Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office as at:
Monday, 3 October 2011

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Out-of-Court settlements encourages Gender abuse

The continuous violation and abuse of women's rights in the country, indicates a cycle of impunity with most of the victims left to suffer in silence.

By Alpha Bedoh Kamara

Mr. Ibrahim Tommy

The Director of the Center for Accountability and the Rule of Law in Sierra Leone, Ibrahim Tommy said issues compounding the suffering of women and the girl-child are traditional and cultural practices, and that the practice of settling gender-based cases out-of-court reinforces the culture of impunity. Tommy said one of their many activities to address issues of violence and abuse is the provision of legal advice to victims, but that they are looking at the option of providing legal aid to victims by 2013.

"Gender and sexual-based violence is becoming a concern in Sierra Leone and the inability of law enforcement institutions to clamp down on perpetrators, makes victims more vulnerable," he said, adding that those found culpable should be brought before the law.

"We know there are traditions and customs but when they conflict with the general law, then the law should reign supreme," he said, adding that wife-battering is wrong, criminal and inexcusable. "This is where we need community monitors," he said, adding that undue delays in court also make victims of gender based violence stop accessing the legal justice system.

“This makes victims stop believing in the system and will instead turn to fatalistic solutions,” he said.

He said there is still an ever-increasing loyalty to traditional beliefs and practices, especially as most communities have codes of secrecy and will do everything to protect their members.

According to Adama Senessie, a legal aid official in Makeni, most of the victims of rape are ashamed of going public and that the abuse is most often addressed amongst the elders.

She said reports of violence and abuse of women and the girl child are common while the police are very often constrained to take action. “For these issues to be addressed in our communities, women must be empowered through education and application of the rule of law,” she said.

“The police and the Government cannot be everywhere to ensure the people abide by the laws, and that is why we

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Out-of-Court settlements encourages abuse

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believe in empowering community monitors to monitor abuses and violations of women's rights in their communities," he said.

Tommy said in their quest to reach their goal, especially in the rural sector, they have trained monitors in Makari Gbanti, Bombali Shebora and Nongowa Chiefdoms, among others.

“We think this is a novelty in terms of combating sexual and gender-based violence,” he said, adding that their goal is for the monitors to serve as watch dogs against those who have the potential of committing violence and abuse.

“The monitors will ensure that alleged cases of abuse and violations are reported to the police,” he said.

He also said that another activity they undertake to expose cases of abuse and violation is by producing newsletters, so that those in authority will know the many silenced issues and take action.

[Note: Ibrahim Tommy is the Director of the Centre for Accountability and the Rule of Law. He formerly worked for the Special Court.]
2012: President Koroma invites ICC prosecutors

By Mohamed Massaquoi

While receiving final reports of investigations into recent political uprisings in the southern and eastern district towns of Bo and Kono, President Ernest Koroma stated that it was significant for prosecutors of the International Criminal Court (ICC) to strictly monitor the country's democratic process particularly as the 2012 general elections draw nearer.

President Koroma said with the ICC's observation, politicians who incite, finance, coordinate and entice youths to engage in violence activities ahead of the forthcoming presidential and legislative elections would be brought to justice.

Speaking at the State House on Friday while addressing ministers, members of the Sierra Leone Police and representatives of the investigating committees, the country's number one man said political violence and intolerance were no longer acceptable by his administration and that politicians will now be held responsible for any undertaken that has the potential to breach peace and stability in the country.

"We have established democratic credentials; we will not allow anybody to derail the process. This investigation will serve as a warning to all our political supporters that they should not take the law into their hands," President Koroma said. "Also, political leaders should now be responsible for any wrongdoing during political activities. This responsibility will not only be limited to the Sierra Leone Police. All of you know what is currently happening in Kenya where some politicians are being tried by the ICC. There will be no hiding place as we are moving towards the 2012 elections. We should write to the Prosecutors to ensure that anybody who provides that kind of leadership should be investigated."

He thanked members of the investigation committees for the credibility and trust demonstrated in bringing out the clear picture of the incidents. He urged the police to strictly follow the evidence and bring those responsible for the ugly incidents to book.

"This should be a deciding moment for this country that political tolerance should be the order of the day. I am instructing the police to follow the evidence. If it leads to members of the All People's Congress, so be it," the President declared. "This will also serve as an advice to politicians. This is an important moment as we gear towards the 2012 elections. We should ensure that the rule of law is maintained and nobody is above the law. People should be allowed to elect their leaders freely without any hindrance."

It is worthy of note, that one of the cases of political violence investigated by the committees set up by President Koroma early last month occurred when the presidential candidate of the opposition Sierra Leone People's Party (SLPP), Brig. Julius Manda Bio (rtd) went on a “Thank You” tour to his party supporters in the south and east of the country. Brig. Bio was reportedly attacked by members of the ruling APC who allegedly pelted stones at his convoy resulting to Mr. Bio and some of his supporters sustaining injuries.

The other incident happened in Kono. Minister of Internal Affairs, Musa Turaywallie, was reportedly attacked by supporters of the Vice President Chief Sam-Sumana for politically-motivated reasons.

However, after these developments, that prompted President Koroma to establish investigations and findings have been made, there are doubts that the reports would be made public.
President Koroma spits fire
“There will be no hiding place”

In a no nonsense mood President Ernest Bai Koroma has issued a stern warning to political leaders and political followers that “there will be no hiding place for anybody.”

The President made these comments during the presentation of two reports on political violence in the month of September 2011. The first report was done by Acting Director of Police Community Relations Soloku Conteh on the Koro incident and the second report on the September 9th incidents in Bo was done by an Independent Investigation Panel.

President Koroma said that he set up the independent investigation panel for Bo “because of the peculiar nature of the incident and the circumstances we are coming from.” Pointing out that it was the sole duty of the police to handle such issues, the president said he decided to include institutions and organizations who have a stake in the political process in the country because he wanted the report of whatever nature to be a report that is accepted and a report that would be credible.

President Koroma reiterated that the independent investigation panel “is not a commission of enquiry, it is a committee that was set up to help the investigations so that it becomes credible.” He said that “the understanding is that this should be a defining moment in this country to send very clear signals that tolerance, political tolerance should be the order of the day. That violence should not be accepted in whatever form and wherever it comes from.”

The President stated that even as he was going to look at the report, he has instructed the Police “to follow the evidence and take a swift and appropriate action wherever the evidence leads you. If the evidence leads you to the APC so be it SLPP, PMDC wherever the evidence leads you, we must take appropriate and definitive actions now.”

He thundered, “This must be a warning to all of our political supporters, to all of them without exception that if you decide to take the law into your own hands you will have yourself to blame.” He added “it is also going to be a warning to the political leadership that we have a responsibility to provide a responsible leadership at this point in time.”

President Koroma pointed out that “we know what is going on now in Kenya,” adding that “any political leader who decides to provide a leadership that will encourage violence will take responsibility and there will be no hiding place for anybody.” He warned “there will be no hiding place, we will charge you here and the International Criminal Court (ICC) will also handle anybody and there will be no exceptions.”

With a determined frown on his face, President Koroma threatened that “as we are moving to the elections, maybe we have to put on notice the (ICC) prosecutor to be watching the Sierra Leone environment, to ensure that anybody that provides that kind of leadership will be investigated and there will be no hiding place.”

Directing his comments to the 2012 elections, President Koroma said “it is very very important that we all know that the rule of law should reign supreme in this country.”

He again warned “Nobody is above the law, no political leadership is above the law no political followers are above the law, (and) everybody will be subjected to the law.” He went on “the people of this country must be free everywhere in the country to associate themselves with any political party, with any candidate, be it a councilor, a member of parliament, a presidential candidate, they should have to be free to go out there and vote for the candidate of your choice.” He said “at the end of the day the results should be an accurate reflection of the polls, that is what democracy is all about, it is not a matter of life and death, it is not about raising private armies here and there.”

In the same vein he instructed that “with immediate effect the security of a presidential candidate of any political party who goes through the process, should be the responsibility of the state - so the issue of building private armies, private securities should no longer be a concern and the police are instructed accordingly.”

The President stressed that “As a country we have come a long way. We already have established democratic credentials and these democratic credentials are earning us a lot of respectability. We must maintain these democratic credentials and we will not allow anybody to derail that process.”

I decided to set up this committee because I wanted the report of whatever nature to be a report that is accepted and a report that would be credible I know that it is the full responsibility of the police to carry out such action but because of the peculiar nature of the incident and the circumstances we are coming from that is why I decided that it should be broadly based, that was why I also decided that we should have included in the committee institutions and organizations who are stake holders in the whole political process. So if we had the committee.
set up that was the rationale let me thank you all of you and the institutions you represent for giving this quick response to your country.

Now the committee is a commission of inquiry it is a committee that was set up to help the investigations so that it becomes credible, I have not looked at the report but the understanding and the commitment I made was that the composition is credible composition and we expect a credible report.

And the understanding is that this should be a defining moment in this country to send very clear signals that tolerance political differences should be the order of the day. That violence should not be accepted in whatever form and wherever it comes from.

So whilst I will be looking at the report I will also instruct the police to follow the evidence and take a swift and appropriate action whenever the evidence leads you, if the evidence leads you to the APC to be it SLPP, PAEC where the evidence leads you we must take appropriate and decisive actions now.

As a country we have come a long way. We already have established democratic credentials and these democratic credentials are earning us a lot of respectability. We must maintain these democratic credentials and we will not allow anybody, to deraile this process. So like I said whenever the evidence is in hand you must follow.

This must be a warning to all of our political supporters to all of us without exception. If you decide to take the law into your own hands you will have yourself to blame and it is also going to be a warning to the political leadership that we have a responsibility to provide a reasonable leadership at this point in time.

If you provide a leadership that will send signals of endorsing violence you will take responsibility for it. Now let me also say to you, if you're looking for the responsibility will not only be limited to the Sierra Leone Police, we know what is going on now in Kenya, any political leader who decides to provide a leadership that will encourage violence will take responsibility and there will be no hiding place for anybody, there will be no hiding place we will charge you here and the international criminal court will also handle anybody and there will be no exceptions.

And as we are moving to the elections we must put on notice the prosecutor to be watching the Sierra Leonean environment to be watching the Sierra Leonean environment to ensure that anybody that provides the kind of leadership will be investigated and there will be no hiding place.

I also believe that as a nation we must build our institutional capacity we should not wait until members of the International Community tell us what to do under... circumstances and I am happy that this has been an issue that has been Sierra Leonean and it is going to be resolved by Sierra Leoneans. It is demonstrating to the world that we are coming of age our institutions and organizations now have the capacity to handle issues all by themselves and as we are coming of age let me advise that subsequent issues will not be given to a committee, I do expect that the police will develop the capacity to... quickly handle situations put situations under control and take the appropriate action that is what I expect.

Matters like these should not be referred to the leadership like it is happening in other countries the police should be in complete control take appropriate action there and then and follow up with whatever changes you think appropriate at the point in time.

So we have to build our institutional capacity. I know there are challenging moments but I do hope that with effort from this point in time we will sort out the situation where we will have to set up a committee again or a commission of inquiry again because we do expect that the police will develop the capacity to ensure that the appropriate actions are taken.

Let me also use this opportunity to instruct the AGs office to pay attention to this commission of inquiry of which a follow up action has not been taken one is the Sierra Leone commission of Enquiry the other is I think the prison breakout and there is a third inquiry which we need to follow through let the ARB please ensure that in the next cabinet meetings as these issues are being considered we must follow the process of submitting the report so that cabinet will come up with a white paper on these issues so that we conclude them.

I believe this is an important moment for all of us in this country and that we have come a long way in establishing ourselves as a democracy and as we are geared towards having the 2012 elections it is very very important that we all know that the rule of law should reign supreme in this country. Nobody should above the law no political leadership is above the law no political followers are above the line, everybody will be subjected to the law.

The people of this country must be free everywhere in the country to associate themselves with any political party. Any candidate be it a councilor a member of parliament a presidential candidate they should have to be free to go out there and vote for the candidate of your choice at the end of the day this result should be an accurate reflection of the... that's what democracy is all about it is not a matter of life and death it is not about rating private armies here and there. With this as I have instructed and from this point the police are given instructions that everybody complies with the law and let me also say that to ensure that protection is given to everybody the state should take responsibility for the security of anybody that goes through the process of becoming a presidential candidate of one or another political party.

So with immediate effect the security of a presidential candidate of any political party who goes through the process should be the responsibility of the state as the issue of building private armies private societies should no longer be a concern and the police are instructed accordingly.

So finally let me thank all of you I will look at the report but as I am looking at the report I will also instruct to follow the evidence in the report so that swift and appropriate action is taken. I will also appeal to members of the judiciary to ensure that we pay some attention on these issues so that very clear and definitive signals are sent out there to every Sierra Leonean that all of the issues of political violence should be history and the police are expected to be fully in charge with immediate effect.
The Guardian
Saturday, 1 October 2011

Muammar Gaddafi and the justice tyrants face

Mark Vlasic

If the Libyan dictator is taken alive, Libyans will decide how he will be tried. We forget how recent a historical precedent this is.

Former Libyan leader Muammar Gaddafi in Rome in 2009; if captured alive, Gaddafi likely faces a tribunal prosecution in Libya for crimes against humanity. Photograph: Reuters/Max Rossi

When Interpol announced its "red notice" arrest warrants for Muammar Gaddafi and his son, Saif al-Islam, it served as a reminder that if they are captured, it won't just be the Libyan rebels knocking at the Gaddafi door, but also the knock of justice. Times have changed since "Brother Leader" took power in 1969. Back in the 20th century, and for all the centuries before it, no head of state had ever been brought to justice for war crimes. But in this new century, the drumbeat of justice has gotten louder – and it has taken its toll on some of the most infamous dictators of our time.

Slobodan Milosevic, Saddam Hussein and Charles Taylor never thought they'd find themselves in the dock – but they did. And if Gaddafi is captured alive, whether he will be tried at home or abroad, justice will be served; and the impunity so often enjoyed by dictators of the past will find itself in "the dustbin of history".

With the UN's recent recognition of the Libyan Transitional National Council (TNC), the TNC must consider what to do with Gaddafi – and how the former "colonel" will be held accountable for the atrocities perpetrated on his watch. This decision will determine whether the Gaddafi's path to justice will follow that of a domestic court, an international ad hoc or hybrid tribunal, or the permanent International Criminal Court (ICC) in The Hague.

The forums in which former heads of state have been tried have been diverse and widespread. When Slobodan Milosevic was captured following the war in the Balkans, justice was done via a United Nations-formed ad hoc tribunal. A UN security council-charted institution, the International Criminal Tribunal for the former Yugoslavia – where I once served – was established to investigate and prosecute war crimes, crimes against humanity, genocide and grave breaches of the Geneva conventions, perpetrated after 1991. With this mandate, the ICTY indicted 161 individuals, and recently captured its last remaining targets, including Bosnian-Serb General Ratko Mladic, indicted, in part, for his role in the Srebrenica genocide.
More recent trials of heads of state, including Saddam Hussein of Iraq and Charles Taylor of Liberia, have incorporated both international and domestic law, operating in hybrid court-type scenarios. In an effort to bring visible justice to the people of Iraq after Saddam Hussein was removed from power, the Iraqi Special Tribunal (IST) was established. The IST operated in Baghdad, under the domestic laws of Iraq, but the judges were also given special training in international criminal law, which complimented the Iraqi criminal code. Charles Taylor, however, is currently being tried in The Hague by a full-fledged hybrid tribunal, the special court for Sierra Leone, which is supported by the United Nations.

In many ways, however, Gaddafi's possible move to the Netherlands may already be in play. After the UN security council's referral of the Libyan matter to the ICC, prosecutors in The Hague pursued a criminal indictment and the court issued arrest warrants for the Libyan leader, as well as his son, and his military intelligence chief, Abdullah Senussi. All three stand accused of crimes against humanity, including killing civilian protesters during Libya's Arab Spring.

It is possible, however, that an ICC, ad hoc or hybrid model of justice for Gaddafi may not provide the visible justice that the Libyan people will demand. In this case, one might consider that only a national court, or truth commission, may provide the accountability and closure of seeing the former tyrant or his henchmen before a local tribunal. No doubt, Libyans are watching Egypt and taking notes as events in Cairo play themselves out.

No matter what path it chooses to try Gaddafi, the TNC may consider establishing a truth and reconciliation commission (TRC). Past TRC-type institutions include the Sierra Leone commission that ran from 2002-2004, the Rwandan Gacaca courts that are ongoing, and the post-apartheid South African truth and reconciliation commission, which invited witnesses who were identified as victims of gross human rights violations to give statements about their experiences, while also giving an opportunity for perpetrators to give testimony and request amnesty from both civil and criminal prosecution.

In the case of Sierra Leone and Rwanda, truth commissions were designed to compliment ad hoc tribunals, which tend to focus on those most responsible for atrocities, thus extending some sense of justice to those who may never otherwise see the inside of a courtroom. In so doing, truth commissions have been effective at providing visible justice to those most acutely affected, by bringing witness testimony and official reforms to local communities.

The TNC maintains that it will pursue the avenue of justice most desired, and most appropriate, for the Libyan people. Accordingly, we must accept that the best option for the Libyan people may not be the one that is pushed by the "internationals". During my time working on the Milosevic prosecution team, I never met a Serb in Belgrade who didn't think that the former "Butcher of the Balkans" should have been tried first in Belgrade for corruption. Many individuals I met during my time at the UN, and since, have expressed to me that they thought the UN war crimes tribunal robbed them of domestic justice when Milosevic was whisked away to The Hague.

Historians may yet decide what would have been best in the case of Milosevic; for the moment, the critical decision in Libya has already been made by the TNC. Gaddafi will be tried for his crimes. And no matter what the forum, with his trial will come the justice his victims deserve to see – and an end to the impunity so often enjoyed by these tyrants.
Côte d’Ivoire: ICC Judges OK Investigation
Important Step for Victims, But Cases for Crimes Prior to Election Also Key

(Brussels, October 3, 2011) – The International Criminal Court (ICC) judges took a major step to ensure justice for victims in Côte d’Ivoire by authorizing the ICC prosecutor to open an investigation into crimes committed in the country’s devastating post-election violence, Human Rights Watch said today.

In May, Ivorian president Alassane Ouattara asked the ICC to open an investigation into the post-election violence, indicating that Ivorian courts would not be able to prosecute those at the highest levels for the worst crimes committed.

“The ICC judges have taken a critical step so that those who committed the gravest crimes in Côte d’Ivoire are held accountable,” said Elise Keppler, senior international justice counsel at Human Rights Watch. “The court responded to the Ivorian president’s request to open an investigation to ensure justice is done.”

A majority of the judges requested the prosecutor to provide additional information concerning crimes committed between 2002 and 2010 within one month in order to take a decision on whether the investigation should be extended to cover this period.

Serious crimes in violation of international law – including war crimes and likely crimes against humanity – were committed by forces loyal to former president Laurent Gbagbo and current president Ouattara between December 2010 and April 2011. Crimes under the ICC’s Rome Statute documented by Human Rights Watch in January, March, April, and June of this year include murder, rape and other sexual violence, enforced disappearances, and intentional attacks against the civilian population.

But the post-election violence capped more than a decade of human rights abuses in Côte d’Ivoire, beginning with the 2000 election violence and the 2002-2003 armed conflict and its aftermath. Human Rights Watch, the United Nations, and others documented grave violations of international law by forces under the control of Gbagbo and by the former rebel army under the current prime minister, Guillaume Soro, including murder, sexual violence, and the use of child soldiers. No one has been credibly prosecuted for the crimes of this period, and a 2004 UN Commission of Inquiry report on crimes during the 2002-2003 conflict has been kept secret.

“The past decade – not just the last year – were marked by horrific abuses in Côte d’Ivoire,” said Keppler. “The investigation should cover crimes committed prior to the election for the ICC’s involvement to have maximum impact.”

In July, 40 Ivorian civil society groups issued a declaration calling for ICC investigations to look back at crimes committed since 2002.

Even if an ICC investigation covers crimes committed prior to 2010, the ICC prosecutor has so far pursued only a small number of cases in situations under investigation. Human Rights Watch called on donor countries and institutions to help Côte d’Ivoire find the support it needs to pursue impartial, independent, and credible domestic prosecutions of serious crimes that violate international law, in addition to ICC cases.
“Justice for Côte d’Ivoire demands more than ICC prosecutions,” said Keppler. “Fair, effective trials before the domestic courts are also needed. Donors should assist Côte d’Ivoire in this effort, especially to ensure proceedings do not target only the Gbagbo camp.”

Domestic criminal investigations and prosecutions have begun for post-election crimes, but they appear glaringly one-sided. Military and civilian prosecutors have brought charges against at least 118 Gbagbo allies for crimes including murder, rape, and the concealment of bodies. In stark contrast to the prosecution of those from Gbagbo’s side, no member of the armed forces loyal to Ouattara during the conflict has been arrested on charges for crimes committed during that period. The pro-Ouattara forces were known as the Republican Forces of Côte d’Ivoire during the armed conflict, but, on September 2, the reunited army chose to revert to its previous name, the National Armed Forces of Côte d’Ivoire (FANCI).

Côte d’Ivoire is not a state party to the ICC, but the Ivorian government in 2003 submitted a declaration giving the court jurisdiction for events after September 19, 2002. Ouattara reaffirmed the declaration at the end of 2010. While such declarations provide jurisdiction, they do not trigger an ICC investigation, which requires a referral by an ICC state party, referral by the UN Security Council, or a decision by the prosecutor to act on his initiative.

Human Rights Watch urged the Ivorian government to ratify the court’s Rome Statute to become a party to the court as soon as possible.

The ICC prosecutor submitted a request on June 23, 2011, to open an investigation into crimes committed following the November 2010 presidential election in Côte d’Ivoire. A decision by the ICC prosecutor to act on his own initiative to open an investigation – known as using his propio motu power – requires approval by the ICC judges.