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:
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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Sierra Leone: Yenga is No Security Threat!

Bankole T.M Turay

Freetown — The name Yenga sounds threatening when mentioned to many Sierra Leoneans who have neither been there nor had any correct information of the situation. Let me first give a succinct historical background of this town.

Yenga is a diminutive but strategic town that lies on a two acre land, two miles off Koindu-Konio Section, Kissy Teng Chiefdom, Kailahun District, Eastern region of Sierra Leone between Guinea and Sierra Leone. The Guinean army first engaged it in 1999 as a cushion against insurgents who were then voyaging from Sierra Leone to attack towns and villages inside Guinea.

Yenga has a population of less than fifty inhabitants mostly Sierra Leoneans; with a total of five bamboo huts. Most of its inhabitants are peasant farmers, hunters and traders. It lacks all of the basic social services; except they go to neighboring Guinea or Liberia for most basic necessity.

The deplorable situation of this chiefdom is unimaginable that forces me to accept the fact, that indeed there are all grounds and justifications for the rebel war to start in that part of the country.

They are a deprived, disconsolate and discarded set of people; but not enjoying that right of being Sierra Leoneans. For them is more of a curse than a blessing because they have been forgotten in terms of development. This has been the situation from time in memorial and to this present day.

Yenga being a very fertile land and geologist "insinuators" believed that the land is endowed with minerals resources (a fact that I do not assent to) were occupied by the Guinean soldiers on security grounds up to this moment. The Guineans then stated that their aim was to fight the insurgents inside Sierra Leone and end the cross-border raids. They also used Yenga, as a base; to fight Sierra Leone's Revolutionary United Front whose headquarters was in that district.

Guinea contributed troops to the regional intervention force ECOMOG during Sierra Leone's bloody civil war of the 1990s. During the war, Guineans soldiers' contribution into our war was mainly to protect their territorial integrity and security of it people near the borders with Sierra Leone.

Before now, the Guineans soldiers were occupying a village called Weima; half mile off Yenga town; but after the war the people of that village put pressure on the Guinean soldiers to return back and leave their village. So they pushed afar until they stop at Yenga.

Even though, heavy pressure was mounting by the people of Weima on the Guinean soldiers. There are other factors that intensified their continuous stay in Yenga.

Firstly, in 2001, Yenga was declare a 'no-mans' land that no activities was taking place until early 2003 when the Guineans people noticed that the land is fertile. So they started doing petty farming in the area in question.

Secondly, the porosity of the border by them was a cause for concern to the Guinean authority, so they decided to occupy Yenga on security grounds as said in passing. This is because the Sierra Leone army by then was not capacitated to handle effectively the border situation immediately after our war ended.
Furthermore, to worsen situation and the last straw that breaks the camel's back, which give the Guinean more scope and grounds to keep hold of Yenga; it is reported that their have been some discrepancies between the Guinean soldiers and the Sierra Leone soldiers on business transactions they have been engaged in the past years.

Information I gathered indicated that; It all started when the Commanding Officer by then Captain Bakarr as he is commonly call; was hoodwink by the Guinean soldiers when they failed to delivered the goods in time. After endless waiting, the captain unceremoniously and wholly takes upon himself to institute the "jungle rule"; by attaching the Guinean village of Ngowa to collect for themselves their goods.

This action sparks tension between Guinean soldiers and Sierra Leonean soldiers which according to Guinean President Late Lansana Conteh "Yenga is a security threat that if not halted and prevented right from that point has the propensity to spill war over Guinea." Will any responsible leader sit to see his people perish when he is capacitated to handle the situation in question? I believe NO.

Guineans soldiers who are callous and loutish decided to use force and they in turn entered Yenga with their Tanks and an army heavily armed to return the damage inflicted on their people by the Sierra Leonean soldiers instead of making diplomatic enquires on why the soldiers have to invade their country without their permission.

Thus; this action by the Guineans soldiers saw the vandalism of the villages and the Section Chief now Regent Chief Mr. Fallah Jusu taken away and was incarcerated in a prisoner in Guinea. The villagers mobilized themselves and form a delegation to negotiate the release of the Chief.

On negotiation terms, the community stakeholders have no option and powerless by then, ignorantly agreed that the land of Yenga belong to Sierra Leone, which Guinean soldiers are occupying on security grounds, and the Water boundary between Sierra Leone and Guinea is own by Guinean. To this day; Guineans own the boats and ferry meddling between Yenga Sierra Leone and Ngowa Guinea.

Taking into consideration that Sierra Leone suffered the same consequences because of the porosity of its borders that saw Liberian rebels intruding Sierra Leone. This is because the Sierra Leone army by then had failed to arrest that hideous situation that left untold stories in the minds and hearts of the people of Sierra Leone. To this day; the people are not able to congregate that shattered effect of the war on us.

Explaining his ordeals, the Regent Chief Mr. Fallah Jusu informed me that the Guinean soldiers ram sacked their villages, looted all their belongings and he was arrested. He was maltreated and tortured by the Guinean soldiers during his incarceration. "Fire will not put off fire, so I had forgiven them because they are our immediate neighbor" he added and stressing that your immediate neighbor is better than a distant relative.

"We would have taken upon ourselves to remove them from that land because it belongs to me". The chief was residing in Yenga with his people before the intrusion of the Guinean soldiers. After his release, they have resettled few miles off Yenga and have been engaged in building and maintaining the cordial relationship between their Guinean counter parts.

Most of the Guinean soldiers in Yenga are living with the civilian populace peacefully and even still doing business with the people. They usually come with their goods from Guinea to the weekly "Luma" at Koidu town on Sundays.
"We have been in Yenga to secure our border and that of Sierra Leone. We used Yenga to fight the rebels inside this country during your war; and we don't intend to seize on to Yenga.

It's all for security of our common borders and the sub region," noted a Guineans soldier in Yenga who beg for anonymity. Other officers in the border I spoke to also registered their disappointment in the misconception of their stay in Yenga by their Sierra Leonean brothers; and stressed that Guinea is bigger than Sierra Leone more than twice with abundant of land to developed; why wrangling over just a petite piece of land?, He questioned.

Yenga is as peaceful, quiet and calm like any other town in that chiefdom. The commanding Officer Captain Jones whilst briefing me, stated that "the relationship between the Guinea soldiers and the Republic of Sierra Leone Army Forces is very cordial and that there is no need for alarm as the Yenga issue do not at this point need military intervention but Diplomatic negotiation".

Adding that the contribution of the Guinean troops in helping us during the time of our war should firstly be appreciated and let us try to consolidate our peace and relationship with our neighbors in the sub-region.

Local residence I spoke to remark similar sentiment and that the inter-trade between Sierra Leone and Guinea has help in diverse ways in salvaging the suffering and rebuilding the confidence between the two countries.

"The people of Guinea and Sierra Leone are the same, because we share the same dialects, have interrelated traditions and religious belief" remark a Kissi Guinean residing in Koindu town for the past 10 years.

The youths of that chiefdom have untapped stupendous potential that is yet to be realize. They need to be inclusively involved in the planning, running and development of the affairs of this country and their respective chiefdoms. They too need the opportunity to contribute their own little to the development of their chiefdom; if only they are given the helping hand?

I want to end this research report with an appeal to the government and people of Sierra Leone to consider engaging the people of that chiefdom in terms of developmental programmes and activities. Their situation is more than the Guineans occupying Yenga, but one that require urgent intervention. Peace is not possible without development.
The International Criminal Court (ICC) has agreed to pursue the war crimes trial of Jean-Pierre Bemba, Democratic Republic of Congo's ex-vice-president. An appeals panel at the court in The Hague rejected an appeal from his lawyers to dismiss the case.

Mr Bemba is accused of leading militias in neighbouring Central African Republic (CAR) in 2002 and 2003. The troops, which intervened in a power struggle in CAR, are accused of murdering and raping civilians. But Mr Bemba, 47, has argued that he was not in command of the militia after it crossed the border.

Mr Bemba was arrested in Belgium in 2008 and extradited to The Hague. He is the most high profile suspect so far to be brought before the ICC. Tuesday's ICC ruling removes the final hurdle to the start of the trial, which has been postponed twice. The ICC says he will face two counts of crimes against humanity and three counts of war crimes.

In his appeal, defence lawyers had argued that Mr Bemba had already been investigated in CAR and could not be prosecuted twice for the same crime. However, in her ruling ICC appeals judge Anita Usacka said a court of appeal in CAR had upheld the charges against Mr Bemba and referred the case to the ICC.

Judge Usacka said the panel confirmed the decision of an ICC hearing in June that the trial was admissible, and dismissed Mr Bemba's appeal. The panel also dismissed three other grounds of appeal. Mr Bemba led a militia known as the Movement for the Liberation of Congo during DR Congo's brutal civil war. After a peace deal ended the war in 2003, he laid down his arms and joined an interim government as vice-president. Mr Bemba lost a run-off election against Democratic Republic of Congo President Joseph Kabila in 2006. One of his defence lawyers has suggested that the charges against him may be politically motivated to remove Mr Bemba from future elections. ICC judges had been waiting for Tuesday's ruling before setting a trial date.
My legal hero: Norman Washington Manley MM QC

By Courtenay Griffiths

Manley, the grandson of a Jamaican slave, became a fearless advocate for the dispossessed before entering politics.

Norman Washington Manley, founder of the Jamaican People's National Party, as he makes his way to the cathedral for Jamaica's Independence Day celebrations in 1962. Photograph: George Freston/Getty Images

Norman Manley inspired my journey towards becoming a barrister. During his time as a practising advocate in Jamaica, the local newspaper, The Gleaner, published verbatim accounts of the proceedings in both the upper and lower courts on a daily basis. From September 1922 until he ceased to practice in 1955, through this medium, his exploits in the courts became the stuff of legend.

My parents and their generation in Jamaica saw in him the embodiment of their own ambitions and aspirations on a number of levels, despite their separation from him in terms of colour and class. He was a light-skinned Jamaican with "straight" hair, which counted for a great deal in a racially-structured society. He was also of a different class. Nonetheless his political and social stance overcame these differences in the minds of my parents, and it was they who recreated the image of the fearless advocate for the dispossessed which attracted me to this profession.

Norman Manley was born in 1893 when the stench of slavery was still a tangible reality and the white man still felt that he bore a burden. His father was the illegitimate son of an English trader from Yorkshire and a former slave. Yet, by 1946, at the Manchester Assizes, Sellars J was moved to comment that: "I would express the pleasure it has been in the court and the satisfaction the prisoner must have experienced, to have you appear in this case". This after Manley had secured the acquittal of a Jamaican RAF serviceman charged with murder.

Manley's career in the law was distinguished. He gained a reputation, which serves as a guide to all aspiring advocates to this day, for painstaking and meticulous research and analysis of every aspect of his case. Thus Clarke J, in another murder case in which he appeared, commented to the accused at the end of the trial: "If genius is an infinite capacity for taking pains, you have been defended by a genius".
Yet Manley was more than a supreme courtroom advocate. He was a gifted athlete at school at the beginning of that long line of gifted Jamaican athletes of which Usain Bolt is but the most recent example. He was a Rhodes Scholar, studying law at Jesus College, Oxford. He enlisted and fought in the first world war as a sergeant in the Royal Field Artillery and was awarded the Military Medal.

In addition, Manley was one of the leading voices in the campaigns to organise trade unions in Jamaica, to obtain universal suffrage and independence. He was a founding member of the People's national Party which in 1940 committed itself to democratic socialism, which he himself defined as involving a "vital transformation of society". He served as Jamaica's first chief minister from 1955 to 1959, and as its first premier from 1959 to 1962. Shortly before his death in 1969 he was proclaimed a National Hero of Jamaica, joining a select group of Jamaicans which includes Marcus Garvey.

This absent mentor played an important role in the social and political life of Jamaica and had a great and positive impact on the life of my parents, and through my parents, mine.

- Courtenay Griffiths QC is joint head of Garden Court Chambers. He is currently defending the former president of Liberia, Charles Taylor, at the special court for Sierra Leone.
Prosecution challenges inadmissibility of Rwandan minister's statement

Arusha, October 19, 2010 (FH)-The prosecution has challenged the refusal by the International Criminal Tribunal for Rwanda (ICTR) to admit into evidence a sworn statement by former Rwandan Defence Minister, General Marcel Gatsinzi, in a case involving then military officer, Captain Idelphonse Nizeyimana.

In its motion posted in the ICTR website and made available to Hirondelle News Agency Tuesday, the prosecution applies for certification to appeal against the impugned decision by Trial Chamber III, claiming it involves an issue, which would significantly affect fair and expeditious conduct of proceedings or outcome of the trial.

"The Trial Chamber's holding that General Gatsinzi's affidavit will not be admitted significantly affects the fair and expeditious conduct of the proceedings and the outcome of trial and warrants the immediate resolution by the Appeals Chamber to materially advance the proceedings," the prosecution said.

According to the Rules of the Tribunal, a party wishing to file an interlocutory appeal is required to seek leave before the very Chamber which issued the impugned ruling.

In the motion, therefore, the prosecution seeks leave to appeal on among holding that admitting the evidence in the affidavit would be highly prejudicial for the accused without oral interrogation and that the prosecutor has not submitted a satisfactory reason for the witness's inability to testify in person.

It also challenges the holding that the evidence in the affidavit was not cumulative in nature by reason that none of other witnesses enumerated in the prosecution's list of witnesses are equivalent in ranks with Gen. Gatsinzi or could submit information which would be cumulative to the statement.

"The Trial Chamber was led into error when it applied the test of whether the evidence was cumulative in nature to the personal characteristics of the witness rather than to the characteristics of the evidence," the prosecution submitted.

It added further that the material substance of Gatsinzi's affidavit "goes to only four simple points of evidence" regarding Nizeyimana's rank, post and his subordinates in the Rwandan Armed Forces and their Rules of discipline.

Before delivery of the contested decision, the prosecution had told the Chamber that the affidavit by General Gatsinzi, currently Minister for Natural Disaster, was supported by testimonies that would be presented orally during the trial.

Last month, genocide-convict and former Director of Cabinet in the Defence Ministry, Colonel Théoneste Bagosora, asked the Appeals Chamber of the Tribunal to order and compel General Gatsinzi to testify in his appeal challenging life imprisonment sentence he is facing for genocide.

Bagosora, who was considered the mastermind of the 1994 genocide, sought the testimony of Gen. Gatsinzi, claiming that his conviction was based on speculative grounds that being the highest authority in Defence Ministry he exercised effective control over the army and gendarmerie between April 6 and 9, 1994.

Capt. Nizeyimana, who was second in command in charge of intelligence and military operations of Noncommissioned Officers School (ESO) in the southern town of Butare is charged with six charges including genocide and extermination, murder and rape as a crimes against humanity, among others. He has pleaded not guilty.

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Int'l court rejects ex-Congo VP war crimes appeal

An appeals panel at the International Criminal Court has rejected former Congolese Vice President Jean-Pierre Bemba's bid to have rape, murder and pillaging charges against him thrown out.

Bemba has argued that allegations he commanded a militia responsible for atrocities in the Central African Republic in 2002-2003 were inadmissible at the world's first permanent war crimes tribunal because authorities in his country had decided not to prosecute him.

However, appeals judge Anita Usacka of Latvia rejected Bemba's arguments Tuesday. She says the country's highest court overturned a 2004 decision to dismiss charges against Bemba and correctly referred the case to the International Criminal Court.

The decision clears the last hurdle to Bemba's trial starting.
Lubanga Trial At ICC Resumes Next Week

By Wairagala Wakabi

The war crimes trial of Thomas Lubanga at the International Criminal Court (ICC) is set to resume next week, according to a schedule released by the Hague-based court.

Next week, the hearings will be conducted Monday to Friday and are likely to have ‘intermediary 321’ as the first witness to testify. This intermediary, who has been implicated in coaching and bribing witnesses, took the witness stand last July, but the trial was suspended midway his cross-examination. This was after the prosecution failed to disclose the identity of another individual known as ‘intermediary 143’. The defense had wanted to know the identity of ‘intermediary 143’ for its questioning of ‘intermediary 321’.

At the bidding of judges, the Office of The Prosecutor (OTP) will also produce at least one other intermediary and two of its investigators who worked on gathering evidence against Mr. Lubanga. According to prosecutors, the two investigators have indicated that they would be ready to testify after November 15, but judges have suggested that they appear earlier.

Judges ordered the appearance of the OTP’s intermediaries and investigators after several defense witnesses testified that intermediaries bribed and coached witnesses and engaged in various other acts of forging evidence.

The OTP will also call at least four rebuttal witnesses, two of whom will give evidence via videolink from the Democratic Republic of Congo (DRC). Mr. Lubanga stands accused of recruiting and conscripting children under the age of 15 years and using them in armed conflict in the DRC’s Ituri province during 2002 and 2003. Mr. Lubanga has been on trial at the ICC since January 2009. His trial was suspended last July when prosecutors failed to disclose the identity of ‘intermediary 143’. On October 8, appeals judges decided that the trial should resume.

Mr. Lubanga’s defense has said it will question the prosecution’s rebuttal witnesses about the responsibility of the OTP in the alleged corruption of evidence. Defense attorney Jean-Marie Biju-Duval has stated that besides the rebuttal witnesses, the defense would question OTP investigators and intermediaries about how testimony was corrupted and the people who played a role in this purported forgery. The defense would also ask witnesses what the OTP did as this alleged corruption of evidence was taking place, he said.

Among the rebuttal witnesses the prosecution plans to call is ‘witness 555’ who will testify that individuals who were thought to have cooperated with the ICC were being intimidated by supporters of Mr. Lubanga in Ituri. Another witness, who has previously testified for the prosecution, would testify that the intermediary who introduced him never asked him to falsify evidence or lie to the prosecution or to the court.

According to the OTP, another rebuttal witness would give evidence regarding the participation of children in the UPC, while a father of two prosecution witnesses would testify that they indeed served in the UPC and that they were under 15 years of age at the time they were fighters with the group.

After these witnesses have given evidence, the defense plans to ask judges to dismiss the charges against Mr. Lubanga due to the alleged abuse of process.
Hague court yet to receive security notes

The government is still scrutinising its security minutes to determine what will be relevant for submission to the International Criminal Court.

ICC requested in July that the government provides minutes of security meetings that were held during and after post-election violence.

However, the government is yet to present the minutes and, according to Internal Security minister George Saitoti, the ICC had not been clear as to which specific minutes it was interested in.

Withhold information

“The government asked for clarification from the ICC to be specific on which minutes it was seeking and we have since received a response and agreed to send the documents,” he said.

He explained that the government could not give all the minutes without perusing them as some information could put the country’s security in jeopardy if given out.

The minister explained to Parliament that the International Crimes Act allowed a country to withhold information if it jeopardised national security.

Prof Saitoti was issuing a ministerial statement that had been sought by Garsen MP Mr Danson Mungatana (Narc-Kenya).
End of the FDLR in Europe?

Goma, Congo (Kinshasa)
By International Justice Tribune (IJT 115)

France's arrest last week of Callixte Mbarushimana, a key player in the Democratic Front for the Liberation of Rwanda (FDLR), has again put the spotlight on the group which has terrorised parts of Rwanda and the DR Congo for the past two decades.

By Koert Lindijer, Nairobi

Rwanda's Mbarushimana, the FDLR’s secretary general, was captured in Paris at the request of the International Criminal Court (ICC) who is charging him with war crimes and crimes against humanity committed in Congo. This follows the arrest of FDLR president Ignace Murwanashyaka and his deputy Straton Musoni late last year in Germany, where both are detained and awaiting trial.

Former FDLR soldiers say that Murwanashyaka sometimes visited their camps in Eastern Congo, but Mbarushimana never set foot on Congolese soil. The ICC says it has evidence on how he directed FDLR operations from Europe.

"To hear Callixte Mbarushimana on an international radio station, to hear your own boss talking on the BBC or Radio France, gave us the impression that our leaders were receiving support from France and Britain. That resulted in a huge boost of morale for our fighters," said a former FDLR fighter who had just arrived last month in Mutobo, a camp for demobilized soldiers in Rwanda. "We always thought that we had a lot of sympathy for our struggle in Europe and America, thanks to Mbarushimana", he said.

FDLR, estimated to have several thousand members, has been rated as a terrorist organisation by the US. While many rebel groups in Eastern Congo use rape as a weapon, the FDLR is particularly notorious for using this kind of "warfare".

The movement consists of former Rwandan Hutu government soldiers and militias active during the genocide in 1994. Since they fled Rwanda that year, many new recruits have signed up. Until eight years ago the group tried several times, unsuccessfully, to attack Rwanda. Currently it is more known for violence in Eastern Congo.

The group seems to forge loose alliances with other parties, such as Congo's Mai Mai militia. On several occasions since 1996 the Congolese government hired the FDLR to fight opposing military groups, but
since last year they have been attacked by a combined force of Rwandan and Congolese government soldiers. Thousands of fighters either defected or were killed last year. With three major leaders arrested, the FDLR seems to have been decapitated from its external leadership.

Nevertheless, demobilized FDLR fighters in Mutobo point out that the movement remains well organized on the ground, led by professional ex-government soldiers. Thus, this group still pose a serious threat, particularly with its filled coffers: it controls mines and collaborates with other fighting forces to sell mineral products.

FDLR leaders enjoyed considerable impunity in Europe. While some of them had a suspicious past in Rwanda, they were never seriously investigated. Mbarushimana has been on an Interpol wanted list for a long time, yet he lived freely in Paris for years before his arrest.

He worked for the United Nations in Kigali starting in 1992. According to witnesses, he misused his position to give UN information to militias in 1994. Eyewitnesses said that 32 people, including a UN employee, were killed at his orders. The special UN tribunal for Rwanda investigated his case but did not find sufficient evidence.

Embarrassingly, he continued to hold his UN job until 2001, when colleagues in Angola and Kosovo recognised him from their time in Rwanda in 1994. Yet again, due to lack of evidence, Mbarushimana was freed. Three years later he started a court case against the UN for wrongful dismissal, won it and got a year's salary.

Last year he was arrested again while in transit in Germany, but released once more. To friends he used to boost that he would never be convicted because of lack of evidence.

A key point is that European governments may finally go after other FDLR sympathisers and suspects of the Rwanda genocide. The Dutch authorities last year sentenced a Rwandan to a 20 year sentence for torture during the 1994 genocide. Rwanda's justice ministry handed over dossiers of 16 suspects to their Dutch colleagues earlier this year. It is believed that many more are living in the Netherlands and other European countries.