

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:

Monday, August 02, 2004

The press clips are produced Monday to Friday.
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Ibrahim Tommy
Ext 7248
MOBILE: 232 76 645 914

Cocorioko Website (formerly the Daily News Inquirer)

TRIAL CHAMBER GRANTS PROSECUTION'S REQUEST FOR ADDITIONAL WITNESSES

Sunday August 1, 2004

The Chief Prosecutor of the Special Court, David Crane, and his team scored a significant victory last week when their motion for leave to provide additional witnesses against the leaders of the Revolutionary United Front (RUF) and the Civil Defence Force (CDF) was granted by the Trial Chamber of the court.

The request by Crane (Pictured left) and the Prosecution for additional witnesses to testify against the CDF was based on Rule 73 bis(E) which states that "After the commencement of the trial , the Prosecutor may , if he considers it to be in the interest of justice , move the Trial Chamber for leave to re-instate the list of witnesses or to vary his decision as to which witnesses to be called ."

The Defence , in their objection to the motion, had contended that the Prosecution "failed to illustrate the materiality of the evidence , that the contents of the evidence not merely cumulative or corroborative will cause prejudice to the right of the accused to a fair and expeditious trial ".

But the Trial Chamber in its ruling last week, argued that it found "no basis in the argument that the first accused (in the CDF trial) will suffer irreparable damage to his case and that such damage could be far beyond the it caused to the second and third accused." The Trial Chamber explained the steps it took to ensure that Chief Hinga Norman had defence lawyers assigned to him to help him prepare his defence when he decided to act as his own counsel before the court.

The Trial Chamber also ruled that it was of the opinion that the proposed evidence was relevant and could have probative value in relation to allegations in paragraphs 20, 23, 24, 25, 26 and 28 of the indictment.

By this ruling, it means that the Prosecution can now call witnesses TF 2-221, TF 2-222 and TF 2-223 to give additional testimonies against the CDF leaders. They will variously either provide direct evidence or testimony of direct knowledge about the individual criminal responsibility of the first accused , in either ordering the killings of a soldiers , collaborators or prisoners of war or the involvement of the three CDF accused in the planning and coordination of attacks on various towns and the Black December and other operations.

In another ruling, the Trial Chamber also granted the Prosecution's request to bring six additional witnesses against the RUF leaders :Witnesses TF1-359,TF1-360, TF1-361,TF1-362, TF1-363 and TF1-314. Variously, these witnesses will provide evidence of individual criminal responsibility of RUF accused Issa Sesay , Kallon or Gbao , in

Special Court takes judicial break

By Theophilus S. Gbenda
The Special Court for Sierra Leone has taken a month-long judicial break.

The trial session will recommence in early September 2004, when the AFRC set of indictees are

expected to make their first appearances.

Already the trials of the CDF and RUF have commenced in full swing with a number of witnesses making oral testimonies before the Trial Chamber presided

over by Judges Benjamin Itoe, Bankole Thompson and Pierre Bouteh.

So far, defence lawyers for the indictees have complained bitterly of a number of disadvantages it continues to suffer at the behest of the prosecution.

Paramount amongst the numerous complaints advanced by the defence counsels is the prosecution's move to stifle the defence by way of failing to

disclose exculpatory materials necessary for the effective cross-examination of witnesses.

The other concern raised

is the fact that the judges seem to be giving a wider latitude to the prosecution as compared to the defence.

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It remains to be seen what this actually means when it comes to equality before the law.

Meanwhile, the third trial session of the case against the CDF indictees is scheduled to run from 1st November 2004 to 7th December 2004, while the third trial session of the RUF set is expected to come up from January 10, 2005 to February 4, 2005.

Standard Times

Monday August 02, 2004

Fev di People

Monday August 02, 2004

SPECIAL COURT

73 Burnt Alive!

WHEN HEARING resumed at the Special Court on Wednesday 28 July 2004, a witness who identified himself as a cigarette seller narrated how 73 people including women and children were locked up in a single room and set ablaze by the rebels.

by
SU THORONKA

Prosecution witness TFI-123 said he and his two younger brothers left Rokonteh for Makamisa a distance of about one and quarter miles. On arrival at Makamasa, the witness said he saw people with guns, some of these men he said, tied shirts round their hip while others were in combat uniform. "One of them asked me whether I know them, I said no and he told me that they were rebels and that their leader was Superman" the witness told the court.

He said he was then tied up and asked whether he was a Gbethi but denied and told them that he was a businessman dealing in

cigarettes. The witness said the same question was posed to his younger brother who stammers and he was shot and killed on the spot. His other brother was also shot and both his legs were chopped off, the witness continued. After his two brothers have been killed, the witness said one of the rebels hit him with the gun butt and he sustained head injury

while another put out the marijuana he was smoking on his (witness) body.

A moment later the witness said he saw his step mother and her two daughters who were also in captivity brought to the place where he was tied.

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07/30/2004 20:07:00

One last roar: Ex-president's pet lion leaves war-scarred Liberia

By JONATHAN PAYE-LAYLEH, Associated Press Writer.

TOTOTA, Liberia (AP) - Dethroned, deported and then declawed. What a difference a year has made for Liberia's exiled ex-President Charles Taylor.

As Taylor gave up his presidency and fled from Liberia's rebel-besieged capital, Monrovia, last August, he left behind hundreds of thousands of Liberian refugees, tens of thousands of filled graves and one African symbol of his erstwhile strength: a pet lioness, Ma Juah.

As Taylor's fortunes shifted and he settled into asylum in Nigeria's southern jungles, Ma Juah, age 6, stayed behind on a farm in government-controlled central Liberia.

After months sharing the privations of Liberia's 3 million people — including hunger and the death of a family member — Ma Juah joined Liberia's lucky few on Friday.

Unable to care for her, Taylor's family officially handed custody of Ma Juah to a Britain-based charity, the Born Free Foundation, ceding control of an animal whose fangs and claws symbolized Taylor's power during his reign.

The charity was expected to fly Ma Juah to nearby Ghana by overnight courier DHL on Friday, before sending her on to an animal sanctuary in South Africa.

“Liberia has been through a process of war, and Ma Juah got lost,” said Taylor's wife, Jewel, at an official handover ceremony at Ma Juah's farm late Thursday.

“My family and I are very pleased ... that she will be properly taken care of because we do not have the ability to do so anymore,” she said during the festivities, repeatedly drowned out by Ma Juah's roars.

Missing from the ceremony at Totota, 90 miles (150 kilometers) northeast of Monrovia, was the ex-Liberian leader, whose asylum agreement with Nigeria prohibits him from traveling home.

Taylor launched Liberia into crisis in 1989 when he and a small band of followers invaded Liberia from neighboring Ivory Coast.

Taylor's movement soon splintered and Liberia became the battlefield for a brutal factional fight that would kill tens of thousands and spread into surrounding countries.

In 1996, Taylor emerged the strongest warlord and in 1997 won elections arranged under a peace deal.

The next year, the president of Niger gave Taylor two lion cubs, putting him in a pantheon of African leaders who associated themselves with powerful African animals.

While Taylor raised Ma Juah and her brother, Philip, he enjoyed the opulent perks of Liberian leadership _ fancy cars, large villas and overseas travel _ as the country crumbled, fueling popular discontent.

Rebels, including many former Taylor loyalists, launched their own fight in 1999.

By early 2003, the insurgents had captured much of Liberia, Africa's oldest republic and until the mid-1980s one of the continent's wealthiest nations.

As the rebels shelled Monrovia and world leaders called for him to step down, Taylor capitulated Aug. 4, taking up Nigeria's offer of protection.

A week later, rebels signed a peace deal as international peacekeepers deployed in the city.

Nearly one year later, Liberia has grown calm and raised hopes that nearly 15 years of crisis may be in the history of a country founded in the 1800s by freed American slaves.

But with Liberia in tatters _ electricity and water grids smashed, schools ruined, government buildings crumbling _ the population continues to suffer.

Some 250,000 are estimated killed in the years of fighting. One-third of Liberia's people have been forced into relief camps. Illiteracy, AIDS and hunger thrive.

The lions, too, went hungry, Ma Juah's saddened Liberian caretakers say.

After going unfed for 24 days in September, Philip died, leaving Ma Juah the sole feline on the farm. Neighbors ultimately found her, weakened and starving, and were able to get her aid, caretakers say.

Ma Juah's handover ceremony drew a small crowd from a nearby relief camp swelled with tens of thousands of Liberians who fled their homes during fighting.

James Kollie, one of the displaced, looked on. ``This lioness and the male represented not only the power of the former president, but our traditional heritage," he said.

``People who cared for it should have come here to improve the conditions in which it was living, instead of taking it away."



Justice in Cambodia

James A. Goldston IHT

Monday, August 2, 2004

Genocide tribunals

NEW YORK The formation of a new government in Cambodia on July 15 opens the way for the surviving leaders of the Khmer Rouge to be tried for one of the 20th century's worst crimes.

During four years in the 1970s, close to 2 million people - a quarter of the population - died from torture, execution, starvation and disease. Since then, the United Nations established international tribunals to address genocide in the Balkans and Rwanda. But Cambodia has had no real trial, no truth commission, no official acknowledgment. As a result, the anguish and sorrow of those who survived the Khmer Rouge regime - almost all of whom lost loved ones - remain un-redressed.

A year ago, the UN and the Cambodian government agreed to establish the "Extraordinary Chambers" composed of Cambodian and international prosecutors and judges to investigate and try the "senior leaders" and "those who were most responsible for crimes" under Khmer Rouge rule. A political stalemate for the past year has delayed progress in setting up the court. Last week, Prime Minister Hun Sen pledged swift action to ratify the UN agreement.

But will the new court render justice? Much will depend on choices made in the next few months by international donors, the United Nations and Cambodia's government. Four major hurdles must be overcome.

First is cost. The current estimate - \$60 million over three years - has shocked donor governments. But this price tag compares favorably with the Special Court in Sierra Leone (more than \$70 million over three years) and the \$100 million annual cost of the international courts for Rwanda and Yugoslavia.

Cambodian authorities can help by curbing the temptation to pad bills and inflate salaries. Inevitably, however, outsiders will bear the lion's share of the budget. If the Khmer Rouge trials are to come to fruition, donors must see them as a prudent investment toward a stable and productive Cambodia.

Second is the concern that some in Cambodia's government - which includes officials who served under the Khmer Rouge - will hijack the trials for political ends. Cambodia's will be the first internationalized court in which domestic judges constitute a majority. This poses a particular challenge in a country whose lawyers were among the targets of genocidal violence, where few sitting judges possess formal legal training and which has little tradition of judicial independence. In order to ensure a credible process, Cambodia and the UN must select judges of the highest caliber, not those that toe the party line. Prosecutors must follow the evidence wherever it leads. And the UN must make clear that it will halt the tribunal if it falls short of international standards.

Third is the danger that the Extraordinary Chambers will be a one-off, rather than the beginning of a long-term search for accountability and reform of Cambodia's legal system. Given time and resource constraints, it is unlikely that more than a dozen defendants will be tried. But thousands took part in the violence. Done properly, these proceedings could spark lasting changes in Cambodia's ordinary courts. By showcasing positive models of judging and lawyering, the trials may stimulate public demand for fair and effective trials in other cases. Cambodia's government and international donors should respond to this demand by launching reform programs that extend beyond the life of the Extraordinary Chambers.

The last and greatest challenge is time. Pol Pot died in 1998. "Brother Number Two" Nuon Chea and the former head of state, Khieu Samphan, who live freely in Cambodia, are aging. It has taken a quarter century of difficult negotiation to reach this point. Any further delay might doom the new court.

With sufficient funding and a determination not to compromise on quality, the Extraordinary Chambers can provide an example of law serving justice in a country that has seen far too little of either.

James A. Goldston is executive director of the Open Society Justice Initiative, which pursues rights-based law reform worldwide.

It's where the fund manager reads about the football manager and vice versa.



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Slippery as silk

July 31, 2004

Iraqis want justice, but Saddam Hussein's lawyers will be exploiting every legalistic trick to get their man off, writes Paul McGeough.

'We have to find the truth,' Mohammed Rashdan says. But truth means different things to different people.

Legal pirouettes and jurisprudential jazz intended to keep Saddam Hussein out of the witness box and away from the gallows, will cut little ice with the hundreds of thousands of Iraqis who suffered bitterly under his regime. Attacks on the legitimacy of the Iraqi Special Tribunal will not resurrect the dead, but public hearings might assuage the pain of the living.

People like Tahseen Ali Faraj, a tossed-haired 31-year-old, who was managing the Halabja hospital when I went there as the US began assembling its Iraq invasion force late in 2002. He recalled the soft explosion in 1988 of the chemical bombs and the clouds of white, grey and pinkish smoke.

He described immediate symptoms that were terrifying: people vomiting, their glands swollen, and a yellowy, watery discharge oozing from their eyes and noses. Some stumbled about, laughing hysterically before dropping dead; mothers seemed not to know the children in their arms had died.

Tearfully, he recounted his family's escape: "We decided to get away by driving to my cousin's home - but the streets were filled with dead people. The only way to get out of town was to drive over the dead bodies."

And people like 34-year-old Aras Abed Akram, who was the only member of his family to survive. Recalling how he had raced to a basement shelter, he said: "My friend went up. He came back astonished - everyone in the town was dead or had fled."

Akram remembered going blind; collapsing in the streets of Halabja; being airlifted to a hospital over the border in Iran; and walking and hitchhiking back to Halabja three days after the attack.

"My sight was returning, but it was so painful when I opened my eyes that I wanted to kill myself. As I came back into town I came to a spring - at least 500 dead people were spread out around it. I got to our house and the door was open; there was nobody home but a meal was prepared and ready to be eaten - green beans and chicken."

Stumbling through the town, he encountered a clean-up crew: "They had a mechanical shovel filled with bodies putting the dead on a truck. I saw a blanket that I knew belonged to my family. I yelled for the shovel to be lowered - I was shouting and crying - and in the mouth of the shovel I saw the body of one of my brothers. All my family was there. My parents and my 10 brothers and sisters. Dead."

Di Stefano disputes none of this, but he parries: "Have they actually got a case? You can't deny some of the Kurds are dead, but they have to prove a direct link and a chain of command. And they have to do it to international standards."

Asked about himself, he produces a full-page report from one of the London tabloids, dubbing him "the devil's advocate". He has said that he would have liked to represent Hitler and he claims to be representing the Serbian hardman Slobodan Milosevic at his trial in The Hague, and at times to have represented Yasser Arafat.

When the convicted British serial killer Harold Shipman hanged himself in prison last year, Di Stefano said that he was working on an appeal. But the Shipman family and his solicitors said at the time that they knew nothing about it.

He is pleased that a daughter of the Libyan leader, Colonel Muammar Gaddafi, Aicha, a professor of law in Tripoli, has signed on for the Saddam case; he claims that a former French foreign minister, Roland Dumas, is also onboard; and despite worries about his health, Di Stefano predicted that the colourful Sydney lawyer John Marsden would be at the Baghdad bar table to cross-examine English-language witnesses in the Saddam trial.

But perhaps one of the more intriguing team members is the Kurdish lawyer Ali Nasrat Al-Asaadi who, in

an interview with *The New York Times*, justified Saddam's chemical attacks on his own people in these terms: "In self-defence you can use whatever you need, even chemicals."

Di Stefano doesn't produce the press cuttings that allude to the squabbles in Britain about his right to practise law there. Nor does he mention a 1986 fraud case in which he was in the dock, not at the bar table. He was convicted, the judge describing him as "one of nature's swindlers, without scruples and without conscience". The verdict was overturned on appeal.

Talking to the BBC about a 1990 scam to buy MGM Studios, for which two of his Italian partners were imprisoned for bribing a French bank to write them a loan, his trademark confidence came to the fore: "I really struck lucky. Two are in jail, two are bankrupt and I got away with \$US249 million."

That's the sort of luck that Saddam will need.

There is significant legal debate on the ability of the Iraqis to mount a credible trial. But much of the criticism is couched in cautions that need to be observed, rather than Di Stefano's damning language that says a fair trial is impossible.

Saddam Hussein may escape conviction on some charges because of the Iraqi Government's failure to mount a credible trial, legal experts have warned.

Alan Dershowitz, the Harvard law professor, is disturbed by Iraq's refusal to allow international judges to participate in the trials and he questions the tribunal's ability to be independent of the Government.

He predicts that some of the likely charges will not stick. He urges the prosecutors to stick to obviously illegal acts - such as gassing the Kurds - and warns about their determination to press charges on the 1990 invasion of Kuwait.

"Saddam's lawyers will have a rhetorical field day comparing his actions to those of President Bush in invading Iraq."

In a report for the Washington-based Middle East Policy Council, Professor Beth Dougherty of Beloit College, Wisconsin, argues that the process of prosecuting former regime officials is gravely flawed.

She is troubled that the insistence on Iraqi judges only denies the tribunal international experience; by the prospect that the lowliest soldier may be charged rather than senior figures who were responsible for what went on under Saddam; by the low level of qualifications for judges and prosecutors; and the likely use of the death penalty - which may preclude foreign governments from defraying the cost of the trials.

There is general criticism that the tribunal will not have the expertise, funding or time to tackle a workload which may prove far greater than that of the incredibly slow-moving tribunals handling war crimes and crimes against humanity in the former Yugoslavia, Rwanda and Sierra Leone.

Professor Dougherty questions the ability of the Iraqi legal system to shoulder such a workload and argues that, because of the manner of its creation, the tribunal will be seen only as "an American court".

She points out that while other tribunals have worked up through the ranks, gathering evidence as they go against more senior defendants, the Iraqis are determined to try Saddam first.

Two specific fears may make reluctant witnesses of some Iraqis. The continuing insurgency may convince some that they could become the target of reprisal attacks; and the risk of being prosecuted themselves will make junior officials and officers reluctant to reveal their part in actions for which their seniors are being charged.

Georgetown University legal expert Barry Carter condemned the appointment as head of the tribunal of Salem Chalabi, a nephew of the disgraced Ahmad Chalabi, as "nepotism run amok".

Richard Dicker of Human Rights Watch warned that the entire process was tainted.

"I don't think a tribunal based on investigations done by the occupying authority that has deliberately avoided international participation is going to muster the necessary impartiality for effective, credible prosecutions."

On top of all of that, Di Stefano steadfastly insists that Saddam cannot be tried because of the sovereign immunity provisions of the Iraqi Constitution. But he has more immediate problems: "We can't get access to our client; there are no detailed charges; and he is being held unlawfully. They have written statutes that afford His Excellency all sorts of protections, but they don't apply them."

Di Stefano pulls arguments from the ether and quotes precedent dating back to Mary, Queen of Scots, before wrapping up his thoughts on the trial of Saddam: "It's definitely a clear violation of international law,

and national law, and local law and possible any type of decency. If this man is what they say he is, then try him."

But alluding to the lack of co-operation by Baghdad, he taunts the Iraqis by suggesting they might want to go a less democratic route: "Maybe [they] are going off the law because of slippery lawyers like me."

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US \$168,000

Needed For

Border Security

By John Baimba Sesay

An estimated US\$168,000 is desperately needed for the pilot phase for the country's security border operations, the Director of Monetary and Oversight Planning at the office of National Security, Jonathan Sandi disclosed. Sandi said lots of resources are needed for the strengthening of the country's borders in order to support the military and police carry out their respective functions. And this, he said, will cover vehicles and logistical support as well as Commonwealth equipment, staffing and technical assistance and operational funding. The final phase, according to Sandi, is to be determined later, but the programme, he said, is needed to develop an integrated approach to strengthen the borders and at the end, expect a developed comprehensive

programme document for phase one and two, which is expected to last for 5 years. "A full programme implementation should be put in place thereby ensuring a reduction in the threat of the border territories," he said. In considering the capability of our national institutions, like the police and the military, the Programme Coordinator,

Francis Langumba Keili said, having noticed the threats posed on the borders, like the issue of illegal immigrants, cross border raids, smuggling etc., there are legal institutions identified to avert these threats among which are the handling of cross border raids by the army and police.

"The issue of small arms and

light weapons should also be tackled by the police", Langumba Keili said.

At a stakeholders' meeting at State House on 13th April, there was the establishment of a Technical Committee mandated to develop a concept paper and also come out with strategies to avert threats to the border areas.

Independent Observer

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