

**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, 8 October 2009

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

Thursday, 8 October 2009

### Who Is This Man Called Charles G. Taylor?

#### special report

*Charles Taylor was born on 28 February 1948 in Arthington, Liberia. He completed his university studies in the United States, where he was arrested in 1979 for threatening to occupy the Liberian diplomatic mission in New York. He was President of Liberia between 1997 and 2003. His term in office was marked by rebellions and conflicts in the region.*

The indictment issued by the Special Court for Sierra Leone (SCSL) considered that during the period of the alleged facts (i.e. from 30 November 1996 onwards), a state of armed conflict existed in Sierra Leone, and that a link existed with the conflict in question and the counts of indictment constituting crimes under articles 2, 3, and 4 of the SCSL Statute.

According to the indictment, Charles Taylor met Foday Sankoh in Libya in the late 1980s, and immediately made common cause with him.

Taylor is said to have financed and supported Foday Sankoh's Revolutionary United Front (RUF) with material and personnel, providing weapons, ammunition and military training. With the aim of destabilizing the country and gaining access to the natural resources of Sierra Leone (mainly diamonds), he allegedly supported the RUF in the preparation of these military actions in Sierra Leone and during the ensuing conflict.

During the relevant period covered by the indictment, Charles Taylor allegedly encouraged and supported all the actions of the RUF and the AFRC (Armed Forces Revolutionary Council) alliance.

The RUF and AFRC, supported and encouraged by Charles Taylor, are said to have launched armed attacks within the territory of Sierra Leone, namely in the districts of Bo, Kono, Kenema, Bombali, Kailahun, and also in Freetown the capital. The targets of these attacks included the civilian population, humanitarian aid workers and United Nations

# Who Is This Man Called Charles G. Taylor ?

peacekeeping forces. These attacks allegedly had as their main purpose to terrorize the civilian population and to punish it for the lack of support given to the RUF and the AFRC.

According to the indictment, the attacks were accompanied by murders, physical violence (especially mutilations and rape) against civilian men, women and children, as well as pillaging and the abduction of civilians as sexual slaves, forced labourers or to be enrolled by force (which was

particularly the case for many children).

These acts were allegedly encouraged or executed with the collaboration of, or on order from, Charles Taylor.

Under pressure exerted by the international community, Charles Taylor relinquished power and resigned as President of Liberia on 11 August 2003. He was arrested on March 29, 2006 in Nigeria and transferred the same day to the SCSL



## UNMIL Public Information Office Media Summary 7 October 2009

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

### International Clips on Liberia **Taylor Slams Radio Stations Claims**

Freetown, Oct 07, 2009 (Concord Times/All Africa Global Media via COMTEX) -- War crimes indictee Charles Taylor has refuted testimony of a prosecution witness that the Sierra Leonean rebels had three radio stations and operators in Liberia, including one at the country's main international airport. Taylor was responding to the testimony of protected prosecution witness TFI-338 who in her September 2008 testimony spoke of the alleged relationship between Mr. Taylor and the Sierra Leonean rebel group, the Revolutionary United Front (RUF). Allegations that Taylor was in control of the RUF and in a position to prevent and punish crimes committed by the rebel group, along with allegations that he aided and abetted the RUF in crimes committed in Sierra Leone during its brutal conflict, go to the heart of some of the key charges against the former Liberian president at the Special Court for Sierra Leone.

### **Liberia: ADB Commits U.S\$29 Million for Water And Sanitation -But Sets Condition**

Oct 07, 2009 (MENA News from Al-Bawaba via COMTEX) -- Liberia is poised to receive a US\$19.9 million from the African Development Bank to address the poor sanitary conditions of Monrovia, but certain "simple conditions" need to be met. The Managing Director of the Liberia Water and Sewer Corporation (LWSC) N. Hun-Bu Tulay said the ADB has agreed to provide the amount as a "soft loan" to the Liberian government for use by the LWSC. The "conditions" he said are: that government must be willing to accept the fund as a grant; that government establishes a "single institution" to spearhead water and sanitation projects; and that government gives "strong support" to findings and recommendation of an ongoing study on water and sanitation integration. The Bank will provide the money "for the restoration of the White Plain Hydro and the LWSC facilities in Voinjama, Lofa County.

### **Liberia's looted museum becomes civil war shrine**

Telegraph.co.uk

The soiled shoe of a notorious warlord takes centre stage at Liberia's national museum, near empty from looting during civil wars, in an eerie display that has replaced a once impressive collection. "This is Prince Johnson's shoe," said museum director Albert Mackeh, lifting up the leather and canvas item. "This is the shoe he used to wear to go fight. Some ex-fighters brought it here after the war." Perched on a table alongside spent rocket shells, it sits among a few dozen relics in what was once the ethnographic gallery of the crumbling museum. The rest of the once proud 159-year-old building in the heart of the capital Monrovia stands bare, mice scampering through the wings. "This is all we have here. These are things that were collected during and after the war," said a pensive Mackeh, sitting on an old bench, chin in hand. "The other collections were all looted." Ironically, the items now showcased came from those who did the pillaging in the west African country's two back-to-back civil wars, which ran from 1989 to 2003 and left a quarter of a million dead.

### **Sierra Leone Country Fails Governance Test**

Freetown, Oct 07, 2009 (Concord Times/All Africa Global Media via COMTEX) -- The Mo Ibrahim Foundation's 2009 index of governance has been published with Sierra Leone ranking below average both at continental and regional levels. In essence, the country failed the recent governance test on the continent. While the government could not make any official statement on the claim local nongovernmental organization campaign for good governance, CGG promised to come out with a statement when they shall have studied the report. The Foundation, committed to supporting great African leadership, showed that half of Africa's 10 best performing countries were in Southern Africa.

## Guinea

### Guineans Call for Free and Fair Elections

Oct 07, 2009 (FOROYAA Newspaper/All Africa Global Media via COMTEX) -- Guineans residing in the Gambia have called for free and fair elections in the forthcoming election contest slated for 31 January 2010 in their country. Many of them spoke to this reporter whilst in the queue waiting to be registered at the Guinean Consulate in the Gambia for the said election. Speaking to this reporter Abdourahman Jallow told this reporter that the time frame given for the registration in Gambia is too short and as a result, a large number of them are not registered. He expressed his concern that the election should be free and fair so that the country and the people of Guinea can have everlasting peace and progress.

## Cote d'Ivoire

### POLL-Ivory Coast growth seen up if poll fears allayed

ABIDJAN, Oct 7 (Reuters) - Economic growth in Ivory Coast should accelerate to 4.1 percent in 2010 provided an election ends years of political uncertainty stifling investment in the world's No. 1 cocoa supplier. Growth in the West African nation could rise to 4.1 percent in 2010 from around three percent this year as post-election inflows offset declines in output from cocoa plantations, a Reuter's poll of 11 economists showed on Wednesday. "Ongoing political uncertainty and a lackluster performance of the cocoa industry will present the main drag on the Ivorian economy," said Lisa Lewin of the London-based Business Monitor International.

## Local Media – Newspaper

### Executive Mansion Extends Assets Declaration Deadline

(The Informer, The News, The Analyst, New Democrat)

- The Executive Branch of Government has extended the deadline for all cabinet and other senior level ministers to declare their assets.
- The deadline was earlier set for September 30<sup>th</sup> but over ninety percent of cabinet ministers and other senior Government officials did not declare their assets.
- An Executive Mansion release issued in Monrovia yesterday said the cabinet ministers and other officials now have until December this year to declare their assets.
- The release said the decision was reached following a meeting between the Executive and the Liberia Anti-Corruption Commission on the implementation of the asset declaration.
- The Executive Chairperson of the Anti-Corruption Commission, Counselor Frances Johnson-Morris has however denied having knowledge about the extension.

### Government, UNDP Launch 2009 Human Development Report

(Public Agenda, The Inquirer, Liberian Express, The News)

- The United Nations Development Programme(UNDP) in collaboration with Government Tuesday launched this year's Human Development Report with Liberia ranking 169 out of 182.

- Speaking during the launch, the Deputy Special Representative for Recovery and Governance, Moustapha Soumaré said this is the first time in 15 years, Liberia appeared in the global Human Development Index indicator.
- DSRSG Soumaré this is an indication that the country was making progress in re-building its data systems.
- This year's Human Development Index report puts the country above several West African Countries [Guinea, Guinea Bissau, Burkina Faso and Mali] that previously ranked higher in 2008.
- The report on the theme "Overcoming Barriers: Human Mobility and Development" looks at the unequal distribution of opportunities that lead to movements of people to richer countries.

### **Government Produces Textbooks for Primary Schools**

(The Inquirer, The Analyst, New Democrat)

- Education Minister Joseph Korto has unveiled reading materials for primary schools in the country.
- Speaking Tuesday at the unveiling ceremony, Dr. Korto said the Education Ministry has resolved to embark on the programme that would enhance the reading ability of Liberian school children.
- Meanwhile, Minister Korto has identified reading as a major weakness in the Liberian education system.
- He said many students do not read with comprehension which he said contributed to the mass failure of students in the 2008/2009 WAEC Exams.

### **LISGIS Gets More Support from UNDP and European Commission**

(The Analyst, The Informer)

- The United Nations Development Programme (UNDP) in partnership with the European Commission (EC) has donated 15 Motorbikes valued at about US\$53,000.00 to the Liberia Institute for Statistics and Geo-Information Service (LISGIS).
- The donation of the motorbikes which is geared towards supporting the work of County Statistics Information Officers is in addition to 15 desktop computers, assortments of office furniture, accessories and GPS units to support field data collection.
- The donation is part of UNDP's support to strengthening the capacity of LISGIS and to implement the National Statistics Development Strategy.
- LISGIS has extended its operation in the 15 counties by opening County Statistics and Information Offices.

### **Government Takes Strict Security Measures to Avoid Spill over from Guinea**

(The Informer)

- The Liberian Government has instituted "stringent security measures" to prevent a spill over of the unrest in neighboring Guinea.
- Immigration Commissioner, Chris Massaquoi said Government in collaboration with UNMIL took the latest decision to institute an rigid security network as a way of protecting the Liberian people.
- Commissioner Massaquoi said that prior to the crisis in Guinea, Government had put in place a joint security network to immediately respond to any spill over from Guinea.

### **Italian Security Experts Conduct Training for Liberian Counterparts**

(Daily Observer)

- A five-day security seminar organized and sponsored by the Liberian National Security Agency (NSA) and the Italian Government has opened in Monrovia.
- During the opening session on Monday, National Security Advisor, Dr. H. Boima Fahbulleh said there was a need for intelligence officers to be professional and serve as guidance for the state.
- The participants are drawn from the Ministry of National Security, Liberia National Police (LNP), National Bureau of Investigation (NBI), National Security Agency (NSA), Special

Security Service (SSS) and Drug Enforcement Agency (DEA), among others. The seminar is being held under the theme "Security in the Modern Era" and is facilitated by with two top Italian experts, Professor Andrea Margelletti and Dr. Badacchi Pietro.

### **Government, UNMIL Launch "A Star is Born" 2009/2010**

(The Analyst, The Informer, Public Agenda)

- The Government of Liberia and the UN Mission in Liberia (UNMIL) have official launch of the 2009/2010 "A Star is Born Under-20 National Talent Hunt".
- Speaking during the launch, UNMIL Director of Mission Support, Mr. Stephen Lieberman described music and culture as uniting forces in any society that bring people together and can help build a stronger Liberia.
- Co-launching the event, Information Minister, Dr. Laurence Bropleh, Government joined UNMIL in the search for a star is building sustainable connectivity among Liberian young people because they are the future leaders of tomorrow.

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

### **Executive Mansion Extends Assets Declaration Deadline**

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

### **Government Produces Textbooks for Primary Schools**

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

### **Correction Officers Charged with Manslaughter**

- Reports from Bomi County say six correction officers linked to the death of an inmate in the county have been charged with manslaughter.
- Bomi County Attorney, Jumah Karnley said preliminary investigation linked the six men to the death of the inmate.
- The Bomi County Attorney said the six officers have been remanded at the Tubmanburg prison following the outcome of an autopsy.

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

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## The Analyst (Liberia)

Friday, 2 October 2009

### **DDRR Failure Haunts Liberia**

#### *Ex-Fighters Build Criminal Cells in Bassa*

When the Liberian guns of villainy finally went mute, so-called disarmament experts within UNMIL thought the next move was to play military politics. They organized cantonment centers, issued a few toiletries, simply declared disarmament sites open in some areas while leaving vast concentrations of former rebels untouched in other areas, and then got winded, out of cash, and abandoned the process to further promises of future efforts.

Today, the failure of that process is lingering, and a House committee says District #3 in Grand Bassa, like Grand Gedeh and Sinoe last year, is facing the heat. The Analyst reports.

The House of Representatives Statutory Committee on National Security determined, yesterday, that the security situation in District #3 in Grand Bassa County is grave and requires urgent action. According to the House committee's press statement issued following a two-day tour of the district, during which it held discussions with the residents and district leaders, a hardened band of marauding criminals were waylaying farmers and lone travelers in the district.

In addition to a citizens' meeting, the committee reportedly held discussions with the Statutory District Superintendent, Abel Nyounbol, the General Manager of the Liberian Agricultural Company, Pascal Desmedt, Victims of several attacks, ordinary citizens and the President of LAC Workers' Union, Morris Beah.

The release did not give the purpose of the meeting with government and LAC officials, but sources say the meeting focused on what stopgap solution could be put into place while the government worked out an effective security measure to deal with the situation permanently.

One District #3 resident currently visiting the capital, yesterday, confirmed the House Committee's finding, revealing further that the band was raiding villages, making away with valuables, and even wounding and leaving for dead those who dare confront them or refuse to take orders from them.

The five-man legislative fact-finding committee, which comprises Reps. Saar Gbollie, Elijah Seah, Vaforay Kamara, Rufus Gboier, and Edwin Juah, quoted residents as saying that the band, described as "notorious" was getting bolder and sophisticated to the extent of establishing criminal cells.

In a mass meeting with residents of District #3, the citizens alleged that on several occasions, over seven notorious armed robbers, who currently reside in Compound #3, were arrested and taken to Buchanan City, only to re-surface four to six months after the arrest. As proof of claim the residents displayed empty shells of single-barrel guns and pictures of some critically wounded employees and villagers.

They blamed the band's brazen activities on what they called "a weak prosecutorial system", which they said served as an incentive for repeated gansterism since 2007. The ringleaders of the notorious marauding band, the citizens reportedly told the House Committee, were Emmanuel Rufus, Friday Sharman, Paul Flomo, Bigger Boy, Alex Gibson, One Kollahlon and a man simply referred to as "Nigerian", who was recently involved in the armed attacks on Bassigear Town.

"Every time these boys attacked, they boast that nothing will come out of it. They live right here," an angry justice of the peace, not named, told the House Security Committee.

Meanwhile, the citizens of the affected areas are pleading with the National Legislature to exert the necessary efforts to ensure that their environment is peaceful. The Management of LAC, in a separate meeting, appealed to the Committee to work with the other institutions of government to expedite the trial of suspected armed robbers in the district.

The LAC Management observed that the attackers were organized, and well-equipped, even though they could not say how and whence the criminals were obtaining weapons to build arsenal of the type they described. For its part, the House Committee assured the people of District #3 and the management of LAC that every necessary step will be taken to identify and raid the hideouts of those wreaking havoc on the citizens.

Article 34(b) of the Constitution of Liberia empowers the Legislature to provide for the security of the of the state but observers say what this means in practice and how the House Committee proceeds with its finding will determine the extent and speed with which the plight of District #3 residents will be addressed permanently.

### **The DDRR Factor: Closing with Many Unaccounted For**

Even though there is no evidence linking ex-combatants to the District #3 banditry reports say Grand Bassa County, which was one of the original bases of the notorious NPFL and later the MODEL militia forces, received lesser attention during the DDRR programme than was required to rid it of arms.

It said up to the end of the initial phase of the DDRR process in 2004, most of the known notorious Grand Bassa County ex-combatant moved over to the Sapo National Forest where they were digging diamond and gold and engaging in illegal poaching.

“UNMIL saw the relative peace that was created by the economic migration as a blessing and only concentrated on child soldiers and women ex-combatants in Buchanan City and other surrounding areas,” said one DDRR insider who preferred not to be named. “UNMIL collected useless irons for weapons and gave away small incentives, neglecting to look for the big notorious fighters and press them for the caches of arms that we knew litter all over the county and elsewhere in the country.”

He said he believed it was these arm caches that the ex-combatants, now jobless and desperate, were recovering and using to harass villages and to form armed robbery gangs in larger cities in defiance of government’s security reform efforts.

“You can’t divorce the current wave of armed robbery and its brazen character from the work of experienced bandits cooked in the act of violence. What we see in the district and even in Monrovia involves ex-combatants. It is only they who can evade the robust presence of UNMIL’s formed police units and the Liberia police to burglarize homes and accost travelers at street corners in broad day light,” he said.

It may be recalled that July 21, 2009, the government of President Ellen Johnson-Sirleaf told the nation that the DDRR process was finally closed despite that fact that several ex-combatants were yet to be repatriated and reintegrated into society, ready to sustain themselves without resorting to criminality.

The process was closed even though an underestimated 1,529 were officially unaccounted for – meaning perhaps that they received no formal or form of assistance from the DDRR programme. According to DDRR statistics, about 101,495 fighters participated in the war but 103,019 were disarmed, thus leaving 1,529 unaccounted for.

The statistics said nothing about the repatriation and eventual reintegration of the ex-combatants into their former places of origin, which two components were to follow disarmament and demobilization, thus completing the DDRR cycle. President Ellen Johnson Sirleaf announced the formal closure of the DDRR programme in Liberia, notwithstanding the drawbacks and shameful failure that many say haunts the nation to this date.

The process, though, has registered a measurable amount of success, The Analyst has discovered. The DDRR programme funded through a multi-donor trust fund succeeded in disarming 103,019 ex-combatants and demobilizing 101,495 ex-combatants who participated in Liberia's 14-year civil war.

About 98, 000 of the demobilized ex-combatants received reintegration assistance in the form of vocational and formal education; but more challenges remain, said the Deputy Special Representative of the United Nations Secretary-General (DSRSG) for Rule of Law, Mrs. Henrietta Mensa-Bonsu, during the formal closure ceremony.

“Reintegration is a continuous and long-term process. This DDRR programme was able to help with the first steps but many challenges remain, which our national partners will need to overcome,” said the DSRSG for Rule of Law. Not only did Mr. Mensa-Bonsu foresee that the ex-combatants will be made desperate by the lack of jobs, having not being prepared for the job market by the RR component of the DDRR programme, she observed that they would resort to criminality as the means for survival as in the District #3 scenario.

“Liberian ex-combatants and other high-risk youth continue to face a lack of legitimate outlets for earning a livelihood and other employment opportunities, leading some of them to resort to illegal means of income generation,” she said. Mrs. Mensa-Bonsu added that it is now an acknowledged fact that unemployment can hamper the reintegration of war-affected groups and thereby “pose a challenge to efforts to maintain security in the community”.

According to her sustained efforts were needed to address unemployment and related factors of insecurity and to open up more avenues for economic survival and for self-actualization. What she did not say however was that the ease of employment was linked to the possession of relevant job skills, something the ex-combatants did not get as the result of the failure of the RR component of the DDRR programme.

Contributors to the DDRR programme were the European Commission, the Government of the United States and the United States Agency for International Development, the Government of Norway, the Swedish International Development Agency, the United Kingdom Department for International Development, and the Governments of Denmark, Ireland, Switzerland, Germany, Iceland and Sweden, plus other donors and international partners. The exact amount put at the disposal of the programme is not known, but estimates put it at hundreds of millions of United States dollars.

### **Stick or carrot**

In the wake of widespread criminality across the nation involving some ex-combatants and other unemployed youth, the question many are asking is, “Will the government use paramilitary force (stick) or jumpstart the private sector economy (carrot) to ensure sustained security in the country?”

They said while it was clear that the government needed to immediately dispatch a security probe team to the region to verify citizens’ claim of criminal nests in Compound #3, it needed to consider creating jobs for skilled ex-combatants who may have been driven to the brink of criminality by the high standards of living and joblessness.

“You can’t fight your way through the mesh using the courts and the prison system. You have to simultaneously address the cause. And that cause is the failure of the DDRR process that the government has no option but to deal with as part of its security program,” said one observer. He said it will neither help the people, nor the government in the long run, to see the current wave of criminally involving the youth as isolated and unconnected to the failure of the DDRR process. Success in this matter, he said, was tied to the quality of the diagnoses made and the choice of remedy.

## Institute for War & Peace Reporting (London)

Tuesday, 6 October 2009

### **Congo-Kinshasa: Lubanga Case - Judges Mull Adding Charges of Sexual Slavery and Inhumane Treatment**

Rachel Irwin

The Hague — The defence case in the trial of Congolese militia leader Thomas Lubanga has been postponed while appeal judges decide if it is possible to add charges of sexual slavery and cruel and inhumane treatment to the case.

"Before the evidence proceeds further, the accused should have certainty as regards these issues," International Criminal Court, ICC, judges wrote on October 2, noting that the proceedings were originally scheduled to recommence this month after a three-month recess.

The judges also said that continuing the trial when the charges could change poses "too great a risk that the defence will proceed ... on a significantly false basis".

Lubanga, the former president of the Union of Congolese Patriots, UPC, currently faces charges of recruiting, conscripting and using child soldiers to fight in the inter-ethnic conflict in the Ituri region of the Democratic Republic of Congo, DRC, during 2002 and 2003. His trial began last January 26, and the prosecution rested its case on July 14.

The contentious debate over adding new charges began in May, when victims' lawyers argued that young girl recruits in Lubanga's militia were used as sex slaves, and that sending children into combat constitutes cruel and inhumane treatment. Therefore, the lawyers argued, the existing charges should be "reclassified" to reflect these additional crimes.

On July 14, judges ruled that it was possible to add new charges, provided they are based on existing evidence or on facts that have emerged during the trial.

Both the prosecution and defence appealed against the July 14 decision, but there is little indication when the appeal will be determined.

During a status conference held on September 17, participating victims and the prosecution said they were ready to proceed under the existing charges for the time being.

#### **The defence objected.**

"The defence is unable to continue with this trial if we don't know the charges brought against the accused," Catherine Mabilie, Lubanga's lead lawyer, told judges.

In a recent interview with IWPR, Mabilie lambasted their July 14 decision.

"What is the [point] of having the preliminary chamber [decide on the charges] if you can change the charges after the end of the prosecutor's case?" she said. Mabilie added that the addition of new charges would also cast doubt on the fairness of the proceedings and the right of the accused to be tried in a reasonable amount of time.

"We would have to call back all the prosecution witnesses, because we didn't do any cross examination of crimes that didn't exist at that time," she said. "The defence will have to ask for lots of time to re-prepare its case."

Mabilie said the victims' role should be in the reparations phase - not during the trial.

"At the moment, their role is too close to the role of the prosecutor," she said. "We have to face the prosecutor, and then the victims. For us, it's exactly the same."

# The New Times

Tuesday, 6 October 2009

## ICTR Tables Controversial Move On Transfer of Trails

Gashegu Muramira

Kigali — In an unprecedented move, the International Criminal Tribunal for Rwanda (ICTR) has proposed to have the East African Community (EAC) treaty amended to enable the East African Court of Justice (EACJ) handle the tribunal's remaining trial cases.

The proposal was made on Monday by the ICTR Chief Prosecutor at the ongoing EAC Peace and Security conference in Munyonyo, Kampala.

In a statement read for him by Paul Ngarua, an ICTR Prosecution counsel, Hassan Jallow also requested that the regional bloc be empowered to take up the UN detention facility in Arusha.

"The East African Court of Justice needs your initiative to empower it to handle the cases, structures and archives of the ICTR after the tribunal closes," Jallow told the delegates.

"This can be achieved by amending the treaty of the EACJ and expand the jurisdiction of EACJ to include prosecution for Genocide, crimes against humanity and war crimes," the Chief Prosecutor pleaded.

ICTR denied the transfer of five trial cases to Rwanda last year on the grounds that the country lacked adequate witness protection, a claim the Government dismissed as baseless, stating that even those in Tanzania are protected by Rwanda.

Jallow's proposal attracted a heated debate at the Kampala conference after Rwandan officials contested the move saying that it was coming at a time when government is still engaged in negotiations with ICTR to have trials sent back to Kigali.

The Ombudsman, Tito Rutaremara expressed shock at the proposal, arguing that the prosecutor's proposal was based on advice given to the tribunal by two western NGOs, and neglecting the perceptions of Rwandans.

"We really wonder why they came here and made that proposal. EACJ is not a penal court and most importantly negotiations have always been there. Rwanda has laid conducive grounds to enable the transfer of cases there," the Rutaremara said.

The Ombudsman added that ICTR should have behaved diplomatically by consulting the Government before making the proposal.

Emily Kayitesi a judge at the East African Court of Justice was equally surprised that the tribunal had tabled the proposal, even after government had made several legal improvements that include building prisons of international standards.

"EACJ has a mandate according to the treaty of handling civil and commercial cases only. Yes it can be extended to penal jurisdictions, but most important is that negotiations are already on to have the cases brought to Rwanda," the judge said

In an interview with The New Times early this year, Jallow had expressed optimism that the trial cases would be transferred to Rwanda later this year after accomplishment of the capacity building programme in Rwanda's judicial sector.

# The Daily Nation (Kenya)

Saturday, 3 October 2009

## Kenya: ICC Move an Indictment of Our Justice System

Nairobi — The International Criminal Court's decision to pursue the masterminds of the violence that erupted after the 2007 General Election marks one of the lowest points of this nation's institutional history of governance.

The Police Force, the Judiciary and the office of the Attorney-General, in particular, bear responsibility for their failure to prosecute suspects locally.

The offences that were committed in the two months of mayhem that followed the disputed presidential election results are covered by the Penal Code. Murder, rape and robbery with violence are all crimes under Kenyan law.

YET THE POLICE ABJECTLY FAILED TO undertake meaningful investigations into this lawlessness. The Attorney-General's office failed to successfully prosecute any suspects, and the Judiciary, given its history, was not expected to swiftly dispense justice.

The fact that the government saw the need to pass a Bill in Parliament to set up a tribunal to try suspects is an indictment of the state of the institutions that are supposed to discharge their mandate without recourse to special legislation.

As Kenyans wait to see what action the ICC will take in the coming months, questions should be raised whether the heads of these institutions that failed to exercise their duty should remain in office. Maj-Gen Hussein Ali has already been replaced as police commissioner. That leaves two constitutional office holders, Attorney-General Amos Wako and Chief Justice Evan Gicheru, still holding on to their positions.

It is true that the State Law Office and the Judiciary suffer from major systemic problems that cannot be resolved simply by the replacement of individuals. But these heads of department have been in office for many years without demonstrating that they appreciate the need for reforms.

MR WAKO WAS ATTORNEY-GENERAL when the Akiwumi Commission of Inquiry into the violence that followed the elections in 1992 and 1997 recommended that the AG prosecute suspects. Mr Wako and the Police Force then indulged in a round of blame games, and no action was taken. It was, therefore, always unlikely that the same Attorney-General would make any serious moves to prosecute perpetrators of the post election violence.

Mr Gicheru has been in office since 2003. Close to seven years since he took over, the Judiciary commands little confidence from the public. Judges still take notes by hand, files "disappear" regularly from the registry, and efforts at modernisation remain minimal. The removal of these two individuals will not be the magic wand that will usher in reform.

BUT THE TWO NEED TO REALISE that the nation wants crucial institutions to be led by people with an appetite and enthusiasm for reforms, rather than by complacent types who were in charge when the nation nearly descended into chaos. It is right that the ICC should prosecute the men and women who financed the post-election violence. But the time has come for Kenya to reform its own institutions so that it does not need to turn to the international community every time it faces a crisis.

As a first step, Mr Wako and Mr Gicheru should assess themselves to determine whether their continued stay in office adds value to the reforms that will inevitably sweep the land. Amidst all this, attention must remain focused on the many other changes promised under the framework of the National Accord.

Mass youth unemployment remains a big problem. The debate on other important reforms appears to have died on the vine. No sector needs more urgent overhaul than our land governance system. Inequitable distribution of land was identified as a major underlying cause of the post-electoral violence.

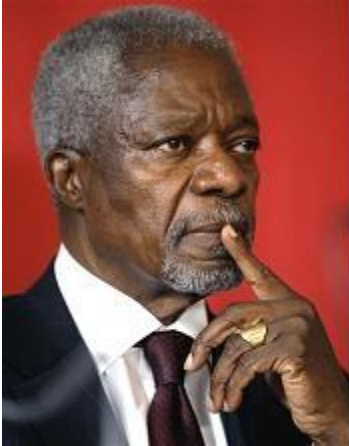
This and other reforms should not be forgotten as we pursue the much-needed changes at the Judiciary, the State Law Office and the Police Force.

## Voice of America

Thursday, 8 October 2009

### **Annan Wants Local Tribunal, ICC to Try Kenya's Post-election Violence Perpetrators**

By James Butty



Former UN Secretary General Kofi Annan

Former United Nations Secretary General Kofi Annan has reportedly said that perpetrators of Kenya's 2007 post-election violence should be tried both by a local tribunal and at the International Criminal Court (ICC) in The Hague.

Annan, who is currently visiting Kenya, mediated the agreement that ended the country's post-election violence and led to the formation of the current national unity government.

Egara Kabaji, director of public affairs and communication at the Kenyan foreign ministry, said it is in Kenya's interest to set up a local tribunal.

"First and foremost, the Kenyan government will be abdicating its responsibility if at all it decides that it is actually the International Criminal Court that is going to do that kind of thing. And I think what Kofi Annan is saying is stating the obvious, that you are not going to surrender to the international community to do this for Kenya," he said.

Annan reportedly said Wednesday in Nairobi that the ICC would likely try a handful of the key

perpetrators of the 2007 post-election violence while a local tribunal would try the rest.

But Kabaji said he does not support the idea of using the ICC to try any Kenyan.

"By doing that we are actually saying we are unable to solve the problems of this country. This is a strong indictment of ourselves," Kabaji said.

Many Kenyans have said in recent polls that they would prefer the ICC over a local tribunal for fear powerful government officials might interfere with the work of a local tribunal.

Kabaji said the Kenyan government should move to protect the integrity of any local tribunal.

"The local tribunal should actually be shielded from interference by those powerful elements, and actually criminal elements within our system," Kabaji said.



Former UN Sec. general Kofi Annan(R) leaves the offices of Kenyan Pres. Mwai Kibaki in Nairobi on 05 Oct 2009

He said there's a need for a national dialogue for Kenyans to get to the root of the issues that have divided them as a nation.

"The problem of tribalism, the problem of ethnicity these are the issues that we have to deal with. We have to ask ourselves what actually makes it possible for a Kenyan to look at another and say look you are my enemy," he said.

Kabaji said Kenya's ethnic and other problems have a lot to do with the country's history after independence.

He reiterated that he doesn't think taking 15 or 100 people to the ICC in The Hague would be able to solve Kenya's ethnic problems.



# The Standard (Kenya)

Tuesday, 6 October 2009

## Why Annan security has been tightened

By Cyrus Ombati

Chief Mediator Kofi Annan came back at a critical stage in the reform process but with unprecedented heavy security detail around him.

Insiders say this has been prompted by the former UN Secretary General's unrelenting push for punishment of suspected perpetrators of post-election violence, and conclusion of reforms in the next one year to 18 months.

Annan's position, it is believed, could have been made more precarious, especially to 'dangerous elements', from when he handed over the secret envelope containing names of suspected masterminds of last year's mayhem to the International Criminal Court Chief Prosecutor Luis Moreno-Ocampo.



***Kofi Annan: Since his arrival at the Jomo Kenyatta International Airport on Sunday evening, Annan has been in the company of up to 12 police officers at any given time — all drawn from Police headquarters, Diplomatic Police, and UN office in Nairobi.***  
***Photo: Standard/File***

Unlike previous visits when Annan even strolled the streets of Nairobi with skeletal security detail, this time he is a heavily guarded man — with a siren and roar of escort cars announcing his arrival.

Since his arrival at the Jomo Kenyatta International Airport on Sunday evening, Annan has been in the company of up to 12 police officers at any given time — all drawn from Police headquarters, Diplomatic Police, and UN office in Nairobi.

He has been assigned a team of uniformed and plainclothes officer trailing his movements to keep vigil at all times, in a manner that has raised curiosity.

While standard procedures for UN emissaries, and the threat of terrorism and international politics of rivalry dictate vigilance for top officials, security has clearly been beefed up for the mediator operating under the auspices of the African Union.

Those believed to be in the list Annan handed over to Ocampo, include business and political elite who may want to frustrate his efforts to haul them before the international court for trial.

Similarly, anyone out to put the Grand Coalition Government in trouble could pull the trigger in the hope it would be blamed for it.

Chances are also not been taken on his life given his sensitive position, his links with the international community, especially the US, which has myriad enemies.

This is made more worrying by the proximity of lawless Somalia to Kenya and the perception it is the new haven of terrorists.

In any case Kenya has suffered two terrorist attacks, one of which destroyed the US embassy in Nairobi in 1998. In both cases, some of the suspects fled to Somalia.

Intelligence sources indicated that getting Annan out of the way would be an attractive option for those who know they could be targeted when the ICC moves in to investigate, as he has come to represent the face of reforms in Kenya.

And coming only weeks before Ocampo's own visit to meet President Kibaki and Prime Minister Raila Odinga, Annan is seen as the most potent threat to some powerful individuals bent on forestalling their possible prosecution.

Sources said intelligence officials felt that Annan was coming at a time the deadline for the working timetable of the International Criminal Court chief prosecutor had lapsed, opening the way for The Hague to take over.

Annan had handed over the list of those who may be indicted by the ICC last July to Ocampo. The list contains names of some prominent local politicians, including Cabinet ministers, top civil servants as post-election violence suspects.

"There is a general feeling that Annan is coming here to pave the way for Ocampo, who is expected at the end of the month to take over his cases," said a top security official, who is familiar with the intelligence brief behind Annan's security.

"It was prudent that such measures are taken to ensure his safety at all times while he is here. None would want to see something bad happen to him," said the official.

It is likely that after Annan and Ocampo's visit, ICC may issue a shocking statement that will touch on political careers of many.

Moreover, the proposed reforms in key sectors as the electoral body would ensure level-playing ground that some politicians may be opposed to, and would prefer the Kibaki succession is waged in the existing skewed framework.

Diplomatic and intelligence sources intimated that implicated individuals in Government may be asked to step aside to pave the way for reforms, and the implementation of Agenda 4, further upping the stakes that necessitate enhanced security.

### **Pushing for reforms**

There was also the notion that anti-reformists, or those who have been in the forefront claiming the reform agenda is on course and in schedule were not happy with Annan's coming.

"You cannot take chances when such a man is coming at a time some people's jobs are at risk," added our impeccable source.

Annan is here to push for various reforms in the Judiciary, police and the Constitution that will, in the end, see a number of top Government officials lose their jobs.

The head of the team guarding Annan is a superintendent of Police Dominic Kisavi from the Police headquarters' operations department.

His detail is only comparable to that of the Prime Minister Raila Odinga and Vice-President Kalonzo Musyoka's who have hi-tech communication gadgets.

Like the two, Annan enjoys an escort team with blaring sirens to clear his way, and a team of armed officers riding in a Land Cruiser

"They don't use walkie-talkies as it has been in the past. They were supplied these equipment by the UN to ease his movements while here," said a senior security official who sought anonymity, because of the sensitivity of the issue.

In addition, since his arrival Annan has been using private Mercedes Benz cars, with local registration numbers. He previously rode in a Government car.

At Serena Hotel, security agents have been using sniffer dogs to check vehicles at a barrier before they are let in. Only security vehicles and those of the hotel dropping guests are allowed near the entrance.

### **Tight security**

Security agents have been vigilant every step of the way. This began with the booking of his suit at Serena Hotel by officials from the Kenya National Dialogue and Reconciliation Monitoring team. Several armed GSU officers were positioned at strategic positions at JKIA during his arrival on Sunday.

According to insiders, this was aimed at ensuring his room was not bugged. Last year, there were claims Government agents had bugged his room to monitor his communication with the international community on the development of the talks.

"This time the security is tight and is being done by his people who booked the rooms and drew out his itinerary. I think they do not want to make any blunder," said another senior officer.

Mr. Robert Watkinson of Portland International Affairs, Annan's public relations agents, said he could not give the comparison between Annan's security now and the last time he was here.

Speaking to The Standard, he said: "I'm afraid that, for the obvious reasons, I simply cannot comment on the security arrangements around Mr Annan's visit to Nairobi and how they relate to previous visits to Kenya."

Police spokesman Eric Kiraithe downplayed the heightened security and said it is the responsibility of the State to ensure guests and the citizens stay safe.

## Radio Netherlands Worldwide

Wednesday, 7 October 2009

### Dutch push harder to prosecute genocide

By Thijs Bouwknecht



*The Hague, Belanda*

The Dutch Justice Minister, Ernst Hirsch Ballin, has drafted a bill that will extend the possibility of detecting and prosecuting genocide. The bill allows the Netherlands to better address war crimes and genocide suspects retroactively

and to work closer with international criminal courts. The proposed bill stipulates that cases dating back as far as 1966 could be dealt with.

*By Thijs Bouwknecht*

At present, the Netherlands has sufficient jurisdiction to prosecute aliens suspected of international crimes, including genocide. But that law applies only to crimes committed after 1 October 2003. For older cases, the Dutch Genocide Convention Implementation Act applies, whose jurisdiction is limited.

#### Dutch citizens

Prosecution is only possible if the crime of genocide was committed by or against a Dutch citizens. This means in the case of the genocide in Rwanda (1994) or Srebrenica (1995), Dutch prosecutors are not able to charge genocide, the most serious crime under international law. Instead, prosecutors are forced to submit charges of war crimes or torture.

Therefore, the Dutch Minister wants to expand the International Crimes Act. IN this way genocide dating as far back as the entry into force of the Genocide Convention Implementation Act: 18 September 1966:

"It is unacceptable that an alien who is otherwise guilty of genocide is immune from prosecution, because the Netherlands before the time of the crime had no jurisdiction. This is an undesirable signal to victims and their families," the Minister wrote in a statement. However, he added that he will be cautious in granting retroactive effect."

#### Refugee cases

The new measure comes as Dutch prosecutors and the special investigation team on international crimes expects more old criminal cases in the coming years. The vast majority of these cases deal with refugees suspected of international crimes, or so-called F-1 cases. Examples include the Rwandan massacres, the wars in Afghanistan in 1978-1992 and in particular the conflict in the former Yugoslavia.

## **Cooperation with international courts**

The new bill also regulates the extradition of genocide and war crimes suspects to other countries and international courts. Because of The Netherlands' responsibility as the host of various courts and tribunals, Ballin finds it desirable that all international extraditions to countries and international courts for crimes - as defined in the Rome Statute, that govern the ICC and the International Crimes Act - are possible.

Furthermore Ballin added a provision allowing Dutch courts to take over cases from international criminal tribunals. Under the existing law, it is not possible to try suspects of the UN tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), the International Criminal Court (ICC), the Special Court for Sierra Leone (SCSL) or the Special Tribunal for Lebanon (STL).

The ministers states that 'the ability of international courts to prosecute suspects of international crimes and justice, is not unlimited. Because of the limited mandate and temporary nature of international courts they focus primarily on the prosecution of their high level suspects," the Minister says. "The persons suspected of lesser crimes should be left or transferred to the Dutch authorities."