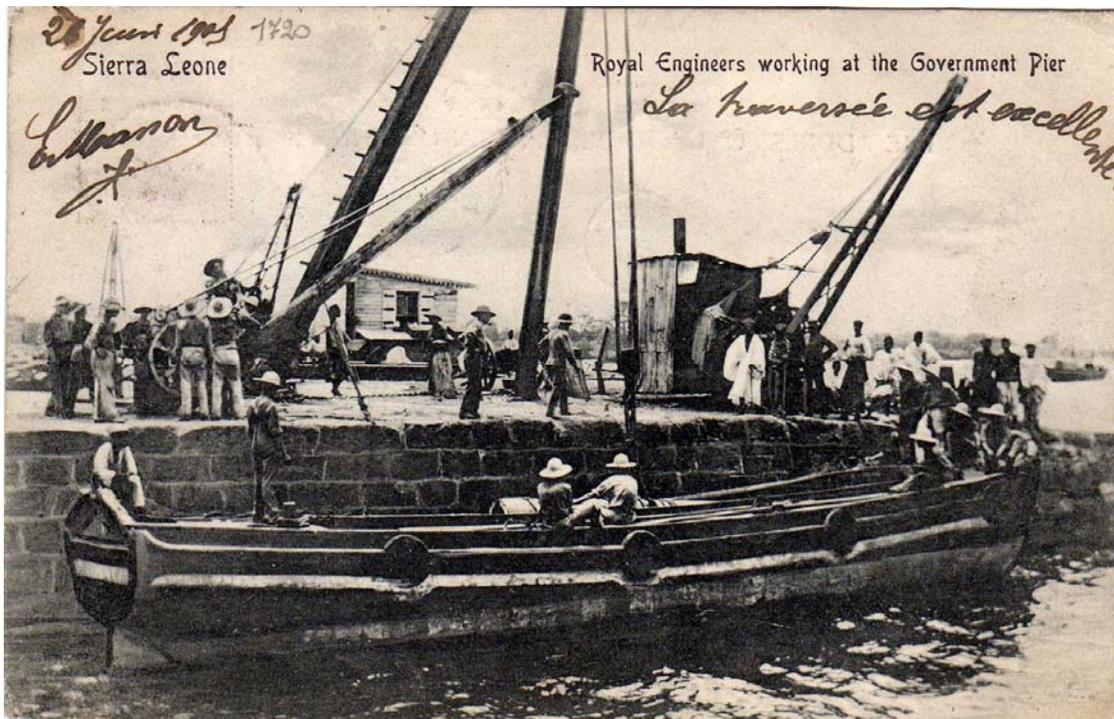


**SPECIAL COURT FOR SIERRA LEONE  
OUTREACH AND PUBLIC AFFAIRS OFFICE**



Historical Postcard

**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:**

Tuesday, 30 November 2010

Press clips are produced Monday through Friday.  
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Martin Royston-Wright  
Ext 7217

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## The Excusive

Tuesday, 30 November 2010

# Former Combatant Begg For forgiveness

*By Musa Sesay*

Through the sustained effort of local NGO Fambul Tok, former rebel commander, Mohamed Savage has taken a bold step in reconciling with his community after serving a lengthy jail term at the Pademba Road prisons.

Savage was released from behind bars in April and was hesitant to visit his home town. He was nicknamed "Die" in Kono district during the country's brutal war was reported to have been responsible for the deaths of many people in Tombodu and never thought he would meet and yak with those who survived to tell the history.

On the outset, Savage first denied the opportunity when he was approached by Fambul Tok but was convinced by a close relative of his co-commander during the height of the war, Tamba Joe who is also reported to have killed 17 members of his family.

Perhaps what tempted Savage to confront his people was when he recalled at one point in time when a bag loaded with human skulls was gifted to Tamba Joe after he requested for a bush meat from his family members. He later expressed his desire to confront the crowd no matter the cost through Fambul Tok who helped to facilitate the process.

Initially, there were mixed feelings among stakeholders and the community people after Savage took along some Kolanuts as a respect to the chiefs for him to

be granted permission.

Tension was high and the hall was jam-packed. Anxiety among the youths who had long heard enough about Savage wanted to see and hear from the horse's mouth. Savage on the other hand was not only delighted to see the crowd but also eager about stories regarding his performance at the height of the war. He was just too determined to end his nightmare and courageous to be reminded of his past.

It was thrilling as he told the crowd that no amount of jail sentence will be sufficient for him and felt that the only way he could let his mind free was to beg the people of Tombodu for all what he intentionally or inadvertently did during the war. He disclosed that he joined the army at a time when people were extremely doubtful about the existence of rebels and how he fought to liberate some towns and villages. He maintained that he was never sent by anybody and therefore tendered his unequivocal apology expressing his regrets.

The people of Tombodu thanked and appreciated the effort of Savage for his courage and steadfastness and urged other former combatants to emulate the steps taken by Savage.

As a former footballer and as a means of re-integrating into society, Savage has built a junior football team that is participating at community leagues.

# GUINEA BORDER CLOSED

In a press release issued late yesterday, the government of Sierra Leone has announced that the Guinea border has been closed by the Guinean Authority as an international security measure following the announcement of election run-off results between Professor Alpha Conde and former Prime

*Contd. on page 8*

# GUINEA BORDER CLOSED

## *From page 1*

Minister, Cellu Dallien Diallo in which the former, Professor Alpha Conde, was declared winner.

The results announced by the Guinea Electoral Commissioner have since been challenged by Cellu Dallien Diallo and the Supreme Court of Guinea is yet to deliver a verdict on the appeal made by Cellu Dallien Diallo.

Meanwhile, the Guinean Authorities thought it wise to close all borders with its five neighbours including Liberia, Sierra Leone, Ivory Cost, Mali and Senegal.

The release mentioned that Sierra Leone is not isolated in this border closure and the government of Sierra Leone is in touch with the Guinean authorities through the Vice President Alhaji Sahr Sidique Samuel Sam Sumana.

In the case of Sierra Leoneans already stranded in Guinea, the government of Sierra Leone can negotiate their exit as a bilateral solution to the problem. The Sierra Leone government has assured Sierra Leoneans in Guinea that there is no cause to worry as it is in control

of the situation.

It is not known how soon the Supreme Court of Guinea would deliver a verdict on the election petition of the loser, Cellu Dallien Diallo.

It is however, hoped that the situation will be normalized as quickly as possible.

Meanwhile, it is possible to negotiate the exit of Sierra Leoneans who are already stranded in Guinea through the good offices of the Vice President of Sierra Leone.

# Human Rights Watch

Monday, 29 November 2010

## Guinea: Witnesses Describe Security Force Excesses

For Immediate Release

### New President Needs to Rein in Security Personnel, Ensure Political Neutrality

(Dakar, November 29, 2010) Security forces in Guinea used excessive force and displayed a lack of political neutrality when responding to election-related violence, Human Rights Watch said today. The violence, between supporters of presidential candidates Alpha Condé and Cellou Dalein Diallo, and between protesters and security services, took place in Conakry, the capital, and other cities between November 15 and 19, 2010. At least seven people died, and 220 were wounded.

Human Rights Watch conducted interviews in Guinea with over 80 victims and witnesses. The interviews confirmed that the security forces, dominated by ethnic groups that largely supported Condé's party, used lethal force to suppress violence by members of the Peuhl ethnic group, who were protesting electoral irregularities against Diallo, their candidate. Guinea's Supreme Court is expected to announce this week the final results of the contested, second-round election, which, despite some irregularities, was considered by international observers to be the freest in Guinea in 50 years. On November 15, election officials declared Condé the winner of the November 7 runoff election.

"The grim accounts regarding how security forces acted and the rising inter-communal violence show just how challenging the new president's job will be," said Corinne Dufka, senior West Africa researcher at Human Rights Watch. "To end Guinea's long history of violence, the incoming government will need to rein in and ensure the neutrality of the security forces, and urgently address the causes of lingering ethnic tensions."

The Human Rights Watch investigation in Guinea showed that members of the security forces used ethnic slurs against members of the Peuhl ethnic group, collaborated with civilian mobs from ethnic groups that largely supported Condé, and in several cases looted and stole property from people who were perceived to have supported Diallo. Although the security forces may have sought to quell the violence that seized the cities of Conakry, Dalaba, and Labé, they failed to provide equal protection to all Guineans, Human Rights Watch said.

Behaving more as predators than protectors, security force members in Guinea have for decades been allowed to get away with abuses including extortion, banditry, theft, kidnapping, racketeering, and excessive use of lethal force, with no apparent fear of being held accountable. Successive authoritarian heads of state have used the security services for partisan ends to repress political opponents, influence the outcome of elections, and intimidate the judiciary.

To end this cycle of state-sponsored abuse, Human Rights Watch urged Guinea's new government to:

- Issue clear rules to the security forces to ensure the equal protection of all Guineans, and to adhere to international standards governing the use of force and firearms when dealing with protests and unrest.
- Bring to justice those responsible for the gross abuses, both in connection with election-related violence, and the killings of more than 150 opposition supporters and rapes of 100 women by security forces in September 2009.
- Rein in, professionalize, and reform the security forces and ensure that the disciplinary structures to investigate, prosecute, and punish abusers are properly staffed, secured, and supported.

To address growing ethnic tension, the new president should:

- Take concrete steps to ensure members of the security forces desist from targeting Guineans on the basis of their ethnicity.
- Establish a truth-telling mechanism to uncover the roots of ethnic violence, investigate the historical persecution of particular ethnic groups, explore the dynamics that gave rise to and sustained cycles of successive authoritarian and abusive regimes, and make recommendations to ensure better governance and prevent a repetition of past violations.

- Urge all political party leaders to call on their supporters to end violent attacks against others on the basis of their ethnicity or political affiliation.
- Ensure that those responsible for inciting and carrying out violence are investigated and held accountable, including members of both political parties.

Dismantling the architecture of impunity that has characterized Guinea's history and building a society based on the rule of law should be at the top of the agenda for both the incoming administration and Guinea's international partners," said Dufka. "Failure to ensure accountability will only embolden those who might contemplate using violence and intimidation in the future."

### **Background**

The presidential elections in June and November were envisioned to bring an end to over 50 years of authoritarian and abusive rule. However, irregularities in both the June first-round and November 7 run-off, several spates of political and ethnic violence, and incidents of excessive force by security forces responding to the violence have marred the election's credibility and Guinea's transition to civilian rule. The run-off pitted Diallo, of the Union of Democratic Forces of Guinea (Union des forces démocratiques de Guinée, UFDG) against Condé, of the Rally of the Guinean People Party (Rassemblement du peuple de Guinée, RPG).

The most recent incidents of violence, killings, and other abuses followed the declaration of victory for Condé on November 15. Diallo declared on November 14 that he would not accept the outcome of the vote, largely because the election commission had refused to throw out ballots from two contested prefectures, Kouroussa and Siguiri. Minority Peuhl were unable to vote there because of ethnically motivated attacks against them in October that killed one person and caused Peuhl residents to flee en masse.

On November 15, Condé suggested at a news conference that he was the victor, which was confirmed by the electoral commission later that evening. However, Diallo challenged the results in Guinea's Supreme Court. On November 17, following two days of violence, the army imposed a state of emergency and a dusk-to-dawn curfew. Subsequently, the violence appears to have lessened.

### **Inter-Communal Violence**

In most cases, the violence began around the November 15 announcement of the runoff results. A Malinké man from Hamdalaye, a suburb of Conakry, whose home was attacked four times that evening, lamented, "They are the youth from our very own neighborhood. We watch football with them, drink tea with them, pray with them. We don't know why they attacked us in this way."

Scores of victims and witnesses who live in the teeming Conakry suburbs of Hamdalaye, Bambeto, Cosa, Dar es Salam, Kakimbo, and Lambanyi described disturbing scenes of violence between Diallo's Peuhl supporters and supporters of Condé who are largely Malinké, Soussou, and from the Forestier region. The violence was committed by mobs of youth and men armed with rocks, sticks, iron bars, knives, machetes, and, in a few cases, small swords and hammers.

Communal violence affected supporters, or perceived supporters, of both sides of the ethnic-political divide. However, in Conakry, Human Rights Watch documented considerably more attacks by Peuhl youths on members of communities they believed supported Condé than the reverse. Many Peuhl youths interviewed by Human Rights Watch perceived acts of celebration and, in many cases, verbal insults, as license to engage in violence.

Conakry residents described being attacked in their homes, dragged out of their cars and beaten, singled out for abuse on account of their ethnicity at informal checkpoints, and in at least three cases, raped. People living in houses or compounds with metal security bars told Human Rights Watch they were pelted with rocks by wave after wave of youths, while those in less secure compounds where the aggressors gained entry described being beaten and robbed. Witnesses described how the mobs stole phones, clothing, money, refrigerators, televisions, sewing machines, food, furniture, and other items. In some cases, houses, cars, or furniture were set on fire.

Those who suffered the most serious violence were from ethnic groups that were a clear minority within a given neighborhood. In several neighborhoods, nearly every minority family Human Rights Watch interviewed had been attacked. The victims were clearly told they were being attacked for their support, or perceived support, of the other party and were often warned by the mobs to move out of the neighborhood or risk further assault — or even death. Many families fled their neighborhoods, and others sent small children and female family members to live

elsewhere. In many cases, older men and women of the attackers' ethnicity tried to stop the violence, often unsuccessfully.

A Malinké man described how Peuhl youths had blocked the road near his house in Cosa and stopped everyone as they walked into the neighborhood.

'They beat everyone who wasn't a Peuhl,' he said.

Another Malinké man described being attacked by groups of Peuhl youth seven times, eventually causing him to send his younger children to seek refuge with an older Peuhl neighbor. A 61-year-old Soussou man who suffered serious head injuries and a broken jaw after being dragged from his car and beaten by about 10 Peuhl youths manning an informal checkpoint in the Cosa neighborhood described his ordeal:

They asked me if I was a Soussou or a Malinké. I told them we are all Guineans and hearing that they started to beat me inside the car, with rocks, sticks, and their hands. They dragged me out of the car and beat me more, then started breaking all the windows of the car. While beating me they said, 'you're RPG?' it's you who supported Alpha Condé? you will see what will happen to you!' I lost consciousness? I was alone. There were no police there, no one there to help me.

About five Peuhl families living in a compound in the Dabony Rai neighborhood were attacked by a Soussou mob, which eventually gained entry, robbed all the families of their money and possessions, including the window frames of their houses, and burned several of their cars. The Peuhl are a small minority there.

A 37 year-old Peuhl woman and her husband were attacked as they walked home from the market in the Koloma Rai neighborhood by a mob of about 50 men speaking Malinké. The woman, who was attacked with a knife and hammer, suffered lacerations in the face and lost several teeth in the attack. The husband told Human Rights Watch: When they saw us they said, 'Look at them, they are Peuhl!' As we ran, my wife tripped and fell. I yelled at them to leave her. They beat her with sticks, iron bars. I saw her being stabbed in the chin with a knife, and hit in the mouth with a hammer. When I yelled at them to leave her, they set upon me. We were saved by an older Malinké man who yelled at them to stop, and by a truck of policemen, who dispersed the mob with tear gas.

### **Excessive Use of Lethal Force by Security Forces**

On November 15, angry Peuhl youths took to the streets to protest against the perceived lack of neutrality of the electoral commission. Many burned tires, blocked roads, threw rocks at security forces that responded, and attacked residents who had or were perceived to have supported Condé.

Human Rights Watch's investigation found that security forces ' policemen, soldiers (some of whom were wearing red berets, suggesting their affiliation with one of several elite military units), and members of the Special Force for a Safe Electoral Process (Force spéciale de sécurisation du processus électoral, FOSSEPEL), a 16,000-strong unit comprising police and gendarmes assigned to ensure security during the elections ' used excessive force, often against the Peuhl.

Human Rights Watch took in-depth statements from 16 victims of gunshot wounds, 12 of whom, all Peuhl, described seeing security force members either shooting directly at them, or near them. The other four victims were wounded by stray bullets fired by the security forces. Some of the wounded and other witnesses described in detail the killing of three men by security forces during unprovoked attacks.

The local hospital, where the vast majority of victims were treated, stated they had treated 84 individuals for gunshot wounds. Both Human Rights Watch and hospital officials confirmed that the vast majority were Peuhl.

A few of the wounded admitted they had engaged in violence and thrown rocks at the security forces, but they said they had been shot as they ran away, and, in a few cases, even before tear gas was fired. The majority, however, denied any involvement in violence and said they had been shot in or near their homes by members of the security forces who stormed houses and compounds looking for youths who had fled after being dispersed by tear gas. Some of the youths also described being shot by security forces conducting foot or vehicular patrols after the violence had calmed down. Several men were shot, including two who died, during periods of relative calm when the men had ventured out to buy water or supplies or to visit family members.

A 17-year-old student who was shot in the knee just outside his house on November 15 described how he and another man were injured and a third man was killed in the same incident:

I was preparing tea with friends at my house. I heard the sound of people running, then minutes later, saw two pick-ups of FOSSEPEL and CMIS [police], advancing on foot into the neighborhood. That morning the UFDG youths had burned tires, but I wasn't among them. I thought they were going after those youths, but suddenly I heard them saying, "They're Peuhl? kill them," and realized it was us they were after. As one of my friends dashed across the street, I saw a policeman shoot at him? he fell. I ran, looking back quickly, and saw a policeman aiming at me? I saw it clearly from three meters away. It was then that I was hit. A few minutes later, they [the police] shot a third man? just meters away. The police were moving through the area like they were in a war. As I dragged myself toward my house, they kicked me in the gut and hit me with their rifles until I fell into the gutter. I think they behave like this because they don't have any children. I can see why they'd go after people burning tires, but I had nothing to do with it.

Human Rights Watch also spoke with an 18-year-old taxi driver who was shot by the police as he ran home from a mosque after afternoon prayers: "I'd done my ablution, but then saw the police arrive and got frightened. I put on my shoes and ran, and saw them fire at me? I had no warning, no [tear] gas, no warning shots.?"

A 22-year-old mechanic, who has a physical disability, was shot by members of FOSSEPEL from some four meters away when he tried to flee from his workplace with his father.

"They didn't tell us to stop. They didn't fire tear gas. They just fired," he told Human Rights Watch. "I fell down, terrified as the military walked up to me. I thought they would shoot me again, but two of them kicked me hard in the stomach, saying insults about my people, the Peuhls.?"

Three witnesses to the killing of a 20-year-old student, Mamadou Abdoulaye Bah, by a member of FOSSEPEL on Wednesday, November 17 said he was shot through the neck from some 40 meters away while visiting with friends along the railway tracks in the Cosa neighborhood. As one witness described:

He came to a group of friends sitting on the railway tracks to give one of them money to buy some bread. It had been tense ? between the security forces and the youths ? but had quieted down a bit, so he ventured out. His mother cried later that she told him not to be long; he was her only child. At that moment we saw two FOSSEPEL agents about 50 meters away ? they'd been guarding a Malinké family house that Peuhl youths had attacked when the trouble began. Suddenly, they shot in the air, and Abdoulaye and his friends got up to run, but then one of them [the agents] just shot in our direction. He [Abdoulaye] fell down right there ? half on the tracks and half off.

### **Physical and Detention-Related Abuses, Criminal Behavior by Security Forces**

About 30 people who spoke to Human Rights Watch described being slapped, kicked, whipped, burned, and beaten with batons and rifle butts as they were being detained by security force members on the street or at their homes or jobs or while in detention in one of several gendarme and police facilities. Human Rights Watch also documented the rape of six young women by soldiers in the town of Labé.

Many of these abuses were committed against young men who had taken part in the protests, or against men and women whom the security forces encountered while patrolling. Numerous witnesses showed Human Rights Watch physical signs of the abuses, including bruises, cuts, and burns. Witnesses also described how the security forces kicked over the food their wives and mothers were preparing in their homes including on November 16, the holy Muslim holiday of Eid.

Some of those interviewed told Human Rights Watch that security forces urinated in their houses and, in one case, kicked over the entire library of a Quranic teacher. Another man, detained in Cosa by several FOSSEPEL agents, described being severely burned:

A group of FOSSEPEL came inside my house and stole my phone and two pairs of shoes. They dragged me and two others to the crossroads, where they beat us, and then one of them picked up a piece of a chair which the youths had burned [along with tires] during the trouble earlier that day and burned my back in two places. They kept us there, beating us, for several more hours.

Numerous witnesses described how security forces stole mobile telephones, money, shoes, and household items during the operations. Several victims detained near or in their homes were asked for money to avoid being taken into the local police station, gendarme camp, or prison, or, once there, to secure their freedom. One man was

detained after being found hiding in a house was taken to the police headquarters in Bellevue and was told that he would be sent to the central prison unless he paid 400,000 Guinean francs (US\$57).

Three other young men who were detained on November 15 by FOSSEPEL officers spent five days in the judicial police (Department of Judicial Police, DPJ) headquarters. They and two family members told Human Rights Watch that the family paid the police to ensure the men had decent jail conditions and to secure their release. A total of 52 men were held there. One of the three said:

They broke down the door, found my brothers and me hiding, and forced us onto the FOSSEPEL truck, beating us as we went until we bled. When my mother tried to stop them, they slapped her hard on her face. They took us to the police headquarters in Bellvue, but the officer there said he wouldn't accept anyone who was wounded. Then FOSSEPEL took us to the DPJ. In the mornings they'd stuff over 30 of us in a very small room and close the door. Once, five people fainted from the heat. Every morning our family members had to pay to free us from that room; then they had to pay to get us out of the DPJ. Our family paid a total of 500,000 Guinean francs (\$71) for the whole affair. While there, they took out a pile of machetes, knives, and other weapons, and made the 52 of us, who were all Peuhl, stand behind them and filmed us for the television.

One of the rape victims in Labé, 400 kilometers from Conakry, was interviewed by phone in the hospital where she was receiving treatment. She said that on November 19 she was forced at gunpoint to enter a truck full of soldiers, taken to a house under construction, and held against her will for two days. She was detained with two other young women and found another three women there. The victim and two others eventually escaped through a widow. Diplomatic sources interviewed by Human Rights Watch said local doctors had confirmed the rapes.

On November 21, twenty-two members of the security forces were arrested and charged for criminal acts committed against the civilian population in Conakry after the late-November 17 imposition of the state of emergency. However, no arrests of security force members implicated in violations committed from November 15 through 17 have been made.

### **Lack of Neutrality by Security Forces**

Human Rights Watch's research suggests that the security forces demonstrated a lack of neutrality in responding to the political and ethnic violence, and for targeting members of the Peuhl ethnic group.

Peuhl victims of abuses by the security forces were, with few exceptions, subjected to ethnic slurs, insults that referred to their ethnicity, and threats to kill them on the basis of their ethnic group. Victims interviewed by Human Rights Watch said they were consistently told, "You, the Peuhl, will never rule the country?"; "You Peuhl bastards, we will kill you all?"; and "You, the Peuhl, are the ones ruining Guinea." A high-ranking UFDG member who was detained for several hours by FOSSEPEL agents was told, "You are all good for the fire of the Nazis?", while the young man who was burned with a smoldering chair was told by FOSSEPEL agents, "Your father is Cellou Dalein Diallo, isn't it? We'll eliminate all of you here."

Numerous victims described seeing members of the security forces and civilians armed with rocks, sticks, and, at times, machetes and knives appearing to work together as they pushed back mobs of Peuhl youths who were taking part in protests, clashing with mobs of youths from other ethnic groups, or engaged in attacks on perceived supporters of Condé. Peuhl residents of the Kakimbo and Cosa neighborhoods described how security forces, including police, red berets, and FOSSEPEL agents, opened fire in the direction of their community, while the civilians accompanying the agents threw rocks in the same direction.

A group of some 15 youths from the Malinké, Forestier, and Soussou ethnic groups interviewed by Human Rights Watch openly described taking part in what they described as a collaborative effort with the police and members of the red berets.

"We mobilized to defend our neighborhood, and the military helped us out," one said.

Another witness observed youths he believed to be Malinké armed with rocks and machetes marching toward the Bambeto neighborhood with a FOSSEPEL truck in front of them.

Many members of the security services appeared to take their duty to protect individuals from ethnic groups who had largely voted for Condé more seriously than they did those allied with Diallo, Human Rights Watch said.

Numerous witnesses, including business people in the Hafía neighborhood, described how Peuhl who came under attack by armed Malinké and Soussou youths called FOSSEPEL for help. Their relief upon seeing the security forces arrive was dampened when the security forces instead used tear gas against the Peuhl. Similarly, instead of protecting several Peuhl families being attacked by a mob of youths from the majority Soussou ethnicity in the Dabony Rai neighborhood, FOSSEPEL agents called by Peuhl for protection participated in looting Peuhl houses, and beat and detained at least one of the Peuhl residents.

Human Rights Watch spoke with several Peuhl witnesses in Kakinbo, Dabony Rai, Cosa, and Hafía who described security force members standing by while civilians from other ethnic groups stole from them. At times the civilians and members of the security forces simultaneously robbed and stole money and items from them. In Cosa, a resident described how two Red Berets and three FOSSEPEL agents stood by while several Malinké residents broke into his restaurant and stole batteries, thermoses, his television, and other items. In Hafía, witnesses described how the security forces stood by while Malinké and Soussou residents broke into several residences, a tailor shop and a phone-call center, and then together proceeded to rob local Peuhl residents of money, phones, sewing machines fans, and other items.

Numerous witnesses described supporters on both sides of the ethnic-political divide armed with knives, machetes, and other weapons and engaged in aggression and, in many cases, criminal acts against each other. But the people detained for criminal acts and wounded by the security services are overwhelmingly Peuhl. This pattern is substantiated by both hospital and prison records seen by Human Rights Watch and suggests a disproportionate and ethnically motivated response to the violence by security forces, very few of whom are Peuhl.

Regardless of ethnic background, the violence has indeed taken a toll on Conakry's residents. A Soussou woman married to a Malinké described how a group of some 40 Peuhl armed with knives, sticks, swords, and machetes broke into their home, attacked her teenage daughter and 10-year-old son, raped her 18 year-old sister-in-law [who was also interviewed by Human Rights Watch], and stole numerous items:

On Monday, right after the announcement of the results, the mob came. One of them put a knife to my 10-year-old son's throat ? I grabbed my son away and told them they would have to kill me first. They stole everything (clothes, sheets, sewing machines, fridges, our food, and even my children's school books!). Some of our Peuhl neighbors have given us things to wear and eat; they've been kind. Two of the attackers raped my sister-in-law. Since Monday, we haven't slept in our house; we spent the day here but don't sleep here. We are too terrified.

For more Human Rights Watch reporting on Guinea, please visit:  
<http://www.hrw.org/en/africa/guinea>

For more information, please contact:

In Dakar, Corinne Dufka (English, French, Spanish): +221-33-820-6125; or +221-77-783-3131 (mobile)

In Paris, Jean-Marie Fardeau (English, French, Portuguese): +33-1-43-59-55-31; or +33-6-45-85-24-87 (mobile)

## Hirondelle News Agency

Monday, 29 November 2010

### **Two ICTR witnesses ready to testify before French judiciary**

The International Criminal Tribunal for Rwanda (ICTR) has rescinded protective measures granted to two of its witnesses in order to help French judges to investigate the role of former Rwandan Army officer, Captain Pascal Simbikangwa, in the 1994 genocide.

The two witnesses had testified under protected names of XXC and AAA in the trial called Military I involving, among others, Col. Théoneste Bagosora, who was sentenced to life imprisonment for genocide.

"The Appeals Chamber varies the protective measures granted to the witnesses XXC and AAA in Bagosora et al case for the purpose of disclosing their confidential statements, transcripts and other relevant documents to the French judicial authorities," it said in its decision published in the ICTR website.

However, according to the decision, only witness XXC was ready to testify under his real identity as he has consented to the complete lifting of his protected status. For witness AAA, the waiver of protected measures was only to the relevant French authorities and the parties to the case.

The prosecution had also applied for waiver of protective measures of another witness DCB to help the French judges in their investigations in alleged role of Agathe Habyarimana, former Rwandan First Lady and Eugène Rwamucyo, a doctor, in genocide.

However, the Appeals Chamber ruled that it was not convinced the witness's variation measures would be appropriate. "Witness DCB does not consent to the disclosure of his confidential documents to the French authorities or to testify in open court under his name in French proceedings," the Chamber noted.

In September 2010, the Tribunal rescinded protective measures enjoyed by witness who had testified under code name of FAE to help French judges in their investigations against Juvénal Habyarimana's widow and Eugène Rwamucyo. The witness had shown willingness to testify under her real identity.

On October 16, 2009, two French investigative judges, Fabienne Pous and Michèle Ganascia, met the ICTR Chief Prosecutor Hassan Bubacar Jallow in order to get help in investigation of cases concerning Rwandan suspects implicated in the 1994 genocide.

FK/ER/GF

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Bembatrial.org

Monday, 29 November 2010

## What the Bemba Trial Means to Victims

By Sisonke Msimang

As the trial of Jean-Pierre Bemba gets underway, political analysts will go into overdrive about what the case means for the fragile peace in the Democratic Republic of Congo. In addition, many will see this as a crucial test of the International Criminal Court's (ICC's) ability to deliver justice in a region whose politics is inextricably linked to bloodshed and instability.

For those of us who support the notion — as articulated in the founding principles of the Court — that there can be no peace without justice and even for those with an ideological commitment to the Court, it is difficult to deny that there are a number of problematic elements in the case against Bemba. The primary problem is that he is standing trial alone: the former President of the Central African Republic, Ange-Félix Patassé, who invited Bemba's rebels into the country in 2002, remains uncharged despite that fact that no less than the deputy prosecutor of the ICC, Fatou Bensouda, has indicated that "he is a co-perpetrator of Bemba." In the CAR, the victims of the 2002-2003 battle between the current president Francois Bozizé, and then president Patassé, wonder why a foreigner is standing trial while their own countryman has escaped the long arm of the ICC.

On the other side of the border in the Democratic Republic of Congo, victims in Ituri province, where the Banyamulenge terrorized the population between 2002 and 2006, wonder why Bemba is only being charged for the crimes that took place in the CAR. For those in Ituri who want to know what happened to their loved ones and why, justice will remain elusive — even if Bemba is successfully prosecuted in this case.

And of course at the political level, DRC's President, Joseph Kabila, continues to be dogged by claims that Bemba's referral had more to do with politics than justice, that his popularity ensured that he would find his way to The Hague when others who have perpetrated serious crimes remain at large, and that the Prosecutor is either haplessly incompetent, or willingly playing into the hands of African politicians.

Yet beneath all the commentary and the legal acrobatics that will continue to surround this case, there are a number of important facts that must be kept in mind by people committed to peace and democratic progress in the Great Lakes region. Jean-Pierre Bemba does not deny that he and his troops were in the CAR at the time that the atrocities were committed. He does not deny having controlled a rebel army. He does not even deny that his troops committed atrocities, which could be defined as war crimes and crimes against humanity. Instead, his defense rests on the idea that he was not the commander in charge, and therefore did not know and/or was powerless to stop the atrocities.

It is a defense that will certainly ring hollow, not only for the victims of the crimes he is alleged to have committed, but for all survivors who have been caught in the crossfire between dangerous and powerful men.

In May this year, I travelled to South Kivu to meet with people in the Congo whose lives over the last decade have come to be defined by rape and murder. Among all my memories of that visit, one is particularly vivid. I sit in an unlit room with two colleagues, talking to staff of a project that we fund — a legal clinic at the famous Panzi Hospital. They tell us about the new Sexual Violence Act that has just been passed and about how they use it as a tool not only for justice, but to educate their far-flung communities about rape and the abuse of women. We have heard these words before, in dozens of projects around southern Africa. We nod appreciatively. We are aware of the context, of the war that has

raged across the Kivus since 1998. But this does not feel all that different from any poor community, anywhere else in Southern Africa. They tell us about the tapes they have made, which play on loud speakers on certain days advertising their services, and they begin to tell us about the many women who have come forward. They cite the progress they have made in Uvira, and a particularly articulate young man, who has led the group discussions until now, suddenly begins to cry. His mouth is stretched open, and he is heaving. He cannot help himself. He is surprised and embarrassed but he doesn't know what else to do. He begins, through his sobs, to describe what he has seen and then stops himself – for his own sake as well as ours. It is an utterly unrehearsed moment of grief; wide and gaping. My colleagues and I are Africans, just like him. Ostensibly, this should help us to understand better. But as he calms himself, I am ashamed: I will never understand what he has seen.

The project lawyer breaks the silence and begins to talk about the workshops they run. She has experienced enough of these meetings to know that we are expected to go back to Johannesburg with facts and figures. And so, in a practical manner, she begins to rattle off numbers, taking us back into terrain that we can navigate: over a thousand women reached with workshops, seven hundred have come forward for counseling, one percent have pursued cases. I want to cry but I feel silly. “Why such a low figure?” we ask, stupidly.

She is patient with us: “Because the perpetrators are not known. And those who are will simply come back.” “So what do you do with all these women who cannot take their cases forward?” we ask. “We train them about justice.” Her response lacks irony. I look at her, and she continues. “And always, we tell them about the ICC. That is the best part of the training we give them.” Now it is impossible not to cry. “Why? What has the ICC got to do with their lives?” we ask. “It is our hope,” she says. She is not an idealistic Westerner. She is a Congolese woman, a legal assistant, who speaks four languages, and works in one of the most difficult jobs in the world. “One day, the ICC will come and hear their stories. One day then, the rape will stop.”

Whether or not this is true, it matters that some survivors believe it. It matters immensely that as the Bemba trial begins this week, it is the victims and survivors of the CAR, and those in the Congo, in Sri Lanka, in Colombia, whose perpetrators will one day stand trial, who take center stage; politicians be damned.

*Sisonke Msimang is the Executive Director of the Open Society Initiative for Southern Africa. She is a specialist in civil society movements and women's rights.*

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## **Justice in Bosnia**

Four sobering truths seem to be taking hold.

First, the war was caused by bad — often criminal — leadership. Yugoslavia disintegrated after 1990 when cynical leaders jockeying for power instigated ethnic and religious conflict and the perpetration of crimes against humanity and genocide. The war was fomented by war criminals, not “ancient hatreds.” Relative degrees of responsibility are still being debated, but the central role played by dangerous leaders is no longer in dispute. In Croatia, Bosnia, and Serbia, we talked with people who recognize that there might be relevant lessons from the leadership that prevented or ended racial or sectarian violence in South Africa and Northern Ireland.

Second, enduring peace cannot be imposed from the outside. It must come from within. The international community served an important purpose in bringing about an end to the fighting in Bosnia. The agreement signed in Dayton in 1995 stopped the killing, but was never intended to be a straitjacket for future governance of the region. The prospect of joining the European Union provides an incentive for moving forward. But it is time to terminate the Office of the High Representative established in 1995 to oversee implementation of the Dayton Agreement. The people of Bosnia can then begin to take responsibility for their own governance and destiny.

Third, when genocide and crimes against humanity have been committed there can be no peace without justice. We found growing recognition of this truth among leaders and young people throughout the region. The International Criminal Tribunal for the Former Yugoslavia has long faced local skepticism and hostility. But today people understand that the prosecution of leaders guilty of war crimes may make it possible for citizens of Serbia, Bosnia, and Croatia finally to come out from under clouds of collective guilt and get on with building their own lives.

In Belgrade the press is calling for the arrest of Ratko Mladic, the Bosnian Serb general charged with genocide in Srebrenica and other serious war crimes. The Serbian Parliament, while stopping short of calling Srebrenica a genocide, has adopted a resolution condemning the mass execution of 8,000 Bosniak men and boys — all civilians. The President of Serbia traveled to Vukovar this month to apologize to the people of Croatia for human rights crimes committed there by Serbs. And the President of Croatia expressed regret for similar crimes committed against Serbs by Croats in the town of Paulin Dvor. Both presidents and other leaders are encouraging discussion about accountability for what happened in Bosnia.

The fourth truth is that change occurs when there is pressure from civil society. People must organize themselves to counter the politics of fear and division. The October elections in Bosnia were a dismal example of continuing division. But new civil society organizations are promoting inter-ethnic dialogue and accountability for the past. Young Serbs and Bosniaks in Srebrenica have formed a group to promote such dialogue. Serbian, Bosnian, and Croatian human rights groups have launched a petition drive for a million signatures calling for the creation of a truth commission. They are aware that the greatest benefit of the South African Truth and Reconciliation Commission is that it has produced a shared history of the crimes of Apartheid and, in turn, that has stopped fabricated denials. At national law schools in Zagreb, Sarajevo, and Belgrade, law students and faculty expressed interest in international justice.

If there is to be enduring peace in the Western Balkans, and full acceptance of its people as citizens of the European Union, these four truths will have to inform the policies to be implemented by a new generation of government and civil society leaders. There is a growing movement in this direction in Serbia, Croatia, and Bosnia. It needs to be encouraged.

John Shattuck, president of Central European University, helped negotiate the Dayton Peace Accords as US assistant secretary of state. Richard Goldstone, visiting professor at Central European University, was the first chief prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, and later served as justice of the Constitutional Court of South Africa.