

**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**

**as at:**

Tuesday, 16 August 2011

Press clips are produced Monday through Friday.  
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## United Nations Human Rights Office

Monday, 15 August 2011

### **Sudan: UN human rights office says crimes against humanity and war crimes may have been committed in Southern Kordofan**

GENEVA – A report\* released on Monday by the UN human rights office says that, if substantiated, violations of international criminal law and international humanitarian law which are alleged to have taken place in Sudan's Southern Kordofan State in June "could amount to crimes against humanity or war crimes."

The 12-page report, covering the period 5-30 June 2011, describes a wide range of alleged violations of international law in the town of Kadugli, as well as in the surrounding Nuba mountains, after fighting broke out in Kadugli on 5 June between the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army North (SPLA-N). Reported violations included "extrajudicial killings, arbitrary arrests and illegal detention, enforced disappearances, attacks against civilians, looting of civilian homes and destruction of property," as well as massive displacement.

The report also describes aerial bombardments on civilian areas in Kadugli and elsewhere in Southern Kordofan which, it says, have resulted in "significant loss of life."

"The SAF regularly conducted aerial bombardments in the Nuba Mountains, and in several towns and villages populated by the Nuba," the report adds, noting among the specific bombing incidents cited a number of SAF airstrikes on airstrips used by humanitarian organizations.

Both the SAF and the SPLA-N are reported to have laid anti-personnel mines in Kadugli town, the report says.

It also describes widespread looting by elements of the Popular Defence Force (a militia allied with the SAF), alleged attacks on churches, the burning of houses in Nuba villages, interference with medical and humanitarian assistance and allegations of the existence of several mass graves in Kadugli itself and in a number of villages in the region. However, neither the existence of the mass graves nor other reports suggesting possible use of chemical weapons have been fully verified. Most, but not all, of the violations and allegations detailed in the report are attributed to the SAF, the Central Reserve Police or their militia allies.

"This is a preliminary report produced under very challenging circumstances and with very limited access to affected areas," said UN High Commissioner for Human Rights Navi Pillay, whose office produced the report jointly with the UN Mission in the Sudan (UNMIS). "However what it suggests has been happening in Southern Kordofan is so serious that it is essential there is an independent, thorough and objective inquiry with the aim of holding perpetrators to account."

Pillay expressed concern about continuing violence in the six weeks since the end of the period covered by the report, and noted some of its key recommendations concerning access. "It is vital that unhindered access is granted to human rights monitors to conduct investigations into allegations of continuing violations of international human rights and humanitarian law, and to humanitarian actors trying to bring relief to the affected populations whose access has also been severely restricted by both sides," she said.

The report describes a number of specific individual detentions and disappearances – including some women and children – as well as “a series of extrajudicial killings targeted at people who were affiliated with the SPLA-N and SPLM, most of whom allegedly were from the Nuba communities.” One such victim was reportedly shot “in full public view” at the Kadugli Police Hospital, where he had gone to look for his three missing children. Another SPLM member, who was working as a contractor for UNMIS, “was pulled out of a vehicle by SAF in front of the UNMIS Kadugli Sector IV compound in the presence of several witnesses. Later he was discovered dead...”

“Throughout the conflict in Southern Kordofan, the SAF, PDF and the Central Reserve Police Forces have treated UNMIS with disregard of its status as a UN body,” the report says. In addition to the killing of the UNMIS contractor, the report notes a long list of attacks and harassment of UN staff – especially those of Nuban descent – including one man who was shot in the legs, and a string of severe beatings, cruel and degrading treatment, threats of execution, arrests and detention. On several occasions, bombs were also dropped near UNMIS positions.

“These flagrant and repeated violations of international conventions as well as specific agreements with the Government of Sudan concerning the privileges and immunities under which the UN operates are an extremely serious matter which cannot be left unresolved or unpunished,” Pillay said. “I urge the Government of Sudan to immediately release any UN staff who are still in custody, as well as all other detainees who have not committed any crime.”

# The Standard

Monday, 15 August 2011

## Rwanda rebel leader to face world court

Rwandan rebel leader Callixte Mbarushimana will face world court judges this week in a hearing to confirm charges for his alleged role in the murder, rape and torture of Congolese civilians in 2009.

Prosecutors will try to convince International Criminal Court (ICC) judges that they have enough evidence to proceed to a war crimes and crimes against humanity trial against the 48-year-old Mbarushimana.

Lawyers for the man identified as the executive secretary of the FDLR rebel group will also be given a chance to refute the charges in a hearing that opens on Wednesday and is set to last three days. After the hearing closes, judges at the Hague-based court will have a maximum of 60 days to decide whether there are grounds to move to trial.

ICC prosecutors suspect the former computer technician of five counts of crimes against humanity and six war crimes committed in 2009 in two provinces in the eastern part of the Democratic Republic of Congo, Kivu Nord and Kivu Sud.

Mbarushimana stands accused of having "personally and intentionally contributed" to plotting "widespread and systematic attacks against the civilian population in order to create a humanitarian catastrophe". The attacks included murder, rape and torture against Congolese civilians. Prosecutors believe he "directed or helped to direct" from Paris the abuses carried out in clashes between the FDLR and both the Congolese and Rwandan armies.

Prosecutors further allege that FDLR members forced civilian men to rape women, mutilated the genitals of rape victims, cut open the wombs of pregnant women to remove their fetuses, and burnt down homes. The FDLR, considered one of the most active rebel groups in the volatile Great Lakes region, is "the last incarnation of the group of persons who committed the 1994 genocide in Rwanda", ICC chief prosecutor Luis Moreno-Ocampo has previously said.

More than 15,000 cases of sexual violence have been reported in the Democratic Republic of Congo (DRC) in 2009.

Mbarushimana's lawyer Nick Kaufman told AFP the defence will "argue and will prove that there is no evidence to support the charges... against Mr Mbarushimana", who he added "was not guilty of the offences the prosecution has alleged he has committed".

Kaufman said the ICC prosecutor's case "solely relied on human rights reports coming from NGOs... whose sources are unverified and unreliable".

He charged the prosecution was carried away "by the need to find a culprit, a scapegoat for the awful crimes that were committed in the northern part of the Kivus in 2009". "Mr Mbarushimana was an easy target for the Office of the Prosecutor, living as he was in France and without hiding," Kaufman said.

Mbarushimana was arrested on an ICC warrant in October last year in Paris, where he had been living as a political refugee since 2002, and was delivered to the world court in January. Imprisoned at the UN's detention centre in The Hague, he made an initial appearance before the ICC on January 28 when he protested his innocence.

# The National

Sunday, 14 August 2011

## Hariri murder suspects to face deadline to turn themselves in

Ferry Biedermann

The United Nations-backed tribunal investigating the assassination of former Lebanese Prime Minister Rafiq Hariri will announce within days a deadline for the four indicted suspects in the killing to turn themselves in within 30 days before it moves towards a trial in absentia, sources at the tribunal have said.

The announcement by the Special Tribunal for Lebanon (STL), which is based in The Hague, is set to coincide with a widening of the tribunal's prosecution to include trying those responsible for several other attacks against anti-Syrian public figures.

Under the agreement between the UN and the Lebanese government that established it in 2006, the tribunal is to prosecute those responsible for Hariri's killing as well as any other political killing that occurred between October 1, 2004 and December 12, 2005, if it could be shown that it was connected to the former prime minister's death.

By formally connecting the killings, the tribunal would appear to confirm that a concerted campaign took place against Lebanon's anti-Syrian camp, with Hariri's murder in a car bomb on February 14, 2005 only one element in a widespread conspiracy. The four suspects that have been named so far are all members of the powerful, pro-Syrian, Hizbollah movement.

Hizbollah has denied involvement and insists that it will not allow the accused to be arrested. It has said that it regards the tribunal as an American and Israeli plot to undermine the movement.

Lebanon last week notified the Netherlands-based tribunal that it has been unable to apprehend the suspects. Sources at the tribunal have confirmed that it will very shortly move to advertise part of the indictments in the media in Lebanon and possibly elsewhere. If the accused are not in custody within 30 days after the start of the advertising period, the tribunal is expected to move towards a trial in absentia.

It is not clear yet whether the suspects will be personally linked to other attacks on anti-Syrian figures. An STL delegation was in Lebanon last week to hold talks with survivors and families of victims of the string of attacks. Several of them have told the Lebanese media that they have been informed that a number of cases are to be linked to the Hariri assassination.

The tribunal, based in the Netherlands, is refusing to comment on these reports but several sources have said that a major development on these additional cases is expected within days.

The delegation is reported to have held talks with the former communications minister Marwan Hamadeh, who survived a 2004 bomb attack, the former defence minister Elias Murr, who survived a bombing in 2005, and the family of the former communist leader George Hawi, who was killed in 2005. It has also met with the television presenter May Chidiac but she said that she had been informed that her case was not linked.

Commentary: Tribunal begins to unearth trail of assassinations

Starting with Rafiq Hariri's murder, a series of political assassinations in Lebanon stifled the country. Now, as the Special Tribunal is drawing connections between the crimes, there is a chance to put the ghosts to rest.

### National Editorial

So far, it is not clear what the status is in the case of two of the most prominent victims of a series of killings in 2005: the journalist Samir Kassir and the MP and newspaper owner Gebran Tueni. The assassinations continued into 2008 but, for now, the tribunal has the authority to investigate attacks up to the end of 2005.

The president of the tribunal, Antonio Cassese, pointedly hinted at the additional cases when he reacted last week to Lebanon's report on its failure to apprehend the suspects. "Our exclusive aim is to find the truth about the assassination of 14 February 2005 and other possibly connected criminal cases," he said in a statement.

Lebanon's government, which is dominated by Hizbollah and its allies, has said that it is co-operating with the tribunal but that it has been unable to locate the suspects. Mr Cassese seemed for now to accept the position of the Lebanese authorities. "I am confident that they will continue to cooperate with the STL and persist in their search for the accused," he said.

It is not uncommon for international courts and tribunals to be unable initially to apprehend suspects, said Habib Nassar of the New York based International Center for Transitional Justice

## Hirondelle News Agency

Monday, 15 August 2011

### **Confirmation of charges hearing to start on august 17**

Confirmation of charges hearing in the case of Callixte Mbarushimana is scheduled to be held from August 17 to 19 before the International Criminal Court (ICC).

Callixte Mbarushimana, 47, is alleged to have been since July 2007 the Executive Secretary of the Forces Démocratiques pour la Libération du Rwanda (FDLR). He is charged with five counts of crimes against humanity (murder, torture, rape, inhumane acts and persecution) and six counts of war crimes (attacks against the civilian population, destruction of property, murder, torture, rape and inhuman treatment). These crimes were allegedly committed in 2009 in the Kivu Province (Eastern part of the Democratic Republic of the Congo, DRC).

According to the Prosecution, Mbarushimana "decided to launch an offensive targeting the civilian population of the Kivus in order to ultimately obtain political concessions, and that an international campaign to extort concessions of political power for the FDLR was put in place, as part of the implementation of the common plan".

He also allegedly "personally and intentionally contributed to the common plan, organising and conducting the above-mentioned international campaign by regularly using international and local media channels".

No witnesses are expected to testify during these three days of hearing. Both parties should rely on documents, written statements and specialist briefings.

The Prosecution will have to prove Mbarushimana's responsibility in the alleged crimes, though in 2009 he was living in exile in Paris where he had been granted a status of political refugee and a residence permit valid until 2013.

The Defence intends to challenge the investigation. According to Mbarushimana's lawyer Nick Kaufman, the Prosecution has based its accusation on a Human Rights Watch report released in 2009 which he intends to criticize "for its methodology and overall quality".

Callixte Mbarushimana, the father of three children, was arrested in Paris in October 2010. He was surrendered and transferred to the ICC on January 2011, by the French authorities following an arrest warrant issued by the ICC in September 2010.

SM/GF

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# The Daily Nation (Kenya)

Tuesday, 16 August 2011

## How Ocampo plans to implicate Uhuru and group



*Photo | DAILY NATION  
President Kibaki and Prime  
Minister Raila Odinga with  
ICC prosecutor Moreno-  
Ocampo*

By OLIVER MATHENGE  
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- On Friday ICC chief prosecutor is required to file the documents that will spell out the offences for which he wants Uhuru, Muthaura and Ali to stand trial

Deputy Prime Minister Uhuru Kenyatta, head of civil service Francis Muthaura and former police boss Hussein Ali will this week learn the extent of the charges they are facing at the International Criminal Court (ICC).

On Friday ICC Chief Prosecutor Luis Moreno-Ocampo is required to file the documents that will spell out the alleged offences for which he wants the three to stand trial.

The three have told the court they will take the stand at The Hague in September to give their defence in addition to calling witnesses to rebut accusations lodged against them by the prosecutor.

They have, however, been asked by the Pre-Trial Chamber to call two witnesses each instead of the eight they lined up.

The three suspects also appear to be complicating the government's efforts to prove to the ICC that it is conducting investigations against them with lawyer Karim Khan, who is representing Mr Muthaura, saying this is "an unnecessary detraction" from their core business.

"We have advised our client not to record a statement at the CID for obvious reasons. He cannot face two jurisdictions at the same time over the same matter. We have been silent on the matter as our main focus is to clear Mr Muthaura of the claims that have been made against him," said Mr Khan.

It is still unclear whether Mr Kenyatta has recorded a statement or is planning to. Like the other five suspects, he received an invitation letter from the CID.

Maj-Gen (rtd) Ali recorded a statement through his lawyers, but CID director Ndegwa Muhoro has said that he wants his former boss to answer in person. The CID has questioned Mr Ruto, Mr Kosgey and Mr Sang.

Mr Moreno-Ocampo told the court last Monday that he does not intend to call any live witnesses at the confirmation of charges hearings against the three that will run from September 21 to October 11.

But Mr Kenyatta, Mr Muthaura and Maj- Gen Ali have told the judges that it was through live witnesses that they would be able to contest the prosecution's evidence. They also asked the judges to have all the witnesses listed on confidential lists included in their submissions.

The prosecutor has already provided the three suspects with 14 documents, 11 of these containing incriminating evidence. He is also seeking authorisation to disclose anonymous summaries of two witnesses for reasons he has confidentially communicated to the judges.

Mr Moreno-Ocampo also says he intends to disclose information contained in the statement of two other individuals who are likely to have evidence that tends to support the innocence of the suspects.

The prosecutor has to prove to the Pre-Trial Chamber that he has enough evidence to prove that the three bear the greatest responsibility for crimes against humanity committed from January 24, 2008 to January 31, 2008, and, therefore, that their case should go to trial.

He is accusing them of planning and financing murder, forcible transfer of people and persecution in Nakuru and Naivasha and rapes in Nakuru.

The three suspects have told the court that the witnesses listed are only provisional, as they are yet to complete investigations and are also awaiting the filing of the Document Containing Charges. The document details the charges that the prosecutor is bringing against the suspects; it will be filed on Friday.

Mr Kenyatta told the judges his witnesses will not only provide exonerating evidence about his efforts to bring peace to Rift Valley after the outbreak of the violence, but will also address allegations of his alleged involvement in fundraising meetings and his alleged role as a facilitator of the Mungiki.

Lawyers Steven Kay, QC and Gillian Higgins added that the witnesses will also provide evidence revealing the "inconsistency and ambiguity" of the prosecution's case against Mr Kenyatta. They added that the confirmation hearing must not be a rubber-stamp exercise of the prosecution's case but must ensure that the charges are "sufficiently compelling" and go beyond "mere theory or suspicion".

Mr Muthaura said that in order to enhance efficiency of proceedings and avoid duplicity of evidence, his defence team has divided its witnesses into thematic groups, "reflecting the core evidentiary matters in debate" at the confirmation hearing.

"Such an approach will focus the chamber's attention on the core matters in dispute," Mr Muthaura says in his submission through Mr Karim Khan.

Maj-Gen Ali said the scope of his alleged role in the commission of the alleged crimes as presented by the prosecutor necessitates the calling of the proposed witnesses in addition to submission of documentary evidence and written statements.

"The defence submits that the strategy it chooses to counter the prosecution's case is independent of whatever strategy the prosecution pursues in presenting its case," Mr Ali says in the submission filed by lawyers Evans Monari and Gershom Otachi.

If the confirmation of charges hearings kick off on September 21, the three may find out whether they are going to stand trial at The Hague by December 20.

However, ICC spokesman Fadi El Abdallah said the decision may come next year if the judges are not satisfied with the oral submissions and ask for written ones.

The oral hearings for the case against suspended ministers William Ruto and Henry Kosgey and radio presenter Joshua Sang are scheduled to begin on September 1 and end on September 20.

The suspects had asked the court for an extension for the hearings to begin on October 13 which the court has since rejected. They wanted the hearings delayed for six weeks to allow them to interview six of their witnesses.

Extra-judicial killings carried out by police ahead of the 2007 elections and after will form part of the evidence that Mr Moreno-Ocampo will table against Mr Kenyatta, Maj-Gen Ali and Mr Muthaura. In his disclosure documents, Mr Moreno-Ocampo says he will seek to link the role of the three in the violence with the extra-judicial killings witnessed at the time.

Mr Muthaura and Maj-Gen Ali were at the helm of national security during the period as chairman of the National Security Committee and Police Commissioner respectively.