

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



Harmattan dust blankets vehicles in the lower car park.

**PRESS CLIPPINGS**

**Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office**

**as at:**

Monday, 8 January 2007

Press clips are produced Monday through Friday.  
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Awoko

Monday, 8 January 2007

# Anger blazes against Attorney General

By Mohamed Fofanah

Amnesty International's Coordinator for Human Rights Education, Pa Sesay, will on Tuesday deliver thousands of letters to the Attorney General and Justice Minister Fred Carew.

The letters contained expressions of discontentment from women and human rights organizations all over the world over the inaction of the Attorney General to notify the President and cabinet of the Amnesty International's report on "Women's Access to Justice" which was presented to him on 17 May last year.

Mr Rodney Lowe, a Swedish volunteer of Amnesty International (Sierra Leone), told Awoko that they together with women's groups in Sierra Leone and all over the world were on a campaign for women's access to justice in Sierra Leone.

He said the Attorney General promised after he received the report that he would notify the President and cabinet so that they would start to act on the recommendations in the report.

Rodney said after a year now nothing had been done and also that last year the Attorney General received thousands of letters the world

over urging them to give women access to justice in Sierra Leone but still nothing had been done.

He said, "women's groups and other human rights organizations are saddened over women's poor access to justice in Sierra Leone."

The Amnesty report holds that women in rural Sierra Leone have few protections from discrimination and other human rights violations and abuses.

They face formal and official discrimination under the law, which is then compounded by the unlawful exercise of

powers by Chiefs.

Chiefs rule over an informal justice system, which is legal but discriminatory in matters relating to personal status, marriage and inheritance. However, chiefs also illegally perform judicial functions in other matters which are the responsibility of the formal justice system through the Local Courts.

Amnesty International has found that not only do Chiefs act outside their jurisdiction, at times they collude with men in the community to forcibly

evict women and children from their homes or subject them to arbitrary detention and other forms of gender based violence.

Women are forced by a lack of formal protection from the Sierra Leonean government into situations where their rights-civil, political, social and economic-are violated on a daily basis.

Treated as minors under the guardianship of a male family member,

women lack formal equality in marriage and the ownership or administration of common property, either during the marriage or when it has ended. Inequality and discrimination affect their right to an adequate standard of living and their right to housing for themselves and their children.

Women's access to justice and redress is severely impeded. Practices that take place in the name of custom or customary law also violate women's human rights to live free from violence, coercion and discrimination.

Standard Times  
Monday, 8 January 2007

# "My plan is to go to parliament and rule this country"

## ...RUFP chairman

*BY AYOLUK-JOHNSON*

The Chairman of the Revolutionary United Front Party, Gbassay Kanu has unveiled his vision to rule this country after gaining victory in the upcoming presidential and parliamentary elections in July, in an exclusive interview with Standard Times in Freetown last week.

He intimated that all mo-

dalities have been put in place to ensure victory including sensitizing the people not only to register to vote but to go out and vote on the day of the elections.

He also disclosed that the party is embarking on further nationwide sensitization campaign to teach the people 'how to vote', and indicated that the party be-

lieves it is impossible to conduct an election without properly sensitizing the people about the process.

Reacting to assertions that the RUFP is yet to fulfil the criteria of the Political Parties Registration Commission (PPRC) for a properly registered political party in the country, the chairman said that, "those are processes that are gradually being fulfilled," adding, "we cannot do everything in a single

day."

He also revealed that the party has met with Commission and that they have already fulfilled the condition for the western area, stressing that they are now on the verge of satisfying those for the regions.

On the issue of a leadership crisis in the party following the death of the party leader, Foday Sankoh, Mr. Kanu said that the late leader did not go with the party's leadership but left it with the people who will eventually chose a replacement.

He said he is with the people and is waiting for the party convention to contest the party's leadership, noting that it will be held either in the last week of February or early March.

Responding to the time limitation between the close of the present parliament in June and elections in the following month, Mr. Kanu said the RUFP is not a new party in the country but one that they people know and have in their hearts.

He stressed that the challenge of the party now borders on the sensitization of those who are yet to have the party at heart so that they can be motivated to cast their votes for the party on Election Day.

Concord Times  
Monday, 8 January 2007

# RUFPP scribe quits politics

**...says "I am deteriorating in life"**

**By Abdul Karim Koroma**

I have not benefited any thing from the Revolutionary United Front Party (RUFPP). Age is not on my side. I am deteriorating in

life and I have seven children to look after," these were the words of the RUFPP Secretary General, Jonathan Kposowa when he bumped into Concord Times last Friday at Lightfoot Boston Street.

Kposowa disclosed that he has been offered a teaching job at the RC Lawson Institute in Liberia to teach Language Art.

"I am quitting politics because I don't have any good job and a

secured future here. I have no regret for my decision. "I am a responsible man with seven children," he said, adding that he was expecting his uncle Vice President Solomon Berewa to offer him a job but that did not yield any fruit.

Kposowa, a graduate from the Liberia's Teachers College noted that he has sent a correspondence to the RUFPP stating his position.

"If the party say I should not quit, then I should be paid a monthly salary," he said, adding that since 2002 he has been out of job and has been traversing all over the country in search of employment.

## Chambers of Sir Desmond de Silva QC

<http://www.2pbarristers.co.uk/home.php>

### Welcome to The Chambers of Sir Desmond de Silva QC

#### **Sir Desmond de Silva QC**

We are proud and delighted to announce that Desmond de Silva QC, Head of Chambers at 2 Paper Buildings, has received a knighthood in the New Year Honours. The honour conferred on him recognises the outstanding legal contribution he has made both in England and internationally as a lawyer and as an advocate.

Sir Desmond has just returned to 2 Paper Buildings after a very successful tour as the Chief Prosecutor of an International War Crimes Tribunal. When he was picked by the Secretary General of the UN, he became the very first British citizen to be appointed to that position at a level of an Under Secretary General of the UN. During his tenure in office, he secured the arrest and detention of the former President of Liberia whom the Security Council then had transferred to the Hague for trial. He now brings back to his chambers his huge international experience to add to its notable strengths in cases involving human rights law, fraud and the more serious aspects of crime.

Sir Desmond's knighthood preserves a tradition at 2 Paper Buildings of which we are greatly proud. For over 40 years, all those who have been Head of Chambers at 2 Paper Buildings have been knighted by the Queen.



## Institute for War and Peace Reporting

Friday, 5 January 2007

### **International Justice Failing Rape Victims**

Despite significant strides in international law, many sexual violence crimes are going unpunished because of flawed investigations and prosecutions.

By IWPR staff in The Hague, London and Sarajevo (TU No 483, 5-Jan-07)

International justice has come a very long way since the summer of 1992, when violence in Bosnia and Herzegovina raged and reports surfaced for the first time of mass rape being used as a weapon of war.

As Bosnian Muslim women flooded into the government-controlled town of Zenica escaping attacks on their villages, accounts emerged of Serb forces engaging in systematic rape, with many of the victims made pregnant.

Fadila Memisevic, a founder of the Zenica Centre for Research on War Crimes and Genocide, remembers the account of just one woman made a delegation from the European parliament go numb.

Scars clearly visible on her body, the woman, from a village near Prijedor in northwestern Bosnia, explained that she had been hiding in a basement in order to care for her pregnant daughter-in-law, but was discovered by a group of Serb soldiers. Despite her pleas, they ordered her to strip, and the entire group raped her. To muffle her cries, she bit into her own arm, so that her son, nearby, would not hear what was happening to her.

Her story took two hours to tell, and when she was done the faces of the women from the parliamentary group, which had been tasked to investigate the issue, were white. One was sick. Although they had asked to speak to at least 50 victims, they said they didn't want to hear any more accounts.

“They talked to only one woman . . . [but] there were thousands of women . . . with similar stories,” said Memisevic.

The episode is revealing, as it underscores the delicacy and the difficulty of uncovering this most sensitive of crimes. Initial estimates of 60,000 and more raped women were not substantiated. The parliamentary group's report settled on an estimate of 20,000 rapes, while recognising the difficulty of ever achieving precise numbers.

But it also marked a turning point, as the role of rape as an explicit tool of war became more widely understood. Shortly afterwards, Tadeusz Mazowiecki, United Nations special rapporteur on human rights, whose research cited a figure of 12,000 victims of sexual violence, concluded that “rape has been used as an instrument of ethnic cleansing”.

The plethora of new war crimes courts have all taken up rape, mounted investigations and in many cases successfully prosecuted cases sexual violence as a war crime. The International Criminal Court for the former Yugoslavia, ICTY, secured its first conviction for rape in the ground-breaking 2001 Foca verdict, which confirmed the use of rape as a crime against humanity.

Hundreds of thousands of rapes allegedly took place during the 1994 Rwanda genocide, and in its 1998 verdict against Jean-Paul Akayesu, the International Criminal Tribunal for Rwanda, ICTR, handed down not only the first genocide conviction by an international court, but the first conviction for rape as an act of genocide.

Yet despite this progress, there are complaints that international justice is still failing the victims of sexual violence - that too many crimes in Africa and elsewhere are going unpunished because of inadequate investigations and prosecutions. Even in the Balkans, after all the international attention, the success of local courts in prosecuting rape cases as war crimes is also being questioned, particularly in Bosnia.

## SPOILS OF WAR

Rape, sexual slavery and forced prostitution have always been factors in armed conflict.

“In conflict, there is a nature of permissiveness where combatants are allowed to do what they want,” said Binaifer Nowrojee of Harvard Law School’s human rights programme and director of the Open Society Initiative for East Africa. “Sexual violence is part and parcel of conflict . . . a way to terrorise communities and implement a political tactic.”

And for almost as long as rape has been a tactic employed by warring armies, legislators have tried to outlaw the practice.

English kings Richard II in the 14th century and Henry V in the 15th both declared rape a capital offence. So did the Leiber Code, the Union Army’s military code during the American Civil War, which also made rape punishable by the death penalty. The Hague conventions at the turn of the century were based on the Leiber Code and emphasised that rules forbidding rape applied as much during times of war and occupation as during peace.

However, the existence of international law prohibiting rape did not prevent the act itself and the legal system remained slow to bring wartime rapists to justice. Many analysts believe taboos kept the issue from being confronted directly.

Germany’s “rape of Belgium” in the First World War remains a controversial period for the extreme claims of barbarity, but the metaphor tends only to mask widespread incidences of actual rape. The 1929 Geneva convention proclaimed that “women shall be treated with all consideration due their sex” - intending to prevent rape but with the awkwardness of a euphemism.

During the Second World War, many French women along with concentration camp inmates fell victim. And Red Army soldiers raped many thousands of women during the liberation of Berlin in 1945.

After the war, the 1949 Geneva convention spelled out more clearly than its predecessor that “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault”.

Unfortunately, the increasing forthrightness of international law on rape did not translate into increased enforcement.



## TRIBUNAL PRECEDENTS

The breakthrough for international law, and for the prosecution of rape as a war crime, came with the ad-hoc tribunals for Yugoslavia and Rwanda, established in the mid-1990s. Both set important legal precedents and put in place crucial safeguards to protect victims and witnesses, giving many the confidence to come forward as they could not have done in other courts.

The Yugoslav and Rwanda tribunals have “had a huge influence on the way that rape is prosecuted”, said Susan Breau, a reader in law at the University of Surrey. “Rape is being defined as a crime against humanity and genocide. It is now considered to be one of the grave breaches [of international law].”

In Rwanda, the UN estimates that between 250,000 to 500,000 women were raped during the three months of the genocide, the majority perpetrated by Hutus against the country’s Tutsi population. Women were also mutilated, their breasts chopped off along with other body parts deemed characteristic of Tutsis, like thin fingers or long noses.

Witnesses described young women lying dead, their dresses over their heads, their legs spread and bent, objects shoved inside their bodies. Many who survived got HIV from their attackers, with some estimates suggesting 70 per cent of survivors were infected with the virus.

“In Rwanda, the ideology was that Tutsi women are beautiful and are proud of themselves, so it was difficult for a Hutu to get with a Tutsi woman. So for the Hutu the ultimate humiliation [to mete out] was to gang rape a Tutsi,” said Renner Onana, who worked as a human rights officer with the UN Human Rights Field Operation for Rwanda, investigating crimes including rape in Gitarama province near the capital Kigali.

He says that because Tutsis hold ethnic purity in such high regard, Hutu attackers believed that making them pregnant was the best way of humiliating them and their community.

“For a Tutsi woman, having a baby who comes from a Hutu is something unimaginable,” said Onana. “Having within you a baby of someone traditionally seen as a slave - some women would prefer to die and were paying [people] to kill them.”

The first case of the ICTR was that of Akayesu, the former mayor of Taba in central Rwanda, who was charged with orchestrating many of the horrors in his district. In a landmark September 1998 judgment, he was found guilty of nine counts of genocide, crimes against humanity and war crimes - including, for the first time, rape.

According to Human Rights Watch, the verdict was the first time an international court had punished sexual violence in a civil war; and the first time that rape was found to be an act of genocide when it was committed with the intent to destroy a particular group targeted as such.

The judges also defined rape, saying it was more than physical penetration and sexual contact and included “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive”.

“We were faced with evidence that we found credible, but found that there was no commonly accepted definition of rape under international law. So we created a definition that was gender neutral,” said Judge Navi Pillay, who presided over the case and was the only woman on the panel.

“From the evidence, we saw that rapes were only perpetrated against Tutsi women by Hutus, with the intent to destroy that group, so we concluded that it was genocide,” continued Pillay, now a judge at the permanent International Criminal Court, ICC.

## BALKAN BREAKTHROUGH

In Bosnia, Serbs also raped women systematically. Memisevic says she alone has interviewed or received statements from around 10,000 female rape victims.

“Sometimes I would receive about 20 letters a day from Germany, from Bosnian women who live there as refugees and who have been raped,” she said. “They simply had the need to tell someone about what happened to them. Sometimes a woman would write to me begging me never to tell anyone the things she told me, because her husband was taken away, but she still hoped he would come back.”

Bakira Hasecic was raped in 1992 in the eastern Bosnian town of Visegrad, infamous for its Vilina Vlas spa hotel - a rape camp from which few victims ever returned.

“When they raped me, they screamed, ‘You won’t give birth to little Turks anymore, but to little Cetniks,’ ” she said, using Serb extremists terms for Muslims and Serbs. “Such hatred has been passed on by every generation since the time of the Turkish conquest here. That was the motive and the cause of all of this. Because I’m not a Serb, but a Muslim, a Bosniak woman, that was my guilt.”

But it was for prosecuting sexual crimes in Foca that the Yugoslav tribunal made history in February 2001. Tribunal judges found three Bosnian Serb men guilty of raping Bosnian Muslim women - some as young as 12 and 15. They were also accused of selling or renting women and girls for forced prostitution to other soldiers.

All three, Zoran Vukovic, Radomir Kovac and Dragoljub Kunarac, were convicted of crimes against humanity and violations of the laws or customs of war.

It was the first time an international court had judged a combination of sexual enslavement and rape to be a crime against humanity. Applauding the ruling, human rights groups including Amnesty International said it challenged the widespread acceptance that the torture of women is an intrinsic part of war.

"What the evidence shows," said presiding judge Florence Mumba in a statement read in court, "are Muslim women and girls, mothers and daughters together, robbed of their last vestiges of human dignity. Women and girls, treated like chattels, pieces of property at the arbitrary disposal of the Serb occupation forces, and more specifically at the beck and call of the three accused."

Although the ICTY had dealt with the rape in the past - notably in the Anto Furundzija case in which the Bosnian Croat paramilitary commander was charged with abetting a rapist to extract answers from a woman who was being interrogated - this was the first case to focus exclusively on wartime crimes of sexual violence.

“For the first time since Nuremberg, Foca gave us modern jurisprudence under humanitarian law as to what enslavement meant - a person owning sexual access to a victim - which is very important in terms of the legal concept,” said Patricia Sellers, a prosecution trial attorney at the

ICTY and its legal advisor on gender. “Enslavement wasn’t dependent on being locked in a cell or working in a field with a ball and chains.”

## FEW CONVICTIONS

But while significant strides have been taken in recognising rape as a war crime, the actual number of convictions secured is very small.

Brigid Inder, executive director of the NGO Women’s Initiative for Gender Justice, points out that international conviction rates for gender-based crimes are low. Across the Yugoslav and Rwanda tribunals and UN special courts like the one in Sierra Leone, there have been only 34 successful prosecutions for sexual violence. The majority of these have been by the Yugoslav tribunal, which Inder attributes to the fact that it has a designated gender legal advisor.

The ICTR has been particularly criticised for failing to include rape charges on initial indictments, as in the case of Akayesu who was not originally accused of gender crimes. The indictment was broadened only after Pillay’s diligent questioning of witnesses, which elicited stories of rape, and through the intervention of NGO activists.

She admits that rape did not feature much in early indictments at the ICTR.

“In 1997, I was asked to deliver an address at the human rights day at the UN. From the audience, an NGO representative accused the ICTR of neglecting to prosecute rape - out of 21 indictments we did not have a single count of rape,” said Pilla.

“At the time, I answered the person by saying that judges cannot influence indictments. But it alerted me to watch out, and I found she was right. I was hearing from women investigators that they were instructed to just concentrate on the killings, because these were seen as more serious.”

Some observers, such as Nowrojee, say that despite groundbreaking cases like Akayesu, guilty verdicts are still too rare at the Rwanda tribunal, which is scheduled to finish all hearings in 2008.

“Of the prosecutions of rape at the ICTR, there are more acquittals than convictions,” she said. “So there has been a miswriting of history where those responsible for the genocide are absolved of rape.”

At the Special Court for Sierra Leone, the case against members of the pro-government militia, the Civil Defence Forces, CDF, also does not include rape or other sexual offences. Eleven people associated with all three of the country's former warring factions are indicted at the court - set up by the UN and the government of Sierra Leone - charged with various war crimes, crimes against humanity and other serious violations of international humanitarian law.

Maxine Marcus, who worked as an investigating attorney at the court, said prosecutors did try to amend the CDF indictment to include allegations of crimes of sexual violence. The judges refused, however, because the CDF soldiers - unlike their Rwandan counterparts - attacked women from their own ethnic group.

Marcus says these women were regarded as “war rations” in a conflict driven not by tribal hatred but access to power and natural resources, like diamonds.

“Just as soldiers from militias would take crops from fields to sustain themselves, women were treated in the same way. There was almost an open permission to use women to support the war effort,” said Marcus, now a prosecuting attorney at the ICTY.

“This made it difficult for prosecutors to prove rape as a war crime, because how do you link it to the armed conflict if the CDF are raping their own people?”

Complicating the prosecutions was that fact that rape is not considered a serious crime in Sierra Leone, where women’s rights are severely restricted.

“For example they do not have the right to refuse sex within marriage. As such, perpetrators view very narrowly what rape is. If they capture and keep and feed a woman, they may view themselves as having a right to rape her,” said Marcus.

“Perpetrators would deny raping, when it is phrased as such, but if investigators phrase it differently, such as asking if they had women ‘available to them for gratification’, they would say yes.”

The fact that rape was not included in the CDF indictment was a big let down for those who were raped by CDF soldiers, says Marcus, because it had been a huge risk for them to even offer to give evidence.

“This was an instance in which rape was used by troops against their own community, so it took us [prosecution investigators] a long time to build confidence and get the evidence and witness statements,” she said.

“These women were exposing their own community - their neighbours and cousins. Their trauma [wasn’t even recognised] by their own communities, which did not consider their rapes to be grievous crimes.”

In other cases, war crimes tribunals have prosecuted rape but somewhat controversially under the umbrella of torture and other broader crimes rather than as a separate charge.

Sellers says investigators must be mandated to search for evidence of sexual violence at the beginning and throughout an investigation, so it can be included on the initial indictment.

“If a charge of rape is tagged or amended into the indictment later on, it gives the defence room to appeal based on procedural, usually due process, grounds that the indictment was flawed because it was amended late, such as during trial, and that there was not enough time to prepare the defence,” said Sellers. “It could send the signal that rape is demeaned as a lesser crime and seen as an afterthought to the investigation.”

Pillay, however, says circumstances may warrant a charge on one or both counts. “Rape is a free standing offence and should be charged as such in order to accord due weight to the seriousness of the crime. However, rape can also constitute torture, as determined in the ICTR and ICTY. Charging rape as torture by no means diminishes the seriousness of the crime or the suffering of the victim,” she insisted.

## INVESTIGATIVE CHALLENGES

The role played by investigators like Marcus and Onana is vital if victims are ever to receive justice. How they approach survivors of a crime can open the door to new evidence or shut it firmly, causing victims and communities more harm than ever.

But investigators face countless challenges when looking into reports of mass rapes, particularly in African countries.

As in Sierra Leone, Onana points out that in Rwanda rape is not considered to be a terrible crime in the eyes of the community. “In some places in Rwanda, near Congo, the traditional behaviour is to grab a woman you like and take her home,” he said.

On the one hand, that means rapists are not hiding away and are relatively easy to track down, because in their minds they’ve done nothing wrong, he says. But on the other, to be raped is still a personal humiliation for a woman, and she often doesn’t want to talk about it - making the work of those trying to piece together what happened extremely challenging.

In the Democratic Republic of Congo, much of the sexual violence happened in a way that didn’t appear to be systematic.

Tens of thousands of women there were raped by members of the many warring militias in what Human Rights Watch researcher Juliane Kippenberg describes as a “ceremony of violence”. Many were infected with HIV.

But in the Congo, a large number of the women were “just grabbed on the street or attacked in their house”, said Kippenberg, making it especially hard for the victims to know who their attackers were. Further complicating the picture, women also sold sex to ensure their safety in what Kippenberg describes as “survival sex”.

In this climate, it was especially important that investigators were familiar with the language that women used when talking about rape. Working with local women’s and human rights organisations helped Kippenberg understand the Congolese culture.

“Our translator said one victim had been told to ‘lie down’ - by which she meant she had been raped,” said Kippenberg. “Sometimes women would tell things in the third person, and say, ‘I knew someone’. And you’d come to realise she meant herself.”

Deciding whom to interview can also be tricky. Kippenberg’s team avoided very young children and those who were so traumatised by what they had experienced that reliving it would be harmful, speaking to parents and medical staff instead.

Ensuring the security of those they spoke to was also paramount.

“You have to think about the physical safety of the victim. Make sure no one listens in, except a person of trust. Then you want to make sure that later, people can’t work out who gave the information. You must store it safely, taking notes about with you, and email it in encrypted format. You have to get it out the country safely,” said Kippenberg.

“You should put names of victims in different place to interviews and keep your notebook with you at all times. Rather than giving the real names we use pseudonyms. We also don’t publish pictures that show the face of the victims.”

Shana Swiss, director of Women's Rights International, has worked in Liberia with a local team of nurse-midwives to document the impact of that conflict on women, and in 1993 was part of the team of physicians who investigated mass rapes in the former Yugoslavia on behalf of the UN.

She cautions against conducting face-to-face interviews with the victims of sexual violence, saying the consequences for women can be dangerous, especially for those living in “volatile, unstable, and extremely vulnerable situations such as refugee camps, internally displaced camps, and resettlement areas, particularly while the conflict is ongoing”.

During her time in the former Yugoslavia, Swiss says the team of physicians decided not to interview women who had been raped, because it would put those women at additional risk. "There were no safety nets, no services. There was stigma," she said.

Looking for new ways to document the scale of rape in a conflict, Swiss researched medical records showing rates of sexually transmitted disease, pregnancies and abortions.

"We ended up reviewing records from six hospitals. We counted the number of women who had received pre-natal care or abortions and who disclosed they had been raped," she said.

“Based on medical information that indicates that approximately one per cent of instances of unprotected sex results in pregnancy, we were able to get a rough estimate that approximately 12,000 rapes had to occur to result in the number of pregnancies we found. This indicated to us that the scope of rape in the conflict in the former Yugoslavia was huge.”

## PROTECTING WITNESSES

If an investigation does lead to a prosecution for rape, special care also needs to be taken with how victims are treated on the witness stand.

Madeleine Rees, chief of mission in Bosnia for the Office of the High Commissioner for Human Rights, questions whether the adversarial system - where defence lawyers grill witnesses in order to poke holes in their stories, creating reasonable doubt in the minds of judges - is the best way to prosecute sexual-abuse crimes.

“There’s a huge incentive for the defence to try and trash the women,” said Rees. “You end up in situation where women are cross-examined in such a way as to demean them.” She says the commission is questioning whether it is possible to move away from the need for individual cross- examination.

But Sellers believes most witnesses are very strong on the stand.

“They are not weaklings, but agents of change,” she said. “Most defence lawyers don’t want to enter into arguments nor belittle a sexual assault witness, because they are good witnesses who know their facts.”

Local courts are one alternative to accused and accuser confronting each other in faraway places like The Hague.

The Rwanda gacaca, restored by the government five years ago and now operating around the country, is a traditional court based on truth and reconciliation, where the accused are tried within

the communities where they allegedly committed crimes. A reduced sentence, including community service, is offered to those who confess and are forgiven.

This is one way not only to deal with the thousands of suspects in custody still awaiting trial but also to deploy methods far less adversarial and in theory less threatening to witnesses. Yet some observers question whether it is an appropriate way to punish rapists.

According to Nowrojee, traditional justice mechanisms do not treat rape as a serious crime, nor do they include women in the process as judges.

Recent UK media reports have also detailed reprisal killings of gacaca witnesses and widespread intimidation of those who testify against genocide suspects. A December story in the Observer newspaper said witnesses had suffered death threats, poisoning, physical assaults and rape. One man reportedly had his tongue cut out.

## JUSTICE BOSNIAN STYLE

International courts have neither the capacity nor the time to prosecute large numbers of people, so local courts must take up much of the caseload at some point. But this only raises fresh concerns, where local legal systems may not have the capacity, interest or sensitivity to deal with sexual violence crimes.

This is a significant concern in the Congo, where there has been successful rape prosecutions, including those of soldiers convicted of over 100 assaults in a small village in the northwest of the country in 2003. But overall there is little public confidence in the local judiciary. And according to Kippenberg, “The justice system is so weak, biased and badly set up, it’s like an obstacle course.”

The main test case, again, is Bosnia, where a completely different, and quite controversial, brand of local justice is gaining pace.

For the first time since the Nuremberg and Tokyo tribunals, the authority to prosecute war criminals has been transferred to a national jurisdiction, with the newly-created Bosnian War Crimes Chamber gradually taking over from the ICTY.

The court receives referrals, advice and support from the Yugoslav tribunal. But it can also initiate its own prosecutions, and is seen by many in the legal community as a hugely positive step in obtaining a truly sustainable and impartial domestic criminal justice system.

All cases classified as “very sensitive” - generally rape, multiple murder and those involving high-ranking officials - are tried at the war crimes chamber. Those classified as “sensitive”, meanwhile, are referred to local prosecutors and cantonal and district courts.

Boris Grubestic, spokesman for the state prosecutor’s office, says rape is included in six of the approximately 20 indictments for war crimes at the chamber so far, about one quarter of all its cases. One man, Radovan Stankovic, was found guilty of rape and other crimes against humanity, while the others are still on trial or awaiting the start of their trial.

As at the Hague court, Grubestic said witnesses at the war crimes chamber who fear for their safety are allowed to testify under protective measures or give evidence in closed session.

“As far as I know, protective measures are respected, and there are even special corridors which protected witnesses use when in court in order to ensure that no one sees them,” he said.

But those who watch the Bosnian court and those who have testified there claim the witness-protection programme is inadequate. They say that victims have been identified by judges and in the press and that judges and lawyers are insensitive.

“I’ve heard appalling reports about comments made by some of the judges,” said Rees. “One international judge asked a woman if she was a virgin at the time of the alleged rape, and what she looked like when she was 16.

“Witnesses are much more reluctant to have to testify at the national court. To go there they have to walk through Sarajevo, which is like a big village where everyone knows each other.”

Hasecic says that in the trial of Boban Simsic - a Bosnian Serb police officer and prison guard convicted of the forced disappearance and rape of Bosniak civilians at the Hasan Veletovac school in Visegrad - the judge revealed the names of protected witnesses that didn’t convince the trial chamber they were victims.

“Six or seven women that testified in this case were named in court. The judges said their testimonies were not convincing enough,” she said.

Mirha Bojskic, director of the NGO Medica, which works with victims of rape, says Hague prosecutors are “gentle” but not so their local counterparts.

“Victims often feel intimidated,” she said. “Prosecutors need to be more sensitive. There is very little support for the victims too. There is also fear of revenge and stigmatisation, so more trauma problems.”

With many suspects still to appear before the court, Memisevic warns that shoddy treatment and general fatigue with the process could mean that witnesses will become increasingly scarce in the future. “There are less and less witnesses,” she said. “Women are tired. Some are dying.”

Another major complaint is that sentences handed down by the Bosnian court do not match the severity of crimes committed, according to victims and advocacy groups. A key example is Simsic, who in July 2006 received a sentence of only five years.

In another recent case, Radovan Stankovic, a member of a Serb paramilitary unit, received 16 years for crimes in Foca. Stankovic, whose case was the first to be transferred from the Hague tribunal to the Bosnian war crimes chamber, was accused of detaining Muslim women, subjecting them to forced labour and beatings, and turning them into sex slaves for fellow soldiers. Stankovic held one of the imprisoned women for himself, raping her almost every night.

Hasecic dismissed his sentence as “a reward”, adding, “It seems better to be a war criminal in this country than a victim.”

Ahmetasevic, who covers war crimes trials at the Bosnian court for the Balkan Investigative Reporting Network, agrees that Stankovic’s sentence is neither “appropriate nor adequate”, while also acknowledging that to her perhaps no punishment would be adequate for such crimes.



“I don’t even think that a life sentence is adequate - a punishment that would be entirely appropriate for such crime doesn’t even exist,” she said.

The legal community, however, sees the Stankovic sentence differently. Sellers says the judgment sends a strong message that sexual crime is going to be tried thoroughly in national courts, and that countries can prosecute their own war crimes, even those that relate to women and sexual violence.

“That is not to say that the national system is immune [to] issues like guaranteeing witness protection, but Stankovic has to be seen as a serious victory,” she said.

Grubescic also defends the court’s results so far, “The prosecution is doing its job and is trying to try these cases as quickly as possible, because we understand that victims expect to see the results. But prosecuting war crimes cases is a very complicated process which takes time and thorough work.”

And there have been some recent developments to hearten rape survivors.

The war crimes court’s appeals chamber in December sentenced Bosnian Serb Nedjo Samardzic, an associate of Stankovic, to 24 years in jail. His original sentence of 13 years and four months for aiding and abetting persecution, rape and torture of Muslims in Foca was overturned in April because of procedural errors and a new trial ordered.

Wartime rape trials are also ongoing in Serbian and Croatian courts, albeit with difficulties. In Croatia, there are complaints that the majority of war crimes defendants are civilians, while the number of former Croatian Serb army members on trial is small.

In Serbia, the Organisation for Security and Cooperation in Europe has found that the quality of trials there is generally improving. But there are also concerns that not enough soldiers have been tried for wartime rapes. The OSCE also said in a 2005 report that there must be greater cooperation between Serbian authorities and those in neighbouring states.

Nevertheless, many observers believe the role of national courts is vital. Ahmetasevic says the time has come for Bosnia to take responsibility for its own justice proceedings. “The trials held here will have a much stronger impact on future generations,” she said.

## ICC INNOVATIONS

At the international level, the latest development is of course the launch of the ICC, which from its Hague base is already doing things differently.

In an attempt to address concerns about the treatment of war crimes victims, it has established a Gender and Children Unit, to ensure investigators and other staff deal with vulnerable witnesses in a sensitive manner throughout the judicial process.

Crucially, for the first time under international law, war crimes victims can have influence on a case at the investigation stage, including the right to present evidence, testimony, views and concerns.

“So if they are worried certain crimes are not being investigated, they can make their feelings known,” said Pillay.

Also for the first time, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence have been included in the court's definitions of war crimes and crimes against humanity.

"In every war there has been sexual violence against women, and it was treated as a reward for the troops," said Pillay. "Now the rule is that you cannot do what you want with women and girls, and get carried away with your war strategies."

Inder adds, "One of the most effective ways [of preventing future violence] is for the ICC to be seen to prosecute and convict those responsible and signal that rape and gender based crimes are considered amongst the gravest crimes."

But not everyone is happy with the ICC's performance so far.

Although it has yet to hear a single case, there are already concerns that it is not doing enough to investigate and prosecute gender-based crimes - particularly in the case of Congolese militia leader Thomas Lubanga.

The head of the Union of Congolese Patriots, Lubanga has been indicted by the ICC on the charge of conscripting children under the age of 15 to fight.

NGOs and human rights groups have campaigned for the indictment to be widened to include crimes of sexual violence, but prosecutors have so far resisted.

"I am worried about how ICC is dealing with sexual crimes, not pushing hard enough," said Kippenberg. "The legislation is adequate. But the general impression I get is that they're trying to go for simple cases, and sexual violence is not a simple case."

## THE FUTURE

The big issue for war crimes prosecutions is the Darfur region of Sudan, where tens of thousands of people have been killed and 2.5 million forced from their homes in three years of conflict. The US has said genocide is taking place, a charge rejected by the government in Khartoum.

Since Khartoum itself is unwilling to investigate alleged crimes against humanity, the UN Security Council has referred the case to the ICC. Chief Prosecutor Luis Moreno-Ocampo recently revealed that enough evidence has been collected to name individuals responsible for crimes in Darfur and to launch proceedings against them. He said his investigators have conducted more than 100 witness interviews and collected thousands of documents from various sources. He has mentioned rape as one of the crimes for which he has now gathered enough evidence.

The prosecutor is now determining whether the Sudanese government will itself conduct national proceedings against the alleged perpetrators.

"In Darfur I expect the court to be more careful than they were in the DRC [Congo] case," said Inder. "Initially the prosecutor said he would not include rape in the charges in Darfur, but now he has said it is a priority. I am confident that they will bring charges of sexual violence against individuals in Darfur."

Whatever happens with the Sudan prosecutions, advocates and victims alike say in this era of international justice, concerted efforts must be made to learn from past experiences and ensure that rape victims are not short-changed by the ICC or other tribunals that may arise.

And although the current system is far from perfect, for women like Hasecic it is the only one they have. She says that she and others like her will continue to testify and continue to pursue through the courts those who inflicted such pain.

“There are women who say why go to trials and relive those horrors again, but when they finish with the testimony they feel better,” she said.

“Of course, it’s easier when you face your rapist and he is helpless, without a gun or knife, and can’t hurt you. To speak the truth and make him face what he did to you - even have a hand in bringing him to justice - that is the only justice we have left.”

*This report was produced by Lisa Clifford in London; Katherine Boyle, Katy Glassborow, Aleksandar Roknic and Caroline Tosh in The Hague; and Merdijana Sadovic in Sarajevo. Orsida Gjebrea, Denis Dzidic and Peg Jennings also contributed reporting.*

## **UNMIL Public Information Office Media Summary 5 January 2007**

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

### **International Clips on Liberia**

#### **Liberian Govt. Says 'Not Ready' to Try Tugbeh Doe; Johnson Invited by CID Again; Bryant Probe Soon**

05/01/07 – Front Page Africa

The former Deputy Minister of Finance for Administration in the defunct National Transitional Government of Liberia (NTGL), Mr. Tugbeh Doe, presently on trial for theft, appeared in Monrovia Magisterial Court today for the hearing on the US\$15 million criminal appearance bond filed by the Accident and Casualty Insurance Company (ACICO). To the dismay of Doe's lawyers, the government prosecutors reportedly said they were not ready for the case and needed more time to prepare its case. State prosecutors contended that the insurance company that issued the bond is owned by the accused, Mr. Doe and that the company did not qualify as a surety as its assets are less than US\$500,000.

#### **Liberia: Editor Defends Why His Paper Accepted President's \$500 Christmas Gift**

VOA  
05/01/2007

Last month, Liberian President Ellen Johnson Sirleaf gave 500 dollars each to a number of print and broadcast media institutions for their Christmas. A number of the institutions condemned the president's action and returned the money. But of the 18 media institutions that received the money, only five have reportedly returned their checks to the president. Stanley Seakor is publisher and managing editor of the analyst newspaper, one of the largest newspapers in Liberia. He said his paper did not return the 500 dollars because it was a gift from the president. "We received and used it for our internal purpose, for our year-end party. We had no reason to return it. It is a gift from the president, and we expressed appreciation for that," Seakor said.

#### **On Illegal Press Attachés at Foreign Missions, Foreign Ministry Reacts to Bropleh's Rants**

01/05/07 – Front Page Africa

Barely a week after Information Minister-designate, Rev. Dr. Lawrence Bropleh announced that plans are afoot to weed out illegal press attachés and press counselors at various embassies around the world not appointed by Government the Foreign Ministry has reacted with dismay and consternation. In a press release, the Ministry of Foreign Affairs said it is not aware of any illegally appointed Press Attaché or Press Counselor assigned at Liberian embassies abroad. "On the contrary, the Ministry of Foreign Affairs, is fully aware of only

four Press Counselors assigned at our Missions in Washington, D.C., New York, London and Abuja, an no where else. These officers were appointed legitimately by the Ministry of Information by previous regimes," the press release stated.

## **International Clips on West Africa**

### **The Truth about Foreign Aid in Sierra Leone**

Freetown, Jan 04, 2007 (Concord Times/All Africa Global Media via COMTEX) --If there was an annual global prize for governmental cluelessness, the perennial record holder would undoubtedly be a government from the long list of desperately poor African countries. Sadly, the successive governments in Sierra Leone since 1967 would be the favourite for the annual honour of the most clueless on earth. It is a testament to the depth of the hole from which our country has to climb that, here we are in the 21st century and the government still trumpets with clueless delight the most recent announcement of yet another foreign "aid" package from its undoubtedly well-meaning benefactors -- the very same, mainly Western, entities which have massively impoverished millions of Sierra Leoneans During the last three decades through the unwitting agency of their own blissfully derelict government.

### **China give millions of euros to aid Ivory Coast**

ABIDJAN, Jan 4, 2007 (AFP) - China has given the government of Ivory Coast millions of euros to finance joint cooperation projects in the West African country, the foreign ministry announced in a statement Thursday. Three quarters of the aid package, worth three billion CFA francs (4.6 million euros / six million dollars) in all, is a gift, while the remainder consists of a loan to purchase unspecified equipment. According to the foreign ministry in the economic capital Abidjan, China is honouring a promise made at a China-African summit in November 2006.

## **Local Media – Newspaper**

### **Former Deputy Minister May Return to Jail if His Bond is Rejected**

*(New Democrat)*

- Former Deputy Finance Minister Tugbeh Doe who is on trial for alleged corruption, faces the prospects of returning to jail today if the court rejects his US\$15m bond, which prosecutors said is not backed by any substantive asset.

### **Nimba Youth Group Seeks Yeaten's Extradition**

*(The Analyst)*

- [sic:] Benjamin Yeaten, former battle front commander of government forces and director of the Special Security Service (SSS) during regime of ex-President Charles Taylor may be extradited to Liberia to face war crimes charges if current efforts launched by a youth group paved well, and also depending on whether Liberia and his country of residence have extradition treaty.
- Yeaten is believed to be in Togo and it is unknown whether there exists extradition treaty among ECOWAS countries.
- Whether or not these conditions exist, the Progressive Gbor Youth Development Association has requested the government to work out modalities in order to extradite him.

### **UNMIL Donates to HIV/AIDS Victims**

*(The Analyst and The Inquirer)*

- The United Nations Mission in Liberia (UNMIL) on Thursday donated a consignment of assorted relief items to the Liberia Orphans of AIDS Foundation (LOAF).
- Making the representation of the items which include 10 cartoons of toys, UNMIL officer responsible for HIV/AIDS, Musumali Shindano, said the United Nations Logistics Base in Brindisi, Italy, contacted UNMIL about the collection of clothing and other items for relief purposes, mainly to war victims and other affected people around the world.

### **Rubber Task Force Records Improvement at Callava and Guthrie**

*(Heritage and The Inquirer)*

- The Rubber Plantations Task Force yesterday announced a major improvement in the operations of the Cavalla Rubber Plantation in Pleebo, Maryland County and the Guthrie Rubber Plantation in Bomi and Grand Cape Mount County respectively.
- The Chairman of the Task Force, Agriculture Minister Dr. Chris Toe said about 3,173 persons have been employed and that the Interim Management team has generated more than three million dollars from the sale of rubber at both plantations.
- Dr. Toe said that the Government benefited substantially from the operation of the plantations.

Local Media – Radio Veritas *(News monitored today at 9:45 am)*

### **Government Releases Report on Rubber Plantations**

*(Also reported on ELBS and Star Radio)*

### **Police Commence Removing Tainted Glasses from Vehicles**

- Police in Monrovia today began removing the taint from glasses of vehicles plying the streets following. The Police had earlier warned drivers to remove tainted materials from their vehicles because people were doing all sorts of evil things behind the tainted glasses.

*(Also reported on ELBS and Star Radio)*

### **Local Catholic Rights Group Wants Lawmakers Demand Proof from Speaker Snowe**

- The National Director of the Catholic Justice and Peace Commission, Counsellor Augustine Toe wants legislators to demand House Speaker Edwin Snowe to disclose the names of lawmakers he claimed were involved in a presidential plot to unseat him.
- Over a week ago, Speaker Snowe alleged that President Ellen Johnson-Sirleaf was holding secret meetings with members of the house to have him removed from his post, a claim the President's press secretary refuted.
- Counsellor Toe said such allegations from the Speaker have security implication for the nation.

### **Health Ministry Alarms Over Impending Diarrhoea and Cholera Outbreak**

- The Ministry of Health has warned of an imminent cholera and diarrhoea outbreak in Monrovia, re-echoing that unless the stockpile of garbage in the city is removed. The Ministry said it was collaborating with the Monrovia City Corporation to educate residents about the impending health hazard.

### **UN Children Agency Donates to Water and Sewer Corporation**

- A UNICEF release issued in Monrovia yesterday said the Agency has donated water pipes and a generator estimated at US\$10,000 to the Liberia Water and Sewer Corporation in order to boost pipe-borne water supply to Monrovia.
- The release said the donation is to connect an existing water line leading to Mamba Point and said some 30,000 residents would benefit.

### **Star Radio** *(News monitored today at 8:35 am)*

#### **Grand Gedeh Circuit Judge Accused of Releasing Alleged Rapist**

- In an interview, the Superintendent of Grand Gedeh County, Chris Bailey accused the Circuit Judge, Blamo Dixon of releasing a Nigerian accused of raping three Liberian children.
- Judge Dixon admitted releasing the Nigerian but said his action was in keeping with law as there were doubts in the evidence provided in the case.

#### **Armed Robbers Attack Paynesville Residents**

- Quoting residents, Star Radio reports that armed robbers early Thursday reportedly gang raped a twenty-six year old woman in the Nagbe Town Community near the SKD Sports Complex in Paynesville and said the robbers armed with pistol and cutlasses also made away with over L\$20,000 and personal belongings.
- The victims said UNMIL Officers at a checkpoint nearby called the Police who failed to go to their rescue.
- The residents have appealed to government to provide security for the community.

## Associated Press

Saturday, 6 January 2007

### **Trial in foreign torture case set**

MIAMI — A federal judge set a September trial date for the son of former Liberian President Charles Taylor in the first prosecution ever under a 1994 law making it a crime for a U.S. citizen to commit torture in foreign countries.

Attorneys for Charles McArthur Emmanuel, also known as Charles "Chuckie" Taylor Jr., told U.S. District Judge Cecilia M. Altonaga at a hearing Friday that they will file a motion challenging the constitutionality of that law.

"We feel we are on firm ground legally," said assistant U.S. Attorney Karen Rochlin.

Altonaga agreed to the Sept. 4 trial date in part to provide time for the constitutional issue to be fully argued. She ordered that the defense's challenging motion be filed on Feb. 16.

Emmanuel, 29, is the Boston-born son of former Liberian President Charles Taylor. Emmanuel is accused of torturing a Liberian man in 2002 while head of his father's Anti-Terrorism Unit, which human rights organizations say is responsible for widespread killing, torture, kidnapping, rape and other crimes.

Emmanuel was arrested in March at Miami International Airport for using a fake name for his father on a U.S. passport application. He pleaded guilty and is serving 11 months.

Taylor faces trial later this year before a special United Nations tribunal in The Hague, Netherlands on charges of war crimes and crimes against humanity for alleged acts during a civil war in Sierra Leone. Taylor has pleaded not guilty.



BBC

Sunday, 7 January 2007

<http://news.bbc.co.uk/2/hi/africa/6239737.stm>

## Genocide trial for Rwanda prefect

By Robert Walker

BBC News

**The trial of a former Rwandan official accused of being a main perpetrator of the genocide is due to begin at the UN war crimes tribunal in Tanzania.**

Colonel Tharcisse Renzaho, former prefect of the Rwandan capital, Kigali, faces charges of genocide and complicity in genocide.

Some 800,000 people, most of them Tutsis, were killed by Hutu extremists during the massacres in 1994.



Some 800,000 mainly Tutsis were killed in the genocide in 1994

Col Renzaho, who was arrested in DR Congo in 2002, has denied the charges.

### Radio broadcasts

During the genocide in Rwanda, Col Renzaho was in control of the capital's police force and local officials.

But rather than using this authority to stop the killings, it is alleged that he incited Hutus to kill members of the Tutsi minority.

The prosecution says Col Renzaho used state radio to instruct the police and army, as well as civilians, to man roadblocks so they could identify and intercept Tutsis.

It is alleged he told local officials that anyone with a Tutsi wife should also be deemed Inyenzi - a cockroach - the term used by Hutu extremists to describe Tutsis.

Col Renzaho faces life imprisonment if convicted.

The international criminal tribunal for Rwanda, based in Arusha in neighbouring Tanzania, is responsible for trying those accused of masterminding the genocide.

But it has often been criticised for operating too slowly.

BBC

Monday, 8 January 2007

[http://news.bbc.co.uk/2/hi/middle\\_east/6239853.stm](http://news.bbc.co.uk/2/hi/middle_east/6239853.stm)

## **Trial to resume without Saddam**

**The genocide trial of six former Iraqi officials is due to resume in Baghdad without their co-defendant Saddam Hussein, who was hanged on 30 December.**

Saddam Hussein and the others were charged with crimes against humanity over a campaign against Iraqi Kurds in the 1980s that left 100,000 dead.



Saddam Hussein's cousin Ali Hassan al-Majid is one of the defendants

Saddam Hussein was hanged after an earlier trial over the killing of Shias in the town of Dujail.

It is not known if he is still a defendant in the second case.

No official confirmation has come from the Iraqi authorities that the charges over the so-called Anfal campaign against the Kurds have been dismissed against Saddam Hussein.

However, one US official close to the special Iraqi court told AFP news agency the former leader was no longer an accused.

"Saddam is dead. From what I understand of law, the case is over against him," the official said.

### **Internet images**

The six remaining defendants, including Saddam Hussein's cousin, Ali Hassan al-Majid, deny charges of war crimes, crimes against humanity and genocide.

The defence argues the campaign was a legitimate operation to quell a rebellion after some Kurds sided with the enemy during the Iran-Iraq war.

The trial has been in recess since 21 December.

Its resumption will throw the spotlight back on the Iraqi judicial system which has come under international criticism for the handling of Saddam Hussein's execution.

The former leader was taunted at the gallows and illicit images of his execution later appeared on the internet.

The UN has called for a stay of execution for two others sentenced to death in the Dujail trial.

But the Iraqi government says the execution of Barzan al-Tikriti and Awad al-Bandar will take place this week.