

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:

Tuesday, January 25, 2005

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
Ibrahim Tommy
Ext 7248
MOBILE: 232 76 645 914

Halloran Case: Key witness resigns Special Court Job

The Prosecution's key witness in the ongoing sexual assault trial of Australian-born former Chief of Investigations at the Special Court-

Peter Halloran has resigned her job at the Special Court. Mandy Caldwell resigned her job as Associate Criminal Investigator last Friday, when she was

expected to reply to a query from the Special Court Registrar- Robin Vincent. It is not clear why Ms. Caldwell also an Australian, resigned.

When Awoko called the Chief of Public Affairs Alison Cooper, she suggested it might be for "personal reasons." Ms. Caldwell had however

been suspended by the Registrar last November for "allegedly breaching the staff code of conduct on media policy." Special Court Chief of Public Affairs Alison Cooper confirmed to Awoko that Ms. Caldwell resigned on the same day (Friday) she was expected to answer to the charges for her

suspension. Mandy Caldwell who has worked for the Special Court for just under a year became prominent in the local Press when it was revealed in Court that she had played a key role in bringing to light the alleged sexual involvement of her countryman with an under-aged girl. Caldwell along
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Halloran Case

From Front Page
with the accused Peter Halloran had both been staying at 'Australia House' along Spur Road when the alleged incident

that is now being tried in the local Courts took place. The mystery, which has so far not been unearthed, is how the Press in Australia learnt the full details of

the issue even before it was fully investigated internally by the Special Court. Efforts to get Ms Caldwell for her comments proved futile.

Awoko

Tuesday Jan 25, 2005

Absentee lawyers to be disbarred

The Registrar of Special Court, Mr. Robin Vincent, has stressed the need to use the court premises properly and to maintain them when they would have been turned over to the Government of Sierra Leone.

The Registrar who was making a statement at a two-day Victims Commemoration Conference in Freetown at the weekend added that the upkeep of the court's premises was a challenge, which should not be underrated.

He said he believed the Special Court is an important institution providing a stimulus for people to work. He also spoke of \$50m from DFID to be used up until 2010 for the improvement of access to justice. The British Council, he went on, will work with the Special Court to achieve this.

On related issue, Mr. Vincent said that most of the NGO'S are either

working in isolation or duplicating their functions. He called on participants to ask the NGOs

whether they work with any body else.

He was of the opinion that UNAMSIL must stay beyond June.

A defense lawyer of the Special Court dwelling on the topic "The Rule of Law and the sustenance of peace" observed that nobody wants the Rule of Anarchy but the Rule of Law.

They defined the Rule of Law as justice, fairness and due process. Its absence, she said, could lead to confusion, killing and death. The validity of the Rule of Law, she went

on, is by the 1991 Constitution which she said, has fundamental provisions. Under the Constitution, she said Section 25, Sub-Sections 1 provided for Freedom of Expression.

On the same topic a prosecution lawyer from the court said corruption has a link with not having paid enough and being

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Absentees lawyers to be disbarred

overpaid. He said a judge paid less than \$100 (Le 300,000/00) to judge a case was likely to be corrupt. The lawyer stressed the need to evolve a system in which you cannot bribe a person.

Talking on the right of the accused, he pointed at that when a person is under arrest it was the most vulnerable time of that person's life. After arrest, he said a person had right to bail, which he pointed out, however is not an absolute right.

He went on to say that the accused person had a right to competent counsel of his or her choice as well as a right to trial by jury. He cautioned however that a police officer should not represent the state in any trial.

The accused has a right to be informed of the charges against him or her, what he/she is brought to court for, the right to plead guilty and the right to speedy and expeditious trial, he added. Within 45 days of arrest a person should be tried, he stated. In other countries, he revealed, people are disbarred for staying away from court. Such lawyers should be disbarred, he said.

New Vision

Tuesday Jan 25, 2005

"Liberian Commanders committed war crimes"- witness

By Tamba Borbor

Prosecution witness TF1-071 currently testifying at the Special Court has disclosed that the Liberian fighters who fought alongside

the Revolutionary United Front (RUF) committed war crimes. Speaking in English, the witness stated that during those early days of the war, the Liberian fighters were not treating

"the revolution in the best interest of the civilians." He explained that because of this attitude, the RUF fell out with the Liberian fighters. Cross-examined by Defence Counsel

Wayne Jordash who represents RUF 1st accused- Issa Sesay, TF1-071 said that he was captured by the RUF and afterwards decided to

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Liberian Commanders

From Front Page

stay willingly with the group, because he believed in the ideology put forward by deceased former Leader of the RUF- Foday Saybana Sankoh. Asked what the revolution was about, the witness said that it was meant to salvage the masses that were living in

poverty including the upgrading of educational facilities; ensuring that women's rights are protected; bringing justice to the poor and underprivileged and also to combat corruption. The witness disclosed knowing Issa Sesay since 1996 as one of the senior commanders in

Kailahun. On the death of B.S. Massaquoi, TF1-071 said that he was not in a position to prevent him from being beaten to death, as the issue was above his level; adding that deceased Sam Bockarie alias 'Mosquito' and his investigators were those who beat the man to death. The trial continues today.

Awoko

Tuesday Jan 25, 2005

Injustice & bad governance made us take up arms

Ex-RUF fighter reveals

By Joseph Turay

During cross examination yesterday at the Special Court room No. 1 by lawyer for Issa Sesay of the RUF, Wayne

Jordash, witness TF1 076 revealed to the Court that they took up arms because of injustice and bad governance in the APC govern-

ment headed by Joseph S. Momoh which was later overthrown by the NPRC regime

in 1992.

The witness answering to questions put to him by Mr. Jordash explained that he was

captured by the RUF rebels and later joined them willingly because of the ideology preached to them by the

late RUF leader, Foday Sankoh, who he said first had his training base in Liberia

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Ex-RUF fighter reveals

From front page

where he trained and told them that the then APC government must be overthrown because of the bad economic situation, corruption, poor educational facilities and the lack of respect for women.

Witness said these teachings were preached to conscripts by one Issa Mongoh, Mike Lamin and other senior commanders who Sankoh had chosen as instructors and trainees commanders.

The EX-RUF fighter revealed that during this period be-

tween 1991 and 1992, Mike Lamin was also the commander in Pujehun but denied that he did not know whether former RUF strongman Eldred Collins was a commander in Kailahun at the time.

He also denied knowledge of Sam Bockarie (Maskita) being a commander in Kono, as he was deployed in Pujehun by then.

Witness further went on to explain to counsel Jordash that in the beginning of Sankoh's RUF revolution

in 1991, most of the commanders were Liberians but were later ordered back into Liberia by the RUF high command as a result of the crimes they had been committing against civilians.

The witness denied knowledge of whether Issa Sesay was investigated or demoted from his post but that he was also a commander.

He went on to name Mike Lamin, Sam Bockarie and Dennis Mingo as the most influential commanders at the time of the RUF revolution.

The Exclusive

Tuesday, January 25, 2005

Concord Times

Tuesday, Jan 25, 2005

Special Court witness blames Liberians for abotage

Special Court witness TF1-071 Monday said the Liberian commanders recruited by Foday Sankoh sabotaged the RUF revolution.

"The Liberian commanders were not treating the revolution in the best interest of the civilians," he said.

The witness who was cross-

examined by Defence Counsel Wayne Jordash said the Liberian mercenaries committed serious war crimes against civilians.

He says he remain in the RUF at that time because he believed in Sankoh's ideology, which he described as an uprising for the masses who were living in abject poverty.

He cited injustice, corruption, bad governance and lack of education as reasons, which forced them to take up arms against the system.



David Crane - Prosecutor

Aussie proclaims innocence in abuse case

January 25, 2005 - 5:49AM

An Australian investigator for a UN-backed war-crimes tribunal who is on trial in a sex-abuse case involving a teenage girl declared his innocence while testifying in a Sierra Leone court.

Australian police officer Peter Halloran, 56, is accused of "indecently assaulting a girl under 14 years" and "conspiracy to pervert the cause of justice".

The "sexual assault charge is not true," Halloran said in his first testimony to the Sierra Leone court.

"I am totally innocent of the count of which I am being charged."

Halloran came to Sierra Leone last year to work as an investigator for the UN-backed war crimes tribunal, which is trying both rebels and government-allied fighters for abuses committed during the country's brutal 1991-2002 civil war.

The war-crimes court suspended Halloran after allegations of sexual-abuse involving a 13-year-old girl emerged in August. That court carried out its own investigation, but found insufficient evidence to support a case.

After the Sierra Leone court began the trial in September, Halloran pleaded innocent to charges in a four-count indictment. The court acquitted him on two of the counts last week - "procuring a girl under 14 years" and "unlawful carnal knowledge with a girl under 14 years".

In testimony, Halloran said he had first met the girl in May while interviewing potential nannies to look after a child of his girlfriend.

The girl said she was 16 years old, Halloran said, adding that he determined she was "not suitable for employment".

It was not clear whether he later hired her, however. In contradictory testimony to the court in September, the girl said Halloran hired her and she lived temporarily in a spare bedroom in his house during her employment.

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Kabbah Okays death penalty

By Abdul
Karim
Koroma



President Kabbah

entrenched in the legal systems of America, Japan and other African countries.

The Office of the President last week stated in a release that President Kabbah would not abolish the death penalty from the country's law book.

The release emphasized that the death penalty is part of the laws of this country just as is been

The government defence came after the Truth and Reconciliation Commission had recommend the abolition of the death penalty from the laws of Sierra Leone.

This was also echoed by other human rights organization around the world.

"There is no doubt that the death penalty is a serious punishment and some people may genuinely want to see it abolished in this country," the statement said and continued, "such people must however realise that the President

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Kabbah okays death penalty

cannot change the law on his own and he is bound to obey the law as long as it is the current law in the country."

The release further states it is

mandatory to follow the law as it is been allowed to take it course in many democratic countries. "The law also gives the President power to exercise his prerogative of mercy in fa-

vour of a condemned prisoner. But he can exercise this power only after all judicial remedies including appeals have been exhausted and not before that," the release noted.

Concord Times

Tuesday Jan 25, 2005

Legal Times January 24, 2005

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Legal Times

January 24, 2005

HEADLINE: A Slow Search for Justice in Iraq;
Worries over legitimacy and resources plague the war tribunal. The elections offer more uncertainty

BYLINE: By Vanessa Blum

In building the case against Saddam Hussein and senior members of his regime, war crimes investigators identified 10 mass graves in Iraq where they believed the most promising evidence lay.

But to date, only one grave has been exhumed and the \$7 million budget for the effort has been exhausted. Much of the money intended to fund personnel, equipment, and forensic testing has gone instead toward security costs.

Like so many plans laid after the fall of Baghdad, the prosecution of former Iraqi leaders for crimes against humanity has turned out to be more difficult, time-consuming, and expensive than originally anticipated.

While Iraqi officials say publicly that they are close to trying accused war criminals such as Hussein and the man nicknamed "Chemical Ali" before a special tribunal, the slow pace of the investigation suggests otherwise.

The effort has been hampered by the dangerous environment, budget shortfalls, and credibility problems. There is still no courtroom and no official rules of procedure, and the United Nations has disavowed the tribunal because it includes the death penalty.

Next week's national elections could add a new wrinkle. Some close to the tribunal say they hope the newly elected government will consider eliminating the death penalty and creating more formal roles for non-Iraqis. Doing so could invite greater international assistance and shake off the perception that Americans -- not Iraqis -- are leading the effort.

"I think it's an opportunity," says Hanny Megally, director of the Middle East program at the International Center for Transitional Justice and an adviser to the tribunal. "More and more, the Iraqis realize that it's not good for the image of the court that everybody is seeing it as an entity that is completely dominated by the United States. At the same time, as challenges have arisen, the United States has come to realize that it's better if it's an internationalized process and the burden is shared."

The official in charge of U.S. efforts to support the Iraqi war crimes tribunal concedes that more international involvement is needed.

"The court has been looking for international assistance from countries for months now," says Greg Kehoe, a former assistant U.S. attorney tapped by the Justice Department to help the Iraqi prosecutions. "There has been no groundswell of

support from other countries to assist the Iraqis."

CONTROL ROOM

The Iraqi Special Tribunal for Crimes Against Humanity was established by the Coalition Provisional Authority and the Iraqi Governing Council in December 2003 after months of discussions.

Unlike the courts created to try war criminals from the former Yugoslavia, Rwanda, or Sierra Leone, the Iraqi tribunal did not seek sponsorship from the United Nations or include formal roles for foreign nationals. Instead, it emphasized Iraqi ownership and control as a necessary step toward unifying the war-torn nation and restoring the rule of law.

The Iraqi-run model was pushed by U.S. officials who felt that domestic court proceedings would provide more closure to the Iraqi people than an international tribunal.

At a Dec. 15, 2003, press briefing, President George W. Bush stressed that Iraqis would decide how to shape court proceedings against Hussein.

"Look, the Iraqis need to be very much involved. . . . They were the people that were brutalized by this man. He murdered them. He gassed them. He tortured them. He had rape rooms. And they need to be very much involved in the process, and we'll work with the Iraqis to develop a process," Bush said.

But three lawyers with ties to the tribunal effort say that the shift from U.S. leadership to Iraqi control has not come about as quickly as desired.

"The tribunal is increasingly perceived as an entity created by the United States, funded by the United States, and run by the United States," Megally says. "It's been over a year since the fall of the regime, and people are getting more and more restless."

In April 2004, Attorney General John Ashcroft tapped the 50-year-old Kehoe, a former war crimes prosecutor at the Hague, to head a Justice Department unit providing support to the tribunal from the U.S. Embassy in Baghdad.

Kehoe rejects the charge that Americans are leading the prosecutorial effort.

"Basically, we are in a support role for the [Iraqi Special Tribunal]. We don't make decisions for them," Kehoe says. "We don't decide who, what, where, or how someone is going to be charged. Those decisions are up to the Iraqis, and we don't cross that line."

Kehoe's office, known as the Regime Crimes Liaison Office, currently employs roughly 50 U.S. lawyers and investigators. The staff includes an additional 30 contractors from the Army Corps of Engineers and 25 foreign nationals from Iraq, Holland, Britain, and Australia.

The team conducts grave excavations and witness interviews, coordinates security measures, organizes training for members of the Iraqi tribunal, and manages the court's administrative functions.

Many of the challenges confronting the office -- the lethal conditions, the lack of international support, and the difficulty in transitioning control to Iraqi nationals -- mirror those encountered by U.S. troops in other areas.

So far, Kehoe says, the biggest constraint has been the security situation.

"Every time I send my staff out the door I worry," he says. "That being said, you have to go out and do the job on a daily basis. What we have tried to do is focus our investigations in areas where we can operate."

The grave exhumations are particularly risky because teams are forced to remain in one spot.

"If you're going to be on that location for a period of time, someone is going to find out," Kehoe says. "You try to take all the protective measures that you can."

The notion that U.S. officials are calling the shots for the Iraqi Special Tribunal has been difficult to dispel.

The U.S. government put up an initial \$75 million to fund the tribunal and controls troves of documentary evidence gathered from government offices and palaces after the invasion. Many of the documents were hastily classified by U.S. intelligence agencies and now cannot be shared with Iraqi investigators until the documents are declassified, a process that lawyers involved in the tribunal say keeps Iraqi investigators sidelined.

Valid or not, the perception of heavy U.S. involvement makes it difficult for nations that split with the United States over the invasion of Iraq to now offer aid to the tribunal.

"Other governments look at the whole effort and say that is not really our endeavor. It's the American endeavor," says George Washington University Law School professor David Scheffer, who was the U.S. ambassador at large for war crimes issues under President Bill Clinton. "The bottom line is that the tribunal has turned out to be too beholden to the occupiers' influence to attract international support."

Defense attorneys for those accused before the tribunal are likely to play on American involvement to undermine the legitimacy of trials.

"We believe that special court is illegal because it was established by the occupation group of the United States -- someone who came to Iraq without any rights and changed the laws and destroyed the civilization of the Iraqi people," says Ziad Al-Magawi, a member of Hussein's defense team. "This court is born from aggression."

PENALTY BOX

So far, U.S. and Iraqi efforts to woo participation from other nations have been unsuccessful, largely because of international opposition to the death penalty.

United Nations Secretary-General Kofi Annan has refused to support the tribunal and discouraged U.N. employees from participating in their private capacities. Human rights groups that have been pushing to try Iraqi leaders before an international

tribunal since the early 1990s have refused to provide relevant documentation or to assist with grave excavations.

Even Britain, America's closest ally in the Iraq War, distanced itself from the tribunal after the decision was made to include the death penalty.

Tom Parker, a British lawyer who spent four years as an investigator at the Hague for the U.N. tribunal for Yugoslavia, ran the Coalition Provisional Authority war crimes investigation unit in 2003. Parker was removed by the British government along with seven other staffers because of its opposition to capital punishment.

"The biggest single problem hanging over the Iraq tribunal is the death penalty," Parker says. "The decision to include the death penalty makes perfect sense from an Iraqi perspective, but it has made it extremely difficult for nongovernmental organizations and European governments to be associated with it."

Indeed, Iraq's legal system has long relied on capital punishment. Use of the death penalty was suspended during the U.S.-led occupation, but reinstated by interim Prime Minister Iyad Allawi last August.

One lawyer involved in the tribunal, who asked to remain unidentified, says that setting up an Iraqi war crimes court that excluded the death penalty would amount to "legal colonialism."

"If the goal really is to build a legitimate justice system and the rule of law, you've got to go about that in a way that involves Iraq's domestic values. You can't simply transplant it from the outside," the lawyer says.

Parker, who still does some work for the tribunal as a contractor, calls the death penalty conundrum the "Rwandan paradox" -- in reference to the international criminal tribunal for Rwanda. At the U.N.-sponsored tribunal located in Tanzania, the maximum penalty for genocide is life in prison. Meanwhile, ordinary criminals tried by Rwanda's domestic courts may be subject to execution.

"That's clearly absurd, and yet at the same time having the death penalty makes it impossible for many entities to be involved," Parker adds. "To be honest, I don't know what the answer is."

Iraqi lawyer Salem Chalabi, who helped draft the statute creating the tribunal, initially favored the death penalty. Now he is among those who believes that the matter should be re-evaluated after Iraq's Jan. 30 elections. "If the price of bringing internationals in . . . is removal of the death penalty, we should re-examine the death penalty," he says. "I'm just wondering if we'll be able to get this done in any meaningful way without international assistance."

Chalabi's own role in the tribunal has been another sore point with international observers.

Chalabi, who graduated from Northwestern University Law School, is the nephew of controversial Iraqi politician Ahmad Chalabi. The younger Chalabi was tapped to head the Iraqi Special Tribunal but resigned in September 2004 after a warrant was issued for his arrest in connection with the murder of Iraq's former finance minister. Chalabi says the charges were baseless.

JUDICIAL SELECTION

Twelve former regime members have been targeted to face charges before the tribunal, including Hussein and top aide Ali Hassan al-Majid, known as Chemical Ali for his role in the 1988 chemical weapons attack on Iraqi Kurds.

Their cases will be heard by five-judge panels. Foreign nationals are allowed to sit alongside Iraqis as judges, but to date none have been appointed.

Roughly 45 trial judges, investigators, and prosecutors -- all Iraqi -- have been tapped to serve on the tribunal, though their names have not been disclosed due to security concerns. Many of the country's most experienced judges were barred from participating because they had been members of Hussein's now outlawed Baath Party.

In December, Allawi announced that trials would begin before Iraq's upcoming elections -- a possibility that seemed unlikely even at the time. Indeed, no formal rules of procedure have been issued, and the courthouse where trials will ultimately take place is currently under construction.

Allawi's remarks fueled concerns that the court may be subject to political pressures.

"The tribunal seems to have become an instrument for advancing personal political objectives," says Richard Dicker, director of the international justice program of Human Rights Watch and a vocal critic of the tribunals. "If it's going to have any legitimacy, it needs to rise above that."

According to Dicker, the fix would be broader international involvement.

"Our recommendation was for the establishment of a mixed tribunal, a partnership between Iraqis and internationals who could be named by the U.N. to conduct these trials," says Dicker. "We thought that would have provided the Iraqis with the assistance they acknowledged they needed to conduct what are very complicated criminal prosecutions."

But Kehoe dismisses the concern raised by Dicker and others that Iraqi jurists with no previous exposure to international criminal law will be unable to handle complicated genocide and war crimes cases without the help of experts from other countries.

"Do Iraqi judges have broad experience in international humanitarian law? No. But let me tell you, they are learning it as we speak," Kehoe says. "Turn back to the beginning of [the International Criminal Tribunal for the former Yugoslavia]; those judges didn't have much experience in international humanitarian law either."

Case Western University law professor Michael Scharf was initially skeptical of the Iraqi-run court, but changed his mind after participating in a training conference for the Iraqi judges in October 2004. He says those selected to be judges are committed to putting on trials that will meet international scrutiny.

"What I was worried about was, Could they be fair? I really prodded them throughout the week to see if they were prejudiced or had preformed opinions,"

Scharf says. "I believe at the end of the day they will bend over backward to show the world that these are legitimate proceedings."

Reach Vanessa Blum at <mailto:vblum@legaltimes.com> .