

**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.
Any omission, comment or suggestion, please contact
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Local News

Final Chance to Determine Responsibility for the January 1999 Attack on Freetown / Premier News	Pages 3-4
Departing Mongolian Peacekeepers Honoured / Concord Times	Page 5
Judges Convene Status Conference on Taylor / Concord Times	Page 6
Sierra Leone: Is Attack On Ivorian Gbagbo Imminent? / Concord Times Online	Pages 7-8
MRU Holds Emergency Committee Meeting in Liberia / Concord Times Online	Page 9

International News

Charles Taylor Denied More Time to Wrap up Defense / Associated Press	Pages 10-11
Embattled Ivory Coast President Pressures UN / Voice of America	Page 12
Lebanon's Trial / <i>The Washington Post</i>	Page 13
ICTR asks Rwanda Nine Questions in Referral Request Proceedings / <i>Hirondelle News Agency</i>	Page 14

Charles Taylor Trial

Final Chance to Determine Responsibility for the January 1999 Attack on Freetown

By Alpha Sesay

When Special Court for Sierra Leone Judges (SCSL) in The Hague delivers their final judgment in the trial of former Liberian President Charles Taylor sometime this year, it could be the final chance to determine responsibility for the January 1999 rebel attack on Sierra Leone's capital Freetown. Taylor is on trial for allegedly supporting Revolutionary United Front (RUF) rebels in Sierra Leone, a rebel group which attacked the country in March 1991, a war that would last for eleven years. The January 1999 attack on Freetown occupies huge significance in the history of the conflict in Sierra Leone. For many, this event truly brought the world's attention to an otherwise forgotten conflict. Pictures on televisions of babies whose arms were amputated by rebel forces while under the protection of their parents showed the world that something serious was happening in that tiny West African nation. The January 1999 invasion also convinced the government of Sierra Leone that a military solution to the conflict was almost impossible. There was a need to negotiate with the rebels, thus leading to the signing of the 1999 Peace Agreement in Lome, Togo. This eventually led to the release of RUF leader Foday Sankoh, who had been incarcerated since 1997.

The scars of this attack exist in Freetown until this day. Amputees still roam the streets of Freetown as beggars, burnt houses still remain, and women still need medical help as a result of being raped by rebel forces.

This year, on January 6, I participated in radio programs to commemorate the events of that fateful day in 1999. Many civilians, including victims of the events of that day called into the radio programs and made contributions. A woman recounted how rebel forces poured petrol and set fire on her son even when she begged them to spare his life. She cried as she recounted her experience. A man called and explained how she lost family members on that day. Another called and spoke about how rebel forces burnt down his house, leaving him homeless. In the streets of Freetown, an elderly amputee wept as he explained how the rebels asked him to lay down his hand before it was chopped off by a rebel young enough to be his grandson.

Sierra Leoneans agree on the nature of the crimes committed on that day, but they cannot seem to agree on who committed these heinous acts.

Eleven years after this attack, debate is still hot among Sierra Leoneans as to who was responsible for the carnage meted out on innocent civilians in Freetown. To some people, the invasion was the work of RUF rebels, to others, it was the work of the Armed Forces Revolutionary Council (AFRC), a group of Sierra Leonean soldiers, who in 1997 overthrew the elected government of Sierra Leone and formed a junta government together with RUF rebels. When the AFRC junta was forced out of power by West African peacekeepers in 1998, they retreated to Sierra Leone's provincial towns. These renegade soldiers, some believe, were the ones who came back to Freetown on that fateful day.

There is still a school of thought with the belief that this invasion was a combined attack by the AFRC and RUF as part of a joint criminal enterprise to destabilize and take control of the territory of Sierra Leone. An influential voice among this group is the Office of the Prosecutor (OTP) of the Special Court for Sierra Leone.

During the trials at the SCSL, Prosecutors have led evidence in support their position. Through several witnesses, first in the AFRC and RUF trials in Freetown, and reechoed in the Taylor trial in The Hague, Prosecutors have maintained that this operation was a combined AFRC-RUF affair, with support from that man now on trial in The Hague, Charles Taylor.

However, two sets of judges in the AFRC and RUF trials ruled in 2007 and 2008 respectively that the 1999 attack on Freetown was an AFRC affair and that the RUF had no involvement in it. The judges who presided over the AFRC trial now do the same in the Taylor trial. Despite these decisions, prosecutors have not given up. With renewed vigor, they have led witnesses who have testified in the Taylor trial that this was a combined AFRC-RUF attack as part of a joint criminal enterprise in which Taylor played a vital role. They allege that Taylor helped plan and finance this operation with supplies of arms and ammunition to RUF rebels. Proof that the RUF were involved in this attack could have a significant impact on the Taylor trial as an indirect way of linking Taylor to the atrocities of January 1999. Such is the importance put on this evidence that the Prosecution had as their final witness against Taylor, a 59 year old resident of Freetown, whose two arms were amputated in Freetown in January 1999.

Defense lawyers for Taylor on their part have made all efforts to put this attack at the door step of the AFRC. When former signal commander for the RUF, Mohamed B. Kabbah testified as a prosecution witness against Taylor in September 2008, defense counsel Courtenay Griffiths subjected him to such rigorous cross-examination that he was forced to say that the RUF were not involved in the attack on Freetown. Kabbah had, however, earlier said that Taylor called RUF commander Sam Bockarie to congratulate the RUF for invading Freetown. After Kabbah's cross-examination, Taylor gave Griffiths an open handshake in court, a sign of saying "well done." Defense lawyers also brought in convicted former interim leader of the RUF, Issa Hassan Sesay, now serving a 52 year jail term for his role in the Sierra Leone conflict, to testify on behalf of Taylor. In his testimony, Sesay said that the RUF was not involved in the January 1999 invasion of Freetown. His comment in this regard prompted huge condemnation from Sierra Leoneans. As things stand, even with the judgments in the AFRC and RUF, in which it was determined that the 1999 attack on Freetown was an AFRC, not an RUF affair, the debate still remains among many Sierra Leoneans. If the Judges in the Taylor trial become swayed by new evidence about those events some 11 years ago, they will be at liberty to change their previous decision and apportion responsibility to the RUF, and by extension Taylor, if it is proved that he was involved in a joint criminal enterprise with the rebels. If Prosecutors have shown no new evidence that adds to those presented in the AFRC and RUF cases, then the Judges might just stick to their original judgment - that it was an AFRC affair.

This all means that as far as responsibility for the 1999 attack on Freetown is concerned, the jury is still out, and the Taylor trial might well be our very last chance to determine responsibility for those events, events that residents of Freetown will not forget in a hurry.

LOCAL NEWS

The UN envoy to Liberia has paid tribute to the last contingent of the Military Guard Force stationed in Sierra Leone for their untiring efforts and dedication in providing security for the Special Court for Sierra Leone. Ellen Margrethe Løj made the statement Tuesday, 18 January, during a medal awards ceremony for the 150 strong Mongolian contingent stationed in Freetown.

Ms. Løj noted the remarkable progress made by the Special Court in fulfilling its mandate, which was to prosecute persons that bear the "greatest responsibility" for serious violations of

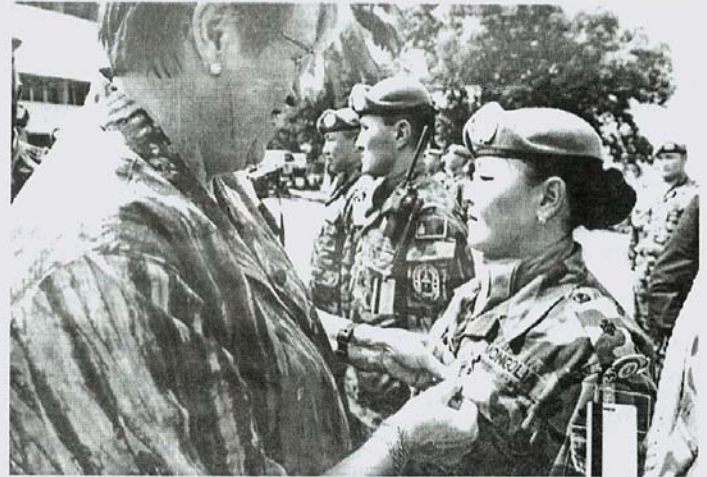
For providing security to the Special Court... Departing Mongolian peacekeepers honoured

international and Sierra Leonean law, committed in Sierra Leone since the end of November 1996. The advanced stage of the Special Court's work has enabled a hand-over of security responsibilities to the national authorities. The SRSG paid tribute to all 2,300 troops of the Mongolian Armed Forces who have served in Sierra Leone, describing them as the Ambassadors of their great country. "Your professionalism and commitment in securing the Special Court here will long be remembered by the Sierra Leoneans," the UN Envoy said.

Commending Contin-

gent Commander Lieutenant-Colonel Batsuuri Erdenebat for his strong leadership and clear vision, Ms. Løj praised his efforts in mobilizing his troops to repair a school building and distribute medicines to communities in need despite challenges in preparing for the contingent's departure and the handover of the security of the Special Court" before their departure from Sierra Leone.

The United Nations Security Council adopted resolution 1315 (2000) of 14 August 2000 as a result of an agreement reached between the United Nations and the Government of Sierra



Ms. Ellen Margrethe Løj decorating the departing Mongolian peacekeepers

Leone to establish the Special Court for Sierra Leone. Pursuant to resolution 1626 (2005), the Security Council authorized the deployment of 250 military personnel to provide security for the Special Court of Sierra Leone. The first Military Guard Force was deployed in November 2007.

Attendees at the medal

award ceremony include the Executive Representative of the Secretary-General in Sierra Leone, Mr. Michael von der Schulenburg; President of the Special Court for Sierra Leone, Mr. Jon Kamanda; Registrar of the Special Court for Sierra Leone, Ms. Binta Mansaray; and Chief of Defense Staff, Republic of Sierra Leone Armed

Forces, Major-General R.Y. Koroma.

Others attending were UNMIL Force Commander, Major-General Muhammad Khalid; US Defense Attaché, Lieutenant Colonel Jennifer Rollins; Commander IMATT, Colonel Blackman; and Director of Mission Support for UNMIL, Mr. Hubert Price.

Concord Times
Friday, 21 January 2011

Judges convene Status Conference on Taylor

By Alpha Sesay

The Special Court for Sierra Leone judges in The Hague ordered that a Status Conference be convened on Thursday, January 20, 2011 after a request was made by defense lawyers for former Liberian president Charles Taylor.

On Tuesday, January 18, 2011, Mr. Taylor's defense lawyers filed a "Defense Request for a Status Conference" in order "to review the status of the case."

"The Defense notes the outstanding matters which it submits are crucial to conclusively and properly litigating its case through the final brief," the defense application stated.

The "outstanding matters" relate to a notice of appeal and several motions that have been filed by defense lawyers including an effort to appeal a Trial Chamber decision on the "Défense Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecutor and Its Investigators," a "Defense Motion to Recall Four Prosecution Witnesses and to Hear Evidence From the Chief of WVS [Witness and Victims Services] Regarding

Relocation of Prosecution Witnesses," and "Defense Motion for Disclosure and/or Investigation of United States Government Sources Within the Trial Chamber, The Prosecution and the Registry, Based on Leaked USG Cables."

Prior, a scheduling order issued by the judges required both prosecution and defense to file their final trial briefs by January 14, 2011 in anticipation of hearing closing arguments from February 8 to 11, 2011. While prosecutors filed their final brief by the deadline, defense lawyers on their part failed to do so.

"The Defense acknowledges that it has yet to file a final brief. The Defense emphasises this decision was not made in deliberate disdain of the Court or its orders, and it was not intended to demonstrate any disrespect for the Court's au-

thority. Instead, the Defense was guided by its professional duty to its client," defense lawyers wrote in their application.

Defense lawyers also stated that they had refused to accept service of the prosecution's final brief until such a time when they would have filed their own final brief.

On same Tuesday, January 18, Trial Chamber judges issued a decision in which they granted the defense request to convene a Status Conference.

In the decision, the judges stated that they were granting the defense request, "[c]onsidering that it is in the interest of justice to give the Defense an opportunity to explain why it failed to file its final trial brief on 14 January 2011, as ordered, and why it has refused to accept service of the Prosecution final trial brief."

Concord Times Online

Thursday, 20 January 2011

Sierra Leone: Is Attack On Ivorian Gbagbo Imminent?

John Momoh

Freetown — The majority of the heads of the various armed forces of the Economic Community of West African States (ECOWAS) have, in an extraordinary meeting in Bamako - the Malian capital, adopted a resolution to depose incumbent Ivorian President Laurent Gbagbo from power by force.

The objective of the meeting was to make a follow-up to previous ECOWAS military chiefs meetings in December last year during which they unanimously decided to remove the intransigent Ivorian leader from power by force if mediation efforts to convince him to willingly step down fail to achieve fruitful results.

In this regards the current rotating chairman of the ECOWAS Authority, Nigerian President Goodluck E. Jonathan dispatched a high level ECOWAS leaders delegation comprising of the Presidents of Benin, Cape Verde and Sierra Leone on the 27th December, 2010 with an ultimatum to Gbagbo in Abidjan, the Ivorian capital where he resides in the Presidential palace to step down in exchange for certain incentives such as the guarantee of his security, financial guarantee and a safe exit to a country of his choice.

Discussions were also held with his rival Dr. Alassane Ouattara, whose parallel government is recognized by the international community. This is because the country's independent electoral commission pronounced him winner of the 28th November, 2010 Presidential run-off, a victory that was certified by the United Nations Secretary General's Special Representative in the country.

Up to yesterday the ECOWAS military heads enumerated a number of challenges that may seem to thwart the planned invasion. Ghana, a neighbouring country to the Ivory Coast, has issued a communiqué dissociating itself from any ECOWAS attempt to topple Gbagbo from power by force in view of the cultural and historical ties between the two countries and fears of reprisals and witch-hunting against the large number of Ghanaians residing in that country.

Nigeria, which played a principal role in peace keeping efforts in Liberia and Sierra Leone, has not been very enthusiastic about any planned military intervention. In the words of President Goodluck Jonathan, he views the use of force can only be necessary after exploring every dialogue and peaceful avenues. Benin, Burkina Faso, Senegal, Sierra Leone and Liberia, Mali and Togo are expected to participate while Niger is still to confirm. A line up of about 20,000 troops are the estimate to guarantee the

success of the mission although contributing countries have indicated that they can only afford about 3,000 troops.

Given the experience gained from the military operations of the ECOWAS Monitoring Group (ECOMOG) peace-keeping force headed by Nigeria against the interests of Charles Taylor's National Patriotic Front (NPFL) rebel forces in Liberia, which later materialized in Sierra Leone as the Revolutionary United Front (RUF) headed by ex-army Corporal Foday Sankoh, a former commando in the NPFL for the most part of the decade of the 1990s.

It takes not only the political will needed from ECOWAS leaders but also billions of dollars annually to keep combat forces on the field. In assembling troops for the invasion of Liberia, it took the personal interest of President Ibrahim Babangida to dispatch Nigerian combat troops, ships, cargo-planes and military helicopters which were initially stationed in Freetown where the participating troops went through initial training for the invasion.

The Ivory Coast is one of the largest countries in West Africa with a population of about 16 million and French trained and well equipped military forces, comprising ground forces, air-forces and the navy. In fact several West African French speaking states have been using the Ivorian military's training facilities. This is why there is a need to draw up a clear plan and an overview of the military situation in the country before venturing to invade and establish to power the democratically elected government of President elect, Alassane Ouattara.

According to the Liberia situation, some of the ECOWAS leaders who played vital roles at the time included the then ECOWAS Chairman Sir Dauda Jawara of the Gambia, the late President Joseph Saidu Momoh of Sierra Leone, Jerry J. Rawlings of Ghana and President (General) Babangida of Nigeria - all of who were inspired with sentiments for the precarious situation in which Liberia President Samuel Kanyon Doe found himself. The Executive Mansion in which President Doe resided in Monrovia, with the conviction to fight to the last soldier, was surrounded by Taylor's rebel forces and those of the Independent NPFL of General Prince Johnson.

A hasty decision was thus taken by the intervention forces notably from Nigeria, Ghana, Sierra Leone and Guinea headed by Lt/General Arnold Quainoo of Ghana to forge an alliance with Prince Johnson who controlled the sea port area of Monrovia to enable them to land. Much later on because General Doe himself had made an

alliance with Prince Johnson in exchange for some bags of rice, Doe was tempted to travel to the port area for a meeting with General Quainoo and the ECOMOG top brass.

Indeed the lost of human lives during the Liberia conflict was enormous as some people estimate it at over 200,000 lives as well as the massive destruction of infrastructures, political instability and a general setback to the development of the country. As earlier as 1991 the spillover effects of the Liberian conflict entered Sierra Leone as some NPFL commandos organized the RUF led by Foday Sankoh which invaded Sierra Leone, thus leading to another devastating rebel war.

These are some of the reasons why many observers believe that as far as the Ivorian crisis is concerned, military intervention can only be implemented when all other options including a negotiated settlement fail.

This is because even if one may take an overview of the military intervention that restored the democratically elected government of ex-President Tejan Kabbah, it became absolutely necessary to engage in dialogue with the rebels. ECOWAS only resorted to the use of force when every means to resolve the conflict through peaceful means became counter-productive.

The reason why some ECOWAS member states are dragging feet on the issue of military intervention is because if a United Nations air and naval embargo is placed on the Ivory Coast thereby hampering that country's export capability and an eventual military victory to achieve the objective of deposing Gbagbo and establishing the democratically elected government of President Ouattara, the consequences can be serious in financial and material terms as well as in the loss of human lives.

As a student in those days I was one of those who joined the bandwagon to demonstrate in favour of demands for the exit of Samuel Doe. Today all of us have come to grips with the realities of Samuel Kanyon Doe Must Go! The intervention force can only be sure of an early victory over the Ivorian Army and Police that remain loyal to Gbagbo if there is the political will and the financial and logistic support of the international community. But we must also be mindful of the negative aspects of such adventurism.

Gbagbo has clearly stated his position that the country's Constitutional Council, which has the mandate to approve the results released by the National Electoral Commission certified and approved him as the winner at the polls after releasing parallel results. But even three weeks later the head of the Ivorian Electoral Commission, Yusuf Bakayoko, in an interview with Radio France International narrated that Dr. Alassane Ouattara won the election by 54%.

Sierra Leone: MRU Holds Emergency Committee Meeting in Liberia

Mariama Coker

Freetown — Sierra Leone's deputy Foreign Affairs minister has voiced her country's full commitment to upholding the tenets of democracy and good governance within the sub-region.

Mrs. Eburn Jusu, who was speaking on behalf of the Sierra Leone government at the Mano River Union extraordinary ministerial council meeting on peace, security and humanitarian situations in Monrovia, Liberia, maintained that former Ivorian president Laurent Gbagbo's continued refusal to peacefully hand over power to the democratically elected president Alassane Ouattara has been strongly condemned by the international community.

She said Cote d'Ivoire's political impasse and consequent upheaval was more complex and protracted, noting that the choice facing the international community was clear and that Gbagbo should either accept the popular will as expressed at the polls or to accept a subversion of that will by the council. ECOWAS leaders, she said, have chosen the former, followed by the international community and that the United Nations General Assembly had approved the regional decision and recognized Ouattara as the winner and president elect.

The deputy minister noted that the incumbent president Gbagbo, during the extraordinary session of heads of state and government on Cote d'Ivoire in December last year, was called upon to accept the result without any pre-condition in the interest of his people. The statement further stated that Mr. Gbagbo will be offered a legal amnesty as well as a guarantee for his financial assets if he were to relinquish power. According to the UN, about 200 people mostly supporters of president Ouattara were reported missing or killed in the past months. Mrs. Jusu said the United Nations peacekeepers in Cote d'Ivoire claimed that the Ivorian forces have prevented them twice from visiting the site of one of the alleged mass graves and that the opponents of Gbagbo had been marked to identify ethnicity of their occupants.

Associated Press

Thursday, 20 January 2011

Charles Taylor denied more time to wrap up defense

LEIDSCHENDAM, Netherlands – International war crimes judges refused Thursday to grant former Liberian President Charles Taylor more time to file a written summary of his defense case, as his trial for allegedly orchestrating atrocities in Sierra Leone draws to a close.

Taylor's lawyer, Courtenay Griffiths, told judges at the Special Court for Sierra Leone that he cannot submit a summary of defense arguments until the court rules on several outstanding motions, including one based on diplomatic cables released by WikiLeaks.

Griffiths had been told to file the summary by Jan. 14, but said he could not because of the outstanding motions.

Among them is one calling into question the court's independence following a cable from the U.S. Embassy in the Liberian capital, Monrovia, released by WikiLeaks.

In the leaked cable, diplomats warn that if Taylor is acquitted and returns to Liberia it could destabilize the country's fragile peace.

"The best we can do for Liberia is to see to it that Taylor is put away for a long time" the cable, dated March 10, 2009, said. It also suggested that building a case against Taylor in the U.S. could be one way of ensuring he does not return to Liberia should he be acquitted by the Sierra Leone tribunal.

Griffiths said the cable showed the tribunal is not independent, "because the Americans are already putting in place contingency plans so if Mr. Taylor is acquitted they will put him on trial again in the United States."

Judges have dismissed the motion, but Griffiths has asked for permission to appeal.

Presiding Judge Teresa Doherty said that the three-judge panel ruled by majority that Taylor "does not have the option of obeying or disobeying" court orders. She added that Taylor could apply to amend his final statement if necessary.

Ugandan judge Julia Sebutinde disagreed with the decision, saying that "in my view it is not fair" to order Taylor to file the summary before the court has ruled on all motions.

Griffiths said he was shocked by the decision and would likely not deliver closing arguments in court at a hearing scheduled to start Feb. 8.

"I have never heard of criminal proceedings where you have closing arguments when there are a number of substantial legal issues outstanding," he told The Associated Press after Thursday's hearing.

Taylor has pleaded innocent to 11 charges of supporting rebels responsible for some of the worst atrocities committed during Sierra Leone's bloody civil war that ended in 2002, including hacking off the limbs of their enemies with machetes.

Prosecutor Brenda Hollis had urged judges not to grant Taylor more time, saying that it would "let him sit in the middle of the courtroom and run the trial. He has no such right."

Tens of thousands of people were killed in Sierra Leone's 1991-2002 civil war, which was marked by militia members who hacked off the limbs, noses or lips of their victims, and the widespread recruitment and use of child soldiers, many of them drugged to desensitize them to the horrific acts they were forced to carry out.

Taylor denies involvement and insists he was a statesman who tried to bring peace to the volatile West African region after he was elected Liberia's president.

Read more: <http://www.foxnews.com/world/2011/01/20/charles-taylor-denied-time-wrap-defense-1010386227/#ixzz1BfWhnWUA>

Voice of America
Friday, 21 January 2011

Embattled Ivory Coast President Pressures UN



Photo: AP

Bangladeshi Police officers walk past Jordanian peacekeepers outside the Golf Hotel in Abidjan, Ivory Coast, 01 Jan 2011

Ivory Coast's incumbent president, Laurent Gbagbo, has ordered police and army officials to search all United Nations vehicles as he increases pressure on the world body.

Mr. Gbagbo's government has ordered all U.N. peacekeepers out of the country, saying they are not impartial in the political crisis facing Ivory Coast.

U.N. peacekeepers are protecting Mr. Gbagbo's rival, Alassane Ouattara, the internationally recognized winner of November's presidential election.

Mr. Ouattara, says a military operation against Mr. Gbagbo is now a matter of days. Mr. Ouattara said Thursday that his prime minister, Guillaume Soro, is traveling across West Africa on a mission to set the details of the operation.

Mr. Ouattara says he is open to letting Mr. Gbagbo live in Ivory Coast with all his privileges, as a former president, but said Mr. Gbagbo has to resign now and peacefully.

Also Thursday, the United Nations said at least 260 people have been killed in Ivory Coast since November's election.

In an effort to maintain order, the U.N. Security Council said this week its is increasing the peacekeeping force in Ivory Coast by 2,000 troops, raising the total number to 12,000.

The Washington Post

Friday, 21 January 2011

Lebanon's trial

LIKE OTHER international courts, the U.N. Special Tribunal for Lebanon has been at best a slow and weak instrument of justice - but it may be the strongest card held by the United States and its allies in a crucial power struggle with Syria and Iran. On Monday, the tribunal's prosecutor delivered a sealed indictment against suspects in the February 2005 assassination of former prime minister Rafiq Hariri. The indictment is widely believed to name senior officials of the Hezbollah movement, the Shiite political party and the heavily armed militia. Hezbollah withdrew from the Lebanese government last week, causing its collapse; it has the military strength to seize control of Beirut at any time. But if it is not able to stop the tribunal, both it and Iran could suffer a significant political setback.

Hariri, a Sunni billionaire who led the reconstruction of Lebanon after its civil war, was widely revered in the country and respected around the region. Convincing evidence that the massive car bomb that killed him and 22 others was planted with the help of Hezbollah could badly damage a group that claims its militancy and massive arsenal is directed entirely at Israel. That evidence could be laid out at a trial in the Netherlands this year or next. That is why Hezbollah has been seeking for months to force the government headed by the slain man's son, Saad Hariri, to renounce the tribunal, which is a hybrid that includes Lebanese judges and is partly funded by Lebanon.

Saad Hariri so far has refused, and negotiations between the Saudi and Syrian governments to broker a compromise have failed. That has destabilized Lebanon's delicate balance between pro-Western factions and those favoring Iran and Syria and prompted talk of a new civil war. Hezbollah, which lost Lebanon's past two elections, often gets its way through the threat of force, and it may be able to intimidate the Lebanese parliament into replacing Mr. Hariri with a prime minister who will do its bidding or force Mr. Hariri to back down.

ad_icon

The Obama administration has rightly encouraged Mr. Hariri to stand his ground. President Obama met with the prime minister last week, and Secretary of State Hillary Rodham Clinton has been arguing that Lebanon need not choose between stability and justice. Neither Mr. Hariri nor the United States has the capacity to disarm Hezbollah or to end the threat it poses to Lebanon, Israel and the broader Middle East. By insisting that the tribunal proceed, however, the United States and its allies have the opportunity to expose the movement's homicidal terrorism, directed at fellow Arabs and Muslims, and its dependence on the Syrian and Iranian dictatorships. That's an outcome worth taking risks for.

Hirondelle News Agency

Thursday, 20 January 2011

ICTR asks Rwanda nine questions in referral request proceedings

The International Criminal Tribunal for Rwanda (ICTR) has asked Rwandan government nine questions to justify its readiness to receive and try cases from the Tribunal, created by UN Security Council to prosecute key perpetrators of the 1994 genocide.

On November 4, 2010, the Prosecutor of ICTR filed three new applications for referral of cases to Rwanda for trial involving Pastor Jean Uwinkindi, detained at the UN Detention Facility in Arusha and Fulgence Kayishema and Charles Sikubwabo, who are still on the run.

A referral bench has already deferred proceedings for Kayishema, former judicial police inspector of Kivumu commune in Kibuye prefecture (Western Rwanda) and Sikubwabo, ex-mayor of Gishyita commune in the same prefecture, pending their arrest or final determination of Uwinkindi's case.

In the case of Uwinkindi, another referral bench Tuesday entered a decision, inviting Rwanda to appear as *amicus curiae* (friend of court) and requested her to answer nine questions to assess whether the accused would receive a fair trial.

The questions include whether Rwandan legal system was able in practice to provide the accused adequate legal representation, financial support to an indigent accused and facilitate security, travel and investigations for defence.

It also seeks to know whether there were any impediments defence may face in discharging its function and what facilities and procedures exist for ensuring witnesses and victims are securely and safely accommodated and transported to trial places.

The Tribunal wants to know whether Rwanda's witness protection programme functional was in practice, the detention facilities for accused persons comply with international standard and were there any threats the prosecution or defence witnesses could face before, during and after testifying.

It requests to know what procedures exist for procurement and facilitation of safe and secure travel for witnesses, particularly from Rwandan witnesses residing abroad and such witnesses would be able to benefit from a safe passage to and from Rwanda.

Furthermore, it seeks to know whether Rwandan regulations governing arrest and detention of accused would be afforded to Uwinkindi the same protection as what applied by Tribunal.

In another decision entered the same day, the Tribunal allowed Human Rights Watch (HRW) to appear in Uwinkindi's case as *amicus curiae*. In the first five similar applications filed in 2007, the non-governmental organization had also appeared as a friend of the court. The motions were dismissed by ICTR chambers.

The Rwandan government and the organization have been directed to file their *amicus* brief within 21 days of the date of the decision.

FK/NI/ER/GF