

STAND | digest

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SUMMARY // CONTENTS //

HUMANITARIAN AFFAIRS AND SECURITY ■ The Sudan Liberation Army accused the Sudanese Army of killing over one hundred people and displacing thousands with air and ground attacks in the area of Jebel Marra. Rebel groups' leaders qualified these attacks as ethnic cleansing and genocide and called on the international community to intervene. A United Nations Security Council delegation arrived in North Darfur on October 7th for a week-long visit, to press for progress on the peace efforts in Sudan. The delegation was greeted with hostile crowds and individuals who were seen speaking with envoys are now being harassed and arrested by the Sudanese security forces.

NEGOTIATIONS AND PEACE PROCESS ■ On October 17th, President of the Government of Southern Sudan (GoSS), Kiir Salva and senior members of the SPLM Secretariat established a meeting between the ruling Sudan People's Liberation Movement (SPLM) of the South and all the Southern political parties. The goal of this meeting was the establishment of a consensus amongst all Southern political parties, prior to the scheduled referendum which will determine the potential independence of South Sudan. This meeting was successful in that it established a resolution which will guide the Southern reaction to the potential outcomes of the referendum- unity or secession. In order to ensure the non-violent nature of this approach, only days following the conference, Kiir issued a statement warning that policies which incite violence during the referendum on self determination for the people of south Sudan, would not be tolerated. Kiir said his government was committed to ensuring an environment for all parties and advocacy groups to campaign freely for both unity and separation and urged state governors to do the same- all in the absence of violence. Additionally, continued tensions between the North and South have been exacerbated by the current deadlocked over the establishment of a commission for a separate referendum in the oil-rich region of Abyei.

DEVELOPMENT IN SOUTHERN SUDAN ■ The most significant developments in South Sudan remain centered around the upcoming national referendum to determine South Sudanese secession. The first most hotly contended issue still remains regarding how the Abyei region's plebiscite will be executed. As an oil rich region lying in the unclearly established border zone, it is in the greatest interest for both the North and South to have control over as much of this area as possible; hence, the plebiscite for this area has remained (and will likely remain) one of the most controversial subjects in the months to come. The second, newer issue lies in the mobilization of troops at the North and South borders, presumably in preparation for war. Both sides appear to be anticipating the worst, and there is a very real chance that conflict could erupt in the months to come.

DARFUR AND CANADIAN POLITICS ■ While Canada reflects on its defeated attempt to assume a seat at the United Nations Security Council (UNSC), the future of the Comprehensive Peace Accord (CPA) is endangered by growing tensions between north and south Sudan.

DRC: TROUBLE IN THE WEST ■ October was an important month for international justice with relation to the continuing conflicts in the Democratic Republic of Congo (DRC) and the Central African Republic (CAR). The legal obstacles to the progress of two International Criminal Court (ICC) cases were lifted by the Court's appeals chamber. An arrest was also made in France: that of Callixte Mbarushimana, the General Secretary of the Democratic Forces for the Liberation of Rwanda (FDLR), on several counts of war crimes and crimes against humanity committed against civilians in eastern DRC in 2009. These are undoubtedly breakthroughs for the Court, but they will raise further expectations which will need to be skilfully managed.



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POLICY RECOMMENDATIONS //

- 1** On January 9, 2011, a critical independence vote will be taking place in South Sudan, asking its citizens in a referendum to decide whether or not South Sudan should become an independent country. The fallout of this vote will be massive and has the potential to reignite violence.

Canada, as a facilitator of the 2005 Comprehensive Peace Agreement needs to ensure that the vote is carried out properly and the impact does not renew violence in the region. This is particularly important, considering that last elections in Sudan did not meet international standards.

The following is within the power of the Canadian government:

1. Canada should push Sudan to repeal prohibitions on freedom of speech and assembly, increase transparency in the electoral process, financially support voter education programs, and improve logistical and technical barriers.
2. Canada should support the training of domestic observers in addition to sending its own contingent of election observers.
3. The House of Commons Standing Committee on Foreign Affairs and International Development has initiated a study of the ramifications of the referendum. This study should be completed in a timely manner so that Canada is prepared to react to and manage every possible scenario that may arise post referendum.

- 2** In order to effectively prevent, monitor and address grave human rights abuses and mass atrocities, the Government of Canada should

- Create a Sub-Committee for the Prevention of Genocide and Other Crimes Against Humanity which should be attached to the Standing Committee on Foreign Affairs and International Development. This would allow parliament to conduct:

- **MONITORING:** keep MPs informed about the onset of genocide and crimes against humanity, including the identifiable stages of these crimes
- **PREVENTION:** become proactive in its response to such crises, allowing MPs to act early and utilize a wider set of policy mechanisms
- **COORDINATION:** centralize Canada's institutional approach to the issue of mass atrocities by giving one central committee the mandate to comprehensively monitor, study and recommend courses of actions.

- 3** Civil society participation in the Darfur peace process is essential if a sustainable peace is to occur. The inclusion of Darfur civil society in the Doha peace consultations will give the process the legitimacy it requires but is still fraught with difficulty. Canada has extensive experience in including civil society in public consultations and therefore should call on:

1. The fair representation of Darfuri civil society.
 - There is an over representation of government National Congress Party (NCP) members as well as war crimes perpetrators and underrepresented with Darfur diaspora, refugees, internally displaced persons (IDPs), women and northern Darfur leaders.
2. The lifting of security measures and restrictions on civil society members that hamper their participation in the consultations.
 - Meetings are hampered by bureaucratic delays, airport and airline restrictions as well as threats from the government of Sudan against participants (the underrepresented).
3. UNAMID (United Nations African Mission in Darfur) to continue to organize civil society members and facilitate their participation in the civil society consultations in Darfur and Doha.
 - Because UNAMID is responsible for organizing the civil society track of the peace process, donors like Canada must ensure it has the resources and capacity to undertake this role.

NEGOTIATIONS AND PEACE PROCESS //

BY CHELSEA SAUVÉ

With the upcoming referendum, set to take place on January 9th, 2010, the Vice President of the Government of Southern Sudan (GoSS), Kiir Salva and senior members of the SPLM Secretariat held a meeting on October 17th 2010. The goal of this meeting was the establishment of a consensus amongst all Southern political parties, namely between the ruling Sudan People's Liberation Movement (SPLM) of the South and all the Southern political parties, prior to the scheduled referendum which will determine the potential independence of South Sudan. The unity of the South prior to the occurrence of the referendum is especially poignant as there are currently more than ten political parties operating in Southern Sudan, including the northern dominant National Congress Party.

The result of this conference was quite positive, as the political parties emerged with a resolution which will guide their reaction to the potential outcomes of the referendum- unity or secession. The parties have emerged from the conference calling for a timely and transparent conduct of the region's referendum with the goal of achieving reconciliation in the region. Such reconciliation includes the forgiveness of those military generals who participated in the spring time rebellion via amnesty which was issued by the President of the semi-autonomous Government of Southern Sudan (GoSS) and chairman of the ruling Sudan People's Liberation Movement (SPLM), Salva Kiir. On the same note, Kiir has urged Southern Sudanese parties to abandon their rebellion and rejoin the army.

While the resolution is quite lengthy some important conditions to which the South is now committed include. In the event that the people of Southern Sudan vote in favour of unity, the South must engage in a constitutional review process that will safeguard the gains of the South via a national constitutional review commission. This commission will review the current interim constitution of Southern Sudan for adoption by the Southern Sudan Legislative Assembly (SSLA) as a transitional constitution. The resolutions also

discuss the line of order which will follow should secession occur. It was determined that a top priority would be the strengthening relations between northern and southern Sudan in order to avoid future warfare. The parties also concluded that an all-party constitutional conference would be convened in order to deliberate and adopt a new constitutional system of an independent and sovereign state. It would most likely determine the formation of an interim broad-based transitional government, called the Leadership Consultative Forum, led by President Kiir. This interim government would then be responsible for conducting a new population census and general elections to establish a constituent assembly to initiate the transitional constitution.

In order to ensure the non-violent nature of this approach, only days following the conference, Kiir issued a statement warning that policies which incite violence during the referendum would not be tolerated. Kiir said his government was committed to ensuring a safe environment for all parties and advocacy groups to campaign freely for both unity and separation and urged state governors to do the same. In accordance with this commitment, the GoSS announced that it would fund all campaign groups and assure their safety throughout the process. To this point, Kiir urged his own government controlled by the SPLM in the south, as well as the Khartoum government dominated by the National Congress Party (NCP), to protect rights of the citizens.

Yet the issue of violence and the military has repeatedly emerged. Recently, a senior official of the Sudan People's Liberation Movement (SPLM) also announced that the Southern region would maintain its own army in the event that Sudan remains united with the North following the referendum (in accordance with provisions of the CPA). However, in opposition to this notion, NCP officials have suggested that should Sudan remain united in the aftermath of the referendum, there would only be one army for all of Sudan - North and South. Thus, in accordance with this logic and interpretation of the CPA, in the event that unity is decided upon, the CPA requires that the Sudan Armed Forces (SAF) and the Sudan

People's Liberation Army (SPLA) merge with the Joint Integrated Units (JIUs), to serve as the 'nucleus of a future national army'.

Disagreements such as this continue to strain relations between the North and South. Tensions have been exacerbated by the current deadlock over the establishment of a commission for a separate referendum in the oil-rich region of Abyei. While Kiir has suggested that a UN buffer zone of peacekeepers should be established on the north-south border, the NCP has rejected any such plan. Recent discussions held by North Sudan and Egypt have suggested the delay of the scheduled January 2011 referendum. The United States has clearly expressed that they would like for the referendum to occur as scheduled, and have asked U.N. officials to brief the Security Council on peacekeeping preparations in Sudan including Darfur. This referendum, meant to occur in both South Sudan and the oil rich region of Abyei, are central to the Comprehensive Peace Agreement (CPA) of 2005, which ended the 25 year civil war between North and South Sudan. However, NCP officials have publicly suggested that the Abyei referendum will be delayed as the commission that is to oversee it has not yet been established. Delays have been attributed to issues of border demarcation and eligibility of voters- none of which have been resolved despite the approaching January deadline.

HUMANITARIAN AFFAIRS AND SECURITY //

BY SABRINA IRIARTE

The Sudan Liberation Army (SLA) accused the Sudanese Army of killing more than one hundred people by carrying out air and ground attacks in the area of Jebel Marra during the last week of September and the first week of October. Abed Rahman Nimir, military spokesperson of the SLA led by Abdel Wahid Al-Nur said that in the attack of October 1st, the army burned 4 villages, killed 55 adults and 45 school children, and displaced over 7000 people. He accused the Sudanese army of implementing ethnic cleansing and

called on the international community to intervene. The army denied the allegations of the air attacks, but admitted to the killing of 17 rebels.1 A Justice and Equality Movement (JEM) spokesman, Ahmed Hussein Adam, also urged that the UN Security Council (UNSC) should put pressure on the government to stop the genocide in Darfur.2

Since the attacks, the area of Jebel Marra has been declared a military operations zone and there has been limited access to parts of the region for peacekeepers and aid groups. George Charpentier, the UN Humanitarian Coordinator in Sudan expressed his concern for the situation.3 As a result of the attacks, thousands of people have fled to the camps El Fasher, Tawila and Shangil Tobaya.4 In South Darfur State, Governor Abdel Hamid Musa Akasha qualified the situation in the Kalma Camps as very awful and said that the administration and security of the Camps is no longer the responsibility of the state. Instead, he said that the African Union-UN Hybrid Operation in Darfur (UNAMID) will take full responsibility of the camps.5

A UNSC delegation arrived to North Darfur on October 7th for a week-long visit, to press for progress in the peace efforts in Sudan. The delegation, which included Washington's UN Ambassador Susan Rice, was scheduled to meet North Darfur governor and refugee camps before making its way to Khartoum. Hostile crowds of supporters of President Al-Basher greeted the delegation.6 Hours before the delegation's arrival, the army attacked a Suni area in Jebel Marra.7 As well, only hours after it arrived, one foreign civilian peacekeeper was kidnapped in El Fasher, the capital of North Darfur state. Spokesman for UNAMID, Kemal Saiki, said that armed men entered the residence of four civilians and tried to kidnap two of them. One of the civilians escaped but the other one is still missing.8

After the departure of the UN delegation, activists have accused security forces of harassing and arresting the refugees that spoke with delegation members. Sixteen men went into hiding but two of them were later arrested. The African Center for Justice and Peace Studies said in a state-

ment issued on October 22nd that it "calls on the government of Sudan to immediately cease harassment of individuals who may have met with the UNSC, and to end the repressive use of emergency laws to target and intimidate members of civil society and IDP (internally displaced people) leaders."9

Attacks on UNAMID peacekeepers and on aid workers continue in Darfur. In early October, seven armed men opened fire on a UNAMID patrol escorting a water tanker but nobody was harmed. As well, four Sudanese aid workers were ambushed by two armed men who stole their personal effects and tried to carjack the vehicle they were in.10

DARFUR AND CANADIAN POLITICS //

BY JOHN MATCHIM

On October 12 2010, during the 65th session of the United Nations General Assembly, Ottawa's determined effort to win a temporary seat on the UNSC was defeated in a vote that left Canada far behind new members Germany and Portugal. Naturally, many hoped that a Security Council seat would advance Canadian foreign policy objectives. Others argued that Canada's interests are better served by the UN's less prominent organizations, including UNICEF, UNESCO, WHO and UNHCR.i Regardless, Canada's failed bid has left politicians and everyone else wondering what went wrong and what's next for Canadian foreign policy.

Canada's efforts have certainly suffered from the amateur foreign policy experience of the Conservative government. Upon formation of the Conservative Party in 2003, Stephen Harper described multilateralism as a "weak nation strategy," while critics have pointed to anti-intellectualism and sense of fraternity with the United Kingdom and United States at the expense of effective multilateralism.ii Canada's late entry into the Security Council race, two years after Germany launched its first press campaign, are symptomatic of these failures. Of course, attempts to broaden diplomatic relations have not

been helped by MPs "who travel less in time of minority government because they worry about missing a vote in the House of Commons."iii

While embarrassing the Conservative government must not be discouraged by the results. Canada's support is required around the world and most urgently in southern Sudan, where a peaceful referendum on independence is threatening due to the intensifying dispute over the oil-rich Abyei region. Recently a senior official of the Sudanese government stated that a referendum on the future of Abyei, scheduled for 9 January 2011, will not be held on time. Sudanese People's Liberation Movement (SPLM) officials replied that a delay "will not be entertained," accusing the north of attempting to hold the oil fields as long as possible. Meanwhile, UN peacekeepers began moving into the border region between north and south Sudan after learning of a possible southward deployment of central government troops.iv With limited peacekeeping resources and a deteriorating political situation, the international community must step up its efforts to implement the agreements of the Comprehensive Peace Accord (CPA).

DRC: TROUBLE IN THE WEST //

BY SARAH KATZ-LAVIGNE

October was a month of significance for the advance of international justice with respect to the Democratic Republic of Congo (DRC), as well as the Central African Republic (CAR). It was announced on October 21st that the International Criminal Court (ICC) trial of Jean-Pierre Bemba, a Congolese citizen who has been indicted by the ICC for war crimes and crimes against humanity allegedly committed by Bemba's forces in the CAR from 2002-2003, will begin on 22 November. The 47-year-old former vice-president of the DRC was arrested in Brussels and has been in detention in The Hague, where the ICC is located, since July 2008. The announcement, made by the ICC's Trial Chamber III, came two days after appeals judges with the Court rejected Bemba's claim that his prosecution constitutes abuse of process. Bemba had made the claim on the grounds that

he had already been prosecuted for his crimes in the CAR in 2003, and that any further trials would therefore represent double jeopardy.¹

The appeals chamber's refusal of Bemba's request for dismissal means that the trial will finally go ahead after three postponements, the last of them in July of this year.² But as the Thomas Lubanga case has shown, this may not be the end of the delays in the Bemba trial. On October 8th, the ICC's appeals chamber announced that the trial of Lubanga, a Congolese citizen, would continue following the suspension of the trial in July. The prosecution has faced several legal difficulties since the trial began, particularly related to the failure of Chief Prosecutor Luis Moreno Ocampo to give Lubanga's defence team information on the identity of an intermediary who has been involved with witnesses for the prosecution. Although the appeals chamber agreed that Lubanga's trial should continue, they also reprimanded Moreno Ocampo for his failure to disclose this evidence. In July, ICC judges had not only announced a stop to the trial, but also ordered that Lubanga be released.³ This is the second time that evidence-related issues of this sort have nearly led to the release of the defendant. The latest decision means that the trial will continue, a move that, according to a non-governmental organisation working with victims in the Ituri district of eastern DRC, has led to great relief on the part of victims who feared for their safety if Lubanga were to be released.⁴

Another breakthrough for the ICC occurred on October 11th, with the arrest of Callixte Mbarushimana, a Rwandan leader of the Democratic Forces for the Liberation of Rwanda (FDLR), a non-state armed group that has been committing wide-scale attacks on civilians in eastern DRC for a number of years. The arrest followed the ICC's issuing of an arrest warrant for Mbarushimana, under seal, on September 28th.⁵ Mbarushimana was indicted for six counts of war crimes and five of crimes against humanity against civilians in North and South Kivu, two provinces in eastern DRC, from January 2009 to September 2009. The charges levelled against Mbarushimana consist of attacks against civilians, property destruction, murder, torture, rape,

inhuman acts, and persecution. The indictment attributes responsibility to Mbarushimana on the grounds that he has been the Executive Secretary of the FDLR since July 2007 and that, since the FDLR President's arrest in November 2009, he has taken on a portion of those duties as well.⁶ Mbarushimana's lawyers have announced that he will challenge the ICC's request to extradite him from France, on the grounds that he has been living in that country since 2003 and therefore could not have been involved in the commission of crimes in 2009. Mbarushimana was scheduled to make an appearance before the appeals court in Paris on October 20th; the court will review whether he will be delivered to the ICC in The Hague to stand trial.⁷

These new developments at the ICC are positive. In particular, the arrest of Mbarushimana, the first for the Kivu provinces in eastern DRC, will go a long way towards fulfilling long-awaited hopes for indictments to be issued for the violent and bloody conflict still ongoing in the region. These developments will also further raise expectations of the Court and what it can accomplish. Further delays to the Bemba and Lubanga trials will compound Congolese and Central Africans' citizens' scepticism regarding the Court. Yet the possibility for further indictments related to the crimes in North and South Kivu provinces in eastern DRC, as well as the potential for a (relatively) swift resolution of the ongoing trials, now that they are moving again, gives hope.

DEVELOPMENTS IN SOUTHERN SUDAN // BY STEVEN CHUA

Representatives from North and South Sudan met in New York to discuss the terms for negotiating a plebiscite in the Abyei region. US spokesman PJ Crowley indicated that some progress was made in the discussions, as they "established a foundation for resolving the Abyei challenge." However, after the resumption of these talks, Southern delegates declared this round of negotiation a failure. Northern representatives asserted that it is impossible to hold the Abyei vote on time, while the South had shown itself unwilling

to accept any kind of delay. The South accused the North of settling in thousands of Missirya tribesmen to influence that vote, and both sides are accusing the other of massing troops outside the Abyei's northern and southern regions. As of now, an additional one hundred United Nations Peacekeepers have been pledged to maintain order in the Abyei region.

Representatives from the United Nations Security Council (UNSC) also paid a visit to Sudan to press officials from both the North and South to speed up preparations, which are dangerously behind schedule at this point. Delays in the selection of the elections committee as well as the registration of voters have called into question whether Sudan should settle for a botched and poorly executed referendum if it is to proceed with holding the vote on schedule this upcoming January. The UNSC has been apprehensive in visiting Sudan due to the concern that the ambassadors would have to meet and shake hands with President Bashir, who is currently indicted by the International Criminal Court. This current trip was made possible on the mutual assumption that no meeting would occur between Bashir and the UNSC.

Both sides accused each other of massing troops at border regions. The South accused the North of stationing 70,000 troops near the borders in preparation for an invasion while the North accused the South of letting its troops stray outside of military zones designated by the 2005 Comprehensive Peace Agreement. Both sides have denied the opposition's accusations. While the United Nations responded by moving peacekeeping troops to hotspots in the hope of creating buffer zones, South Sudan expressed great disapproval over the UN's failure to monitor Northern troop movement; South Sudanese representatives have complained that they have been asking the UN to monitor troops since June, but to no avail. UNMIS (the UN peacekeeping force in Sudan) Chief Haile Menkerios stated that peacekeeping troops have not made any effort in monitoring military movement due to this complaint being voiced only by the media.

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