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:
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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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The Vice President Alhaji Sam-Sumana has accepted the invitation of representatives of the Special Court in Sierra Leone to give the Keynote Address at a colloquium of international criminal tribunals over the week-end in Freetown.

At that meeting the prosecutors will look at the best prosecution practices and focus on the necessary steps to close the courts as several of them are nearing the completion of their mandates.

The Colloquium is held regularly, and allows Prosecutors to address issues common among all the international courts and so...
Vice President to Address International Prosecutors

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further the development of international criminal law and practice. This year’s Colloquium will be hosted by SCSL Prosecutor Brenda J. Hollis in Freetown, Sierra Leone. “It is significant that the Colloquium is being hosted by the Special Court for Sierra Leone, since the SCSL will be the first international court to complete its mandate and transition to a residual mechanism,” Ms. Hollis said. She noted that the 2005 Colloquium was also held in Freetown, three years after the Special Court’s inception. “In 2005 the Special Court was in the early phases of its mandate, and it was invaluable for us to look to the experience of our sister tribunals,” Ms. Hollis said. “Today we are far advanced in considering what comes after the Court closes, in terms of Legacy and Residual Issues. This is an area where we may provide some guidance.” The Colloquium will bring together international and national legal experts, scholars and diplomats, along with local and international civil society and human rights activists. Joining Ms. Hollis from the Special Court’s sister tribunals are ICTY Prosecutor Serge Brammertz, ICTR Prosecutor Justice Hassan Bubacar Jallow, International

Brenda Hollis, Special Court Sierra Leone

Co-Prosecutor Andrew Cayley of the Extraordinary Chambers in the Court of Cambodia, STL Chief of Prosecutions Daryl Mundis, and the Deputy Prosecutor of the permanent International Criminal Court, Fatou Bensouda. The Special Court for Sierra Leone will showcase its work toward efficiently and effectively completing its mandate, transitioning to a Residual Court, and its efforts to engage the national government and local population to leave a lasting legacy.
Special Court May Close Soon

Prosecutors from the world’s six international criminal tribunals will meet in Freetown this weekend to look at best prosecution practices and to focus on the necessary steps to close the courts as several of them near the completion of their mandates.

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Prosecutor Justice Hassan Bubacar Jallow, International Co-Prosecutor Andrew Cayley of the Extraordinary Chambers in the Court of Cambodia, STL Chief of Prosecutions Daryl Mundis, and the Deputy Prosecutor of the permanent International Criminal Court, Fatou Bensouda.

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Continued page 3
A 91-YEAR-OLD former Nazi death camp guard has been found guilty of helping to kill thousands of Jews. Evil John Demjanjuk, from Ohio, US, was convicted by a German court of acting as an accessory to murder at the Sobibor concentration camp in Poland - where 250,000 Jews were killed.

Demjanjuk sat in a wheelchair before the judges as they announced their verdict, but showed no reaction as he was sentenced to five years in prison.

Ukrainian-born Demjanjuk, who was once top of the Simon Wiesenthal Center's list of most wanted Nazi war criminals, said he was drafted into the Soviet army in 1941 then taken prisoner of war by the Germans.

Demjanjuk attended the 18-month court proceedings in Munich - birthplace of Adolf Hitler's Nazi movement - in a wheelchair and sometimes lying down, with his family trying to argue that he was too frail to stand trial.

His son, John Demjanjuk Jr, said in an e-mail ahead of the verdict that his father was a victim of the Nazis and of post-war Germany.

He said:

"While those who refuse to accept that reality may take satisfaction from this event, nothing the Munich court can do will atone for the suffering Germany has perpetrated upon him to this day."

Prosecutors had faced several hurdles in proving Demjanjuk's guilt, with no surviving witnesses to his crimes.

There was a heavy reliance on wartime documents, namely a Nazi ID card that defence attorneys said was a fake made by the Soviets.

He was cleared in a separate Holocaust trial two decades ago in Israel, where he was initially sentenced to death for being the notorious "Ivan the Terrible" camp guard at Treblinka in Poland.

The ruling was overturned by Israel's supreme court after new evidence exonerated him.

Guards at Nazi death camps like Sobibor were essential to the mass killing of Jews because extermination was the focus of such camps, prosecutors said.

Some 250,000 Jews were killed at Sobibor, according to the Wiesenthal Center.

Defence attorney Ulrich Busch told the Munich court on Wednesday that even if Demjanjuk did become a prison guard, he did so only because as a prisoner of war he would have either been shot by the Nazis or died of starvation.

Demjanjuk emigrated to the United States in the early 1950s and became a naturalised citizen in 1958 where he worked as an engine mechanic in Ohio.
The International Criminal Court bares its teeth

Many Africans resent the ICC, but recent events suggest that they may now be less able to ignore it.
against Libya in February, arguing that it may mark a milestone in the nine-year-old outfit’s struggle for worldwide acceptance.

America’s change of heart has helped. Once a fierce critic of the court, it has, in the words of an American official, “reset its default...from hostility to positive engagement” under Barack Obama. But future backing for ICC referrals from Russia and China is far less likely. Most of the Arab world refuses to accept a court that much of the poor world still sees as a Western-dominated tribunal, intent on holding the have-nots to account while giving impunity to the rich and powerful. Jordan is the ICC’s only Arab member.

These days the ICC’s biggest opponents are in Africa, which provides the court with its biggest group of members (31 out of 114) and is the scene of all the cases currently being investigated or prosecuted: in the CAR, Congo, Côte d’Ivoire, Kenya, Libya, Sudan and Uganda. Accusing the court of unfairly targeting African countries, the 53-member African Union (AU) is again calling for “African solutions to African problems”. It particularly dislikes the court’s increasing willingness to go after sitting presidents. At its summit next month it plans to extend the authority of its African Court of Justice and Human Rights to cover criminal as well as civil cases. International lawyers such as Richard Dicker of Human Rights Watch, a New York-based lobby, see this as an attempt to circumvent the ICC.

It may not work. The reason so many African cases are before the court is not because of bias; all the ICC’s cases have been referred to it either by the UN Security Council or by the countries themselves. It is because the standards of justice in Africa are often poor. Courts in many parts of the continent are packed with pliant judges keen to do their masters’ bidding. Moreover, attempts to create a regional system of African justice have so far failed. The African Court, under the AU’s aegis, has never issued a ruling of note. The AU’s pledge to ensure that Hissène Habré, held responsible for thousands of deaths as Chad’s president in the 1980s, is brought to justice has not been fulfilled. The Southern African Development Community’s tribunal, set up in 2005, has been virtually suspended since Zimbabwe refused to accept its ban on the expropriation of white farms and the 15-country regional club proved reluctant to enforce its rulings.

The ICC was set up as a court of last resort. It may not take on cases if the country concerned has a competent, independent justice system ready to prosecute alleged perpetrators and give them a fair trial. Its statutes say nothing about having to defer to regional courts. Many autocratic African leaders appear ready to protect their erring colleagues from the law in case they may one day need the favour returned. The AU has been trying for three years to get the Security Council to suspend the ICC’s proceedings against Mr Bashir. Kenya, which as an ICC signatory is obliged to help arrest all court indictees, welcomed Sudan’s leader to Nairobi, its capital, last year. Mr Bashir merrily visited Djibouti, an ICC member, earlier this month.

The ICC’s big weakness, apart from its astronomical cost and drawn-out procedures, is its dependence on others to help arrest suspects. But even this may be changing. South Africa and Botswana have said Mr Bashir is not welcome. Congo has handed over three of its suspects to the court and France a fourth, while Belgium has handed over Jean-Pierre Bemba, a former Congolese vice-president, for alleged atrocities in the CAR. America is actively supporting the hunt for four rebel leaders of Uganda’s Lord’s Resistance Army, which continues to wreak havoc in the region. Some suspects, including three Darfuri rebel leaders and six Kenyans, have appeared voluntarily before the court. Five others are in custody, including four on trial. So the court, though still widely regarded in Africa with suspicion and sometimes even derision, may yet prove to have teeth.
Amnesty Says Rights Abuses Plague Africa

Amnesty International says the aspirations of many people in sub-Saharan Africa were not fulfilled in 2010 because their human rights were not respected and protected.

The rights advocacy group said in its annual report, released Friday, that human rights violations including extrajudicial executions, torture by security forces and the banning of peaceful protests still plague many African countries.

The group said abuses by police were among the many violations it documented. It said numerous cases of torture and ill-treatment by police were reported in South Africa in 2010 and it noted that in Mozambique and Guinea, police used live ammunition against protesters.

Amnesty said prisoners died in custody after ill-treatment in a number of countries, including Burkina Faso, Cameroon, the Democratic Republic of Congo, Eritrea and Ghana.

The report also raised concern about violence and human rights violations that marred elections in some countries, saying that in nearly all cases, the violations were committed with total impunity. The group cited elections in Ethiopia, Burundi, Rwanda, Guinea and Ivory Coast.

Despite a general trend towards the abolition of capital punishment across the continent, Amnesty said death-row inmates in Equatorial Guinea, Sudan and Somalia were executed, often after unfair trials.
Ruto's bid to contact witnesses halted

By Evelyn Kwamboka

Eldoret North MP William Ruto’s efforts to contact his witnesses to testify in his favour have been thwarted.

Pre-Trial Chamber judge Ekaterina Trendafilova Thursday said the legislator and radio presenter Joshua arap Sang must first go through the International Criminal Court’s Victims Witness Unit (VWU).

The decision was made moments after the judge dismissed the International Commission for Jurists (Kenya’s) bid to furnish the court with observations on the Government’s investigation into post-election violence.

Court’s decision

On Ruto’s application, the judge said it is her responsibility to establish a system that would achieve objectives touching on the defence. They include ensuring that the defence communication does not put witnesses to any risk and the suspects to prepare their defence.

It is the court’s decision that such communication should take place as soon as the defence has approached potential witnesses and become aware of their identities. This should also be before interviews with the persons in question are done.

"This applies to all potential witnesses, as the VWU is best placed to ascertain the existence of risk and/or to provide assistance and advice to the defence," the judge ruled.

Protection of witnesses

Through his advocates, Ruto proposed that he makes preliminary contacts with all potential witnesses, for the purpose of ascertaining whether the person in question consents to be interviewed by the defence.

In his response, ICC Prosecutor Luis Moreno-Ocampo argued that the modalities are necessary to ensure protection of witnesses.

The ICJ in its application wanted to be allowed to submit its observations to the court in the case in which the Government is challenging admissibility of the charges against six post-election violence victims.

The observations were to allegedly assist the Chamber in proper determination of the Government’s case.

Local justice mechanism

The observations were on the track record of the Government in investigating and prosecuting crimes, effectiveness of the efforts made to establish a local justice mechanism to deal with post-election violence cases and the actual progress in implementing both judicial and legislative reforms at the national level.

It also wanted to give its observations on the existence of political will in pursuing accountability for post-election crimes.

This comes a day after the ICC Prosecutor released the first tranche of evidence he intends to use against the suspects. The evidence includes newspaper cuttings and video clips.
Uganda Obliged to Arrest Bashir in Kampala, Says ICC Top Official

Peter Clottey

Photo: AP

President of the Assembly of State Parties to the Rome Statute of the International Criminal court, Christian Wenaweser (file photo)

An official of the International Criminal Court [ICC] said as a signatory to the Rome Statute, Uganda is obligated to arrest and hand over Sudanese President Omar Hassan al-Bashir to the court, if he travels to Kampala.

President Yoweri Museveni is scheduled to be inaugurated for his fourth term of office today (Thursday.)

“What is important from my perspective,” says Ambassador Christian Wenaweser, “is that a state party fully cooperates with the court. If the president of Sudan does not attend this event today, then we have no concern of cooperation,” he said.

Uganda has officially invited President Bashir to attend Museveni’s installation.

Wenaweser said he is satisfied with Ugandan government assurances that President Bashir will not attend today’s ceremony, despite the invitation.

“It will be difficult to not formally extend an invitation to any head of state,” he said. “But as long as that invitation is accompanied by a message that that state also fulfills its obligation under the Rome Statute, that is sufficient.”

The Hague-based court has indicted Bashir for allegedly committing war crimes against the people of Darfur, a charge Khartoum denies.

Some human rights groups have accused Uganda’s administration of undermining its signatory status to the Rome Statute by inviting the Sudanese leader.

But Ugandan government spokesperson Kabakumba Masiko said Bashir was invited as leader of Sudan, in accordance with regional and diplomatic protocol.

“President Bashir was invited as our neighbor. But I think it is up to him to decide whether to come or not. In any case, he is free to delegate [somebody else],” said Masiko.

Meanwhile, about 18 heads of state and government have arrived in Kampala to take part in Museveni’s installation to his forth five-year term as president.
ICC Reports Djibouti to UN over Bashir Visit

The International Criminal Court has reported Djibouti to the United Nations for failing to arrest Sudanese President Omar al-Bashir during a recent visit.

Mr. Bashir is wanted by the court on charges of war crimes, crimes against humanity, and genocide in Sudan's Darfur region.

However Djibouti, an ICC member state, did not arrest the Sudanese leader during a visit last week for the inauguration of President Ismail Omar Guelleh.

In a statement on Thursday, the ICC pointed out that all member states have an obligation to cooperate with the enforcement of ICC arrest warrants.

The court said it notified the U.N. Security Council “in order for them to take any measure they may deem appropriate.”

Mr. Bashir's visit to Djibouti's capital marks the third time he has visited an ICC member country without being arrested. He has also attended events in ICC member states Kenya and Chad. Each visit has been criticized by human rights groups.

The Sudanese leader was invited to the inauguration of Ugandan President Yoweri Museveni on Wednesday but did not attend.

Sudan's government has been fighting rebels in Darfur since 2003. The ICC accuses Mr. Bashir of masterminding a campaign of murder, rape, and other crimes against civilians in the region.

The U.N. says fighting and related violence in Darfur have killed an estimated 300,000 people and displaced some 2.7 million.