

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, February 08, 2005

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The Washington Times February 4, 2005 Friday

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February 4, 2005 Friday

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HEADLINE: Darfur's last hope

BYLINE: By David B. Rivkin Jr. and Lee A. Casey, SPECIAL TO THE WASHINGTON TIMES

BODY:

An ad hoc U.N. court must step up

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.

LOAD-DATE: February 7, 2005



We Are The World

Defense Minister Blames Taylor for Destroying BTC

The NEWS (Monrovia)

NEWS

February 7, 2005

Posted to the web February 7, 2005

By Alloycious David
Monrovia

Liberia's Defense Minister Daniel Chea has blamed exiled former President Charles Taylor for demolishing the Barclay Training Center (BTC) in Monrovia.

The BTC was built with funding from the United States Government following a military coup d' tat in the early part of the 1980s. The money was part of US\$500 million grant given to the government of the slain Liberian leader, Samuel Kanyon Doe.

The Defense Minister made the remarks at a press conference held at the U.S. Embassy Public Affairs office last Thursday, when he was quizzed about the destruction of the BTC.

Minister Chea said Liberian leaders are only anxious to "get what they can get hold of" in the country.

"I think, if you can recall I was one of those who wanted to relocate the Ministry of National Defense to the BTC barracks but my efforts were dashed after spending several months at the Barracks," the Defense Minister said.

Minister Chea, who served in the same position under Mr. Taylor, told reporters that as Minister of Defense, he could not disobey the orders of former President Charles Taylor.

However, he expressed confidence that the BTC would not be demolished when it is rebuilt by the US Government under its Security Sector Reform (SSR) program.

Under the reform program, the US Government will rebuild all damaged physical infrastructures, the Ministry of National Defense and other training and operational bases in the country.

The BTC was demolished in February 2001 to construct a children village. In furtherance of this, leading European and American musical artists raised more a million United States dollars from a musical concert for the construction of the children village.

Former Sinoe County Senator Myrtle Gibson is on record to have said that she received the amount. She was one of those who campaigned for the BTC to be destroyed and turned into a children village.

Although former Senator Gibson received the amount, the children village was not constructed and she has not presented any report to the Liberian people how the money was expended.

She along with Taylor's Public Works Minister Irwin Coleman refused to appear before members of the former Assembly to give cause why the BTC was destroyed.

Former Senator Gibson became unpopular in the country for her decision to support the destruction of the BTC while the children village was never constructed.

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We Are The World

Skilled Africans Filling Key Posts Abroad, Draining Home Countries of Vital Expertise

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NEWS

January 31, 2005

Posted to the web February 7, 2005

By Reed Kramer
Addis Ababa

"There are more Ethiopian doctors in the United States than there are in Ethiopia," Prime Minister Meles Zenawi told a forum on Africa's brain drain meeting in Addis Ababa last week. Africa has the "most mobile population in the world," according to Ndioro Ndiaye, deputy director general of the International Organization for Migration (IOM), whose presentation provided the statistical basis for the two days of deliberations.

Hilde Johnson, Norway's minister of international development, said she learned on a just-completed visit to Malawi that more Malawians practice medicine in Manchester, England than in Malawi, where most received at least some of the training they now use in their profession. Of every four nurses who complete their education in Malawi, she said, one migrates, one takes a better paying job in another sector, one dies of Aids and one remains active in nursing.

The IOM calculates that poor nations are spending U.S.\$500 million a year training medical workers who migrate to richer nations. The cost to the industrialized world of training the estimated three million health professionals who were educated in poor countries but are now working in Europe, North America and South Asia, according to IOM, would have been a "staggering" U.S.\$552 billion, at an average of U.S.\$184,999 for each of those professionals.

The Global Coalition for Africa, an independent non-governmental organization based at the World Bank that organizes annual fora on a variety of pressing issues, brought some 75 participants to Ethiopia for the event. Attendees included four former heads of state or government, ministers and members of Parliament from a number of African countries, experts in migration and related topics, along with representatives of international agencies and NGOs from Africa, Europe and North America. The largely informal deliberations were moderated by three of the GCA's seven co-chairs, including Meles, Johnson and Frene Ginwala, former speaker of the South African Parliament.

The migration of skilled professionals from Africa has a two-fold negative impact, Meles said. "We lose the expertise that we need to spur and manage development, and we also lose the return of the investment we have made in education and training," he said.

According to Nenandi Usman, Nigeria's minister of state for finance, there are at least 25,000 doctors in the United States and United Kingdom whose education was financed by her government. The IOM estimates that 23,000 African health professional leave home every year, "leaving their own stretched health service in dire

straights." On the other side, Valeria Goodling, chief executive of the British health care company BUPA, told Time magazine recently that the British and U.S. medical system would collapse without immigrant nurses from places like Nigeria and India.

Industrialized nations that recruit professionals from Africa should invest in training, Meles said, by financing the education of two skilled Africans for every one that their economies need.

Participants agreed that migration is not only the result of the 'pull' labor demand from the West. There is also a 'push' effect from Africa. "The pressure to migrate will continue to build unless and until greater opportunities - particularly for young people - are available in all African countries," Ginwala said in her statement opening the meeting. "We train people for a globalized economy but have not created conditions where their skills can be fully utilized at home," said Babacar Ndiaye, former president of the African Development Bank.

The International Labour Organisation estimates there are some 7.1 million Africans living outside their home country. The number is rising rapidly and by 2025 could climb to one in ten, the IOM says.

An increasing portion of these migrants is women, Mrs. Ndiaye from the IOM told the forum. Nearly half of African migrants are female, she said, a result of increased access to education and higher participation in the labor force by women in recent years. While migration "can release women from traditional roles and enable them to exercise their rights more effectively in the family," she said, women are also more likely to fall victim to human rights abuses, "since they work in gender-segregated and unregulated sectors of the economy, such as domestic work, entertainment and the sex industry."

Alongside the negative impact, "labor migration offers significant actual and potential gains for Africa," Ndiaye told the forum. "Business connections and export opportunities generated by expatriates expand economic activity," she said. When they return home, they bring skills and experience that contribute to development. "To what extent is it possible," Ginwala asked, to make migration a "net benefit for the continent?"

In financial terms, the most significant positive effect is from the remittances migrant workers send to their relatives and friends at home. According to estimates Ndiaye cited, recorded transfers to Africa totaled about U.S.\$12 billion in 2002, of which U.S.\$4 billion went to sub-Saharan Africa. "If unofficial transfers were also counted, the volume could double this amount," she said.

In considering proposals for tackling the problems and maximizing the benefits of migration, participants suggested "a wholistic and comprehensive approach, integrating migration into development strategies and formulating inclusive migration policies." A number of participants stressed the importance of supporting implementation of the "strategic framework for a policy on migration" that has been drafted by the African Union for deliberation by member states.

"We have to deal with the factors that encourage or force people to go out," said Miria Matembe, a member of Parliament and former minister of ethics and integrity in Uganda, "and there is an urgent need for research to establish the impact of feminization on migration."

Another recommendation that received wide support was the emphasis on improved governance, sound economic policies, and resolution of conflicts so that more skilled workers would decide to return home or remain home when they complete their education.

Participants also weighed ways to build links between Africans living abroad and their home countries and between the Diaspora made up of salve descendents and the continent as a whole. Mel Foote from the

Constituency for Africa in Washington, DC, emphasized the spending power and political clout of African Americans who he said must be included in any effective strategy for dealing with brain drain and development.

The importance of technology was also raised during the discussions, not only as a key to the creation of attractive jobs but also as a way to engage more actively with the diaspora and to leapfrog development obstacles.

"The challenge we face is to minimize the negative effects and enhance its positive impact," Meles said. This requires a willingness to "think outside the box" and a determination to shape migration policies both in Africa and internationally that support African development.

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Help stop the crisis in

Liberia: Elections Set for 11 October

UN Integrated Regional Information Networks

NEWS

February 7, 2005

Posted to the web February 7, 2005

Monrovia

Liberia will hold presidential and parliamentary elections on 11 October and the results of the poll will be published no later than 26 October, Frances Johnson-Morris, the chairwoman of the National Elections Commission of Liberia said on Monday.

Voter registration will commence on April 25 and end on May 21, but only people living inside Liberia will be eligible to cast a ballot on polling day, she added.

"Elections will be held on October 11 and this date is in conformity with both the Comprehensive Peace Accord and the Liberian constitution which stipulated that voting should be held on the second Tuesday in October and the results will be announced not later than 26 October," Johnson-Morris said.

A second-round run-off between the two leading presidential candidates will have to be held if neither fails to win at least 50 percent of votes cast, but the Commission has not yet fixed a date for such a poll. Johnson-Morris admitted that this was an "oversight."

The Liberian constitution stipulates that such a run-off should be held two weeks after the round of the presidential election.

About 350,000 Liberians fled abroad as refugees during the 1989-2003 civil war, but Johnson Morris said only those who came home before the close of voter registration would be allowed to cast a ballot.

"There will be no polling outside of Liberia and we are sorry that refugees who are not repatriated before or during voter registration, will not be allowed to vote in camps", she added.

"We have held a series of meetings with the UNHCR and the International Organization for Migration (IOM) to speed up the repatriation and resettlement of refugees and IDPs", Johnson-Morris said.

She also said that most of the 500,000 Liberians who were internally displaced during the conflict should also be resettled in their home communities before voter registration gets under way.

"If IDPs are not fully resettled by the start of voter registration, we will have to find a way where they can be registered in their respective camps that would allow them to participate in the elections, but those details will be worked out as soon as the process begins in April," she added.

One potential problem is that the UN-backed process of repatriation and resettlement, which began on 1 October, is moving much more slowly than expected.

The UN refugee agency UNHCR had originally planned to bring home 100,000 Liberian refugees from Sierra Leone, Guinea, Ghana and Cote d'Ivoire by the end of 2004. But UNHCR announced last week that it had only managed to repatriate 6,500 by the end of January.

However, the UNHCR believes that about 100,000 more refugees have trekked home spontaneously without official assistance since the civil war ended 18 months ago.

Aid workers told IRIN on Monday that just over 17,000 IDPs had been resettled so far.

With barely eight months to go before the elections, the field is crowded with dozens of aspiring presidential candidates and political parties.

Over 45 people have declared their intention to run for the presidency.

Leading contenders include former soccer star George Weah; Winston Tubman, a former UN envoy to Somalia; and Varney Sherman, a legal consultant and advisor of Gyude Bryant, the chairman of Liberia's current transitional government.

The electoral commission announced on Monday that it had so far registered 18 political parties and was processing the applications of a further 18. However, it is keen to see many of these merge into stronger larger groupings and has issued guidelines on how the parties should go about this.

Johnson-Morris said the United States, the European Union and the United Nations had agreed to help pay for the elections, which will cost an estimated US\$17.5 million to organise.

But she said: "We still have a shortfall in terms of field operations and logistics, for things like vehicles and communications equipment that would be used in the interior by our field offices."

Besides electing a new president, who is due to take power in January 2006, voters will also choose 30 senators - two for each of Liberia's 15 counties - and a new House of Representatives.

Seats in the House of Representatives will be allocated in proportion to the population of each county once voter registration has been completed.

In the last two parliaments, elected in 1985 and 1997, there were 64 elected representatives in the lower house of parliament. The number to be chosen this year has not yet been finalised.

The Economic Community of West African States (ECOWAS) which brokered the 2003 peace agreement between Liberia's three warring factions, has meanwhile reiterated that, under the terms of the peace deal, those who hold high office in the current transitional government will not be eligible to stand for high office in October.

Several ministers in the broad-based transitional government have already announced their intention to run for the presidency.

They include Laveli Supuwood, the Labour Minister, a former human rights lawyer who sits in cabinet as a representative of Liberians United for Reconciliation and Democracy (LURD), one of two rebel movements

which fought against former president Charles Taylor.

However, ECOWAS recalled in a statement at the weekend that the ban applied to the chairman of the transitional government and his deputy, cabinet ministers, the speaker of the transitional parliament and his deputy and all judges of the High Court.

"All current government functionaries occupying these positions are rendered ineligible to contest for elective office by the Comprehensive Peace Agreement (CPA) itself," it said.

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Togo: Military Suspend Constitution, Eyadema's Son Takes Power

UN Integrated Regional Information Networks

NEWS

February 5, 2005

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Lome

President Gnassingbe Eyadema of Togo, Africa's longest serving head of state, died on Saturday. The armed forces of the small West African country immediately suspended the constitution and named one of his sons, Faure Essozima Gnassingbe as head of state.

Eyadema's death, after 38 years in power, was announced on state radio by Prime Minister Kofi Sama on Saturday night.

Two hours later, General Zachari Nandja, the Chief of Staff of the Armed Forces, said in a statement on state television that the constitution had been suspended and Faure Gnassingbe, who was a junior minister in the government, had been appointed head of state.

"The Togolese armed forces swear allegiance to Faure Gnassingbe as President of the Republic of Togo," said Nandja, who was flanked by the country's other top military commanders.

The television showed pictures of Nandja shaking the hand of Faure Gnassingbe and one of his younger brothers, Kpatcha Gnassingbe, who is director of the duty free manufacturing zone in Lome and another influential figure in government.

According to the constitution, the President of the National Assembly, Fambare Ouattara Natchaba, should have become acting head of state following the death in office of the president.

However, Nandja said Natchaba was out of the country leading a parliamentary delegation to Europe, so the armed forces had suspended the constitution and appointed Eyadema's son as the country's new leader instead.

Sama said earlier that Eyadema, 69, had died on Saturday morning while he was undergoing medical evacuation for treatment abroad.

He did not give the cause of death, but there had been rumours in Lome for some time that Eyadema was seriously ill.

The former army colonel, who seized power in a 1967 coup, had ruled Togo with an iron hand for 38 years and was Africa's longest serving head of state.

Faure Gnassingbe, who is in his early 30's was appointed Minister of Public Works, Mines and Telecommunications in July 2003 following his father's re-election for a further five-year term in June that year.

He had previously been a parliamentary deputy of his father's ruling Rally of the Togolese People (RPT) party.

Faure Gnassingbe's appointment as a minister two years ago was widely interpreted as a sign that he was being groomed to be his father's successor as president.

The prime minister announced in his radio broadcast that all Togo's airports, sea ports and land frontiers had been closed until further notice and said the armed forces were determined to maintain order.

He warned against the country descending into "chaos, division and anarchy."

Frightened inhabitants of the capital Lome rushed home immediately after Eyadema's death was announced, but the city remained calm and there were plenty of people on the streets in the city centre.

Despite the military takeover, there were no signs of an increased presence by the security forces in the streets.

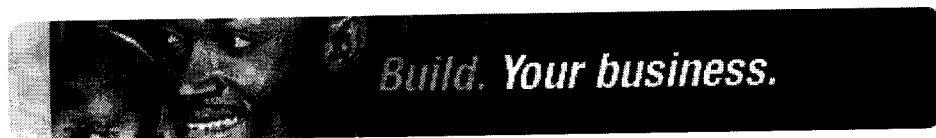
Eyadema had several wives and was widely believed to have fathered more than 100 children, several of whom have become influential figures in national life.

This is not the first time that the young son of an African leader has taken over as head of state following his father's unexpected death in office.

In January 2001, Joseph Kabila succeeded his father Laurent Kabila as president of the Democratic Republic of Congo at the age of 30 after his father was assassinated.

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Former Minister in Search of Her Lost 'Dignity'

Hirondelle News Agency (Lausanne)

NEWS

February 4, 2005

Posted to the web February 7, 2005

Arusha

Pauline Nyiramasuhuko, the former Rwandan minister of family and women affairs, is the first woman to be indicted for genocide by an international jurisdiction. Accused of inciting rape, since Monday she has been trying, through her lawyer, to convince judges of the International Criminal Tribunal for Rwanda (ICTR) to reclaim "her dignity and humanity".

Her lead counsel, Nicole Bergevin from the Quebec (Canada) Bar Association, began by accusing the press of having orchestrated a campaign to "soil the image" of the former minister.

"The public has already judged this woman who, in the eyes of the media, has lost all human sentiments", fumed Bergevin, turning her bespectacled eyes towards the public gallery filled with journalists and other observers.

She said that her client was "not the minister of rape" as had been said by some media, and she hoped that "the chamber will have the wisdom, courage and openness to go beyond this history written with haste".

Still sharp and full of life for her 59 years, Pauline Nyiramasuhuko, her hair neatly tied behind her head, is sitting next to Bergevin. Word has spread among observers that the former minister plans to take the witness stand herself, but there is still nothing definite on whether and when she will testify in defence.

The accused, who is known to while away the hours in her rose garden at the United Nations prison where she is the only female inmate, follows the proceedings closely.

She points out a passage in a court document while whispering to her lawyers, oblivious to the public near her. Bergevin's co-counsel, Guy Poupart, also from Canada, begins examining the first defence witness, a lady who used to work under Nyiramasuhuko.

"Nyiramasuhuko was more of a mother than an authority. She always received her employees without discrimination", said the witness, code-named "WFGS" to keep her identity secret.

"There were some Tutsi officials in the ministry and this did not cause any problems for Nyiramasuhuko", pointed out WFGS, who like the accused, is a native of Butare (southern Rwanda).

She ended her testimony by dismissing allegations by the Prosecutor that a roadblock had been erected in front

of Nyiramasuhuko's Butare home in May 1994.

Roadblocks were widely used to sort out people according to their ethnic groups and were scenes of countless massacres. According to Rwandan authorities, over one million people were killed in a period of three months in 1994.

Cross-examination of the witness by the prosecution took place behind closed doors on the orders of the Presiding judge in the trial, William Hussein Sekule of Tanzania.

The next witness was an elderly man in his seventies who lost his Tutsi wife during the genocide. The defence will aim to prove, as has been the strategy of all former members of the interim government on trial, that the administration was powerless in front of the killers.

"Groups of bandits went around killing Tutsis and looting their property. They were joined by deserters from the army", explained witness "WMCZ". "The situation was out of control".

Silvana Arbia, the prosecuting attorney, carried out the cross-examination of the witness, most of it done in-camera, and she has a different view. She has argued that the Interim government, of which Nyiramasuhuko was part, organized and supervised the 1994 massacres.

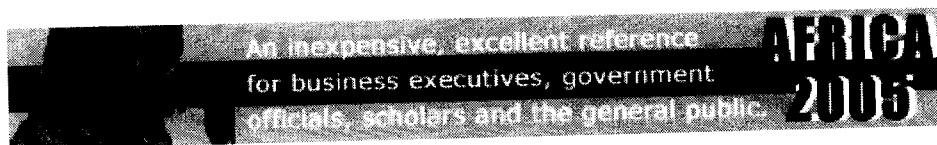
One of her key pieces of evidence was a diary attributed to the accused in which, besides records of household expenditure, had lists of names of people in different ink. The names had small crosses besides them.

The diary was given as evidence by French sociologist, André Guichaoua, one of the premier western specialists on Rwanda.

The exact number of witnesses who will appear for the former minister and the numbers for her co-accused are still unknown as each defendant seems to have opted to defend themselves individually.

Nyiramasuhuko is being jointly tried with five other persons, among them her son, whom an expert witness labelled as "badly brought up". All have pleaded not guilty of crimes of genocide committed in Butare (South) in 1994.

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Conflict of Interests Among Accused Surrounds Butare Trial

Hirondelle News Agency (Lausanne)

NEWS

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Arusha

A conflict of interests has arisen among the accused in a six-person joint trial at the International Criminal Tribunal for Rwanda (ICTR) prompting Arsene Shalom Ntahobali, one of the suspects, to file a motion for a separate trial. The motion was dismissed by the trial chamber.

The motion stated among other things that the defence strategy of two of the co-accused, Sylvain Nsabimana, former prefect of Butare and Joseph Kanyabashi, former mayor of Ngoma commune, might prejudice the rights of Ntahobali.

It said pre-defence briefs filed by Kanyabashi and Nsabimana showed they intended to call several witnesses implicating Interahamwe militia in the massacres in Butare which could possibly affect Ntahobali whom the prosecution has accused of being the leader of that militia group.

"Accused Nsabimana will himself testify on his relationship with the Interahamwe," stated part of the motion.

This situation also made the defence of Ntahobali ask the chamber another option in case the motion for a separate trial was rejected. It pleaded for the reorder of the sequence of defence so that Ntahobali presents his defence after the defence of Kanyabashi and Nsabimana.

"The Chamber is not satisfied that the defence has demonstrated that there is a conflict of interests of such a nature as may cause serious prejudice to the accusedâ-oe" states part of the ruling rendered by the chamber.

The Chamber also ruled that "it finds no compelling reason to vary the order of the presentation of the cases for the defence."

The defence, which has started with another of the accused, former minister Pauline Nyiramasuhuko, continues with its case next Monday.

Others on trial with Ntahobali are Nyiramasuhuko, who is also Ntahobali's mother, another former prefect of Butare Alphonse Nteziryayo and another former mayor, Elie Ndayambaje of Muganza commune. They all pleaded not guilty to all charges including genocide, direct and public incitement to commit genocide and rape. The trial commenced on June 12, 2001.

The case is before Trial Chamber Two presided over by Judge William Hussein Sekule (Tanzania). He is

assisted by Judge Arlette Ramaroson (Madagascar) and Judge Solomy Balungi Bossa of Uganda.

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