

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:

Wednesday, August 17, 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 Pool. Wednesday August 17th, 2005.

Does Hinga Norman have the cash?

By Prince C. Kamara



Chief Norman



President Kabbah

Yesterday's history-making case brought against the Sierra Leone Peoples Party (SLPP) by detained Special Court indictee, Chief Sam Hinga Norman, concluded its second session at the Freetown High court No. 1 with the Chief Justice Ade Renner-Thomas saying that, "if it turns out the other party wins, then the plaintiff would have to pay damages."

Representing the plaintiff, Chief Sam Hinga Norman was popular Freetown Lawyer, Dr. Bu-Buakei Jabbie. Presenting his application on behalf of his client, he said that he apologised on behalf of his

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\$100m damages at stake

client, Chief Sam Hinga Norman who was "unavoidably absent" from the court, adding that he is incarcerated at the Special Court detention centre. He went on to ask that the court intervene on Chief Norman's behalf to "get the authorities to allow him (Norman) attend subsequent hearings", adding that his client cannot attend the court sittings "due to circumstances beyond his control."

President of the five judges, Chief Justice Ade Renner-Thomas however, replied that Dr. Bu Buakei-Jabbie should have known about the circumstances around his client before he (Bu Buakei - Jabbie) took up the case.

According to Lawyer Jabbie, the matter he is representing on behalf of his client before the court is to apply for an injunction to the holding of the Sierra Leone People's Party (SLPP) delegates conference, slated for 19-20 August this year, in order to allow his client (chief Norman) to be physically present, and to also apply that if the slated SLPP delegate's conference or convention should indeed go ahead, "no presidential nominee should be elected, selected, chosen or in anyway emerge as presidential candidate of the SLPP".

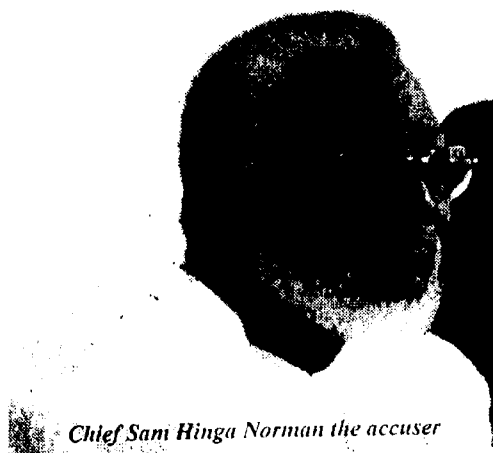
Lawyer Jabbie also told the court that he was at variance with certain clauses in the defendants submission to the court particularly clauses 9 and 11 which he said "contradicted each other." He further told the court that he is ready to shoulder any undertaking on behalf of his client, that the court might give.

In between Lawyer Jabbie's address to the court, Leader of the SLPP defence team, Fke Halloway said they were not against the postponing of the 19-20 August, SLPP delegates conference, but that it should be noted that if at the end of the day, they (defendants) should emerge victorious then, the plaintiff (chief Norman) would have to "pay the costs of their action."

According to Mr. Halloway, the SLPP is not insisting on the holding of a National Delegates Conference without all the interested parties concerned being present. He said further that his clients are prepared to make an undertaking that they would not go ahead with their National Delegates Convention unless they have all the interested parties onboard.

Justice Tholla Thompson observed that what Lawyer Bu-Buakei-Jabbie was calling for was, "you want a half convention, and they (defendants) want full convention."

Hwoko. Wednesday August 17th, 2005.



Chief Sam Hinga Norman the accuser

By Kelvin Lewis

The legal battle to clarify the issue of electing the leader and presidential nominee of the ruling Sierra Leone Peoples Party (SLPP) at the scheduled but now postponed National Delegates

Conference will begin to be heard by the Justices of the Supreme Court today. Lawyer Dr Bu Buakei Jabbi who represents the plaintiff Chief Samuel Hinga Norman is expected to

start and end the verbal presentation of his seven point motion. He will today argue and cite supporting legal authorities to justify his case that "the SLPP constitution makes no provision for the independent existence, nomination or election of the Leader of the SLPP." He will further argue that "any such election of the said leader takes place only indirectly as a consequence from the process of electing the Party's Presidential Nominee for the next pending national Presidential election." According to the motion also, Dr Jabbi will argue that "the position of Leader

of the SLPP is not a free standing office in its own right, but rather, that it is dependent upon the position

of Presidential Nominee." Further that this makes the position of Presidential Nominee "intertwined or

associated with the office of State President" thereby making the two "indivisible"

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and inseparable at all times." Moreover that the two positions - Leader of the Party and State President - "can only be held jointly and relinquished jointly" which in his argument means that an incumbent may not relinquish one and hold on to the other, nor can two different people hold the two positions separately. The motion also argues that if the Presidential Nominee or Leader of the Party is elected at the Party Conference almost two years before the Presidential

Parliamentary elections of 2007 are due to be held, it will be "grossly premature and incompartment with democratic principles" and also "be grossly unfair to certain individual members of the Party." This argument is stretched further that this will "prematurely preclude and exclude certain potential aspirants to that position, who for reasons of present untimeliness or prematurity may not yet as at 19 - 20 August 2005 have indicated their intentions." Also that it will likely deprive the SLPP itself of a possible better quality or more popular Presidential candidate

thereby putting the SLPP at a possible electoral disadvantage vis-a-vis the presidential candidates of other political parties and thus at the risk of losing the Presidential elections of 2007 against the other political parties. Moreover the motion also argues that this will likely deprive the entire nation itself and the people of Sierra Leone as a whole of a possible better quality Presidential candidate and potential ultimate President of Sierra Leone. Lawyer Jabbi will also argue that by the provision of sections 14(1) of the political parties Act 2002 and 58(1) and 76(1)(h) of the national constitution, a person who is

the time being the President, the Vice President, a Minister or a Deputy Minister in the Government, may not and must not be and ought not to be either (a) Leader of the SLPP; or (b) a member of the executive body or officers of the SLPP whether national or

otherwise or (c) the National Secretary General of the SLPP. Further that the position of National Secretary General of the SLPP which is held by a Minister of Government for the past three years is a contravention of the political

parties act and the national constitution. The defence lawyers Messrs Eke Holloway, Shears Moses David Quee and Anthony Brewah are scheduled to present their own counter arguments tomorrow Thursday.

The African Champion. Wednesday August 17th, 2005.

Political plans are under way to release Chief Sam Hinga Norman from the Special Court jail, sources disclosed to *The African Champion* late last night.

The sources have it that the Special Court has no right to continue keeping the former National Coordinator of the Civil Defense Force (CDF) and Minister of Internal Affairs in detention without conviction. The sources added that Norman wants to exercise his democratic rights as a Sierra Leonean in the coming general and presidential elections.

"Norman should be released in order to have a

free chance to exercising his franchise in the

coming election," the source stated. According to the sources,

some forces within the international community are cur-

rently piling pressure on the Special Court through government to

release Norman if they could not convict him.

But a senior government official who preferred anonymity told *The African Champion's* political correspondent yesterday that, indeed there is mounting pressure over the release of Norman but that may likely be after the SLPP convention in Makeni. The government official also confirmed that, "there is no right to continue keeping especially Hinga Norman in detention if no convictions are made."

But a Special Court spokesperson has argued that the court is interna-

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From page one **Hinga Norman**

tionally independent and impartial. He said it would deliver fair trial not only to Rtd. Captain Hinga Norman but all other indictees currently in detention

It could be recalled that, Mr. Norman announced his intention to take part in the SLPP leadership race through his legal Barrister Bu-Buakei Jabbe, Norman who was

arrested in 2003 by the U.N backed Special Court for leading a militia force that committed unpardonable atrocities on innocent people during the 11 year of civil war in Sierra Leone

The New Storm. Wednesday August 17th, 2005.

(By Joseph Komeh)



Chief Norman

The Interlocutory Notice of Motion filed in by Special Court indictee and aspirant for the SLPP leadership, Chief Sam Hinga Norman through lawyer, Dr. Bubuakei Jabbie seeking an interim injunction restraining Drs. Sama S. Banya, Prince Alex Harding as 1st and 2nd defendants in their personal and official party capaci-

ties and the Sierra Leone Peoples Party (SLPP) as third defendant ahead of the Makeni Convention will resume proceedings this morning at the Supreme Court. The Supreme Court will listen to arguments seeking "the SLPP, their servants, agents and privies, and in all the SLPP's emanations and manifestations

as organs, institutions, officers and members thereof, from nominating, electing, selecting, choosing or identifying as the case may be, presidential nominee and/or leader of the party in any shape or form or name or guise, or attempting/purporting so to do or encouraging or causing or countenancing

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Hinga Norman In Court Today

From front page

or shepherding or partaking in the doing of such thing" at the aborted 19-20th Makeni convention until final determination of the court on the matter is made. Apart from the undertaking made at the filed motion of Dr. Jabbie, President of the Supreme Court - Chief Justice Ade Renner Thomas on Monday ordered Dr. Jabbie to make a separate undertaking that the plaintiff/applicant compensate the defendants/respondents in damages for loss arising from the grant of the forgoing interim injunctions in the event that final determi-

nation of substantive cause, matter, action or suit of the interim injunctions is concerned, shall have been decided or determined in favour of the defendants.

Chief Norman himself is expected in court this morning.

Our sources say Dr. Jabbie has submitted the undertaking even before we went to press yesterday. Counsel for the SLPP is also reported to have made its own undertakings to the court.

Whatever will be the outcome of today's proceedings; the SLPP convention

has been put on hold until final determination of the Supreme Court is arrived at. This means that Mr. Norman has so far succeeded in disrupting the already lay down plan of the party.

Observers say that Mr. Norman's decision to query the election and or selection of the leader of the party at the proposed convention has been welcomed by many stalwarts most of whom were afraid of coming forward to seek redress. "President Kabbah was elected at a single convention without question, why only now?" an SLPP supporter queried after the Supreme Court session on Monday.

The News, Wednesday August 17th 2005.

the one we know" she said. She also warned delegates to refrain from taking bribes from aspirants, as it will not

augur well for the development of the new democracy. Meanwhile Chief Sam Hinga Norman has filed a motion in the Supreme Court, which has pushed the date for the national convention to a later date.



...Wife says

Speaking over the weekend, Mrs. Norman said her husband fought to restore the SLPP in 1998. "My husband fought hard to bring president Kabbah and his government back to

power in 1998". She regretted to state that despite the fight for democracy, her husband still remains behind bars. Mrs. Norman appealed to delegate to vote her husband as president of Sierra Leone. "If he becomes president, Sierra Leone will be different from

Mamie Norman, wife of Special Court indictee, Chief Sam Hinga Norman says her husband continues to suffer for the Sierra Leone Peoples Party (SLPP).

The New Storm. Wednesday August 17, 2005.

Special Court Blocks

Sama Banya

By Allieu V. Kai-Samba
Authorities at the Special Court yesterday denied entrance of the SLPP

Chairman Sama Banya and other party executives who went to see the detained Kamajor chieftain,

Sam Hinga Norman. Although Dr. Banya's visit to Mr. Norman in his prison cell could be ascertained at the time of going to press, indications are that he was there to plead with Mr. Norman to back

down on his current legal action he has taken against the party.

Sources at the Special Court told The New Storm that visits to detainees at the Court complex at New

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Special Court Blocks Sama Banya

From front page

England are not allowed on Tuesdays hence Dr. Banya's failure to see Chief Norman. Party sources informed the New Storm that Dr. Banya upon the directive of the party leadership made an appointment to see the Special Court indictee on Friday last week but could not honour the invitation as he was up country campaigning for his re-election for the chairman-

ship of the SLPP.

The sources also disclosed that Mr. Norman as a precondition demanded the presence of other party executives, his lawyer Dr. Bu-Buakei Jabbe and the Public Relations Officer of the SLPP UK and Ireland branch, Moijueh Kaikai.

When Dr. Banya failed to honour his appointment, sources disclosed Chief Norman: deliberately re-

scheduled the meeting to Tuesday, knowing that Dr. Banya would not be allowed to see him. "The detained man wanted Banya and others to know the difficulties Norman's family faces in seeing him", sources said.

Sources also disclosed that Chief Norman has always been suspicious since the appointment was made over Dr. Banya's visit, the first since his detention in 2003.

Opinion

Monday, August 15, 2005

A gradual return to impunity

By L. MUTHONI WANYEKI

I am disheartened by the behaviour of African governments. Here in Kenya, we have a government that promised us a new Constitution in a hundred days. Yet, we still have members of the Yellow Movement being arrested for campaigning for constitutional reform - the same fate that befell the civil society under the former regime.

The government also promised us a clean break from the past. It even committed itself to establish a Truth, Justice and Reconciliation Commission to enable us air, address and bury in dignity our past grievances. This has not happened. The same case applies to the other committees, commissions and inquiries into the past.

The end of July, when the report from the Judicial Inquiry into the Goldenberg scam was meant to have been released, passed with barely a whisper - comments from our Minister for Justice and Constitutional Affairs on the need to draw "blood" notwithstanding. And new grievances accumulate by the day.

IN UGANDA, President Yoweri Museveni is up in arms about coverage of Dr John Garang's death. I personally detest the Red Pepper newspaper. But threats to shut down any newspaper speculating about Dr Garang's death and shutting down the Monitor's radio station are a violation of the right to freedom of expression.

In Nigeria, similar contradictions abound. In the lead-up to the Group of Eight Summit, at which Africa had to show its own progress on the "new deal", President Olusegun Obasanjo fired some of his closest allies to enable investigations into their alleged corruption to proceed. Nigeria has also been actively involved in resolution of African conflicts. The country committed its armed forces to the peacekeeping missions in Liberia and Sierra Leone. It was also key to the negotiations around the peace and transitional justice agreements that are now in place. And it prides itself on having enabled those agreements to be effected by ensuring the physical removal of former Liberian president Charles Taylor from the scene.

Nothing wrong with that. Until we take into account the thorny issue of impunity. Taylor was wanted by the Special Court on Sierra Leone to stand trial for crimes against humanity. Interpol has released a warrant for his arrest. It is not only citizens of the Mano River states who suffered under him. Many other West Africans, including Nigerians, resident in the Mano River states, were targeted during the hostilities for amputations, mutilations, murders and rapes in retaliation for the decision by Ecowas to intervene.

The Campaign Against Impunity, a coalition of over 300 organisations based in Nigeria, has

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been demanding that Nigeria now turn Taylor over for trial. The printers producing the campaign's posters - reproductions of Interpol's arrest warrant for Taylor - were illegally detained by Nigeria's State Security Service last month. THE SSS also stopped inter-faith prayers intended to commemorate the Nigerians and other West Africans injured or killed under Taylor.

The SSS is now searching for the staff of the Open Society's Justice Initiative for Africa - a human rights and legal protection organisation supporting the campaign, forcing them into hiding in both Nigeria and abroad. This is an obvious contravention of Nigeria's hyped democratic credentials.

Africa is meant to be on the threshold of a brave new world. The problem is that we seem to keep forgetting this.

L. Muthoni Wanyeki is the Executive Director of the African Women's Development and Communication Network (FEMNET)

Comments\Views about this article

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SLPP convention postponed indefinitely

Wednesday August 17, 2005

Tamba Borbor reports from Freetown

Lawyers for the ruling Sierra Leone People's Party (SLPP) have agreed not to hold any conference until the court case filed by Presidential aspirant Samuel Hinga Norman is disposed of in the Supreme Court.

This was made clear in court yesterday by Lawyer Eke Holloway lead counsel for the SLPP after lawyer Bu-Buakei Jabbie representing Hinga Norman had filed for an interlocutory injunction to stop the SLPP from "choosing selecting or electing" a presidential nominee at their conference which was scheduled to be held this weekend.

Addressing the panel of judges, Lawyer Dr. Bu-Buakei Jabbie emphasized that they are not opposed to the party holding its conference this weekend, but that if they do, the SLPP should not nominate or elect a Presidential nominee or candidate or leader of the SLPP. He further argued that it should be done at the conclusion of the matter before the Supreme Court.

Lawyer Eke Holloway replied saying that were ready to make an undertaking that they would not hold the conference until after the case had been decided on by the Supreme court. At this point lawyer Bu-Buakie Jabbie argued that lawyer Holloway had gone too far, and that they were not calling for a postponement of the conference.

Chief Justice Renner-Thomas joking remarked that Dr Jabbie was asking for ten dollars and he was given one hundred dollars and yet he was still complaining. But Dr Jabbie clarified his point that he was worried at the wide latitude of the undertaking because of the implications, which might arise when it came to considering damages for the action. The Chief Justice then agreed with him and after a few other clarifications the court was adjourned for an hour to allow both counsels to formulate their undertakings.

When the sittings were resumed almost three hours later the Chief Justice gave a six point order, in which he called on Dr Sama Banya (Chairman) Prince Harding (Secretary General) and Brima Koroma (Administrative Secretary representing the membership of the SLPP) to make an undertaking to the court that the SLPP conference to be held on 19-20th August or any other time in 2005 will not nominate or elect a presidential nominee, "candidate and/or a leader or at any other party conference thereafter in 2005 until the determination by this court of the plaintiff/applicant's substantive application in the originating notice of motion of 27th July 2005."

The Chief Justice further addressed Dr Jabbie representing Hinga Norman to give a cross-undertaking on behalf of Hinga Norman that they "shall abide by any order which this court may make as to damages in case this court shall be of the opinion that the defendants/respondents herein shall have suffered any damages by reason of the undertaking they have given to this court on the 15th day of August 2005 and which the plaintiff/applicant ought to pay."

He also ordered that, both the undertaking and cross undertaking shall be perfected and filed not later than noon today. The Chief Justice further instructed that the notice of motion shall commence tomorrow and that all copies of all authorities to be relied upon should be filled with the Registrar not later than noon today. He ordered no costs to either party.

Assisting Lawyer Halloway in the matter brought against Dr. Sama Banya, Dr. Prince Harding and the SLPP Party are D.B. Quee, E.E. C. Shares-Moses and Anthony Brewah. The other Judges that constitute the panel of Judges are, Mrs. Justice Virginia Wright, Justice M.E. Tolla-Thompson, Justice Sir. John Muria and Justice Jon Kamanda.