

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



Ferry in the fog. Credit: Lawrence Sesay, CITS

**PRESS CLIPPINGS**

**Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office**

**as at:**

Wednesday, 26 January 2011

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

### Local News

Final Judgement Awaits Taylor / <i>The Exclusive</i>	Page 3
Rwanda Rebel Leader Callixte Mbarushimana Sent to ICC / <i>For di People</i>	Page 4
For Providing Security to the Special Court... / <i>Concord Times Online</i>	Page 5

### International News

Violence Campaign by Security Forces, Militias / <i>Human Rights Watch</i>	Pages 6-11
Rwandan Rebel Leader to Face War Crimes Charges / <i>CNN</i>	Page 12
A Guide to the Special Tribunal for Lebanon / <i>Independent Media Review Analyst</i>	Pages 13-14
STL Registrar Says Accused Names May Be Made Public in '6 to 10 Weeks' / <i>Naharnet</i>	Page 15
Captain Nizeyimana Ordered Soldiers to kill Tutsi Lady, Witness Claims / <i>Hirondelle News Agency</i>	Page 16

# Final Judgment Awaits Taylor

By Ayodele Deen-Cole

Judges of the Special Court for Sierra Leone (SCSL) sitting in The Hague will some time this year deliver their final judgment in the ongoing trial of former Liberian President, Charles Taylor. The expected judgment, according to critical thinkers will determine who was responsible for the January 1999 onslaught on the Sierra Leone Capital Freetown.

It could be recalled that the former Liberia President was alleged to have had hands in the heinous crimes committed especially in January 1999.

Though several witnesses and prosecutors have reechoed and maintained that the 1999 incident was a combined AFRC/RUF attack with support from Charles Taylor who is currently standing

trials; Taylor's Defence Lawyer Griffiths has placed all the blame on the AFRC.

Several witnesses including the former RUF Signal Commander Mohamed B. Kabbah and former Interim leader of RUF, Issa Hassan Sesay have already testified in the ongoing trial.

However two set of Judges in the previous AFRC and RUF trial in 2007 and 2008 ruled that the January 1999 attack on Freetown was done by the AFRC and that the RUF had nothing to do with that attack.

As things stand now Sierra Leoneans are yet to know who is solely responsible for the 1999 atrocity. Whether it was the AFRC or the RUF or both, the judgment in the Taylor's trial will finally determine who did what.

## Rwanda rebel leader Callixte Mbarushimana sent to IC

**THE HEAD of a Rwandan rebel group accused of committing war crimes in Democratic Republic of Congo is being transferred from France to The Hague, French prosecutors say.**

Callixte Mbarushimana was arrested in Paris last October, following a request from the International Criminal Court.

The Hutu rebel leader has denied accusations that he ordered his FDLR fighters to kill and rape civilians.

The move came as the FDLR was accused of attacking a wildlife patrol.

The director of Virunga National Park in eastern DR Congo said three rangers and five government soldiers died in the rocket-propelled grenade attack on their vehicle.

Emmanuel de Merode said more than 130 park rangers have died since 1996 when the conflict began in the volatile east.

The presence in DR Congo of Hutu rebels has been at the heart of years of unrest in the region.

### Charcoal

Mr Mbarushimana, 47, faces five counts of crimes against humanity and six counts of war crimes, including charges of murder, torture, rape, inhumane acts and persecution, and destruction of property.

A French court has previously rejected an appeal against Mr Mbarushimana's extradition. It ruled he should not be sent to Rwanda, where his lawyers say he would not get a fair trial.

Mr de Merode said he had had reports in recent days of more than 700 FDLR fighters coming into Virunga park territory.

The park, in North Kivu province, is home to some of the world's last remaining mountain gorillas and is managed by the Congolese Institute for the Conservation of Nature (ICCN).

"They are extremely hostile towards ICCN ever since we started to stop the forest destruction for charcoal, an illegal industry from which they were making significant revenue," he said in a statement.

He said the attackers escaped by foot and that it was the worst attack in the park in the last 12 months.

FDLR fighters were accused of raping hundreds of people in eastern DR Congo last year, although the group has denied responsibility.

Some FDLR leaders allegedly took part in the 1994 slaughter of some 800,000 ethnic Tutsis and moderate Hutus in Rwanda.

After a Tutsi-dominated group took power ending the genocide, some FDLR members fled into what is now DR Congo, sparking years of unrest in the region.

Rwanda has twice sent its troops into DR Congo, saying they are needed to stop Hutu fighters, such as the FDLR, from using Congolese territory to attack Rwanda.

This led to the six-year conflict in DR Congo and the deaths of some five million people.

The FDLR is now one of the most powerful rebel forces operating in the east of the country, where they are believed to make millions of dollars a year by controlling mines rich in gold and other minerals, and extorting money from local people.

Mr Mbarushimana, who has been living in Paris, has described the FDLR as a freedom movement, fighting "to liberate the Rwandan people from the yoke of the fascist regime" of the Rwandan Patriotic Front (RPF), which is still in power in Kigali.



Virunga National Park officials say it was the worst attack by the FDLR in 12 months

## Concord Times Online

Monday, 24 January 2011

### **For Providing Security to the Special Court... Departing Mongolian Peacekeepers Honoured**

The UN envoy to Liberia has paid tribute to the last contingent of the Military Guard Force stationed in Sierra Leone for their untiring efforts and dedication in providing security for the Special Court for Sierra Leone. Ellen Margrethe LÃj made the statement Tuesday, 18 January, during a medal awards ceremony for the 150 strong Mongolian contingent stationed in Freetown.

Ms. LÃj noted the remarkable progress made by the Special Court in fulfilling its mandate, which was to prosecute persons that bear the "greatest responsibility" for serious violations of international and Sierra Leonean law, committed in Sierra Leone since the end of November 1996. The advanced stage of the Special Court's work has enabled a hand-over of security responsibilities to the national authorities.

The SRSG paid tribute to all 2,300 troops of the Mongolian Armed Forces who have served in Sierra Leone, describing them as the Ambassadors of their great country. "Your professionalism and commitment in securing the Special Court here will long be remembered by the Sierra Leoneans," the UN Envoy said.

Commending Contingent Commander Lieutenant-Colonel Batsuuri Erdenebat for his strong leadership and clear vision, Ms. LÃj praised his efforts in mobilizing his troops to repair a school building and distribute medicines to communities in need despite challenges in preparing for the contingent's depart and the handover of the security of the Special Court" before their departure from Sierra Leone.

The United Nations Security Council adopted resolution 1315 (2000) of 14 August 2000 as a result of an agreement reached between the United Nations and the Government of Sierra Leone to establish the Special Court for Sierra Leone. Pursuant to resolution 1626 (2005), the Security Council authorized the deployment of 250 military personnel to provide security for the Special Court of Sierra Leone. The first Military Guard Force was deployed in November 2007

Attendees at the medal award ceremony include the Executive Representative of the Secretary-General in Sierra Leone, Mr. Michael von der Schulenburg; President of the Special Court for Sierra Leone, Mr. Jon Kamanda; Registrar of the Special Court for Sierra Leone, Ms. Binta Mansaray; and Chief of Defense Staff, Republic of Sierra Leone Armed Forces, Major-General R.Y. Koroma.

Others attending were UNMIL Force Commander, Major-General Muhammad Khalid; US Defense Attaché, Lieutenant Colonel Jennifer Rollins; Commander IMATT, Colonel Blackman; and Director of Mission Support for UNMIL, Mr. Hubert Price.

# Human Rights Watch

Wednesday, 26 January 2011

## **Côte d'Ivoire: Violence Campaign by Security Forces, Militias**

### *Gbagbo Should Rein in Supporters; Rampant Killings Require Robust UN Response*

Security forces under the control of Laurent Gbagbo and militias that support him have, since late November 2010, committed extra-judicial killings, forced disappearances, torture, and rape, Human Rights Watch said today.

An in-depth investigation into violations in the commercial capital, Abidjan, revealed an often-organized campaign of violence targeting members of opposition political parties, ethnic groups from northern Côte d'Ivoire, Muslims, and immigrants from neighboring West African countries, Human Rights Watch said. Gbagbo has claimed the presidency following disputed elections in November and retains control of the security forces in Abidjan.

“The security forces and militias supporting Laurent Gbagbo are imposing a reign of terror against his real or perceived opponents in Abidjan,” said Daniel Bekele, Africa director at Human Rights Watch. “The international community must do all it can to protect civilians and increase pressure on Gbagbo and his allies to end this organized campaign of violence.”

Human Rights Watch researchers spoke with more than 100 victims of, and witnesses to, the violence, including killings by militiamen with bricks and clubs, and sexual assaults in front of family members. Witnesses described seeing family members or neighbors dragged from their homes, mosques, restaurants, or the street into waiting vehicles. Many were “disappeared,” including some victims who were later found dead.

Many said they received frantic calls from relatives who had been detained by militias or security forces. After days of searching, some found their relatives in morgues, their bodies often riddled with bullets. One was shown a photograph of a family member's body on a pile of bodies in a refuse dump. Several women reported being gang raped by members of the security forces during joint police and militia raids on Abidjan neighborhoods where residents had largely voted for Alassane Ouattara, Gbagbo's opponent.

The abuses began just before the second round of voting in the presidential elections on November 28, in which Ouattara challenged Gbagbo. The international community – including the African Union, the regional body Economic Community of West African States (ECOWAS), the European Union, and the United Nations – has nearly unanimously endorsed Ouattara as the victor and called on Gbagbo to step down.

From information gathered by Human Rights Watch across the city, the worst violence by the security forces and militias occurred in the Abobo, Port-Bouët, Youpougon, and Koumassi neighborhoods – areas heavily populated by Ouattara supporters and immigrants from other parts of West Africa. The abuses have continued throughout the post-election period, including during the Human Rights Watch investigation.

However, the worst violence was carried out in the wake of flashpoint political events, including the December 2 proclamation of the election results, a December 16 march by opposition supporters of the pro-Ouattara Rally of Houphouëtists for Democracy and Peace (*le Rassemblement des Houphouëtistes pour la démocratie et la Paix*, RHDP), and the January 11 and 12 killings in Abobo of seven police officers.

Victims did not appear to have used violence against security forces before any of incidents of abuses perpetrated by security forces that Human Rights Watch documented. However, pro-Ouattara marchers on December 16 burned to death an officer in plainclothes after he had, witnesses told Human Rights Watch, shot and killed at least two marchers and wounded several others. In addition, at least seven police officers were killed in Abobo by unknown attackers – whom officials in Gbagbo's government claim to be pro-Ouattara supporters. Human Rights Watch did not receive any reports of systematic killings or abuses by Ouattara supporters against Gbagbo supporters, though many Gbagbo supporters living in pro-Ouattara neighborhood strongholds have reportedly fled, fearing violence.

Human Rights Watch will release a full-length report on these findings but urges immediate international action to protect civilians and ensure that the perpetrators of the documented abuses are brought to justice.

### **Attacks by Pro-Gbagbo Militias**

Witnesses described to Human Rights Watch seeing men beaten to death with bricks, clubs, and pieces of wood, or shot by members of pro-Gbagbo militias who had created unofficial checkpoints. Numerous Ivorian residents from Mali and Burkina Faso also described being targeted by the militias. One person from a neighboring country living in Abidjan was burned to death and two others were nearly beaten to death on December 3, as residents in the area were celebrating what they believed was Ouattara's presidential victory.

Human Rights Watch researchers documented the murder of at least 13 men at pro-Gbagbo militia checkpoints. In many cases, witnesses said that police, gendarmes, and other members of the security forces actively sided with the militias, either standing by while the abuses were committed, openly praising the killings as or after they took place, or even shooting at the body of the victim. Many of the killings took place just meters away from a police station. Security forces did nothing to disarm and arrest the militias, much less investigate the crimes. Witnesses said that during neighborhood sweeps and in responding to marches by Ouattara supporters, pro-Gbagbo militia assisted security forces, at times firing AK-47s, pistols, and shotguns at unarmed demonstrators.

Most of the killings by militias took place in broad daylight during periods of political tension. Victims were typically stopped at illicit militia checkpoints and ordered to show their identification cards. If the militiamen believed from the person's style of dress or surname that he was a Muslim or from an ethnic group that tended to support Ouattara, the militiamen would surround him, accuse him of being a "marcher" or "rebel," and beat the victim to death with iron bars, pieces of wood, and bricks.

The pro-Gbagbo militias implicated in the abuses Human Rights Watch documented include the Student Federation of Côte d'Ivoire (*Fédération Estudiantine et Scolaire de Côte d'Ivoire, FESCI*), a student group with a history of engaging in political violence; and the Young Patriots (*Jeunes Patriotes*), a militant youth wing supporting Gbagbo and his political party, the Ivorian Popular Front, (*Front Populaire Ivoirien, FPI*). Victims and witnesses identified the attackers as members of these groups, either because the victim knew the attacker, because the attacker said he was a member of the group, or because of where the attack took place – often directly outside a Young Patriot assembly point or a FESCI-run student housing building. Charles Blé Goudé, Gbagbo's newly-named youth minister, is the founder and current leader of the Young Patriots. Blé Goudé has been under UN sanctions, including a travel ban and a freeze of foreign assets, since 2006 for repeated public statements advocating violence in Côte d'Ivoire.

An Abobo resident described the January 13 killing of two young men by Young Patriot militants who operate a checkpoint right outside their neighborhood headquarters. These killings occurred on the day the five policemen had been killed by unidentified attackers alleged by the government to be rebel forces working with Ouattara supporters in the same general area. The resident said:

Since the elections, every time tensions rise, the Patriots set up a checkpoint on the main road where they stop people who are Muslims, RHDP and harass and sometimes kill them.

At around 10 a.m., as I reached the main road, a woman told me that the Patriots were killing people again. I moved carefully to a position where I could see what was going on, and there saw a young man lying in middle of road.... He had blood all over his head, and I saw bricks lying on the road nearby. There were about 20 Patriots walking around the dying man carrying wood and bricks. The young man was barely breathing; it was his final moments. I passed by quickly from across the road; I wanted to run but if I'd not walked normally they'd turn on me.

Then, just after midday after returning from visiting a friend, I saw a second killing. I saw the local Patriot leader and a few others chasing a young man from a street that leads to the highway. As they reached the road the man was trapped behind a mini-bus parked on the road; he turned around with his hands up and one Patriot stabbed him several times with a knife..... The victim fell down and then two others picked up a small wood table and started banging it on the man, again and again; they beat him to death. After killing him, the three turned around calmly, put their hands in their pockets, and strolled away.

We later learned the victims were RHDP youths from our neighborhood.

An active supporter of the RHDP alliance also described going through the “checkpoint” near where the two men had been killed on the previous day.

It’s a very dangerous place. When my taxi got to the barricade, they stopped us and swarmed the car; there must have been 15 of them. They screamed at us to get out. The taxi driver was scared, so he took off – leaving his keys in the car. The Patriots tore the car apart in minutes – they looked crazed, ripping out the radio and anything else of value. Once outside of the car, they stole a passenger’s cell phone and rummaged through our pockets.

While standing there, one of the militants yelled, “What ethnic group are they from?” Another one demanded that we hand over our identity cards – my name would have given away that I’m a northerner, and we would have been dead. I said I didn’t have my ID card on me; another passenger tried to reason with them that “we’re all Ivorian.” But they started being rough with us. The one kept demanding our ethnicity. I was really scared. We walked quickly towards the exit of Abobo Avocartier. One of them kept following and hounding us, but eventually we got away. I thought I was dead.

A woman who lives in the Riviera II neighborhood described the killing of a youth by a group of FESCI members who live in university dorms near her home.

During the afternoon of December 16 after the violence associated with the march had quieted down, a group of about 20 FESCI youths were gathered outside their dorms. As a youth was walking by the FESCI’s yelled for him to come, but he was obviously frightened, and started to run. The FESCI chased and caught him about 30 meters away, and immediately started beating him, slamming him with wood and rocks until he fell down bleeding barely moving at this point.

Another group of FESCI came from their dorms and one of them shot him in the leg with a pistol. Some minutes later, a truck of CECOS [elite joint police and gendarme force] arrived at the scene. I heard the FESCI youth saying, “He was a marcher, a rebel.” Hearing this, a policeman from CECOS descended from his vehicle, shot the youth four times in the head with a long gun.

### **Violent Campaign of Neighborhood Intimidation, Targeted Disappearances and Killings**

Abidjan neighborhoods where perceived and actual Ouattara supporters live came under repeated attack by Gbagbo’s security forces after the second round of elections. Human Rights Watch documented more than a dozen assaults during December 2010 and January 2011 that resulted in the deaths and disappearances of scores of residents.

On December 5, for example, uniformed security forces descended on the Abobo Kennedy neighborhood around midnight in military trucks. They fired shots into the air and then tear gas canisters toward the houses, multiple witnesses said. The tear gas forced some families outdoors, and security forces opened fire. At least one youth was killed by a gunshot wound to the lung fired from 15 to 20 meters away.

In response to these deadly raids, neighborhoods have established community defense mechanisms, including stacking tires, tables, and sandbags to keep security force vehicles out after dark, and loudly whistling and banging pots and pans at the sight of security forces, to bring community members out *en masse*.

However, raids continue in some neighborhoods, particularly Abobo, where security forces shot at residents in the PK18 commune early on the morning of January 11. Armed people believed to be allied to Ouattara returned fire. Clashes continued into the following day, ultimately leaving at least seven police and six civilians dead, witnesses told Human Rights Watch. Security forces have the right to arrest and disarm those responsible for killing policemen and other officers, but not to carry out unlawful killings or engage in other criminal activities while conducting cordon and searches, Human Rights Watch said.

Increasing night patrols by UN peacekeeping forces after January 12, particularly in Abobo, helped reduce the attacks, provided some assurance of safety to families in pro-Ouattara neighborhoods, and should continue until it is clear that security forces have ended attacks on civilians, Human Rights Watch said.

### **Violence Aimed at Ouattara Supporters**

While much of the violence seemed designed to intimidate local residents, Human Rights Watch also found clear targeting of mid-level RHDP officials. Neighborhood and youth leaders of the various parties and civil society groups that constitute the Ouattara-led coalition were hardest hit. Human Rights Watch documented more than 10 forced disappearances or extrajudicial executions that were clearly the result of an organized effort to select, find, and abduct a particular victim associated with the RHDP. They include:

Early on the morning of December 14, an active neighborhood leader of the *Mouvement des Forces de l'Avenir (MFA)*, a party in the RHDP coalition, was forced by three armed men in civilian attire into a grey Mercedes. Witnesses told Human Rights Watch that they overheard the assailants demand the location of several other MFA leaders in Abobo. A call to the abducted man's phone the same day was answered, and the person who responded said, "[Your relative] is part of the group trying to destabilize the party in power." The victim remains missing.

A leading member of the MFA told Human Rights Watch that several other party neighborhood leaders had been "disappeared" – at least two of their bodies were later identified with gunshot wounds at an Abidjan morgue. Two neighborhood activists for the party UDCI (*l'Union Démocratique de Côte d'Ivoire*), also part of the RHDP coalition, were similarly disappeared on December 9 – their bodies found at the Yopougon morgue a little over a week later.

On December 18, two members of the civil society group *Alliance pour le changement (APC)* – which is linked closely to Ouattara's party and was active in election rallying – were abducted in plain sight of witnesses during the early evening in Cocody Angré neighborhood. A witness told Human Rights Watch that people at a nearby restaurant were forced to the ground while armed men forced the two activists into a 4x4. They remain missing.

Six days later, another leader of APC barely escaped abduction in Abobo at around 7:30 a.m., when a dark green Mitsubishi 4x4 raced up and five armed men, three in military fatigues, got out, yelling at him by name to enter the car. A witness told Human Rights Watch that several wore red berets of the Republican Guard, an elite military unit closely tied to Gbagbo. The intended victim said that as the men tried to force him toward the car, he saw eight photographs – including his own and others he recognized as members of the RHDP community leadership – on the floor of the car.

### **Attacks on RHDP Activists Guarding Ballot Boxes**

Human Rights Watch also documented the targeted abduction and killing of several people who had monitored ballot boxes at an Abobo polling place for RHDP. A family member of one such victim told Human Rights Watch:

At around 6 p.m. on December 18, we were all in our houses when a group of about 10 policemen dressed in black arrived in a transport truck and parked outside. They got down, and forced their way into our compound. At that moment I heard a neighbor who is [from an ethnic group that largely supported Gbagbo] say, "Look, there he is, there is one of them." Moments later they captured my relative, who is in his 40's, and forced him into their truck.

At around the same time, the woman who was clearly helping the police identify who they wanted, said, "The other one is praying in the house." They went into the house of the other [election monitor], who is about 60 years old, to capture him. He said, "No, no ... at least let me put my shoes on," but they screamed at him to leave them and dragged him into the truck with the other man.

About a week later we finally found their bodies in the Yopougon morgue. It was very difficult... I saw bullet wounds on their chests, and a lot of blood on their heads. In the morgue, I saw many bodies, lying on top of one another. The elder of the two victims was the RDR [Ouattara's political party] representative at our polling station. He personally imposed himself at the door of the polling station to stop the FPI people who came to steal the ballot boxes.

In addition to these documented disappearances and attempted abductions, Human Rights Watch received statements from more than a dozen neighbors and family members that 4x4s bearing armed, camouflage-wearing

men had come to the houses of RHDP community leaders, sometimes a number of times. Many RHDP leaders in Abidjan are in hiding, and when the armed men did not find them, they left.

### **Sexual Violence**

Human Rights Watch documented gang rapes of five women by members of the security services, and in one case, a member of a civilian militia. The victims included a 16-year-old girl and a woman who was eight months pregnant. In two cases, the husbands of the victims were murdered shortly afterward or at the same time. The attackers voiced a clear political motive, in several cases telling the rape victims to report their “problem” to Ouattara. All of the documented attacks were in Abobo in the days after the December 16 march by RHDP supporters.

A 25-year-old woman who was raped by three soldiers and a civilian and watched her husband murdered in front of her, said:

At around 10 p.m. on December 17, the military came to my home; there were eight of them dressed in camouflage with red patches, and one of the Young Patriots from the neighborhood. As they forced the door open, I ran to grab my 3-year-old and held him close to me. I screamed out as they beat my husband, then one of them hit me forcefully on my head with the butt of his long gun, and ripped at my shirt.

When he saw I was wearing a shirt with Alassane’s [Ouattara] picture they went mad. They grabbed my child out of my arms and threw him at the door, then pulled me into the bedroom, ripped off my clothes and lay on me; four of them did it, including the Patriot. I fought and one of them hit me with his belt. I came out of the room after they were done, and saw that they’d made my husband get on his knees with his hands up and then shot him twice in the back... Before they shot him, my husband yelled out, “My family, my family...”

As they left one of them said, “Go tell Alassane it was us who did this to you.” My children saw their father being murdered in front of them and now wake up at night crying out. My husband was active in the RDR, maybe that’s why they attacked us.

A 20-year-old woman who was raped in her home along with two family members, including one who is 16 years old, told Human Rights Watch:

I live in Abobo with two of my sisters (extended family members). On December 19 at around 1 a.m., the armed men came into our house; it was dark but I know there were at least 6 of them – 5 dressed in black, and another who wasn’t in uniform. They knocked, saying it was the police, and ordered us to open the door. They set upon us – two of them used me; I didn’t want what they were doing; they beat me until I had no choice.

When they were finished they took our sister, and we haven’t been able to find her. They raped me in the bedroom, my sister in the salon, and the other [sister] who disappeared just outside the compound. They said for us to go tell Alassane our problem.

### **Key Recommendations**

#### **To Laurent Gbagbo and the Security Forces in Abidjan:**

- Issue clear public instructions to all security forces to comply with human rights and Ivorian law, and make clear that those responsible for ordering, carrying out, or failing to prevent any abuses, especially those involving killings, disappearances, or sexual violence, will be held accountable.
- Take immediate and concrete steps to ensure that militia and other pro-Gbagbo groups, including FESCI and the Young Patriots, are not permitted to set up roadblocks, raid homes, or commit abuses. Hold accountable individuals among them who commit grave crimes. This includes giving security forces clear and public instructions to take immediate action when they see abuses being committed.

- Immediately cease all rhetoric inciting violence, including against UN staff and people from ECOWAS countries.

### **To the United Nations:**

- Continue building on the steps in recent weeks to fulfill UNOCI's civilian protection mandate, including increasing patrols in volatile neighborhoods and stationing units where abuses are most likely to occur. Consider taking more steps to protect civilians around checkpoints operated by FESCI and the Young Patriots in particular, including stationing peacekeepers at these locations or sending regular vehicle or foot patrols.
- Ensure that the hotline established by the Human Rights Division to hear complaints about violations has adequate resources to staff it by people who speak French and relevant local languages, 24 hours a day. Ensure effective and rapid communication between hotline staff and force commanders and other peacekeeping staff.
- Urge rapid deployment of the newly approved 2,000 additional peacekeepers for the United Nations Mission in Cote d'Ivoire to areas in which civilians are particularly vulnerable to attack.

### **To the Human Rights Council:**

- Actively monitor the situation in Côte d'Ivoire and ensure that the high commissioner briefs the council at the upcoming March session or, should the situation deteriorate further, an emergency session.

### **Background**

On December 2, the president of Côte d'Ivoire's electoral commission declared Ouattara the winner of the presidential election, with over 54 percent of the vote. The UN Special Representative of the Secretary-General for Côte d'Ivoire, Choi Young-jin, certified these results, as mandated by the Security Council and in political agreements signed by the protagonists to the Ivorian civil conflict. However, Paul Yao N'Dre, the president of the Constitutional Council and a close ally of Gbagbo, contended the decision was invalid and, less than 24 hours later, the council overturned the commission's results and proclaimed Gbagbo the victor.

The following day, Gbagbo was sworn in, with Ouattara immediately following with his own inauguration. Both appointed prime ministers and cabinets. A stand-off began, with Gbagbo operating from government buildings and Ouattara and his government functioning from the Golf Hotel in Abidjan.

International bodies called on Gbagbo to step down immediately, and ECOWAS and the African Union have sent multiple delegations to try to break the impasse. On December 24, ECOWAS leaders indicated a willingness to intervene by force, if necessary, to remove Gbagbo, and the military chiefs of staff from ECOWAS countries met in Bamako on January 17 and 18 to discuss possible military plans. Some regional leaders, however, have made clear that they would not support a military option.

The European Union and United States have both instituted sanctions against Gbagbo and many of his closest allies in an effort to convince him to relinquish power. However, Gbagbo continues to defy escalating diplomatic and financial pressure, and the crisis marked by grave human rights abuses continues. The UN High Commissioner for Human Rights reported on January 20 that at least 260 people had died and another 68 had disappeared in post-election violence. Abidjan remains the hardest-hit area, but clashes in the far west have also left at least 30 dead according to media reports. More than 25,000 refugees, most from the far west, have fled across the border into Liberia.

Human Rights Watch, the United Nations, and others have previously documented serious human rights abuses, including extrajudicial executions, torture, and the recruitment of child soldiers by security forces loyal to Gbagbo, including Blé Goudé's Young Patriots, and the *Forces Nouvelles* rebels who control the northern half of the country, long under the command of Guillaume Soro, named prime minister in the Ouattara government. There has been no accountability for serious crimes allegedly committed by any party during the 2002-2003 civil war and its aftermath.

CNN

Tuesday, 25 January 2011

## Rwandan rebel leader to face war crimes charges

By the CNN Wire Staff



***Callixte Mbarushimana, show here in a 2004 photo, is wanted for war crimes in Democratic Republic of Congo.***

(CNN) -- An exiled Rwandan rebel leader is being transferred to the International Criminal Court to face charges of war crimes and crimes against humanity, the Paris prosecutor's office said Tuesday.

Callixte Mbarushimana was arrested in Paris in October under an ICC warrant involving allegations of mass rape and other crimes committed in the Democratic Republic of Congo.

Mbarushimana, a leader of the Democratic Forces for the Liberation of Rwanda (FDLR), is charged with 11 counts of crimes against humanity and war crimes including rape, gender-based persecution and property destruction by his group in 2009, an ICC statement said in October.

At the time of the arrest, ICC prosecutor Luis Moreno Ocampo thanked authorities in France, Germany, Congo and Rwanda for their help, calling it a "crucial step in efforts to prosecute the massive sexual crimes committed in the DRC."

The ICC statement said Mbarushimana was the first senior leader arrested for the atrocities in North and South Kivu provinces of Congo. The FDLR comprises mainly Hutu extremists who fled to Congo after taking part in the 1994 Rwandan genocide.

The ICC statement blamed the group for instigating war in Congo as part of its efforts to topple the government in neighboring Rwanda.

Mbarushimana left Rwanda in the aftermath of the war and worked for the United Nations until he was dismissed in 2001 when it was revealed that he was the subject of an investigation by the United Nations' own criminal tribunal for Rwanda.

In 2005, CNN spoke with Mbarushimana in France, where he had refugee status. He maintained his innocence. "I am not afraid of justice. What I am afraid of is injustice, like what is taking place in Rwanda for instance, where people are not really tried properly," he said at the time.

The ICC said Mbarushimana "has held senior positions in the political leadership of the FDLR" since 2004.

The ICC, seated at The Hague in the the Netherlands, describes itself on its website as "the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community."

# Independent Media Review Analyst

Wednesday, 26 January 2011

## A Guide to the Special Tribunal for Lebanon

Beyond the political and strategic ramifications of the Special Tribunal for Lebanon (STL), there are important legal issues that may also have an impact on Lebanon's future and regional security.

The Tribunal came into being through the adoption of UN Security Council Resolution 1757 on May 30, 2007, which attached both a putative agreement between the Lebanese government and the UN and the "statute" that set out the basic terms for the Tribunal. Later, the STL judges adopted Rules of Procedure and Evidence (RPE). On January 17, 2011, Daniel Bellemare, the STL independent prosecutor, submitted an indictment in the murder of former Lebanese prime minister Rafiq Hariri. A basic familiarity with the Tribunal's legal dynamics can add to an understanding of the story that will develop in the coming weeks and months. The points below are based on provisions of the statute and the RPE.

### The STL's Pre-Trial Procedure

- Confirmation of the Indictment by the Pre-Trial Judge: Daniel Fransen, the STL's "pre-trial judge," must review the indictment (and "supporting materials"). Specifically, he must determine whether the indictment presents a "prima facie case" that the suspect(s) committed the crime(s) alleged.

Once he has reviewed the indictment, Judge Fransen must decide whether to confirm or dismiss the counts, or confirm only some of them, or request or permit more supporting material from the prosecution. He must then "provide reasons for his decision."

While Judge Fransen "shall notify the Prosecutor of the date of the review of the indictment," no date need be disclosed to the public, and the timing is fully at Judge Fransen's discretion. As with many legal processes, this one too moves at its own pace. STL officials have said that the review will likely take at least six to ten weeks, but this is an estimate only.

- Publication of the Indictment: Upon confirmation, the STL procedural rules require that the indictment "shall be made public," although the "supporting materials," the evidence supporting the indictment, need not be publicized. The lack of publication before confirmation can be seen as protecting the rights of the suspects: their names are not made public until a neutral judge has reviewed the prosecutor's work. In "exceptional circumstances" and "in the interests of justice," Judge Fransen can agree to a request that he conceal some or all of the materials from the public. Barring such circumstances, at the time of confirmation the international and Lebanese publics will learn the names of those indicted, the crimes with which they are charged, and basic facts about the case. Beforehand, the public might glean some information about the case from hearings held by the "appeals chamber," if Judge Fransen decides to submit legal questions for it to answer.

- Arrest Warrants: At the same time as he confirms an indictment, Judge Fransen can issue an arrest warrant for an accused. He can do so at the prosecution's request if the accused might flee, might obstruct the investigation or court proceedings, or might commit a crime similar to that accused. The arrest warrant may then be transmitted to relevant state(s) or INTERPOL.

## What Happens if Lebanon Does Not Cooperate?

· Cooperation by Lebanon and Other States: As with other aspects of the STL process, arresting the accused would require cooperation by Lebanon and/or other states. The terms of the STL – made effective by a binding UN Security Council resolution – require that the Lebanese government cooperate with the Tribunal. Should Lebanon not do so within 30 days – for example, due to a new political order in Beirut – then Judge Franssen can make a finding to that effect. The STL's president then must hold consultations with the Lebanese government with a view to enabling cooperation. Should the consultations fail (without a "satisfactory response" in a "reasonable timeframe") then the STL's president can refer the matter to the Security Council. The Security Council could then take action against Lebanon for violating the binding terms of its Resolution 1757, which established the STL. Of course, such action would be subject to the usual Security Council politics and procedure (including the possibility of a veto).

Unlike the statutes of some international tribunals, the founding documents of the STL do not require cooperation from states other than Lebanon. The STL's procedural rules do set out a process for making a request of a third state, but without enforcement. Cooperation from Iran and Syria will likely not be forthcoming.

· Trial in Absentia: Finally, the STL could go forward with trials in absentia. At such a trial, the accused could appoint defense counsel or defense counsel could be appointed for him/her. Therefore, even if suspects cannot be taken into custody (for example, because of non-cooperation by Lebanon or other states), the legal process still moves forward.

· Independence from Lebanese Politics: For most observers, the fundamental fact of the STL is that in principle it operates independently of Lebanese politics.

First, the timing of submission and confirmation of indictments is controlled by a Canadian prosecutor and Belgian judge, not by Lebanese powerbrokers. So, too, with the timing of publication of information about the case; so, too, would the pace of trials, appeals, sentencing, and so forth be controlled by the Tribunal if the STL moves forward.

Second, while Lebanon's government can impede the Tribunal's work (by refusing to hand over the accused or by denying funding), the Lebanese government may well not be able on its own actually to stop the Tribunal. If Lebanon refuses to hand over an accused, a trial can take place in absentia. If the Lebanese government withholds its contribution to the Tribunal's funding, then other money can be found. Resignation of Lebanese judges from the Tribunal (or their refusal to take office) could wreak havoc, but at least under the founding documents of the STL, those judges themselves would need to initiate their own resignations or refusals. (Assassinations, though, pose a real risk.)

The UN Security Council passed a resolution setting up the Tribunal, and reversing course might well require a Security Council vote. Hassan Nasrallah, Bashar Assad, and Ayatollah Ali Khamenei face the risk that ultimately they may not control this legal process. That fact provides leverage for supporters of the Tribunal's work. It may be exactly what Nasrallah and his allies so fear about the STL.

Naharnet

Tuesday, 25 January 2011

### **STL Registrar Says Accused Names May Be Made Public in '6 to 10 Weeks'**

The arrest warrants in the Hariri murder would be activated "in cooperation with the government of Beirut, which is obligated to extradite -- if necessary with the help of other states," Special Tribunal for Lebanon Registrar Herman von Hebel has said.



In an interview with the online version of German weekly Der Spiegel, von Hebel said it is likely the names contained in the arrest warrants will be made public in "six to 10 weeks" and that a trial could start as soon as the beginning of September.

"If necessary, a trial without the presence of the defendants would be conceivable, the statutes allow us to judge in absentia," he said.

Hizbullah and its allies on January 12 brought down the government of Saad Hariri after a long-running standoff over the STL probe into the 2005 assassination of ex-premier Rafik Hariri, Saad's father.

Hizbullah has said it believes members of the party will be implicated by the Netherlands-based court, which it has denounced as part of a U.S.-Israeli conspiracy.

On January 17, STL Prosecutor Daniel Bellemare submitted a confidential draft indictment in Rafik Hariri's murder to STL Pre-Trial Judge Daniel Franssen, who will confirm the charges before any arrest warrant is issued.

## Hirondelle News Agency

Tuesday, 25 January 2011

### **Captain Nizeyimana ordered soldiers to kill Tutsi lady, witness claims**

Former Rwandan Military officer Monday claimed before the International Criminal Tribunal for Rwanda (ICTR) that genocide-accused, Captain Ildephonse Nizeyimana, ordered soldiers to kill a Tutsi lady accompanying him at a roadblock in Butare town on May 5, 1994.

"Go and execute this Inyenzi," he said, quoting Nizeyimana when directing a corporal at the road block. He was testifying against the accused as prosecution witness when he added, "the soldiers obeyed. They took her and later I heard three gun shots. She had screamed when soldiers were killing her."

The word Inyenzi, according to the witness code-named ZAK, was used for description of enemies to be killed ascribed to Tutsis. Led by Trial Attorney Drew White, the witness said that when the lady identified as Beata Uwambaye was abducted he was ordered to remain in the vehicle.

According to the witness, he was evacuating the lady from Kigali where there was fighting to Cyangugu (Southwest Rwanda) using a vehicle, but they were stopped at the roadblock at Gikongoro road junction leading into Butare near the National Museum. The roadblock, he claimed, was manned by young soldiers under Nizeyimana's supervision.

"After I had greeted Capt. Nizeyimana he was surprised and asked me where I was taking that Inyenzi. I explained to him my relationship with her and our destination, but he did not understand. He took the gun in my possession. He also took keys of the vehicle. He ordered the soldiers to go and kill her," the witness said.

Asked by the bench whether he had heard in his own ears Nizeyimana giving such order, the witness was quick to respond, "The closest distance must be one meter. He took keys of the vehicle from by hands."

He explained that the soldiers took the lady below the road and came back after 20 minutes with one wiping a bayonet stained with blood. Thereafter, the witness said, the accused left the place in a military Jeep.

The witness narrated that he stayed at the roadblock for about 30 to 40 minutes before being forced to board a bus to Kigali military camp where he was detained for a week for assisting an Inyenzi to escape.

During cross-examination, the defendant's co-counsel Cainnech Lussiaa'-Berdou, suggested to the witness, among others, that Nizeyimana was not present in Butare town on May 05, 1994 and could not, therefore, be present at the roadblock.

However, the witness replied, "I am the eye witness of the event. I cannot change my description I have given earlier." The trial continues Wednesday. Capt. Nizeyimana is charged with genocide, extermination, murder and rape. He was arrested in Uganda on October 5, 2009. He has pleaded not guilty to the charges.

FK/NI/ER/GF

© Hirondelle News Agency