

**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, 28 September 2009

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

Monday, 28 September 2009

SLPP Dele Meets Special Court

The main opposition SLPP, led by the Secretary General Jacob Jusu Saffa has met with the Special Court to plead for AFRC/ RUF/CDF convicts to serve their jail terms in Sierra Leone rather than Rwanda.

In a letter written to the Registrar, Special Court of Sierra Leone dated 11th September 2009, and copied to main political parties, civil society groups and other important personalities, the convicts believe that Rwanda will not be safe for them to serve their terms and therefore pleaded for a change to one of these alternatives: Bonthe Island, Mafanta or the Special Court detention facility. In response to the above request to intervene on their behalf, the



L-R: Hon Elizabeth Lavalie, JJ Saffa, Shakiratu Sanusi, Senior Legal Adviser , and Acting Registrar Binta Mansaray

leader of the delegation, Mr. Jacob Jusu Saffa told the Acting Registrar, Binta Mansaray and colleague staff of the Special Court that as a party in opposition, there was need to make follow up on the content of the letter written by the convicts. He noted that while in governance, it was the SLPP that spearheaded the negotiation for the Special Court to ensure that excesses are never repeated and justice prevailed. However, in the same vein, "We are Sierra Leoneans and those convicted are our brothers. There is need
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SLPP Dele Meets Special Court

to let them know that they are still part of us and that we share their concerns", the SLPP scribe said. Mr. J.J. Saffa also wanted to know what the alternative would be in case there is a change in the political atmosphere in Rwanda, adding that Sierra Leone could be a better alternative so that resources could even be used to improve the prison conditions in this country.

Dr. Bu Buakei Jabbi, also a member of the delegation informed the Special Court officials that the visit was not meant to question the decision of the Special Court but to plead with them, and see to what extent it could be possible to review the decision for the convicts to serve their jail sentences in Rwanda rather than here in Sierra Leone, now that the security situation has relatively improved. Hon Elizabeth Lavalie raised concerns about the security situation in Rwanda especially with mounting tension between the Hutus and Tutsis. Similar sentiments were expressed by Hon. Ansu Kaikai.

On their part, the Acting Registrar, Binta Mansaray assured the SLPP delegation that she would pass on all the delegation's concerns to the President of the Special Court. She was, however, impressed by the move made by the SLPP to discuss the issues. Ray Cardinal, Chief of Detention and his Deputy Pauline, Shakiratu, Jeffrey, Claire Carlton Hanciles represented the Special Court during the briefings.

In his closing remarks, JJ Saffa underscored the need for such a discussion, the outcome of which, he said, will surely help in the party's subsequent approach on the same issue. Also present in that delegation was Hon. Emmanuel Tommy, minority leader in parliament.

See page 7 for letter to the Registrar



Chatting after the meeting



Leaving the conference room of the Special Court where fruitful discussions were held

The Registrar
 Special Court of Sierra Leone
 Jom Kenyetta Road,
 New England Ville
 Freetown
 11 September, 2009.

Dear Madam,

**Requesting your attention on issues relating to the
 Rwanda/Special Court Agreement**

We the convicted persons of the Special Court detention facility awaiting to be transferred to the Republic of Rwanda, where it is understood, we are to serve our sentences do hereby call the Registrar's attention and to that of the distinguished personalities mentioned below to **now** intervene in the invalidation of the decision for us to serve our sentences in the Republic of Rwanda.

It is of course no secret that Rwanda is not a safe place at all. The fact that the Interahamwe Hutu Militias continues to fight their way into Rwanda using the Democratic Republic of Congo, Burundi and Uganda etc, signals clear that such a country is unsafe and will make no good if we are allowed to serve our sentences there.

Rwanda, like other countries in the Central Africa don't have Sierra Leoneans as consuls or ambassadors, Mpanga prison, as confirmed by the United Nations, is one of the worse prisons in the world with under ground cells. Genocide prisoners in Rwanda had refused to serve their sentences at such a prison because of it's poor and uncalled for facilities.

Up until, now there is no genocide prisoner serving sentences in Mpanga prison, Mpanga prison is now an isolated or an abandoned prison conditions in Rwanda are so difficult that prisoners in Rwanda, "**will regret not having been hanged**" It could be recalled that BBC broadcasted wide condemnation of Mpanga prison by the Rwanda Human Rights Committee sometimes in March this year.

Considering Article 22 of the stature of the Special Court which makes straight the fact that imprisonment **shall** be served in Sierra Leone and that if circumstances so require, imprisonment **may** be also served in any other states which have concluded with International Criminal Tribunal for Rwanda etc. We hold Sierra Leone as a **sovereign state** has the right to **cause** sentences of its citizens convicted by any court served locally.

Madam, we are willing to serve our sentences in the Republic of Sierra Leone at either in the Bonthe Island, Mafanta or the Special Court Detention Facility in Freetown. It must be noted that the Special Court few years ago, considered the Bonthe Island prison as one that meets international standards. It must also be noted that in the cocaine trial all the foreigner nationals convicted by the high and supreme court of Sierra Leone were later extradited to their respective country by the government of Sierra Leone through their consuls or ambassadors.

The Special Court, as we see it, should have considered various factors before jumping into an agreement to cause us serve our sentence in the Republic of Rwanda.

- Proximity and easy access of family members visiting us
- Language barrier
- Condition of sentences
- Financial resources of the convicted persons relatives
- Terms or laws of imprisonment
- Assigned legal counsel in the case of eventualities
- Conjugal visit rights
- Children Visits
- Illegal extradition, etc.

It could be recalled that in August of this year the Registrar of the Special Court made its position clear in BBC with Lansana Fofanah that the court had run out of funds. And that the residual body of the Special Court that would be left behind has no contact or designated headquarter to seek convicts interests or their relatives as the case may be.

Madam, the Special Court ignored all the above stated concerns and relied on their veto as if we are stateless persons in our own country. We believed that the illegal extradition to Rwanda the Special Court had planned to execute as at now is a violation of our human rights under Article 7 of the International Convention on Civil and political Rights, which states that "No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment." Being subjected to beatings, hard labour, and not being able to go outside are all inhumane. We will also be kept far away from our families, children, friends and beloved country. This is also inhuman.

We respectfully attach for your attention the following documents in support of this urgent appeal for your intervention. The two documents are enclosed behind. We therefore urge the Registrar of the Special Court to contact His Excellency the President of Sierra Leone and the competent state authorities to negotiate a special agreement under Article 22 cited above for us to serve our sentences in Sierra Leone. We respectfully pray the President of Sierra Leone to resolve this matter with the Special Court in our interest.

Your faithfully

Alex Tamba Brima
 Ibrahim Bazy Kamara
 Santigie Borbor Khnau
 Issa Hassan Sesay
 Morris Kallon
 Augustine Ato Bao
 Moinina Fofanah
 Allieu Kondewai

Cc:copies

The Officer in charge Defense office
 The Speaker and Members of Parliament
 The National Chairman APC
 The National Secretary General APC
 The National Chairman SLPP
 The National Secretary General SLPP
 The National Leader PMDC
 The National Chairman PMDC
 The National Secretary General PMDC
 The Acting Interim Leader RUFF
 The National Chairman PPRC
 The Ombudsman
 The Parliamentary Human Rights Committee
 The Majority Leader of Parliament
 The Minority Leader of Parliament
 The Inter Religious Council
 The Council of Chiefs
 The National Imam of Sierra Leone
 Bishop Bilgusy
 The Press (National and International)
 The Chairman Civil Society
 The Chairman Coalition of Civil Society and Human Rights Activist

New Vision

Monday, 28 September 2009

SLPP Appeals for Special Court Indictees

A high powered SLPP delegation led by the National Secretary General Jacob Jusu Saffa visited the Special Court on Friday to make a plea for the indictees not to serve their jail terms outside Sierra Leone.

The move by the opposition party came in the wake of a request made by all the
Cont'd page 10.



JJ Saffa, Sec. Gen. SLPP

SLPP Appeals for

Special Court Indictees

indictees CDF, RUF, AFRC to the Prosecutor for them to serve their sentences in Sierra Leone instead of outside the country as proposed by the court. All of them wrote and signed the document asking for them to serve their sentences in Sierra Leone and asked for the intervention of all the political parties in the country in making the appeal. The SLPP was first to respond to the appeal and on Friday took a high powered delegation to the Special Court to present their views on the appeal made by the indictees. The Secretary General J.J. Saffa who

presented the party's stance on the request by the indictees, made a passionate appeal to the Special Court to consider the request made by victims. He said the indictees are Sierra Leoneans whose families feel still closely attached to them even when they are in confinement. Mr. Saffa said that as a party they feel the indictees' request should be considered by the Special Court.

The Court though not yet settled on the matter, promised to look into the issue. Other members of the delegation included Hon. Elizabeth Alpha Lavalie, Hon. Emmanuel Tommy.

Concord Times

Monday, 28 September 2009

Taylor denies meeting Sankoh on eve of Salone war

Former Liberian President Charles Taylor has denied testimony by a prosecution witness that he met with rebel-leader Foday Sankoh on the eve of the Revolutionary United Front's invasion of Sierra Leone.

Taylor has testified at his war crimes trial that he did not meet with a rebel leader on the eve of the invasion of Sierra Leone.

The 61-year-old is facing 11 counts of war crimes allegedly committed during the civil war in Sierra Leone. His defense case, conducted by

the Special Court for Sierra Leone in The Hague, is now in its ninth week.

Among the allegations, prosecutors say he provided weapons to the Revolutionary United Front in Sierra Leone in exchange for access to so-called "blood diamonds."

The 1991 invasion of Sierra Leone sparked a brutal civil war in the West African country, marked by tussles over diamonds and participation by child soldiers. At least 50,000 people were killed in the 11 year conflict, which ended in 2002.

Taylor refuted claims

that he met with Foday Sankoh, the leader of the Revolutionary United Front rebel group, the day before Sierra Leone was invaded.

Sankoh, a former army corporal and photographer, led the first attacks on villages in a diamond-rich province of Sierra Leone in 1991.

A prosecution witness alleged that the former Liberian president had traveled on the road to Voinjama, the main city in northern Liberia, close to the borders of Guinea and Sierra Leone, a day earlier.

BBC WORLD SERVICE TRUST
 Thursday, 24 September 2009

By John Kollie

The Defence Team on Thursday challenged Prosecution evidence that Charles Taylor in 1999 deployed 200 Sierra Leone Rebel Fighters in the Liberian Town of Foyah to combat the Liberian Rebel Group, Liberians United for Reconciliation and Democracy, LURD. The Former Liberian President denied that he sent 20-thousand United States Dollars to Foday Sankoh in Lome, Togo in 1999 for diamonds given him (Taylor) by the RUF. John Kollie has this transcription for the BBC World Service Trust....

Mr. Taylor has again denied that he had links with the Sierra Leone Rebels beyond May of 1992. A Protected Prosecution Witness told the court last year that Mr. Taylor deployed some 200 RUF Fighters in the Liberian Town of Foyah in early 1999 to contain the Liberian Rebels, LURD. The witness had alleged that Mr. Taylor supplied arms and ammunition to the RUF Troops in Foyah to contain dissent group, LURD.

The Former Liberian President dismissed the allegation. The Prosecution witness further claimed last year that Mr. Taylor sent 20-thousands United States Dollars to RUF Leader Foday Sankoh who was then in Lome, Togo in 1999.

The witness had told the court that Foday Sankoh was very angry and described the 20-thousands dollars as peanuts.

According to the witness, Foday Sankoh had said the money was too small for the RUF diamonds given to Mr. Taylor. Mr. Taylor denied receiving diamonds from the RUF or sending money to Foday Sankoh. According to a Prosecution document read in court by the Defence on Thursday, an Auxiliary of the RUF reported to Foday Sankoh in 1999 that Mr. Taylor gave maximum support to the rebel group.

The Black Revolutionary Guards allegedly reported to Sankoh that Mr. Taylor gave the RUF a huge quantity of arms and ammunition as well as military advice when the RUF Leader was in prison. Mr. Taylor doubted the authenticity of the Black Revolutionary Guards hand written report.

The war crimes trial of Former Liberian President, Charles Taylor will not take place on Monday. The International Criminal Court and the Special Court for Sierra Leone will observe the Jewish Religious Holiday called Yom Kippur on Monday. Mr. Taylor's trial resumes on Tuesday.

BBC WORLD SERVICE TRUST

United Nations  **Nations Unies**

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 25 September 2009

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

International Clips on Liberia

Liberian, Sierra Leone Refugees Storm NaCSA

Although the dust is yet to settle in the Lungi and Waterloo ruckuses, the ruling All People's Congress (APC) government has faced another thorn in the flesh. Yesterday Wednesday 23rd September 2009, a huge number of Liberian refugees stormed the offices of the National Commission for Social Action (NaCSA), in protest for their compensation as ordered in a court ruling. "We will continue to defend our refugees' rights to the last drop of our blood." These were the exact words used by some refugees who stormed the Charlotte Street offices of NaCSA to vent out their dissatisfaction over what they referred to as the 'I don't care' treatment they as refugees have been receiving from NaCSA for over six years now. Speaking in a rather harsh tone, a spokesman for the Liberian Refugees, who identified himself as Sulaiman Lumeh, informed that they stormed the office in order to express their dismay over the manner at which NaCSA has been treating them.

Awareness Times Newspaper

International Clips on West Africa

Sierra Leone

Taylor Denies Giving Money to Rebel Leader or Safekeeping Diamonds

Sep 25, 2009 (CharlesTaylorTrial.org/All Africa Global Media via COMTEX) -- Charles Taylor did not give jailed Sierra Leonean rebel leader Foday Sankoh \$20,000 in 1999, either as a "good gesture" or as a payment in exchange for safekeeping diamonds for his rebel group, Mr. Taylor told Special Court for Sierra Leone judges today. "No I did not send Sankoh any money. If I had, it would have been a good gesture," the accused former Liberian president said today in response to whether he ever gave Mr. Sankoh an amount of \$20,000. Mr. Taylor was responding to the evidence of a protected prosecution witness who said, in his 2008 testimony, that while the government of Sierra Leone and the Revolutionary United Front (RUF) rebels were in the Togolese capital Lome for peace talks in 1999, Mr. Taylor gave a member of the RUF external delegation, Ibrahim Bah, an amount of \$20,000 for the RUF leader Mr. Sankoh. Mr. Taylor said today that this was not true.

Guinea

20,000 in Guinea demo against coup leader

(AFP)

CONAKRY — Around 20,000 people took to the streets of Guinea's second city Thursday, police said, in the biggest opposition demonstration to date against the West African country's military ruler. Organisers said more than twice that number marched through the centre of Labe, around 400

kilometres (240 miles) north of the capital Conakry, against a planned visit to the city on Saturday by junta leader, Moussa Dadis Camara, who seized power in December last year. "Down with the military dictatorship, No to Khaki Power!" protesters shouted during the march. The demonstration was prevented from reaching the main administrative headquarters by a strong police presence, but no violence was reported and the marchers dispersed peacefully, witnesses told AFP by telephone.

Ivory Coast

Chinese Miner CGM to Help Ivory Coast Double Manganese Yield

ABIDJAN, Sep 25, 2009 (SinoCast Daily Business Beat via COMTEX) -- China National Geological & Mining Corp. (CGM) will spend more than USD 20 million helping Ivory Coast (Cote-d'Ivoire) double its yearly manganese output to about 300,000 tons, said sources. On September 24, 2009, both sides signed the cooperation agreement, upon which the Chinese company will join hands with the western African country to develop the Lauzoua manganese mine, around 180 kilometers away from its capital Abidjan. Currently, the annual manganese production stands at about 150,000 tons, and the production capacity will jump to over 300,000 tons in 2011 with the help of China, said Jean Likane-Yagui, managing director of Ivory Coast's state-owned mining firm Sodemi. CGM will ensure a market for the duration of the mine, he added.

Local Media – Newspaper

UNMIL Investigates Death of a Formed Police Unit Officer

(Inquirer, Liberian Express, Heritage)

- [SIC]The United Nations Mission in Liberia in collaboration with the Liberia National Police are investigating circumstances surrounding the death of a Nepalese UNMIL formed police unit officer discovered in a pool of blood in the Redlight market area.
- Police sources confirmed the incident and said the officer was found Thursday morning following gunfire and was rushed to the John F. Kennedy hospital where he was pronounced dead.
- Unconfirmed report said the officer was shot at close range with a long range gun, which was found by his side.
- It is not yet clear who shot the police officer, but there are views that he was attacked by armed robbers.
- At the same time, Senior LNP police sources said the shooting is possibly a suicide case.
- Meanwhile, the mission yesterday issued a statement saying it is investigating circumstances of the death.

Sinoe Legislative Caucus Drops Opposition to Confirmation of Superintendent-Designate

(Daily Observer, Heritage, National Chronicle, The News, The Inquirer, The Informer)

- The Sinoe County Legislative Caucus has withdrawn its opposition to the nomination of Milton Teahjay as Superintendent of the County.
- Speaking at a news conference, the Chairman of the Caucus, Senator Mobutu Nyenpan said they now support of the confirmation of Mr. Teahjay.
- He said the decision of the caucus followed series of consultations with citizens of Sinoe during which Mr. Teahjay expressed regrets for his past actions and promised to reverse some of his errors.

Senate Thrashes New Threshold Bill... Plans to Override President's Veto

(Heritage)

- The Senate has thrashed the new version of the controversial population threshold bill passed by the House of Representatives.
- The Senate said the decision of the House to set the threshold at 40,000 runs contrary to the veto of the bill by President Ellen Johnson Sirleaf.

- The Senate Presiding Officer, Daniel Naatehn said the House selectively passed judgment on the veto exercised by President Sirleaf and as such the Senate is in the process of over-riding the veto by President Sirleaf in line with Article 35 of the Constitution.
- Senator Naatehn said the Senate will take into consideration the appeal by President Sirleaf to set the threshold between 45 and 50 thousand.

Pro-TRC Demonstration in the US Today...Liberians Press for Implementation of Final Report

(The Inquirer, Liberian Express, Daily Observer, The Analyst)

- The Coalition of Liberian Civil Society Groups in the United States will today hold a rally in support of the final report of the Truth and Reconciliation Commission of Liberia (TRC).
- A dispatch from the USA said the demonstration to take place in Washington D.C. will also protest the high level of corruption in Government.
- Since the release of the TRC recommendations, there has been mixed public reaction over its implementation.
- While some favor the full implementation of the TRC's recommendation others are diametrically opposed to it saying it is not in the interest of genuine reconciliation.

UNDP Global Fund Project Launched at Over 30 Schools

(National Chronicle)

- The United Nations Development Programme (UNDP) in collaboration with the Ministry of Education has launched a competition in 32 schools in Montserrado and Margibi counties.
- The competition which involved messages on HIV/AIDS and other sexually transmitted diseases is geared at educating students from the selected school about the dangers of the disease.
- According to authorities of the Ministry of Education, the competition will shortly incorporate hygiene promotion as part of the messages.

UNFPA Wants Fistula Campaign Intensified

(The News)

- The Assistant Country Representative of the United Nations Population Fund-Liberia, Dr. Philderald Pratt wants the fistula campaign intensified in order to restore the dignity of women and girls suffering from the condition.
- Speaking yesterday at the Liberia Fistula Project Rehabilitation Centre in the Jacob Town suburb, Dr. Pratt said all must be done to do away the stigma associated with the disease.
- Earlier the Fistula Programme Manger, Dr. John Mulbah said since the launch of the programme in 2007, over 500 patients have been treated.

Public Works Ministry Signs with Ivorian Company

(The Informer, The News)

- The Public Works Ministry has signed a 2-year consultancy contract with BNETD, an Ivorian Engineering Company for the rehabilitation of the 120-kilometer Fish Town/Harper Highway in south-eastern Liberia.
- Public Works Minister, Samuel Woods said BNETD will re-design the road in line with appropriate engineering standards. The company will also rehabilitate schools and clinics and train contractors and engineers.
- The African Development Bank in collaboration with Government is undertaking the initiative.
- In another development, the Ministry of Public Works said roads being built by the Chinese construction company, CHICO are "economy" and not first class road as many Liberians had thought.

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

President Sirleaf Announces Suspension of Health Fees

- President Ellen Johnson Sirleaf has announced the suspension of health fees at public health facilities in the country.
- In an interview, Presidential Press Secretary Cyrus Badio said the suspension was a result of a US\$5 billion health care plan unveiled at the United Nations.
- Liberia is among several developing countries to benefit from the package initiated by British Prime Minister Gordon Brown.
- Meanwhile, Prime Minister Brown met with President Sirleaf on Wednesday and pledged his support to Liberia in its decision to suspend health fees for 3-5 years.

UNMIL Investigates Death of a Former Police Unit Officer

Senate Thrashes New Threshold Bill, Plans to Override President's Veto

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

Public Works Ministry Signs with Ivorian Company

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

Sinoe Legislative Caucus Drops Opposition to Confirmation Of Superintendent-Designate

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

Over US\$9M Needed for SES Programme

- The Director General of the Civil Service Agency (CSA), Dr. C. William Allen says the implementation of the Senior Executive Service (SES) programme requires US\$9.6 million of which the agency has so far raised US\$8.7 million.
- Speaking Thursday at the launch of a 2-day training workshop for SES professionals and supervisors at government ministries and agencies, Dr. Allen said the SES programme was making impact in transforming the public sector of post-conflict Liberia.
- An official of the UNDP, Mr. Cleophas Toriro said the UNDP and other partners would remain supportive of the SES program but called on the professionals to be efficient.

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

World Bank Grant Restores Cestos High School

- Reports from Rivercess County say the US\$150,000.00 renovation work on the Cestos High School is nearing completion.
- The Acting Principal of the school, Rev. Joseph Dedegaa said funding for the project was provided by the World Bank through the Education Ministry.

Truth FM *(News culled from website today at 10:00 am)*

Liberia Seeks Membership into the African Tax Administration Forum

- Liberia has applied for admission to join a continental body, The African Tax Administration Forum in November this year.
- According to the Commissioner of the Bureau of Internal Revenue at the Finance Ministry, Edward Dagoseh said the new continental body is established to combat tax evasion, promote tax administration and legislation across the continent.

Haaretz.Com

Monday, 28 September 2009

Israel demands PA drop war crimes suit at The Hague

By Amos Harel and Avi Issacharoff, Haaretz Correspondent

Tensions are mounting between Israel and the Palestinian Authority following Ramallah's call on the International Court at The Hague to examine claims of "war crimes" that the IDF allegedly committed during Operation Cast Lead in the Gaza Strip. The issue is already weighing in on the relations between the leadership of Israel's defense and security establishment with their counterparts in the West Bank, and is part of a growing list of Israeli complaints about the behavior of PA officials.

Meanwhile, Israel has warned the Palestinian Authority that it would condition permission for a second cellular telephone provider to operate in the West Bank - an economic issue of critical importance to the PA leadership - on the Palestinians withdrawing their request at the International Court.

The issue of a second cellular provider is at the center of talks between the PA, the international Quartet, and Israel, and has been ongoing for some months. Currently the sole provider is Pal-Tel, and the PA prime minister, Salam Fayyad, considers the introduction of another carrier as an important step in improving the civilian infrastructure in the West Bank. The project is central to Watanya, the company that is set to serve as the second provider, and profits are expected to be substantial

Advertisement

However, if the project is not approved by October 15, the PA will be forced to pay a penalty estimated at \$300 million, the sum that has already been invested in licensing and infrastructure.

Western diplomats, including the Quartet's envoy to the region, former British prime minister Tony Blair, and the U.S. ambassador to Israel, James Cunningham, have made it clear to senior Israeli officials that time is running out, and have urged them to allow for the establishment of a second provider to go forward.

Israel's objections begin with the issue of transmission frequencies. The frequencies that the Palestinians want the new company to use are very close to ones used by the Israel Defense Forces in some of its most sensitive activities.

"Israel is making it difficult for us on many levels," complains Mohammed Mustafa, economic adviser to PA President Mahmoud Abbas. "They now want us to pressure Pal-Tel to release some of its frequencies, so that they can be used by Watanya."

However, another, more substantive issue was recently added, when the Palestinian Authority appealed to the International Criminal Court. Security sources told Haaretz that this move, which was authorized by Fayyad and Abbas, incensed senior officials of the defense establishment, especially army Chief of Staff Gabi Ashkenazi.

Ashkenazi has been kept busy by involvement in a holding action against the threat that Israeli officers would be brought before the court as a result of charges that the IDF committed war crimes in the Gaza Strip. Concern has intensified following the grave report that the Goldstone Commission released two weeks ago on behalf of the United Nations.

In Israel the argument is that the PA is being unfair, and that at the time of the operation in the Gaza Strip, last winter, its senior officials encouraged their Israeli counterparts to step up the pressure on Hamas, and even to attempt to bring its rule in the territory to the point of collapse. However, at a latter stage they joined those decrying Israel and its alleged actions in the Strip.

In light of this tension, the chief of staff conditioned his approval of a second cellular provider to the Palestinians' withdrawing their appeal to the court.

"The PA has reached the point where it has to decide whether it is working with us or against us," senior figures in the defense establishment have said. At the PA it is being said, in response to the Israeli demands, that Abbas and Fayyad will water down their appeal to the ICJ, though they will refuse to promise that it will rescinded entirely.

During the past year Israel defense officials have often praised the Palestinians on improving their contribution to securing the West Bank, and of the decisive character of the leadership under Fayyad. However, in recent weeks there have been increasing claims that even as the Authority is being praised by Israel and the international community, it is behaving irresponsibly by violating agreements between the two sides.

The Israeli claims focus on the growing presence of Palestinian security personnel in civilian clothing in East Jerusalem, contrary to the obligations of the PA. The security personnel participate in prayers at Al-Aqsa mosque, and at other sites in the city, and have stepped up their presence in the Jerusalem's medical and educational facilities. Moreover, they have also been involved in the abduction of Palestinians suspected of selling property to Jews

Allafrica.com

Thursday, 24 September 2009

Africa: Continent's Leaders Undermine the ICC

Dieu-Donné Wedi Djamba

Opinion

One of the challenges faced by the global South in general and African countries in particular is the culture of impunity. And the ratification of the Rome Statute by 30 African countries seemed to send a message to the world about the commitment of African leaders to close the impunity gap.

But the reaction of African leaders after the indictment of the Sudanese president by the International Criminal Court (ICC) raises some concerns from the international community as a whole.

Reacting to the arrest warrant against President Omar al-Bashir issued by the ICC for crimes against humanity and war crimes on 4 March 2009, the African Union decided not to cooperate and appealed to the United Nations to delay the case. It accused the International Criminal Court of being a Western tool to oppress others, set up only to target Africans.

In this regard, Alhaji Muhammad Mumuni, Ghana's foreign minister said, 'We have been a little unhappy about the whole process, how this matter came before the ICC', adding 'The AU actually addressed a resolution to the security council asking the UN Security Council to defer the warrant for one year, and it was virtually ignored. That we thought was a slap.'^[1]

As the ICC does not have a security force with which to arrest any accused, the cooperation of states becomes a core element to the success of the fight against impunity. Thus, by withdrawing their cooperation with the ICC to arrest and surrender the Sudanese president, African leaders are threatening the international effort to end impunity.

The African leaders' argument raises two questions however: Is the ICC a Western tool to oppress others? and; Was the ICC set up to target African people only?

IS THE ICC A WESTERN TOOL TO OPPRESS OTHERS?

The above thesis connects to two elements, namely the creation and the composition of the ICC.

The Rome Statute, which is the document founding the ICC, was submitted for ratification to come into force, with 30 African countries among those who ratified it. The ratification of the Rome Statute by 30 Africans against 50 Africans shows how involved African countries were and the degree to which they were willing to fight impunity. Moreover, the ratification was made without any restriction on anyone. But when a state party in a country such as Senegal accuses the ICC of being a Western tool, one can ask how reliable such a statement should be taken to be.

The court is composed of four organs. These are the Presidency, the Judicial Divisions, the Office of the Prosecutor and the Registry.

The Presidency is responsible for the overall administration of the court, with the exception of the Office of the Prosecutor, and for specific functions assigned to the Presidency in accordance with the statute. The Presidency is composed of three judges of the court, elected to the Presidency by their fellow judges, for a term of three years.

The Judicial Divisions consist of 18 judges organised into the Pre-Trial Division, the Trial Division and the Appeals Division. The judges of each division sit in chambers which are responsible for conducting the proceedings of the court at different stages. The assignment of judges to divisions is made on the basis of the nature of the functions each division performs and the qualifications and experience of the judge. This is done in a manner ensuring that

each division benefits from an appropriate combination of expertise in criminal law and procedure and international law.

The Office of the Prosecutor is responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the court, for examining them and for conducting investigations and prosecutions before the court.

The Registry is responsible for the non-judicial aspects of the administration and servicing of the court. The Registry is headed by the registrar who is the principal administrative officer of the court. The registrar exercises their functions under the authority of the president of the court.[2]

As observed, the architecture of the ICC is made in such a way to ensure due process for all accused, recognised by international law. It is in regard to the positions held by Africans and their number within the court that things become more interesting. Indeed, the African continent boasts five of the total 18 judges, with Judge Fatoumata Dembele Diarra (Mali)[3] as the first vice-president. Equally, in the Office of the Prosecutor an African, Fatou Bensouda[4], the deputy prosecutor, is the one in charge of the Prosecution Division of the Office of the Prosecutor.

Once again, is the ICC really a Western tool?

WAS THE ICC SET UP TO TARGET AFRICAN PEOPLE ONLY?

The second thesis made by African leaders to justify the position towards the ICC is the fact that to date all those arrested by the ICC have been African. But what we should bear in mind is that four of those five cases were referred by the African countries themselves, while the other was referred by the UN Security Council.

The first case referred to the ICC was by Uganda. In 2004, Uganda invited the ICC to investigate allegations of atrocities committed by the Lord's Resistance Army (LRA) of Joseph Kony. After the investigation, the ICC issued five warrants of arrest against the rebel Joseph Kony and his four commanders, namely Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya.[5] To date, Joseph Kony and his rebel group still operate in eastern Democratic Republic of Congo (DRC).

The second case referred to the ICC was by the DRC. In 2004, the DRC invited the ICC to investigate allegations of atrocities committed by armed groups against the population of Ituri, in eastern Congo. From the investigation, the ICC issued four warrants of arrest against Thomas Lubanga, Mathieu Gajolo, Germain Katanga and Bosco Tangada for war crimes and crimes against humanity.[6] Among the five indicted only Bosco Tangada is still walking free in eastern DRC.

The third case referred to the ICC was by the Central African Republic (CAR), which in 2005 invited the ICC to investigate allegations of atrocities committed in the country by the Congolese former vice-president Jean-Pierre Bemba and his rebel group. After investigation, the ICC issued a warrant of arrest against Bemba and he was arrested in Belgium last year.[7]

The fourth one was referred by the UN Security Council in 2005 asking the ICC to investigate allegations of atrocities committed in Darfur, Sudan. Following the investigation, the ICC has issued four warrants of arrest to date against Ahmad Muhammad Harun ('Ahmad Harun'), former minister of state for the interior of the government of Sudan and minister of state for humanitarian affairs of Sudan; Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb'), alleged leader of the Janjaweed; Bahr Idriss Abu Garda, chairman and general coordinator of military operations of the United Resistance Front; and Omar Hassan Ahmad al-Bashir, president of the Republic of Sudan.[8]

Thus, one may ask, who really targets African people?

REASONS FOR REFUSAL TO COOPERATE

Looking deeply into the reasons made by African leaders to justify their refusal to cooperate with the ICC, two main reasons can be pointed out: the fear of being the next arrested and the protection of allies.

Before the creation of the ICC, undemocratic African leaders used to protect themselves from any prosecution after their term as head of state through two means: a blanket amnesty or a golden exile to another anti-democratic country.

Since the creation of the ICC however, the possibility of enjoying the benefice of a national amnesty has become uncertain as the national amnesty does not operate before the ICC. Indeed, for the same reason exile even to a friendly country does not secure against possible prosecution for crimes under ICC jurisdiction. Knowing that once they commit a crime under ICC jurisdiction they will be arrested, they choose to cooperate with an institution which can arrest them anytime. Thus by refusing to cooperate for any arrest and surrender of a fellow president, African leaders try to create solidarity between them and to expect to be protected in case they are also accused by the ICC.

The Rome Statute preamble commits all state parties to a legal obligation to cooperate over the arrest and surrender of any person accused of a crime under the ICC's jurisdiction. In this regard, one can recall how cooperative African leaders were when referring cases to the ICC and arresting the accused. But maybe this was just the best way to target their opponent, rather than a commitment to end impunity.

Indeed, the Ugandan president would be happy to see Joseph Kony and his commanders caught, the DRC president to see Thomas Lubanga, Mathieu Ngunjolo and Germain Katanga to be in the Hague, while François Bozizé, the Central African Republic president who referred the Bemba case to the ICC, does not care if Bemba spends the rest of his life in jail or not.

In this regard, while the Central African Republic president was very concerned by the process of prosecution of the Congolese former president Bemba and ally of Ange-Félix Patassé - the former CAR president - the peace talks which were held between the two sides (Bozizé and Patassé) seem to put aside Patassé's potential prosecution, intensely claimed by Bozizé. The ICC process can wait as long as Patassé is an ally.[9] For victims of those human rights violations committed by Patassé and his ally Bemba, they are not of course a priority for François Bozizé. They can wait, even forever.

Furthermore, while the Congolese government cooperated with the ICC and arrested Thomas Lubanga, Mathieu Ngunjolo and Germain Katanga, the arrest warrant issued against Bosco Tangada seems to be met with less concern from the government since the accused cooperated in ending the rebellion in the country's east led by Laurent Nkunda Batware. In this regard, to confirm its position, the Congolese government has made it clear that its priority is peace.[10] Therefore, the arrest of Bosco Tangada, their current ally, can wait.

CONCLUSION

The fight against impunity is a primary concern for the international community. But the attitude of African leaders towards the ICC, the international court symbolising that fight, raises concern. The refusal of these leaders to cooperate with the court over the arrest warrant issued for Sudanese President Omar al-Bashir - accused by the ICC of crimes against humanity - has created real concern within the international community as it threatens global efforts to end impunity.

The argument made by African leaders to justify their refusal to cooperate with the ICC is based on the fact that the court targets only African people and that it was set up by Western countries as a tool to oppress others. But are these the real reasons? Or should the real reasons for their refusal be found elsewhere? This article has tried to show the real reasons of the refusal of African leaders to cooperate with the ICC, namely, the fear of being the next arrested and the protection of allies.

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Kenyan officials complicit in violence, and the delays in justice



Despite overwhelming evidence, Kenya has yet to convict a single person for election-related killings and rapes

When she had mustered enough strength to leave hospital, 57-year-old Esther Wairimu went to the police with the medical evidence of how she was brutally attacked and gang-raped in her home.

The police shrugged. They said there was nothing they could do. The rapists were their own colleagues: members of a paramilitary wing of the police.

Almost 20 months later, Ms. Wairimu is still waiting for justice. Thousands of other Kenyans are also waiting. Despite massive evidence and growing international pressure, Kenya has failed to convict even a single person for the horrific wave of killings and rapes that shook the nation after a disputed election in 2007.

At least 1,500 people were killed and more than 600,000 were forced to flee their homes in the postelection violence. The attacks have been graphically documented in detailed reports, commissions, inquiries and studies. Yet Kenya's politicians are still dithering and arguing about what to do – largely because the evidence points to many of their own top leaders as key organizers and inciters of the violence.

This month, the Kenyan parliament is making yet another attempt to set up a special tribunal to prosecute the killers and rapists. Again, a bill has been introduced. Again, the bill is expected to fail.

The chief prosecutor at the International Criminal Court in The Hague has threatened to take over the prosecution if Kenya fails to act by Sept. 30. The court has a list of Kenyan perpetrators – including several cabinet ministers – and has already begun hiring Kenyan investigators and translators. But if the ICC intervenes, only a tiny handful of perpetrators would be prosecuted – perhaps only two or three – because the international court lacks the capacity to prosecute a larger number.

“In this country,” Ms. Wairimu says, “there are two kinds of people: the big and the small. It's the small people who were raped, who lost their property and their children. It was all because of decisions by the big people. They should be arrested and put in jail.”

Like most victims, she has given up on Kenya's politicians. Only the judges in The Hague are honest enough to prosecute the guilty ones, she says.



Esther Wairimu, a 57-year-old grandmother of five, was gang-raped by paramilitary forces at her home in Kibera, a Nairobi slum, during violence after Kenya's disputed election in 2007.

Ms. Wairimu, a secondhand clothes vendor

and grandmother of five, was in her home in the sprawling Nairobi slum of Kibera on the afternoon of Jan. 30 last year when a train arrived with troops of the General Service Unit, the much-feared paramilitary elite of Kenya's police, often used for riot control.

Violence was raging across the country, and the GSU was under orders to quell it. Instead its members were among the worst perpetrators.

Three GSU men broke down her door and burst into her house, claiming they were searching for gang leaders. They looked under her bed. Then they ordered her to take off her clothes. "We want people like you because you have no diseases," they told her. They covered her face with a sheet, threw her on the bed and repeatedly raped her.

After they left, the slum was still filled with fighting, and she didn't dare to leave her house. The next day, a neighbour found her and cleaned her with salty water. When she finally reached a hospital on Feb. 9, she needed a week of treatment. "There was a lot of damage to my body because I was old," she says.

When she left the hospital, she gathered the medical reports to take to the police as evidence. "They told us to report to the police so that we could have justice and compensation," she recalls. "But nothing has happened since then. I have a heavy heart. I am afraid for the future of my grandchildren."

She still suffers pelvic pain, dizziness and psychological damage from her ordeal. "It will never go away," she says.

At one Nairobi hospital alone, about 230 rape victims were admitted for treatment during the wave of violence from Dec. 30, 2007 to Feb. 2, 2008. "About 90 of these cases were as a result of gang rape carried out by between two and 11 men," said a report by the Kenya National Commission on Human Rights.

"These incidents of rape appear to have been targeted to punish the victims for their perceived political positions based on their ethnic identities," the commission said. "Sexual violence was meted out against members of 'enemy communities.'" The commission published a list of 219 alleged perpetrators who should be investigated for possible prosecution for the postelection violence, including seven MPs, three assistant ministers, a deputy prime minister and seven cabinet ministers – many of the most powerful politicians in the country. So far, none have been charged with any crimes.

Kenya failed to prosecute those who attacked innocent people in the bloody aftermath of the 1992 and 1997 elections. Now it is on the verge of the same decision again.

“Because of this history, impunity has been entrenched and has even gained legitimacy in this country,” said Ndungu Wainaina, executive director of the Nairobi-based International Center for Policy and Conflict. There are fears that Kenya could face a worse outbreak of violence in its next election.

Kenya's foreign donors, who pushed for the creation of a coalition government in 2008 after the disputed election, are losing patience with the constant delays. “We are waiting, we are disappointed,” U.S. Secretary of State Hillary Clinton told reporters in Nairobi last month.

Her words were followed last week by a U.S. threat to impose travel bans on at least 15 senior Kenyan officials for failing to move ahead with long-discussed reforms, including the prosecution of those who led the postelection violence.

Yet the Kenyan government has rejected every attempt to set up a prosecuting tribunal. Instead it wants to send the cases to a truth and reconciliation commission – a toothless body that is overwhelmed with other historical cases to review from the past four decades.

This month, a group of MPs is trying again to revive the idea of a special tribunal to prosecute the killers and their organizers. They have introduced another bill in parliament and are campaigning vigorously for it. But they admit they are facing an uphill struggle. Powerful government members are refusing to support the bill.

“We're facing very stiff opposition from the beneficiaries of impunity,” said Gitobu Imanyara, the MP who introduced the latest tribunal bill.

Patricia Nyaundi, executive director of Kenya's Federation of Women Lawyers, is one of the civil-society activists who is lobbying for the tribunal bill. Five months ago, she was famous for leading a “sex boycott” of Kenya's politicians, in which their wives were asked to refrain from sex as a way of putting pressure on the coalition government to stop infighting and proceed with promised reforms.

Now she is trying to mobilize Kenyans to support the tribunal bill. “This is the last chance for a tribunal,” she said. “If it fails, we will have the International Criminal Court to fall back on, but it won't get as many of the perpetrators as we want.”

Without a strong lobbying campaign by the public, the politicians are unlikely to accept a tribunal, she said. “They can't be trusted with this legislation.”

The victims of the gang rapes are convinced that the rapists will never be arrested by any Kenyan authorities. “For me, I only believe in The Hague,” says Pamela Akinyi, a 45-year-old woman in the Kibera slum who was raped by a group of GSU men when they entered the slum on Jan. 30, 2008.



She weeps quietly as she remembers the attack. Four of her children watched her being assaulted by the men. She later discovered that she

was infected with the AIDS virus.

Pamela Akinyi, 45, a mother of five and resident of Nairobi's Kibera slum, was gang-raped at her home in front of her children during the violence that followed Kenya's disputed election in 2007.

"They hurt me so much that I was bleeding," she says. "After they left, my children boiled water for me, and I slowly tried to clean myself until I could walk a little. When my husband heard that I was raped, he ran away and has never come back. He blamed me for it. He said I should have fought them off."

Since then, the only help she received was from a local counselling group, supported by CARE, the international development agency, which established community reporting centres where the victims could get counselling and treatment.

"The politicians in Kenya are playing with us, they've exploited us, they don't care about us," Ms. Akinyi says. "None of them had their children raped or their property stolen. Nothing will be done to them in Kenya – our faith in the justice system is gone. They should all go to The Hague. They should all pay for what they did. We want to see justice done."