

**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**

**as at:**

Friday, 20 December 2010

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

### Local News

TRC Fails to Reconcile People / <i>Premier News</i>	Page 3
In Sierra Leone, Chief Justice Highlights Achievements / <i>Awareness Times Online</i>	Page 4
In Sierra Leone, ACC Boss Bags World Bank Integrity Award / <i>Awareness Times Online</i>	Page 5

### International News

Security Council Responds Positively to ICTR Concern Over Staff / <i>Hirondelle News Agency</i>	Page 6
Quebec Man 'Complicit' in Genocide / <i>National Post</i>	Pages 7-8
When Does Rape Become Genocide or Crime Against Humanity? / <i>The Citizen</i>	Pages 9-10
Co-operate to End Impunity / <i>The Citizen Daily</i>	Page 11
France Places Six Rwandan Officials Under Judicial Investigation Over 1994 Genocide / <i>Island Crisis</i>	Page 12

## TRC Fails To Reconcile People

**O**ne time member of the Truth and Reconciliation Commission (TRC) Working Group in Sierra Leone, Rev. Osman Fonah, says he is convinced the TRC was unable to reconcile the people of Sierra Leone

*By Abu Bakarr Munu*

The current Secretary General of the Inter-religious Council made this statement on Monday at a consultative meeting organized by Fambul Tok International (FTI) at the Pastoral Center in Makeni.

Rev. Osman Fonah said the TRC succeeded in investigating the causes of the war and bringing out an impartial record of the war with recommendations to the Government and the international community for the prevention of another war in the country.

He said this was due to a number of factors, including the fact that the TRC was time bound and did not have adequate

time to contact every perpetrator or victim.

The second point he said is that the TRC was not well funded and had financial difficulties in its operations.

Third, he said was that the simultaneous operations of the Truth and Reconciliation Commission (TRC) and Special Court for Sierra Leone (SCSL) contributed to the failure of the reconciliation aspect of its work.

Rev. Fonah said perpetrators were afraid to make statements to the TRC for fear that their information will be leaked to the Special Court.

## Awareness Times Online

Thursday, 16 December 2010

### **In Sierra Leone, Chief Justice Highlights Achievements**

By Aruna Turay

The Chief Justice of Sierra Leone, Hon. Umu Hawa Tejan-Jalloh has highlighted achievements so far made in the country's judicial system upon her assumption to that office.

Addressing distinguished personalities including Judges, Magistrates, Justices of the Peace (JP) and a battery of legal officers to mark the centenary celebration of existence of the Law Courts Building on Wednesday 15th December, 2010 in Freetown, the erudite judicial luminary said under her stewardship, the judiciary has been able to collect data of all judgments made by the Superior Courts from 1976 to 2008. She said copies of the data have been bound and distributed to the Law Faculty at Fourah Bay College, Law Officers' Department, the Law School as well as the Judiciary's Library. In addition, Justice Tejan-Jalloh informed that complete sets of the documents have been purchased by Law Firms and other Institutions like the Special Court for Sierra Leone and the Human Rights Commission among others.

Further, she said they have also been able to design an electronic format of all statutes and subsidiary legislations in addition to the judgments mentioned above.

"We have also conducted trainings on how to access and use these resources," she proffered, adding that they can also be accessed on their proposed website which would soon be launched in the first quarter of 2011.

"We also now have our own staff buses and this has made staff punctuality very effective," Justice Tejan-Jalloh furthered.

On other achievements, the Chief Justice cited the establishment of Magistrate Courts in Freetown, York, Masiaka and Mile 91 respectively as well as the Fast Track Commercial Court in Freetown which she informed would start sitting early next year.

"We have also established the Judicial and Legal Training Institute that would cater for training of trainers' programmes, training of magistrates, Justices of the Peace, court clerks and Bailiffs as well as court reporters among others," she noted.

Hon. Justice Umu Tejan-Jalloh used the forum as an opportunity to inform her audience of various other trainings conducted locally and internationally in areas such as juvenile justice, gender justice, combating fraud and transnational crimes, gender based violence, and computer literacy. She assured that training programmes for court officials would be continuous as they continue to build the capacity of their Human Resource base.

In conclusion, the Honorable Chief Justice assured staff members that efforts to improve the conditions of service of all judicial staff are continuing; and that there are already indications that there is "light at the end of the tunnel." I am confident that we will see the fruits which will put smiles on our faces early in the New Year," she said, while expressing hope that the achievements would to a very large extent, attract more judges and magistrates as well as other experienced judicial support staff.

## Awareness Times Online

Thursday, 16 December 2010

### **In Sierra Leone, ACC Boss Bags World Bank Integrity Award**

Commissioner of the Anti Corruption Commission (ACC), Joseph Fitzgerald Kamara has been awarded the prestigious World Bank Integrity Award for taking up the challenge to fight corruption in Sierra Leone, and for distinguished service in promoting international and national criminal justice.

The ceremony took place at the Hilton Hotel, Alexandria, Virginia, USA. The award was presented to the Commissioner by the Managing Director of the World Bank, Okonjo-Iweala, during the International Corruption Hunters Alliance meeting hosted by the World Bank.

Speaking at the ceremony, the World Bank President, Robert Zoellick said individual efforts and smaller networks were achieving successes against corruption. Mr. Zoellick noted that the Bank had meshed its development and anti-corruption missions after years of institutional resistance. He called on a group of investigators and prosecutors from more than one hundred and thirty (130) countries to confront the 'audacity' of corruption with the Bank's help.

"In a time of fiscal constraint in many donor countries, we need even more to underscore to donors and recipients that every development dollar will be spent as intended to overcome poverty, boost growth, and opportunity," Mr. Zoellick added.

*Note: Joseph Kamara was until recently Deputy Prosecutor of the Special Court.*

## Hirondelle News Agency

Thursday, 16 December 2010

### **Security Council responds positively to ICTR concern over staff**

The United Nations Security Council has responded positively to the concern by the International Criminal Tribunal for Rwanda (ICTR) of understaffing and reiterated the importance of the Tribunal being adequately staffed to complete its work expeditiously.

"The Security Council calls upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar (...) in order to find practical solutions to address this issue as the Tribunal approaches the completion of its work ," a resolution adopted Tuesday says.

At the same time the Security Council called upon the International Tribunal to review its efforts to focus on its core functions.

It decided, therefore, notwithstanding the expiry of their term of office on December 31, 2010 to authorize Sri Lankan Judge Joseph Asoka de Silva and Jordanian Judge Taghrid Hikmet to complete the Military II trial involving four former Rwandan military officers which they began before the expiry of their term of office.

The Security Council also took note of the intention of the Tribunal to complete the case in March 2011. The defendants in the case include army Chief of staff general Augustin Bizimungu and his counterpart of the gendarmerie, Augustin Ndindiliyimana.

It also decided that in order for the Tribunal to complete existing trials or conduct additional trials, the total number of ad litem Judges serving at ICTR may from time to time temporarily exceed the minimum of 9 to a maximum of 12 at any one time.

Presenting six month report on completion strategy before the Security Council on December 6, 2010, the Tribunal's President, Dennis Byron, called for immediate address staff retention. He said, "in 2010, Tribunal lost almost 100 staff members. For the Chambers alone, the number is 19, representing a high percentage of our staffing level."

FK/NI/ER/GF

© Hirondelle News Agency

## National Post

Thursday, 16 December 2010

<http://www.nationalpost.com/news/canada/Quebec+complicit+genocide/3984544/story.html#ixzz18MpB>

### Quebec man 'complicit' in genocide

Stewart Bell

A Quebec man is facing deportation after the Federal Court found he was complicit in the 1994 Rwandan genocide that left an estimated 800,000 dead.

Faustin Rutayisire, 54, a former math teacher and government administrator, is the latest Rwandan accused by Canada of playing a part in the outburst of ethnic bloodletting.

"It's definitely a very good thing," Jean-Paul Nyilinkwya of Page Rwanda, a Montreal-based group that represents parents and friends of genocide victims, said Wednesday.

But Mr. Rutayisire, who lives in Gatineau, Que., denied any role in the genocide. "I'm innocent anyway," he said in a

brief phone interview. "It's not right, it's unfair."

Mr. Rutayisire is a founding member of Rwanda's Parti Social Democrate. During the genocide, he was the sub-prefect of Butare, a province in southern Rwanda where scores of ethnic Tutsis were slaughtered.

Justice Yvon Pinard of the Federal Court ruled that some of Mr. Rutayisire's activities had contributed to the mass killings. "Many bureaucrats, administrators, and local civic leaders either actively participated or acquiesced to the violence and performed compartmentalized duties which contributed to the genocide. For this reason they are complicit in genocide and must be held accountable," the judge wrote.

For the first weeks of the genocide, Butare was relatively calm but once the interim government and Hutu militias turned their attention to the region, home to Rwanda's second-largest city, it became a major killing ground.

The prefect, Jean-Baptiste Habyalimana, a Tutsi, was removed from office and executed along with his wife and daughters. He was replaced by Sylvain Nsabimana, who allegedly played a key role in the genocide in Butare.

According to the International Criminal Tribunal for Rwanda, as prefect Mr. Nsabimana helped develop a plan to exterminate Tutsis, ordered and participated in massacres, incited ethnic violence and distributed arms.

The killings began in Butare on April 20. In early May, Mr. Rutayisire was appointed sub-prefect of Butare. He said he was afraid to turn down the job. "When I arrived

there, everything was done. I'm not the one who was planning, I didn't do anything," he said.

He served until July, when he fled to South Africa. He applied for refugee status in Canada and was granted permanent residence in 2003, but two years later Ottawa began trying to deport him under the Crimes Against Humanity and War Crimes Act.

Last December, the Immigration and Refugee Board ruled he was "complicit by virtue of his association with the principle authors who committed crimes against humanity." That decision was upheld by the Federal Court on Dec. 3.

Lorne Waldman, Mr. Rutayisire's lawyer, said the ruling cannot be appealed.

"I think the interpretation of crimes against humanity in Canada has become far too broad and we are casting too wide a net, generally speaking," he said.

The government must now conduct a risk assessment to determine whether Mr. Rutayisire can be safely deported, but he said he fears what could happen if he is sent back to Rwanda.

In June, Canadian prosecutors charged Jacques Mungwarere of Windsor with four counts of genocide in relation to the killings in Rwanda.

Desire Munyaneza of Toronto was sentenced to life in prison last year for his role. A number of other Rwandans are being deported, including Leon Mugesera, whose removal was upheld by the Supreme Court.

sbell@nationalpost.com

Read more:

<http://www.nationalpost.com/news/canada/Quebec+complicit+genocide/3984544/story.html#ixzz18MpBXTIJ>

## The Citizen

Tuesday, 14 December 2010

### When does rape become genocide or crime against humanity?

By Patty Magubira  
The Political Platform Reporter

Arusha. The Trial Chamber 11 of the International Criminal Tribunal for Rwanda (ICTR) last week sentenced former Rwandan military officer Lieutenant Ildephonse Hategekimana to life imprisonment after convicting him of rape as a crime against humanity, among others.

One may wonder over the sentence meted out by a panel of three judges of the chamber led by Judge Arlette Ramaroson to consider rape as a crime against humanity instead of genocide as was the case with the judgment of the case involving Jean-Paul Akayesu.

“The Interahamwes thrusting a piece of wood into the sexual organs of a woman as she lies dying - constitutes rape in the tribunal’s view,” a judgment in Akayesu’s case reads in part.

Akayesu was on September 1, 1998, sentenced to life imprisonment in chamber I of the ICTR court after he was convicted of rape as genocide, making the crime first recognized as a weapon of genocide by an international criminal court.

The judgment apparently was foreshadowed by the August 2009 UN Security Council debate on the international strategy to combat sexual violence as a method of warfare.

The debate culminated into the establishment of a UN resolution 1820, which declares rape as a qualified war crime.

The debate was compounded by rape reports being neglected for a long time, including about 60,000 rapes reportedly committed in war in Croatia and Bosnia Herzegovina in the 1990s, but only 27 cases reached conviction.

Of the 500,000 rapes committed in 100-day long genocide in Rwanda, eight suspects were convicted, while only six out of 64,000 rapes committed in Sierra Leone reached conviction, according to statistics posted online by Survivors Fund (Surf) and Womankind Worldwide.

But the resolution identifies three factors for the crime to occur. Firstly, lack of protection among civilians, secondly, the impunity of sexual violence, and thirdly, persistent discrimination against women and girls.

ICTR defined rape in the Akayesu’s case as ‘every act of physical penetration of sexual nature inflicted on another person under duress’ – an illegal use of force or threats, as used before trial against a criminal suspect or a prisoner in lawful custody.

An intimidation, blackmail or other forms of violence used to exploit fear can be regarded as a characteristic of duress and therefore any sexual relation under these circumstances may be considered as rape and indeed, crime against humanity.

Apart from rape, the crime against humanity includes murder, extermination, enslavement, deportation and other inhumane acts against civilian populations.

Crime against humanity also includes persecution on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal.

Genocide, in turn, includes acts intended to destroy, in whole or part, a national, ethnic, racial or religious group by killing members of the group or causing serious bodily or mental harm to members of the group.

Deliberately inflicting on the group conditions of life to bring about its physical destruction in whole or part is also regarded as a genocide act.

Also considered as genocide are acts such as of imposing measures intended to prevent births within a group or forcibly transferring children of the group to another group.

The term genocide was initially coined in 1944 by a Polish Jewish scholar Raphael Lemkin, who defined it as 'a willful attempt to destroy an ethnic group'.

He lobbied prosecutors at the International Military Tribunal of Nuremberg (Germany), who incorporated the concept on crimes committed during the Second World War, at last.

For an act charged under Article 2 (2) of the ICTR statute to constitute a genocide element, it must, however, be against one or several individuals, who are members of a specific group against which the crime was committed. A victim is therefore targeted not because of his individual identity, but rather on account of his affiliation to a national, ethnic, racial or religious group.

The ICTR chamber 1 found out that Akayesu committed rape with a specific intent to destroy the Tutsi ethnic group as stipulated in the indictment.

By his own words, Akayesu ordered, instigated, aided and abetted acts of sexual violence such as numerous Interahamwe militiamen raping 10 girls in a cultural center of the bureau communal, according to a panel comprising Judges Laity Kama – presiding, Lenanar Aspergren and Navanathem Pillay.

But in the Hategekimana's case, the ICTR trial chamber 11 could not prove beyond doubt that the victim of rape Nura Sezirahiga was affiliated to Tutsi ethnic group.

Hategekimana, a former commander of the Ngoma Camp and Lieutenant in Rwanda Armed Forces, was thus found guilty of genocide for murdering and ordering the murder of several Tutsi individuals, and of crime against humanity for murdering under torture a political opponent and raping one, among others. He will remain in the custody of the Tribunal pending transfer to the state where he will serve his sentence. His trial commenced on March 8, 2009, and closed on October 6, 2009.

He was arrested on February 16, 2003, in Congo Brazzaville, and was transferred to the UN detention facility in Arusha three days later. He pleaded not guilty to all 14 charges against him.

Hategekimana, who was acquitted of one count of complicity in genocide, was represented by Counsel Jean de Dieu Momo from Togo, while the prosecution was led by William Egbe from Cameroon

**The Citizen Daily**  
Friday, 17 December 2010

### **Co-operate to end impunity**

The indictment by the International Criminal Court (ICC) of some top Kenyan leaders over their alleged involvement in the 2007 post-election mayhem that claimed over 1,200 lives, should send a strong message to the perpetrators of such serious crimes that the era of impunity has ended.

There has been a lot of excitement in Kenya, with some of those accused pointing the finger at their supposed opponents allegedly determined to get them arrested to block their ambitions. However, as ICC chief prosecutor Luis Moreno-Ocampo has emphasized all along, crimes were committed and justice must be done by holding the perpetrators to account.

At this stage, these leaders are, of course, innocent until proven otherwise by the court. But it's a lesson to all that it will no longer be possible to suppress others and destroy lives and property and go Scot-free.

Even those who are powerful within their borders will be pursued by a determined criminal justice system and punished however long it takes.

The International Criminal Tribunal for the former Yugoslavia and for Rwanda both arose from a consensus that impunity is unacceptable.

But these tribunals targeted crimes committed within a certain time-frame and specific conflicts, hence the need for an independent, permanent criminal court. It will be recalled that on July 17, 1998, the international community attained a historic milestone, when 120 states adopted the Rome Statute that established the ICC.

The ICC is, therefore, the first permanent, treaty-based, international criminal court established to help end impunity.

We appreciate the ICC's commitment to observing the highest standards of fairness and due process. This is why we urge the government and people of Kenya to cooperate fully to entrench justice.

## Island Crisis

Friday, 17 December 2010

<http://www.islandcrisis.net>

### **France places six Rwandan officials under judicial investigation over 1994 genocide**

France on Thursday placed six Rwandan officials, including Defense Minister James Kabarebe and Army chief-of-staff Charles Kayonga, under judicial investigation for their involvement in the 1994 genocide, the BBC reported.

The six Rwandan officials are accused of carrying out an attack which brought down the plane in which former President Juvenal Habyarimana was traveling along with Burundian counterpart Cyprien Ntaryamira. The attack triggered the 1994 genocide that claimed the lives of around 800,000 Tutsis and moderate Hutus.

Last week, a French judge questioned the six individuals charged in Burundi. During the interview, the six Rwandan officials denied all wrongdoing. Judge Marc Trevidic indicted the six individuals in a Paris court on Thursday.

In 2006, France and Rwanda broke diplomatic relations after arrest warrants were issued in Paris for nine officials and accused Rwandan President Paul Kagame of being involved in Habyarimana's plane attack.

Relations improved when French President Nicolas Sarkozy visited the African nation last February. The issue is very sensitive within the Rwandan government as President Kagame is a Tutsi and French accusations of his involvement in the attack that triggered the massive Tutsi genocide threatens his legitimacy.

In November, the International Criminal Tribunal for Rwanda (ICTR) convicted and sentenced to 30 years in prison a Rwandan businessman for his involvement in the 1994 genocide. Gaspard Kanyarukiga was found guilty of genocide, complicity in genocide, conspiracy to commit genocide and crimes against humanity.

On April 10, 1994, local police and various officials of the government gathered Tutsi refugees in the parish of Nyange. After a two-day siege, almost 2,000 Tutsi refugees were killed after Rwandan officials determined to bulldoze the church down. Overall, approximately 800,000 people were killed over the course of 100 days.

(Copyright 2010 by BNO News B.V. All rights reserved. Info: [sales@bnonews.com](mailto:sales@bnonews.com).)