

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



Long-time OTP Investigator Mustapha Koroma died suddenly last night at Connaught Hospital. May he rest in perfect peace.

**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:**

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Press clips are produced Monday through Friday.  
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## Hirondelle News Agency

Monday, 9 May 2011

### **Ndahimana to close his defence case by May 13**

The International Criminal Tribunal for Rwanda (ICTR) Monday insisted that the defence case for former Rwandan Mayor Grégoire Ndahimana should be closed by May 13, 2011.

"We would like to remind the defence that it should close its case by May 13. There must be end of litigation," the Presiding Judge Florence Rita Arrey said after the defence had failed to field its witness codenamed ND20 who had been scheduled to testify when the hearing resumed.

Earlier, the defendant's lead counsel Bharat Chadha had sought for appropriate direction after the witness failed to show up on claims that he received death threats on his life.

"The witness is material and very crucial. We still hope that the presence of the witness could be procured. We ask the Chamber to order or give directives so that this important witness can appear and testify," the counsel urged.

However, the judge said the information received suggests that the witness was not willing to come. "It is clear from the information we have received that the witness is not willing to come. This is not the first time he is doing so. This is costing the Tribunal. The witness should be dropped by the defence," she ordered.

Following such order, only one witness has remained to testify for Ndahimana, former Mayor of Kivumu Commune in Kibuye prefecture (Western Rwanda). The witness is expected to testify on May 12, 2011. Already 29 witnesses have testified for the defendant since he began presenting his case on January 17, 2011.

Ndahimana is charged with genocide or complicity in genocide, in the alternative and extermination, as a crime against humanity. He is accused of planning the massacres at Nyange Church in his commune jointly with other officials, including the parish priest, father Athanase Seromba, currently serving life imprisonment sentence for his involvement.

Others are businessman Gaspard Kanyarukiga, who was sentenced to 30 years imprisonment for similar offence and Fulgence Kayishema, former Judicial Police Inspector of the commune, who is still at large. More than 2000 Tutsi refugees were allegedly killed at the church.

Ndahimana was arrested in the Democratic Republic of Congo (DRC) on August 10, 2009. He was transferred to Arusha on August 21, 2009. He made his initial appearance on September 28, 2009 and denied all the charges.

FK/GF

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## Hirondelle News Agency

Monday, 9 May 2011

### **Defence case of Captain Nizeyimana begins**

Deogratias Basesayabo, first defence witness in the case of former Rwandan military officer, Captain Idelphonse Nizeyimana told the International Criminal Tribunal for Rwanda (ICTR) on Monday about three events where patients mostly Tutsis were abducted from the Butare University Teaching Hospital and killed after mid April, 1994.

Basesayabo who was doing his Medical Internship at the hospital said beginning April 15, 1994 the hospital was receiving wounded patients including civilians and soldiers and even other members of the population who were not wounded but sought refuge, as the hospital was considered a safer place compared to other areas engulfed with violence.

"A nurse told us in the morning of April 16,(1994) that soldiers abducted 10 patients and shot them dead outside the fence of the hospital," Basesayabo told the court as he was being led in his examination in-chief by the accused lead defence Counsel, John Philpot.

He added that there were two more such events where patients were abducted by soldiers and militiamen at night and led to their death next to the hospital compound and that most of the victims were considered to be Tutsis.

He explained that doctors, nurses and other hospital staff continued to work but as the security situation deteriorated, they started fleeing from the hospital especially when bombs commenced shelling near the hospital.

The witness though admitted to see three roadblocks one manned by Presidential Guard soldiers, the other one by the students of the University and the third by students of the Non-Commissioned Officers Military Academy (ESO), he did not witness dead bodies at those areas but he saw some bodies along the road near the hospital.

The Prosecution took over to cross examine the witness after defence completed examination in-chief of the witness.

According to Counsel John Philpot, his team expects to call between 45 and 50 witnesses for the defence of their client.

The prosecution started its case on January 17, 2011 and rested it, on February 25 after presenting 38 witnesses.

Capt. Nizeyimana is charged with genocide, extermination, murder and rape. He has pleaded not guilty to the charges.

Several prosecution witnesses alleged that Capt. Nizeyimana among others ordered, supervised and organized the massacres of Tutsis in various places in Butare, including that of Queen Rosalie Gicanda, the widower of the last but one Rwandan King Mutara III, Rudahingwa on or about April 21, 1994.

The defendant was arrested in Uganda on October 5, 2009 and transferred to the UN Detention facility in Arusha, Tanzania the following day.

## International Justice Tribune

Tuesday, 10 May 2011

### **Antonio Cassese - President with a purpose**

In the coming months, the UN-backed Special Tribunal for Lebanon (STL) expects to begin arresting and putting on trial those responsible for the assassination of the former Lebanese prime Minister Rafik Hariri.

*By Geraldine Coughlan*

As the STL moves into its next phase the Tribunal's President, Antonio Cassese, continues to publish extensively on issues of international human rights and criminal law.

Cassese, professor of international law at the University of Florence and former President of the International Criminal Tribunal for the former Yugoslavia (ICTY), spoke to the *International Justice Tribune* (IJT):

#### **What does your role as STL President entail?**

Substantially, I would say coordinating the action of the various organs of the Tribunal (Chambers, Office of the Prosecutor, Defence Office, Registry), entertaining contacts with ambassadors of countries interested in the Tribunal or the assistance of which we need to request, and trying to ensure some leadership so as to stimulate all organs to act as professionally, quickly and efficiently as possible. I think it is also important for the President to demonstrate by his daily action that the Tribunal is fair and intends to dispense justice without paying any attention whatsoever to politics or to pressure from Governments or the media, if any.

#### **How have you familiarised yourself with Lebanese law?**

I have tried to read as much as possible, in French or English, on Lebanese criminal law. But my best teachers have been the Lebanese Judges sitting on the STL, chiefly my excellent colleague and great judge Ralph Riachy, who, as the Tribunal's vice-president, has immediately taken office at Leidschendam, after the establishment of the STL. He has kindly passed on to me, almost on a daily basis, and frequently through interesting informal discussions, much knowledge about Lebanese case law, the daily functioning of the Lebanese judiciary, as well as the legal mindset of judges and practitioners.

#### **Is it difficult to portray the hybrid nature of the STL to the public?**

No, it should not be difficult. Hybrid courts are composed of national judges (in our case, Lebanese Judges) and international judges from different countries. The latter Judges have a majority (7 to 4). In addition, our Tribunal applies Lebanese substantive law and international procedural law, trying to amalgamate and blend the two systems, by looking for solutions that are in keeping both with the principle

*nullum crimen sine lege* and respect for the rights of the suspects and accused, and the principle of expeditious administration of justice.

### **What have been the most challenging moments of your career?**

When I was President of the Council of Europe Committee for the Prevention of Torture, and we managed skilfully to find in the police stations or prisons of some countries evidence of torture or serious ill-treatment, on which we quickly reported to the authorities of the countries concerned requesting them to remedy the situations.

Or when at the International Tribunal for the Former Yugoslavia we were able to issue judgements that were fair but also made it possible for international law to progress and to become more attuned to the realities of war today.

Other challenging moments were when in Darfur, acting for the United Nations, I was able with my colleagues to find credible evidence of serious international crimes and then duly reported to the Security Council on such violations.

At present a great challenge resides in endeavouring to push forward the whole machinery of the STL, so as to start our judicial action as speedily as possible.

### **What do you think is the most interesting case in international law?**

As for cases brought before the International Court of Justice, perhaps the Nicaragua case (1986) remains a great judgement, in spite of some flaws (such as the one of effective control that I criticised in Tadic in 1999).

As for international criminal courts, there are many: for instance, Delalic, Tadic 1995, Kristic (Trial Chamber), Brdianin (Appeals Chamber).

However, many national courts also have pronounced important judgments: the Leipzig Supreme Court in 1922 issued judgements of great legal importance.

## Guardian on Sunday

Tuesday, 10 May 2011

### **EAC: Africa's new tool against war crimes**

By East African News agency

With the recent establishment of the African Court on Human Rights and People's Rights in Arusha, the East African region and the rest of the continent now have an instrument to deal with cases of crimes against humanity and war crimes.

While there has been a push by the African Union (AU) for the deferral of Kenyan cases pending before the International Criminal Court (ICC), few African countries have utilized the institutions of justice available on the continent.

The African Court on Human Rights and People's Rights, created by the AU, is aimed at enhancing the protection of human rights on the African continent. Working closely with the new court is the recently-activated Pan African Union of Lawyers (PALU), which engages AU organs and institutions on democracy, good governance, rule of law and human rights.

In the past, there have been few trials in the continent on crimes against humanity, except for the International Criminal Tribunal for Rwanda in Arusha and the Sierra Leone Special Tribunal currently trying the former Liberian President, Charles Taylor, within the ICC premises at The Hague.

For instance, to make use of the AU court, the victims of Kenyan post-election violence could use the African Court on Human Rights and People's Rights and the African Commission on Human and People's Rights in Banjul, Gambia, to seek justice.

Donald Deya, the PALU chief executive and the former Executive Secretary of the East African Law Society (EALS) told the independent East African News Agency (EANA) in an interview that Africa has created many organs and institutions do deal with issues of human rights, international crimes and economic injustices but they are hardly in operation because many African countries have not enlightened their citizens that these institutions, such as the COMESA court in Lusaka, are at their disposal.

While the ICC is good for guarding against human rights abuses in the world, Deya said, there is still need for the continent to strengthen its own African institutions so that the majority of cases can be held in the Africa. If the state is unable, or unwilling, to handle these cases, then they can be held at the sub-regional or continental level.

"We are potentially looking at a situation where the African Court of Human and People's Rights would be able to try not only genocide, war crimes and crimes against humanity, which are the only three crimes the ICC can be able to try, but try other international crimes of concern to Africa such as piracy, terrorism, international corruption and the new crime of unconstitutional change of governments," Deya said.

Undoubtedly, Africa's Horn and the Great Lakes regions have been the scenes of war crimes, with the Democratic Republic of Congo (DRC), Sudan, Uganda, Burundi, Somalia, Ethiopia, Rwanda and of late Kenya, being some of the countries where crimes against humanity have allegedly been committed over the years.

The challenge facing the continent is the current trend in which African presidents who have been defeated in elections refuse to surrender power, creating grounds for political upheavals and the resultant crimes against humanity.

The Constitutive Act has the African Charter on Democracy, Elections and Governance. It has a committee of sanctions on unconstitutional change of governments under the Peace and Security Council.

The debate now is whether refusal to hand over power after defeat should be considered in the same category as the "unconstitutional change of government.

Deya argues that the AU has very strong laws of human rights and governance, but they have to be made more robust because they are sometimes not applied fully in certain cases. He gave the example where these rules were fully applied in Madagascar and recently in Ivory Coast, but were not applied effectively in the case of Zimbabwe.

"While it would be preferable for African leaders to internalize human rights and good governance issues, the worst case scenario the AU can apply is the forceful removal of a leader who is in office unconstitutionally by the African Standby Brigade; that is what will actually give our leaders the message that Africa can act," he said.

Both DRC and Uganda have referred their nationals to the ICC for their alleged involvement in the commission of crimes against humanity. Presently, two cases from Ituri in the DRC are before the ICC - the cases against Thomas Lubanga, Germain Katanga and Mathew Ngudjolo Chui. An ICC arrest warrant has also been for Bosco Ntaganda, a former senior member of Laurent Nkunda's National Congress for People's Defence (CNDP).

The case against former DRC vice-president, Jean-Pierre Bemba, relates to events in Central African Republic in 2002-2003. In Uganda, the government of Yoweri Museveni has also referred the case against the Joseph Kony of the rebel Lord's Resistance Army (LRA) to ICC.

Credible national trials are necessary to ensure accountability if the continent is keen on avoiding the ICC trials. Former Ethiopian president, Mengistu Haile Mariam, is still holed up in Zimbabwe despite warrants for his arrest.

Kenya has suffered election-related violence in 1992, 1997 and 2007 but it is the first time the perpetrators are being called to account.

The Registrar of the East African Court of Justice (EACJ), Dr John Ruhangisa, has also lamented that many people in the region have very little knowledge of the court.

"Another issue is the reluctance to surrender sovereignty and jurisdiction by the EAC Partner States," he told journalists recently from the five Partner States of Kenya, Uganda, Tanzania, Rwanda and Burundi.

SOURCE: GUARDIAN ON SUNDAY