

**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:

Thursday, 7 April 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Sierra Leone Supports Death Penalty At UN

Fifty-three member states of the United Nations including Sierra Leone on March 11 expressed their support for the retention of the death penalty as law.

By Desmond Lewis

The group submitted a note verbale to the Secretary-General in connection with General Assembly resolution 65/206, entitled "Moratorium on the use of the death penalty," adopted on December 21, 2010 by a recorded vote at the sixty-fifth session of the UN through the Permanent Mission of the Arab Republic of Egypt to the United Nations.

In launching the Amnesty International death penalty report to mark the Amnesty International March 28th death penalty day, the director of the Amnesty International Sierra Leone section, Brima Sheriff said they are very concerned that Sierra Leone with all the gains in the past years can join others to challenge a universal moratorium. He said it is embarrassing for a country like Sierra Leone which has hosted the Special Court whose maximum punishment does not carry the death penalty, a country that has not carried out execution since 1998 and a country that established the an institution (TRC) just after the war to draw lessons from the past and proffer recommendations that will ensure justice and the respect for human rights.

He said to date, the country has failed to adhere or implement the TRC recommendation to abolish the death

penalty although this was an imperative recommendation.

He however commended President Koroma and his Government for staying out of execution since they came to power but stopped short to say that it is still dangerous that the law books still carry the death penalty. Brima Sheriff encouraged the Government to give a 50th anniversary gift to the people of Sierra Leone by officially declaring a moratorium and commuting all death sentences to terms of imprisonment.

"The last execution for murder in this country was in 1971 and all other known executions have been for treasonable offences. The issue of execution does not solve the problem and does not deter crime. The death penalty should be abolished, so that Sierra Leone would be a proud nation in its obligation in presenting its records on human rights issues on the 5th of May at the UN assembly," he said. The death penalty expert of Amnesty International Sierra Leone, lawyer Nabie Vandi said Sierra Leone's support against moratorium shows that there is a global movement to keep the death penalty, noting that globally more than 90 countries have

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abolished the death penalty in principle or practice since 1977 when AI started campaigning on the death penalty and at that time less than ten countries had abolished it.

Mr. Vandie said amnesty world wide will not relent but continue to campaign and lobby against the death penalty.

He stated that in Sierra Leone the 1963 constitution states that treason and other state offences like murder should get the death penalty of which the person shall be liable to death by hanging by the neck until pronounced dead but in 1973 an amendments was made which included death by firing squad for treason and aggravated robbery. Mr. Vandie said 1998

was one of the worst execution carried out in the history of this country in which twenty-four people were brutally and publicly executed by a firing squad after a court martial without any right to appeal. He stressed the fact that the death penalty can never be used to deter crime and sited the an instance in Dixon's great expectation, during the early days people were executed for stealing a penny and while the execution was going on, a man at the scene was stealing from an other person which shows that it is a social menace. "Judicial errors being possible, taking some one's life is a big risk," Mr. Vandie said, "and to cure this, is to do away with the death penalty. Our judges and magistrates need more training other than building new courts," he said.

APP.Com

Wednesday, 6 April 2011

Immunity for Gadhafi in exile?

May be worth considering, to end carnage in Libya

Now that the U.S.-led air war has failed to produce a quick collapse of Moammar Gadhafi's government, and his forces are beating back the advances of Libya's feckless rebels, the word "exile" is being bandied about as something Gadhafi is seriously considering.

Uganda says it will give him exile. Italy is contemplating it, too, for Gadhafi and his family. Even Hillary Clinton, secretary of state, and Susan Rice, the U.S. ambassador to the United Nations, have said allowing Gadhafi to go off into exile might be necessary to stop the bloodshed.

But nobody is saying exile will guarantee Gadhafi immunity from prosecution. And without an assurance that he won't end up like former Liberian president Charles Taylor, whose three-year war crimes trial just ended, it's a good bet Gadhafi will fight on until the bitter end.

Taylor went into exile in 2003 as part of a deal to end Liberia's 14-year-old civil war. But three years later, he was handed over to a special international court for prosecution for his support of the bloody civil war in Sierra Leone, which borders Liberia. Taylor faces the possibility of life in prison, a fate he didn't contemplate when he agreed to go into exile in Nigeria.

Gadhafi, who many people think is delusional, would have to be out of his mind to accept an exile offer that leaves open the possibility that he, too, will be hauled before an international tribunal. But that's exactly what the U.S. seems to want in the not-so-small print of any exile deal.

"Exile may be an option that he looks at, and obviously that's not one that we would rule out," Rice told CBS News last month. "But very importantly, from the point of view of the United States and the international community, is accountability and justice for the crimes he and those closest to him have committed," she quickly added.

If that doublespeak is meant to lure Gadhafi out of Libya and into the docket of an international court, it probably won't work with the Libyan leader. And worse, it will make many of the world's other dictators work harder to suppress dissent, rather than give in to it.

Nobody knows this better than Charles Stith, the former U.S. ambassador to Tanzania, who now heads the African Presidential Archives and Research Center at Boston University, which studies democracy movements in Africa.

"One of the difficulties in negotiating any settlement to get (Gadhafi) to leave voluntarily has to be viewed against the backdrop of what happened to Charles Taylor," Stith told me. "Unless these guys have a way to transition out that doesn't amount to suicide, you don't have a way to talk them into giving up power without a struggle."

Put another way, the international community has to decide whether holding out for an exile agreement that gives it the chance to eventually lock up Gadhafi for the rest of his life is worth it while the fighting — and dying — continues in Libya. It has to determine whether demanding that Gadhafi succumb to such a deal will make it easier, or harder, for it to dislodge despots in other countries where the humanitarian crisis is greater than what the people of Libya face.

Short of a decision — which the U.S. and its allies have disavowed — to try to kill Gadhafi, something must be done quickly to end the carnage in Libya. And as hard as it is for many to swallow, an offer of exile that includes immunity from prosecution for Gadhafi could be what it takes.

DeWayne Wickham is a columnist for USA Today.

Council on Foreign Relations

Wednesday, 6 April 2011

Possible International Criminal Court Investigation in Cote d'Ivoire

By John Campbell



An anti-Gbagbo protester holds a portrait of presidential claimant Alassane Ouattara during a demonstration in Abobo. (Luc Gnago/Courtesy Reuters)

As of mid day on April 6, Laurent Gbagbo, the French government, and Allasane Outtarra are still maneuvering around the terms of Gbagbo's departure.

International Criminal Court (ICC) prosecutor Luis Moreno-Ocampo is seeking

support from at least one of the members of the Economic Community Of West African States (ECOWAS) to refer alleged human rights abuses in Cote d'Ivoire to the ICC at The Hague. Ocampo mentions "alleged mass killings in the Western part of the country"—clearly a reference to the hundreds found dead in the Ivorian town of Duékoué. While both sides share responsibility for killings in Cote d'Ivoire, in the western media at least, Gbagbo's Young Patriots (irregulars loyal only to himself) appear most culpable.

The potential for new ICC involvement in Cote d'Ivoire may complicate negotiations for Gbagbo's departure and make the latter more intransigent. Gbagbo's allies and supporters are likely to argue that the ICC does not respect Ivorian sovereignty. There are over twenty cases at The Hague related to crimes committed in Africa—and none anywhere else. Some African leaders on this basis allege that the ICC's prosecutors are biased against Africa.

CNN

Thursday, 7 April 2011

When rape is a tool of war

By Kelly Askin, Special to CNN



Eman al-Obeidy's accusations of rape once again spotlights the use of sexual violence as a tool of war, says Kelly Askin.

Editor's note: *Kelly Askin is senior legal officer for international justice at the human rights organization Open Society Justice Initiative. She is an expert on war crimes against women, served as a*

legal advisor to the judges of the International Criminal Tribunal for the former Yugoslavia and for Rwanda from 2000-2002 and has also worked on post conflict justice in Congo, East Timor and Sierra Leone.

The raw courage demonstrated by Eman al-Obeidy in persisting in telling her story of alleged repeated gang rape and torture in Libya is helping to change the dialogue in Libya and the Middle East about the use of sexual violence as a weapon of repression.

Since Obeidy burst into a hotel filled with journalists last week and told them of being raped by loyalist militia, Gadhafi supporters have deployed a range of vile tactics in a bid to undermine her that are painfully familiar. They called her a drunk, a prostitute, a pornographer, a liar, mentally unstable -- impugning her honor and that of her family.

When those tactics failed, they implied it was all somehow her fault, claiming she was scheduled to meet one of the men she says attacked her. Others threatened to sue her.

They are no doubt frustrated and surprised that the ways commonly used to silence women have not silenced Obeidy, who has been tenacious in her desire to tell her story. She is fortunate that her family is supporting her, reportedly rejecting offers of money, property or security if they would only denounce her.

In other cases, survivors of such treatment in this region of the world have found themselves shunned by their families and communities because of the resulting social stigma.

Rape has historically been used as a tool of war. Beyond Libya and the Middle East, rape and sexual violence have been used in conflicts in Bosnia, Rwanda, Burma, Guatemala and Bangladesh to sow terror and destruction.

It's hard to speculate on the scope of this sort of sexual abuse in Libya, or whether it is being deployed in a systematic way while the armed conflict is under way -- there have only been a small number of reports so far. But al-Obeidy did put her attack into a familiar context: She told CNN's Anderson Cooper that her

captors "would say, 'Let the men from Eastern Libya come and see what we are doing to their women and how we treat them, how we rape them.' "

How one voice can tell the story of an entire movement

The intentional, calculated use of rape as a strategy of oppression is for some a favored way to stigmatize and demoralize not merely the victim, but entire families and communities.

The international community has recognized this. Since the early 1990s, in the aftermath of the brutal conflict in the Balkans, in which an estimated 20,000 women were raped, newly established international war crimes tribunals have repeatedly recognized various forms of sexual violence as war crimes and in some cases instruments of genocide.

When committed on a widespread or systematic basis, which is almost always the case in conflict situations, they may amount to crimes against humanity. This, at least, delivers some measure of justice to the victims.

Nowhere has this need been more hideously manifest than in the Democratic Republic of Congo, which has been wracked by conflict since the 1990s. Last year, the U.N. recorded some 11,000 rapes, but the true figure is believed to be much higher. It was enough to prompt the U.N.'s special representative on sexual violence in conflict to call the country "the rape capital of the world."

Justice is being delivered now in eastern Congo, where the Open Society Justice Initiative has supported the development of mobile gender justice courts that can hold court sessions in remote towns and villages in the east of the country where many of the atrocities have occurred.

In February, I watched as hundreds of villagers in Baraka clapped and cheered as a mobile court handed out sentences on four army officers found guilty of rape as a crime against humanity for their part in a mass rape attack in the smaller settlement of Fizi on New Year's Day. The court sentenced the leaders to 20 years imprisonment.

The Congolese judges, prosecutor, defense counsel and lawyers worked tirelessly for nearly two weeks to adjudicate this joint trial in a remote village without access to running water or regular electricity. Millions more await justice, but this trial has given a glimmer of hope for the future. The raped women in Congo still live in mud huts, still struggle daily to survive, and many will still be rejected by their husbands. But now they have received something fleeting but incredibly precious: justice.

Last month, the U.N. Security Council referred the situation in Libya to the International Criminal Court, which is now investigating reports of attacks on civilians and other violations of international law.

If Gadhafi and his supporters are found to be responsible for not only failing to protect women like Obeidy, but also for policies that explicitly or tacitly encouraged, or simply ignored, the use of rape warfare, she could find herself receiving some measure of justice for the heinous crimes allegedly committed against her.

The opinions expressed in this commentary are solely those of Kelly Askin.

Bloomberg

Thursday, 7 April 2011

Kenyans Facing Post-Election Violence Charges Appear at ICC

By Sarah McGregor and Jurjen van de Pol

The International Criminal Court will hold a hearing on Sept. 1 to decide whether to confirm or drop charges of crimes against humanity against three Kenyans accused of perpetrating post-election violence in 2008.

Judge Ekaterina Trendafilova set the date today as the three suspects made their first appearance at the Hague-based court. Those facing charges include suspended Higher Education Minister William Ruto, Henry Kosgey, who stepped aside in January as industrialization minister to allow investigations into alleged graft, and radio presenter Joshua Arap Sang.

“The allegations that have been made here sound to me like they can only be possible in a movie,” Ruto said. He and Kosgey told the court that they wanted more information to fight the accusations. “I am an innocent journalist,” Sang said.

The court is scheduled to hold a hearing tomorrow for a second group of accused, including Finance Minister Uhuru Kenyatta, Francis Muthaura, head of the civil service, and former police chief Mohammed Hussein Ali.

The six men are alleged to have orchestrated violence following a disputed December 2007 presidential election that left 1,500 people dead and forced 300,000 to flee their homes. Peace was restored after President Mwai Kibaki signed a power-sharing accord with his political opponent, Raila Odinga, who was installed in the newly created post of prime minister.

Economy Crippled

The fighting crippled East Africa’s largest economy, with growth slowing to 1.7 percent in 2008 from 7.1 percent a year earlier, after farmers neglected their crops and tourists were scared off. The government forecasts an economic expansion of 5.7 percent this year and about 7 percent by 2013.

Lawmakers in Kenya blocked several attempts to push through legislation to establish a domestic special tribunal to try suspects, prompting the court’s chief prosecutor, Luis Moreno- Ocampo, to pursue an investigation into the bloodshed.

Kibaki is spearheading a campaign to try to convince the United Nations Security Council to suspend the ICC cases for a year as the country prepares its legal system to try the cases locally. The government filed applications last week challenging the court’s authority to handle the six cases.

Former UN Secretary-General Kofi Annan, who mediated an end to the post-election crisis, urged Kenyan leaders in an April 5 statement to “abandon the language of hate and incitement and allow the ICC process to run its course.”

Trendafilova said that if any suspects make “dangerous speeches,” the court may replace its voluntary summonses with arrest warrants.

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