

**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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## Hirondelle News Agency

Tuesday, 10 May 2011

### **Kabuga's special deposition proceedings now rescheduled for May 23**

The International Criminal Tribunal for Rwanda (ICTR) has rescheduled to May 23, 2011 the commencement of special deposition proceedings in the case of the most wanted genocide fugitive Félicien Kabuga.

"Due to unforeseen circumstances that have arisen, it will not be possible for the special deposition proceedings in this case to commence on May 16, 2011 as previously ordered. Instead, the proceedings will commence on Monday, May 23, 2011," Judge Vagn Joensen said in his variation order.

Judge Joensen, who will conduct the proceedings, said in the order dated May 6, 2011 that the session will continue until the depositions of all the prosecution witnesses are recorded.

"The proceedings will take place from Monday through Thursday each week, with a break during the week of June 6 to 10, 2011," he said.

While rescheduling the commencement date of the proceedings, the judge on the same day granted the prosecution's request to have twelve Rwandan detainees transferred to the United Nation Detention Facilities (UNDF) in Arusha. The detainees are among prosecution witnesses expected to testify during the proceedings.

"Therefore, I find that the prosecution has fulfilled the requirements under Rule 90 bis for the transfer of the twelve detained witnesses," Judge Joensen said in another decision on the prosecution's request for transfer of the said detainees.

Apart from Kabuga, who is alleged to be the main financier of the 1994 Tutsi genocide, other fugitives whom the prosecution seeks to safeguard evidence are Augustin Bizimana, former Minister of Defence and Major Protais Mpiranya, who was Commander of the Presidential Guard.

The prosecution considers the three figures as key suspects among the 10 still on the run. The ICTR Prosecutor Hassan Jallow is seeking special deposition proceedings to be conducted for the trio, fearing that the evidence may be lost or deteriorate due to the passage of time, death and incapacity of unavailability of witnesses. These are first requests of its kind in the ICTR history.

In another decision given on May 5, 2011, the Tribunal granted the prosecutor's request for taking special deposition proceedings in the case of Bizimana after considering his position as a high-profile fugitive and the importance of his apprehension and trial to the many victims of his alleged crimes.

"In light of these circumstances, the Chamber concludes that it is in the interest of justice that evidence relating to the indictment be preserved for a future trial by special deposition," the Tribunal ruled. However, no date has been set for commencement of the proceedings.

According to sources at ICTR, Kabuga is said to be carrying out his commercial activities in Kenya, while Mpiranya is allegedly being protected by senior officials in Zimbabwe, whereas Bizimana may be hiding in the Democratic Republic of Congo (DRC).

FK/NI/GF

## Hirondelle News Agency

Thursday, 5 May 2011

### **President Byron's term at ICTR expires this May**

Justice Dennis Byron's term of office as President of the International Criminal Tribunal for Rwanda (ICTR), expires at the end of May, 2011, the Tribunal's Associate Information Officer, Danford Mpumilwa, told the Hirondelle News Agency, on Thursday.

Judge Byron from St. Kitts and Nevis was elected to the post on May 22, 2007, succeeding the Norwegian Judge Eric Møse who was ICTR President since May 2003. Judge Byron (68) was re-elected for a second term as in May 2009.

He joined the ICTR in June 2004. Prior to his assignment at the UN Court, Byron served as Chief Justice of the Eastern Caribbean Supreme Court. In 2002 he received the award of Knight Bachelor by Her Majesty Queen Elizabeth II. He began his career in private practice as a barrister in 1966.

After expiry of his contract with the ICTR, Judge Byron would head the Caribbean Court of Justice (CCJ) as its new President following a decision made during the Caribbean Community (CARICOM) Heads of Government Inter-Sessional Summit in St. Georges, Grenada in March, 2011

Among famous cases he conduct at ICTR as Presiding Judge include that of top officials of the then Rwandan ruling Party, MRND, Matthieu Ndirumutse, who was the President and his Vice-President, Edouard Karemera.

Ndirumutse and Karemera are charged with seven counts including genocide, complicity in genocide, incitement to commit genocide and crimes against humanity, allegedly committed, mostly by members of their party, its youth wing, Interahamwe, in particular.

Presentation of evidence from both prosecution and defence in the case has already been concluded and closing arguments in the trial will be presented before the Tribunal starting August 22, 2011.

While carrying on with his new duties as CCJ President, Judge Byron will also be participating in drafting of judgement in the case involving Ndirumutse and Karemera as what has been done by former ICTR Judge Joseph Asoka de Silva, currently Chief Justice of Sri Lanka, his home country.

Judge Asoka de Silva has been taking part in drafting judgment in the trial dubbed Military II involving former senior Rwandan military officials, General Augustin Bizimungu, General Augustin Ndirumutse, Major Francois-Xavier Nzuwonemeye and Captain Innocent Sagahutu, scheduled for delivery on May 17, 2011.

Naharnet

Wednesday, 11 May 2011

### **Bellemare not Fransen Controlling Release of Indictment**



Special Tribunal for Lebanon spokesperson Marten Youssef has reiterated that the court hasn't set a maximum time limit for judge Daniel Fransen to confirm the indictment in ex-premier Rafik Hariri's assassination case.

STL Prosecutor Daniel Bellemare filed an amended indictment on Friday based on further evidence in the probe into the 2005 killing of Hariri, the second such amendment since the first indictment filed in January.

The indictment, which is being kept confidential, has to be examined by Fransen, who has the responsibility of confirming it before arrest warrants or summonses are issued.

"It is anticipated that this will be completed in the coming months," the STL press office said.

But As Safir daily on Tuesday wondered why the tribunal has anticipated the completion of the process in the coming months without setting the previously announced timeframe of six to ten weeks.

It said this move hinted that Bellemare was monopolizing the date of the indictment's release by referring amendments to Fransen whenever he saw that the time or the political circumstances were not ripe to release the indictment.



Court, and argued that this wasn't what the Truth Commission was about, and it impinged unduly on their freedom of expression. The Constitutional Court agreed.

**Q. How did ICTJ get involved?**

A. It occurred to us at ICTJ and to our colleagues in the South African Coalition for Transitional Justice that the case had wider implications, and there were going to be some pretty harsh ramifications on victims. Some of the victims write books, speak to the press, write op-eds, appear on the radio and TV and so on. If they refer to perpetrators who murdered their loved ones, who were convicted and then amnestied, they would then open themselves up to a defamation lawsuit and they would have no defense.

So we decided to go to court in support of the families of two very well-known victims: the children of the late Victoria and Griffiths Mxenge. Both were human rights lawyers who had been abducted and brutally murdered by the South African Security Police. In the case of Griffiths Mxenge, the Security Police who were involved were granted amnesty. We also represented the family of Justice Mbizana, one of the Mamelodi Four, a famous case in which the bodies were discovered of four people who had been murdered by the Security Police for supporting the African National Congress.

Essentially, we argued before court that these two families represented all victims in South Africa in cases where the murderers of their loved ones had been convicted for murder and had received amnesty. The families asked the court to overturn the judgment of the lower court in order to do two things: to protect their freedom of expression to talk freely, and to preserve the legacy of the Truth Commission.

The primary objective of that commission was to discover the truth and to preserve that truth. For that to happen, victims and their families need the freedom to speak the truth without fear of being sanctioned by a lawsuit for defamation. In particular, they argued that to deny them this right would be to strip them of their right to dignity.

We highlighted the emerging international law principle of the right to truth. We suggested that although South Africa was not bound by a treaty obliging it to uphold the right to truth, that right was nonetheless enshrined within certain rights in South Africa's Bill of Rights—namely the rights to dignity, access to information, freedom of expression, equality, and the rule of law.

The court essentially agreed with that argument. Justice Cameron, who wrote the majority opinion, said it was hardly conceivable that the provisions of the Truth Commission “could muzzle truth and render true statements about our history false.” He said that proscribing the truth would be antithetical to the adequate compilation of the collective memory of South Africa's past.

This was an important victory for not just those two victims, but for all victims of past conflicts in South Africa. The court upheld the principles of openness and transparency that are underlying principles not just of the Truth Commission, but also of South Africa's new constitutional democracy.

**Q. What would have been the consequences if the precedents of the lower courts had stood?**

A. It would have severely undermined the work and legacy of the South African TRC. It would also have meant that those amnestied would have received an additional benefit: the underlying facts of their particular cases couldn't be held against them in any moral or public manner. No newspaper could refer to the perpetrators as murderers or kidnappers or torturers. They would now have to be regarded as individuals who, for all intents and purposes, didn't commit those acts.

For the purposes of truth telling and establishing an impartial and accurate record, that would have been devastating for South Africa. It would have been particularly devastating for victims, because in order for victims to properly deal with the past and their suffering, they need to talk about the past and they need to engage with it. The rulings of the lower courts effectively denied them the right to do so publicly. The amnesty process was never meant to negate the truth. If anything, one of the rationales behind that process was the delivery of more truth.

The other significant goal of the South African commission—and of most other TRCs—is national reconciliation. It was disturbing to see the lower courts claiming that, because national reconciliation was at stake, it was best to obliterate the past. The Constitutional Court had a diametrically opposing view. It said that the full disclosure of the truth was in fact necessary to pursue national reconciliation and that concealment and pretense would undermine that objective.

**Q. What's the significance of this case for countries other than South Africa?**

A. I think what's enormously significant is that this is one of the first courts in a common law country, if not the first, to consider the right to truth. Courts in civil law countries, particularly in Latin America, have been down this road already. They've upheld the right to truth for victims, and some countries have even enshrined that right in their constitutions. Others have ruled that the right is incorporated within other rights in their constitutions. The Inter-American Court on Human Rights has upheld the right to truth, and those decisions are applicable throughout Latin America. The right has been upheld in national courts in Argentina and more recently in Colombia and Peru.

Outside of Latin America, the Human Rights Chamber for Bosnia and Herzegovina has ordered thorough investigations in order to inform family members of the missing, as well as the general public, of human rights violations.

**Q. Is there any added significance given that South Africa's reckoning with the past has been iconic for many around the world?**

A. Certainly. Many other countries that are emerging from conflict look to South Africa for inspiration and guidance. And sometimes South Africa does provide a good model. But countries must not simply adopt the South African model uncritically. Too often these days, in places like Kenya and Nepal for example, we've seen legal frameworks that have borrowed from the South African model in an unthinking manner.

For those who wish to promote impunity, it would be very convenient indeed if the effects of a South African-type amnesty would be to obliterate the past. It would serve to sanitize the role of perpetrators in history and prevent them from being held accountable by the public. This would retard the transitional process and set the worst of examples for future generations. So we're happy that a court in a common law country has upheld the right to truth in in a transitional setting. It's an encouraging start.

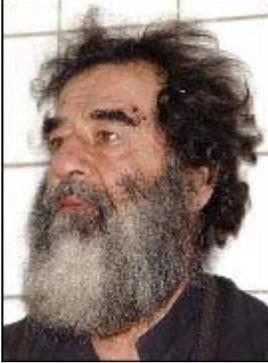
*Photo: A page from the TRC Report, listing names of those recognized as victims of gross human rights violations during apartheid.*

# The Mid East News Source

Monday, 9 May 2011

## Despots' Downfall Opens Debate on Justice vs Reconciliation

Written by David E. Miller



*Threatened dictators fear for future as Egypt, Tunisia opt for trials*

Iraq's Saddam Hussein and Romania's Nicolae Ceausescu were tried and executed in front of television cameras. In much of post-communist Eastern Europe, ex-leaders avoided trial or received symbolic punishments. South Africa's apartheid-era leaders were spared that when the country opted for a Truth and Reconciliation Commission empowered to grant amnesty. Ferdinand Marcos, the leader of the Philippines, opted for exile.

The Arab Spring has so far cost the jobs of two long-time leaders and at least three others are warily eyeing the despot exit ramp. But what happens next? The history of toppled dictators offers a variety of precedents – punishment by trial, amnesty in the context of an official search for truth, or exile and obscurity.

Right now punishment seems to be the preferred route for those deposed.

Former Egyptian President Hosni Mubarak and his two sons have been arrested as have a host of other officials from his government. Mubarak could be executed if convicted of involvement in the deaths of anti-regime protesters, Justice Minister Abdel Aziz Al-Gindi said last week. Last Friday, his Interior Minister, Habib Al-Adly, was sentenced to 12 years in prison for money laundering.

In Tunisia, President Zine Al-Abidine Ben Ali fled to Saudi Arabia, but he has been indicted in absentia on counts of corruption and involvement in the killing of protesters. The International Criminal Court (ICC) is currently investigating charges against Libyan leader Muammar Al-Qaddafi and senior members of his regime for crimes against humanity.

"It's still a bit early to assess, but it seems that post-revolutionary Arab measures have been more reactive than planned," Habib Nassar, head of the Middle East and North Africa Program at International Center for Transitional Justice (ICTJ), told The Media Line. "Ad hoc measures are being taken to appease the street with no real strategy."

Justice or amnesty may take years to come, but the decisions Arab countries make may already be having an impact: Al-Qaddafi, Yemen's Ali Abdullah Saleh and Syria's Bashar Al-Assad, all fighting to remain in power, are almost certainly looking at how former leaders fare.

Under a plan mediated by the Gulf Cooperation Council, Saleh was offered immunity in exchange for stepping down within 30 days, but as of Monday no deal had been consummated. Al-Qaddafi has rejected calls for him to step down, but the European Union sent an encouraging message to despots when it unfroze the financial and property assets of Moussa Koussa, Al-Qaddafi's foreign minister, after he defected.

Mubarak and Ben Ali stepped down relatively quickly and with little violence. Some analysts have said that the turn to violent pushbacks in places like Syria, Yemen and Bahrain reflects the growing anxiety of leaders for their future, now that they see what has happened to their peers.

"Some leaders, like Saleh in Yemen, are seeking impunity packages," Salman Sheikh, head of the Brookings Doha Center told The Media Line. "But the precedent of Saddam Hussein's execution in Iraq has not necessarily made leaders more reform minded."

Sheikh suggested that the way to end violence in Syria would be by offering President Bashar Al-Assad an opportunity to leave the country peacefully, although that would spell the end of the Baath regime in Syria.

Tunisia, whose president was the first despot to be forced out of office by the Arab Spring, has started to deal with the issue systemically. On April 14, the ICTJ, the Arab Institute for Human Rights and United Nations hosted a conference titled "Addressing the Past, Building the Future," aimed at discussing ways "to translate demands for justice and accountability into concrete measure that address past human rights violations and that help prevent their repetition."

"There is almost a consensus in Tunisia on the need for accountability for members of the former regime," says Nassar of the ICTJ. "Now, they need a strategy. Obviously you can't prosecute everyone who was active in state apparatus, only the 'big fish'."

As communist dictatorships collapsed in eastern Europe at the end of the 1980s, transitional justice emerged as a multidisciplinary field as a means of addressing systematic abuses by former regimes without endangering the delicate political transformation to democracy.

Transitional justice encompasses not only criminal prosecutions, but so-called truth commissions and memorial efforts, such as museums and memorials for victims. But the transition isn't easy. Victims of the former regime usually want those responsible to pay the price for their deeds. The problem is that demands for justice can interfere with the nation-rebuilding process.

Nassar says popular demands for justice and accountability brought protesters to the streets and now these demands must be translated into judicial action. He says that for transitional justice to take root, the legal process must enjoy broad legitimacy among the people, with as many components of society consulted as possible.

"Now rulers should take a step back and consider international standards such as defendants' right to fair trial and due process with clear criteria," Nassar says. "Achieving accountability is not enough – the process is as important as the outcome."

South Africa has used the model of Truth and Reconciliation Committees (TRCs), allowing abusers to own up to their crimes in return for amnesty. Victims listen to perpetrators' testimonials and are expected to pardon their victimizers.

Vimla Pillay, manager of the mediation and training department at the Center for Conflict Resolution in Cape Town, South Africa, has worked extensively with victims of South Africa's Apartheid regime. She says that although TRCs were a great exercise in healing, allowing for forgiveness and reconciliation, they had serious shortcomings. Victims must receive both emotional and legal redress, she said.

"One limitation is that victims' wounds were opened during the process, with not enough follow-up," Pillay told The Media Line. "Layers of trauma were revealed, but there was no post-TRC counseling. Even in terms of financial compensation victims were not handled very well."

Pillay says the notion of forgiveness is part of South Africa's culture and religious belief system. In the post-Apartheid era, President Nelson Mandela encouraged citizens to forgive and move on, she says, but adds that such unconditional forgiveness is often more beneficial to perpetrators than to victims, who need some form of closure.

Habib Nassar of ICTJ says the South African model of amnesty for perpetrators was the exception rather than the rule in cases of transitional justice. He says that transitional justice usually included criminal proceedings against perpetrators of crimes.

Following the bloody conflict in the Balkans in the early 1990s, the International Criminal Tribunal for the former Yugoslavia (ICTY) was established under United Nations auspices in 1993, the first war crimes court ever created by the organization. The court allowed victims to recount the horrors they experienced while also ensuring justice is served against perpetrators. Some 160 people were charged by the Hague-based court, including former Yugoslav

President Slobodan Milošević who died in prison in 2006 and Bosnian-Serb politician Radovan Karadžić whose trial is underway.

The court asserts that it has played a key role in rehabilitating former Yugoslav states in the post-war era.

"Simply by removing some of the most senior and notorious criminals and holding them accountable, the Tribunal has been able to lift the taint of violence, contribute to ending impunity and help pave the way for reconciliation," the court website explains.

The International Criminal Tribunal for Rwanda (ICTR) was established by the UN in 1994 to prosecute perpetrators of genocide in Rwanda during 1994 which cost the lives of at least 500,000 people. Located in Arusha, Tanzania, the court is meant to "contribute to the process of national reconciliation in Rwanda and to the maintenance of peace in the region."

## Bellemare submits new indictment, U.N. warns of tensions



Bellemare said an indictment that had been filed on March 11 was replaced in order to “include substantive new elements unavailable until recently.”

U.N. chief Ban Ki-moon warned Friday of rising political tensions in Lebanon over the international court probing the assassination of former Prime Minister Rafik Hariri, after the court’s prosecutor submitted an updated indictment in the case.

In the report to the United Nations Security Council, U.N. chief Ban Ki-moon said the increased tension in Lebanon was “fueled among other things by speculation and public pronouncements concerning the proceeding of the Special Tribunal for Lebanon,” a U.N. spokesman said.

Ban’s statement came after the tribunal’s prosecutor, Daniel Bellemare, filed an amended indictment in the case. Bellemare cited further evidence in the Hariri probe as prompting the decision.

The Netherlands-based STL, established in 2007 to investigate the assassination of Hariri, has been at the heart of political tension between Lebanon’s rival March 8 and March 14 camps.

The indictment, which remains confidential pending review by the pre-trial judge, is widely expected to implicate some Hezbollah members in the assassination, raising fears of sectarian strife.

In a statement Friday, Bellemare said an indictment that had been filed on March 11 was replaced in order to “include substantive new elements unavailable until recently.”

A prosecutor spokeswoman declined to comment on what those elements were.

“The amendment of an indictment or the filing of new indictments is and will continue to be guided solely by the evidence uncovered by the ongoing investigation,” the prosecutor said in the statement.

Hariri was killed by a huge truck bomb, triggering international condemnation that forced Lebanon's neighbor Syria to end a 29-year military presence in the country.

Tension over the STL forced the collapse of Prime Minister Saad Hariri's Cabinet in Jan 12, when 10 March 8 coalition ministers and a minister loyal to President Michel Sleiman tendered their resignations.

The resignations came after the Hezbollah-backed March 8 alliance urged Hariri to disavow the STL, halt payment of Lebanon's share toward the financing of the STL, withdraw Lebanese judges from the tribunal, end cooperation with the STL, and prosecute the "false witnesses" linked to the U.N. probe.

Hezbollah has repeatedly accused the STL of being a U.S.-Israeli plot aimed at targeting the resistance group.

Earlier this year, the president of the STL, Italian judge Antonio Cassese, said that the review of the court's indictment might take longer than expected, while fervently defending the U.N.-backed body against accusations of being politicized.

"Through credible, fair and unbiased action, the tribunal thus aims at contributing to reconciliation in Lebanon," Cassese wrote in his second annual report on the STL, which reviews the work achieved during 2010-11 in the controversial court.

In his report, Cassese argued that the STL was an impartial judicial institution established to punish culprits in the Hariri assassination.