

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 04, 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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55, Gullit And Bazy In Court

By Joseph Turay

Three former AFRC junta commanders now Special Court indictees, yester-

day appeared before the newly constituted Second Trial Chamber presided over by Irish born judge

Contd. page 2

55, Gullit And Bazy In Court

From front page

Teresa Doherty.
The three, Alex Tamba Brima aka Gullit, Brima Bazy Kamara and Santigie Borbor Kanu aka 55, 1st, 2nd and 3rd accused respectively, were arraigned before the learned judge, all looking healthy and with faces beaming with smiles.

Also in court yesterday were, Glenna Thompson, Pa Momoh Fofanah and A.E

Manley-Spain, defence counsels for 1st, 2nd and 3rd accused respectively who were smartly dressed and looking confident.

The first session of the Second Trial Chamber was more like a hearing for protective measures convened to among other things, determine the agenda of the proceedings in respect of how the prosecution intends presenting their case, their ex-

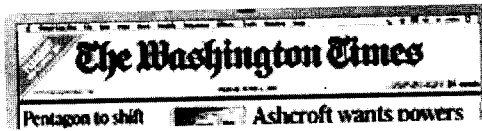
pectations and of course the number of witnesses expected to testify in the proceedings.

Chief Prosecutor Counsel Lesley Taylor filed in 226 witnesses which according to him, are supposed to testify but the learned judge ruled that the trial chamber now has 259 witnesses so far submitted by the prosecution. The court resumes sittings for the commencement of the proceedings on the 10th March, 2005.

The Exclusive

Friday February 4, 2005

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The Washington Times

www.washingtontimes.com

Darfur's last hope

By David B. Rivkin Jr. and Lee A. Casey

Published February 4, 2005

The ongoing massacres in Sudan's Darfur region present a humanitarian emergency of the highest order. As many as 50,000 people have been killed and 1.4 million displaced. Although the United States has called these atrocities "genocide," the United Nations has refused to accept this characterization, and, largely due to French, Russian and Chinese opposition, it is unlikely that the Security Council will impose meaningful sanctions against the Sudanese government or authorize the use of force.

Absent a "unilateral" humanitarian military intervention by the United States, Darfur's last hope appears to be a referral of the matter to some international judicial body capable of prosecuting and punishing the men responsible. Otherwise, the lessons of Rwanda will have been lost, and the world will have ignored yet another genocide in Africa. The question, however, is which tribunal.

Our European allies, supported by the recent report of a U.N. commission, want the newly established International Criminal Court (ICC) to undertake the responsibility. The other candidates are a "mixed" national/international tribunal along the lines of the Special Court for Sierra Leone, and a reformed version of the U.N.'s ad hoc International Criminal Tribunal for Rwanda (ICTR). There are drawbacks associated with each of these options, but the third probably presents the best opportunity for immediate action in Darfur, and acceptance in the region.

In principle, of course, a mixed tribunal like the Sierra Leone court, which was jointly established in 2002 by the United Nations and that country's government, is preferable. This model preserves the relevant state's sovereignty, but also provides for international participation and assistance. In addition, it ensures that justice will be carried out in the context of the society from which both the victims and perpetrators came. Unfortunately, a mixed court cannot work in Darfur, since the Sudanese government has itself been implicated in the killings there.

The next best option is to have the Security Council vest authority to investigate and prosecute the Darfur offenses in a reformed ICTR. Although this court has had a troubled history, including problems with inefficiency and corruption, it is a well-established regional institution -- headquartered in Arusha, Tanzania -- and has made improvements. It is experienced in investigating and processing genocide allegations, and could begin work immediately.

Moreover, rather than a simple referral, the Security Council would be able to institute additional reforms, and can also direct the ICTR to work closely with the African Union (AU). The AU is a highly respected regional organization, and it already has personnel deployed in Sudan. Most importantly, even if flawed, an ICTR referral would avoid the air of "colonialism" that would clearly arise if the ICC were tasked to do the job.

The ICC is first and foremost a European experiment. It is headquartered in The Netherlands, and the European Union (EU) controls 25 of 97 votes in its assembly of state parties. The EU has, in fact, set itself the task of achieving "universality" for the court, and is the ICC's chief international proponent. Moreover, both of the ICC's current

investigations involve African countries, the Democratic Republic of Congo and Uganda, respectively. Adding Darfur to this list begins to look a very great deal like European justice for African defendants.

Another critical drawback to referring Darfur to the ICC is that the United States has rejected that institution for itself, and there are significant unsettled issues over the court's sweeping jurisdictional claims. In particular, the ICC asserts the right to try American citizens, with or without a Security Council referral, who are accused of "war crimes" and similar offenses in the territory of ICC member states. This represents a delegation of national judicial authority not recognized by international law, the only precedents being the thoroughly discredited "capitulations" imposed on Turkey and China in the 19th century, and which cannot properly be accomplished by treaty. Both President Clinton and President Bush, in turn, correctly rejected the ICC's extravagant jurisdictional claims.

As a result, before the United States should even consider a Security Council ICC referral, both the ICC and EU would have to agree that the action creates no precedent, either at the U.N. level or as a matter of customary international law. Although similar compromise language was actually included in the documents creating the U.N. ad hoc tribunals, acknowledging that these courts could not "make" international law, there appears to be little chance that either the ICC or its European sponsors would accept such terms now. However, the costs to American interests of going forward without such an agreement would be prohibitive. As a result, a reformed ICTR offers the best chance of some immediate action in Darfur.

David B. Rivkin Jr. and Lee A. Casey served in the Justice Department under Presidents Reagan and George H.W. Bush.

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We Are The World

Ghanaian Troops in Sierra Leone Awarded UN Medals

Accra Mail (Accra)

NEWS

February 3, 2005

Posted to the web February 3, 2005

Ghanaian troops serving with the United Nations Mission in Sierra Leone, UNAMSIL Ghanbatt 10, have been decorated with UN Peace Medals.

The ceremony which was marked with a colourful parade took place at the battalion's headquarters located at Bo, the capital of the Southern Province on Wednesday, January 19 2005.

In an address, the review officer for the parade and Force Commander of UNAMSIL Major General Sajjad Akram commended the Ghanaian soldiers for their professionalism and dedication to duty.

He mentioned in particular, the battalion's splendid performance since being redesignated the FORCE RESERVE BATTALION. He explained that the task was given to the Ghana battalion, having in mind the Ghanaian peacekeepers' ability to deliver.

"And I am glad to say that your splendid performances, through air inserted, mobile and foot patrols to almost the entire country of Sierra Leone, has justified our trust in you," he added.

On humanitarian assistance, he thanked Ghanbatt 10 for assisting the needy with some food items, school materials and medical and dental support, among others. He also thanked Ghanbatt 10 for the construction of a bridge to link two hitherto inaccessible communities and hoped the project would accelerate development in the two farming communities.

He urged the battalion, which has as its slogan, "TOTAL COMMITMENT" to continue to remain focused and committed to the course of sustainable peace in Sierra Leone.

The parade was attended by an eight-man delegation from Ghana, under the leadership of Maj. Gen Nii Carl Coleman, commander of the Ghana Armed Forces Command Staff College.

Other dignitaries who graced the occasion were H.E. Kabral Blay Amihere, Ghana's high commissioner to Sierra Leone and several other local dignitaries. Also present were senior officers from the UNAMSIL Headquarters, both civilian and military, as well as a large crowd of spectators from Bo.

The parade itself which was touted by many as a splendid one, under the command of Lt Col. Stanley Brain Alloh, who is also the commanding officer of UNAMSIL Ghanbatt 10.

Other activities for the three-day ceremony included gymnastic and cultural displays, an all ranks durbar with the leaders of the delegation from Ghana.

The celebrations were rounded off with a thanksgiving church service on Friday, January 21 2005.

BBC Monitoring International Reports February 3, 2005

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February 3, 2005

AFGHAN OFFICIAL SAYS INSTITUTIONS TO DEAL WITH VIOLATIONS LONG-TERM PROSPECT

The spokesman for the Afghan Independent Human Rights Commission has said that it will take five years to set up special courts to deal with human rights abuse in Afghanistan. Commenting on recent reports calling for putting on trial those who violated human rights in Afghanistan over the past 25 years, Nader Naderi said that the need to adopt a long-term outlook was given by the absence of reliable judicial system and judicial institutions. The following is an excerpt from interview with Naderi called "Reports alone are not enough to bring those who violate human rights to justice in Afghanistan" published by Afghan newspaper Kabul Weekly on 2 February:

Several reports on human rights violations in Afghanistan over the past three decades were submitted to the Afghan government early this week. The reports apparently contain detailed information on the (identity of) human rights violators and the time and place of committing these violations during the 24 years of war and crisis in Afghanistan. The reports call on the Afghan government to prosecute human rights violations and bring the perpetrators to justice.

After receiving some copies of the reports, Hamed Karzai, head of the Afghan government (as published) promised that the government would not spare any effort to restore justice.

(Passage omitted: general on human rights violations)

We have conducted an interview with Nader Naderi, spokesman for the Independent Human Rights Commission about the contents of the reports and the conclusion they made.

(Passage omitted: Naderi responds to Kabul Weekly request to list previous reports on human rights violation in Afghanistan and speaks about reports compiled in the past)

(Kabul Weekly) The UN Human Rights Commissioner report has apparently been prepared in great detail. Please describe the details of the report.

(Naderi) The report examines wars and human rights violations in Afghanistan over three periods.

(Kabul Weekly) By three periods, do you mean the Communist, mojahedin and Taleban periods?

(Naderi) Yes. A big section of the UN report concerns the Soviet occupation and the crimes that are considered war crimes by the international human rights laws and the Geneva Convention. For example, the report contains the unjustified bombardments, mass killings, tortures in the regime's prisons and other similar cases committed by the Russians and their puppet regime. On the other hand, the report speaks of human rights violations committed against the Russians and the then regime in the name of the mojahedin.

The other period concerns human rights violations that took place in Kabul and other parts of the country under Afghanistan's Islamic government (1992-1996). The last period is the Taleban period (1996-2001) until the establishment of the interim government in Afghanistan (2002-2004). This includes even the cases of bombardment by the coalition forces that caused the death of some civilians.

(Kabul Weekly) Please shed light on two points. First, how have the external factors that caused human rights violations in Afghanistan been taken into consideration in the UN report on the three periods? Second, has there been a probe into human rights violations after the establishment of the interim government or not?

(Naderi) I should say that the reports have not been passed to the Independent Human Rights Commission yet and that they have not been made public in Afghanistan. If you want further details, you really need these reports.

Only the war crimes against humanity and human rights violations that were committed in the past have been examined. In other words, it is a retrospective justice process and does not include the violations after the establishment of the interim government.

In the national opinion poll conducted by the Independent Human Rights Commission, the Afghan people have expressed their ideas about both the internal and external factors behind human rights violations in Afghanistan.

Let me quote the UN human rights commissioner. The commissioner says: Human rights violations in Afghanistan are different from those in other countries like Yugoslavia and Sierra Leone on two counts: First, they are more severe and more widespread. Second, external factors have been more widespread and had more effect.

(Kabul Weekly) How can the reliability of the reports affect the Afghan social structure, the hostilities and the bitterness of individuals, families and groups and even ideological resentment accumulated over the past three decades? How can we trust the reliability of the reports if wrong information based on this resentment was given to the researchers and human rights activists?

(Naderi) Speaking not on behalf of the Independent Human Rights Commission but as an Afghan citizen who has information about some cases, I should say that the reports prepared by these organizations are reliable worldwide. I should also say that the reports can never be used in judicial procedures.

(Passage omitted: An example cited)

(Kabul Weekly) Regarding the present political atmosphere in the country, there are concerns that some political groups can misuse and manipulate the report on human rights violations to hit their political opponents. What do you think, are such manipulations possible?

(Naderi) Adverse effects should be predicted in every process. Political abuse can be considered as an adverse effect in this particular case. But the abuse of the report can be prevented by adopting a sound and logical approach.

Since people's confidence in the Afghan judicial and justice authorities is very low, the issue can raise some concerns about abuse.

While conducting the national opinion poll, we have asked people how should this problem be solved. They suggested that the judicial authority, which investigates these violations, should include international judges. We asked them how should we solve the cultural and religious problems brought about by the presence of international judges. They said judges from Islamic countries should be invited. They said that judges should not be invited from Islamic countries like Pakistan, Iran and Saudi Arabia.

(Kabul Weekly) How long, in your view, will it take to administer this retrospective justice and bring human rights violators to justice?

(Naderi) We tried to be realistic in this regard. It is clear we do not have a reliable judicial system in Afghanistan. There is no mechanism or institution that can guarantee the safety of the witness. And the Afghan prosecution offices still do not have a sound structure yet.

We have suggested that special prosecution offices to examine such cases should be established in two years' time and a special court in five years' time. We have asked the international community to help us with the formation and funding of these institutions.

Source: Kabul Weekly in Dari 2 Feb 05

BBC Monitoring