

**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

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Press clips are produced Monday through Friday.
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International News

Kenya: Ocampo's Team in Kisumu / <i>The Nation</i>	Page 3
ICJ Seeks Orders to Arrest Bashir / <i>Daily Nation</i>	Pages 4-5
Politicians Renew Discussions on STL as Assad and Abdullah Meet / <i>Bikyamasr</i>	Page 6
False Witnesses Debate, No end of Divisions / <i>Monday Morning</i>	Pages 7-9
Rwanda: ICTR Appeals for Support / <i>The New Times</i>	Page 10
FDLR Chief 'Took Part in Genocide' / <i>News24</i>	Page 11
Prosecution Request for Admission of Rwandan Minister's Statement Fails / <i>Hirondelle News Agency</i>	Page 12
International Crimes Trial Far From Being Fair / <i>The New Nation</i>	Page 13

The Nation (Nairobi)

Saturday, 16 October 2010

Kenya: Ocampo's Team in Kisumu

Oliver Mathenge

Nairobi — International Criminal Court officials are expected in Kisumu on Sunday to try to piece together information about the 2007 post-election violence in the town.

The four officials started their tour of the violence hotspots on Wednesday in Naivasha and Nakuru as they rush to beat the October 20 deadline set by prosecutor Luis Moreno-Ocampo.

In Kisumu, the ICC officials are expected to meet victims of the violence with the help of local human rights groups, according to sources familiar with their operations. The officials are said to be from the Analysis and Scene of Crime sections of the ICC.

In addition to analysing the security and political situation in the country, the ICC investigators are also seeking to establish the damage caused to the lives and property of the victims by the post-election violence.

"They are seeking the victims' views and those of general public with specific consideration on the security on the ground and the impact of the ICC investigations," one source said.

The Sunday Nation has learnt that Mr Moreno-Ocampo expects a report from the team which he is to use to tie together his case. The report will also determine when he is to make his second visit to the country before he presents his case to the judges.

Sources said that one member of the team flew back to The Hague on Thursday to present their initial findings. Included in the brief is their assessment of the government's level of cooperation with the ICC.

The government has agreed to give some of the minutes of security meetings held during the post-election period. The government will on Monday also finalise regulations that are to guide the ICC in taking statements from top civil servants who were in charge of security during the period.

The ICC team in the country is also considering statements being made by various people in regards to the ICC investigations. Sources have indicated that they are considering taking legal action on any individual making inciteful or intimidating statements.

On Monday, the team is expected to visit Kapsabet, Eldoret and Burnt Forest in the Rift Valley. The province recorded 744 deaths of the 1,133 reported by the Waki Commission which investigated the violence.

Kisumu and the entire Nyanza region is key in the ICC investigations as it was where the first incidences of violence were reported over the delayed announcement of the presidential results On December 29.

A significant characteristic of the violence in Kisumu was the large number of people killed by the police. According to the Waki report, police shot 89 of the 111 people killed in Nyanza. Of the 50 people shot by police in Kisumu 30 were shot from behind and nine from the side.

There were allegations that some Administration Police were being used as PNU agents in the region and some were killed before the alleged operation was cancelled.

Daily Nation (Kenya)

Monday, 18 October 2010

ICJ seeks orders to arrest Bashir

By ALPHONCE SHIUNDU ashiundu@ke.nationmedia.com



Sudan's President Omar al-Bashir arrives at Uhuru Park, Nairobi, for the promulgation ceremony of the new Constitution in August. The ICC cannot arrest Mr Bashir in Kenya because he enjoys diplomatic immunity as recognised in international law. Photo/FILE

The Kenya chapter of the International Commission of Jurists plans to go to court to obtain an arrest warrant against Sudanese President Omar Hassan al-Bashir.

They have already instructed lawyers to seek an order forcing the government to obey the International Criminal Court's warrant of arrest against Mr Bashir should he set foot in Kenya again.

ICJ-Kenya seeks to persuade the courts to invoke the International Crimes Act and issue a provisional warrant.

Ensure his arrest

Documents seen by the *Sunday Nation* regarding the matter state the aim of the court action is to "deter Bashir from coming to Kenya, and to ensure his arrest should he ever visit Kenya".

If successful, ICJ-Kenya's executive director George Kegoro told the *Sunday Nation* the suit will "remind the political class that impunity shall not be condoned, and that gross violations of human rights shall be effectively redressed".

ICJ-Kenya's move comes at the beginning of a week when the Intergovernmental Authority on Development (Igad) is scheduled to meet in Nairobi over the implementation of Sudan's Comprehensive Peace Agreement.

Although Khartoum is invited to the meeting, it is not clear whether Mr Bashir will attend or send a representative. If ICJ-Kenya gets the provisional arrest warrant, then ICC officers can come to Kenya and arrest Mr Bashir themselves.

Without the warrant, the law directs that the Sudanese President's arrest will have to be executed by the Internal Security minister.

However, as the government failed to arrest Mr Bashir when he came to Kenya for the August 27 promulgation of the new Constitution, it is unlikely they would were he to return to the country.

The government has committed to respecting the African Union's resolution to ensure a peaceful referendum in Sudan in January.

In fact, President Kibaki has already informed the United Nations that the stability of Sudan is crucial to the stability of the whole region, indicating that should Mr Bashir be arrested, the peace agreement is likely to collapse.

"I believe that continued engagement with the leadership of both the National Congress Party and the Sudan People's Liberation Movement (SPLM) is the only way towards the peaceful resolution of the challenges facing the Sudan," President Kibaki told the UN General Assembly on September 23.

Immunity

The ICC cannot arrest Mr Bashir in Kenya because he enjoys diplomatic immunity as recognised in international law. If the Internal Security minister does not execute the warrant, the ICC's hands are tied unless there is a corresponding warrant in the country.

"Political convenience in Kenya is increasingly taking centre stage at the expense of justice, and an invitation to a person accused of war crimes and crimes against humanity by the ICC is sending highly dangerous signals on the fight against impunity to the public ahead of the 2012 General Election," the ICJ-Kenya document warns.

Bikyamasr

Monday, 18 October 2010

<http://bikyamasr.com/wordpress/?p=18888>

Politicians renew discussions on STL as Assad and Abdullah meet

By Patrick Galey

BEIRUT: Lebanon's political leaders renewed discussions on Monday over the United Nations investigation into the killing of Rafik Hariri, following talks between Syria and Saudi Arabia over how to avert all-out civil conflict.

Syrian President Bashar al-Assad met with Saudi King Abdullah in the latest demonstration of improving ties between two regional powers with a sour past. Although no official statement from the meeting was released, it is thought the two leaders discussed ways of reducing Lebanese domestic tension derived from the Special Tribunal for Lebanon (STL).

United States Assistant Secretary for Near East Affairs Jeffrey Feltman, during a short visit to Beirut Sunday afternoon, confirmed Washington's support for the beleaguered court.

"We believe that the tribunal should be allowed to complete its work on its own timeline and without outside interference until those responsible...are brought to justice," Feltman told reporters at Beirut's airport.

"I think all of us who represent Security Council countries also understand that the work of the tribunal at this point will not be stopped."

A statement released by Hizbullah's press office Monday confirmed that party head Sayyed Hassan Nasrallah had held talks with Druze leaver Walid Jumblatt to "continue joint efforts between the two parties at all levels."

Jumblatt has long been seen as a broker between warring Lebanese factions and is known to be a mediator between Nasrallah and Prime Minister Saad Hariri, who differ wildly on their hopes for the STL.

It remains unclear over whether or not the UN investigation will be allowed to run its course to find the killers of five-time premier Hariri, who was assassinated by a car bomb in 2005. There are fears that anticipated indictment of Hizbullah members would prompt a fresh wave of civil violence, undermining Lebanon's fragile national consensus government.

Monday Morning

Monday, 18 October 2010

False witnesses debate, No end of divisions

There were fears that the cabinet meeting last Tuesday would be a difficult one because of the dossier of the false witnesses which divides the forces of March 8 and March 14. The March 8 camp were demanding that the issue be submitted to the Council of Justice. If it was not, its ministers would boycott the cabinet sessions. But President Michel Sleiman proposed that discussion of the issue be postponed till the next cabinet meeting, on Wednesday, October 20, so that the state visit of President Mahmoud Ahmadinejad could proceed smoothly.

Nevertheless the cabinet remained divided into three camps: ministers of March 8; those who supported the report of Justice Minister Ibrahim Najjar on the false witnesses; and between the two, the ministers close to the president and those of the Democratic Gathering, who favored a consensus in order to avert recourse to a vote, which might bring about the implosion of the government.

Opening the session, President Sleiman welcomed President Ahmadinejad to Lebanon, who was to arrive the following day. He also spoke of the Arab summit in Sirte, Libya.

Minister Najjar then gave his report on the issue of the false witnesses, after which Prime Minister Saad Hariri spoke of his discussion on Monday with Egypt's President Hosni Mubarak in Cairo, as well as with Arab League Secretary-General Amr Moussa and Egyptian Foreign Minister Ahmad Abul-Gheit.

Then, speaking in the name of the March 8 Forces, Energy and Water Minister Gibran Bassil called for the Najjar report to be laid before the Council of Justice. He was followed by the ministers of Hezbollah and the Marada Movement.

According to Minister Mohammad Fneish, the cabinet had only one recourse, namely placing the report before the Council of Justice. And Minister Hussein Hajj Hassan, this issue threatened the stability of the country and Lebanese-Syrian relations.

Minister Adnan Sayyed Hassan welcomed that part of the Najjar report that recognized the right of the courts to prosecute the false witnesses, and rejected that part according to which it was necessary to await the issuing of the indictment before a prosecution could begin.

Labor Minister Boutros Harb, speaking on behalf of the majority, denied the right of the Council of Justice to rule on the matter of the false witnesses, arguing that if it did so, it would constitute a grave infringement of the Constitution and an attack on the Council of Ministers and on the right of Parliament to legislate and amend the penal code.

"It's not enough for some to claim that false testimonies prejudice the security of the state to justify transferring the dossier to the Council of Justice. Criminal acts have taken place in the recent past without undermining Lebanese-Syrian relations.

"What threatens civil peace and stability is the position of the political forces, as well as the escalation and the general tension in the country because of the continuation of the work of the Special Tribunal for Lebanon, not the false witnesses.

State Minister Jean Oghassabian expressed himself on the issue, drawing attention to the fact that it was the assassination of Rafik Hariri and the events of May 7, 2008 which had drawn the country to the edge of the abyss, not the question of the false witnesses, as the March 8 camp was claiming.

Jumblatt working for calm

Separately, House Speaker Nabih Berri paid tribute to the memory of Imam Moussa Sadr, regretting that the Arab summit at Sirte, like the ones preceding it, had been incapable of raising its voice to demand that Sadr should be released.

MP Walid Jumblatt has for his part been active in trying to calm the political atmosphere. Received first of all by President Sleiman, the leader of the Progressive Socialist Party (PSP) spoke in favor of dialogue and entente, adding that President Sleiman, Speaker Berri and Prime Minister Hariri possessed the requisite wisdom to get the country out of the tense situation in which it now found itself.

In reply to a reporter's question on what attitude PSP ministers would adopt in coming cabinet sessions, he replied, "We're in favor of national understanding".

Lebanese Forces leader Samir Geagea warned during a press conference at Merhab the March 8 camp that it was the arsenal of the Resistance that was the greatest possible cause of strife, and this was proved by what happened in Bourj Abi Haidar and on January 23, 2007, and he wondered why the latter crime had not be laid before the Criminal Court.

He stressed that the UN's Special Tribunal for Lebanon could not be traded against the stability of Lebanon, and that the Lebanese Forces was determined to preserve them both.

He also denounced Hezbollah's actions which, he suggested, had misled public opinion. "The real objective of these actions is less to rectify the STL, still less to deal with the breach of law represented by the false witnesses... No one can designate the false witnesses before the issuance of the STL's indictment, and no one can do so outside the authorized judicial authority. It is necessary to imprison all those who speak of false witnesses and say they're not afraid of violations of security".

Finally, he welcomed the visit of the Iranian president, "on condition he behaves as a head of state.

On Wednesday Geagea received British Ambassador Frances Guy. The two discussed the general situation in Lebanon and the Middle East and the Palestinian-Israeli peace process.

A warning from Kahwaji

The head of the Lebanese Army pledged that his force would react swiftly and decisively to any civil disruption provoked by the UN probe into the murder of former Prime Minister Rafik Hariri, as the United State on Tuesday pledged more than \$20 million in short-term military funding.

General Jean Kahwaji expressed anxiety over the anticipated indictment of Hezbollah members by the Special Tribunal for Lebanon (STL) and warned that such a decision from the court would likely produce "internal strife".

The Army would "prevent discord by force", he added, following his suggestion that a STL prosecution would "make security more sensitive, and put obstacles in the military's path in ensuring citizens' security", Kahwaji said in remarks published last Tuesday.

The heightened threat of violence in the streets, similar to that which tore through West Beirut and sections of the Shouf Mountains in May 2008, has been the recent topic of fierce political debate, centered on the STL.

In August several were killed when Hezbollah supporters clashed with members of the Islamic Association of Charitable Projects- better known as Al-Ahbash- in the Beirut neighborhood of Bourj Abi Haidar. The Army intervened on that occasion, yet isolated pockets of violence persisted for several hours. Kahwaji said he was confident the Army was sufficiently equipped to respond not any bouts of public violence.

"We have 4,000 troops in Beirut in addition to reserve forces to intervene when needed in case of any riots or chaos", he said. "In Tripoli, there is a full Army regiment and a commando unit in [the coastal town of] Amsheet ready to intervene in the event of any unrest".

The commander added that while groups bearing arms in Lebanon were common, they were mostly restricted to small weapons, which could easily be brought to heel.

"So far we have not monitored heavy weapons with anybody such as tanks, mortars and artillery", Kahwaji told the political daily Al-Akhbar.

His comments were followed by a donation of a new marksmanship simulator, handed over to the Army by US Ambassador Maura Connelly during a ceremony at the Ablah military base.

The engagement Skills Trainer (EST) 2000 will provide soldiers with realistic firearms training on pistols, rifles and machine guns, one of the areas numerous military analysts have suggested Lebanon currently lacks.

The EST donated will be the first machine of its kind to be maintained and operated entirely by Lebanese soldiers and is part of a \$3.5 million set of five designated to hone soldiers' shooting skills.

“The EST 2000 is a top-of-line-, state-of-the-art marksmanship simulator used by the US military that represents a cutting-edge use of technology that makes weapons training both cost-effective and safer”, Connelly said during the handover. Following August’s deadly altercation between Lebanon and Israeli soldiers along the Blue Line -- which killed two Lebanese soldiers and a journalist, as well as a high-ranking Israeli officer -- several US lawmakers expressed concerns over their country’s military support for Lebanon. Some members of Congress argued against continuing Washington’s commitment to provide equipment and training to the Lebanese Army, for fear of weapons ending up in Hezbollah hands, trained on Israel.

According to an embassy statement however, the US is continuing to provide Lebanon with military aid, which has surpassed the \$270 million mark since 2006.

“Over the next three months, the US will deliver another \$22 million of equipment, including English language labs, Humvees, 30 155mm howitzers, and a wide range of munitions”, the statement said. Connelly reiterated the US support for the Army, saying: “The United States is proud of the relationship it has built with the [Lebanese Army] and looks forward to deepening that relationship in the years to come”.

The New Times (Kigali)

Friday, 15 October 2010

Rwanda: ICTR Appeals for Support

James Karuhanga

Kigali — The President of the International Criminal Tribunal for Rwanda (ICTR), Judge Dennis Byron, Friday told the UN General Assembly that despite good progress on the completion strategy, the ICTR's efforts are being hampered by lack of resources and the departure of some experienced staff.

He was delivering the ICTR's 15th annual report and giving an update on the progress in reaching the targets of its completion strategy.

"In all our efforts, we are facing one main stumbling block: the staffing situation. We continue to lose many of our best and most experienced staff members, often to other institutions in the same field where they can obtain longer-term contracts," the UN News Centre quotes Judge Byron as saying:

"I am convinced that what we have achieved so far gives you the confidence and trust to provide us with the necessary resources to complete our mandate expeditiously during this and the next biennium," Byron said.

He revealed that 167 staff members left the ICTR between July 2009 and June 2010.

Judge Dennis Byron also reported that delivery of judgment in all cases at trial level is expected before the end of 2011.

Meanwhile, hours before he addressed the General Assembly, three rights groups - African Rights, the Collectif des Parties Civiles pour le Rwanda (CPCR), and REDRESS, who have been working to encourage accountability for Genocide suspects globally, called on countries that continue to host known Genocide fugitives to support the work of the ICTR and to cooperate with it until all proceedings are closed and the remaining Genocide fugitives are brought to account.

They alleged that the major safe havens for alleged masterminds of the 1994 Genocide against the Tutsi include France, Belgium, The Netherlands, UK, Norway, Zambia, Malawi, Mozambique, DRC, USA and Canada.

High profile Genocide suspects in France include the widow of the former Rwandan president, Agathe Habyarimana, and the current FDLR Secretary General, Callixte Mbarushimana.

Now listed as a terrorist group, the FDLR comprises of remnants of those who masterminded the 1994 genocide and later fled to DRC.

News24

Friday, 15 October 2010

FDLR chief 'took part in genocide'

Kigali - The arrest in France of a Rwandan Hutu rebel leader on suspicion of crimes committed in 2009 in the Democratic Republic of Congo should not mean his role in the 1994 Tutsi genocide is forgotten, survivors said on Wednesday.

Callixte Mbarushimana, executive secretary of the Democratic Forces for the Liberation of Rwanda (FDLR), was arrested on Monday in Paris on a warrant from the International Criminal Court in The Hague.

"His arrest in itself is good news, but it shouldn't mask his role in the genocide against the Tutsi in Rwanda in 1994," Theodore Simburudali, the head of Ibuka, the genocide survivors' association, told AFP.

Simburudali said Mbarushimana "distinguished himself in the massacre of Tutsis" at several roadblocks in the capital Kigali and "ordered the massacre" of several Tutsi colleagues who "worked with him at the UN development agency, UNDP".

"He used UNDP equipment to track down Tutsis," he charged.

Simburudali said Mbarushimana should first have been tried for genocide at the International Criminal Tribunal for Rwanda (ICTR) in Arusha in northern Tanzania.

Mbarushimana is not on the list of genocide suspects sought by the ICTR even if the tribunal has in the past investigated his alleged participation in the genocide.

Based in the east of the DRC, the FDLR, some of whom, took part in the Rwandan 1994 genocide, are considered a major source of insecurity in the region.

Hirondelle News Agency

Friday, 15 October 2010

Prosecution request for admission of Rwandan minister's statement fails

The International Criminal Tribunal for Rwanda (ICTR) has refused to admit into evidence a sworn statement by former Rwandan Defence Minister, General Marcel Gatsinzi, sought to be produced by prosecution to boost its case against then military officer, Captain Idelphonse Nizeyimana.

Trial Chamber III said in its decision posted on the ICTR website and made available to Hirondelle News Agency Thursday that admission as evidence of the statement by General Gatsinzi, currently Minister for Natural Disaster and Refugee Affairs, without allowing oral interrogation to be conducted was highly prejudicial to the accused.

According to the Chamber, the prosecution had submitted that the affidavit was supported by testimonies that would be presented orally which would discuss the topics specified in the affidavit. However, it ruled, none of the other witnesses enumerated in the prosecution's list of witnesses are equivalent in rank or authority to General Gatsinzi.

"Given General Gatsinzi's rank, knowledge and nexus to the accused, there is also an overriding public interest in the evidence being presented. Further, the Chamber finds that the prosecutor has not submitted a satisfactory reason for the witness's inability to testify in person. Therefore, the Chamber denies admission of the statement," it ruled.

Last month, genocide-convict and former Director of Cabinet in the Defence Ministry, Colonel Théoneste Bagosora, asked the Appeals Chamber of the Tribunal to order and compel General Gatsinzi to testify in his appeal challenging life imprisonment sentence he is facing for genocide.

Bagosora, who was considered the mastermind of the 1994 genocide, sought the testimony of Gen. Gatsinzi, claiming that his conviction was based on speculative grounds that being the highest authority in Defence Ministry he exercised effective control over the army and gendarmerie between April 6 and 9, 1994.

He pointed out that as acting Chief of Staff of the armed forces, who was appointed on April 6 to 7, 1994 and arrival at the Rwandan Army Headquarters in the afternoon of April 7, Gatsinzi was well placed to testify on the functioning of the army and on the chain of command from April 6 to 9, 1994.

Capt. Nizeyimana, who was second in command in charge of intelligence and military operations of Noncommissioned Officers School (ESO) in the southern town of Butare is charged with six charges including genocide and extermination, murder and rape as a crimes against humanity, among others.

He pleaded not guilty to the charges in his third initial appearance before the Tribunal on October 7. Nizeyimana was arrested in Kampala (Uganda) on October 5, 2009 and transferred to the UN Detention facility in Arusha (Tanzania) the following day.

FK/ER/GF

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The New Nation (Bangladesh)

Thursday, 14 October 2010

International crimes trial far from being fair

Staff Reporter

Speakers at an international seminar on "Human Rights: Perspective Bangladesh" yesterday said that the international crimes trial being in Bangladesh fall short of the legal requirements of fair and neutral trial.

Organised by Bangladesh Supreme Court Bar Association (SCBA) the seminar presided over by its president Khandaker Mahbub Hossain. It was addressed by lawyer of International Criminal Tribunal of Yugoslavia (ICTY) and Rwanda (ICTR) Steven Kay QC, head of prosecution of war crimes of Bosnia and Herzegovina Toby Cadman, former Attorney General of Bangladesh Fida M Kamal, Barrister AKM Nazrul Islam, SCBA secretary Barrister Badruddoza Badol, among others.

International reputed lawyers MS Catherine Elise, Ilipoulos, former Attorney General for India Soli J Sorabjee gave full written opinion on the war crimes trial process, which they felt denied the accused of fundamental rights guaranteed by the Bangladesh Constitution.

They opined that International Crimes Tribunals Act as amended last year was in-contravention of the rights guaranteed by the Constitution.

They wrote that the exclusion of safeguard of the Code of Criminal Procedure and the Evidence Act coupled with the power to act on hearsay and normally in admissible evidence and the prosecution at the end of every three months on the performance and functions of the interim code enforcing agency and status of implementation of BNBC and progress of establishing the National Building Code Enforcement Authority.

The court says, "The Writ petition would be treated as pending and the directions upon the respondents would be a continuing mandamus."

Earlier on January 29, 2008, the High Court had issued a Rule Nisi upon the respondents to show cause as to why the respondents should not be directed to establish the "Code Enforcement Agency" as per Section 2.1 of Chapter 2 of the BNBC.

Pointing out the Rangs Bhaban collapse in December 8, 2007 the human rights organisations said in the petition that accidents in construction sector is higher than any other sectors of Bangladesh due to non-compliance with the safety provisions of BNBC.

The petition mentioned that a company named "Six Star" was assigned to demolish Rangs Bhaban but they did not comply with the necessary safety measures for demolishing the building as per the BNBC, which eventually resulted in deaths, huge loss and serious injuries.

Barrister Tanim Hussain Shawon from Kamal Hossain and Associates argued in the court on behalf of the Safety and Rights.