

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:

Thursday, July 07, 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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Ext 7217 / 7216

For Hinga Norman's indictment...

Kamajor exposes SLPP over Special Court

The agreement was what he called "a contract between the United Nations and the government of Sierra Leone"; "The government of the United States played no role in establishing the court:

He has never said that if elected president of Sierra Leone, he will dissolve the court - only that he will "re-negotiate the special court agreement." Over the past few weeks, however, we have uncovered several instances contradicting Leigh's statements in his letter to me in which he asked me to in effect, withdraw my previous statements indicating that he was a Johnny-Come-Lately to the special court debate or that he and others were playing both sides of the Hinga Norman debacle.

Despite Mr. Leigh's claim to the contrary, I still believe that most, if not all, present and former Sierra Leone government officials, the leadership of the SLPP as well as the diplomatic corps, are in fact playing what Madam Jebbeh II calls the Joe Banadawa (fair weather friends) approach with regards to Chief Hinga Norman and his CDF colleagues presently incarcerated by the so-called special court for Sierra Leone. I also firmly convinced that the governments of the United States and of Sierra Leone as well as the United Nations all flagrantly defrauded the people of Sierra Leone, made void an international agreement on amnesty and circumvented the Sierra Leone Constitution for dubious political and professional gains. As such, I have no intent to modify my previous statements on this issue either as it regards to my utmost disregard for the establishment and operation of the court as well as those who have failed to take an active stand for the people who paid the highest price for our national freedom. Back to Mr. Leigh and the Court

What role did Mr. Leigh and the government of the United States play in the establishment of the court? According to him, none. Yet in an interview he gave as reported on the Sierra Leone Web and The Pool newspaper on July 7, 2001, Mr. Leigh took great pleasure over the establishment of the court. Speaking on behalf of his

government as ambassador, Leigh said, "The government of Sierra Leone is very pleased with the way the international community is supporting the Special Court in Sierra Leone." Talking to the Voice of America, Leigh said "A lot of money has been contributed, and the United States has been a leader in the contribution. So we're pleased with the way the United States is standing behind Sierra Leone and the United Nations." Did Mr. Leigh participate in the negotiations for the establishment of the court? Again, according to Mr. Leigh, no. Yet to any reasonable person, it is highly inconceivable that as Mr. Kabbah's most senior and prominent diplomat especially one in the country which, in our opinion, engineered the whole special court deal. Mr. Leigh would have no role to play in the matter. After all, the special court was President Bush's dumbfounded attempt to circumvent the International Criminal Court by establishing a hybrid court, which may be a model for a possible Iraq war crimes tribunal to try Saddam Hussein.

Leigh's denials notwithstanding, he expressed great satisfaction with the establishment of the court as well as the constitution of the court in an interview with Charles



John Leigh

Cobb, Jr. in allAfrica.com in July 2001. "a very experienced non-Sierra Leonean, free of local baggage and who can do a job that will bring respect and credit". Leigh even predicted to the month when the Chief Prosecutor will be in Freetown to begin taking evidence. In another interview on the same subject with reporter Marguerite Feitlowitz in the Crimes of War Project, Mr. Leigh emphasized the importance of locating the tribunal in Sierra Leone "...so that Sierra Leoneans can witness the justice being done. People will see the ringleaders of this brutality brought to justice." Furthermore, Leigh stated "Our government will have some input. I'm sure we are going to get the

best judges, the best prosecutors, who will see that justice is done in my country. In fact, Mr. Leigh's only concerns about the court at the time were that there would not be enough money to see the court to completion and that a non-Sierra Leonean should be named to lead the court.

The United States and the Special Court

Mr. Leigh is also flat wrong in stating that the government of the United States had no role in the establishment of the court - only the United Nations. Indeed, then United States Ambassador to the UN, Richard Holbrooke, was very instrumental in these negotiations. So was the US State Department. "We hope the Special Court will leave an impression of lasting importance," said Timothy Ryan, Sierra Leone Desk Officer at the State Department. In the same news sources, Leigh was cited as stating the following: "This court is not for every criminal in Sierra Leone. It's only for people with greatest responsibility...." Not long after that, Michelle Sieff, in her Global Policy Forum article, noted that Pierre Prosper, special advisor in the US State Department's Office of War Crimes Issues, opined that no "small fish" would be prosecuted at the Special Court, only the "ringleaders." Sieff also pointed out that Ambassador Holbrooke insisted that the United States play the lead role in creating the court. According to American officials, Holbrooke wanted the United States to draft the resolution in order to demonstrate leadership on this important moral issue.

Furthermore, United States pointman and former Rwandan genocide prosecutor, Pierre Prosper, was cited by Cobb of making it very clear that the Special Court is a "major priority" for the American government. Prosper was at the time Ambassador-designate, waiting confirmation by Congress to become "Ambassador at Large for War Crimes Issues."

Setting the Record Straight So was I wrong in alleging that Mr. Leigh and others are playing Johnny-Come-Lately to the issue of the so-called special court when they ask for the court to either be abolished or re-negotiated? I think not. The court was the brainchild of a defective and crooked international alliance of which Mr. Leigh was a principal partner as ambassador to Washington. It is too late to disembark from the Titanic now that the iceberg is in hindsight. The damage is already done. The legacy of the court in Sierra Leone is and shall remain a travesty, ripe with judicial fraud upon the people of Sierra Leone. Mr. Leigh was part of that "evil empire" that brought the court to Sierra Leone and he and Mr. Kabbah shall remain part of that legacy.

Furthermore, I believe that Mr. Leigh is being disingenuous when he says he will "re-negotiate" the agreement. The Sierra Leone Parliament broke the laws of Sierra Leone when it ratified the agreement without a public referendum as required by the Constitution of Sierra Leone. Mr. Kabbah and the UN deceived the participants in the 1999 Lome Accord that they were covered by a general amnesty only to renege on that promise. Mr. Leigh is a lawyer. So are Kabbah, Solomon Berewa and Ralph Zacklin of the UN Legal Affairs Department all of whom deceived the international community and the people of Sierra Leone in this matter. A private memo from the court's then Principal Defender, Simone Monassebian, highlights Mr. Zacklin's misleading statements on the issue of the Lome Accord. "They (government of Sierra Leone) cannot have amnesty for international crimes. They could only amnesty for domestic criminal legislation." Yet even Mr. Kabbah himself knew that the Lome amnesty covered all offences by all combatants up to the signing of the Lome Accord in 1999.



San Hinga Norman

Credit: cocorioko.com
TO BE CONTINUED

Halloran's trial judgement deferred



Lawyer Nicolas Browne Marke for the appellant- Peter Halloran

By Samuel John
Judgement is expected to be delivered next week before the Appeal Court proceeds on vacation after legal arguments were advanced yesterday in the appeal of former Special Court investigator, Peter Halloran. After almost 3 hours of legal arguments advanced by Lawyer Nicolas Browne Marke for the appellant with Akie Barber responding for the State. Justice Sir. John Muria said, "judgement is reserved in this matter, we shall do our best to deliver it before July 15 when the Court proceeds on vacation." Lawyer Browne-Marke based his arguments on 12 grounds on conviction and one on

sentence. Addressing the panel of three Judges for almost two hours. Lawyer Brown-Marke stated that the learned trial judge erred in law when he held on October 14
Contd. Page 2

Halloran's trial judgement deferred

From Front Page

that the statement of the alleged victim, Kadi Kabia made on July 16 2004 could not be admitted into evidence, notwithstanding the rule against narrative, otherwise known as the rule against previous consistent or inconsistent statements. He further argued that the trial judge also erred in law when he held on 8th November 2004 that a pair of blue jeans and a maroon polo blouse could be admitted into evidence notwithstanding the provisions of the relevant sections of the Criminal Procedure Act of 1965. He went on to cite other aspects where the trial judge erred in failing to acquit the appellant of the offence of indecent assault on a no case submission made by him on the grounds that there was no evidence at that stage warranting the appellant to be called upon to lead evidence in his defence. He also argued that the learned trial judge erred in law in failing to uphold the no case submission made by the appellant and thereby deprived him of his right to have the case against him dismissed for failure by the prosecution to prove an essential element of the offence, and a failure to

provide corroboration where it was required by law, without the necessity of calling upon him to lead evidence in his defence. Lawyer Browne-Marke also based his appeal on misdirections in law and fact stating, "the learned judge erred in law in that he failed to direct himself adequately or at all on the burden and the standard of proof; that the burden of proving every element of the offence with which the appellant was charged, and of his guilt thereof, remained on the prosecution throughout the case." Further, "that the burden never shifted; and that if there was any reasonable doubt in the prosecution's case, such doubt had to be resolved in favour of the appellant." Also he stated that the trial judge erred in law in failing to hold that as PW4, Kadi Kabia had been treated, with his leave as a hostile witness, and had subsequently denied the truth of the contents of her statement to the police exhibit G. The effect, he stated, in law was to render her

evidence in court negligible, and that it could not in those circumstances ground a conviction for the offence of indecent assault. On the age of the alleged victim. Lawyer Browne-Marke said that the judge ignored direct evidence from the father that the alleged victim was over the age of 15, but chose to rely on the statement of the second accused, which he later disavowed as having been obtained from him through heating. Commenting on the sentence, he opined, "The sentence of 18 months imprisonment passed on the appellant, was manifestly excessive, he being a first time offender. Lawyer Browne-Marke further argued that the trial judge failed to exercise the discretion given to him by Section 231 of the Criminal Procedure Act, 1965, namely to impose a fine on the appellant, instead of a term of imprisonment. Responding in barely less than an hour, Lawyer Akie Barber for the State advanced arguments that there was no miscarriage of justice, and that the verdict is reasonable and supported by the entire evidence of both the prosecution and the defence. He further stated that the relevant authorities cited during his argument by his colleague, is not the law.

Awoko. Thursday July 07, 2005.



New War Crimes Prosecutor Says Taylor is Africa's Hitler

The Independent (Freetown)

NEWS

July 6, 2005

Posted to the web July 6, 2005

By Abu Whyte Fofanah

Freetown

Desmond de Silva, QC, the new UN appointed Chief Prosecutor of the Special Court for Sierra Leone, says he is delighted by the launch of the Campaign to End Impunity by a coalition of over two hundred civil society groups in Africa, whose aim is to get Charles Taylor, who he describes as Africa's Hitler, surrendered to the Special Court.

In February representatives of 25 countries in the European Parliament voted unanimously that Charles Taylor be surrendered by Nigeria. In line with that resolution, Members of the House of Representatives in the United States voted 421-1 and the Senate unanimously calling for his immediate transfer.

"Today we have the unprecedented coalition of 240 African civil society groups united by their commitment to ensure that Taylor be brought to justice at the Special Court for Sierra Leone. The world is beginning to speak with one voice", says Mr de Silva. A release from his office states, "It is now time for President Obasanjo to also heed this overwhelming call from all sides of the international and African community. They are united in the belief that Africa's Hitler should be called to account"

He says in the release that Nigeria has already been presented with cogent evidence that demonstrates that Taylor has breached the terms of his asylum in Nigeria by remaining active in Liberia and West African politics.

Charles Taylor faces a 17-count indictment for war crimes and crimes against humanity committed during the conflict in Sierra Leone. The charges include terrorizing the civilian population, unlawful killings, sexual violence, physical violence, forced conscription of child soldiers, abductions, forced labour, looting and burning, and attacks on UN peacekeeping personnel.

The Prosecutor indicted Charles Taylor on 3 March 2003, and unsealed the indictment on 4 June 2003.

The new Prosecutor said, It is really highly amusing to think that Charles Taylor sent his lawyers to the Special Court to seek an order in his favour, thus recognizing the Court. Yet, he keeps himself out of the jurisdiction of the Court no doubt in the knowledge that the overwhelming evidence of the atrocities committed in Sierra Leone will be brought home to him. Nine indictees are currently in the custody of the Court.

West Africa Teeters Between War And Peace

Published Wednesday, July 6th, 2005

Visit the World Crisis Web
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Africa - 19:30 GMT

Katherine Arie

Ivory Coast, Liberia and Sierra Leone are all struggling to build peace after years of brutal conflict. These were wars in which instability, rebels and floods of refugees all spilled across frontiers. Child soldiers were recruited in huge numbers and forced to commit atrocities. Cross-border political meddling prolonged the bloodshed.

Now that the three countries have settled the conflicts within their own borders, each has different prospects for peace and recovery. But all remain vulnerable to new violence and state failure, which threaten the stability of the entire region.

Ivory Coast On The Brink

Of the three countries, analysts say Ivory Coast is the most likely to see its peace process crumble. A stalemate over the terms of a peace agreement brokered by France in 2003 came to an abrupt end in late February 2005 when government forces attacked a rebel outpost, sparking international concern that war could again engulf this once-prosperous and peaceful West African country.

The attack by forces loyal to President Laurent Gbagbo on Logouale, located in rebel-held territory in the northwestern part of the country, was the first outbreak of violence since the government broke an 18-month ceasefire and bombed rebel strongholds the previous November.

It all but shattered the flagging peace process. Civil conflict in Ivory Coast had effectively split the country of 16 million between the government-controlled south and the rebel-held north.

France now has 4,000 troops in the Ivory Coast supporting a 6,000-strong U.N. peacekeeping force, which holds the line and guards the buffer zone between the north and the south.

The peace process provided for the disarmament of rebels and paved the way for general elections in October 2005. But rebels had refused to disarm before political concessions were made. Meanwhile, President Gbagbo had refused to grant concessions before the rebels disarmed.

The U.N. mission in Ivory Coast said it had restored order in Logouale, but the rebels vowed to fight back. The rebel movement, called the New Forces, said in a statement the attack was the government's "umpteenth violation of the ceasefire". "By these acts of war, Mr. Laurent Gbagbo has just buried for good the mediation efforts of South Africa and the international community," the statement said.

The government has denied responsibility for the attack on Logouale and blamed pro-government militia for independently starting an uprising against the rebels. Fresh violence in Ivory Coast has revived concern that turmoil could destabilise the region as a whole.

Violations of the ceasefire in November 2004 prompted African leaders to call an emergency crisis meeting of the African Union's Peace and Security Council in Abuja, Nigeria, late in the year. The Council said restoration of peace was paramount since neighbouring Liberia and Sierra Leone are both post-conflict states that are seen as particularly fragile.

Guinea, which borders Ivory Coast, Liberia and Sierra Leone, is also in a precarious position, having supported thousands of refugees from its neighbours as well as Liberian rebels. According to Crisis Group, a Belgian-based think tank, Guinea's Forest Region, which borders Liberia and Ivory Coast, is supporting some 100,000 displaced Guineans who had sought economic opportunities in Ivory Coast and then fled when major violence erupted there in 2002.

Liberia Tries To Forgive And Forget

Two years after the end of Liberia's 14-years civil war, the U.N. High Commissioner for Refugees (UNHCR) said 14 of Liberia's 15 counties were finally safe for the return of refugees. UNHCR, which has repatriated some 7,500 Liberians from neighbouring countries since October, said close to 100,000 Liberians had returned home on their own in 2004. Though many refugees are wary about security in Liberia, UNHCR expects another 340,000 to return home by the end of 2007.

Liberia, under the control of a transitional government headed by Chairman Gyude Bryant, is stable, though it has come under fire recently from the World Bank for failing to crack down on rampant corruption. As a result of that corruption charge, the United Nations has maintained an embargo on valuable exports of diamonds and timber, put in place originally to prevent then President Charles Taylor from buying arms.

Liberia is set to hold general elections in October 2005, and there is new hope for reconciliation between former rebels and government officials, including ousted President Taylor, who was forced to flee the country amid fighting in the capital of Monrovia in August 2003.

In February 2005, Sekou Conneh, the leader of the biggest former rebel group, Liberians United for Reconciliation and Democracy (LURD), called for a general amnesty for everyone who fought in the war, including his old foe, Taylor, now living in Nigeria. Conneh even suggested that Taylor be allowed to return home.

Taylor is wanted by a special war crimes court in Sierra Leone, where he is accused of fomenting brutal rebellions. Human rights groups support setting up a similar court in Liberia, one modelled on South Africa's Truth and Reconciliation Commission. But Conneh has said it was best to forgive and forget. "Instead of people calling for people to appear before the Truth and Reconciliation Commission and the tribunal in Sierra Leone, it is good to just forgive in the interest of peace," Conneh told Reuters.

In the meantime, rebuilding has begun in earnest in areas devastated by the war, particularly the former rebel base of Lofa County in the northwest corner of the country.

According to the United Nations, one-third of all the refugees who fled the country came from Lofa. The county also accounts for almost one-fifth of the 500,000 internally displaced people inside Liberia. Lofa County is one of the country's most inaccessible, especially during the rainy season between April and October, when dirt roads turn to mud and become impenetrable.

But hope abounds. Before his resignation in late February 2005, then UNHCR High Commissioner Ruud Lubbers opened the first - and only - school in Lofa. Thousands of refugees and internally displaced people are returning to the war-torn area to rebuild their lives.

Even so, experts agree that Liberia has a long way to go before stability is certain. According to Crisis Group, the international community needs to make long-term commitments - on the order of 25 years - to enable new political forces and necessary institutions to develop. The think tank says quick fixes of the judicial and law enforcement systems, and even the military forces, are not sufficient and would leave Liberia vulnerable to crime, corruption and renewed violence.

Sierra Leone On Path To Peace

Best known in the Western press for brutality against civilians in its 11-year civil war and for introducing the world to so-called conflict diamonds, Sierra Leone is on a steady path to peace. Sierra Leone's war, which killed 20,000 people and displaced half the country's population of 5 million, officially ended in 2002. National elections were held later that year.

A U.N.-mandated Special Court for Sierra Leone has indicted 11 people for war crimes and is seeking to extradite Liberia's former president, Charles Taylor, with support from international human rights groups.

Disarmament of the rebel Revolutionary United Front has been completed. In September 2004, the U.N. peacekeeping force, which at one point was 17,000 strong, handed over control of the capital, Freetown, to local forces in a symbolic but crucial step toward Sierra Leone's self sufficiency and peace.

But the country isn't out of the woods yet. Millions of dollars worth of diamonds are still smuggled out of Sierra Leone every year. Corruption is rife, and thousands of

decommissioned soldiers are out of work and looking for something to do. Sierra Leone is still coming to terms with atrocities committed during the war, many of them against children. Communities are also grappling with severe poverty. Significant political reform ensuring good governance and accountability has yet to take hold, and the victims of the war, along with thousands of decommissioned soldiers, need funding for more education and training programmes.

Article courtesy of Reuters Alertnet

More News From This Region

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Herald Sun

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Halloran appeal begins

Keith Moor
07jul05

VICTORIA Police Supt Peter Halloran's appeal against a sex conviction in West Africa has begun.

Three judges finally started hearing his case in the Sierra Leone Court of Appeal yesterday.

Halloran, 57, has been on bail since soon after being convicted in February.

The trial judge withdrew two of the three sex charges laid against Halloran after ruling there was no case to answer, but jailed him for 18 months on the remaining charge of indecently assaulting a teenage girl.

Melbourne barristers Lex Lasry, QC, and Darren Bracken, were in court yesterday as observers of procedure and advisers.

Mr Lasry is chairman of Victoria's Criminal Bar Association. Halloran's local lawyer, Nicholas Browne-Marke, is appearing for Halloran in the appeal, which is expected to only take a day or two.

The main ground he will pursue is that there was no evidence on which the trial judge could have properly convicted Halloran.

Mr Browne-Marke is also expected to claim the prosecution attempted to force the alleged victim to say Halloran assaulted her after discovering she planned to give evidence saying he didn't.

He will argue the judge erred in convicting on one charge while withdrawing two others when the allegations were the same.

Halloran is on unpaid leave from Victoria Police after accepting a job as commander of war crimes investigations at the UN-backed Special Court in Sierra Leone.

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Australian cop appeals sex conviction



By Keith Moor

07-07-2005

From: Herald Sun

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The Courier-Mail

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ABC Online

Aust policeman awaits ruling on sex assault conviction. 07/07/2005. ABC News Online

[This is the print version of story <http://www.abc.net.au/news/newsitems/200507/s1408623.htm>]

Last Update: Thursday, July 7, 2005. 6:39am (AEST)

Aust policeman awaits ruling on sex assault conviction

By Africa correspondent Zoe Daniel

Australian police officer Peter Halloran should know by the end of next week whether his appeal against a sexual assault conviction in the west African nation of Sierra Leone has been successful.

In February, the former head of the Victorian Homicide Squad was convicted of sexually assaulting a 13-year-old domestic worker and sentenced to 18 months in a west African jail.

The Australian policeman, on secondment to the UN special court, denies the charge.

His lawyer told the Court of Appeal in Freetown that there is no case against Halloran and that the complaint against him was not made by the child but by a third party.

The prosecution said the original judgment was based on evidence that was corroborated.

The panel of three judges hopes to deliver a ruling before a two month court recess begins at the end of next week.

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United Nations



Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 6 July 2005

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

UN Envoy's Statement is Evasive Says Justice Minister

(New Democrat)

- A Ministry of Justice press release has quoted Justice Minister Kabineh Ja'neh as terming as evasive a recent statement attributed to UNMIL Officer-in-Charge Abou Moussa to the effect that the mission has no evidence of former President Charles Taylor interfering in Liberia.

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