

SPECIAL COURT FOR SIERRA LEONE
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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:**

Thursday, December 16, 2004

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No case to answer, Halloran's defence says

December 16, 2004

A Victorian policeman's trial produces defence claims that there is no evidence. Gavin Simpson in Sierra Leone and Martin Daly report.

Three months into a controversial trial that was to last a few weeks, the damage to Victoria Police Superintendent Peter Halloran is obvious, say friends.

He is on bail, but at times he doesn't look well as he is forced repeatedly to turn up for court hearings that do not take place but that could send him to a West African jail for two years.

The fallout locally and internationally has been extensive and the mood within the United Nations Special Court in Freetown, Sierra Leone, where Halloran worked, has turned "poisonous".

Staff members now take sides in the saga with its allegations of child sex abuse, lies and police intimidation to convict Halloran of a crime he says he did not commit.

Swiss lawyer Alberto Fabbri said several groups had emerged at the Special Court. Mr Fabbri is the former legal adviser to the court's prosecutor, who produced a report into the sex abuse allegations before the case was handed to local police.

"There are people who... believe that Peter Halloran is innocent, while others have the impression that something did happen," Mr Fabbri told *The Age*.

"There's another group that tries very hard to stay out of it and keep a neutral position. But it has really poisoned relations (especially) between persons in the office of the prosecutor... It has really poisoned the atmosphere and in the office you feel that."

Halloran, 56, who took leave for a year from the Victoria Police to work as an investigations commander with the Special Court, is facing three charges relating to sex with a 13-year-old schoolgirl at a house in Freetown.

He strenuously protests his innocence and has spent time in police cells and in one of Africa's most notorious jails. But this week, after 21 hearings, the prosecution suddenly rested its case without calling a crucial witness, Khaddy Fofanah, the sister of the alleged victim. Khaddy went into hiding months ago, according to her family, to avoid police and escape a court appearance.

The family told *The Age* at one stage that she was hiding in Sierra Leone's Kono region in fear of the police who allegedly detained and threatened members of the family to force them to support the allegations against Halloran.

Halloran's defence lawyer, Nicholas Browne-Marke, is expected to present a "no case submission" when the trial resumes on December 20. The submission that there is no evidence will be based largely on the fact that the alleged victim has changed her story several times and said in court that the sex abuse never happened. She claimed she had been pressured to make the allegations by former Tasmanian police sergeant Mandy Cordwell.

Ms Cordwell, a housemate of Halloran, brought the alleged victim to investigators after the girl allegedly told her she had been sleeping with Halloran.

The saga has ruined reputations and damaged the perception of the judicial system in Sierra Leone, with widespread reporting of alleged official corruption and police intimidation in the case.

The conduct of the case so concerned the Federal Government that it sent its ambassador in neighbouring Ghana, Jon Richardson, for high-level talks in Sierra Leone. The police association asked Foreign Minister Alexander Downer to intervene.

The UN Special Court, too, has been tarnished, as officials face allegations by the state prosecutor and country's attorney-general that its handling of the case may be tantamount to perverting the course of justice.

Special Court staff have been threatened by the court's registrar, Robin Vincent, with the loss of their jobs if they talk to the media. A friend and colleague of Halloran, Abe Haddad, then a Victorian police officer working with the Special Court, was suspended for talking to *The Age*.

Ms Cordwell was also suspended recently for allegedly talking to the media and is now under investigation by the court.

But Mr Fabbri, now back in Switzerland as a deputy federal prosecutor, is not affected by the media ban. He flew to Freetown recently to testify in the High Court trial after authorities petitioned the Swiss Government to cover the costs of his appearance. He was to present what is known as the "Fabbri Report", the results of his internal investigation into the sex abuse allegations. But he spent only 20 minutes on the witness stand during two days of procedural arguments about his evidence.

In a major win for Halloran, Judge Samuel Ademusu ruled that the Fabbri Report was the property of the Special Court and should not be admitted without its express consent.

The defence has resisted any sign of optimism that Halloran will be acquitted, even when there is no evidence. The political system, the defence said, wants a conviction, regardless of the truth of the matter.

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Key witness faces sack

Keith Moor

December 16, 2004

THE star witness in the sexual assault case against Victoria Police Superintendent Peter Halloran is expected to be sacked within days.

Former Tasmanian policewoman Mandy Cordwell was last month suspended from her job as a war crimes investigator with the UN-backed Special Court in Sierra Leone.

She was stood down after being accused of making serious allegations against her boss, Special Court registrar Robin Vincent. He has denied the allegations.

A Special Court source yesterday claimed an inquiry to determine if Ms Cordwell was the source of the corruption allegations has recommended sacking her.

Ms Cordwell, 37, refused to comment to the Herald Sun, saying the Special Court had ordered her not to.

It was Ms Cordwell who first told authorities Supt Halloran allegedly assaulted 13-year-old Kadia Kabia in the war-torn West African nation.

Ms Cordwell claimed Kadia confided to her that Supt Halloran raped her.

Kadia has since told Supt Halloran's High Court trial that Ms Cordwell told her to say Supt Halloran sexually assaulted her even though it was not true.

She claimed she did so after Ms Cordwell offered her rewards to make the false allegations.

Supt Halloran, 56, has denied the charges.

A Special Court board of inquiry set up to investigate the allegations against Supt Halloran found there was no credible evidence to support the allegations.

It criticised Ms Cordwell for jumping to conclusions not borne out by the evidence.

"The board is uncomfortable placing too much reliance on Mandy's statement," it said.

"She appears bent on creating a scenario of aggravating circumstances from an alleged sighting of the girl in Mr Halloran's room . . . when Mr Halloran was not in the house."

The Special Court is expected to order another disciplinary board of inquiry when Supt Halloran's trial is over.

A Special Court source said the inquiry would be into the handling of the Supt Halloran matter by Ms Cordwell and two of her superiors, chief investigator Al White and Canadian officer Ralf

La Pierre.

The prosecution case against Supt Halloran ended this week. His defence lawyer is due to argue on Monday for the charges to be withdrawn, claiming Supt Halloran has no case

to answer.

Some media organisations yesterday mistakenly reported the alleged victim had disappeared without giving evidence.

It is her elder sister the prosecution tried to find to give evidence. One relative told the Herald Sun she was too scared to testify.

"Ten members of our family have already been jailed and intimidated by authorities. She didn't want to be next," he said.

Herald Sun

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ABC Online

Key witness missing from Australian's Sierra Leone trial. 15/12/2004. ABC News Online

[This is the print version of story <http://www.abc.net.au/news/newsitems/200412/s1265299.htm>]

Last Update: Wednesday, December 15, 2004. 7:01am (AEDT)

Key witness missing from Australian's Sierra Leone trial

By Africa correspondent Sally Sara

The prosecution has closed its case against an Australian police officer accused of sexual assault in Sierra Leone.

Prosecutors closed their case after they were unable to find the victim of the alleged sexual assault.

The teenage girl failed to give further evidence.

Former Victorian homicide chief Peter Halloran is accused of sexually assaulting a girl in the Sierra Leone capital, Freetown.

Halloran was working as an investigator with the United Nations-backed war crimes court in Sierra Leone.

He denies the charges against him.

The girl previously told police that Halloran's flatmate, Mandy Cordwell, promised her gifts if she was prepared to testify against him.

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No show for sex abuse trial girl

December 15, 2004 - 8:35AM

The prosecution rested today in the case of an Australian police officer employed by the war crimes court for Sierra Leone charged with sexual assault, having failed to bring the victim to testify.

The 13-year-old schoolgirl was at the centre of the prosecution's four-count indictment of Peter Halloran, 56, for his alleged improper sexual relationship.

"(The victim), who has been listed as a witness in the trial, could not be traced and efforts to ensure her presence and attendance in court have not yielded results," state prosecutor Ladi Robbin-Mason told the court.

"I am informed that she is out of the country. Considering the age of the matter, I am closing the case for the prosecution."

Defence lawyer Nicholas Browne-Marke told the court today that he would present a "no case submission" to open defence arguments on December 20 in front of High Court justice Samuel Ademusu.

The girl had told the Freetown High court in September that she had been asked by the prosecution's star witness, Halloran's housemate Mandy Cordwell, to tell police officers that she was conducting an affair with Halloran.

Speaking through an interpreter, she said then that Cordwell, another employee of the UN-backed court, had promised her a car, a house and a trip overseas in exchange for such a statement.

Halloran, on a year's leave of absence from the Victoria State police to serve as a prosecution investigator for the war crimes court judging atrocities committed during Sierra Leone's decade of civil war, has consistently denied any wrongdoing.

An investigation by the war crimes tribunal earlier this year found no evidence to support any charges against him.

Halloran is free on bail of \$US70,000 (\$A92,336) though his passport remains in the hands of Sierra Leone police.

- AFP

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Herald Sun (Melbourne, Australia) December 15, 2004 Wednesday

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Herald Sun (Melbourne, Australia)

December 15, **2004** Wednesday

SECTION: NEWS; Pg. 13

LENGTH: 369 words

HEADLINE: Police in **push** to help officer **facing** charges

BYLINE: **Keith Moor**

BODY:

THE Police Association will appeal to Foreign Affairs Minister Alexander Downer to intervene in the trial of Victoria Police Superintendent Peter Halloran.

The association wants Mr Downer to pressure West African authorities to speed up Supt Halloran's trial and ensure international rules of justice apply.

Supt Halloran, 56, has been charged with allegedly sexually assaulting 13-year-old Kadia Kabia in **war-torn Sierra Leone**.

His High Court trial started on September 10, but has sat for a total of only 309 minutes in 21 appearances to last week.

It resumed yesterday and the prosecution announced it was closing its case without offering any further evidence.

The defence is due to open its case on Monday and is expected to call for the charges to be withdrawn, arguing there is no case to answer.

The alleged victim gave evidence in court that Supt Halloran didn't assault her.

There is no physical evidence that an assault took place and no witnesses to say they saw the girl and Supt Halloran alone together.

Police Association secretary Paul Mullett said if Supt Halloran had been on trial in Victoria the case would have been dropped -- and probably never started.

"By now there would have been an instruction by a judge to a jury to acquit him," Sen-Sgt Mullett said.

"Talk about justice delayed being justice **denied** -- five hours of evidence in three months is just ridiculous.

"Nor is Supt Halloran getting access to the evidence against him -- which he would in Victoria -- making it even harder to defend himself."

Sen-Sgt Mullett said the association had been in touch with Mr Downer's office to see if he was prepared to personally intervene to ensure Supt Halloran got a fair and speedy trial.

"We will be seeking a face to face meeting with Mr Downer as we feel very strongly that Supt Halloran is

being **denied** natural justice," Sen-Sgt Mullett said.

Supt Halloran, who took 12 months' leave from Victoria Police to work as commander of war crimes investigations with the **UN-backed Special Court in Sierra Leone, has denied** the charge.

He was charged in August after former Tasmanian police officer Mandy Cordwell claimed that Kadia told her about the alleged abuse.

LOAD-DATE: December 15, **2004**

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Alerting Humanitarians to Emergencies

LIBERIA: War rapists must face justice, victims need more help, says Amnesty

15 Dec 2004 14:26:11 GMT

DAKAR, 15 December (IRIN) - More than a year after the curtain fell on Liberia's 14-year conflict, no one has been prosecuted for the many wartime cases of rape and sexual abuse, Amnesty International said, calling on the government and the international community to swiftly bring the criminals to justice and provide more help for the victims.

"Despite the prevalence of sexual violence during the conflict, not only has no-one been prosecuted but it also remains unclear if, how and when those responsible will ever face justice," the human rights group said in a report, published on Tuesday.

"Lasting peace will not be achieved in Liberia unless those responsible for crimes under international law are held criminally responsible, truth is established and victims obtain full reparations."

Amnesty quoted preliminary figures from the United Nations Development Programme (UNDP) which indicated that about two out of three Liberians had suffered some form of sexual violence during the conflict.

The attacks included rape, gang-rape, the insertion of foreign objects and being stripped and put on public display, and although women and girls had borne the brunt of the combatants' attacks, men and boys were also victims.

UNDP began its three-month sexual violence study, based on a random sampling of 4,000 people, in March. A UNDP spokesman in Liberia said the final results had not yet been released.

In its report, Amnesty found victims of sexual violence across the West African nation. It said sexual crimes had been carried out by combatants from all three armed factions -- fighters loyal to former president Charles Taylor, members of Liberians United for Reconciliation and Democracy, and combatants belonging to the Movement for Democracy in Liberia.

"I was pregnant and running away," one 29-year-old woman told Amnesty representatives. "Three government soldiers caught me and raped me. They beat me and my unborn baby died."

Bringing the perpetrators to justice will be difficult in a country where most courts no longer function and much of the infrastructure has been destroyed or looted, Amnesty noted.

It said that one example for Liberia to follow might be found in neighbouring Sierra Leone, which suffered its own brutal decade-long war, and has since set up a UN-backed Special Court to try

those who bear the greatest responsibility for crimes against humanity, including rape and sexual slavery.

Amnesty said Liberia's interim government, which took over after an August 2003 peace deal and will shepherd the nation to elections in October 2005, must come up with a clear policy to deal with those who had raped and sexually abused their countrymen.

And the UN, international donors and the World Bank should provide sufficient funds to help Liberia develop an effective justice system, it said.

The human rights group said sending a clear signal would prevent further crimes being committed and warned that women remained at risk, particularly in camps for Liberians who had been forced to flee their homes during the conflict and who had still not returned.

As far as helping the victims of the wartime assaults, equally big hurdles remain.

"Two men raped me. I am bleeding all the time. I haven't been to hospital. There is no medical care," a 35-year-old woman from the western county, Bomi, told Amnesty representatives.

Earlier this year the UN and Liberia's interim government estimated that less than 10 percent of the 3 million people living in this heavily-forested nation had access to any kind of healthcare. And Amnesty said not much had changed.

"The provision of health facilities including hospitals... is among the worst in the world," Tuesday's report said, again urging donors to deliver funds they had promised in February so that the country could get back on its feet.

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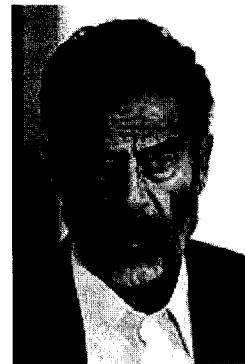
Will Saddam's Trial Be Fair?

By Lisa Sanderson

15/12/2004

Freelance Writer - Australia

In late June 2004, Saddam Hussein was handed over to an Iraqi court to be charged with war crimes and crimes against humanity. These include the attack on Halabja and the killing of 5000 members of the Barzani clan. They will probably also include the invasion of Kuwait, as well as relate to the Iraq-Iran war. The charges will be read out on television and released internationally.



AFP Photo

Professor Sean Murphy of Georgetown University describes the history of the decision that led to the trial process as follows:

In November 2003, the [now-dissolved] Iraqi Governing Council created a special tribunal for the prosecution of persons who committed serious war crimes in Iraq from the time the Baathist Party came to power. That tribunal would consist largely of Iraqi judges and prosecutors, but with foreign involvement as well. The statute of the tribunal set forth the crimes for which the person may be prosecuted, the penalties (which follow the Iraqi criminal code and can include death), and various rights for the accused.

Human rights groups and leading judges, such as Judge Richard Goldstone who was chief prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda between 1994 and 1996, originally called for Saddam Hussein to be tried before an International criminal tribunal. However, Professor Murphy states that there were problems with this idea: "The International Criminal Court located in The Hague would not have jurisdiction (Iraq is not a party to the statute) and there was little interest in the international community to expend the funds necessary to create an entirely new tribunal."

Although George W. Bush adamantly promised that Hussein would receive a fair trial, Hussein's French lawyer, Jacques Verges, argues that this would be difficult if world leaders are not brought to the stand. This is a possibility the Bush administration would be extremely anxious to avoid, because of embarrassing links with Saddam's regime. In the early eighties, for example, the American, British, and Russian governments were troubled by the possibility of an Islamic revolution in Iraq, and so supported Hussein's regime during the Iraq-Iran war. The regime purchased arms from all of these countries.

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In a March 16, 2003 article of the *St. Petersburg Times*, quoted in *Freedom Daily*, (Hornberger, Jacob G., "Saddam's Capture means trouble for US officials," December 15, 2003) former US Sen. Donald Riegle is quoted as saying, "What is absolutely crystal clear is this: That if Saddam Hussein today has a large arsenal of biological weapons, partly it was the United States that provided the very live viruses that he needed to create those weapons." Indeed, there is some evidence that the United States continued to supply weapons of mass destruction to Saddam even after learning that Iraqi forces had used them against the Kurds in Halabja.

According to Hornberger's article, "In a September 25, 2002, article entitled 'Following Iraq's Bioweapons Trail,' author Robert Novak wrote, 'An eight-year-old Senate report confirms that disease-producing and poisonous materials were exported, under U.S. government license, to Iraq from 1985 to 1988 during the Iran-Iraq war. Furthermore, the report adds, the American-exported materials were identical to microorganisms destroyed by United Nations inspectors after the Gulf War. The shipments were approved despite allegations that Saddam used biological weapons against Kurdish rebels and (according to the current official U.S. position) initiated war with Iran.'"

The Oil-for-Food Scandal

Other issues that could compromise the trial include the US-backed embargo imposed by the United Nations on Iraq after its invasion of Kuwait, and the recent UN Oil-for-Food scandal. The program, which allowed Iraq to sell limited amounts of oil to finance humanitarian supplies of food and medicine, was apparently riddled with corruption. According to *The Guardian* newspaper, the scandal involved certain individuals and companies receiving vouchers that allowed them to sell Iraqi oil through middlemen if they paid a 10% markup on the price of the oil. Hussein bribed officials and companies—and, allegedly, UN officials—to take part in this evil scheme, and is believed to have diverted over five billion dollars—perhaps ten billion—into his own bank accounts.

"The process was conducted with zero transparency."
 — **Richard Dicker,**
Human Rights Watch,
to CBS News

More than 270 groups, politicians, and companies received oil vouchers, which allowed them to buy Iraqi oil and re-sell it at a tidy profit. This scandal was a well-kept secret until early this year. The UN, the US Congress, and the interim Iraqi government have all begun investigations into this scandal.

Saddam Hussein has reportedly confessed to these bribes and named many of the recipients. According to NewsMax.com (May 23, 2004) the Iraqi newspaper *Al-Mu'tamar* reported that there are 150 recordings of his confessions, including information on bribes paid to heads of state and political leaders. There are allegations that Paul Bremer was deliberately slow to cooperate with the former Iraqi Governing Council in the inquiry.

All of these issues complicate the trial and there are fears that the Iraqi tribunal may not have the experience to conduct such an involved procedure. Richard Dicker, the head of the international justice program at Human Rights Watch, argued on CBS News that Saddam has no chance of receiving a fair trial under the proposed

scheme.

"We have serious concerns about the tribunal that was created by the Governing Council in Iraq," Dicker said. "The process was conducted with zero transparency. The concern is that Iraqi judges and lawyers don't have the necessary experience, after three decades of Baath Party rule, to conduct the enormously complicated criminal proceedings that genocide and crimes against humanity require."

If so, this is a great pity because Saddam's terrible crimes, such as using chemical weapons on the Kurds and systematic use of torture, require detailed investigation, excellent knowledge and application of international criminal law.

The Death Penalty

Another important issue is whether Hussein will receive the death penalty. The Europeans and the Americans disagree about this method of punishment. Bush has stated publicly that if Hussein is found guilty he deserves the death penalty, but Kofi Annan, the head of the UN, and British PM Tony Blair strongly dislike this sentence. The British government, which was involved in setting up the court, has even suggested that it may refuse to hand over evidence of Saddam's atrocities and disallow government staff from being witnesses in the trial if the Iraqis re-introduce the death penalty. The new Iraqi government, like the Bush administration, favors the death penalty as a possible sentence and, indeed, plans to re-introduce it. The British opposition and possible refusal to involve itself in the trial could be seen by many Iraqis as yet another Western imposition of cultural values on their country. After all, most Iraqis favor the death penalty in this case.

All these questions limit the possibility of Saddam Hussein receiving a fair trial. Saddam Hussein once said, "When you judge, judge with justice." Unfortunately he did not do this himself, but let us hope that this adage applies to him.

Lisa Sanderson is an Australian freelance writer who holds a BA in English Literature and a BA in Law. Her articles have been published in many magazines and websites, including *Alive Magazine*, *Internet.au*, *Writing Australia*, *Crescent Blues* and *Suite101*. You can reach her at starshine@ozemail.com.au.



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December 16, 2004

Saddam to meet lawyer for first time

FROM STEPHEN FARRELL IN BAGHDAD

SADDAM HUSSEIN will meet a lawyer for the first time within a fortnight as his cousin "Chemical Ali" prepared to go before a judge next week to face charges relating to the massacre of Kurds.

An Iraqi lawyer has been assigned to Saddam within the past four weeks by the Iraqi Special Tribunal responsible for putting the 67-year-old former dictator and 11 of his henchmen on trial for war crimes and crimes against humanity, *The Times* has learnt.

It will be Saddam's first meeting with a defence lawyer since he was placed in a high-security location near Baghdad after his arrest in a hole near Tikrit on December 13, 2003.

The Iraqi lawyer's name has not been disclosed but observers familiar with the proceedings said that he was deemed by the tribunal to be one of the very few qualified as well as willing to handle the case. In July Saddam and 11 associates appeared in court to be formally notified that they were under investigation for war crimes and crimes against humanity.

In the next stage of the trial process, Ali Hassan al-Majid, better known as Chemical Ali, and Lieutenant-General Sultan Hashem, the former commander of the Iraqi Army's 1st Corps based in Kirkuk, will go before an investigative judge for hearings within the next week.

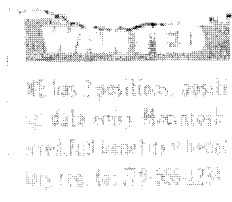
As secretary-general of the Baath Party's Northern Region from March 1987, Chemical Ali was the architect of the genocidal Anfal (The Spoils of War) campaign between February and September 1988, which led to the extermination of tens of thousands of Kurds and widespread use of chemical weapons.

Entire villages were wiped out in an effort to "Arabise" the rebellious region and bring it further under Saddam's control.

He also oversaw the gas attack on the village of Halabja, which killed 5,000 Kurds in a single day. After Saddam invaded Kuwait in August 1990, Ali became "governor" of Iraq's southern neighbour, and is accused of masterminding the brutal suppression of the Kurdish and Shia uprisings that broke out in early 1991 after the first Gulf War.

Most of the Anfal operations were handled by the 1st Corps of General Hashem, who went on to become Minister of Defence.

The closed sessions will be investigative hearings, not trials. The investigative judges can question defendants, witnesses and victims under oath but they will have the right to remain silent and to be represented by lawyers, who are almost certain to request a postponement of the proceedings. Iraqi and US authorities have each amassed tonnes of documents relating to the cases. The case



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against Saddam, however, will rely on proving the chain of command up to the former president, a feat that has proved onerous in former war crimes prosecutions in the Balkans and elsewhere.

- **Karbala:** Seven people were killed and 32 wounded, including the local representative of Iraqi Shias' spiritual leader, Ayatollah Ali al-Sistani, when a bomb exploded yesterday near a holy shrine. Sheikh Abdel Mehdi Karbalai was seriously hurt. *(AFP)*

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Info Service To The People

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INDEPENDENT

Treason trial judgment soon

By Mohamed T. Fofana

Justice Bankole Rashid yesterday continued reading the evidences of alleged treason accused persons to the Jurors. Reading the evidence of the eleventh accused Alusine Kamara, the Judge pointed that the Jurors should look at conspiracy as an agreement to do an unlawful act in an

unlawful way. He continued that Alusine Kamara in his evidence denied conspiracy and any involvement in the coup. He had also denied that he did not participate in any shooting at ATC. He concluded that if the Jurors have any doubt in the Prosecution's evidence, then they should acquit him for the twelfth accused Alhaji Kanu. Justice B. Rashid said that in the

evidence of the accused, he admitted hiding himself in a gutter during the shoot-out at ATC and was dragged out and arrested after the shooting. The Judge also said that the Jurors should also take note of his statement given to the Police. In the statement when questioned if he knew Johnny Paul Koroma, the twelfth accused answered

Contd. Page 2

Treason trial judgment soon


From Front Page

yes and when asked if he would be happy to see him at the Special Court, he also answered yes, while the Police then put it to him that he was indeed at the meeting at Devil hole were they agreed to overthrow the Government of Sierra Leone because they do not want Johnny Paul Koroma to go to the special Court. All of this the Judge continued, was denied by the twelfth accused. He told the Jurors that they should weigh the evidences of the accused and the Prosecution before giving

verdict. Justice Rashid in directing the Jurors before they give out their verdict on the thirteenth accused, said to the Jurors that PW1 had testified against the thirteenth accused that he saw them at Devil Hole holding a meeting and was informed by Rambo that the meeting was to overthrow the Government. PW1 also testified that he also saw the fourteenth accused- Kai Mattia in the meeting. The Judge then admonished the Juror to look at all the evidences to come up with a verdict for the thirteenth and fourteenth accused. The fifteenth accused- Abdul

Yamba Sesay in his statement read out by Justice Rashid said he was a Scholar and that on Sunday 12th January 2003 when the shooting took place at ATC; he had gone to his uncle and was arrested on his return. He denied knowing anything about the coup. For the Sixteenth accused, he confessed that he knew about the coup plot but did not tell anybody about it. Justice Rashid told the Jurors that they should consider all the evidences and that if there is any doubt, they should pass judgment in favour of the accused. The Judge said he would continue with final directions to the Jurors at 10:00 am today.



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World Court says it has no jurisdiction in Serbia and Montenegro case against NATO members

15 December 2004 – The International Court of Justice (ICJ) ruled today that it has no jurisdiction in lawsuits filed by Serbia and Montenegro, then the Federal Republic of Yugoslavia, against 10 NATO members for their bombing of Kosovo in 1999 during the province's inter-ethnic conflict.

The dispute included complaints that the countries violated their international obligations banning the use of force against another state, violation of the sovereignty of another state, "the physical destruction of a national group," the use of prohibited weapons, as well as their obligation in wartime to protect the civilian population, the environment and human rights.

After the case was filed in April 1999, the ICJ - the United Nations' top legal body - removed Spain and the United States "for manifest lack of jurisdiction" in June of that year. The remaining countries were Belgium, Canada, France, Italy, the Netherlands, Portugal and the United Kingdom.

The question of whether the Federal Republic of Yugoslavia was a State party to the Court as a successor in the United Nations to the Socialist Federal Republic of Yugoslavia (SFRY), was key, the ruling said. The court concluded that FRY joined the world body in November 2000 and Serbia and Montenegro, as successor to FRY, not SFRY, also became a member at that time - only after the lawsuits were filed.

"The court unanimously finds that it has no jurisdiction to entertain the claims filed by Serbia and Montenegro on 29 April 1999."

The court recalled that irrespective of whether it has jurisdiction over a dispute, the parties "remain in all cases responsible for acts attributable to them that violate the rights of other States."