SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE

A student asking question at last Thursday’s outreach event at the OIC in Bo.

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

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Tuesday, 3 April 2012

Press clips are produced Monday through Friday. Any omission, comment or suggestion, please contact
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**Local News**

<table>
<thead>
<tr>
<th>Headline</th>
<th>Source</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alarming! 300 Prisoners Await Trials / <em>The Exclusive</em></td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

**International News**

<table>
<thead>
<tr>
<th>Headline</th>
<th>Source</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Practical Justice / <em>Focus on Africa Magazine</em></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Holding Court / <em>Focus on Africa Magazine</em></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>President Sall Should Move Quickly to Address Neglected Issues / <em>Human Rights Watch</em></td>
<td></td>
<td>6-7</td>
</tr>
<tr>
<td>Woman to be Retried in Rwandan Genocide Case / <em>Angola Press Agency</em></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>KRouge Jailer Says Ex-leader Called Him 'Very Bad' / <em>Bangkok Post</em></td>
<td></td>
<td>9</td>
</tr>
</tbody>
</table>
Alarming!
300 Prisoners Await Trials

By Foday Jalloh

There are over 300 prisoners currently remanded at the Pademba Road Maximum Security Prisons awaiting trials, according to findings from the pilot national legal aid project in Sierra Leone.

Most of these detainees are between the ages of 25 and 35 and have been remanded for over 6 to 10 years with their cases still pending.

Recently a cross section of administrators of the PNLA project paid a one day visit to the central Pademba road prisons. According to other findings during the said visit, the 300 detainees included both citizens and non-citizen and that most of them are unable to hire the services of lawyers to represent them.

Despite the effort of government to improve on the justice system in Sierra Leone, the PNLA sees this situation as a big challenge for the judiciary and calls on presiding Judges and Magistrates to speed up the matters for justice to be seen done.

The PNLA project is set to wind up by the end of March 31st 2012 and that the Justice Sector Development Programme has also pulled out of the project.
Practical justice

I would like to comment on your article on the Special Court in Sierra Leone in your previous issue. Although I believe in justice and the subsequent punishment of human rights violators, I see very little justice as a result of these courts. You mentioned in your article that the Rwandan court has been in progress for eight years and the Yugoslavia court for nine. The combined cost of the two courts stands at $1.2 billion, with no end in sight. I see the effects of injustice every day in South Africa.

My question is: how long do the unknown masses have to wait until justice has been done to them? Not the justice a court gives, but the kind of justice that fills the stomachs of dying children. I believe the masses are tired of hearing of the prosperity that will come. When tomorrow is uncertain, you only have today. Just imagine the difference this money could make. At least a couple of schools, a clinic or two and who knows, perhaps even some houses. Instead, the world spends $1.2 billion on courts that will be forgotten tomorrow.

Andrew Richards, Johannesburg, South Africa
Kenya

Holding court

Could the wheels of justice finally be turning in Kenya — four years after post-election violence caused such devastation? In January came news from The Hague that the pre-trial chamber of the International Criminal Court (ICC) had decided to send to trial four Kenyans accused of masterminding the violence which followed what many say was the 'rigged' re-election of the current President Mwai Kibaki.

Such are the divisions in the country — a sign perhaps of how the tensions have just been swept under the carpet since early 2008 — that the suspects will not all be tried together. The former finance minister, Uhuru Kenyatta, will stand trial with Kenya's Cabinet Secretary Francis Muthaura. Both are allies of the president and both stand accused of crimes against humanity, including murder and persecution.

The former Minister of Education William Ruto as well as the radio presenter Joshua arap Sung – at the time allies of the Kenyan Prime Minister Raila Odinga – will be tried separately on charges of crimes against humanity, including deportation or forcible transfer and persecution. Ruto has since fallen out with Odinga. All four deny the charges, and the ICC has been at great pains to point out that the decision by its pre-trial chamber in no way signals the guilt of the parties concerned. As a further safeguard, the accused have the right to appeal.

However, there appears to be no fixed date by which the trials will start or conclude, with the very real chance that any appeals made against the decision could drag the process out for months, perhaps years. Also, the accused are free to remain in Kenya for now, until such time as they are called to The Hague (as long as they do not intimidate potential witnesses). This complicates things somewhat.

Kenyatta has not forthrightly renounced his presidential ambitions. He may have resigned from his job as finance minister but this is not immediate and, with the obvious blessing of the country’s executive, remains deputy prime minister in the cabinet. It is hard to know how this is legally possible.

Kenyatta’s argument is that, even though the ICC is enshrined in the country’s new constitution it is not explicit about the need to renounce office under circumstances such as his own. Also, he has said that his remaining cabinet position is guaranteed by a coalition agreement which preceded the constitution.

The issue of international justice is particularly vexing for Kenya, and a political hot potato. Many in the ruling elite do not support what they say is the imposition of justice from afar. But Kenya’s own attempts at finding justice for the thousands killed or displaced four years ago is miniscule. What many crave is an end to the culture of impunity. Whether or not a fresh election will bring that about without the resolve of the cases in The Hague seems to be a risky prospect at best.
President Sall Should Move Quickly to Address Neglected Issues

The new government in Senegal of President Macky Sall should promptly address longstanding human rights concerns, Human Rights Watch said today in a letter to the new president. Sall was inaugurated on April 2, 2012, after defeating the incumbent president, Abdoulaye Wade, in the March 25 presidential runoff vote.

While Senegal has avoided the coups and large-scale human rights abuses experienced by many of its neighbors, the country still faces challenges in promoting justice and accountability and in protecting vulnerable or persecuted populations. Human Rights Watch’s letter focuses on three issues: the need for Senegal to stop delaying or obstructing efforts to bring Hissène Habré to trial for atrocities committed under his rule in Chad, the widespread exploitation of at least 50,000 young boys through forced begging, and the protection of the rights of people who identify as gay or lesbian.

“President Sall has promised a new era after winning a presidential run-off in which the strength of Senegal’s democracy was again made evident,” said Daniel Bekele, Africa director at Human Rights Watch. “This new era should include quick progress on human rights issues ignored by the previous government.”

The Hissène Habré Case

Human Rights Watch urged Sall to extradite Habré, the former dictator of Chad, from his home in Senegal to Belgium to face trial for atrocities committed during his rule, from 1982 to 1990.

Habré’s victims have been fighting to bring him to justice for 21 years in what Archbishop Desmond Tutu and 117 groups from 25 African countries have denounced as an “interminable political and legal soap opera.” They had long hoped to see Habré tried in Senegal, but both the victims and the Chadian government now believe that extraditing Habré to Belgium is the most suitable option since a trial there can be organized quickly before all the survivors pass away.

Belgium has filed four extradition requests, the last of which is still pending before Senegalese courts. Belgium also filed suit against Senegal at the International Court of Justice (ICJ) in February 2009, alleging that Senegal has violated the UN Torture Convention by failing to prosecute or extradite Habré. The ICJ heard arguments from March 12 to 21, 2012, and will issue its ruling later this year. The UN Committee against Torture already condemned Senegal in 2006 for violating the Convention.

“President Sall should not wait for the ICJ to find that Senegal has violated its international obligations,” said Bekele. “He should ensure that the most recent Belgian extradition request has been properly transmitted to the courts so that they may swiftly authorize Habré’s extradition.”

Widespread Exploitation of Talibés

Human Rights Watch also called on the new Sall government to take concerted action to end the exploitation and abuse of young boys forced to beg on Senegal’s streets.

In an April 2010 report, Human Rights Watch documented how at least 50,000 talibés, or Quranic students – the vast majority under age 12 and many as young as 4 – are forced to beg on Senegal’s streets for long hours, seven days a week, by a marabout, or teacher, who often serves as a de facto guardian. The report documented widespread physical abuse, including severe beatings and several cases in which
children were chained, bound, and forced into stress positions for failing to hand over a required daily amount from their begging or for trying to run away. In many of the exploitative daaras, or Quranic schools, Human Rights Watch found that the marabout used little of the money for the boys’ basic needs. They often were forced to beg for their own food and medical care as well, or, all too often, go without.

Islamic scholars in Senegal say that this practice of forced begging overseen by a minority of marabouts today is far removed from the country’s traditional practice of Quranic education.

Senegal has the laws necessary to protect the talibés from exploitation, but the previous government lacked the will to enforce them, Human Rights Watch said. In September 2010, nine marabouts were convicted for forcing children in their care to beg, under a 2005 law that specifically forbids the practice. However, one month later, President Wade expressed dissatisfaction with the application of the law, effectively ending arrests and prosecutions. In all but a few cases, severe physical abuse of the talibés has gone similarly unpunished.

“President Sall should call for the enforcement of Senegal’s laws against forced child begging and child abuse,” Bekele said. “The government should ensure minimum standards that guarantee children’s rights to education, health, and physical and mental development.”

**Violence and Discrimination against LGBT populations**

President Sall’s government should also work to protect the rights of vulnerable populations, Human Rights Watch said, including sexual minorities in Senegal.

Human Rights Watch’s 2010 report, “Fear for Life: Violence against Gay Men and Men Perceived as Gay in Senegal,” found systematic human rights abuses against gay men, including torture and ill-treatment at the hands of the Senegalese police, arbitrary arrest, and discrimination in access to justice. Abuses against lesbians and other sexual minorities have been less thoroughly documented, but all lesbian, gay, bisexual and transgender (LGBT) people suffer discrimination in Senegal.

Senegalese authorities have also failed to discourage or punish incitement to violence against gays and lesbians, including public remarks made by religious leaders and politicians who have called for the killing of homosexuals.

The Senegalese government, Human Rights Watch said, has an obligation to protect the basic rights of all citizens, including LGBT people. The new government should immediately put a halt to police violence against and arbitrary arrests of LGBT people. It should ensure that those who incite or participate in violence against gays, or any other community, are held accountable.
Woman to be retried in Rwandan genocide case

A New Hampshire woman accused of lying about her role in the 1994 Rwandan genocide to win asylum in the United States will face a second trial on immigration fraud charges following a mistrial.

Federal prosecutors on Friday notified a court in Concord, New Hampshire, that they would not drop charges against Beatrice Munyenyezi, 41, whom they accuse of helping to organize mass killings and rapes in the southern Rwandan town of Butare 18 years ago.

A jury deadlocked in the case this month. The new trial is set to begin in September.

Munyenyezi's husband and mother-in-law were arrested more than a decade ago and put on trial by the International Criminal Tribunal for Rwanda in Tanzania, where they were sentenced to life in prison on genocide charges.

But the United States granted Munyenyezi asylum in 1998 after she swore that she had never been involved in genocide. Prosecutors charge that those statements amount to immigration fraud.

Munyenyezi, who moved to Manchester, New Hampshire, where she worked for the city's housing authority and later as a nurse's aide, is in prison and awaiting a bail hearing next week.

If convicted, she could face up to 10 years in prison and the possible loss of her U.S. citizenship, which would likely result in her being deported to Rwanda.

Radical ethnic Hutu militias and soldiers killed an estimated 800,000 Tutsis and moderate Hutus over 100 days in the central African nation after the killing of President Juvenal Habyarimana, whose plane was shot down on April 6, 1994.
KRouge jailer says ex-leader called him 'very bad'

A convicted ex-Khmer Rouge jailer told a Cambodian war crimes court Monday that a top leader accused him three decades ago of being "very bad" for failing to destroy evidence at a torture prison.

Kaing Guek Eav, better known as Duch, was in February sentenced on appeal to life in jail by the UN-backed court for overseeing the deaths of some 15,000 people at the notorious S-21 torture prison in Phnom Penh.

The former maths teacher is back on the stand this week to give evidence in the trial of three ex-leaders of the 1975-1979 regime, including his former boss "Brother Number Two" Nuon Chea.

Duch told the judges that he informed Nuon Chea in the early 1980s that he had been forced to leave the S-21 documents behind during the chaotic final days of the regime, when Vietnamese forces ousted the Khmer Rouge.

Duch recalled that Nuon Chea then told him: "On my side, we destroyed them all, you were very bad that you could not manage this."

The documents included hundreds of confessions and photos of tortured prisoners and were later used as evidence against Duch, who said that he had been in a hurry to get out alive at the time.

"I left only with a pen and a handgun. None of my subordinates or people in my unit could manage to bring with them any piece of documents, I believe."

Nuon Chea and Duch, who are both being held at the same detention centre, are on notoriously bad terms, with the former deputy leader calling Duch "rotten wood" during a hearing last month.

Nuon Chea and his co-defendants -- ex-foreign minister Ieng Sary and former head of state Khieu Samphan -- deny charges of war crimes, crimes against humanity and genocide for their roles in the deaths of up to two million people.

Led by "Brother Number One" Pol Pot, who died in 1998, the Khmer Rouge wiped out nearly a quarter of the population through starvation, overwork and execution in a bid to forge a communist "utopia".