

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



**PRESS CLIPPINGS**

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

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Press clips are produced Monday through Friday.  
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## Daily Observer (Liberia)

Tuesday, 15 March 2011

### Awaiting Taylor's War Crimes Verdict

#### Editorial

Everyone is now waiting for the verdict in the war crimes trial of Liberia's former president Charles Taylor, the first African head of state to face an international tribunal. For over three years, he has been standing trial in The Hague, accused of 11-count war crimes and crimes against humanity charges, having allegedly armed Sierra Leone rebels who prosecution described as Taylor's "surrogate army," mutilating thousands of civilians by hacking off their limbs and giving Taylor "blood diamonds" in return. Mr. Taylor has pleaded not guilty as charged.

The trial ended last Friday with prosecutors urging a guilty verdict for the "horrific" crimes. "We ask you to enter convictions on all of the counts of the indictment," prosecutor Brenda Hollis urged the Special Court for Sierra Leone. According to her, Taylor "was at the very center of the web of the crimes in Sierra Leone. He was the one who had control over the leaders of these groups perpetuating such horrific crimes" that claimed about 120,000 lives in 10 years. The prosecution also claimed Mr. Taylor, president of Liberia from 1997 to 2003, was driven by greed and power to "forcibly control the people and territory of Sierra Leone ... and to pillage the resources, in particular the diamonds".

Mr. Taylor, 62, who has been held at the UN detention unit in The Hague since 2006 after his trial was transferred to the Netherlands for fear his presence in Freetown would destabilize the region, dismissed the claims as "lies", saying he was the victim of a political plot by "powerful countries". His lead lawyer, Courtney Griffiths told judges that justice should be applied equally to all, adding: "whether that is the case is a matter for debate". "It is to the shame of this prosecution that it has besmirched the lofty ideals of international criminal law by turning this case into a 20th century form of neocolonialism", the lawyer said.

Repeating claims that Taylor believed some powerful countries to be "out to get him", Griffiths insisted that the prosecution was "politically motivated." Prosecutor Nicholas Kumjian conceded that leaders like Libya's Muammar Kadhafi and Burkina Faso's Blaise Campaore had indeed supported the rebels, but he said it remained "a proxy army under one person, Charles Taylor". "The involvement of Muammar Kadhafi and Blaise Campaore has been proven," Kumjian told the court, but "the RUF did not fight for Blaise Campaore, it did not fight ... for Muammar Kadhafi". He described Taylor as "the Godfather" of the RUF rebels who "profited from the wars and the crimes they committed".

Judge Teresa Doherty declared the hearing closed on Friday, saying the judges would deliberate in private. There are speculations that the judgment in this case will not come until August.

As we await the climax of this landmark trial, we need to invoke the power of the Almighty to enable the judges to dispense equitable justice in this case. For we believe that justice, as the symbol of the essence of the impartiality, comes blindfolded. The judges are not expected to be interested in the parties to the disputes; their concerns are seeing justice dished out fairly to all. The blindfold denies them the opportunity of knowing whether litigants are high, low, rich, poor, strong or weak.

The blindfolded judges symbolize justice which holds the scales and a sword. The scales weigh the truth, the strength of each person's case, whether he is the complainant or defendant, the reasoning behind their actions. They are meant to place the opposing matters on both sides to see the balance they create on the weight of justice.

We know that when the judges down the sword of justice, it slices through, without bothering with who is involved. The punishment is dispensed with disinterest in the winner or loser justice is meant to be the winner.

Understandably, and not unexpectedly, this judgment is bound to be greeted with mixed reactions. More than this, it will also, among the more enlightened and legal circles around the world, fire controversy and rekindle debate on the important issues of the court's responsibility to interpret the law.

We, therefore, expect the judges at The Hague Court to dispense nothing but justice. They must note that justice loses its meaning if the public perceives injustice in it or thinks justice has not been done. This must be why this is the junction that justice has to be done and must be seen to have been done.

# The Wall Street Journal

Wednesday, 16 March 2011

## Double Crossing Dictators

**Moammar Gadhafi, Charles Taylor and how to avoid more bloodbaths as despots near their downfall.**

By DANIEL FREEDMAN

Moammar Gadhafi is so far making good on his promise to cling to power until "the last drop of blood is spilled" in Libya. That vow, and its gory delivery, can be traced back to a decision forced upon Nigeria five years ago by the U.S. and the international community. Understanding that mistake, which was based on an assumption of what justice entails, is crucial to avoiding more bloodbaths as other dictators near their downfall.

On March 25, 2006, Nigeria announced that it was breaking its 2003 deal with Liberia's former dictator, Charles Taylor. That agreement granted Taylor asylum in Nigeria in exchange for him stepping down, which he did in August 2003. Nigeria's reversal not three years later came after relentless U.S. and international pressure, and paved the way for Taylor to be tried for crimes against humanity in the U.N.-backed Special Court for Sierra Leone.

The deal to end Taylor's rule without bloodshed was celebrated at the time. When Nigeria's then-President Olusegun Obasanjo visited Liberia in September 2003, he was met by tens of thousands of Liberians chanting, "We love you, Obasanjo." Liberia's new leader, Moses Blah, declared that Mr. Obasanjo was "a savior for the people of Liberia," and Jacques Klein, the U.N.'s representative to Liberia (and a former U.S. State Department official), described the agreement as "the only elegant solution."

But Mr. Obasanjo was soon pushed to break the deal. In November 2003 the U.S. Congress set a \$2 million reward for Taylor's capture, and Washington also issued veiled threats of cutting aid to Nigeria if it protected Taylor from justice. Mr. Obasanjo resisted the pressure, saying that Nigeria had given its word.



*AFP/Getty Images*

*Liberia's former dictator, Charles Taylor, at the Special Court for Sierra Leone.*

By 2006 the calls for Taylor's arrest had grown even louder, and on March 24 of that year—shortly before President Obasanjo's planned visit to the Washington—the White House issued a press release mentioning "the need to bring Charles Taylor to justice." The next day Nigeria reversed its decision.

From 2003 to 2006, the debate between Nigeria and the world about Taylor's fate resembled an ethics seminar on the meaning of justice. Should Nigeria keep its word, even to a man so odious? Or was its promise trumped by the imperative to hold an evil man accountable for his crimes? The international community felt strongly that it was the latter.

But there was always a larger issue. On Sept. 8, 2004, I penned an op-ed in these pages that said, "[T]his isn't only about Taylor. What happens in this case has direct ramifications for other despots—and naturally their populations as well." If Nigeria were forced to break its promise, I feared that other dictators wouldn't trust asylum deals and would deem it safest to "hold onto power for as long as they can—destroying their country and killing thousands in the process if need be." Dictators like "Libya's Gadhafi . . . will be watching very closely," I warned.

Watch they did. Shortly after Taylor was brought before the Court in April 2006, Gadhafi proclaimed at a conference in Africa that "every [African] head of state could meet a similar fate—this sets a serious precedent." The chances that tyrants would in future relinquish power in exchange for asylum had just narrowed considerably, as Gadhafi seems bent on proving now.

Granting asylum to murderous leaders is not a decision that can be taken lightly, and certainly not without the approval of the populations that have suffered under those dictators. But once such deals have been struck, as between Liberia and Nigeria, the rest of the world should actively honor them, not try to block them. Otherwise, the next despot's victims might not even have the option of a nonviolent way out.

*Mr. Freedman is director of strategy and policy analysis at the Soufan Group, a strategic consultancy, and he writes a fortnightly column at Forbes.com.*

## Spiked

Tuesday, 15 March 2011

### **The court where the West judges the Rest**

The ICC metes out 'justice' to poor countries while denying them any say in their own affairs.

By Tim Black

**Throughout the war-crimes trial of Liberia's ex-president, Charles Taylor, lead defence lawyer Courtenay Griffiths, a British barrister, has frequently drawn attention to the flagrant, racially-tinged double standards at work. Last Thursday - the penultimate day of the three-year long trial - was no different.**

'[Taylor's] trial has been trumpeted by the prosecution as demonstrating an end to impunity. We agree. Indeed, his trial is of importance to Africa and this evolving concept of international justice to which we are, as a defence, unswervingly committed', Griffiths said, inoffensively enough. And then the jab: 'Yet we note that currently everyone being tried or awaiting trial at the International Criminal Court [ICC] are from guess where? Africa. We are disturbed by this.'

Strictly speaking, Taylor, whose fate will be revealed in the summer, was not being tried at the ICC. In fact, because he was accused of controlling and arming the Revolutionary United Front in the brutal 10-year civil war in Sierra Leone which ended in 2001, the UN decided that he ought to stand trial at a special international court in Sierra Leone itself - presumably so the natives could see how justice ought to be done. Since this was deemed a little risky, the UN then relented and moved the trial to The Hague in 2006, where the ICC also has its home. That Taylor is not actually standing trial at the ICC, however, should not detract from Griffiths' point about the ICC and international law in general: it does seem more than a little inclined to focus almost all its energies on what old-fashioned colonialists might once have called the Dark Continent.

Just take a look at the five countries to have been subject to the ICC's justice since it was formally established in 2002: Sudan, Uganda, the Central African Republic, the Democratic Republic of Congo and Kenya. You don't have to be a keen student of international relations to spot the common theme. It's not as if there has been a shortage of bloody conflict elsewhere, each one as rife with injustice and brutality as the next. Yet the US-led-UK-in-tow invasions of first Afghanistan and then Iraq, for instance, in which thousands of people have been killed, have not once featured on the ICC's radar. Of course, what looks like unabashed favouritism is not without a legal justification: apparently, the 'crime of aggression', of which Bush, Blair and Co, might well be guilty, will not fall under the ICC's jurisdiction until 2017.

Not that such pettifoggery is likely to assuage Griffiths and those like him who believe that the African focus of war-crimes trials, whether at the ICC or at its *de facto* equivalents, 'besmirch the lofty ideals of international criminal law' with the residue of 'neocolonialism'. And therein lies the problem with Griffiths' criticism of the ICC and courts like it: It's as if there is nothing wrong with international courts that a bit of racial equality couldn't put right.

Yet not only is there something wrong with the ICC, it can't simply be corrected by being a bit less racist. Rather, it is a fundamentally flawed institution. That the objects of its justice tend to be from over there, rather than from round here, is no accident.

In 2000, then UK foreign secretary Robin Cook infamously said that the ICC was ‘not a court set up to bring to book prime ministers of the United Kingdom or presidents of the United States’. He was right. The US refused to sign up to the ICC, and sought to exempt its personnel from overseas prosecution up until 2004. And the UK, while being a signatory to the ICC, has no intention of giving up Tony Blair to the ICC, despite the anti-war movement’s tireless insistence that he should stand trial for war crimes. Moreover, the ICC, as David Chandler noted on *spiked*, is reliant on the West for goodwill and resources. As the ICC’s chief prosecutor, Luis Moreno-Ocampo, explained in 2004, ‘we have no government, no police’. All that the ICC has, from its home at The Hague to its retinue of superstar lawyers, comes from the developed world. Little wonder it doesn’t bother with ‘prime ministers of the United Kingdom or presidents of the United States’.

But it goes deeper than that. The assumption underlying the ICC and similar courts is that certain countries, certain people, are incapable of taking care of their own affairs. We in the UK or the US might be civilised enough to deal with the bad people in our midst, but those in places like Kenya or Sudan are not. That’s why people like Charles Taylor or President Omar al-Bashir of Sudan, once they’ve done their wicked deeds, are extracted from their people’s clutches and parachuted into The Hague where they can then exhibit their native savagery in an expensive showtrial.

In this, the ICC and its ilk undermine any self-governing impulse. People’s sovereignty over their own lives, their capacity to forge their own society, is denied by the ICC. Such courts are not simply enforcing the rule of law, they’re enforcing the rule of law from afar. As Philip Hammond has written before on *spiked*, this means that there is no political framework in which this semi-free floating legislature is rendered accountable to the people in whose distant name it adjudicates – at least not in those countries such as the Democratic Republic of Congo or Kenya that are deemed too immature to deal with their own affairs. Political struggle in these regions, the clash of different interests and ideas, is trumped by international law. And the actual substance of the conflicts and struggles, divorced from the people involved, becomes a mere play thing for lawyers to judge and rule upon.

Little wonder it serves the egos of Western lawyers, such as the indomitable Geoffrey Robertson, so well. They are doing good, at least in their own eyes, because they are bringing very bad men to book. While justice in the UK may sometimes look a bit drab, composed all too often in shades of grey, over there in Africa, where machete-wielding militias rape and pillage, it’s so wonderfully black-and-white – often literally so, it seems. It is not only the egos of big-shot lawyers that are massaged, of course. The governments of ICC signatories like UK or Canada can demonstrate the virtue, the moral coherence that their domestic political situations deny. That Charles Taylor is set to serve whatever sentence he receives, not in Sierra Leone, but in the UK, says it all.

So, as the focus of the global do-gooders zeroes in on the lighter skin of Libya’s Colonel Gaddafi, we need to remember that his fate should not be decided by anyone else but the Libyans themselves. To have it any other way would mean that their struggle for freedom would be strangled at birth by meddling Westerners. If there is to be any justice to be meted out to a tyrant like Gaddafi, it should not be the ICC manning the guillotine.

*Tim Black is senior writer at spiked.*

# Human Rights Watch

Tuesday, 15 March 2011

## Côte d'Ivoire: Crimes Against Humanity by Gbagbo Forces

### For Immediate Release

#### **Côte d'Ivoire: Crimes Against Humanity by Gbagbo Forces, As Crisis Deepens, Grave Abuses Committed by Both Sides**

(Abidjan, March 15, 2011) – The three-month campaign of organized violence by security forces under the control of Laurent Gbagbo and militias that support him gives every indication of amounting to crimes against humanity, Human Rights Watch said today. A new Human Rights Watch investigation in Abidjan indicates that the pro-Gbagbo forces are increasingly targeting immigrants from neighboring West African countries in their relentless attacks against real and perceived supporters of Alassane Ouattara, who is internationally recognized as having won the November 2010 presidential election.

The crisis has escalated since the end of February 2011, with clashes between armed forces loyal to Gbagbo and Ouattara in the western and central regions of the country, as well as in Abidjan, the financial capital. Armed combatants have committed war crimes, including executions of detainees and targeted killings of civilians and destruction of their property, Human Rights Watch said. The killing of civilians by pro-Ouattara forces, at times with apparent ethnic or political motivation, also risks becoming crimes against humanity should they become widespread or systematic. No one has been held accountable for the attacks, which have left hundreds dead, and neither side has even publicly denounced abuses by its own forces.

“The time is long overdue for the UN Security Council to impose sanctions against Gbagbo and his allies directly implicated in the grave abuses of the post-election period,” said Daniel Bekele, Africa director at Human Rights Watch. “The international community should also send a clear message to Ouattara’s camp that reprisal killings will place them next on the list.”

As the level of violence escalates on both sides, United Nations and French peacekeepers need to take all necessary measures within their mandates to protect civilians, Human Rights Watch said.

On March 10, the African Union Peace and Security Council confirmed previous African Union (AU), Economic Community of West African States (ECOWAS), UN, and EU determinations recognizing Ouattara as the winner of the November 28 presidential elections and called on Gbagbo to step down. Gbagbo’s representatives immediately rejected the AU decision, leaving Côte d'Ivoire on the brink of all-out civil war – with armed clashes between forces of both sides already occurring daily.

During a recent 10-day mission to Côte d'Ivoire focusing on violations of human rights and international humanitarian law in Abidjan since mid-February, Human Rights Watch conducted an [in-depth investigation](#), including interviews with over 100 victims and witnesses to grave abuses. The work built on detailed findings from similar fieldwork in mid-January.

Residents from Mali, Burkina Faso, Nigeria, and Niger gave detailed accounts of daily attacks by pro-Gbagbo security forces and armed militias, who beat foreign residents to death with bricks, clubs, and sticks, or doused them with gas and burned them alive. A Malian man interviewed by Human Rights Watch described how he and six other West Africans were forced into two vehicles by armed militiamen and taken into the basement of an abandoned building. More youths were waiting, who then executed five of the captured West Africans at point-blank range. The homes, stores, and mosques of hundreds of other West Africans have been burned, or they have been chased out of their neighborhoods en masse under threat of death at the hands of pro-Gbagbo militias.

The brunt of these attacks came immediately after Gbagbo’s “youth minister,” Charles Blé Goudé, called publicly on February 25 for “real” Ivoirians to set up roadblocks in their neighborhoods and “denounce” foreigners. The situation threatens to worsen further, as a [March 7 letter](#) addressed to the Burkina Faso ambassador by a militant

pro-Gbagbo group warned. The letter threatened to “cut the umbilical cord” of the Burkina Faso nationals in Côte d’Ivoire unless they left the country by March 22.

Human Rights Watch also documented the recent enforced disappearances of at least seven active members of Ouattara’s party, as well as the February 25 rape of nine politically active women – the day after fighting between armed forces loyal to Gbagbo and Ouattara broke out in the Abobo area of Abidjan. Pro-Gbagbo forces are using excessive force in response to largely peaceful demonstrations, resulting in at least 25 deaths since February 21 – including seven women killed on March 3 when security forces opened fire with a mounted machine gun and a larger unidentified weapon against thousands of women demonstrators.

The abuses by pro-Gbagbo forces against real and perceived Ouattara supporters have escalated since mid-February. Since the campaign of violence began in early December, witnesses and victims interviewed by Human Rights Watch have consistently implicated the same pro-Gbagbo groups as the principal culprits: the Republican Guard and the *Centre de commandement des opérations de sécurité* (CECOS), two elite security force units under Gbagbo’s control; and the Young Patriots and FESCI, two violent militia groups long linked to Gbagbo, including through Blé Goudé. Gbagbo’s state television station, *Radiodiffusion Télévision Ivoirien* (RTI), has helped spur the abuses through frequent incitements to violence against UN peacekeepers, West African nationals, and Ouattara supporters – such as Blé Goudé’s call on February 25.

Human Rights Watch believes that Gbagbo and several of his close allies are now implicated in crimes against humanity as defined by the Rome Statute, which created the International Criminal Court (ICC). The role of Blé Goudé and RTI demonstrates a government policy of encouraging violence, further supported by the refusal of Gbagbo and his military leaders to stop or denounce the recurrent abuses by security forces under their control. The targeted killings, enforced disappearances, politically motivated rapes, and persecution of West African nationals over a three-month period demonstrate a policy of systematic violence by security forces under the control of Gbagbo and militias long loyal to him.

With the deaths of almost 400 civilians documented by the UN – the vast majority killed by pro-Gbagbo forces in circumstances not connected with the armed conflict and with no apparent provocation – the attacks appear to be widespread. Either the widespread nature of attacks or the systematic element is sufficient to trigger the characterization as crimes against humanity when combined with the nature of the crimes documented by Human Rights Watch and others and the fact the crimes appear to be the outcome of deliberate policy of the authorities, amounting to an “attack on a civilian population.”

On the Ouattara side, armed fighters have begun a pattern of extrajudicial executions against alleged pro-Gbagbo combatants detained in Ouattara territory since the *Forces Nouvelles* (“New Forces” or FN) gained effective control of the Abobo neighborhood and Anyama village around February 26. Human Rights Watch documented 11 such cases from both witnesses and perpetrators – including three detainees who were burned alive and another four whose throats were slit, practices amounting to war crimes under international humanitarian law. Credible reports indicate the death toll may be higher.

In addition, an egregious March 7 attack by pro-Ouattara fighters on a village near Abobo left at least nine dead, an apparent case of collective punishment against real and perceived civilian supporters of Gbagbo.

“For the last decade in Côte d’Ivoire, victims of grave abuses have seen those responsible escape justice time and again,” Bekele said. “Accountability should not be sidelined yet again, lest the patterns of violence repeat themselves.”

On March 14, the UN High Commissioner for Human Rights, Navanethem Pillay, echoed the call of several member states on the Human Rights Council to establish a Commission of Inquiry that would investigate grave violations of human rights and international humanitarian law during the post-election period. Any such commission should investigate the key individuals implicated in the crimes committed by both sides, helping to ensure that those responsible are held to account, Human Rights Watch said.

Notably, Côte d’Ivoire is subject to the jurisdiction of the ICC. While it is not a party to the court, Côte d’Ivoire accepted the court’s jurisdiction in 2003 through what is known as an article 12(3) declaration. The Office of the Prosecutor has repeatedly indicated that it will prosecute crimes committed in Côte d’Ivoire if the ICC’s

requirements for investigation – which relate to the gravity of the crimes and the inadequacy of national proceedings – are met. An investigation could be triggered by a referral of the situation by the UN Security Council or any state that is party to the court, or if the prosecutor decides to act on his own authority.

## **Violations by pro-Gbagbo Forces**

### **Attacks Against West African Immigrants**

Residents from other West African countries, notably Burkina Faso, Mali, Guinea, Senegal, Niger, and Nigeria, are being subjected to a steady and increasingly violent stream of abuses by militiamen and members of the security forces, Human Rights Watch found. The pro-Gbagbo forces engage in these frequent acts of deadly abuse, apparently with absolutely no fear of being investigated or held accountable.

Human Rights Watch documented the beating or burning to death of at least 14 West African nationals, as well as the widespread looting of numerous shops and houses they own, and the systematic expulsion of West Africans from areas in at least three Abidjan neighborhoods since February 25.

Numerous witnesses described how West Africans are targeted for abuse solely on the basis of their nationality by pro-Gbagbo security forces and militia operating checkpoints or patrolling markets, neighborhoods, and other public places. Witnesses described victims being beaten to death with clubs, large pieces of concrete, knives, axes, and machetes, while others were doused with petrol and set ablaze.

Witnesses described how on February 25 and March 1, West Africans were killed by militiamen after being pulled out of taxis. On February 25, two marketplace porters were tied up, stuffed into their handcarts, and set ablaze. On March 3, a handicapped man from Burkina Faso accused by militiamen of hiding rebels in his house was brought into an abandoned building and set on fire. On February 28 and March 1, attackers amputated the penises of two other men, then killed them. The majority of these attacks took place in Yopougon, Port Bouët, and Cocody neighborhoods of Abidjan, which all have a heavy presence of pro-Gbagbo militias.

Scores of West African immigrants interviewed by Human Rights Watch said the violence started in late December after the regional body ECOWAS recognized Ouattara as president and openly discussed the possibility of military intervention to remove Gbagbo from office. However, they said the attacks greatly intensified after the February 24 clashes between the two armed forces in Abobo and the nearby town of Anyama, and a February 25 televised meeting by Blé Goudé. During the meeting, later transmitted on Gbagbo's state television RTI, Blé Goudé said:

I give you this order, which must be applied in every neighborhood... When you go back to your neighborhoods... you must operate checkpoints to monitor the comings and goings in your neighborhoods and denounce every foreigner who enters.

The term “foreigner” is consistently used by pro-Gbagbo militants for other West African nationals and ethnic groups from northern Côte d’Ivoire. Numerous victims said they heard militiamen making reference to Blé Goudé’s “order” while perpetrating abuses against them, including a shopkeeper who, during a March 1 attack, heard the militiamen say: “Our General [Blé Goudé] has sent us to secure this neighborhood and that means all of you... Mossi [an ethnic group from Burkina Faso], Malians... must get out of this place.”

A 21-year-old Malian youth who was detained with six other men he believed to be West Africans described how five of them were executed at point-blank range by pro-Gbagbo militiamen after being rounded up on March 6 on the streets of Yopougon:

That day I was wearing dirty clothes from working as a porter. That’s how they knew I was Malian – we’re most of the porters. As I was walking, six guys with Kalashnikovs came up behind me, and one of them stuck it into my back and pushed me toward the road. They did the same thing to a couple others, and soon they had seven of us in total. We were all West African nationals. They forced us into two taxis, and when we arrived at an unfinished house they forced us to go down to a basement, where there were other guys with Kalashes waiting. It was dark down there, so they used their cell phones for lights to take us down. It smelled horrible.

They beat us with an iron bar and a belt that had a sharp metal buckle. Four of them stood at guard with guns pointed on us at all times. All of them in the basement wore balaclavas. Then they attached black bandannas over

the eyes of the first two guys, and one of the Patriots executed at point-blank range. Another guy was lighting the area for him with a cell phone to make sure he didn't miss, even though the distance was only two meters. They did the same to the next three guys, as they were begging for their lives. Five executed right next to me, as they were on their knees. The whole time they kept saying we were rebels, we were rebels.

When they tried to put the bandanna on my head, I fought back. Every time they tried, I'd fight. So then they again beat me with the iron bar. I kept refusing to let them put the bandanna on, as did the guy next to me, a youth from Niger. Eventually I heard them say they would finish us off elsewhere, and they took us back outside. They forced the Nigerian guy into a taxi, but I saw another car coming and I took the chance to run for it. They fired two gunshots from behind, but didn't hit me. I ran and then once I got out of their sight, I found a spot to hide. Eventually I made it back home.

Several Malian and Nigerian shopkeepers who sold petrol, wood, and car parts in a market in Sebroko neighborhood, an area dominated by West African merchants, described how on February 24 members of the Republican Guard arrived to disperse a nearby peaceful demonstration and then opened fire on and threw grenades into their shops, provoking a huge fire that destroyed at least 35. A Malian man described hearing one soldier yell, "Say goodbye to your shops!" before they opened fire into an area that sells highly flammable items. The witnesses stated that as a group of Malians tried to rescue items from their burning shops, the Republican Guard shot into them, killing two.

An elderly Malian man who had lived in Yopougon neighborhood for 35 years likewise described how on February 10, after a steady crescendo of insults and threats from Young Patriot militiamen who maintain a checkpoint near his house, the militiamen set his house on fire as he, his three wives, and 15 children slept – forcing them to flee the neighborhood the next morning. As they left, he said, the Young Patriots admonished him never to return, lest they "cut him and his family into pieces."

Several Nigerian and Malian traders described how on March 4 and 8, mobs of an estimated 150 youths armed with machetes and axes chanted, "Kill, burn, kill, burn, all of you must leave," as they broke into and pillaged the stalls of scores of West African merchants in Yopougon – threatening the traders with death if they continued to sell there. One Nigerian man who was wounded by a machete during the attack said he was told, "If [Nigerian President] Jonathan wants to bring ECOMOG [the ECOWAS military force] here, we'll kill all of you!"

Human Rights Watch documented several attacks on West Africans by groups of militiamen and security forces working together. A Nigerian shopkeeper who described the March 1 attack by CECOS, an elite police and gendarme unit, in which the attackers made a clear reference to Blé Goudé's comments, said the mob burned alive two Nigerian men, one a wood seller and the other a taxi driver wearing a *boubou* (traditional Muslim clothing). He said:

After looting and setting six stalls on fire, they returned to the road where they ran into an elder man from Niger who was selling wood near the market. They beat him, then took him to a police station saying, "We've found a rebel and assassin!" They walked out a few minutes later. The man was screaming, "No, no, I'm a Hausa man from Niger.... I'm not a rebel!" Within a few minutes they had put a tire around his neck, sprayed him with gas and set him alight. It happened right in front of the police station but they did nothing. A half an hour later they stopped a taxi at their barricade, dragged out a man who we later learned was also from Niger, beat him bitterly, tied both his hands and legs and then one of them cut off his sex. Then they brought a tire and gas and burned him alive.... The whole thing was so fast.

Human Rights Watch also documented cases of egregious persecution on the grounds of ethnicity against Ivoirians originating from northern Côte d'Ivoire, including the account of one man who was burned alive and another whose throat was slit at a militia checkpoint. Both occurred in Yopougon in late February:

We were attacked and ordered by the Patriots to leave Yopougon. All of us [Dioulas] and the West Africans in the neighborhood – about 200 of us – decided to flee. As we fled, Patriots were screaming, "Go home, you're all imbeciles. Gbagbo is our president, leave this place or we'll kill you all." We left with what we could put in our bags.

From where we lived to the exit of Yopougon were seven Patriot checkpoints; they were armed with machetes and wood blocks. At each one, they demanded money and threatened us if we didn't pay. At around 2 p.m., we reached the last one. They stopped a young Dioula man who was about 20 years old, and asked him for his ID. He was terrified and started to run. The Patriots caught him almost immediately. The youth said, "I have nothing to do with the trouble, forgive me, I beg you."

Before killing him the Patriots said, "You, you're a Dioula, you're the ones bringing war to Côte d'Ivoire." They beat him with wood and machetes, then one of them took out a big knife, the kind you use to kill a sheep, and cut his throat. This was but two meters away. He started to shake as the life was draining out of him. When I saw the youth killed, I thought they were going to kill my own child as well. It was the only thing I could think of: my son, my son.... The boy's mother and other family members were there, in the group with us, but they couldn't say anything. All they could do with all that pain in their hearts was to walk away. After some distance was between them and us, the mother started to cry.

### **Sexual Violence**

Human Rights Watch documented the rape of nine women by groups of militiamen and police operating together; all victims were active and public members of Ouattara's political party. The documented attacks occurred in the Ouattara stronghold of Abobo neighborhood on February 25, the day after fighting between armed forces loyal to Gbagbo and Ouattara escalated in the area.

In two cases, the women were raped in front of family members, and the husband and father of the victims were then arbitrarily detained and remain "disappeared." Seven of the women were taken from their houses and raped by from one to four men in a building under construction. In all cases, the attackers voiced a clear political motive to the sexual assault. A 30-year-old woman, one of three detained from the same house and later gang raped by militiamen and police, described to Human Rights Watch the February 25 attack:

I live with two other women. We're well known in our neighborhood for our political work in favor of Alassane [Ouattara]. We often go house to house with booklets laying out his political program, wear ADO t-shirts, participate in marches, and go to [party] meetings.

On February 25, on account of the [fighting between armed forces] in our neighborhood, the militias put up a roadblock and started rampaging. At around 5 p.m. a group of 10 men with guns banged on our door and burst into our house. Three of them were in police uniform, and the others were the Young Patriots – we recognized some of them. They said, "We know who you are, we know all about your work.... You are on our list." We had photos of Alassane on the wall, and many of the pamphlets we distribute, which they ripped up in front of us.

They forced us at gunpoint into a pickup truck and took us to a building under construction near the *marché de nuit*. All of us were raped. Three of them raped me, and one of my sisters was raped by four. While one finished, others were holding me from behind. Then they'd switch. While there, they brought four of the Mama Amazons, the older women who dance for [Ouattara] when there are rallies. I could hear them being questioned about their political work. Some of them were crying.

We were kept there until around 10 the next morning. Our clothes were completely ripped.... As we walked home, a neighbor gave us a cloth to cover ourselves with. Before letting us go they said, "If we hear you're continuing to do politics, we know where you live and will come after you.... You should know by now, a Dioula will never govern Côte d'Ivoire."

### **Political Violence by pro-Gbagbo Forces**

Violence by pro-Gbagbo forces against real and perceived supporters of Ouattara has continued in recent weeks, manifested as targeted, organized violence against political leaders in Ouattara's party, and the bloody suppression of largely peaceful demonstrations against Gbagbo's efforts to maintain power.

#### *Enforced Disappearances and Extrajudicial Executions*

Human Rights Watch received statements from witnesses to seven enforced disappearances of men associated with Ouattara's political party by forces loyal to Gbagbo. Witnesses generally implicated members of CECOS, the elite gendarme and police unit, as well as pro-Gbagbo militia forces. The majority of cases documented during the research period occurred in Abobo in late February, immediately after the increased level of fighting between armed supporters of Gbagbo and Ouattara.

One young woman described how her father, an official with the local chapter of Ouattara's party, was detained and later taken away by a group of policemen and militiamen. She described being raped during the incident, which took place on February 25. A few witnesses, including a 34-year-old woman whose husband was detained on February 25 and remains disappeared, described armed men coming to their door with a list on which the name of their family members appeared. The woman described how the men raped her during the incident:

At 8 p.m., three men in civilian clothing knocked at our door. I answered the door and asked what the problem was. They ordered me to get my husband, who was sleeping in our bedroom. I tried to be calm and asked them who they were and why they had come. One of them took out a card on which I read CECOS. They said we were organizing the campaign of Alassane there. It was true – we are very active in the RHDP, but of course I didn't say that.

They took out a list and said my husband's name was there. They had pushed their way through the door by now. I was crying, "Please don't take my husband.... He's not in politics, he's a simple driver. Don't take him, my children are still young." One of them pointed his pistol at my husband and told him to come. I was sobbing, and my husband asked me to calm down.

One of them slapped my face, ripped off my underclothes and held me down on the sofa. My husband screamed, "Leave my wife. I beg you, leave her." They said, "Shut up, we can do whatever we want." They said they were going to kill all the Dioula who're working for Alassane; that we were rebels. After finishing [raping] me, they dragged my husband outside and took him away in one of their (CECOS) cars. I call him on his mobile again and again, but he doesn't answer.

Another RHDP leader from the Riviera Palmière neighborhood was abducted on February 10 by three armed men dressed in green camouflage uniforms. A witness heard one of the armed men saying, "It's you who's behind Alassane, we were sent to find you," and described how the armed men fired in the air when a group of people moved toward the car to try to free the victim. The man's whereabouts remain unknown.

Gbagbo's forces were likewise implicated in extrajudicial executions associated with disappearances. A 25-year-old driver interviewed by Human Rights Watch was detained with two of his friends after a group of police and militiamen searching their house in Abobo found RHDP t-shirts and an Ouattara poster. The man described how one friend was taken out of the cell and killed:

When the police searched us in the cell, they found an amulet he had on his arm. Seeing this was all they need to "prove" he was a rebel. They ordered him out of the cell and took him outside. I heard him saying, "No, no, I'm not a rebel, leave me!" Then we heard two shots. Days later, I found his body in the morgue with two gunshots.... We still haven't found my other friend that was in the cell.

#### *Excessive and Indiscriminate Use of Force*

Human Rights Watch has documented the killing of 25 protesters and demonstrators by members of Gbagbo's security forces since February 21. Scores more have been seriously injured, with documented use of live rounds, fragmentation grenades, rocket-propelled grenades, and an unidentified weapon fired from a tank.

On March 3, in an event that has come to define the brutality of Gbagbo's attempt to cling to power, security forces [killed seven women](#) who were demonstrating peacefully with thousands of other women in Abobo neighborhood. As the women reached where they had planned to assemble, a green pickup with a mounted machine gun, a police cargo truck, a green military camouflage tank, and a blue gendarme tank passed by.

Three witnesses told Human Rights Watch that the army tank fired a heavy weapon from its big gun. Almost simultaneously, someone in green fatigues with a military helmet opened fire with a machine gun mounted on the back of a pickup.

A doctor who treated several of the women who later died said that their wounds were clearly caused by heavy weaponry, not bullets. The doctor, as well as two witnesses at the scene, told Human Rights Watch that the head of one victim had been completely separated from her body. Other victims, including both deceased and seriously injured, had bullet wounds from the mounted machine gun.

Four days later, on March 7, four more people were killed in the Treichville neighborhood of Abidjan during a demonstration against the March 3 violence, when troops from the Republican Guard and CRS (*Compagnie Républicaine de Sécurité*), another elite security force unit, opened fire on a crowd.

Previous Human Rights Watch research documented the killing of at least seven demonstrators in the Koumassi and Treichville neighborhoods on February 21, six of them as a result of rocket-propelled grenades fired by CECOS and Republican Guard troops, respectively. The violent response by Gbagbo security forces to a December 16 march of Ouattara supporters left at least 30 more dead, many killed by fragmentation grenades lobbed into crowds.

“Firing into a crowd of women protesters, including with a heavy weapon, exemplifies the moral bankruptcy of Gbagbo’s security forces,” Bekele said.

In addition, Human Rights Watch documented five deaths between March 4 and 11 in Abobo from stray bullets during indiscriminate strafing by Gbagbo’s security forces. More than a dozen Abobo residents described how security forces had been driving quickly through territory controlled by *Forces Nouvelles* several times every day, firing Kalashnikovs in every direction – sometimes in the air, other times toward people on the streets. This behavior terrorizes the population, leading also to the massive internal displacement of people from Abobo.

A doctor from one hospital in Abobo told Human Rights Watch that he had performed surgery on 108 people between February 28 and March 8 related to the post-election violence, all but four involving wounds from bullets or heavy weaponry fired by Gbagbo’s security forces. The doctor was unable to clarify how many of the wounded were civilians.

### **Violations by Pro-Ouattara Forces**

Human Rights Watch documented serious violations of human rights and humanitarian law in recent weeks by armed forces fighting for Ouattara in Abidjan, including reprisal killings of civilians and extrajudicial executions against detained pro-Gbagbo forces. While Ouattara and Guillaume Soro, the former head of the *Forces Nouvelles* who is now Ouattara’s prime minister, have officially denied a connection to the fighting forces in Abobo, sources in Abobo and inside the Ouattara camp acknowledged the strong presence and role in Abobo of *Forces Nouvelles* soldiers under the Ouattara side’s control.

Pro-Ouattara forces now exercise complete authority in large sections of Abobo and the town of Anyama, operating dozens of checkpoints in the area. That level of control, combined with the Ouattara government’s declaration of being the legitimate state power, means that such forces – and the Ouattara government to the degree it controls the forces – should be held accountable for violations of human rights and humanitarian law in these zones. The past week gives disturbing indications of human rights violations and war crimes being committed there, Human Rights Watch said.

### **Civilian Killings in Anonkoua Village**

Around 2 a.m. on March 7, more than 60 pro-Ouattara fighters attacked the village of Anonkoua-Kouté, located just outside their Abidjan military stronghold in Abobo. Anonkoua is a village of predominantly Ebrié people, who largely support Gbagbo. The previous day, there had been combat in the area between armed forces on the two sides. Victims of the March 7 attack as well as a fighter from the Ouattara side told Human Rights Watch that pro-Ouattara forces believed that weapons had been left in the village. However, the attackers appear to have killed civilians at random and burned down much of the village.

Human Rights Watch interviewed four victims from Anonkoua-Kouté and confirmed the death of nine civilians, including two women who were burned. One victim told Human Rights Watch:

I could hear heavy firing of machine guns, and people from the village started crying out. I went out to see what was happening, and I came across someone who grabbed me and demanded a password. I didn’t know it, so he pointed his sawed-off shotgun at me from two meters away and fired. I swung my arm at the gun right as he was firing, and buckshot sprayed into my arm and my neck. I fell to the ground, and lay there as if I was dead, barely breathing. I watched them massacre the village as I lay there.

The rebels were dressed in all black. Some of them wore Balaclavas, others had on bandannas. They pounded on people's doors and kept saying, "We're here for war, we're not here to play," and demanded where people were hiding arms as they beat and killed them.

At one house close to mine, a woman refused to open the door. They threw in lit bottles that had been soaked in gas, and the house went up in flames. The woman came running out on fire, screaming. She died later that day. I watched as they grabbed another of my neighbors and shot him at point-blank range. It was all barbaric.

Another witness described watching attackers slit the throat of his 72-year-old father. At least 15 houses were burned, and the entire village is now abandoned. He said that the pro-Ouattara forces now control the area.

"Committing atrocities against civilians is no way for Ouattara to take power," Bekele said. "Ouattara should immediately call for an investigation into these deplorable acts of violence and hold accountable those who ordered and conducted them."

Human Rights Watch expressed deep concern about the treatment of real or perceived Gbagbo supporters who remain in Forces-Nouvelles-controlled parts of Abidjan. On March 8, a member of the Bété ethnic group said pro-Ouattara soldiers broke down his door in Abobo and ransacked his house. They pointed their guns at him and said he was a "Patriot," threatening to kill him. Neighbors intervened on his behalf, which the victim believed saved his life, but the attackers still stole all of his possessions. The victim left for an area under Gbagbo's control immediately.

A victim from another part of Abobo described a similar attack on March 7 at his house by pro-Ouattara soldiers. The vast majority of people from pro-Gbagbo groups have left areas of Abobo that are under Ouattara forces' control.

### **Summary Execution of Gbagbo Forces**

Human Rights Watch documented the summary execution of 11 armed forces and militia members loyal to Gbagbo since March 1. In seven of the cases, witnesses described how vehicles or individuals on foot were stopped at *Forces Nouvelles* checkpoints in Abobo and weapons were found. When pro-Ouattara combatants "judged" the person to be pro-Gbagbo fighter, they killed the disarmed detainee.

One pro-Ouattara combatant in Abobo described four cases to Human Rights Watch in which he had been part of the operation. On March 2, an ambulance was stopped and his fellow-combatants said they had discovered Kalashnikovs during the search and its driver was then detained. On March 5, the pro-Ouattara fighter said he found three people with arms passing a checkpoint on foot near the Abobo sub-neighborhood of Anonkoua. In both cases, the pro-Ouattara fighter related bringing the detainees to a higher-level commander, indicating organization and a clear chain of command among the fighters. After being detained, the person was subject to an "intense interrogation," then "neutralized," the fighter said. The ambulance was also burned, several witnesses who saw it later said.

A witness to the execution of another three people believed to be forces loyal to Gbagbo described to Human Rights Watch:

On Monday, March 6, I was walking through Abobo when a black 4x4 came across a checkpoint. The *Forces Nouvelles* there stopped the car and searched it. They found three Kalashnikovs as well as security force uniforms – I could see the camouflage, but I was about 50 meters away, so couldn't tell exactly what type of security force.

The FN guys held up the Kalashnikovs, and immediately ten more FN descended on the car. They grabbed the three people who were inside and threw them to the ground, beating them with long blocks of wood and the guns they'd just captured. They ripped off their clothes and as some of them were still beating them, others grabbed tires and lay them on top. The FN guys then poured gasoline from a container, and lit it all on fire. You could see the movement of the Gbagbo guys' legs as they burned, still being beaten by the FN soldiers.

In another incident on March 7, pro-Ouattara forces detained four alleged Young Patriots leaders in Abobo and summarily executed them. Credible accounts, including from a pro-Ouattara fighter and a resident near where the detainees were killed who took video of the bodies soon after their killings, indicate that two people were captured

and then used to lay a trap for higher-level leaders. The four Patriot leaders were then executed after being detained, the pro-Ouattara fighter said. Human Rights Watch was shown images of the body of “Lamté,” a Young Patriots chief in the area implicated in post-election killings against real and perceived Ouattara supporters. His throat had been cut completely. In the video, another victim had been impaled with a stake, although it was not clear whether before or after his death.

Earlier in February, Human Rights Watch documented three unjustified killings in Abobo of persons believed to be members of pro-Gbagbo security forces, including one identified as Chief Dago Séri, who served with Gbagbo’s Republican Guard.

“The torture and execution of a captured enemy combatant is a war crime,” Bekele said. “Ouattara-aligned forces immediately need to cease this behavior and ensure that anyone detained is treated humanely.”

Abobo residents and Human Rights Watch’s investigations in Abobo also made clear that fighting forces loyal to Ouattara are generally failing to distinguish themselves from civilians, as required by international humanitarian law. By dressing in normal civilian attire and hiding among civilians, the forces are placing the people they claim to be fighting for at greater risk, Human Rights Watch said. Several Abobo residents attributed the Gbagbo security forces’ daily strafing with machine guns at least in part to their inability to distinguish between Ouattara fighters and the civilian population.

Human Rights Watch called on Ouattara and Soro to denounce these violations immediately and open an investigation that would hold the perpetrators accountable, particularly for the Anonkoua killings. The failure to exercise effective command over their fighters and ensure that they comply with human rights and humanitarian obligations threatens to deepen the crisis and fuel further abuses. Human Rights Watch has documented a long history of war crimes by *Forces Nouvelles* during the 2002-2003 conflict and its aftermath, including massacres, torture, and the use of child soldiers.

The prohibitions of war crimes and crimes against humanity are among the most fundamental prohibitions in international criminal law. Under the Rome Statute of the ICC, crimes against humanity can be committed during peace or armed conflict and consist of specific acts committed on a widespread or systematic basis as part of an “attack on a civilian population,” meaning that there is some degree of planning or policy on behalf of the authorities. Such acts include murder, rape, and persecution of a group on political, ethnic, or national grounds.

War crimes in armed conflict not international in nature include murdering people not taking an active part in hostilities, including members of the armed forces who have been detained, and intentionally directing attacks against civilians who are not directly participating in hostilities.

When crimes against humanity and war crimes are committed, people in command authority who should have been aware of the crime and failed to prevent the crime or submit it for investigation and prosecution can be held accountable.

## **Key Recommendations**

### **To the United Nations Security Council**

In response to the continuing grave human rights abuses during the post-election period, amounting to crimes against humanity, implement an assets freeze and travel ban against Laurent Gbagbo, Republican Guard commander General Bruno Blé Dogbo, and CECOS commander General Guiai Bi Poin. For consistent incitement to violence against UN troops and foreign nationals on RTI, implement the same sanctions against RTI Director General Pierre Brou Amessan. Consider sanctions against other military and political leaders close to Gbagbo who are implicated in grave human rights abuses.

Publish the 2004 Commission of Inquiry report that detailed grave crimes committed during the 2002-2003 civil war and its aftermath, which would help break a decade-long cycle of impunity that fuels the ongoing crisis.

To improve the UN Operation in Côte d’Ivoire’s (UNOCI) capacity to effectively protect civilians, ensure the prompt deployment of reinforcements already authorized and make plans for additional deployments of well-trained and equipped troops, as well as equipment such as helicopters, should the situation deteriorate further.

Request a briefing from the Special Representative on Sexual Violence in Conflict and ensure that she remains seized of the situation.

**To Alassane Ouattara, Guillaume Soro, and Commanders of Forces Loyal to Their Government:**

Publicly denounce the crimes committed by their supporters against civilians in the village of Anonkoua-Kouté and make clear that the perpetrators will be held accountable in the future.

**To Laurent Gbagbo, Alassane Ouattara, and Commanders of Armed Forces on Both Sides**

Give orders that all military actions must be carried out in accordance with the standards of international human rights and humanitarian law.

Ensure humane treatment of all detainees and allow access to international and domestic monitors.

Investigate cases of extrajudicial executions and hold perpetrators responsible.

Ensure that all combatants receive training in international humanitarian law, including the criminal responsibility of commanders for failing to prevent or prosecute war crimes and crimes against humanity.

**To UNOCI and the French Licorne Peacekeeping Force**

Continue increasing patrols in volatile neighborhoods and use legitimate force, when necessary, to protect civilians “under imminent threat of physical violence” in their deployment areas, as per their mandates.

Give special attention to the urgent protection needs of ECOWAS nationals and be prepared to evacuate them if necessary.

**To the United Nations Human Rights Council**

Establish a Commission of Inquiry to investigate post-election human rights and humanitarian law violations.

Ensure that the mandate is sufficiently broad to cover both the targeted campaign of violence led by Gbagbo’s security forces, as well as recent and any future crimes committed by both sides of the conflict as the violence escalates.

**For more Human Rights Watch reporting on Côte d’Ivoire, please visit:**

<http://www.hrw.org/en/africa/cote-divoire>

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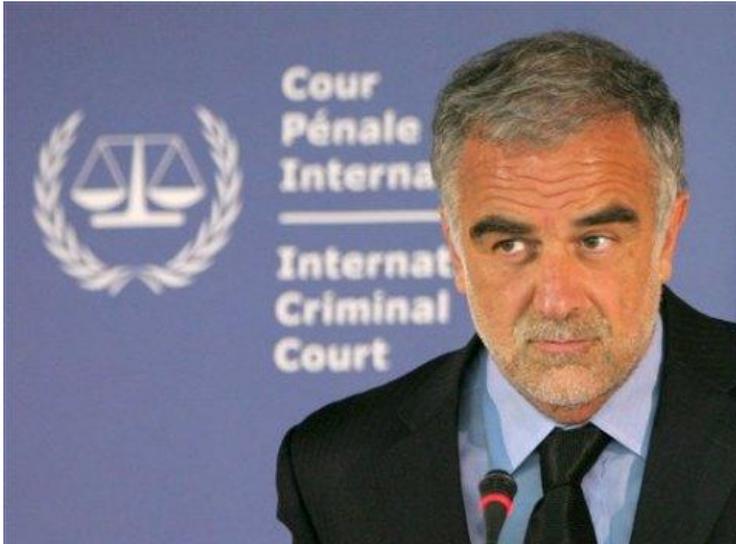
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Voice of America  
 Tuesday, 15 March 2011

## ICC to Request Reduced Powers for Kenyan Suspect

Michael Onyiego | Nairobi



**Photo: AP**

*International Criminal Court Prosecutor Luis Moreno-Ocampo (File Photo)*

As Kenya attempts to halt an International Criminal Court case against six of its nationals, the court's prosecutor is questioning the role that one of the suspects plays in the current government.

Speaking via video link from The Hague late Monday, International Criminal Court Prosecutor Luis Moreno-Ocampo revealed the court was preparing to send a letter advising the Kenyan government about the head of the civil service, Francis Muthaura.

"We are preparing a letter to the Kenyan government asking, in particular, the current role of Mr. Muthaura," he said. "Because Muthaura has, still, authority on the police. If he will remain in this position, something should be done to ensure that the police will not work for him or protect his interests."

The prosecutor said removing Muthaura's authority over Kenyan police is necessary to prevent any testimony against the Kenyan official from reaching his office. Moreno-Ocampo said such steps were critical to ensure the safety of ICC witnesses.

With investigations ongoing, Muthaura and five other Kenyans are required to appear before the court for an initial hearing on April 7.

On March 9, the judges at The Hague issued summons for the six suspects named in the prosecutor's inquiry into ethnic violence that followed Kenya's disputed presidential vote in December 2007.

President Mwai Kibaki and his election rival, current Prime Minister Raila Odinga, accused each other of fraud, sparking nationwide protests that devolved into near civil war. Some 1,300 people were killed and more than 300,000 were displaced by the violence, many of whom remain without homes over three years later.

Late Monday, Government Spokesman Alfred Mutua issued a statement calling the prosecutor's statement "strange and un-procedural." Mutua's statement reaffirmed Kenya's commitment to the court but said the government would maintain the "status quo" until the ICC letter is received.

The ICC request regarding Muthaura comes as Kenya continues to lobby members of the United Nations Security Council in a bid to defer the trial. The Security Council has the power, under the ICC's governing statute, to suspend a trial for one year if it is found to threaten international peace or security.

The Kenyan government is asking for an opportunity to try the six suspects locally, using judicial reforms envisioned under the country's new constitution. But human rights groups both locally and internationally have argued that Kenya's case does not present grounds for deferral under the ICC's laws.

Within the coalition government, rifts are developing which threaten to undermine the deferral campaign. Kenya's *Daily Nation* reported Monday that Odinga's Orange Democratic Movement has sent a letter to the Security Council, asking the body to reject the request for deferral. According to reports, the letter claimed the deferral efforts had been organized by the six ICC suspects and held the request as evidence of President Kibaki's inability to address the post-election violence.

## Capital News (Kenya)

Thursday, 17 March 2011

### Ocampo Six warned against The Hague trip

BY BERNARD MOMANYI



A renowned conflict resolution expert is now warning Kenyan suspects against honouring summonses by the International Criminal Court (ICC), alleging that they are likely to be detained there.

Ugandan scholar on conflict issues Dr David Matsanga says there are indications that some or all of the Ocampo Six will be detained at The Hague once they honour the summonses issued by the Pre-trial chamber last week, and formally served on them on Wednesday.

Citing Article 58 of the Rome Statute, Dr Matsanga said the ICC Prosecutor can resort to including a detention warrant with the summonses issued to all the suspects.

“What I am talking about is very evident from the latest maneuvers of the ICC Prosecutor; there are all indications that he is likely to substitute the summonses with arrest warrants when the suspects face the court next month,” Dr Matsanga said in an interview on Thursday.

“I have stated publicly and I have indeed advised the government on this matter. They should not honour the summonses. They will be detained,” he added.

The ICC has summoned Deputy Prime Minister Uhuru Kenyatta, Head of the Civil Service Ambassador Francis Muthaura, suspended Higher Education Minister William Ruto and Tinderet Member of Parliament Henry Kosgey who stepped aside to face charges of abuse of office.

Others required to make an initial appearance before the judges at The Hague are former Police Commissioner Mohammed Hussein Ali and radio presenter Joshua Arap Sang of Kass FM. All the suspects have expressed willingness to honour the summonses.

“If I were them, I would not go there. They are walking into a trap set up by Ocampo, if you look critically at the warnings he has been giving you will understand what I am saying,” he said in reference to prosecutor Luis Moreno Ocampo’s concerns over Amb Muthaura’s continued stay in office where he largely controls the country’s security management by virtue of his position as advisor of the National

Security team.

“It is apparent Ocampo is building a case against Muthaura, he has questioned his continued stay in office on claims that he fears Muthaura may interfere with the investigations and witnesses. This is a serious issue which, if put before the judges can see Ocampo easily get a warrant of arrest,” he warned. “It is not different from other suspects.”

Article 58 of the Rome statute states that “at any time after the initiation of an investigation, the Pre-Trial Chamber shall, on the application of the Prosecutor, issue a warrant of arrest of a person if, having examined the application and the evidence or other information submitted by the Prosecutor, it is satisfied that:

- (a) There are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court; and
- (b) The arrest of the person appears necessary:
  - (i) To ensure the person's appearance at trial,
  - (ii) To ensure that the person does not obstruct or endanger the investigation or the court proceedings, or
  - (iii) Where applicable, to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances.

Dr Matsanga’s argument is particularly based on part (ii) which states that the pre-trial chamber can issue a warrant of arrest “to ensure that the person does not obstruct or endanger the investigation or the court proceedings.”

“Ocampo has said he fears Muthaura may interfere with his witnesses and the investigation, what can stop him asking for his detention, we are walking a very tight rope here,” he said and advised the suspects to get “third party insurance from the Western powers like the USA as a guarantee that they will return back here because they are the ones pulling strings of the ICC.”

“The government should demand that assurance, it is not a joke. This is an issue that can easily degenerate into violence in this country, there is no prior notice that the suspects will be detained, now imagine if it catches Kenyans by surprise,” he posed.

The expert’s comments come amid speculation that the ICC process has been politicised ahead of the 2012 General Election. Some quarters have also alleged that some Western countries are pushing for the detention of the Ocampo Six suspects.

There are fears that detention would have serious implications on the presidential ambitions of Messrs Uhuru Kenyatta and William Ruto.

Dr Matsanga is part of team that is advising the government on ICC and conflict issues through his Africa World Media Limited, an international Public Relations firm.

## Hirondelle News Agency

Wednesday, 16 March 2011

### **ICTR asks Egypt to cooperate with defence for Ngirabatware**

The International Criminal Tribunal for Rwanda (ICTR) has asked the Arab Republic of Egypt to provide assistance to the defence for ex-Rwandan Planning Minister Augustin Ngirabatware to meet with its citizen who allegedly possesses information regarding allegations against the accused.

"The Chamber considers that the defence has identified, in as much detail as possible, the evidence it seeks. Specifically, it requests a meeting with the named Egyptian national, who may be able to give evidence about some of the allegations against the accused," said part of Chamber's decision.

It noted that the defence has established that the access to the named Egyptian might be useful in deciding whether to call him as a witness and that the nature of his alleged involvement in Rwanda may yield information relevant to the charges against the accused.

"The defence has also demonstrated that it has made diligent efforts to obtain the evidence it seeks, and these efforts have been unsuccessful," the Chamber further noted in its decision dated March 15, 2011.

In its motion, the defence had claimed that the Egyptian national possesses firsthand knowledge of the events in Rwanda from January to April 1994 and could, therefore, be a crucial defence witness.

Ngirabatware, who hails from what used to be the Nyamyumba Commune, Gisenyi prefecture (North of Rwanda), is charged with genocide or in the alternative conspiracy to commit genocide, direct and public incitement to commit genocide and extermination and rape as crimes against humanity.

The prosecution closed its case on August 31, 2010. The then minister started defending himself on November 16, 2010. He completed giving his own evidence on February 15, 2011. His defence hearing is expected to resume on June 6, 2011.

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