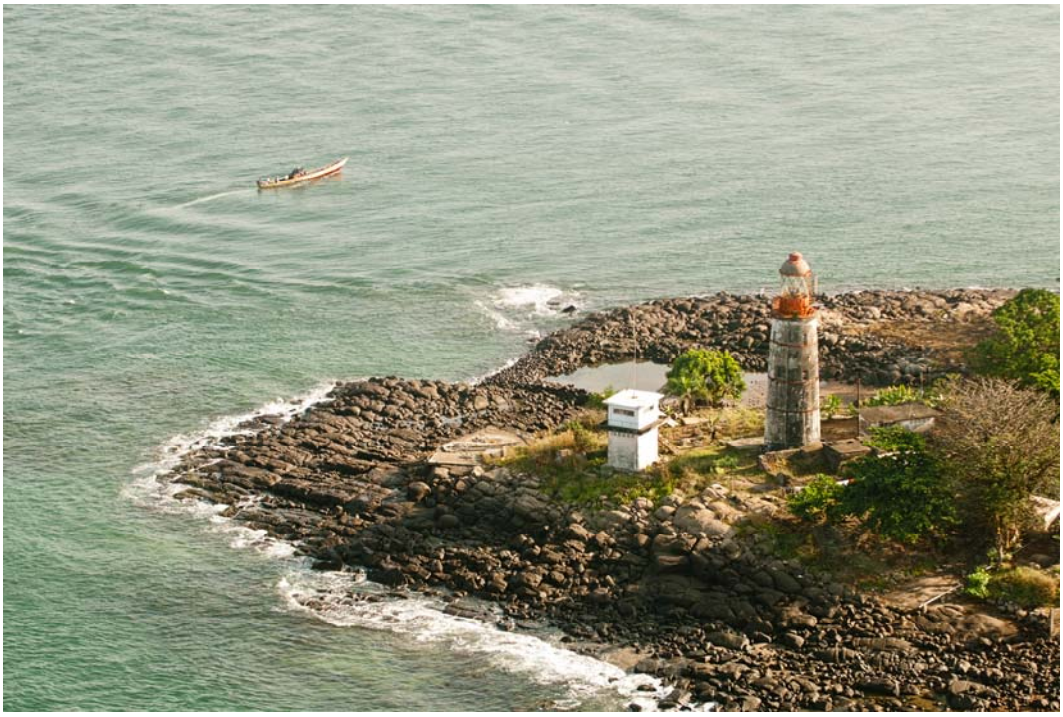
SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE



Cape Lighthouse, Aberdeen

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, 6 June 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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New Storm
Monday, 6 June 2011

Opinion

Give Some Of Gaddafi's Money To Sierra Leone And Liberia

By Kofi Akosah-Sarpong, USA.

US Congressman Brad Sherman (Democrat, California) thinks, in the wake of NATO's expensive operations in Libya to contain Muammar Gaddafi's attempts to kill protestors and the budget battle on Capitol Hill, that the seized Gaddafi money, totaling over US$100 billion, should be used to pay for the Libyan no fly zone operations. That makes sense because of the humanitarian nature of the operations.

What also makes sense, humanley, are some Sierra Leoneans and Liberians at home and abroad campaigning for some of Gaddafi's apprehended money be given to their struggling countries as mandated by the United Nations Special Court for Sierra Leone. Short of charges of crimes against humanity and war crimes the UN Special Court for Sierra Leone authorized Gaddafi to pay compensations for the victims of the civil war some of whom were murdered, raped, maimed and mutilated.

A huge number of Sierra Leoneans and Liberians were killed as a result of the Gaddafi induced war. Gaddafi did train, finance and encourage the deadly rebel groups Revolutionary United Front (RUF) and the National Patriotic Front of Liberia.

Swinging between sanity and insanity, Gaddafi came to the agonizing conclusion that he has caused irreparable damage to some Africans and decided to give some sort of financial aid.

Gibril Koroma, the Sierra Leonean publisher of the Vancouver, British Columbia based thepatrioticvanguard.com, making the case for Sierra Leonean victims wrote that, "A couple of years ago, Gaddafi realized he had hurt Africa too much and he started what he may have considered a reconciliation process by giving away millions of dollars in raw cash and all sorts of other gifts like cars and tractors to African leaders. He has also been financing the United States of Africa project scheduled to kick off by 2017."

But the real victims of Gaddafi's atrocities - amputations, murders, raping, maiming and mutilations - the ordinary, innocent Sierra Leoneans and Liberians did not receive any of what Gibril Koroma indicated. Now is the time for them to get their compensations direct from Gaddafi's looted billions. Their case is as reasonable and human as US Congressman Brad Sherman's arguments for NATO.

The Sierra Leonean journalist and academic Aroun Rashid Deen, currently a doctoral candidate at New York University, in making the case for Gaddafi to pay compensation to Sierra Leonean and Liberian victims, argued that "Muammar Gaddafi was the mastermind and key financier of the brutal war that left hundreds of thousands dead in Sierra Leone in West Africa in the 1990s. The war would not have happened in the first place had it not been for the desire of the Libyan leader to punish the government of Sierra Leone for what he regarded as its siding with the West in the 1980's when Gaddafi was at loggerheads with particularly the United States and Britain."

"It was also part of Gaddafi's broader agenda including his geopolitical ambition to destabilize much of West Africa and establish satellite states in the region to be headed by puppet regimes that will be doing his biddings. The decade-long war ripped Sierra Leone apart. Thousands of its victims, whose arms and limbs were chopped off by rebels, were reduced to paupers, roaming the streets as beggars in Freetown and other cities. Children as young as a day old were also among those whose arms and limbs were hacked off by Gaddafi's rebels. Pregnant women, too, were disemboweled with delight in their display of ghastly brutality."

Jesmed F. Suma, of the US-based Sierra Leone Policy Watch, a policy think tank and civic engagement group, argues insightfully that, "In 2008, in an unprecedented act of contrition, Italy agreed to pay reparation of US$5 billion to Libya for Rome's past injustices for 30 years as colonial master over Libya in the early years of the last century. Also in 2008 Libya was ordered to pay US$6 billion to the victims on-board the French Aircraft UTA Flight 772 for Libya's role in the bombing of the flight over Niger in 1989. In addition Libya agreed to also pay US$1 million to each of the other 170 non-American victims.

"Libya also paid the US Govt. US$1.5 billion for Libya's role in the Lockerbie Bombing that took the life of 270 victims and for the Berlin Disco Bombing that killed 3 and wounded 200. Now with regards to Sierra Leone and Liberia, Gaddafi sponsored a rebellion that killed thousands of poor, innocent men, women and children. These victims deserve the same justice as the victims of the Lockerbie bombing or the Libyan victims of Italian injustice."

If Gaddafi has paid all these sums of money for his evil schemes, the time has come, through African and global institutions, for him to do same to the Sierra Leoneans and Liberians either slaughtered, raped, or maimed.

The Sierra Leone government, the diaspora Sierra Leonean lobby, the Mano River Union, the transnational African lobby, the Economic Community of West African States, regional giant Nigeria, the African Union, the United Nations, the European Union, and the African Development Bank, among others, should campaign for Sierra Leone and Liberia to get some of the billions of dollars seized from Gaddafi for the damage he brought upon those countries.

Premier News
Monday, 6 June 2011

International Justice:

A Crucial Effort Not Only about Africa

By Elise Keppler

With all of the situations before the International Criminal Court in Africa, it is not surprising that claims that international justice is targeting Africans resonate widely with some diplomats and commentators, and a segment of the general public. But Serbia's arrest and pending transfer to an international tribunal of one of the most notorious people wanted for genocide in Europe is a reminder that international justice extends far beyond the African continent.

Ratko Mladic-who was taken into custody in Serbia-is the former Bosnian Serb army commander. He is charged before the International Criminal Tribunal for the former Yugoslavia (ICTY) with 11 counts of genocide, crimes against humanity, and war crimes, including the massacre of up to 8,000 Bosnian men and boys in Srebenica during the 1990s war in Bosnia. Mladic's capture comes some three years after Serbia's arrest of Radovan Karadzic, another Bosnian Serb leader, who is now on trial for crimes connected to the Srebrenica massacre and other atrocities in Bosnia. The past 15 years of prosecutions for heinous crimes in the former Yugoslavia do not negate the fact that international justice is applied unevenly. People from powerful states and their allies have been able to evade accountability, including for crimes in Gaza, Chechnya, and Burma. The United Nations Security Council's role in establishing international courts and the ability of the council's permanent members to veto initiatives plays a significant role. No doubt far more robust efforts are needed to ensure that politics does not limit or block prosecutions. But the response should mean working to expand the reach of the ICC, not to undercut it where it can have an impact. Complaints by African leaders about the uneven application of international justice would carry a lot more weight if they focused more on ensuring prosecutions for atrocities wherever they are committed, such as by promoting wider ratification of the ICC's Rome Treaty, than impeding the court's functioning with calls for noncooperation. Mladic's arrest, 16 years after he was first indicted, is also a stark rebuttal to those who question the value of seeking justice when timely surrender is unlikely. That Mladic was finally taken into custody despite the long delay underscores how important it is to work to hold those responsible for horrific crimes to account even when the short-term arrest prospects seem limited.

Concerted political pressure can make a profound difference in whether an alleged war criminal is ultimately arrested. While Serbian authorities claimed to have no information about where Mladic was, the ICTY prosecutor and independent Serbian media insisted that he was in the country under the protection of elements of the army, hiding in plain sight. Mladic's arrest follows continued calls by European Union states for Serbia to cooperate fully with the Yugoslav international tribunal before EU membership would be seriously considered.

A similar phenomenon occurred with the former Liberian president Charles Taylor, who was sought for atrocities during the Sierra Leone armed conflict by the UN-backed Special Court for Sierra Leone. For several years, it was known that Taylor was living in a villa in Nigeria-where he received refuge after he stepped down from power. Today, though, Taylor awaits judgment on his case from a jail cell in The Hague. Growing international pressure from civil society and governments led to his arrest in Nigeria in 2007.

Mladic's arrest puts ICC suspects on notice that while they walk free today, they may well come into custody in the not-too-distant future. Even now, some accused-such as President Omar al-Bashir of Sudan, who is charged with heinous crimes committed in Darfur-already operate in a far smaller universe since many countries have made clear that arrest warrants will be executed if suspects enter their territory. But ICC states parties and the UN Security Council will need to put a lot more diplomatic weight behind their verbal commitments to international justice to ensure that all suspects are turned over for trial. Mladic's arrest is a landmark development and cause for celebration for victims in Bosnia, but it is also cause for celebration everywhere atrocities have been committed. The prospect of justice for victims of horrific crimes is what counts, not which continent the suspects come from.

Elise Keppler is senior counsel with the international justice program at Human Rights Watch.

Satellite
Monday, 6 June 2011

GOVERNMENT HEIGHTENS YENGA ISSUES WITH GUINEA

President Conde

By Yusufu Sesay

Since the reclaiming of Yenga in the Kailahun District which is an integral aspect of the ruling All People Congress party's campaign strategy for the 2012 Presidential and Parliamentary elections, Government has heightened successful diplomatic talks on Yenga issue with the Guinean Government. ***Contd. Page 9***

President Koroma

GOVT. HEIGHTENS YENGA ISSUES WITH GUINEA

From Front Page

Yenga is a border town that lies between Guinea and Sierra Leone in Kailahun District in the eastern part of Sierra Leone.

It could be recalled that several diplomatic moves were made by the former SLPP administration to resolve Yenga issue.

Giving an update on Government activities at the weekly press briefing held at the Ministry of Information and Communication Conference Room in Freetown, the Minister of Information and Communication, Alhaji Ibrahim Ben Kargbo spoke on Government's visit to Republic of Guinea in which the Minister of Foreign Affairs and International Cooperation, J.B. Dauda was present , the Minister of Local Government and Rural Development, Mr.Dauda S Kamara, the Minister of Political and Public Affairs, Alhaji Alpha Kanu.

The Political and Public Affairs Minister is said to have inform President Alpha Conde that his government is committed to improving bilateral relations with Sierra Leone. The delegation from Sierra Leone also discussed a number of bilateral issues among which Yenga issue was discussed with President Alpha Conde with other government officials.

Alhaji Alphan Kanu said that President Alpha Conde suggested the setting up of a joint committee comprising Guineans and Sierra Leoneans counterpart to jointly examine the issue of Yenga.

It is now hoped that this proposed committee would devise a final solution to the long standing disputed over the ownership of Yenga.

He re-echoed President Koroma's posture for a final settlement to Yenga issue and further solidifying an enviable bilateral relations.

"We know that Yenga belongs to Sierra Leone and this is why we look forward to a peaceful resolution of the matter," the minister concluded.

The Nation (Nairobi)
Saturday, 4 June 2011

Kenya: Why Wako's Rush to Save Ocampo Six is in Vain

Paul Mwangi

Opinion

I am weeping for my country; heartbroken to see my motherland turned into a joke bag of the international community by a blundering clique of government legal advisers.

It began with the diplomatic initiative to get the United Nations Security Council to defer the Kenyan cases at the International Criminal Court in order to give us a chance to establish our local judicial mechanism to deal with the post-election violence cases.

Even before we had embarked on the shuttle diplomacy to campaign for the deferrals, the United States of America had announced that it would vote against our request.

The United Kingdom also said it will not support us. France joined the fray and announced its opposition on our campaign.

This did not stop us from insisting on the initiative. Ignoring the open positions taken by three veto-holding members of the United Nations Security Council, we proceeded to spent millions of shillings of taxpayers' money to lobby for our foredoomed adventure.

Eventually, however, the result was as we had been told all along; the initiative came a cropper.

Spectacular fiasco

We had not yet taken in this spectacular fiasco when we ran to the International Criminal Court at The Hague and attempted to get what we had failed to secure with the diplomatic initiative.

Our Attorney-General, Mr Amos Wako, with two British lawyers of the distinguished order of Queen's Counsel, Sir Geoffrey Nice and Mr Rodney Dixon, filed an application at The Hague challenging the admissibility of the Kenyan cases at the ICC.

The application, made under Article 17 of The Rome Statutes, argued that the cases against the Ocampo Six were not admissible at the ICC because they were already being investigated by the Kenya Government which has jurisdiction over them.

Even before the application was filed, legal experts were warning Kenya to take its time before launching the challenge since the Rome Statutes allowed us only one shot at arguing against admissibility.

Shuttle diplomacy

We were advised to first conclude those reforms we intended to undertake and also start credible investigations before taking our application before the court.

As was the case with the shuttle diplomacy, we ignored all advice and filed the admissibility challenge. It turned out to be a real theatre of the absurd.

Rather than show Pre-Trial Chamber II what we have done in investigating the post-election violence cases, we placed before the court threadbare and unbelievable promises and timelines of what we intend to do.

The judges were to observe in their ruling: "It is apparent that the Government of Kenya, in its challenge, relied mainly on judicial reform actions and promises for future investigative activities.

At the same time, while arguing that there are current initiatives, it presented no concrete evidence of such steps."

To compound on the error, the promises made by the government were so irrational that they were comical.

For instance, to answer the question whether the government was investigating cases at the same hierarchy as that preferred by the ICC prosecutor against the Ocampo Six, the government's answer was that it was going to begin by investigating and prosecuting the lower level perpetrators and then build its cases upwards to those that bear the greatest responsibility.

The ICC judges lamented and stated in their ruling: "The Chamber is surprised by such a statement which is actually an acknowledgement by the Government of Kenya that so far, the alleged investigations have not extended to those at the highest level of hierarchy, be it the ... suspects subject to the court's proceedings, or any other at the same level."

What the judges came short of saying is that the government intended, once it succeeded in postponing admissibility, to spend its time prosecuting the lower level perpetrators and frustrate the investigation and prosecution of those who bear the greatest responsibility for the violence.

"The Chamber believes that these arguments cast doubt on the will of the State to actually investigate the suspects ..." the judges said in their ruling.

When it came to proving that there are ongoing investigations in Kenya, the government's position was even more comical.

The Chamber was furnished with a letter written by the Attorney-General to the Commissioner of Police directing the latter to investigate all suspects of PEV cases, including the Ocampo Six.

The letter, however, was dated April 14, 2011, two weeks after the Government filed its application.

"Thus it is clear from the letter that by the time the Government of Kenya filed the application asserting that it was investigating the cases before the court, there were in fact no ongoing investigations," the judges ruled.

Now the AG says that he shall appeal the ruling of the Chamber. The basis of the appeal is not that Kenya has a convincing case of how it is satisfactorily handling the PEV cases. Mr Wako says that he is appealing because Kenya was not given an oral hearing.

Secondly, the AG says he is confident that by the time the appeal is heard, Kenya will have more reforms to show that the cases can be handled in Kenya.

Oral hearing

Note that Mr Wako is not saying that an oral hearing would have given the government a chance to present a more convincing case. In fact, the AG is totally silent on the weakness of the government case as pointed out by the judges at the Pre-Trial Chamber.

Neither is he promising to show the appeal court the conclusion of any investigations or the start of any prosecutions.

He intends to just show reforms undertaken, despite the fact that this is totally irrelevant to the conditions set out by Article 17 of the Rome Statutes governing admissibility.

So, why was the Vice-President insisting on the lame duck diplomatic initiatives? And why is the AG insisting on this ill-fated legal process?

Who is advising the government that it needs to continue flogging this dead horse? What magic does he hope to use to reverse the spectacular failures the country has suffered on both fronts?

I see two definite explanations. The first is that there are some people benefiting tremendously from these initiatives, either politically, financially or by way of exercise of influence over key government officers, particularly those that are real and potential suspects at The Hague.

By continuing with these initiatives, these people continue to remain relevant to the government and the political system and to retain their ability to manipulate both towards their desired selfish objectives.

Second explanation is that these initiatives are palliative. They are being conducted in the full knowledge of their hopelessness but with the intention of keeping the Ocampo Six cheerful and hopeful pending their possible demise.

More in the way cancer patients are put on morphine to lessen the unpleasantness of the disease.

Either way, it is wholly unfair to Kenya and to the Ocampo Six. It is costing Kenya a lot of money to keep up this charade which is being pursued without change of strategy even as it fails to achieve the desired results at every stage.

It is also a cruel misrepresentation of hope to the Ocampo Six. Rather than leave them to concentrate on initiatives that may actually assist them, the Ocampo Six are being kept busy pursuing continuously failing endeavours and may be left with little time to do anything useful when the reality becomes irrefutable.

The National
Monday, 6 June 2011

A decade of reasons why Arab countries distrust the ICC

Greg Bruno

Judge Song Sang-hyun, the president of the International Criminal Court, may not need an introduction in The Hague. But in Doha, where court officials gathered late last month to lobby Arab states to join the first permanent war crimes tribunal, he could have used a name tag.

How do you spell your name, one conference organiser asked before hurrying to print an ID card for the ICC chief. "I'm the master of ceremonies," Judge Song replied, clearly not amused.

During a period of Arab revolutions, when calls for justice and accountability have toppled dictators and threatened regimes, the ICC would on the surface seem to be the perfect fit for the region's legal grievances. But as the recent talks in Doha made clear, many Arab leaders are deeply suspicious of the court's impartiality.

There are valid reasons for this scepticism. So far, the ICC has focused narrowly on African cases, and virtually ignored the Israeli-Palestinian struggle, a glaringly deliberate omission to many. Leaders also are cautious, rightly or wrongly, that recognising the court could lead to the lens of international justice being turned on them. With few exceptions, only members of the court fall under its jurisdiction.

Middle East countries are adapting policies of human rights and accepted views on justice in line with international standards. This spring has forced many to do so. In Libya, Colonel Muammar Qaddafi was referred to the ICC for war crimes in record time, with full Arab League backing. And in Egypt's courts, prosecutors plan to try the former president Hosni Mubarak for corruption and the killing of demonstrators during protests earlier this year. Even though it's a domestic case, the prosecution of a former head of state demonstrates the new-found demand for accountability.

Yet these cases are isolated and largely politically motivated. Based on the responses from regional leaders gathered in Doha, the ICC is still far from reversing a decade of Arab alienation.

"The Arab states, within the framework of the Arab League, are eager to continue legal dialogue with the ICC," said Mohamed R Ben Khadra, the head of the Arab League's legal department. "[But] the future of the ICC and its credibility depends on its success in putting an end to states running away from litigation. We have to have impartiality."

This perceived double standard has a name: Israel. Middle East leaders say Israel gets a free pass from the court, a view that has its merits. Despite a damning account of Israel's actions in Gaza by the Goldstone Report, for instance, the ICC has steered clear of investigating any allegations of Israeli war crimes.

That omission puts in doubt the entire principle of broadening the court's membership in the Middle East and North Africa. Created in 1998 by the Rome Statute, the court is the product of a post-Second World War drive to bring an international focus to criminal and humanitarian law. There is no shortage of potential cases either, from Yemen to Bahrain, North Korea to Nicaragua. The sheer scope of possible prosecutions, and opaque selection of targets, makes the court vulnerable to charges of partiality.

Of the 115 states that are currently full members, only three - Jordan, Djibouti and Comoros - are Arab. In his opening remarks to delegates, Judge Song argued that the region's political unrest was a good reason

for Arab countries to sign up. His call for the region "to embrace the ICC, an institution that represents justice, security and peace" fell flat.

The court has not always received the cold shoulder in the region, however. Arab delegations were a force behind the court's founding, offering important support at the 1998 Rome Conference by backing the prosecutor's right to initiate cases independently. At the time, they also objected to the UN Security Council's ability to refer and veto cases, out of concern that superpowers could block efforts to investigate their own actions.

Ten years later those initial concerns have been borne out.

Unease with the ICC is not universal in the region. In Tunisia, a new government is considering a plan to ratify the Rome Statute, court officials say. Egypt may be also moving in that direction.

"After the revolution of January, there is a growing interest in supporting human rights and joining old treaties that are giving more human rights to the people. Among these treaties we can include the ICC as one," said Mahmoud Samy, Egypt's Ambassador to the Netherlands. "[But] the joining and ratification is a very complicated legal process."

Egypt and Tunisia may be exceptions moving slowly towards membership, but in reality people's demands for justice and accountability will probably be seen first in national courts. If the ICC wants to play a role, it has a long way to go.

First, it has to prove it is a capable court. In nine years of operation the court has not closed a case successfully. Some doubt its current prosecutor, Luis Moreno-Ocampo, has the political will or ability to try cases successfully. When a new prosecutor is seated next year, he must bring the political capital to demand respect and establish a better record of prosecutions. Legal experts say that without a new prosecutor and a new mandate, the ICC's credibility in the Arab world will continue to suffer.

And there may be no way around the fact that the ICC is, at least in the eyes of Arab states, an apologist for Israeli aggression. A 2009 request by the Palestinian Authority for the ICC to investigate alleged war crimes by Israel in Gaza has not moved forward, and court insiders say they doubt it will. If it does not, it will always be a hard sell to enrol Arab countries.

New Vision (Uganda)
Sunday, 5 June 2011

Ratko Mladic and the end of impunity Sunday, 5th June, 2011

Gwynne Dyer

Last week's arrest of the former Bosnian Serb military commander, Ratko Mladic, for the murder of 7,500 Muslim men and boys in Srebrenica in 1995, helped Serbia's campaign for membership in the European Union. But more importantly, it is a big step in the international effort to enforce the law against those who used to be free to murder and torture with impunity.

They were free to do so because the old rule was: kill your wife or your neighbour, and you will be punished for murder. Kill thousands of innocent people while in the service of the state, and you will get a medal. The state was above the law, and so were its servants.

That ancient tradition was first challenged after the Second World War, when political and military leaders of the defeated Axis powers were tried for war crimes and for the newly defined crimes of aggression and genocide. But it was an innovation with no follow-up-until the genocides in former Yugoslavia and Rwanda in the early 1990s forced the international community to act again.

In 1993 the United Nations Security Council set up the International Criminal Tribunal for former Yugoslavia. The following year a similar tribunal was created to investigate the genocide in Rwanda. But these were ad hoc courts to address specific crimes. What was really needed was a permanent international court to enforce the law against politicians and officials in countries where the government could not or would not bring them to justice in the local courts.

The Rome Statute creating the International Criminal Court (ICC) was signed by over 150 countries in 1998, and the treaty came into effect in 2002.

The ICC has no jurisdiction over crimes committed before it created, so Ratko Mladic will go before the International Criminal Tribunal for former Yugoslavia, but it's really all part of the same institution. The major complaint against this new international legal system is that it moves too slowly – but that could even be an advantage.

It took sixteen years to track down and arrest Mladic, and his trial will probably take several more. That is a long time, but it also suggests a certain inexorability: they will never stop looking for you, and eventually they will probably get you. That has a powerful deterrent effect.

It is almost universally assumed by ordinary Kenyans, for example, that the inter-tribal carnage in Kenya in 2008 after the ruling party stole the last election was launched and orchestrated by senior political and military figures. Supporters of the leading opposition party, which was cheated of its electoral victory, began killing people of the Kikuyu tribe (most of whom backed the government), as soon as the results were announced.

The ruling party responded by using not only its own tribal supporters but also the army and police to kill opposition supporters, especially from the Kalenjin tribe. Over a thousand people were killed and more than half a million became "Internally Displaced Persons."

Another national election is due next year, and Kenyans fear that it might happen again. However, three powerful men from each side, including the deputy prime minister, the secretary to the cabinet, and the former commissioner of police, have been summoned before the ICC to answer charges of “crimes against humanity.”

There will inevitably be a long delay before these men are tried, but that is actually a good thing, said Ken Wafula, a human rights campaigner in Eldoret, the city in the Rift Valley that was the epicentre of the slaughter. “Those who are supposed to incite will see what ICC has done, and they will not be ready to (stir up violence) for fear of maybe a warrant coming out.”

Many suspect that the Sudanese regime’s acceptance of the overwhelming “yes” vote in the recent independence referendum in southern Sudan was similarly driven by fear among top officials in Khartoum that using force would expose them to the same kind of ICC arrest warrant that has already been issued for President Omar al-Bashir over the Darfur genocide.

Even after sixteen years, the ICC got Ratko Mladic. It got most of the surviving organisers of the genocide in Rwanda. The likelihood of being pursued by the ICC represents a real risk for senior political and military leaders who contemplate using force against their own people. They may do it anyway – consider Libya, Syria and Yemen at the moment – but it is nevertheless a genuine deterrent, and sometimes it saves lives.