

**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, 6 August 2011

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
Martin Royston-Wright  
Ext 7217

## International News

Liberians Vote 'No' to Proposed Constitutional Changes / <i>Reuters</i>	Page 3
Serbian General Perisic Jailed for 27 Years at Hague / <i>BBC Online</i>	Pages 4-5
Setako's Appeals Judgement set for September 28 / <i>Hirondelle News Agency</i>	Page 6
Long Awaited Judgement of Four Ex-Ministers to be delivered... / <i>Hirondelle News Agency</i>	Page 7
Appeals Judgement for Munyakazi to be Delivered in September / <i>Hirondelle News Agency</i>	Page 8
Mikati Holds Unannounced Meeting with STL Registrar / <i>The Daily Star</i>	Page 9
Bellemare Hails Inclusion of 3 Similar Cases Into STL's jurisdiction / <i>The Daily Star</i>	Page 10
Rwanda: Mixed Legacy for Gacaca Courts / <i>Radio Netherlands Worldwide</i>	Pages 11-12

Reuters

Monday, 5 September 2011

### **Liberians vote 'no' to proposed constitutional changes**

Liberian voters rejected plans to move the presidential election to November, officials said on Wednesday, meaning the poll will take place on its original date of October 11.

Liberian lawmakers had proposed changing the date, to make sure the vote missed the rainy season in the mineral-rich nation still healing from a long civil war.

The plan was put to a referendum but did not get enough support to go through, the chairman of the national elections commission James Fromayan told journalists after the results were announced on Wednesday.

The rejection could be seen as a blow to incumbent president Ellen Johnson-Sirleaf whose party had campaigned for the date change.

The opposition Congress for Democratic Change (CDC), supported by former international soccer star George Weah, campaigned for a 'no' vote in the referendum.

Fromayan said three other proposals were also rejected to change the voting system for the parliamentary election, to reduce residency requirements from 10 to 5 years for presidential candidates and to raise the retirement age for judges to 75.

## BBC Online

Tuesday, 6 September 2011

### Serbian general Perisic jailed for 27 years at Hague

The UN tribunal at The Hague has convicted the most senior officer of the former Yugoslav Army to stand trial for war crimes.

General Momcilo Perisic, who served as chief of staff of the Yugoslav Army during the wars in Bosnia and Croatia, was sentenced to 27 years in prison.

He was convicted of aiding and abetting crimes but acquitted of a direct role in the Srebrenica massacre.

The general, 67, had pleaded not guilty to the accusations.

Smartly dressed, he sat in court taking notes during the reading of the verdict on Tuesday.

Perisic was convicted of aiding and abetting murders, inhumane acts, persecutions on political, racial or religious grounds, and attacks on civilians in Sarajevo and Srebrenica, Judge Bakone Moloto announced.

He was also found guilty of failing to punish his subordinates for their crimes of murder, attacks on civilians and injuring and wounding civilians during rocket attacks on Zagreb in Croatia.

Links to Belgrade

Former Yugoslav Army Chief of Staff General Momcilo Perisic in an image from 1998 Gen Perisic was sacked in 1999 for criticising Slobodan Milosevic

Tuesday's judgment was the first handed down by the tribunal in a case against an official of the Federal Republic of Yugoslavia for crimes committed in Bosnia-Herzegovina.

It is widely known that close links existed between the Yugoslav leadership and Serb breakaway authorities, but attempts to prove criminal responsibility during the trial of the former Serbian and Yugoslav President, Slobodan Milosevic, were ended by his premature death before the case was concluded, the BBC's Mark Lowen reports.

It was found by the tribunal that Perisic had overseen the Yugoslav Army's "provision of extensive logistical assistance" to ethnic Serb forces in Bosnia and Croatia.

This included "vast quantities of infantry and artillery ammunition, fuel, spare parts, training and technical assistance".

Such assistance "became more centralised, structured and co-ordinated during Gen Perisic's tenure", Judge Moloto said.

During the trial, prosecutor Mark Harmon argued that Perisic had played a role in crimes from a distance.

"He never personally killed anyone, he never personally set fire to a house in Bosnia and Croatia, [but he] aided and abetted those who did all these things," Mr Harmon said.

"This form of participation should not mitigate his responsibility."

Acquitted of Srebrenica charge

The tribunal found evidence that Perisic had had a "collaborative relationship" with Bosnian Serb military commander Gen Ratko Mladic, and "substantially aided his operations".

Gen Mladic is currently on trial at The Hague on charges of crimes including genocide.

But the tribunal did not find evidence that Perisic had "exercised effective control" over Gen Mladic or any other Yugoslav Army officer serving in the Bosnian Serb army.

Clearing Perisic of the count of extermination, Judge Moloto said the tribunal had been unable to establish beyond reasonable doubt that the general could have foreseen that the Bosnian Serb army would systematically massacre Muslims after the fall of Srebrenica.

Perisic surrendered and was transferred to The Hague in March 2005, and his trial began in October 2008.

During 203 days of hearings, the prosecution called 82 witnesses, the defence 22.

## Hirondelle News Agency

Monday, 5 September 2011

### **Setako's appeals judgement set for September 28**

The Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) will deliver its judgment in the case of former Rwandan military officer, Lieutenant Colonel Ephrem Setako, on September 28, 2011, according to a scheduling order.

During the appeal hearing on March 29, 2011, the prosecution requested the Chamber to substitute the 25 year jail term imposed on Setako, who was the head of the division of legal affairs in the Ministry of Defence during genocide, with a maximum sentence of life imprisonment.

"Setako breached his position as senior advisor of legal affairs in the ministry of defence during the war and abused it. We ask the Chamber to grant our appeal and raise the sentence to life imprisonment," American Prosecution Counsel, Deborah Wilkinson, told the Chamber presided by Judge Patrick Robinson.

She added, "The Trial Chamber erred for failure to consider the central and primary role of the appellant in ordering killings at Mukamira military camp and even transporting some victims to the camp. The Trial Chamber should have also convicted him of murder as war crime for the massacres at the area."

Setako's lead Counsel, American Professor Lennox Hinds, sought for acquittal, alleging that his client had no authority over soldiers at Mukamira camp to command the killings. "Setako had no command responsibility at Mukamira camp. Then, the findings that my client was guilty were unreasonable," he said.

He also argued that the Trial Chamber erred to convict his client depending on the evidence of only two prosecution witnesses whom he claimed gave contradictory testimonies and, at the same time, dismissing the evidence given by four defence witnesses concerning the same matter.

The former Army officer was sentenced to 25 years imprisonment after being found guilty of genocide, extermination as a crime against humanity and violence to life as a war crime on February 25, 2010. He was specifically found responsible for the killing of 30 to 40 Tutsis at Mukamira military camp in Ruhengeri prefecture, Northern Rwanda on April 25, 1994 and the death of around 10 others on May 1.

Lt. Col. Setako hailed from Nkuli commune in the prefecture. He was arrested in February 2004 in Netherlands and his trial commenced on August 25, 2008 and closed on June 26, 2009.

FK/NI/ER/GF

© Hirondelle News Agency

## Hirondelle News Agency

Friday, 2 September 2011

### **Long awaited judgement of four ex-ministers to be delivered September 30**

The International Criminal Tribunal for Rwanda (ICTR) will deliver its judgement in the joint trial involving four former Rwandan Ministers on September 30, according to a scheduling order issued on Thursday.

The defendants in the case commonly known as Government II are Casimir Bizimungu (Health), Prosper Mugiraneza, (Public Service), Jérôme Bicomumpaka (Foreign Affairs) and Justin Mugenzi (Trade).

They are charged with genocide, conspiracy to commit genocide, complicity in genocide, direct and public incitement to commit genocide, crimes against humanity (murder, extermination and rape) and war crimes.

Delivery of judgement comes twelve years after the arrest of the accused in 1999. Bizimungu was arrested in Kenya on February 11, 1999 and transferred to UNDF in Arusha on February 23, 1999. Mugiraneza, Bicomumpaka and Mugenzi were interpellated on April 6, 1999 in Cameroon and transferred to Arusha on July 31, 1999.

The highly awaited event also comes eight years after the commencement of the trial, on November 6, 2003.

Trial Chamber presided over by Judge Khalida Rachid Khan, the ICTR President, has been drafting the judgement for three years since the parties completed presenting their closing arguments. Other members of the Chamber are Judges Emile Short and Lee Muthoga.

The evidence phase was closed on June 12, 2008 and closing arguments were heard between December 1 and 5, 2008. During presentation of closing arguments, the prosecution requested a life sentence for each of the accused, but defence lawyers sought for the acquittal of their clients.

Mugiraneza has four times tried in vain to get his case dropped owing to the court's slowness and for "violation of right to trial without undue delay." The Chamber rejected his last such motion in June 2010, but with a landmark "dissenting opinion" by one of the judges. Judge Short said that in his opinion the accused's rights had indeed been violated. As a consequence, the judge said, Mugiraneza should get his sentence reduced if found guilty and should get compensation in case he is acquitted.

FK/NI/GF

© Hirondelle News Agency

## Hirondelle News Agency

Tuesday, 23 August 2011

### **Appeals judgement for Munyakazi to be delivered in September**

The Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) will deliver its judgement in the case of genocide-convict, Yussuf Munyakazi, on September 28, 2011.

On March 28, 2011, the prosecution asked the Chamber to uphold the conviction of the 76-year old former Rwandan landowner and substitute the 25 years jail term handed down to him earlier with life imprisonment.

"In this way justice will be rendered to the people of Rwanda, victims of Shangi Parish and Mibilizi church massacres and survivors of genocide," Trial Attorney Alphonse Van had pleaded. The two massacre sites are situated in Cyangugu Prefecture, South-West Rwanda.

Lead Counsel for the convict, Barnabé Nékuie, on the contrary, asked the Chamber to acquit his client or reduced the sentence imposed on him. He vehemently challenged Trial Chamber's findings that Munyakazi was a de facto leader of Interahamwe militias who actively took part in the massacres and denied that his client facilitated transportation of militias to the areas.

"Munyakazi was a simple farmer. This is mischaracterization of findings by the Trial Chamber," Nékuie said adding, "my client was neither a de facto leader of Interahamwe nor was he an influential member in Bugarama commune."

In his remarks, Munyakazi said "I would like to say even before God, I do not have any blood on my hands on the killings (of Tutsis). If that is the case, Allah will kill me. I have never collaborated with any Interahamwe."

Munyakazi was sentenced to 25 years imprisonment for genocide and crimes against humanity (extermination) on June 30, 2010.

The Muslim elder was specifically found liable on the killings of approximately 5,000 Tutsis who took refuge at Shangi parish and the other group of Tutsis housed at Mibilizi church on April 29 and 30, 1994.

Munyakazi, the father of 13 children with two wives was arrested in May 2004 in Eastern Democratic Republic of Congo where he lived as an Imam.

His trial started on 22 April, 2009. The prosecutor rested his case on June 4, 2009 after having called 12 witnesses and the defence did the same on October 15, the same year, after presenting 20 witnesses, including Munyakazi himself.

FK/ER/GF

© Hirondelle News Agency

**Mikati holds unannounced meeting with STL registrar**

BEIRUT: An unannounced meeting between Prime Minister Najib Mikati and a representative from the Special Tribunal for Lebanon took place early Monday at the Grand Serail, sources told The Daily Star. Mikati met STL Registrar Herman von Hebel at the Grand Serail in Downtown Beirut.

Hours after the meeting took place, a statement from the prime minister's office confirmed that the two had met.

This is the first meeting between Mikati and an STL official since the release of indictments in June against four members of Hezbollah in the assassination of former Prime Minister Rafik Hariri in the 2005.

The meeting comes following a pledge by Mikati to fund the STL.

"It is in Lebanon's interest to fund the tribunal and the government does whatever is in the interest of Lebanon," Mikati said in an interview with Al-Hayat newspaper published Friday.

Von Hebel arrived in Lebanon Friday from Paris as part of an STL delegation that included Lisa Hartevelt, a lawyer from the Special Tribunal, and French security officer Gwenael Groajou.

Lebanon has not yet paid the 49 percent share of the court's funding for 2011, amounting to \$65 million, which it is obliged to pay under the U.N. Security Council resolution that established the court.

**The Daily Star**  
Wednesday, 24 August 2011

## **Bellemare hails inclusion of 3 similar cases into STL's jurisdiction**

By Patrick Galey

BEIRUT: The prosecutor in the U.N.-backed court investigating the 2005 assassination of ex-Prime Minister Rafik Hariri hailed Tuesday the inclusion of three similar cases into his jurisdiction as “a new chapter” in the life of the international tribunal.

Special Tribunal for Lebanon Prosecutor Daniel Bellemare confirmed that the attacks on slain Communist Party Leader Georges Hawi, former Deputy Prime Minister Elias Murr and former Telecommunications Minister Marwan Hamadeh would now be investigated by his office.

“The pre-trial judge’s decisions mark a new chapter in the Office of the Prosecutor’s work,” a statement from Bellemare’s office said.

“As a result of the deferral decisions, the prosecutor’s office will have exclusive jurisdiction to investigate and prosecute these cases.”

Bellemare himself, in a rare public statement, also addressed the relatives of victims from the Feb. 14, 2005, car bomb attack that killed the statesman and 22 others, as well as injuring more than 200.

“My thoughts are with each and every victim and their families who have been affected by the violent acts of terrorism that have plagued Lebanon,” Bellemare said. “You have shown patience and dignity in the face of so much pain and suffering. My team and I will continue to work tirelessly in the pursuit of justice.”

Last week STL Pre-Trial Judge Daniel Fransen ruled that Bellemare had gathered sufficient prima facie evidence to request from Lebanese authorities the case files of the three attacks. The STL’s mandate states it is allowed to investigate crimes that are possibly related to Hariri’s killing from Oct. 1, 2004 to Dec. 12, 2005, although it may request permission from the U.N. Security Council to expand jurisdiction to similar crimes after those dates.

Bellemare in June issued his first indictment in the Hariri case. A spokesperson for his office said that the opening of three new cases did not mean that the investigation into the Feb. 14 bombing had stopped.

“The prosecutor’s preparations for trial are ongoing, and they will not be adversely impacted by concurrent investigations into connected cases,” the spokesperson told The Daily Star.

The spokesperson added that Bellemare would file additional indictments in these cases “if the evidence supports the filing of indictments.”

“Please also note that if another indictment in a connected case or cases is filed and confirmed, the rules authorize the prosecutor to request joinder with the Hariri file if warranted by the facts and if it’s in the interests of justice,” the spokesperson added.

Hawi was killed in a car bomb attack on June 21, 2005. Murr and Hamadeh both survived attempts on their lives. The two survivors and Hawi’s family were visited earlier this month by court investigators and informed that their cases could be investigated by The Hague based tribunal.

Bellemare named four individuals he believed were responsible for the attack on Hariri, all of whom are members of Hezbollah. The party has denied any involvement in the crime and has called the STL an “Israeli project.”

## Radio Netherlands Worldwide

Friday, 2 September 2011

### **Rwanda: Mixed Legacy for Gacaca Courts**

Rwanda's community-based gacaca courts have helped communities confront the country's 1994 genocide but have failed to provide credible decisions and justice in a number of cases, says Human Rights Watch. As the gacaca courts wind down their work, Rwanda should set up specialised units in the national court system to review alleged miscarriages of justice, says the rights organisation.

The 144-page report, "Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts," assesses the courts' achievements and outlines a number of serious shortcomings in their work, including corruption and procedural irregularities. The report also examines the government's decision to transfer genocide-related rape cases to the gacaca courts and to exclude from their jurisdiction crimes committed by soldiers of the Rwandan Patriotic Front (RPF), the country's ruling party since the genocide ended in July 1994.

"Rwanda's ambitious experiment in transitional justice will leave a mixed legacy," says Daniel Bekele, HRW's Africa director. "The courts have helped Rwandans better understand what happened in 1994, but in many cases flawed trials have led to miscarriages of justice."

The report is based on HRW observing over 2,000 days of gacaca trials, reviewing more than 350 cases, and interviews with hundreds of participants from all sides of the gacaca process, including accused persons, genocide survivors, witnesses, other community members, judges, and local and national government officials.

Since 2005, more than 12,000 community-based courts have tried 1.2 million cases relating to the 1994 genocide. The violence killed more than half a million people, mostly from the country's minority Tutsi population. The community courts are known as gacaca - "grass" in the country's Kinyarwanda language, referring to the place where communities traditionally gathered to resolve disputes. The courts were scheduled to finish trials by mid-2010, but their closure was postponed in October 2010. In May 2011, the minister of justice reportedly announced that gacaca courts would officially close by December 2011.

### **Gacaca Courts and Law**

Gacaca courts were established in 2001 to address the overload of cases in the conventional justice system and a prison crisis. By 1998, 130,000 genocide suspects were crammed into prison space designed to accommodate 12,000, resulting in inhumane conditions and thousands of deaths. Between December 1996 and early 1998, conventional courts had tried only 1,292 genocide suspects, leading to broad agreement that a new approach was needed to speed up trials.

Rwanda's 2001 gacaca law sought to resolve the bottleneck. The new gacaca courts, with government oversight but limited due process guarantees, combined modern criminal law with more traditional informal community procedures.

The Rwandan government faced enormous challenges in creating a system that could rapidly process tens of thousands of cases in a way that would be broadly accepted by the population, Human Rights Watch said. The system's achievements include swift trials with popular participation, a reduction in the prison population, a better understanding of what happened in 1994, locating and identifying bodies of victims and a possible easing of ethnic tensions between the majority Hutu and minority Tutsi ethnic groups.

### **The Price to Pay**

Rwandans have paid a high price, though, for the compromises made when setting up the new gacaca system. Human Rights Watch found a wide range of fair trial violations. These included restrictions on the accused's ability

to mount an effective defense; possible miscarriages of justice due to using largely untrained judges; trumped-up charges, some based on the Rwandan government's wish to silence critics; misuse of gacaca to settle personal scores; judges' or officials' intimidation of defense witnesses; and corruption by judges and parties to cases.

"The creation of gacaca was a good thing because it allowed the population to play a large role in the gacaca process, but I deplore you [the judges] for taking sides," one witness testified at a trial attended by Human Rights Watch.

The Rwandan government contended that traditional fair trial rights were unnecessary because community members - familiar with what happened in their area in 1994 - would expose false testimony or judicial bias. But Human Rights Watch found in many cases that potential witnesses failed to speak out in defense of genocide suspects because they feared prosecution for perjury, complicity in genocide, or "genocide ideology," a vaguely defined crime prohibiting ideas, statements, or conduct that might lead to ethnic tensions or violence. Others feared social ostracism for helping suspects defend themselves.

One genocide survivor interviewed by Human Rights Watch broke down in tears, saying he was ashamed he had been too frightened to testify in defense of a Hutu man who had saved his life and those of more than a dozen of his relatives.

"A number of people told us they stayed silent during gacaca trials even though they believed the suspects were innocent," Bekele said. "They felt the stakes were simply too high to come forward to defend people wrongly accused of genocide-related crimes."

Human Rights Watch also interviewed rape victims whose genocide-related cases were transferred in May 2008 from conventional courts, that have stronger privacy protection, to gacaca courts, whose proceedings are known to the whole community, even if held behind closed doors. Many rape victims felt betrayed by this loss of confidentiality.

### **Victor's Justice**

The government's decision to exclude crimes committed by soldiers of the current ruling party, the RPF, from gacaca courts' jurisdiction has left victims of their crimes still waiting for justice, Human Rights Watch said. Soldiers of the RPF, which ended the genocide in July 1994 and went on to form the current government, killed tens of thousands of people between April and December 1994. In 2004, the gacaca law was amended to exclude such crimes, and the government worked to ensure that these crimes were not discussed in gacaca.

"One of the serious shortcomings of gacaca has been its failure to provide justice to all victims of serious crimes committed in 1994," Bekele said. "By removing RPF crimes from their jurisdiction, the government limited the potential of the gacaca courts to foster long-term reconciliation in Rwanda."

Serious miscarriages of justice should be reviewed by professional judges in specialized courts in the conventional system, rather than by gacaca courts, as proposed by the Rwandan government in late 2010, Human Rights Watch said.

"If gacaca courts review alleged miscarriages of justice, there is a risk of repeating some of the same problems," Bekele said. "Instead, the government should ensure the formal justice system reviews these cases in a professional, fair, and impartial way. This would help secure gacaca's legacy and strengthen Rwanda's justice system for generations to come."