

**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:**

Monday, August 15, 2005

The press clips are produced Monday to Friday.  
If you are aware of omissions or have any comments or suggestions please contact  
Mariama S. Yilla  
Ext 7217 / 7216

Standard Times. Monday August 15, 2005.

Free Charles Taylor threatens West Africa.

When they escorted fugitive former Liberian President, Charles Taylor, into exile in Nigeria in August 2003, Africa's leaders hoped that his removal from power would ease the path to restoring stability in Liberia and its West African neighbours.

Two years later, the spectre of Mr. Taylor's transnational networks of violence hangs over West Africa fragile transition from a prolonged period of war, porous borders and instability.

He continues to avoid prosecution on an indictment before the United Nations-supported Special Court for Sierra Leone on wide-ranging allegations of war crimes and crimes against humanity.

In a recent and dangerous turn, Mr. Taylor's presence in Nigeria now threatens basic constitutional rights and civil liberties in his country of asylum.

On August 1, 2005, operatives of Nigeria's State Security Service (SSS) arrested and detained two printers, Steve Omali and Michael Damisa, for being in possession of advocacy campaign material which they printed for the Coalition against Impunity.

The Coalition is an alliance of over 345 non-governmental organizations in 17 African and non-African countries campaigning to ensure that Mr. Taylor is held to account for international crimes for which he stands indicted.

At the request of the Coalition, Omali and Damisa had printed a set of posters on the "Charles Taylor: Wanted" campaign, which reproduced Interpol's "Red Notice", an international arrest warrant for Mr. Taylor issued to all Interpol member countries in August 2003.

Nigeria is a member of Interpol. In addition to arresting the printers, the SSS confiscated 10,000 copies of the poster.

The SSS detained the printers for three days during which it denied them access to visitors or lawyers.

Michael Damisa's brother, Matthew, who went to the SSS to visit and verify the location in which his brother was held was similarly detained.

These detainees were not accused of any crime. Nigeria's Constitution prohibits administrative or any other form of detention for a period of more 48 hours without judicial supervision.

Since these arrests, Nigeria's security services have launched an operation

against the leadership of the Coalition against Impunity in the country.

They have declared wanted staff of the Open Society Justice Initiative of Nigeria, a leading organiza-

tion in the Coalition and shut down the printers' workshop. Nigeria's SSS similarly moved to prevent an inter-faith initiative of other West Africans killed and violated in Mr. Taylor's many West African wars.

Since he fled into exile in Nigeria, Mr. Taylor has consistently failed to observe his own part of the implicit asylum bargain that prohibits him from interfering into Liberia's domestic politics.

Rather, he is active in supporting and sponsoring candi-

dates in Liberia's forthcoming transitional elections.

Nigeria's President Obasanja has consistently argued that he offered asylum to Mr. Taylor with the

full consent and at the request of the Africa Union and the international community and is now, therefore, precluded in honour from turning him over for trial.

Even when it is conceded that the international community persuaded Nigeria to host Mr. Taylor, according to him, ~~refugee status~~ was evidently the wrong instrument to achieve this goal.

As a national of a member country of the regional organization, ECOWAS,

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Mr. Taylor could easily have entered and stayed in Nigeria under the regional regime of visa-free movement in West Africa without the cover of refugee status.

Mr. Taylor is the latest in

a long line of former African rulers to receive and enjoy asylum for killing their own people and egregiously violating the sanctity of human life.

Other recent examples include Uganda's Idi Amin who died in exile in Saudi Arabia, Idi Amin's predecessor, Milton Obote who remains exiled in Zambia, Somalia's Siad Barre who died in exile in Nigeria, Chad's Hissene Habre currently exiled in Senegal, and Ethiopia's Mengistu Haile Mariam currently also exiled in Zimbabwe. Extending the facility of asylum to such persons threatens a hallowed humanitarian institution with irreparable disrepute and encourages impunity.

The campaign by Nigeria's security services to suppress lawful demands for Mr. Taylor to be brought to justice for his crime is further proof of the many ways in which a free Charles Taylor threatens the stability of West Africa and the future of constitutional governance in the region.

Mr. Taylor's continued stay in Nigeria similarly threatens President Obasanjo's desire to secure for Nigeria a permanent seat on the United Nations Security Council.

The only way to address these threats is for Nigeria to transfer Charles Taylor to stand trial.

After Liberia's transnational election on 11 October 2005, President Obasanjo's government will run out of excuse for avoiding or postponing this sensible and necessary course of action.

Pamela Tomilola Adegbesan is Legal Officer, Media Rights Agenda, Lagos, Nigeria.

Independent Observer Monday August 15, 2005.

**By Sam Kargbo**

I have been inundated over the weeks with responses on the views that I expressed on Charles Taylor in this column and other segments of this paper. Some are critical while others are quite flattering and reassuring. For the sake of space, I will publish just one of the lot. I am a Liberian and I reside in Lagos State. I am an avid reader of the Daily Independent which I find quite interesting. I read Sam Kargbo's article titled, "Why Taylor should be surrendered to the UN Court" in the Thursday July 21, 2005 edition. The piece was very interesting, but interestingly there was something in it that caught my attention and that is your claim that 'Liberia is ungrateful'. I must elaborate more on this phrase "Ungrateful Liberia", which did not go down well with me.

That Charles Taylor should surrender to U.N. Court is the same view shared by many Liberians because Liberians believe that he should be punished for the crimes he committed against humanity and innocent people. That was why Charles Taylor's government was removed with violence and hostility and this was strongly supported by the Liberian people. Liberia as a nation has a lot of respect for Nigeria, not just as a nation but as "Big brother".

Since 1990, which marked the beginning of the Liberian civil crisis till date, the Nigerian government has played a major role in resolving the Liberian civil crisis more than any other nation, (the U.S. government inclusive). The Nigerian government has spent millions of dollars on sponsoring the many peace talks that culminated in the resolution of the crisis in Liberia. Many Nigerian soldiers have lost their precious lives just to restore peace in Liberia. After all Nigeria has done for Liberia, I believe Liberia, as a nation, has shown her gratitude in her own little way.

Upon the arrival of ECOMOG soldiers in Liberia, Liberians took to the streets cheering and dancing just to boost the morale of ECOMOG soldiers, which was shown live on some international and local television stations.

To add to this, Nigerian soldiers were welcomed into

Liberia more than soldiers from other ECOMOG countries because Liberians saw Nigerian Peace Keepers as potentially fair people and because of the military strength and influence of Nigeria within the sub-region and the continent at large.

Nigerian ECOMOG soldiers were treated with much respect. We tried to demoralise other countries that are helping to bring peace in Liberia. I am just saying the fact. If you like you can carry your own survey to that effect. Liberians are more comfortable with Nigerian soldiers than other soldiers. Moreover, language has been one of the factors behind this close relationship of Liberian citizens and Nigerians. During the civil crisis, many Liberians saw Nigeria as a safe haven and a country of great potential and today many of those Liberians live and work in Nigeria.

Besides many of them now call Nigeria their home. Today, Nigerians own land, do business without disturbance and live freely in Liberia. Even before the civil crisis, Liberia always saw Nigeria as a brother country.

Most importantly, Nigerian soldiers were allowed to take the hands of our daughters and sisters in marriage; most of them now live in Nigeria and raise Nigerian kids.

Now Mr. Kargbo, are all these facts listed above not enough evidence of the gratitude of Liberia to Nigeria? Let us also take few things into consideration (I am not trying to justify but to allow things be seen from all angles). Nigeria does not have a major crisis (which we do not hope for) to need the help of Liberia. Liberia is a country just from war and still struggling to get back on its feet. It was also mentioned in your article that Nigeria spent a lot of money and lost many soldiers carrying on peace missions in Liberia. All these are true but we should understand that to keep peace is very expensive and it is an obvious thing for soldiers to die in war.

Liberia also regrets such losses because some Liberian women have children for some of those soldiers that died and now they are left alone to raise those children as single parents which can be very difficult. And because Nigeria has spent so much on Liberia and other major crisis within the continent, that is why

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**As Liberians, we love  
Nigerians and we are  
very grateful for Nigeria's  
effort in restoring peace  
to Mama Liberia and I  
believe Liberians are  
waiting to reciprocate  
this kindness shown by  
Nigeria. May God bless  
Nigeria, ECOWAS, the  
A.U. and Liberia**

today she was granted debt relief, for what you sow you shall reap.

Moreover, Nigeria is now proudly vying for a seat within the United Nations Security Council. So all the good work which Nigeria has done in the sub-region and continent at large is going to 'come back'. This is why we (Liberians) support Nigeria as she vies for her seat within the security council of the UN. Charles Taylor has already caused enough trouble for Liberia and has left scars on the history of our country which we are still trying to recover from. So Mr. Kargbo, as an African and a patriotic one, I ask in the name of God Almighty that you clarify that phrase (ungrateful Liberia) for every Libenian to understand or you withdraw it altogether because words can be more harmful than bullets especially when written.

As Liberians, we love Nigerians and we are very grateful for Nigeria's effort in restoring peace to Mama Liberia and I believe Liberians are waiting to reciprocate this kindness shown by Nigeria. May God bless Nigeria, ECOWAS, the A.U. and Liberia.

**-Alexander Dakala (Courtesy:  
The Independent newspaper of NIGERIA)**

Awareness Times Monday August 15, 2005.

**By Theophilus S. Gbenda**

Today Monday August 15, 2005 marks the beginning of what is expected to be a heated tussle over certain constitutional provisions of

the ruling Sierra Leone People's Party (SLPP). The Supreme Court of Sierra Leone, will today seat on a matter between

the Chairman of the SLPP, Dr. Sama S. Banya, the Secretary General, Dr. Prince Harding and the Sierra Leone People's Party, as 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> defendants respectively and the detained former SLPP

Government Minister and former National Coordinator of the Civil Defence Forces (CDF) Chief Samuel Hinga Norman, as Plaintiff. The Supreme Court is to look into an interim injunction which

was brought against the defendants. Prior to the court hearing today, lawyer Bu-buakei Jabbie, had on behalf of his client, Chief Hinga Norman

who is also aspiring for the leadership of the SLPP, filed in a writ of summons seeking an interim injunction on the holding of

*Contd. page 2*

# Hinga Norman vs SLPP

## From front page

the forthcoming SLPP Delegates Convention slated for the 19 and 20 August 2005

The Interlocutory Notice of Motion in respect of the matter in question reads as thus, "An interim injunction, restraining the 1<sup>st</sup> and 2<sup>nd</sup> defendants (in their personal and official party capacities alike) and 3<sup>rd</sup> defendant herein, their servants, agents and privies, and in the case of the 3<sup>rd</sup> defendant, in all its emanations and manifestations as organs, institutions, officers and members thereof, from nominating, electing, selecting, choosing or identifying as the case may be, a Presidential Nominee and/or Leader of the SLPP in any shape or form or name or guise, or attempting/ purporting so to do or

encouraging or causing or countenancing or shepherding or partaking in the doing of any such thing, at the party conference slated for 19-20 August 2005 or at all otherwise in 2005, pending and until final determination by this honourable court of the cause, matter, action or suit issued or instituted by the originating notice of motion intitled as above, but otherwise without any prejudice whatsoever, whether interim or permanent, to the holding of the party conference as such and /or conducting thereat any lawful business strictly other than such aforesaid nomination, election, etc of a presidential nominee or candidate and/or leader of the SLPP".

The interlocutory notice of motion prepared by the counsel for Hinga Norman Dr. Bu-buakei Jabbie, also made an

undertaking that "an order to the effect that the plaintiff/ applicant herein compensate the defendants/respondents herein in damages for loss arising from the grant of the foregoing interim injunctions in the event that final determination of the substantive cause, matter, action or suit in the above-titled matter, of the said interim injunctions is concerned, shall have been decided or determined in favour of the said defendant respondent herein

It remains to be seen what shape or form the court proceedings will take, but what is however clear is the fact that the Sierra Leone Peoples Party has now found itself in a very serious quagmire and at a challenging moment.



The African Champion - Monday August 15, 2005.

The Special Court for Sierra may indict President Ahmad Tejan Kabbah and other top government officials, who many people believe had some connec-

tions with the Civil Defense Force (CDF), the civil militia group that behaved atrociously during the ten-year war in Sierra Leone. It could be recalled that

sometime last year President Kabbah dissociated himself from the civil militia group during the Truth and Reconciliation Commission (TRC) hear-

ings at the YWCA hall in Brookfields, Freetown. But those who listened the last Sunday programme on FM 98.1 D when four

SLPP aspirants for the party leadership were interviewed would have a second thought about President Kabbah's bla-  
Contd page 5

## Kabbah, CDF Connection

From page one  
tant dissociation from the CDF. When asked what he has done for the SLPP, Dr. Lansana Nyallay disclosed that during the 1997/98 interregnum when most Sierra Leoneans were determined to restore democracy to the country, he traveled to Guinea and presented \$10,000.00 (Ten thousand US dollars) to President Ahmad Tejan Kabbah as contribution from the Tegloma Organization in the United States for the CDF that was fighting in Sierra Leone for the restoration of democracy.

Though he did not explain how the CDF high command received the \$10,000.00, Dr. Lansana Nyallay's disclosure was a very serious indictment for President Kabbah despite his denial of having anything to do with the CDF. "If Pa Kabbah had not acknowledged the formation and subsequent operation of CDF for the restoration of democracy to this country and his ultimate reinstatement, he would not have accepted the \$10,000.00 from Tegloma on behalf of the civil militia group," a former CDF fighter opined.

The former fighter said it would have been wise for President Kabbah to advise Dr. Lansana Nyallay to travel to Sierra Leone to hand over the money to the CDF high command so that his dissociation from CDF would be seen by Sierra Leoneans as genuine. Meanwhile, many concerned former CDF fighters have suggested that there was need for the Special Court to invite Dr. Lansana Nyallay to clarify the statement he made about the \$10,000.00 he gave President for CDF as part of Tegloma's effort towards restoring the democratically elected government that was in exile in Guinea.

The African Champion. Monday August 15, 2005.

**Special Court for Sierra Leone CDF indictee, Chief Sam Hinga Norman, has finally prevented the ruling Sierra Leone People's Party (SLPP) from holding their national convention on the dates stipulated until the party hierarchy corrects certain irregularities.**

The national convention was slated for the 18<sup>th</sup> and 19<sup>th</sup> of this month at the northern provincial headquarters of Makeni. The matter will commence Monday 15th August 2005 at the Supreme Court, which is the highest court of the land.

Despite Hinga Norman's current legal battle which has stopped the SLPP to elect their new party leader, reports have also disclosed that, the party seemed to have

suffered another deadly blow. Inside party sources have

intimated that, the most feared legal luminary in the SLPP leadership

Mr. Charles Margai has almost completed legal pa-

from taking place.

Party sources stated that both Messrs. Margai and Leigh's camps might likely launch a legal fight for the court to interpret certain clauses in the party constitution.

per work to launch his own fight in order to stop the convention

## Resign or no convention

### From page one

According to the reports, some senior members of the two camps have met secretly and agreed to petition Vice President

Solomon Berewa and the Finance Minister Joseph Bandabla Dauda should they fail to resign their official positions before the convention is held.

However, all efforts to contact Messrs. Margai, Berewa, Dauda, Leigh and the party Chairman Dr. Sama Siama Banya before going to press proved futile.



**UNMIL Public Information Office Media Summary 12 Aug 2005**

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

**International Clips on Liberia****Surrender Taylor to War Crimes Court, Group Tells Nigeria**

Abuja, 12 Aug , 2005 (Vanguard/All Africa Global Media via COMTEX) --Two years after former Liberian President Charles Taylor fled Liberia for exile in Nigeria, Nigerian President Olusegun Obasanjo should no longer allow Taylor to escape prosecution for crimes against humanity and war crimes committed during Sierra Leone's civil war, the Campaign Against Impunity said today. Nigeria should immediately surrender Taylor to face trial at the Special Court for Sierra Leone.

**International Clips on West Africa**

12/08/2005 04:05:54

**Annan wants post-peacekeeping mission to Sierra Leone**

New York, UN (PANA) - With the UN Peacekeeping Mission in Sierra Leone (UNAMSIL) scheduled to wind up at the end of the year, Secretary-General Kofi Annan has recommended the establishment of a "modestly-sized" successor UN office for the country.

**UN observers harassed, vehicle wrecked in southern Ivory Coast**

ABIDJAN, 12 Aug (AFP) - Two UN military observers were threatened by supporters of President Laurent Gbagbo in southwestern Ivory Coast and their vehicle wrecked in the second such incident in two days, a UN spokesman said Friday.

**Local Media – Newspapers****Taylor Linked to Attempt to Plot to Kill Special Court Persecutor**

*(The Analyst)*

- A local pro-democracy group, Liberians United for Transparent Elections (LUTE) has said that it has concluded an investigation which revealed that former President Charles Taylor had plotted to kill former Special Court Prosecutor David Crane when he visited Monrovia last year. The investigation into the murder in May last year of the U.S. Military Assessment team leader, John Auffrey found that Mr.

Auffrey was killed on mistaken identity after he occupied the Mamba hotel room which Mr. Crane had checked out of a night before.

*Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board and would like further information on the content of the summaries, please contact Ms. Kadiatu Konteh at [kontehk@un.org](mailto:kontehk@un.org).*

# AngolaPress

Luanda - Monday, August 15, 2005 - 9:26:56 AM

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**Economic  
news on  
Angola**

## News

### War crime defendant sues ruling party in Sierra Leone

Freetown, Sierra Leone, 08/14 - Former deputy defence minister, Sam Hingha Norman, on trial for war crime charges at the Special UN court in Freetown, has filed a motion requesting the Supreme Court here to restrain the ruling Sierra Leone People's Party (SLPP) from holding its 19-20 August convention.

Aside from choosing a leader of the SLPP, who will contest the presidential election, delegates at the convention will also elect officials who fill vacant positions in the party's hierarchy at the national level.

Norman argues that his request for the injunction is based on the SLPP Constitution, which demands that all positions within the party structure must be vacant before new elections are held.

He insists that Vice President Solomon Berewa, who is vying to lead the party, must first resign his post as a prerequisite to qualify him for participation in the race.

The election of a leader or a replacement to President Tejan Kabbah should be in 2006, shortly before the presidential and parliamentary elections, said Issa Gbao, a supporter of SLPP. SLPP staunch supporter.

Norman has indicated his desire to contest the leadership of SLPP because he believes that he is innocent and will be declared free. He has already told the court that he intends to contest the leadership of the ruling SLPP.

But the court has not yet reacted. Supreme Court registrar, Prince Rose confirmed that one of the lawyers who have been defending Sam Hingha Norman at the Special Court, Dr. Bubuakei Jabbie, submitted the writ of prohibition at the Supreme Court.

Rose said the court will examine the writ for the first time on Monday (15 August).

"Kabbah, who has held no party conventions for nine years since his presidency is bent on manipulating a transformation of power from the President to the Vice President," suggested John Kamara, a staunch member of the ruling SLPP.

[First page](#) | [Politics](#) | [Economy](#) | [Social](#) | [Sport](#) | [Culture](#) | [Africa](#) | [International](#) | [Specials](#) | [24 hours service](#)

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## 24h servic

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## Nigeria: Surrender Charles Taylor to special court for Sierra Leone

AI Index: AFR 44/018/2005 (Public)  
News Service No: 219

Two years after former Liberian President Charles Taylor fled Liberia for exile in Nigeria, Nigerian President Olusegun Obasanjo should no longer allow Taylor to escape prosecution for crimes against humanity and war crimes committed during Sierra Leone's civil war, the Campaign Against Impunity said today. Nigeria should immediately surrender Taylor to face trial at the Special Court for Sierra Leone.

The Campaign Against Impunity, a coalition made up of some 300 African and international civil society groups was formed to ensure Nigeria's surrender of Charles Taylor to the Special Court for Sierra Leone. Taylor has been accused of 17 counts of war crimes and crimes against humanity against the people of Sierra Leone by the Special Court. The crimes include killings, mutilations, rape and other forms of sexual violence, sexual slavery, the recruitment and use of child soldiers, abduction, and the use of forced labor by Sierra Leonean armed opposition groups.

Despite mounting international pressure from African countries, the United Nations, the European Union and the United States, Nigeria continues to resist surrendering indicted war criminal Charles Taylor to the Special Court for Sierra Leone. Most recently on 28 July the Mano River Union, which consists of Sierra Leone, Liberia and Guinea, issued a communiqué, which agreed to call for a review of Taylor's temporary stay in Nigeria.

"Nigeria is swimming against the tide of international justice," said Shina Loremikan, Director of the Committee for Defence of Human Rights (CDHR), a Nigerian organization that is part of the Campaign Against Impunity. "The international community is in agreement that Taylor must be surrendered to the Special Court for trial. It is high time that President Obasanjo did the right thing by turning Taylor over to be tried for his alleged crimes."

The campaign stressed that Taylor's trial must take place in accordance with international law and standards for fair trial, including the right to be presumed innocent until proven guilty beyond a reasonable doubt.

Surrendering Taylor to the Special Court is crucial not only to ensure justice is done for crimes committed during the Sierra Leone conflict, but also to ensure stability in West Africa, the Campaign Against Impunity said. There are consistent reports of Taylor's interference in Liberian politics, despite the terms of the agreement granting him asylum, which prohibits any such meddling.

U.N. Secretary-General Kofi Annan and, more recently, the Mano River Union have expressed concern over Taylor's potential for fomenting instability in the region. The 28 July communiqué issued by the Mano River Union cited allegations of Taylor's involvement in an attack on the Guinean president, gathering armed people in the forests of Liberia, and making telephone calls to Liberian officials. In his June 7 report on Liberia, the U.N. Secretary-General stated that Taylor is reportedly in regular contact with former business, military and political associates in Liberia and is suspected of supporting candidates in Liberia's October presidential election.

"On the second anniversary of Charles Taylor's flight to Nigeria, his continued impunity is undermining the rule of law in West Africa and putting civilians in the region at risk," said Richard Dicker, Director of the International Justice Program at Human Rights Watch, which is part of the campaign.

"African leaders owe it to their people to work vigorously with President Obasanjo to see that Taylor faces trial expeditiously," Kolawole Olaniyan, Africa Program Director at Amnesty International, which is also part of the campaign.

The first public call for Nigeria to surrender Taylor to face trial came from the European Parliament in February of this year in the form of a resolution. Later in May, the U.S. House of Representatives and Senate passed similar resolutions. During a visit to West Africa last month, the U.N. High Commissioner for Human

Taylor.

The campaign called on members of the Southern African Development Community (SADC) to follow the example of the Mano River Union and speak out on the need for Taylor's surrender to the Special Court. SADC is holding its annual summit in Gaborone, Botswana in the coming days.

"The moment for Taylor's surrender to the Special Court is now," said Paul James Allen, a Sierra Leonean human rights activist involved in the campaign. "The indictment for Charles Taylor on war crimes and crimes against humanity must be honored. The victims in Sierra Leone who suffered grave crimes under international law should not be forced to wait any longer."

Partners in the Campaign Against Impunity in Nigeria and elsewhere in Africa held events today, including interfaith services in Lagos and Calabar (the city where Taylor now resides), to mark the second anniversary of Taylor's arrival in Nigeria with a call for his surrender.

**For further information, please contact:**

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In Lagos, Shina Lorenikan, Committee for Defence of Human Rights: +234-(0)803-323-5822

*For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 Amnesty International, 1 Easton St., London WC1X 0DW.  
web: <http://www.amnesty.org>*

# Vanguard (Nigeria) - AAGM

August 12, 2005

## **SURRENDER TAYLOR TO WAR CRIMES COURT, GROUP TELLS NIGERIA**

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## Financial Times (London, England)

August 12, 2005 Friday

Saddam trial is a critical test for Iraq's future

DAVID SCHEFFER

Justice hangs precariously in the balance with the forthcoming trials of Saddam Hussein and other former Iraqi officials before the Iraqi Special Tribunal for Crimes Against Humanity (IST).

This week's move by Mr Hussein's family to rebuild his defence team follows corrosive political meddling: Iraqi politicians declare an imminent trial date for Mr Hussein as the insurgency rages; photographs of him in his underwear are published; Ahmad Chalabi, Iraq's deputy prime minister, purges IST officials with past Ba'ath party connections and aims to remove investigative judge Raid Juhi under suspicious circumstances; and secrecy shrouds the IST. Unless the tribunal's independence and adherence to due process are assured, Iraq's nascent rule of law will stall.

The long effort to collect evidence of genocide, crimes against humanity and war crimes in Iraq and, more recently, to build or find a court to prosecute the Iraqi regime, culminated with the IST in late 2003. President George W. Bush could have seized a moment of leverage in September 2002 when he urged the United Nations to enforce Security Council resolutions against Iraq, particularly those banning weapons of mass destruction. But he failed to press for an international tribunal to indict Iraqi officials using fair procedures insulated from political pressure.

It has never been easy to bring leaders to justice for atrocity crimes. The Nuremberg and Tokyo trials after the second world war were partly successful. Only in the past decade have the Yugoslavia and Rwanda war crimes tribunals and the Special Court for Sierra Leone aimed directly at bringing to justice the architects of atrocities. The International Criminal Court is now likely to indict militia and government leaders in several African nations.

Despite its frustrations, the long trial of Slobodan Milosevic in The Hague shows how such a trial can adhere to due process. The jurisprudence of existing tribunals provides precedents guaranteeing the rights of prominent indictees like Mr Hussein. This "battle-tested" law must inform the IST.

Critical decisions await IST officials. They must determine whether to proceed with a prosecution strategy that appears designed to achieve a speedy verdict for reprisals against the town of al-Dujayl, where Mr Hussein escaped assassination in 1982. Rushing towards the death penalty would be a risky gamble that either demoralises or inspires the Iraqi insurgency.

In contrast, the international criminal tribunals largely chose holistic strategies of prosecution against leaders charged with atrocity crimes. Will the IST prosecute the transnational crimes committed under Mr Hussein? These include war crimes during the war with Iran, the invasion and brutal occupation of Kuwait and battle with US-led forces in the first Gulf war. Will the atrocities against the Kurds and Shia be fully prosecuted? If these grave crimes are not prosecuted or are poorly judged by the IST, the seeds of revenge will permeate Iraq and its neighbours for generations. The historical record of accountability will be shamefully incomplete.

The rights of the accused now must take centre stage. Mr Hussein and other defendants are entitled to defence counsel, self-representation if desired, the presumption of innocence, to obtain exculpatory evidence held by the prosecutor, and to cross-examine witnesses, among other rights.

The security of the IST trials is problematic in a country that might slide into civil war. There is still time to forge an international agreement permitting secure trials outside Iraq. Internal security concerns must not deprive the tribunal of testimony from key witnesses or the regularity of scheduled trials. The Iraqi public may never set foot within the IST courtroom anyway, defeating a key purpose for a Baghdad trial. The tribunal must be reconstituted under sovereign Iraqi authority to counter doubts about its origins under military occupation. Abandoning the death penalty could bring much-needed UN and foreign support for the IST and diminish its dependence on US assistance, along with its image as victor's justice.

Iraqi authorities should ensure the tribunal's independence and liberate its staff to develop a unified prosecution strategy. All must accept that defence counsel will vigorously protect their clients' rights. Accountability that withstands the toughest scrutiny, instils confidence in Iraq's legal system and builds a historical record should be the common goal.

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