

**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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## Sabrina Mahtani provides legal aid to female prisoners in Sierra Leone



*Sabrina poses with Salone prison officers*

In 2005, a young woman in Sierra Leone was sentenced to death for a murder she did not commit. Her purported crime was the killing of a 6-month-old baby, the daughter of her husband's second wife. The infant died after its father sat on it, but the young woman, whom we know only by her initials M.K., took the blame — and even told police that she had killed it.

"I said that I was guilty because my husband told me to," M.K. says. Her husband told the police that she had poisoned the baby, and they believed him. M.K. ended up on death row in Sierra Leone's notoriously grim Pademba Road Prison in the capital city of Freetown, far from her home village. Forgotten by her family and unable to read, write, or pay for a decent lawyer, M.K. was confined to a small, dirty cell for nearly six years. But then she met Sabrina Mahtani, the founder of AdvocAid, a nonprofit group based in Freetown that provides free services for women who find themselves inside Sierra Leone's prisons. Ms. Mahtani got to know M.K. and was moved by her story.

Mahtani offered to help.

M.K.'s story is not unique. Mahtani says. Since she founded AdvocAid in 2006, Mahtani, a lawyer trained in Britain, has met scores of women who have fallen afoot of the law because of poverty, illiteracy, or just misfortune. AdvocAid was set up to help those women by providing them with legal, emotional, and educational support.

Since 2009, the organization has provided

legal representation for more than 400 women. Sometimes, even the smallest piece of advice can mean the difference between freedom and jail.

That was the case for M.K.

"When she was convicted, the judge did not tell her that she had 21 days to appeal," says Simitie Laval, a legal officer for AdvocAid, citing one of the grounds for having the case reconsidered. The AdvocAid team also found holes in the prosecution's reasoning and discovered that M.K.'s husband, the primary witness, had never been cross-examined. Slowly, the case against her began to unravel.

While legal aid is important, Mahtani knows that alone it is not enough. Conditions inside Sierra Leone's prisons are rough, and AdvocAid works to improve them. "A lot of prisons in Sierra Leone are very old," Mahtani says. "Pademba Road Prison was built in 1914 for 300 people. And now it's got 1,400 prisoners." Prison reform gets little attention from the government of Sierra Leone, one of the poorest countries in Africa.

So AdvocAid picks up where the government falls short, offering literacy classes inside the prisons, collecting clothing for the women, and building a library for them. It also provides legal education, so they can be more aware of their rights.

It's a big job, and it comes with many challenges, but Mahtani says she is not about to back down. She has seen firsthand the importance of this kind of work.

"My interest in prisons really came from

my father being in prison when I was much younger,” says Mahtani, who grew up in Zambia. “It was a very politically motivated issue – he was charged with treason.”

That experience taught her that imprisonment has far-reaching impacts, affecting the families, children, and future livelihoods of those who end up in jail. Her father was ultimately acquitted and discharged, Mahtani says, “because he had an education and access to lawyers.” After her father was released, he set up a group to support Zambian prisoners.

In Sierra Leone, Mahtani has continued that work. “Women in our society are always discriminated against,” says Abdul Sidique, a human rights official with the United Nations in Freetown. “We have customary law that ... always takes women as second-class citizens.”

AdvocAid “is making a difference – it’s making a big difference,” Mr. Sidique says. “Women prisoners now feel that they have somebody who is seeking their interests.”

Despite its successes, AdvocAid still struggles to find funding for its work.

“[Donors] tend to see people in prison and in conflict with the law as bad, and they don’t want to put their money there,” Mahtani explains.

Donors also like their grants to have the broadest possible impact, and “AdvocAid is not about numbers,” Mahtani says. “We’re about impacting individual lives.” M.K. is one of those individuals. With AdvocAid’s help, she was released from death row in March, after the six years in prison. The judge who heard her appeal overturned the earlier ruling, and the prosecution dropped its case against her. Though M.K. is free, a lot has changed. She is afraid to return to her village, where her husband lives with his other wife.

AdvocAid is supporting M.K. at this stage, too. The organization gave her new clothes to wear after she was released, and they’re hoping to set her up with vocational training so she can find work in Freetown. It will be a long process, but AdvocAid says it will help her along the way.

“There are so few organizations that will be there from the very beginning right through to the end,” Mahtani says.

*Credit: Christian Science Monitor*

Note: Sabrina Mahatani was a defence lawyer at the Special Court.

## Rwanda genocide: Ex-army chief given 30-year sentence

**FORMER RWANDAN army chief Augustin Bizimungu has been sentenced to 30 years in prison for his role in the 1994 genocide.**

The UN war crimes tribunal for Rwanda also convicted ex-paramilitary police chief Augustin Ndindiliyimana but released him for time already served.

Two other senior generals were each sentenced to 20 years in prison. Some 800,000 ethnic Tutsis and moderate Hutus were killed in the 100-day genocide. Bizimungu and Ndindiliyimana are two of the most senior figures to be sentenced by the International Criminal Tribunal for Rwanda (ICTR), established in Arusha in neighbouring Tanzania to try the ringleaders behind the killings.

The court ruled that Bizimungu, who was arrested in Angola in 2002, had complete control over the men he commanded in 1994, AFP news agency said. Ndindiliyimana, however, was said to have only had "limited control" over his forces and was described as being opposed to the killing. Having already spent 11 years

in jail following his arrest in Belgium in 2000, Ndindiliyimana was released.

Both men were found guilty of genocide and crimes against humanity.

The 59-year-old was accused of going to the homes of militants and ordering them to kill all those from the Tutsi ethnic group - people he referred to as cockroaches.

He was said to have promised weapons, as well as fuel to burn houses, our correspondent says.

Major Francois-Xavier Nzuwonemeye, the former commander of a reconnaissance battalion, and his second-in-command, Capt Innocent Sagahutu, were meanwhile each given 20-year sentences for crimes against humanity.

Eight Belgian peacekeepers who were protecting the prime minister were also killed, triggering the withdrawal of the UN force from Rwanda.

Rwanda's genocide was sparked by the death of former President Juvenal Habyarimana who was killed when his plane was shot down close to the capital, Kigali, on 6 April 1994.

Within hours of the attack, certain members of the government organised Hutu militias across the country to systematically kill Tutsis, resulting in more than three months of violence.

The Hutu government blamed Tutsi RPF rebels for killing Mr Habyarimana but RPF leader Paul Kagame, now Rwanda's president, says the plane was shot down to provide a pretext for the premeditated slaughter. Many thousands of lower-ranking people accused of involvement in the genocide have been put on trial in Rwanda, either in formal courts or in a traditional system known as "gacaca".

## Voice of America

Tuesday, 17 May 2011

### Former Army Chief Convicted in 1994 Rwandan Genocide

Augustin Bizimungu ordered the extermination of “the small cockroaches” on the first day of the killings

Jackson Mvunganyi



**Photo: AP**

The International Criminal Tribunal today (Tuesday) sentenced former Rwandan army chief Augustin Bizimungu and ex-paramilitary chief of the gendarmerie Augustin Ndindiliyimana to 30 years in prison for their part in the 1994 genocide. Ndindiliyimana was released because of time served and because the tribunal said he had limited command over his men and was opposed to the killing.

The court also sentenced Major Francois-Xavier Nzuwonemeye and Captain Innocent Sagahutu to 20 years for crimes against humanity. The

International Criminal Tribunal was established in 1995 to try those considered most responsible for the mass killings. Extremist Hutus killed an almost a million Tutsis and moderate Hutus during a three-month period.

Bizimungu and Ndindiliyimana were instrumental in carrying out the plans to exterminate Tutsis, said Tom Ndahiro, a researcher and writer on the genocide. Ndahiro has been following the proceedings of the tribunal and has written extensively about some of the denials of genocide in legal and academic circles. He said there is an effort by people who either directly took part in the killings and are still at large or who are sympathetic or complicit in the crimes to deny that the genocide ever took place.

The conviction of two key figures sends a message to those who deny the Tutsi genocide, said the researcher. He added that he would have preferred stronger sentences for the two former army officers because they were involved in creating the militia that led the killings.

Ndahiro said even though the pro-government militias like the Interahamwe were responsible for the massacre of thousands of people, “the infrastructure of mass murder cannot take place without the assistance of the government and particularly the military.” He added that the evidence of military involvement was strong enough to bring about the conviction of the two former officials.

Defense counsel said Bizimungu had little control over the killers, but in passing down the sentence, Presiding Judge Asoka de Silva said Bizimungu was responsible for the conduct of his subordinates. The indictment against him says on the first day of the genocide he gave an order “to exterminate the small cockroaches.”

### **Libya: Has the ICC cast the die for Gaddafi?**

At long last, the International Criminal Court (ICC) has waded into the Libyan crisis with a decision that will close the noose around the Libyan leader's neck. The ICC seems to have cast the die for him in its collaboration with NATO. They have now steadily pushed him to the banks of the Rubicon and will certainly force him to cross over to his doom. It is no more a question of how they will get rid of Gaddafi but rather, a question of when. We already know why the West is in Libya.

Any lingering doubt about the outcome of the West's actions in Libya should be clear by now. There is no reason to believe that the West will give him any breathing space. The latest confirmation of the West's pursuit of its stated objective has come from the ICC whose chief prosecutor (Luis Moreno-Ocampo) is seeking the arrest of Gaddafi and two others (his son, Saif al-Islam, and intelligence chief and his brother-in-law, Abdullah al-Sanussi) for "crimes against humanity." This charge is too serious to neglect because it is designed to add a whole new complexion to the crisis in Libya.

This indictment doesn't, however, take immediate effect nor do we know whether it will be put on hold. ICC judges must still decide whether or not to issue warrants for their arrest. But we can't fail to realize that it will definitely be carried through. Even before the chief prosecutor began or concluded his investigation, indications were clear that the West would use the ICC to give a legal backing to anything it does against Gaddafi. Just like the rubber-stamping that the UN Security did to legitimize its military actions, the ICC is set to give the legal backing for the elimination of Gaddafi and all those perceived as instrumental in attempting to quell the insurgency by the Benghazi rebels. This indictment by the ICC's chief prosecutor is just a fait accompli.

In his report, Moreno-Ocampo said Gaddafi and those two others bore the greatest responsibility for "widespread and systematic attacks" on civilians, according to the BBC. He outlined reasons for indicting them, saying that after reviewing more than 1,200 documents and 50 interviews with key insiders and witnesses, his office had evidence showing that Col Gaddafi had "personally ordered attacks on unarmed Libyan civilians." He justified the indictment of Saif and Sanussi too.

The prosecutor insisted that he was "almost ready" for a trial, based on the testimony, particularly of those who had escaped from Libya. We are not told whether the ICC's chief prosecutor gathered evidence from those not opposed to Gaddafi, which leaves his conclusion and indictment open to question. If the evidence he gathered came solely from opponents of Gaddafi, it will definitely be discounted as biased and a mere reflection of what the ICC had already premeditated even before commencing its investigation. That indictment, then, will be nothing but a ploy to assist the West's agenda against Gaddafi. On that score, the outcome of the investigation is not surprising.

In justifying his decision, Moreno-Ocampo said the three men were suspected of committing crimes against humanity in two categories—murder and persecution—under the Rome Statute, which established the ICC. The charges cover the days following the start of anti-government protests on February 15, 2011, in which between 500 and 700 people are believed to have been killed in that month alone.

In another development, ICC prosecutors are also studying evidence about the alleged commission of war crimes once the situation developed into an armed conflict. This includes allegations of rape and attacks against sub-Saharan Africans wrongly perceived to be mercenaries. It is not clear whether this aspect deals with the Benghazi rebels or the Gaddafi group that the ICC's chief prosecutor has indicted. The atrocities against sub-Saharan Africans wrongly perceived as mercenaries were committed by the rebel forces, at least, from the reports that emerged. So, is there a likelihood that some elements of the rebel forces too will be taken to task? We wait to see.

An inquiry set up by the UN Human Rights Council is expected to submit its report on the alleged war crimes to the UN Security Council on 7 June. Justifying his decision, Moreno-Ocampo said he was acting in accordance with UN Security Council resolution 1970, which referred the situation in Libya to the ICC. The Pre-Trial Chamber's judges may decide to accept the prosecutor's application, reject it, or ask him for more information.

This recourse to the Pre-Trial Chamber is bootless because it is part of the grand scheme to nail down Gaddafi and those indicted with him. No one should expect anything apart from an endorsement of the chief prosecutor's indictment.

If a warrant for Gaddafi is issued, it will be the second time that the ICC has sought a warrant for a sitting head of state. Sudanese President Omar al-Bashir has been indicted for genocide in Darfur but is still living his life as a free man, visiting friendly countries, and spurning the ICC's arrest warrant.

Considering the forces that have been massed up against Gaddafi, though, we shouldn't expect him to enjoy the kind of "freedom" that Al-Bashir has. Both leaders are in different classes of their own. For obvious reasons, the West hates Gaddafi more than it does Al-Bashir and will do everything to nail him down. Only two avenues exist for them to end it all for Gaddafi—either to kill him or arrest him for trial at the ICC if they can reach him.

I lean more toward the first option (assassinating him) because of my hunch that it will be difficult for the West to get close to him to arrest. Gaddafi's end may not be different from that of Osama bin-Laden. If he is, however, arrested, the West will have a dilemma to tackle: will they release him to his own Libyan judicial system to deal with (as is being demanded by the Benghazi-based Transitional national Council) or rush him out to the Hague for the ICC to try?

I am tempted to surmise that he may be handed over to the Benghazi-based rebels to deal with in accordance with Libyan laws, which means that a Saddam Hussein type of justice awaits him. We need to know, however, that in the case of Saddam Hussein, the ICC wasn't involved, which pours some cold water on any action that might lead to Gaddafi's being tried at home. If captured alive, he will be sent to the Hague to face a fate similar to that of the late Serbian leader Slobodan Milosevic, Liberia's former President Charles Taylor, and Kenya's top politicians being prosecuted on similar charges. In any case, he will not come out of that scenario the same.

Doubtless, this indictment has already been supported by the anti-Gaddafi elements. Libya's opposition National Transitional Council praised the ICC move; but its vice-president, Abdel Hafez Ghoga, said: "We would like him [Col Gaddafi] to be tried in Libya first before being put on trial in an international court," according to the BBC.

It is not as if the Libyan government didn't expect this outcome. It did, as we can tell from the response of its spokesman, Deputy Foreign Minister Khalid Kaim, who said the court was a "baby of the European Union designed for African politicians and leaders" and its practices were "questionable." Undoubtedly, Libya did not recognize its jurisdiction. The Libyan government has already said it will ignore the announcement.

The ICC has been accused in certain circles of being unfair in its operations, especially for overlooking cases of the sort that it is quick to investigate African leaders on. Some criticisms indicate that the ICC should have taken action against the former US President George Bush and his inner circle concerning the war in Iraq, where more civilians were killed than what Milosevic, Al-Bashir, Charles Taylor, Gaddafi, and the Kenyan politicians are accused of. Others think that the happenings in Syria should also have been taken up by the UN Security Council and the ICC but they are not doing so because they are bent on prosecuting a skewed against African leaders and others elsewhere who are not in the good books of the West.

This indictment is the final blessing that NATO needs to heighten its bombardment of Libya, which has only one aim—to either kill Gaddafi or snatch him for prosecution by the ICC if they can get close to him. In either case, Gaddafi will have no chance to retain his hold on power. Whether he is captured or killed in action, Gaddafi stands to lose. But his loss is also a loss for the Libyan system, especially if his supporters resort to acts that will further destabilize the country.

We are, however, certain that the military bombardment against areas still under Gaddafi's control will intensify. That's the only way NATO can weaken Gaddafi's hold on power and clear the path for the Benghazi rebels to take their onslaught away from their strongholds in the east to new grounds in the west, where there is no fighting to warrant NATO's presence on humanitarian grounds. The stage is now set for NATO to be the prime-mover to stir up trouble in those areas still under Gaddafi's control. By provoking this anti-Gaddafi insurgency in those areas, NATO will have a pretext to push the Benghazi rebels on with the objective of wresting power from Gaddafi. By that means, the "Gaddafi must go" refrain will be close to actualization.

The military option being pursued by the West has succeeded in disengaging Gaddafi's control over cities in the east while helping his opponents to regain the western city of Misrata. The rebels also said they had defeated two brigades of troops loyal to Gaddafi in the city of Zintan, south-east of Tripoli, over the weekend. New frontiers are being opened to help the rebels advance toward pro-Gaddafi territories.

Latest reports indicate that NATO aircraft had bombed an oil terminal in the eastern port of Ras Lanuf. Even when there is no fighting going on to warrant any further devastation, NATO continues to pound Tripoli because it will not cease action until it achieves its objective for being in Libya.

Now that the ICC has put the final nail in Gaddafi's political coffin, this military option will be reinforced in the final push not to only dislodge Gaddafi from power but also to bring him to the kind of justice that the West thinks he deserves. We wait to see how the events will unfold henceforth.

With the current developments, though, one thing is certain. Gaddafi will not go down easily. Already determined to die a martyr, his resolve will be strengthened by the ICC chief prosecutor's indictment and he will dig in to resist the West and their rebel allies until his end comes. This resistance will be sustained through the use of force and other desperate measures that will have enormous repercussions unless he is dealt with expeditiously. If he flees Libya, we will see how the arrest warrant will be enforced.

The problem that awaits Libya in a post-Gaddafi period are as frightening as what we've seen since the insurgency began. There is a clear indication that a government to be formed by the rebels will not be supported by the pro-Gaddafi forces; they will do all in their power to cause trouble, which means that Libya will not know peace for a long time to come. The country stands to suffer enormously from the effects of this insurgency, and that's why any step to resolve this crisis must not exclude less volatile ones such as political and diplomatic means.

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## The Star Online

Wednesday, 18 May 2011

<http://thestar.com.my/news/story>

### ICC prosecutor warns Libya to abide by U.N. rules

AMSTERDAM (Reuters) - Libya must abide by its agreements as a U.N. member and not dismiss international efforts to bring Libyan leader Muammar Gaddafi and others to justice, a war crimes prosecutor said on Wednesday.

International Criminal Court (ICC) prosecutor Luis Moreno-Ocampo requested arrest warrants on Monday for Gaddafi, his son Saif al-Islam, and spy chief Abdullah al-Senussi, who is Gaddafi's brother-in-law, on charges of crimes against humanity.

Libyan officials denounced the ICC prosecutor's request on Monday, calling the international court a creation of the West and saying that Libya has no legal obligation to the ICC.

The Hague-based ICC has no police force and relies on states to enforce any arrests, a strategy which has failed to produce results in the case of Sudanese President Omar Hassan al-Bashir who is wanted for genocide in Darfur.

"I wish to remind you that the situation in Libya was referred to the Office of the Prosecutor by the United Nations Security Council," Moreno-Ocampo said in a letter to Libyan foreign minister Abdelati Obeidi which he released to the media.

"The same resolution also decided that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the court and prosecutor," he said in the letter.

The ICC prosecutor told reporters on Monday his office had direct evidence of orders issued by Gaddafi himself to kill protesters, direct evidence of Saif al-Islam organising the recruitment of mercenaries and direct evidence of the participation of al-Senussi in attacks against demonstrators.

He said his office had documented how the three held meetings to plan the operations and that Gaddafi had used his "absolute authority to commit crimes in Libya".

Moreno-Ocampo said civilians were attacked in their homes, demonstrations were repressed using live ammunition, heavy artillery was used against funeral processions and snipers placed to kill those leaving mosques after prayers.



International Criminal Court ( ICC ) Chief Prosecutor Luis Moreno-Ocampo speaks during an exclusive interview with Reuters in the Hague April 5, 2011. (REUTERS/Jerry Lampen/Files)

Arab News.Com  
Wednesday, 18 May 2011

## **Rwandan former army chief's sentencing is a timely warning for dictators like Qaddafi**

IT is entirely coincidental that a day after the prosecutor for the International Criminal Court asked judges to issue a warrant for the arrest of Libyan leader Muammar Qaddafi for crimes against humanity, the Rwandan chief of staff during that country's 1994 genocide was jailed for 30 years for his role in its mass killings.

The symbolism is very powerful. International justice is not just a pipe dream. The wheels may turn slow — it has taken 17 years to bring Augustin Bizimungu to account — but they turn. The fact that the court that brought Bizimungu to account is different from the one now processing a warrant for Qaddafi's arrest is incidental. The International Tribunal for Rwanda, set up by the UN in 1994 to prosecute crimes during the genocide was based on the International Criminal Tribunal for the former Yugoslavia, set up by the UN the year before. The ICC was a natural development and continuation of both. International justice may be taking different guises but the objective is the same.

Earlier this month, however, we stated it was politically undesirable to issue an arrest warrant for Qaddafi at this point in time. That remains so. The slaughter of the Libyan people has to stop and that will not happen until his regime falls. The sooner he leaves the sooner that will occur.

For his part, Qaddafi boasts of never leaving, of never being captured, that he will die in Libya. Only the latter is a possibility. The reality, however, is that all too often his promises have been shown to mean nothing. He may yet decide, as Hitler did, that "his" people are not worthy of his leadership. Certainly all the signs have been that his family members are very interested in saving their necks. They want a bolt-hole.

Political considerations do not, however, inform the ICC's decisions. Its task is to pursue justice, and do so with dogged determination. Inevitably then, within days, its judges will issue the warrant requested by the prosecutor.

It is not inevitable that Qaddafi will face justice within its walls. The Libyan insurgents want to try him themselves. It is unclear what the protocol would be in such circumstances. But it is a certainty that unless he manages to find sanctuary in a country that refuses to recognize the warrant, justice will be done, just as it was with Rwanda's war criminals. The only thing that cannot be said at present is how. It may be that he commits suicide or is killed. If not, he will end up in the dock either in Libya or The Hague.

The momentum is building up toward that inevitability. His forces have been beaten in Misrata and his ability to fight is being strangled. There will soon be almost nothing left of his command structure. As if in recognition of the way the wind is blowing, yesterday his oil minister apparently defected and Russia, hitherto sympathetic, not only censured Libya but is now making overtures to the opposition. Other ministers, other foreign governments will follow. The regime is doomed.