Students from the American University visited the SCSL in The Hague on 27 March 2012.

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:
Wednesday, 11 April 2012

Press clips are produced Monday through Friday. Any omission, comment or suggestion, please contact Martin Royston-Wright Ext 7217
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Another Salone War Lord.

SENTENCED

By John K. Ahimanyu

45-year-old Victor Bout, born in current Tajikistan (then under the rule of the Soviet Union) African has been sentenced to 25 years jail for fuelling civil war in Sierra Leone and Liberia. This war was waged by Revolutionary United Front in a bid to dethrone Leone's president, Joseph Momoh. The rebels were backed by Charles Taylor who used to mine and sell diamonds for weapons to use in the conflict. The war was marked for its grotesque acts where citizens of Sierra Leone had their arms cut off by rebels.

Rebellions in Congo

This includes a series of rebellions, first of Laurent Desire Kabila against Mobutu Sese Seko, and then, various armed groups against Mr Kabila's government. In all these conflicts, Ugandan and Rwandan armies were involved.

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From front page

Unita rebellion in Angola

Jonas Savimbi, the leader of the National Union for the Total Independence of Angola (Unita), waged against the government, which was formed of former anti-colonialism movements, from 1975 to 2002 when he was captured and killed with the help of Portuguese forces. He was last year sentenced to a 25-year jail term by an American court for apparently conniving with Colombian rebels to kill US soldiers, but in Africa, wherever diamonds and conflict appeared, Mr Viktor B’s trail was never far off.

If you love movies enough to keep tabs on what spills out of the factory of motion pictures that is Hollywood, every now and then, you should already have watched the 2005 action thriller, Lord of War. It features Nicholas Cage, who stars as Yuri Orlov, a Ukrainian businessman whose trade is to supply guns, bullets, and all manner of ammunition to wherever and whomever needed them, none of it legal, of course.

However, that character had its roots in an actual human being, a Ukrainian guns trader with a thick bushy moustache and a dark mane of hair. Viktor Bout, now famously referred to as the merchant of death, is known to have supplied the arms that kept war and unrest flaring in no only the conflict hotspots of the world, but also, a little too close to home for comfort—allegedly here in Uganda. He was last week sentenced to a 25-year jail term by an American court for apparently conniving with Colombian rebels to kill US soldiers. His lawyers maintain he is innocent and that they will appeal the sentence. It is, however, not for the crime he was arrested and convicted but rather his other exploits that Mr Bout becomes every reason worthy of note, especially for Ugandans.

From 2008, the year of his arrest and stretching back 20 or so years, there have been numerous armed conflicts in all corners of Africa. And it is simply shocking to see the number of those to whom the merchant of death is attached. Uganda features prominently in Mr Bout’s dealings in Africa. It was used as a conduit for arms he ferried into conflict zones in West Africa, and, unnamed Ugandan individuals, plus Ugandan soldiers, are suspected of having had connections with Mr Bout. Wherever diamonds and conflict appeared in Africa, Mr Bout’s trail was never far off. There were diamonds in Angola, DR Congo and Sierra Leone, all areas that hungrily fed on Mr Bout’s supply of guns and ammunition.

It is said to have supplied the National Union for the Total Independence of Angola (Unita) rebels in Angola, various rebel factions in the Congo, and, is accused of having collaborated with former Liberia president, Charles Taylor, who waged a murderous war in Sierra Leone, using diamonds to buy weapons. Mr Taylor is currently answering charges of crimes against humanity at the International Criminal Court. Both Mr Taylor and the late Jonas Savimbi’s Unita are to have paid for Mr Bout’s arms using diamonds.

A United Nations report from the year 2000 stated that individuals from Uganda and Rwanda, were dealing in illegally mined diamonds from the DR Congo and that they were connected to Mr Bout. The report says he had planned with officials from Rwanda to set up a diamond-cutting factory in the country, an allegation that the Rwandan government denied. The report stated that the Rwandan and Ugandan individuals offered military co-operation to Unita in this trade. Another UN report about the arms lord also highlights that Mr Bout frequently used Uganda as a conduit for arms he was ferrying especially to West Africa. He operated a camouflage airline company that masqueraded as a cargo air-transport outfit.

It is this, in liaison with other camouflage transport and business agencies that were run by his associates, which moved his merchandise around the world, at times under the cover of “technical equipment”. In one such case, a consignment of sub-machine guns that was supposed to be sent back to Slovakia, where Mr Bout usually operated, was instead diverted to Liberia where a war was raging and where an international arms-trade embargo was already in place. When Ugandan officials caught wind of the act, they stopped a second consignment of the same weapons from heading to West Africa.

This raises questions over why Mr Bout’s associates would choose Uganda as the most convenient of all countries on the continent through which to smuggle weapons to Liberia. Could they have done so without a sense of security, say a highly placed official on the inside who would help clear their trade? Such questions and more still linger although there is little if any evidence to point to a specific Ugandan who dealt with the merchant of death.

But Mr Bout’s reach was way beyond Africa, stretching to Colombia, Afghanistan and Iraq. Mark Doyle, a journalist who has covered many conflicts in Africa, reported for the BBC that it became hard to apprehend Mr Bout, even with his very evident connections to criminals, because of his vast network of military connections, and, the fact that the US had been preoccupied with its war on terror.
Suspected Sierra Leone 'war criminal' working as driving instructor in Crosland Moor

"Huddersfield Daily Examiner
Apr 10 2012"

HE has been accused of a list of horrific war crimes.
But former refugee Joseph Lissa, of Crosland Moor, has branded stories about his involvement in a series of atrocities in his homeland of Sierra Leone as 'totally false'.
Lissa, a driving instructor, is accused of being a member of his former country's Revolutionary United Front (RUF).
The RUF, which fought to overthrow the Sierra Leone government in the 1990s, was infamous for its bloodthirsty tactics including the mass murder and rape of entire villages. It is claimed that Lissa was a sergeant in the RUF.
But after several appeals a top judge allowed Lissa to remain in the UK.
Lord Bannatyne said the Home Office's decision to deport him had reduced the grounds for returning him to Sierra Leone. The Home Office believed there were serious grounds to believe Lissa had 'voluntarily participated in killings and rape'.
But Lissa, 31, was able to assemble another case against the Home Office's decision to deport him after he married a British citizen and fathered a child in Huddersfield.
HUMAN RIGHTS COMMISSION OF SIERRA LEONE

PRESS RELEASE

HRCSL Delegation Returns Home with A-Status Accreditation Certificate from ICC

Freetown, 10th April 2012: The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in the National Institutions and Regional Mechanisms Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva, Switzerland, has formally presented the A-Status Accreditation Certificate to HRCSL.

The certificate was presented by Navi Pillay, United Nations High Commissioner for Human Rights on Tuesday, March 20, during the 25th Session of the ICC held at the UN Building in Geneva, Switzerland. This status qualifies the HRCSL to participate in Human Rights Council meetings, vote and be voted for, and hold positions of trust within the international human rights arena.

The accreditation certificate confirms HRCSL’s full compliance with the Paris Principles governing the establishment and operations of National Human Rights Institutions (NHRIs). It is also a testament to the work of Commissioners and Staff who served at the Secretariat from 2006 - 2011. The HRCSL delegation comprised Commissioners Jamesina King and Rev. Moses Khanu, and the Executive Secretary, Mrs Frances Alghali.

HRCSL Commissioners, Moses Khanu and Jamesina King Receiving the A-Status Certificate from Navi Pillay, UN High Commissioner for Human Rights

recommendations and also take the necessary steps required by the HRCSL Act to recruit the remaining three Commissioners to fill in the current vacancies, in order to consolidate the gains of the Commission.
The A-Status accreditation certificate awarded to HRCSL by ICC

The ICC Bureau and Regional Network Meetings, including the Africa Network, preceded the Sessions. Other key issues discussed included NHRIs' Best Practices in following up on the Universal Periodic Review's (UPR) recommendations, NHRIs and Business and Human Rights, the Role of NHRIs in Monitoring, NHRIs and Indigenous Peoples' Rights, Transitional Justice and the Rights to Development and the Environment.

A side event on the theme "Strengthening NHRIs: The Paris Principles and the ICC Accreditation System", organised by the ICC in collaboration with OHCHR formed part of the Session. This event informed a broad understanding of the Paris Principles, the accreditation process and ICC's and OHCHR's activities in supporting compliance by NHRIs of the Principles' requirements.

The 1993 UN Paris Principles provide international benchmarks for the establishment and operations of effective and independent NHRIs. The ICC with support from OHCHR reviews and accredits NHRIs on the basis of the UN Principles every five years. The status of HRCSL will be reviewed again in 2016.

The Commission therefore calls on Government to adequately provide resources for the implementation of HRCSL's mandate as stated in the UPR.
Special Court Denies Funding Taylor’s Family Travel

Winston W. Parley

The UN backed Special Court for Sierra Leone has denied reports that it will underwrite the travel expenses of some members of ex-President Charles Taylor’s family to attend his verdict scheduled for April 26, this month.

The Court’s Chief of Outreach and Public Affairs, Peter Andersen in an email to the editor of this paper Friday, said the Court will rather underwrite the travel expenses of ten members of Liberian and Sierra Leonean Civil Society groups to attend the verdict.

“The Special Court is not paying for travel to The Hague by any of Mr. Taylor’s friends or family members. I can confirm that we are paying for five members of Liberian civil society, and five members of Sierra Leone civil society, to attend the judgment in The Hague,” Andersen noted.

Family sources told this paper recently that the court was to fund the travel expense of some key members of Taylor’s family including some closed allies amongst them a journalist.

Mr. Taylor accused of arming Sierra Leonean rebels, faces 11 charges of war crimes and crimes against humanity. But he had since denied all charges. Special Court officials on March 1, 2012 announced that the much anticipated verdict would be handed down on April 26, a year after the trial ended with closing arguments.

But the announcement was followed by a motion filed by lawyers representing Taylor requesting an extension of the date. Taylor’s defense team filed the motion requesting a change in the trial judgment date due to prior engagement by lead counsel Courtenay Griffiths in a London High Court.

Griffiths had furthered argued that the timing of the ruling, which is on the eve of Sierra Leone’s Independence Day, is in bad taste because a conviction would make Taylor appear as an offering to the people of Sierra Leone. But prosecutors objected the defense request, urging the judges to stand by their originally announced date of April 26.

The request was opposed by the prosecution, who asked that judges reject the motion. In a response to the defense motion, the Prosecution argued that “the Defense has failed to establish that the Accused would be prejudiced if the
judgment in this case was delivered on 26 April 2012 as scheduled.”

Prosecutors furthered argued that if in fact the date for the delivery of judgment was moved from April 26, it will affect Mr. Taylor’s right to a fair and expeditious trial. Prosecutors further argue that the Defense motion only talks about the absence of lead defense counsel and does not say anything about the presence or absence of other members of the defense team.

Thus the judges dismissed the motion noting that when it issued their Scheduling Order on March 1 confirming that the judgment will be delivered on April 26, this gave Taylor’s lead counsel a notice of about eight weeks, which according to the judges “is more than reasonable time for Counsel to make arrangements to be present for delivery of judgment.”

The judges also noted that there are other co-counsel as part of Taylor’s defense team who would be present in court in a case that lead counsel cannot attend proceedings on that day.

The trial opened on 4 June 2007 in The Hague. It was adjourned immediately after the Prosecution’s opening statement when Mr. Taylor dismissed his Defence team and requested new representation. Witness testimony commenced on 7 January 2008, and ended on 12 November 2010. Closing arguments took place in February and March 2011.

The Court heard live testimony from 94 prosecution witnesses, and received written statements from four additional witnesses. The Defence presented 21 witnesses, with Mr. Taylor testifying in his defence.
Even as ICC tries cases, its credibility is equally on trial

By DANN MWANGI

The International Criminal Court was established with the sole purpose of punishing perpetrators who commit crimes against humanity, genocide, war crimes and the crime of aggression and also to deter future occurrences of such crimes.

Previously, there was no permanent court to try such crimes except ad hoc tribunals like the International Criminal Tribunal for the former Yugoslavia, International Criminal Tribunal for Rwanda, and the Special Court for the Sierra Leone, Nuremburg and Tokyo tribunals.

With the rise and continuity of such grievous crimes, such a permanent court was necessary.

In exercising its judicial role, the court uses international criminal law, which is a mixture of Romano-Germanic, that is inquisitorial model and the Common law, which is adversarial model. This makes it unique, as it possesses a legal logic that is greatly different from that of each of those two legal families and also rational criminal proceeding.

The drafters of the Court’s statute adopted the Romano-Germanic model so that virtually all the legal families of world could be incorporated and thus making the court’s statute and rules legally universal. In determining the cases, the court uses the applicable law under Article 21 of its statute and also the general principles of criminal law under Article 22.

This is in consonance with other international criminal courts and tribunals where recourse to judicial decisions and writings of national laws are used to ensure fair trials.

However in some circumstances, the court is cautious when relying with judicial decisions of other international courts as noted in the Kenyan case by Judge Ekaterina Trendafilova.

In its judicial process, court is also supposed to rely on internationally recognised human rights instruments, pursuant to Article 21(3) of the statute. This would include recognition of instruments such as the European Court of Human Rights Article 6, which states that the right to a fair trial in criminal matters would include; a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law and a presumption of innocence until proved guilty according to law.

The court is further expected to observe the requirements for a fair and expeditious trial entrenched in the International Covenant on Civil and Political Rights. The founders of this treaty were alive to these international yardsticks, as the statute has incorporated them, amongst others in Articles 66 and 67.

However, the court has been unable to fully comply with Article 67(c) of the statute. This is one of the key issues that have made the court ineffective and look unfair. This is seen in the case of Lubanga where the judges issued orders for his unconditional release due to refusal by the prosecutor to avail exculpatory evidence to the defence as required by the ICC statute and rules during his first trial.
However, instead of learning from the Lubanga case experience, the ICC has remained unattractive due to lack of adherence to its own statute and Rules of Procedure and Evidence. This has set a stage for the court to be tried by cases rather than the court trying cases.

Punish Africans?

Despite the Lubanga case initial debacle where the judges deeply castigated the Prosecutor due to what they termed as ineptitude and inefficiency, the ICC Presidency has again brought the ICC to ridicule by constituting a Trial Chamber in the Kenyan case even before the Appeals Chamber can hear and determine the appeals lodged by the Kenyan suspects.
Africa, warlords and the ICC - what a cocktail!

Among some of the critics labelled against the International Criminal Court is how Africa seems to feature heavily on its agenda, and that for obvious reasons. Currently the ICC has fifteen cases under investigation. All 15 involve African countries. How sad that is, but a very real fact.

Well respected military historian John Keegan once wrote: "Since August 9, 1945, nuclear bombs have killed no one". The more than 50,000,000 killed in war across the world have been butchered for most part by cheap, mass produced weapons and small calibre ammunition which takes little more than a transistor radio and dry-cell batteries to cause mayhem.

Africa takes the cake in all this as a around 500 million military-style firearms circulates the entire continent. On top of that millions of civilian-type rifles and pistols are own by middle-class and what not citizens as well. Tens of millions are produced and gets fed into the system each year.

The Rome Treaty which was signed in 1998, brought 122 countries together in a landmark moment for international justice. It was setup so as to make despots and war criminals unsafe anywhere in the world. Has it had an effect on Africa though?

The useless ICC in the Hague claims that the arresting and prosecuting of those responsible for crimes against humanity acts as a deterrent. Deterrent-who needs deterrents, we need this BS to end - full stop.

At present these are some of those that are on trial since their arrest five years ago and with no outcome or decision on them just yet by the ICC:

1. Germain Katanga (DRC)

This commander of the Patriotic Resistance Force (FRPI), is accused of leading the Bogoro massacre, killing at least 200 and sexually enslaving women and girls, and an attack in 2002 on a hospital in which 1200 civilians died.

2. Mathieu Ngudjolo Chui (DRC)

This "poor farmer's son" became an army corporal but afterwards joined a rebel group in 1998 when civil war broke out in his region. He is accused of ordering his forces to "wipe out" Bogoro. His crimes includes murder, sexual slavery, rape, using child soldiers and pillaging.

Then there is Joseph Kony, a brutal Ugandan warlord, like the ones named above are just one in a long line of despotic warlords that have terrorized the African continent. Before him of cause was Idi Amin, Charles Taylor and Muammar Qadhafi who through their ruthless killings, have committed the most horrific atrocities against Africans ever.

Charles Taylor once bellowed: "Even Jesus Christ was accused of being a murderer in his time". Unless you've been living under a rock for past how many years, there is no easy way to see beyond this man's prescriptive arrogance.

Invisible Children produced a short film called Kony 2012, which was aimed at drawing attention to the violence of warlord Joseph Kony and his Lord's Resistance Army and America's military support for the
government of Ugandan president Yoweri Museveni, a regime implicated in human rights violations which included the use of child soldiers and electoral fraud.

Arrest warrants went out for Kony in 2005 by the ICC in the Hague, and yet he remains at large in Uganda albeit with fewer than 100 supporters. US president, Barack Obama, has since sent in US special forces to Uganda to try and hunt down Kony, now that oil reserves had been discovered in Uganda.

The ICC and the West's gross simplicity, tends to foster warlord type behaviour sadly, regardless of how benevolent their rhetoric seems to look like on paper. For example Joseph Kony also goes by the name Matiullah Khan. You might wonder what is the significance of that? You see recently Matiullah Khan accounts shows him receiving $50 million from Australia, the USA and other NATO countries for his so-called construction projects in Uganda and for its security. Such close ties has this "Khan" got with Australia that some of his men were sent to Australia over the years to get their military training there.

Should this surprise anyone? You see Australian troops in Afghanistan has a partner in the Oruzgan area that help train Afghan soldiers and providing security in that province and its six districts. However, Matiullah Khan with his bloody record runs a booming business in Oruzgan as part of what the US Congress calls a "vast protection racket".

This African warlord has his own army in this area, hundreds of police believe it or not, and his men wear Australian flags as insignias on their shoulder badges. This helps NATO boost their control of one tribe over another policy in places like Afghanistan.

Australian analyst, Raspal Khosa, wrote: "This dilemma for Australian troops is that they have no option but to deal with "malign actors" like Matiullah who are part of a complex human terrain foreign forces have to navigate". The Sunday Age wrote: "Australian Defence Force says troops engage with a range of local leaders in an inclusive and impartial way".

African warlords feeds of $16billion(US) military contracts each and every year. Warlords like Matiullah Khan police main traffic routes during insurgence, costing NATO nations $4million a year for private security of their supply convoys. Matiullah Khan was at time paid $3000(US) per truck with over a hundred trucks passing through the areas that he controlled in a single month.

Wikileaks tells of how influential Matiullah Khan really is. Last November, a fuel convoy heading to Tarin Kowt, the capital of Oruzgan, was held up by insurgents and then US troops were sent in to deal with it. It turned out that the insurgents were troops commanded by no other than Matiullah Khan, wanting their late payments of $3000 a truck. They were shouting "he needs the money to run his operation". Only after six hours of negotiation did they let the fuel tanker pass through.

Another wikileaks report in December tells of how two men got arrested by Dutch troops while carrying rifles and detonating cords in the Gizab district. US special forces intervened again as one of the two men arrested were Matiullah Khan's brother. Both men were subsequently release "with all their goods" still intact.

Australian Prime Minister Julia Gillard came out saying:" Australia's long-standing commitment to a shared strategy is aimed to build Afghanistan's capacity to undertake its own security and stability". Yeah right.

Australia's reliance on warlords like Matiullah is fudged at best and left unstated in official Australian statements. Candour and openness is not Australia's best call now is it. The Lowy Institute's Interpreter wrote: "Politicians and the ADF needs to change their narrative on Australia's Afghanistan operations".
Currently 24 people face charges at the ICC in the Hague and the AU says its member states should stop cooperating with it. The ICC is very selective in its administering of justice. In 1930, Winston Churchill suggested using Mustard Gas against the Kurds in Mesopotamia. More than 50 years later, Saddam Hussein did exactly that. Yet Saddam Hussein goes before a kangaroo court & show trial and got hanged and yet Winston Churchill doesn't. True there was no ICC in Winston Churchill's day but still why shouldn't he be tried as well for suggesting such activity even if he's no longer around?

Bomber and butcher Sir Arthur Harris destroyed 15 square miles of Dresden in WW2, yet instead of a ICC trail he got knighted by the Queen and gets a RAF Statue in his honour. Protesters in England shouted at his unveiling: "Harris was a war criminal..." all to the surprise of Queen Elizabeth The Queen Mother.

Most of the world's crimes happens in Africa some will argue, but who supplies these weapons for those crimes? According to a writer at the Peace Research Institute in Oslo, Norway: "That since 1995 the United States of America alone has given away more than 300,000 rifles, pistols, machine guns, and grenade launchers".

These are the big powers that are not signatories to the statues of the ICC that sell the weapons and yet its the poorest and less powerful Africans that remains the victims thereof. The ICC only prosecute cases it knows it can win and not lose.

With African perpetrators being far less sophisticated in hiding and manipulating evidence, it makes our continent easy targets for prosecution by the ICC and gives them credibility.

The New York Times also commented: "Where governments are corrupt, rebels are pitiless and borders are porous . . . The glittering stones, like diamonds, have become agents of slave labour, murder, dismemberment, mass homelessness and wholesale economic collapse."

Is Africa the only place being scrutinized by the world or the ICC?

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