ordered his release based on a ruling of the International Criminal Tribunal for Rwanda against similar extradition cases.

But on December 18, the federal prosecutor's office sought a new arrest warrant saying it was privy to information that the lower court had not seen based on an investigation it had been conducting since March that year.

He was imprisoned from December to May 2009 but released due to insufficient evidence.

A new German warrant was issued on July 21 following an investigation by the federal prosecutor.

The Rwanda government accuses the former mayor of involvement in the systematic killing campaign in 1994 which left an estimated 800,000 dead, most of them Tutsis.



## The Guardian

Monday, 26 July 2010

### **The ICC is no kangaroo court**

The first man to be tried by the international criminal court (ICC) has been handed a "get out of jail free" card again. Following repeated clashes with prosecutors over security measures for an anonymous source, judges halted the trial and decided to release Thomas Lubanga Dyilo, a Congolese politician charged with recruiting child soldiers.

Both ICC prosecutors and victims of the brutal conflict in the Democratic Republic of Congo hope this is simply another legal glitch which will soon be fixed. But judges have warned that it may signal an abrupt end to the ICC's first trial—not something most international justice advocates would have hoped for this beleaguered and controversial institution.

Indeed, the potential collapse of the case will no doubt be viewed as deeply disappointing by many Congolese victims who have waited years to see individuals held accountable for their alleged role in brutal crimes unleashed in eastern DRC. The order that Lubanga be set free with no strings attached may also terrify some in the DRC's remote Ituri region, as Lubanga's supporters celebrate (Lubanga has denied all charges against him). The Congolese government, the ICC, and others in a position to help must be on red alert to make sure people on the ground stay safe if there is any trouble.

But the trial chamber's decision does send a deeply important message about the ICC: this is no kangaroo court. If the process is not fundamentally fair, then the accused must be released.

Sceptics have portrayed the ICC as a tool used by politicians in power to eliminate rival leaders and have noted that any ICC prosecutor could be riskily unpredictable if not kept in check.

Instead, this episode demonstrates that the ICC is serious about its mission to provide a fair hearing to those who come before it. It is genuinely struggling as an institution to find the right balance of responsibilities between the judges and prosecutors while also taking on board concerns about the safety of victims, witnesses, and others who could be harmed on account of the court's work.

The ICC has previously sent a strong message about the importance of fair trials, deciding in 2008 to release Lubanga before his trial had even begun. In 2008, prosecutors refused to share information obtained under confidentiality agreements with the United Nations and other organisations, which could have bolstered the case for Lubanga's innocence. According to the judges, this denied Lubanga's right to a fair trial and so he should be set free. Prosecutors appealed, the dispute was resolved and the trial finally started in January 2009.

This time around, the judges decided to release Lubanga, citing the prosecutors, repeated refusal to comply with an order to tell Lubanga and his defence team the identity of a person who had helped prosecutors find potential witnesses. In response, the prosecutors cited dual obligations: one to comply with the decision of the judges, and a separate responsibility to protect individuals who may be harmed on account of the prosecutors' work. Though the judges were told by protection specialists at the court that the person would be at no greater risk by their disclosure order, prosecutors disagreed—a move which drove the judges to issue a warning for misconduct to the chief prosecutor and his deputy.

"No criminal court can operate on the basis that whenever it makes an order in a particular area, it is for the prosecutor to elect whether or not to implement it, depending on his interpretation of his obligations," the judges stated last week, calling the prosecutor's actions "a profound, unacceptable, and unjustified

intrusion into the role of the judiciary." To make sure Lubanga gets a fair trial, the court said "it is necessary that its orders, decisions, and rulings are respected."

The judges then said that continuing to hold Lubanga would be "unfair," given the "wholesale uncertainty" of whether the trial would restart, along with the length of jail time (five years) Lubanga has already served. Prosecutors have appealed, arguing that Lubanga may flee if set free. Prosecutors also said they did not disrespect the Trial Chamber's orders, but instead the clash amounted to a different perception of judicial and prosecutorial roles under the court's guiding documents, and now want the roles clarified by the appeals chamber. Lubanga will be kept in jail until the appeals chamber decides whether the case can go forward.

But whatever the outcome of the appeal, the ICC has demonstrated that the court is serious. Both the prosecutors and judges have shown that at least in this instance they care deeply about security of the people who may be put at risk on account of their work, with an outcome highlighting that the judges are the ultimate decision-makers and will not brook disobedience by parties. Meanwhile, for the judges, determination to ensure fair trials means that anyone indicted should not be afraid of coming before the court to put forward their case.

Slowly, painfully, and with disappointments along the way, the ICC is showing that even if we are disenchanted with the outcomes it is a place which operates exactly as a court should: according to the law, and with checks and balances in place to keep the trials fair.

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# Special Court Supplement

## Performance of Handicapped and Hearing Impaired at the Special Court

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