

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, January 24, 2005

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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Norman & others escape Gender Crimes

After a long drawn fight to get the CDF indictees to face trial on specific gender crimes like rape and sexual slavery, the Appeals Chamber of the Special Court has kicked out an appeal by the prosecution to appeal on a decision taken by the Trial Chamber not to accept

the inclusion of gender crimes in the consolidated indictment against Hinga Norman, Alieu Kondewa and Moinina Fofanah. The first blow was dealt on the 20th May 2004 when the trial chamber refused a request by the prosecution to amend the indictment against the CDF indictees.

This amendment was to now attach additional counts of sexual violence like rape and sexual slavery, which are commonly known as gender crimes. The prosecution appealed against this amendment decision, and on 2nd August the trial chamber.

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AWOKO NEWSPAPER

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Norman & others escape Gender Crimes

From Front Page

which had a dissenting Judge (Boutet) on the initial amendment ruling, now had all the judges (majority decision) refusing them leave to have their appeal heard by the Appeals Chamber. Not daunted by this setback, the prosecution nevertheless went to the Appeals Chamber, requesting them to consider the appeal which had been quashed by the Trial Chamber, citing three cases from the ICTY and ICTR.

that the Appeals Chamber had power to hear appeals in certain circumstances even when the appeal is not expressly provided for in the Statutes or Rules. The prosecution further argued that there were errors in the interpretation and application of article 73(b) and that these alleged errors may create adverse effects, which they will not be able to remedy. In this situation they argued they will have been "denied the possibility

of amending the indictment to deal with additional charges which will make it unlikely that the accused will be tried at all in respect of additional charges and therefore the judgment in the present case will not reflect the full alleged criminal culpability of the accused." The defense team for their part argued that the prosecution had rightly noted that the Appeals Chamber had no business listening to their appeal because it was not provided for in the rules. They argued further "if the rules of the court can be altered mid-

trial in order to benefit a specific party, the rules themselves are at risk of losing meaning and the rights of the accused risk being seriously jeopardized." The defense won the day when the Judges of the Appeals Chamber decided January 17th that the procedure used by the prosecution to take the case to the Appeals Chamber by not first obtaining leave from the Trial Chamber was wrong, because the rules did not provide for that. The Judges noted "where the rules make provision for a particular situation it is not a proper exercise of inherent jurisdiction for a tribunal to substitute its own view of what the rules should have been for what the rules are." They therefore dismissed the case on the grounds of the wrong procedure while refusing to listen to

why the prosecution was in fact appealing the amendment decision in the first place. This effectively put paid to the attempt by the prosecution to have Hinga Norman and his colleagues be charged with specific gender crimes. As would naturally be envisaged, this did not please the prosecution. Chief Prosecutor David Crane's spokesman Eric Witte stated that they were "disappointed in the decision of Trial Chamber 1 which is what will prevent gender crimes from being added to the CDF accused." He added, "in the course of the trial of the CDF accused, the Prosecution will clearly show that these accused women in Sierra Leone to suffer tremendously." Notwithstanding the

ruling against them, Eric Witte maintained that several issues of gender crimes would come up during the trial though they will not be specific. He added, "in this case, as in the other cases what is heard in the courtroom will reflect the reality of the war in which women bore the brunt of the violence." Questioned why gender charges were included in the original indictments of the RUF and AFRC and not included in the original indictments of the CDF, Eric Witte explained that their "investigators at that time did not have the evidence to support gender crimes." He maintained that it was "difficult for the victims of these types of crimes to discuss what happened to them," adding "it's very difficult in a case where the accused have organized loyalists in the community." This is a small but significant victory for the defense that have now succeeded in preventing the prosecution from adding gender crimes to the charges against Norman and his colleagues.

Awoko

Monday, January 24, 2005

Cocorioko Website (formerly Daily News Inquirer)

SAMFORAY GLOATS AT ANOTHER CRANE LOSS

Friday January 21, 2005

The Spokesman of the Civil Defence Force, Mr. Alfred SamForay , is gloating about another apparent loss by Special Court Prosecutor, David Crane. He has described the court again as a house divided against itself. [READ](#)

..... BUT SPECIAL COURT SAYS SAMFORAY NAMED THE WRONG CASE

The Deputy Chief of Press and Public Affairs of the Sierra Leone Special Court, Mr. Peter Andersen today indicated that the decision rendered by the Appeals Chamber on Monday was on the addition of sex charges to the Civil Defence Force indictment and not on the consolidated indictments as intimated by the CDF Spokesman, Rev. Alfred SamForay.

Mr. Andersen said the Rev. Samforay named the wrong case and the Press and Public Affairs office of the court sent COCORIOKO a release that explained what Monday's matter was all about at the Special Court .

The matter dealt with the decision of the prosecution, which is led by Mr. David Crane (Pictured above) to appeal against the Trial Chamber's decision on 2 August 2004 refusing the addition of sex charges to the CDF indictment. [READ](#)

For the People

MONDAY, JANUARY 24, 2005

THOSE THAT BEAR THE GREATEST RESPONSIBILITY!

I FOUND the article from Peter Penfold, the former British High Commissioner to Sierra Leone the other day painfully interesting and shocking.

By Jia Kangbai

Though not revolting, it raises some very salient questions about the UN backed Special Court for Sierra Leone and the dispensation of local justice in our land; all issues that are worth pondering.

Penfold was a man who staked almost everything including a highly respectable job in this country and for a highly critical article to come from him is an eyebrow raiser.

Penfold's role in the reinstatement of President Ahmad Tejan Kabbah was uncritically great. Just as Penfold's article illustrated, one may want to ask further: Who are those that really bear the greatest responsi-

bility in our war? Are they the rebel Revolutionary United Front? The Civil Defence Forces? Or should the onus rest on the legitimate army of the Republic of Sierra Leone?

As Penfold truthfully stated, this is the only country that has openly exhibited a dual justice system for such a heinous crime committed on a national scale.

International history is awashed with cases in which a single method of justice dispensation is being done to recouse a system of injustice. This asks the question: Why the deviation in what looks like a norm in this world?

The Special Court for Sierra Leone is a very interesting piece of theatre that has found a place in



PENFOLD: not happy with Special Court

our modern day world. Formulated out of an American desire to skip justice from the International Court of Justice by indicating that those people who took active part in a war should only be tried, the Special Court of Sierra Leone could still not find a very strong footing in the country in which it finds itself.

What is the real definition of such a term, "those that bear the greatest responsibility" in the first place?

Let's take a cue from those that are currently facing indictment at the Special Court and ask: Are these the guys who bear the greatest responsibility in our war?

On paper the Special Court definitely is not the

right type of justice system to remedy our woes currently. In fact, left to many, it would be pretty nice for the dispensation of justice to be left to the Truth and Reconciliation Commission (TRC) rather than the Sierra Leone Special Court.

If the scale for indictment is "those that bear

the greatest responsibility" and takes cognisance of the responsibility proportion of the RUF (60%), SLA (17%) and the CDF (6%) by such a definition which group of fighters should we clad as those that bear the greatest responsibility?



CRANE: Special Court prosecutor

Concord Times

Monday, Jan, 24 2005

RUFPP replaces Issa Sesay

By Abdul Karim Koroma

The Revolutionary United Front Party (RUFPP) last Saturday announced that Special Court indictee, Issa Sesay has been replaced as interim leader of the party by Peter Vandy.

This development follows a letter purportedly written by Sesay on February 28 last year suggesting that Vandy should act as the party's leader to contest the 2007 elections.

"Since the party has to contest the 2007 elections, Vandy should assume the leadership position to avoid crooks not to destroy the image of the party they've fought very hard to build," Sesay reportedly wrote in the said letter.

RUFPP Western Chairman, Samuel Gbassay Kanu told Concord Times that Vandy has to consult with his family before accepting the position.

"After accepting the position, we would then communicate with the rest of the membership in and out of the country," he said, adding that these arrangements are tentative until a convention is conveyed where flag bearer would finally be elected to lead the party to the pools.



Gbassay Kanu - says Vandy's appointment is appropriate



Issa Sesay - replaced by Vandy



We Are The World

Trial Ends As Lawyer Seeks Acquittal for Former Councillor

Hirondelle News Agency (Lausanne)

NEWS

January 20, 2004

Posted to the web January 21, 2005

Arusha

The trial of Mika Muhimana, the former Councillor of Gishyita sector (Gishyita commune, Kibuye, western Rwanda), came to an end Thursday at the International Criminal Tribunal of Rwanda (ICTR) with his lawyer calling for an acquittal.

Muhimana has been on trial for genocide and crimes against humanity committed in Kibuye during the 1994 genocide in Rwanda.

According to Rwanda government estimates, over a million people lost their lives all over Rwanda between April and July 1994.

James Nyabirungu Mwene Songa, Muhimana's lead counsel, from the Democratic Republic of Congo (DRC), made the application on the second day of his closing arguments in the trial that has been going on since March 29, 2004.

He asked the tribunal to dismiss the charges because the Prosecutor had failed to prove "beyond reasonable doubt" that his client was in any way involved in the crimes.

The Prosecutor had the previous day called on the chamber to dismiss the majority of defence witnesses whom he described as "biased" and "not credible" and therefore asked the court to punish Muhimana with the maximum life imprisonment.

Charles Adeogun Phillips, the senior prosecution trial attorney had alleged that the accused should not only be found guilty of organising and taking part in the widespread killings of Tutsis in Gishyita, but for the sexual violence meted out against Tutsi women in particular.

The former local leader is charged with four counts of Genocide, Complicity in genocide, and Crimes against Humanity (rape and murder).

Mwene Songa on his part argued that although the Prosecutor had categorized the former councillor as "a major figure" in the genocide in Gishyita commune, the post he occupied was "not all that important" and that the real power lay with the Bourgmestre (Mayor).

"It is difficult for the Prosecutor to prove that the accused designed and implemented the genocide", asserted the defence counsel, arguing that Muhimana was an "illiterate person who only went up to primary school".

The lawyer did not have kind words for some witnesses who had broken down in tears while testifying.

Most of them alleged they had been victims of rape perpetrated by the accused or on his orders.

"We will prove that those were crocodile tears. Of all the rape accusations against Mika, none has been established beyond reasonable doubt", said the lawyer. "They were crying and lying at the same time".

Mika Muhimana was arrested in Tanzania on November 8, 1999 and transferred to the ICTR detention facilities in Arusha the same day.

He is one of the two former councillors so far brought before the tribunal.

Vincent Rutaganira, the former councillor of neighbouring Mubuga, entered into a plea bargain agreement with the prosecution on December 8, 2004 and pleaded guilty to Extermination (by omission) as a Crime against Humanity. He is yet to be sentenced.

Judge Khalida Rashid Khan from Pakistan who presided over Mika Muhimana's trial announced at the end of the proceedings that a date for the judgment would be communicated to the parties later.

She was assisted in Trial Chamber Three of the ICTR by Judge Lee Gaciuga Muthoga of Kenya and Judge Emile Francis Short from Ghana.

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We Are The World

Prosecutor's Case Against Father Seromba Nears the End

Hirondelle News Agency (Lausanne)

NEWS

January 20, 2005

Posted to the web January 21, 2005

Arusha

The case of the Prosecutor against the first Catholic priest to be tried for genocide before the International Criminal Tribunal for Rwanda (ICTR), Father Athanase Seromba, is almost complete with only one prosecution witness left to testify.

So far 14 prosecution witnesses have testified against the priest. Many of them gave information supporting the indictment, which accuses Father Seromba of planning and supervising massacres of more than 2,000 of his flock at Nyange Parish Catholic church (Kibuye, Western Rwanda) by Hutu extremists on the 16th of April, 1994.

The 14th witness, code named CBR to protect his identity, testified on the same lines as previous prosecution witnesses regarding the attack at Nyange church. CBR, who has pleaded guilty to genocide and is currently imprisoned in Rwanda, at one point wept in court as he narrated how he participated in an attack of Tutsis who had taken refuge in the Nyange church.

He claimed that Father Seromba collaborated with local authorities in planning the destruction of the church where Tutsis had taken refuge. Witness CDR claimed that during a meeting on the 13th of April 1994 the authorities, in the presence of the accused, decided that "Father Seromba along with one Kanani, find out if the refugees in the church were armed or not," in preparation for the attack that followed.

On the 15th of April 1994, the prosecution witness testified that Tutsis were killed inside Nyange church, which was destroyed by bulldozers and he learnt from the authorities that "Father Seromba did not allow us (attackers) to get into the presbytery where the priests were staying - until we had got rid of this filth," said CBR, referring to the many corpses which lay in the church.

Afterwards, the witness narrated that, following orders given by Father Seromba, "One bulldozer dug a pit behind the church while another vehicle picked the bodies into the pit for burial". The witness claimed after those bodies were buried, "attacks continued in the church using gasoline, dynamite and fire but the refugees used dust and blankets to put out the fire".

CBR also testified that Father Seromba was present in Nyange presbytery on the morning of April 16, 1994 when the church was finally destroyed, killing Tutsis inside.

The lead defence counsel for Seromba, Alfred Pogonon of Benin started cross-examining the witness in the afternoon. At one point he asked the witness, "is it your suggestion that Father Seromba should have fled leaving the refugees in church and attackers outside?".

In response the witness affirmed, "Yes. If he believes he was not collaborating with killers, he should have

intervened by doing some gestures which would be engraved in minds of survivors; he should have asked the authorities to stop killings, instead of witnessing killings. I believe he should have fled instead of giving people false hope that something will be done".

During the 1994 Rwandan genocide, many Tutsis sought sanctuary in places like churches, but they were targeted and killed. The Rwandan Government estimates that one million Tutsis and moderate Hutus were exterminated through out Rwanda in the genocide.

The Prosecution began their case on September 20, 2004. 41-year old Father Seromba gave himself up to the ICTR in February 2002. He is accused of genocide and crimes against humanity and has pleaded not guilty.

His trial is presided over by Judge Andresia Vaz from Senegal. It continues on Monday. No hearing will pursue on Friday because it is a public holiday in Tanzania observed by the tribunal.

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DRC: Rwanda Tribunal Ready to Start 17 New Genocide Trials, Prosecutor Says

UN Integrated Regional Information Networks

NEWS

January 20, 2005

Posted to the web January 20, 2005

Arusha

The prosecutor of the International Criminal Tribunal for Rwanda, Hassan Jallow, has said that he is ready to start the trials of 17 suspects held in detention for their role in the 1994 genocide in Rwanda.

Speaking to reporters on Wednesday, Jallow said that the trials would be held simultaneously with the ongoing 25 cases in progress.

There are a total of 57 detainees at the special UN Detention Facility in Arusha, location of the tribunal. Upon closure of the investigations deadline in 2004, as directed by the UN Security Council, Jallow, without mentioning the names, said investigations had been completed on 16 targets.

"We are now looking at the files and will decide whether we have enough evidence to proceed," he said. "We have been given up to October [2005] to do that, but our plan is to make sure by June -we will have decided what indictment to file."

Trials had been delayed in the past because of too few judges. However, with the appointment of temporary judges the trials are being speeded.

Regarding the alleged atrocities committed by the Rwanda Patriotic Front (RPF), Jallow said investigations had been completed into the allegations that the RPF killed civilians while trying to stop the genocide.

"At the moment, we have passed the phase of investigations," he said. "What we are doing is the evaluation of evidence in order to decide what cases we have."

Jallow did not say how long the evaluation would take.

"I can't state exactly the deadline," he said.

He said the tribunal would be more aggressive in tracking down fugitives with the cooperation of governments and international organisations.

"We want to be more vigorous this year," he said. "If we can't catch them until the tribunal closes down [2008], then their cases will be transferred to national jurisdictions for a trial."

Meanwhile, Jallow said that in an effort to speed up the trials, some of the accused would be tried in national jurisdictions sometime in the first half of this year. Rwanda has requested to try some of them.

Jallow said talks are also ongoing with three European countries, which he did not name, but have shown

interest in holding trials. The UN tribunal, which was created in 1994 to hear the cases of key perpetrators of the genocide, has so far convicted 20 and acquitted three.

[This report does not necessarily reflect the views of the United Nations]

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Arms found after Guinea coup bid

A truck containing grenades, uniforms and guns has been found after Wednesday's attempt to kill President Lansana Conte, police say.

The truck was found near the site of the assassination attempt, they say.

Some of those arrested have been released but others are still being questioned by the security forces.

The BBC's Alhassan Sillah in Conakry says he understands that those arrested are not well known personalities or politicians but local residents.

He says that even some opposition politicians have stepped up their security after the attack.

Heavy security surrounds presidential and national media buildings. Checkpoints have been set up in many areas of the capital as police search for the gunmen.

Confused

On Thursday, Mr Conte appeared in public, going to the mosque for prayers on the Muslim holiday of Eid-el-Kebir.

He has said those who tried to kill him are wasting their time and only God would decide when he went.

Unidentified men fired on the presidential convoy taking Mr Conte to work. The president escaped unscathed.

Our reporter says a dispatch rider who was leading the presidential motorcade was seriously wounded in the shootout and is now in intensive care.

After opening fire the gunmen threw away their weapons and disappeared into the crowd, eyewitnesses say.

Most residents are confused that such a daring attempt could be made on the president's life in broad daylight, our correspondent says.

The president - who seized power in a coup in 1984 - has hinted that an unnamed foreign power may be behind the attempt.

The incident happened a year after President Conte was sworn in for a third term, following his victory in controversial elections in December 2003, after the constitution was changed to allow him to stand.

Celebrations to mark the occasion were dampened by the shooting, our correspondent says.

Mr Conte is a diabetic, and correspondents say doubts about the president's health have led to worries about a possible future power struggle.

Guinea, a mineral-rich country bordering Sierra Leone and Liberia, has been viewed as generally

stable in an otherwise turbulent region.

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4194209.stm>

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