

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, June 24, 2005

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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The New Citizen. Friday June 24th, 2005.

DAVID CRANE'S LAST MEETING WITH THE PRESS TODAY

David Crane, outgoing Special Court prosecutor will today meet with members of the media at the Sierra Leone News Agency headquarters at Wallace Johnson Street in Freetown.
The Special Court

Prosecutor will give statements on the 24th-25th June prosecutors' colloquium which brings together prosecutors with the Special Court, ICC, ICTR and the ICTY.

This will be David

Crane's last meeting with the press prior to handing over to Prosecutor Designate, Desmond De Silva. David Crane is due to finally depart Freetown on 30th June to rejoin his family in the United States of America.

Awoko. Friday June 24th 2005.

20 corpses buried in mass grave in Tikonko

By Betty Milton
Giving evidence before the trial Chamber of the Special Court. Prosecution witness TF1-004 has told the Court that 20 people were buried in a grave in Tikonko around the market area. Led in evidence by the Prosecution team, the witness maintained that after he heard an announcement on the Radio that the AFRC junta

had overthrown the Government of Ahmed Tejan Kabbā, some soldiers came to the village of June 1997. The witness said that when they returned from their hiding places as he was searching for his wife and children, he saw a man and his child lying down dead after been shot on the back. "I

went to on another house and met two dead women—one was lying with her head between the legs of the other. As I was going towards the junction, I saw another corpse with his feet chopped off. About hundred yards from my house, I also saw one man that had been shot by the soldiers lying in a gutter

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20 corpses buried in mass grave in Tikonko

From Front Page
dead." the male witness narrated. He went on to explain that he saw a lot of corpses lying all about the place. At night he went on as he was afraid to be in the village alone, so he went into the bush to spend the night. Early the next day, his son helped him to find his wife. Later in the day he recounted the Paramount Chief and the Chiefdom Speaker gave orders that the corpses need to be buried as the stench was disturbing the town. "We dug a hole and started collecting the corpses. At first we collected eleven and later picked up nine more bodies and buried them in a mass

grave around the market area. During cross-examination by Lawyer A. Manley-Spaine, the witness was asked whether he knew any of the soldiers that were involved in the killing of civilians. The witness said he could remember three of them. "One was called Brima Moisia, Junior Mesalie and one who was nick-named 'Babou Paddy' who was staying with me when he was first deployed in Tikonko during the war." The witness was also questioned about the way he got the

information about the overthrow of the Government by the juntas. To this, the witness said he got it through the radio. Manley-Spaine then challenged the witness and read from the statement that the witness had earlier made to the Special Court investigators. In this statement, TF1-004 had said that they were sitting under a tree together with one Pastor Khobe and Alie Koroma when Amadu came and informed them that the soldiers are coming. The statement went on to state that "the soldiers came and gave them the information that they are now in control of the Government." The witness then told them that he was with them," the statement read.

Peep. Friday June 24th, 2005.

COMMENTARY AND OPINION

BEREWA'S BLUNDERS AND HIS LUST FOR POWER (2)

a U.S based analyst looks at the career of a lawyer out of his depth...

*John Lansana Musa
Silver Spring, Maryland*

IMPUNITY IN ABIDJAN

At Abidjan, Mr. Berewa agreed to a lopsided accord in which the rebels would go scot-free without any redeeming clause to trigger prosecution against them if they breached the terms of the accord.

Thus, we notice in Article 14 of the Abidjan Accord that there was no clawback or trigger mechanism to prosecute the RUF if they persisted in treachery.

But this climate of impunity set in that accord was again repeated in the Conakry Accord and the Lome agreement.

CONSTITUTIONAL BUNGLE AT HOME

The Lome Accord, negotiated by Attorney General Solomon Berewa, was a massive blunder in his third incarnation as drafter of peace agreements.

Against the RUF lawyer, Omnic Golley in Lome, Berewa blinked and agreed to a Fustian Bargain. He sold the republic to the rebels for peace.

For the Kabbah administration's inability to prosecute the rebel conflict to a just end, Berewa settled for a fig leaf to cover themselves.

The Lome Accord not only gave a blank check to the rebels

to draw impunity for their treachery, Berewa agreed to trounce the existing constitution. The rebels demanded, and Berewa yielded, the superintendence of the mineral resources of Sierra Leone. In that regard, Sankoh, leader of the implacable rebels would have the followed warrant which usurped the existing constitution of Sierra Leone:

"The Chairmanship of the Board of the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD) as provided for in Article VII of the present Agreement shall be offered to the leader of the RUF SL, Corporal Foday Foday Sankoh. For this purpose he shall enjoy the status of Vice President and shall therefore be answerable only to the President of Sierra Leone."

In the seeming triumph of peace over bloodshed at Lome, Berewa and his patron Kabbah stood shoulder to shoulder with the traitors who had menaced their compatriots for over a decade. The accord was a sacrificial lamb to propitiate failure in the theatre of conflict and at the negotiating table.

If Abidjan and Lome were dress rehearsals for incompetent statecraft, the framing of the Special Court for Sierra Leone, which was even worse was in the offing.

FRAMING THE SPECIAL COURT

Having bungled at Lome and appeased the rebels, the traitors entered government and soon reneged on all the peace terms resulting in the arrest and detention of Sankoh and his motley crew of murderers.

Hemmed in by the brazen post-Lome Accord behaviour of the rebels sharing power with government, but unthoughtful about international criminal tribunals existing at Rwanda and the former Yugoslavia, President Kabbah and Berewa requested the Secretary General of the United Nations to establish a Special Court for Sierra Leone to prosecute violations of war crimes and international humanitarian law.

Had Berewa, the point man for the Kabbah administration, studied the jurisdictional problems the US Chapter VII Courts

in Rwanda and the former Yugoslavia were facing, they might have averted the stalemate the Special Court is now bogged down in just and sometimes dilatory motions.

The making of the agreement and its ratification have been challenged on constitutional grounds. Why Berewa did not foresee these sort of problems, as Attorney General and the chief negotiator of the agreement, is baffling. But that was only one problem in a botched job.

The next set of problems that would plague the Special Court later in pre-trial and trial motions included allegations of violations of the Constitution of Sierra Leone, together with the sovereignty rights of the republic. Thus the Special Court today is mired in motion after motion because Mr. Berewa agreed to the following provision in the Statute of the Court:

"The Special Court shall have primacy over the national courts of Sierra Leone. At any stage of the procedure, the Special Court may formally request a national court to defer to its competence in accordance with the present statute and the Rules of Procedure and Evidence".

But notice what the authority of the Sierra Leone Courts comprises: "In the exercise of its judicial functions, the Judiciary shall be subject to only this Constitution or any other law, and shall not be subject to the control or direction of any other person or authority."

Mr Berewa had also forgotten in his statecraft that the 1991 Constitution clearly states the Supremacy Doctrine in section 171 (15): "This Constitution shall be the supreme law of Si-

erra Leone and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void and of no effect".

That Mr. Berewa failed to reconcile these provisions among others with the draft of the Statute of the court which suggested the supremacy of the Special Court over the courts of the Superior Court of Judicature, is the sore point which has spawned many motions in the Trial and Appeal chambers of the Special Court alongside those filed in the Sierra Leone Supreme Court.

In doing so, the objects and reason for fashioning the Special Court are being impeded or delayed at considerable cost and peril to our sovereignty and thereby undermine of the Constitution of Sierra Leone.

A more troubling matter resulting from the complete failure in statecraft is the issue that has been mooted before the Supreme Court on the question whether or not the Special Court was constitutionally established.

As Attorney-General and the agent of government to whom President Kabbah delegated executive authority to negotiate an agreement with the United Nations, it was Mr. Berewa's responsibility to obtain the best bargain possible within the meaning of the Constitution. Clearly, Mr. Berewa knows or should have reason to know that the Constitution requires certain amendments or alterations to be accompanied by a referendum such as Section 108 (3) provides:

"A Bill for an Act of Parliament enacting a new Constitution or altering any of the following provisions of this Constitution, that is to say: (a) this section; (b) Chapter III; (c) sections 46, 56, 72, 73, 74 (2), 74 (3), 84 (2), 85, 87, 105, 110-113, 126, 121, 122, 123, 124, 128, 129, 131, 133, 135, 136, 137, 140, 151, 156, 167, shall not be submitted to the President for his assent and shall not become law unless the Bill, after it has been passed by Parliament and in the form in which it was so passed, has, in accordance with the provisions of any law in that behalf been submitted to and been approved at a referendum."

Why Mr. Berewa failed to advise the President and Parliament that an amendment or other alteration of the Constitution, that includes Entrenched Clauses as stated in section 108 (3), would

require a Referendum is a thorny issue which is taking up more of the Special Court's vital prosecution time and putting into question whether Mr. Berewa understood the imperatives of making treaties for international organizations.

One may argue that it was Parliament which ought to have sought a referendum to complete the ratification process because lawmaking is her purview.

But under the doctrine of collegiality, our legislative body is a colleague of the President in making laws in Sierra Leone. Thus, this assortment of blunders has cast a lengthened shadow on Mr. Berewa's abilities to conduct statecraft to the greater benefit of the nation.

**UNMIL Public Information Office Media Summary 23 June 2005**

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

06/23/2005 09:53:24

Liberia's Taylor must face justice, US warns Nigeria

ABUJA, June 23 (AFP) - Nigeria should surrender the former Liberian leader Charles Taylor to face war crimes charges, the US ambassador to Abuja told reporters on Thursday as pressure mounted on President Olusegun Obasanjo.

Taylor has lived in exile in Nigeria since August 2003, when Obasanjo granted him asylum in exchange for his stepping down from power in Liberia and allowing a UN-led peacemaking effort to begin in his war torn country.

Nigeria initially won international praise for its intervention but has since come under increasing pressure to arrest Taylor and hand him over to a UN-backed war crimes tribunal in Liberia's neighbour Sierra Leone.

International Clips on West Africa

06/23/2005 08:13:20

New Ivory Coast peace talks set for June 28 in Pretoria

ABIDJAN, June 23 (AFP) - New peace talks aiming to resolve the crisis in Ivory Coast have been set for June 28 in Pretoria, the Ivorian presidency said Thursday.

"President Laurent Gbagbo received an invitation from his counterpart Thabo Mbeki to travel to South Africa on June 28 for a second phase of peace talks," the presidency said in a statement.

Doubts hang over Ivorian disarmament program

Abidjan, Cote d'Ivoire (PANA) - With less than a week to the 27 June date set to commence disarmament of armed groups in Cote d'Ivoire, it would seem much grounds have not been covered to implement the exercise as scheduled.

The date was selected during a joint meeting in Yamoussoukro, the political capital, attended by commanders of the government's Defense and Security Forces of Cote d'Ivoire (FDS/CI) and the armed forces of the rebel New Forces (FAFN).

United Nations Website

Sierra Leone court says completion of work depends on trying Taylor, Koroma

23 June 2005 – The court established by the United Nations and the Government of Sierra Leone to try cases of serious crimes committed during the West African country's ferocious civil war cannot complete its work as long as former President Charles Taylor of Liberia and former Sierra Leonean coup leader Johnny Paul Koroma remain at large, according to a new report.

The report to the Security Council and the General Assembly was prepared by the Special Court for Sierra Leone and transmitted by Secretary-General Kofi Annan.

"The fact that two of the accused, Charles Ghankay Taylor and Johnny Paul Koroma, remain at large and therefore cannot be tried until they appear before the Special Court, may still affect the completion of all trials," the report on the Court's completion strategy says.

Mr. Taylor, who resigned as President of Liberia in August 2003, is living in exile in Nigeria, while the whereabouts of Mr. Koroma, the former president of the Armed Forces Revolutionary Council (AFRC), is unknown, it says. Until both accused are brought before the Special Court, or the indictments against them are withdrawn, it is not possible to determine when all trials may be completed.

"Under the Rules of Procedure and Evidence of the Special Court, an accused may not be tried in his absence unless he has made his initial appearance and has been afforded the right to appear at trial but has refused to do so, or alternatively, has made his initial appearance but is at large and refuses to appear in court," the Court says.

"The Special Court notes with satisfaction and gratitude the recent initiatives taken by the international community to urge Nigeria to transfer Charles Taylor to the custody of the Special Court," it adds.

The report says the Registry is able to estimate that the trials of accused members of the AFRC, the Revolutionary United Front (RUF) and the anti-rebel Civil Defence Forces (CDF) might last until the end of next year and the appeals stage might go on until mid-2007.

It appears uncertain, however, that the Court will be funded beyond December 2005, it says. "Alternative sources of funding will therefore be required as of January 2006" for that year and for the post-completion phase, it says.

After the decade-long civil war ended, the Court was established in July 2002 and it has issued indictments against 13 accused, two of whom, Sam Bockarie and Foday Saybana Sankoh, have since died.

GENERAL ASSEMBLY ADOPTS \$3.2 BILLION 2005-2006 PEACEKEEPING BUDGET; STRESSES NEED FOR STRONGER MANAGEMENT DURING SURGE IN OPERATIONS

Acting on the recommendations of its Fifth Committee (Administrative and Budgetary), the General Assembly this morning adopted a record-breaking \$3.2 billion 2005-2006 peacekeeping budget for 14 ongoing missions and emphasized the need for budgetary discipline, improved management and adequate controls over budget implementation in the face of the current unprecedented surge in peacekeeping operations.

---SNIP---

By the text on special political missions, good offices and other political institutions authorized by the Assembly and the Security Council, the Assembly appropriated some \$24.2 million for the United Nations Political Office for Somalia and the Special Court for Sierra Leone.

---SNIP---

By the terms of section II, estimates in respect of special political missions, good offices and other political institutions authorized by the Assembly and/or the Security Council, the Assembly would appropriate an amount of some \$24.2 million under section 3, Political Affairs, of the 2004-2005 programme budget for the United Nations Political Office for Somalia (UNPOS) and for the subvention to the Special Court for Sierra Leone. It would also decide to appropriate some \$377,200 under section 34, Staff Assessment, to be offset by a corresponding amount under income section I, Income from Staff Assessment, of the 2004-2005 budget.

---SNIP---

The Assembly then took up a Fifth Committee report, which contains a draft resolution on the financing of the United Nations Mission in Sierra Leone (UNAMSIL) (document A/59/527/Add.1), by the terms of which it would decide to appropriate to the Mission some \$113.22 million, including \$89.61 million for the Mission's maintenance for the period from 1 July to 31 December 2005, \$17.93 million for the Mission's liquidation for the period from 1 January to 30 June 2006, \$4.64 million for the Support Account, and \$1.04 million for the Logistics Base.

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TheLiberianTimes.com EDITORIAL

Liberians who defend Charles Taylor must be ashamed

Jun 23, 2005

Author: Jackson Kanneh / USA



Liberians are unbelievably strange. It's one thing to forgive cruelty and it's absolutely a strange misgiving when anyone endeavors to defend cruelty. And strangely, too, the child soldiers, acting on drug and other highs, who behaved like flora and fauna during those intermittent wars that destroyed more than 300,000 lives, are now expressing regrets and asking for everyone's forgiveness. Those kids will say "sorry for what happened" almost anytime you talk to one of them. They seem remorseful and they wish it didn't happen. Because they are remorseful for what they did during the civil war, it becomes our

reasonability to accept their apologies and take them back into the communities. Thank God the kids know better.

But look what the 'educated and sophisticated' Liberians abroad think about the war and what should be done to avert any re-occurrence of the vicious past. It is a SHAME that big belly and faded out so-called aficionado of Taylor, will sit in the comfort of America, where justice is religiously dispensed against crime, and employ themselves as the distance or cyber lawyers for a criminal.

I have seen insane people around the world, but never have I seen a gang of cultured cowards made blind by so-called ethnic, mob, gang, drug and blood money connections than I have in Liberia and within the Liberian communities.

How many of you cyber attorneys for Taylor lived out the war? How many of you blood diamond and blood money benefactors saw lifeless heads of teenagers pushed to their deaths by a despot who vowed power with or without a single destitute Liberian to rule?

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How many you opportunists, green card-carrying carpetbaggers didn't directly or indirectly benefit from Taylor's crime? How many of you born-to-be-led "intellectuals" have ever earned an honest living? How many of you have ever worked anywhere other than government jobs? And how of you can survive during "normal times" when there is nothing to plunder or no one to slay for money or property? Come on with your best arguments and let's move this case closer to the court in Sierra Leone.

I read things that tell me some of you have not been in Liberia since the early/mid 1980s, therefore all you remotely talk about should cover just that short era, without risking a deeper conversation leading up to the heat of the wars. And even those that stayed for a brief period of the war in Monrovia cannot and should not venture into those blind defenses of Taylor and his mob squad, because I'm sure none of you really experienced the wrath of Taylor's rag-tagged "small boy soldiers" beyond the buffers around Monrovia.

I will give you an example of one line that got me thinking maybe some don't know a thing they're talking about.

I do not think the issue is about trying Taylor and other Liberian warlords. The issue is why should the president or former president of Liberia be tried in Sierra Leone for allegedly contributing to instability in that country through a Sierra Leonean rebel group, when it is clear that Sierra Leonean authorities facilitated the failed coup in Liberia in 1985, and Sierra Leonean rebels actively cooperated with the NPFL and other Liberian rebel groups in the destruction of Liberia. I think this is the point Mr. Zawolo raised early today on the subject that Sierra Leonean deaths are not better than Liberian deaths. I made similar arguments in the 2004 article I referred to earlier," Nat Galarea Gbessagee, 6/22/05.

Mr. Gbessagee, courts everywhere and those who dole out justice against crimes do not waste the victim's time by diving into the criminal's personal or family history. I'm sure you've read many times before about a thief telling the police or the judge that he "was led by someone to car-jack" the lady coming from work. Or "his family abused him as a child, and since then he's angry with the world, that's why he is a serial killer." Oh, how about "I killed his family because he asked me to help him do it." It's a no-brainer that every criminal has his/her good reasons for the crime. Why should the political roots of Sierra Leonean war have to with Taylor's sponsorship of the militia force he built?

These assessments just bear out that we sometimes blindly get into conversations completely ill-prepared on the facts. My simple question to Mr. Gbessagee is who were the Sierra Leonean rebels? Who organized/built them? Who financed them, trained them, hosted them and armed them? This is the question the International Court wants Taylor himself to answer, because it believes that it was him who did all of the above.

Mr. Gbessagee, your routine writing in defense of government corruption and now a war-criminal that Taylor is, is gaining attention in this public forum. I do not know you personally, but I can almost say this is the kind of puny opinion on crime and corruption that has the international community and donors calling Liberia a "failed and rogue State." Your opinion – in its weakest form – is shared by the same people who should in fact be in tried for corruption, including Taylor.

There are hundreds of Lofa County citizens willing to testify that they witnessed Sierra Leoneans, led by Taylor's NPFL commanders invade Eastern Sierra Leonean, across from northern Lofa County in 1991. This was not done in any concealment; those Gio and Mano rebels (then, those were the only rebels who patrolled and terrorized Lofa) bragged about it weeks and days prior to those attacks in Sierra Leone. In those dawn attacks, dozens, if not hundreds of Liberian civilians were killed while fleeing. Bodies of old, young, women and children, refugees and hosts were discovered in the coffee and cocoa farms around those border villages. At day break, Liberian rebels had seized more than a dozen towns and villages, leaving hundreds killed less than eight hours in the initial attack.

Mr. Gbessagee, you claim patriotism against suggestions of various actions by the international community to reduce corruption and restore the country's integrity. You question others who support those planned measures because you think the country would have lost its national pride when those measures come in full effect.

But why aren't you pressed by the same patriotism to stand up against corruption and those things that embarrassed and hurt our national pride? Why is punishing corruption (regardless of who's the judge) a bad precedent and not the act of corruption itself?

To all who think that Taylor must not go to court in Sierra Leone or not go to any court alone, I say, too bad. Do I support this court? Yes, I do. Do I in fact believe that Taylor will be tried for his crime against humanity? You betcha!

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