

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:

Friday, February 18, 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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Special Court Drops Charges Against AFRC Indictees

By Mohamed Mansaray

The Chief Prosecutor of the Special Court for Sierra Leone, David Crane has dropped four-count charges against AFRC indictees of the court.

These include: directing attacks against aid workers and UNAMSIL peace keepers (count 15), unlawful killings and murder (count 16), violence to life, health and physical or mental well-being of persons (count 17) and abductions and the taking of hostages (count 18).

The Amended Consolidated Indictment (as they are now known) was filed against the accused, namely Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu by the Prosecution on May 13, 2004.

In a motion filed on February 7, 2005, the Chief of Prosecutions, LUC Cote and the Senior Trial Attorney, Lesley Taylor, argued that they were withdrawing the above charges in the interest of justice and fairness to the accused.

"The Prosecution seeks leave under Rules 50(A) and 73(A) of the Rules of Procedure and Evidence to further amend the Amended Consolidated Indictment issued on May 13, 2004 against the accused Alex Tamba Brima, Brima Bazzy kamara and Santigie Borbor Kanu, by withdrawing counts 15 to 18 of the indictment," the Prosecution submitted. The Prosecution further argued that the rights of the accused to be informed of the charges brought against them would

SEE PAGE 3

Charges Against AFRC Indictees Dropped

not be affected, and that no additional charges would be brought against them by the amendment.

The Prosecution further submitted, thus: "New evidence obtained by the Prosecution and disclosed to the Defence has led the Prosecution to the view that the joint criminal enterprise as pleaded in the indictments (and subsequently repeated in the Consolidation Amended and Consolidated Amended and Consolidated indictments) cannot be proved beyond reasonable doubt after January 2000, the period of time relevant to, in relation to counts 15-18".

The Prosecution went on to submit that it would be in the interest of assisting the Chamber in the proper administration of the Proceedings, not to lead evidence against the accused with respect to the above charges.

The defence argued that counts 15-18 be dismissed due to an alibi defence and lack of *prima facie* case. The Presiding Judge of the

Trial Chamber II, Teresa Doherty upheld the Prosecution's application on Tuesday and ruled that counts 15, 16, 17 and 18 of the Amended Consolidated Indictment have been deleted. The Judge further ordered the Registry to personally serve a copy of the amended indictment on each accused in accordance with Rule 52(B)

The accused were indicted in 2003 for individual Criminal responsibility for offences committed against civilians by AFRC

fighters during the war in Sierra Leone.

Alex Tamba Brima is defended by Kevin Metzger, Glenna Thompson and Kojo Graham while Brima Bazzy Kamara is represented by Wilbert Harris and Pa Momo Fofanah.

Geert-Jan Alexander Knoops-Hamburger and Ajibola E. Manley-Spane are defending Santigie Borbor Kanu.

The trial of AFRC indictees is expected to begin early next month.

Sierra Times

Thursday February 17

2005

Aweko

Friday February 18, 2005

'Black out' delays verdict

The long-awaited verdict on the alleged rape case involving Peter Halloran, the Australian-born and Investigator at the Special Court, Abdul Fofanah and Sheka Fofanah, was again adjourned to today. The Court Clerk Mr. Samai told Journalists that the Judge

Contd. Page 2

'Black out' delays verdict

From Front Page
was up the whole of Wednesday night to prepare the verdict when he experienced 'black out'. The verdict should have been given on Monday 14th 2004 but Justice Ademusu was reportedly sick. The

Australian High Commissioner, who had been waiting in the Court for the verdict, was seen accosting the Court Clerk as to why the Judge did not sit on that day. The jam-packed Courtroom, which comprised of local Journalists and

those from Australia; representatives from the British High Commission in Sierra Leone together with relatives of both the accused and complainant, were disappointed when Justice Ademusu adjourned the case again to give verdict today.

Letter from America

The untold stories of the war

By Sahr Joseph Komba in USA

There was a rebel war in Sierra Leone that lasted longer than expected and claimed several thousands of lives and destroyed millions of Properties.

Shortly after the war broke out the soldiers took power from Momoh. I think that coup was a popular one. The regime, NPRC didn't live up to the expectations of the people. In a very short moment, the soldiers started to uncover their excesses. They took a team of "experienced" advisers (President Kabbah was a member of that Advisory Council) that helped them loose flavor.

They became distasteful and the nation cried foul. They were replaced in a democratic election in 1996 that saw Kabbah who took control of state matters. Everybody danced his or her limbs lame for this President thinking that as an experienced UN retiree, the nation would be like America, since he was expected to manage the resources well and call things by their names.

The soldiers said he was not doing better, so they decided to throw him and his team out of power in a coup he himself knew about four days before it actually happened, but did nothing to prevent it from happening, yet he was the Commander-in-chief. Kabbah fled to Conakry, where he had his cabinet that the international community endorsed and Britain was paying stipends through the untiring effort of the then British High Commissioner, Peter Penfold, who was later compensated as Paramount Chief.

Kabbah made several desperate moves to get ECOWAS behind him in that struggle. The ECOWAS support won him the UN support that knew no boundaries and they cried down the junta regime led by Johnny Paul Koroma. Johnny Paul and his team also stood their ground because they considered that intervention to be unfair. Sierra Leoneans became divided in their views.

This division caused many more to die. A group referred to as ECOMOG chased AFRC out of the city. Even though the people that test was devastating, they blinded themselves to the facts and joined Kabbah to cry loud for help to oust the junta. They hallowed themselves to be used as Guinea Pigs to test for the return of democracy to their land.

Kabbah sat down in Conakry with his Ministers and other supporters and allowed bombs to rain on his people, which he Kabbah referred to as the price of Democracy. The man behind that experiment was Kabbah's bosom friend; the man remembered by naming one of the streets after; a man he forced Sierra Leoneans to believe was their hero, SANI ABACHA.

I don't know if Kabbah knew his so-called friend's plans. Abacha knew Kabbah was numb and desperate for power, so he lured him to use his people to test for democracy and to restore his own image.

I am taking my time to let the readers know whom this man was that led Kabbah to use his people to suffer for the restoration of his credibility and to quench the power thirst of his friend, Kabbah. Let us look at who Abacha was.

Abacha never pretended to be brilliant or intelligent. According to reports, he was recommended

for retirement but Obasanjo removed his name from the list. He was not a man of many words. He did not like to talk. He exhibited all these even when he read speeches. When one watched and listened to Abacha during national broadcasts, he skipped lines in his address when he could not pronounce words. He hated long sentences; everything about him was short and precise. To see him as a Military Administrator, you had to wait for as long as 10 days in Abuja. There was a story of a MILITARY

Administrator of one of the Northern States of Nigeria who went to see him, the man waited for more than 7 days, and when he eventually got to see Abacha and told him how long he had been waiting, Abacha told him to go back if he thought he could not wait that long. Abacha also hated seeing figures. If you wanted him to approve anything, don't write too much notes, he won't read, what he did most of the time was to go to the total and see how much you are asking for, and would sign.

Under Abacha, the Nigerian Army suffered great neglect. The Army was reduced to nothingness. The military became more idle; officers could not go for training. Most promotions were done without regard for merit.

The neglect of the military by the military during those days was unimaginable. Professionalism was thrown into the wind, as officers became politicians in uniforms.

The period between 1993 and 1998 was adjudged the darkest period in Nigerian history. If HIS PREDECESSORS WERE DIPLOMATIC IN UNLEASHING TERROR, Sani Abacha had no temperament for that. He ruled with iron hands relying on his street wisdom with the able assistance of Major Hamza Al Mustapha and Brigadier-General Sabo. Abacha's government brought out the ugly side of the military, especially the Army. It was an era of unbelievable happenings. There was something unique about this man. He came in and touched all the untouchables. He destroyed what was seen in Nigeria as political dynasty and created a new class of oligarchs.

It was this man the world rallied behind and thought could restore democracy in a small state of Sierra Leone. The question is, was he really trying to restore democracy or trying to regain recognition from the west? He caused Foday Sankoh to be arrested in Nigeria. But many Sierra Leoneans do not care about how and why Sankoh was arrested.

It was this man, Abacha (who was himself undemocratic) that the international community rendered their support to oust Johnny Paul Koroma. The international community gave him the free hand to unleash terror on Sierra Leone in the name of overthrowing an undemocratic regime and reinstating democracy, using Sierra Leoneans to restore Abacha's dampened and battered credibility and image. After the killing of Kan Sáro WIWA and the other Ogonis, it was apparent that Abacha had pitched himself against the whole world. Nigeria was suspended from the Commonwealth. Abacha continued to Abuja. He could not travel out of the coun-

try. It became clear to him that he should do everything to regain his battered image and win back the support of the international community. He needed to do something. There were coups in the making in Sierra Leone among which was one by non-commissioned officers. The idea came to Abacha that he should allow Kabbah's overthrow and would chase whoever did the overthrow. This according to Abacha's think-tank would work and project him as a pro-democrat. At some point in the civil war, Nigerian military personnel were in control of the security of both the Liberian State House and Sierra Leone. They formed the bulk of the security.

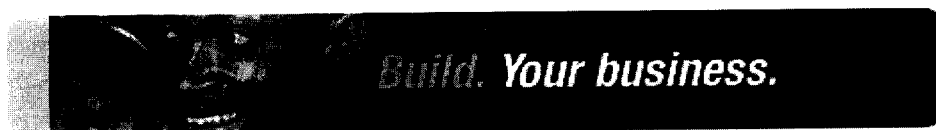
Kabbah even contracted the Nigerian military as his personal bodyguards. Charles Taylor got wind of the plan to overthrow him and that was why he insisted that Nigerian troops should leave Liberia. Signal was sent to Freetown that on the night of the coup that saw Koroma as Head of State, all armored tanks in the States House be disabled and soldiers should not return fire. On that night Koroma's men made inroad easily to the State House and Tejan Kabbah was thrown out. While that coup was going on under the watchful eyes of the Nigerian troops, apparently taking orders, another troop in Liberia was ordered to move into Freetown to stop the coup (June 2). The counter attack landed the Nigerian troops into the nest of the Koroma Boys who were now married to the RUF; and over 300 Nigerian soldiers were taken prisoners. The Nigerian commander in Freetown was not aware of the counter order. This was the team led by Brigadier-General Maxwell Kobo. Two officers used to carry out different orders by the same directing authority. This almost cost them their lives and the lives of the troops sent. While this was going on Foday Sankoh was still in detention in Nigeria. Someone who was managing the Nigerian refinery in Sierra Leone, and was arms leader lured Sankoh into Nigeria.

He was a member of the House of Representatives between 1999 and 2003 from Imo State.

I believe this piece sounds interesting and would cause Sierra Leoneans to be consciously looking at the international friends they make, the Abacha types. They should be mindful of how they react to international interests that are dressed as democratic practices. It is very true that the world is against any form of military rule but that should not drag a country into thinking that a Head of State who is undemocratic can lead them to destroy their country and their people. This was the Abacha their President and the international community called their friend and Kabbah went on to name a street after him for the "good job" he did for him. Was Abacha actually a friend? Did he deal fairly with the Sierra Leoneans? Does he deserve any praise now that they have known this revelation that he used the numbness and power thirst of their President to destroy his country and kill his people in the name of Democracy, calling it the price of democracy.

His children were not part of the price. Chew upon this and make your valuable decision.

To be contd



SLPP Publicity Secretary Blasts Sama Banya

Concord Times (Freetown)

NEWS

February 17, 2005

Posted to the web February 17, 2005

By Ibrahim Seibureh

Freetown

Sierra Leone Peoples Party (SLPP) Publicity and Propaganda Secretary, Moijueh Kaikai Tuesday said SLPP National Chairman, Dr. Sama Banya has exceeded the age of retirement from active party politics.

"Dr. Banya should know that it is time to retire because he has been part and parcel of all administrations that contributed to the decadence we experienced in this country," he said, adding that Dr. Banya was the country's Foreign Minister when the Sierra Leone High Commission at 33 Portland Place in London was sold and nothing came out of it.

Kaikai says only a party of sycophants would deny that people are becoming disillusioned and disappointed over the performance of the party's national leadership.

"As party chairman, what is he doing to restore and boost people's confidence and support to the party and how many times has he visited Chief Norman since his indictment by the Special Court?" he questioned, adding that the SLPP Chairman spends little of his time at the party's office.

"He is always at State Lodge and doing absolutely nothing to develop programmes for the party," he claims, adding that if Dr. Banya can prove him wrong, he will surrender his party card.

"I admire individuals and praise them if they remain truly loyal to the party, which I belong and Dr. Banya should remember that we're not political prostitutes like many of them," he stated.

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Africa News February 17, 2005 Thursday

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Africa News

February 17, 2005 Thursday

HEADLINE: Sierra Leone;

Potential Presidential Candidate Says He's Not Denting Party's Image

A controversial member of the ruling Sierra Leone Peoples Party (SLPP) Mr. John Leigh, who was the Ambassador of Sierra Leone to America and believed to be a potential presidential candidate for the 2007 elections, denies recently on a community radio in Freetown of denting the party's image.

Mr. John Leigh, who claimed to be on a "fact- finding mission" in the country on the post-war situation, on Friday 11 February on Citizen Radio Thunder Hill; Kissy, east of the capital Freetown, denied denting the image of the ruling Sierra Leone Peoples Party. "I want it to prosper," he said. The former ambassador claimed that he was one of those organizing the party abroad to "maintain its glory as a meaningful political party". He vowed to display what he called patriotism in the country. He further revealed that people in some parts of the country where he visited like: Bo in the south, Kailahun in the southeast, Kabala in the north were expressing dismay over the socio-economic and political situations in the country. Mr. Leigh also disclosed that, some time ago, Prince Harding minister of transport and communication told him in Washington DC that he would never head the party simply because he was not a southerner. "I am not a frustrated man, I am not a tribalist, but a nationalist," he lamented. He said he was very optimistic that his membership in the party would be maintained, and promised to contest come 2007 elections if conditions are favorable. He stated that he thought it necessary for a member of the party in the Western Area to head the party this time round. According to him, series of information about the hardship in the country after the war had been reaching them abroad, adding that it was why he returned to make sure. The ex-ambassador also refuted the allegation that he said the current vice president Solomon Berewa, was not fit to be president of the country. He said, "Berewa is a handsome man and academically qualified for a position of trust". He however, questioned the indictment of Hinga Norman and others by the **Special Court** for War Crimes at the expense of the Amnesty granted them in the Lome Peace Agreement.

Sudan rejects international court

Sudan has rejected a call from the UN human rights commissioner for Darfur war crimes suspects to be tried by the international court in The Hague.

Sudanese Justice Minister Ali Muhammed Osman Yasin said those arrested should be tried locally in Sudan.

UN Secretary General Kofi Annan described circumstances in the western region of Darfur as "hell on earth".

At least 100,000 people are thought to have died and two million have fled their homes in the two-year conflict.

The UN Security Council is currently debating how best to punish those responsible for atrocities in Darfur.

Best means

A recent UN report found that Sudanese government forces and pro-government militias had tortured and killed civilians.

"The government admits there are some atrocities committed by some culprits and I believe they should be arrested and they should be introduced to a court of justice," Mr Yasin told the BBC's Focus on Africa programme.

"But... it is our obligation as a government that we settle this matter locally."

The UN investigators strongly recommend that those accused of the most serious crimes be referred to the International Criminal Court (ICC) in The Hague.

"The commission in my view eloquently and powerfully argues that referral to the ICC is the best means by which to halt ongoing violations and to prevent future ones," Louise Arbour, the UN high commissioner for human rights, told the Security Council.

She also said that while the report concluded Sudan's government had not pursued a policy of genocide, nothing precluded the possibility of individuals being convicted of such acts.

'All equal before the law'

The commission identified 51 suspects whose names are being kept secret, waiting to be handed over to a "competent prosecutor".

Mr Yasin said the international community had so little faith in Sudan's justice system because it had taken some time to set up, but he insisted it was now ready.

"All people are equal before the law and we will demonstrate and prove it very soon."

The US does not back the ICC, fearing its nationals could be subjected to politically motivated trials, and has instead proposed an ad hoc tribunal in Tanzania, where a Rwandan war crimes court is already in place.

The US has circulated a draft resolution calling for a travel ban and a freeze on the assets of those responsible for the continuing violence in Darfur.

The resolution simply calls for the perpetrators of atrocities to be brought to justice.

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4275011.stm>

Published: 2005/02/17 19:30:44 GMT

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UN urges trials for 'Darfur hell'

The international court in The Hague should try Darfur war crimes suspects, the United Nations' high commissioner for human rights has said.

There can be no hope for sustainable peace without immediate access to justice, Louise Arbour told the UN Security Council in New York.

UN Secretary General Kofi Annan described the situation in the Sudanese region as "hell on earth".

At least 100,000 people are thought to have died and some 2m are homeless.

The Security Council is debating how best to punish those responsible for atrocities in Darfur.

'Best means'

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The report strongly recommends that those accused of the most serious crimes be referred to the International Criminal Court in The Hague.

"The commission in my view eloquently and powerfully argues that referral to the ICC is the best means by which to halt ongoing violations and to prevent future ones," Ms Arbour said.

"With an already existing set of well-defined rules of procedure and evidence, the court is the best-suited institution for enduring speedy investigations leading to arrests and demonstrably fair trials."

She also said that while the report concluded Sudan's government had not pursued a policy of genocide, nothing precluded the possibility of individuals being convicted of such acts.

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Sanctions split

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The Security Council has been split on whether to impose sanctions on Sudan.

China and Russia have economic ties to the Sudanese government and have blocked previous threats to impose sanctions.

Human rights groups and the US say a genocide has been carried out against Darfur's non-Arab groups.

The UN team said it found no evidence of a genocide policy but said the crimes against humanity and war crimes committed might be no less serious.

Story from BBC NEWS:
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4269977.stm>

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It's not just a place on the map.

Sudan Cannot Be Trusted to Tackle Darfur War Crimes, UN Human Rights Chief Tells Security Council

UN News Service (New York)

NEWS

February 16, 2005

Posted to the web February 17, 2005

Any new initiative proposed by the Sudanese Government to deal with the atrocities committed in the country's war-torn Darfur region should be dismissed given the extent of the involvement of that Government's officials in the crimes, the top United Nations human rights official told the Security Council today.

Briefing the Council on the findings of the International Commission of Inquiry on the conflict in Darfur, UN High Commissioner for Human Rights Louise Arbour said a referral to the International Criminal Court (ICC) is "the only credible way" to bring the perpetrators of the crimes to justice.

Ms. Arbour said the measures taken so far by the Khartoum Government to deal with the crimes have been "grossly inadequate and ineffective."

Few individuals have been prosecuted or even disciplined for their actions in Darfur, she added, despite evidence that Government forces and allied Janjaweed militias had - "on a very large scale and in a systematic manner" - murdered, tortured and raped civilians, destroyed and looted villages, and forced the displacement of thousands of people.

The Commission of Inquiry, set up last year by Mr. Annan, found these actions constituted war crimes and crimes against humanity and their perpetrators should be referred to the ICC. It concluded that genocide had not occurred as it could not find any specified intent on the part of the Sudanese Government to wipe out an ethnic or racial group.

Speaking at the outset of the session, Secretary-General Kofi Annan urged the Council to act urgently to stop further death and suffering in Darfur and "to do justice for those whom we are already too late to save."

In one of the most chilling examples catalogued by the commission, Government forces and Janjaweed militiamen twice attacked Kailek, a village populated mainly by members of the ethnic Fur group, in South Darfur. After the second attack, during which many civilians were shot and killed, about 30,000 villagers were confined for 50 days within a small area where they then endured "the most abhorrent treatment," Ms. Arbour said.

"Some men were singled out and summarily shot. There are reports of people being thrown on to fires and burnt alive. Women and children were separated out, confined in a walled area, and periodically taken away by their captors to be raped, [with] some subjected to gang rapes."

The Commission also found that the Sudan Liberation Army (SLA) and the Justice and Equality Movement

(JEM), two rebel groups fighting the Government in Darfur, had murdered civilians and pillaged homes. But it added that it did not find a systematic or widespread pattern to these violations.

Ms. Arbour told Council members that it would be too expensive and time-consuming to set up an ad-hoc tribunal or expand the mandate of an existing international tribunal.

She also said many victims of atrocities in Darfur had informed the five-member Commission that they had little, if any, confidence in the Sudanese justice system to be impartial and fair in its capacity to bring justice. Victims feared reprisals if they went to the domestic courts, many Sudanese laws breach basic human rights standards, and over the past decade the executive has been granted such broad powers that it effectively undermines the judiciary.

Most estimates suggest 70,000 people have been killed since the conflict in Darfur, a vast and impoverished region on Sudan's western flank, began in early 2003. About 1.65 million people are internally displaced and another 200,000 others live as refugees in neighbouring Chad.

The Council meeting, held at UN Headquarters in New York, was adjourned after Ms. Arbour's briefing for consultations among its 15 members.

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It's not just a place on the map.

Defence Counsel Argues Witness Ordered to Incriminate Gen Bizimungu

Hirondelle News Agency (Lausanne)

NEWS

February 16, 2005

Posted to the web February 17, 2005

Arusha

The defence for a former senior military officer on genocide charges at the International Criminal Tribunal for Rwanda (ICTR), challenged a prosecution witness on Wednesday that he was ordered by Rwandan authorities to incriminate the accused.

Gilles St. Laurent (Canada), lead defence counsel for the former chief-of-staff of the Rwandan army, General Augustin Bizimungu, was cross-examining the 10th prosecution witness, code-named GAP for protective reasons.

"No, I am not here to lie and I am not conniving with Rwandan authorities to testify here", retorted the witness.

GAP is awaiting sentence in Rwanda after pleading guilty in 2002 to genocide. He did not mention General Bizimungu in the eight statements he made to the ICTR.

"I put it to you witness you were told to reveal more regarding the number of people implicated in order to afford a lighter sentence", argued St Laurent. GAP responded, "nobody told me to implicate anyone, I pleaded guilty to crimes I committed".

The witness had testified on Tuesday that he and several genocide suspects including General Bizimungu participated in meetings, delivered weapons and ordered the extermination of Tutsis in different parts of Ruhengeri, Northern Rwanda.

Bizimungu's counsel asserted to the witness that he was lying because he mentioned no names when he testified in other trials including that of the former mayor of Mukingo (Ruhengeri) Juvénal Kajelijeli, who received a life sentence from the ICTR.

"Bizimungu never participated", in the meetings to plan Tutsis extermination, asserted the Canadian lawyer.

In this trial so called "Military II" trial Bizimungu is jointly accused with the former chief of staff of the Gendarmerie (Para-military police), General Augustin Ndindiliyimana, the former commander of the Reconnaissance battalion, Major François-Xavier Nzuwonemeye and his deputy, Captain Innocent Sagahutu.

The four military officers have all pleaded not guilty. The trial continues with cross-examination of the witness on Thursday.