

**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 03, 2005

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## No Dice Sam Hinga Norman

Chief Hinga Norman has been told by the Special Court that the Rules of detention of the court do not make provision for an indictee to leave his cell, Deputy Chief of Press and Public

Affairs, Peter Andersen says.

Andersen told *COCORIKO* that the Rules of Detention do not specifically address the issue of an indictee contesting for election while on trial.

Andersen stated: "Basically, yes, he did inform us that he intended to contest to become the SLPP leader and presidential nominee, and leave the detention facility to campaign. The Rules of detention make no provision for a person to leave the Detention Facility."

Asked what security measure were in place to combat any unforeseen events arising from the ongoing involving Chief Norman and the court over the former's political ambitions, Andersen said: "the Special Court monitors security and takes into account information from all agencies. Additional measures will be taken if they are deemed necessary."

# Norman Takes SLPP To Court

**By Jarrah Kawusu-Konte**

A Writ of summons has been filed at the Supreme Court of Sierra Leone, by Chief Samuel Hinga Norman through his Counsel, Dr. Bu-Buakei Jabbie, for a permanent injunction to be instituted prohibit-

ing the proposed SLPP convention slated to be held 19-20 August in Makeni.

According to the Writ, the first, second and third defendants include the National Chairman of the party, Dr. Sama Banya, National Sec-

retary General, Dr. Prince Harding and the SLPP respectively while Chief Norman is the plaintiff.

One of the arguments contained in Hinga Norman's application is "That at anytime

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## Norman Takes SLPP To Court

*From front page*

when the SLPP is in power and/or a member thereof is the lawful incumbent President of Sierra Leone, the two positions of Leader of the Party and state president may or can only be either held together and jointly or relinquished together and jointly, and never otherwise at any such time."

It would be recalled that in June/July this year, the SLPP decided at its National Executive Committee (NEC) meeting held at the Sierra Leone Bank Complex; Kingtom, to convene a National Convention in the provincial town of Makeni on the 19-20 August, 2005. Also at that meeting, it was reported that President Kabbah relinquished singularly the position of National Leader of the SLPP to his deputy, Vice President Solomon Berewa, while holding on to the position of state president. This is the bone of contention because, as far as the other contenders for the leadership position are concerned, it is a scheme geared towards militating against their chances in favour of VP Berewa.

Unfortunately, the SLPP constitution does not provide for the separation of "...the two positions of Leader of the party and state president..." when the party is in office because the two "...can only be either held together and jointly or relinquished together and jointly, and never otherwise at any such time..."

A staunch SLPP stalwart has said in the wake of the current litigation against the party for allegedly behaving contrary to the 1991 constitution of Sierra Leone, the Political Parties Act 2002 and the July 1995 SLPP constitution, that, "if the party leadership does not act swiftly, the SLPP is sure of losing favour with the people. In fact, there are so much internal convulsions within the SLPP that when one looks at the APC, I mean comparatively, the latter's internal misunderstandings are a joke. The SLPP is fraught."

Coming back to the "Norman application" lodged at the Supreme Court through his lawyer, Dr. Bu-Buakei Jabbie, one of Sierra Leone's constitutional experts who prosecuted the APC in that landmark Supreme Court ruling for the party to revert to its December-5 1995 constitution, one of the interesting submissions is that "... the position of National Secretary General of the SLPP, in the manner and to the extent that it has been or is being held by a Minister of Government, to wit, by the 2nd Defendant herein over the past three years or so, that is to say, at least since around June 2002 and up until now, was and is so held in contravention of the provisions in section 14(1) of the Political Parties Act 2002 and sections 35(4) and 76(1) (h) of the National Constitution and so, as held, was and is void and of no effect since at least June 2002 up until now."

According to subsection (4) of section 35 of Sierra Leone's 1991 constitution, "No political party shall have as leader, a person who is not qualified to be elected as a Member of Parliament," and paragraph (h) of subsection (1) of section 76 of the said constitution states that

a person cannot be qualified for election as a Member of Parliament: "if he is for the time being the President, the Vice President, a Minister or a Deputy Minister under the provisions of this constitution." So in other words, since Vice President Berewa is currently the incumbent VP he could not act as the substantive leader of a political party in line with subsection (4) of section 35 of the 1991 constitution of Sierra Leone. This also applies to the Minister of Transport and Communication, Dr. Prince Harding who is also the substantive National Secretary General of the ruling party.

Furthermore, the constitution of Sierra Leone also demands that a person can be qualified for election as president only if he is "... qualified to be elected as a member of Parliament" (section 41 (d)). The Political Parties Act 2002 also buttresses this point in subsection (1) of section 14 of the said Act: "A political party shall not have as a founding member or as a leader of the party or a member of its executive body, whether national or otherwise, a person who is not qualified to be elected as a member of Parliament under this constitution."

The relief sought in the writ of summons is "more specific but otherwise without any prejudice whatsoever to the holding of the party conference... slated for 19-20 August 2005 or otherwise at all in 2005. The plaintiff's applicant intends by this action to secure from this honourable Supreme Court an absolute prohibitory injunction against the nomination, election, and/or leader of the SLPP in any shape or form or name or guise, whether attempted or purported. It is because of the foregoing situation that a competent political scientist at the university of Sierra Leone has noted that the following sentence: "is a warning for the SLPP as a party that is already dangerously left open and exposed to a present risk of disqualification and disestablishment applications to the Supreme Court, on the one hand by the relevant commission for an order to cancel the registration of the party and, on the other hand, by the Attorney-General and Minister of Justice after such cancellation for an order to the Political Parties Act 2002."

By Kelvin Lewis

The Special Representative of the UN Secretary General (SRSG) to Sierra Leone Ambassador Daudi Mwakawango has disclosed that the United Nations Mission in Liberia (UNMIL) will be given the extended

mandate to provide security for the Special court after UNAMSIL has gone. This was revealed at a working lunch with journalists yesterday. Ambassador Mwakawango revealed that after UNAMSIL

makes its exit on the 31<sup>st</sup> December 2005, a new UN agency which he referred to as a "follow on mission" the United Nations Integrated Office in Sierra Leone (UNIOSIL) will be inaugurated. He explained that this new office will not

have any military component, though it will have ten military advisers and twenty International Civil Police

officers who will advise and mentor the Sierra Leone Police. UNMIL he said will provide a company of

soldiers to take over security from UNAMSIL who are presently guarding the  
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## UNMIL to protect Special Court

*From Front Page*

Special Court. The UNIOSIL he further explained will have a life span of a year or a maximum of 2 years. The Head of UNIOSIL he said would no longer be the SRSG but an executive representative whose real nomenclature has not yet been disclosed by the UN headquarters. He will however be the premier UN personnel in the

country who will be coordinating all UN programs and act in the capacity of the UN Resident Representative, as well as the UN Humanitarian Coordinator. All of this the SRSG explained is contained in resolution 1610 which gave the final date of withdrawal of UNAMSIL as 31<sup>st</sup> December 2005. Ambassador Mwakawango called on journalists to assure the people of Sierra

Leone that after UNAMSIL the UN will continue to be here, as long as Sierra Leone remains a member of the UN family. He disclosed that UN missions in Liberia and the Coast have been upgraded to adequately respond to any security threats in Sierra Leone. He assured journalists that border patrols which are now being undertaken by UNAMSIL will continue to be done by the UN force in the sub-region.



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## **Annan proposes establishing integrated support team in Sierra Leone**

*2 August 2005* – The United Nations would work closely with the Government of Sierra Leone on consolidating peace after the West African country's long civil conflict by addressing such underlying causes as deficits in governance, human rights observance and the rule of law, according to proposals from Secretary-General Kofi Annan.

In an addendum to his recent report to the Security Council, Mr. Annan says a UN integrated office of international and national staff, put in place as the peacekeeping UN Mission in Sierra Leone (UNAMSIL) withdraws at the end of this year, would provide Sierra Leone with much-needed assistance in developing and implementing a strategy to address the complex set of issues it faces.

"Should the Council approve my recommendations concerning the establishment of the United Nations integrated office in Sierra Leone, it would be my intention to seek resources for its funding from the General Assembly," Mr. Annan says.

The Security Council has scheduled a meeting on Sierra Leone for next Wednesday.

The UN integrated office would assist the Government build capacity to develop and implement strategies to address the reasons behind the many years of civil conflict and to manage internal conflicts peacefully, he says.

It would also help provide basic services to the population and accelerate progress towards the Millennium Development Goals (MDGs), designed in 2000 to help countries chart their progress towards eliminating or reducing extreme poverty and hunger, illiteracy and discrimination against girls and women, among other socio-economic targets, by 2015.

The UN would also aid in creating frameworks for private investment and making systematic efforts to address the HIV/AIDS pandemic, Mr. Annan says.

Together, the UN and the Government would also build the capacity of the National Electoral Commission to conduct a free, fair and credible process towards elections in 2007 and would establish an independent public radio network, on the basis of Radio UNAMSIL, to promote national dialogue, he says.

The UN-backed Special Court for Sierra Leone, "mandated to try those bearing the greatest responsibility for serious violations of international humanitarian and Sierra Leonean laws committed in the territory of Sierra Leone since 30 November 1996," is playing a vital role in bringing to justice the 11 people who bear the greatest responsibility for crimes committed during the conflict, he says.

For that reason, the Court, which has nine of the 11 in custody, must be provided with the security it needs to ensure that it can successfully complete its work, Mr. Annan adds.

# World Markets Analysis

July 28, 2005

## **Indicted Former Minister Announces Presidential Candidature in Sierra Leone**

Christopher Melville

Former deputy defence minister Chief Sam Hinga Norman, who is currently in detention awaiting trial on war-crimes charges, has announced his decision to challenge for the nomination of the ruling Sierra Leone People's Party (SLPP) ahead of the 2007 presidential election. In a letter to the party, reported by AFP, Norman claimed to have 'the national stature and vision to provide the sort of leadership that has eluded our party in the recent past' - a clear jibe at President Ahmed Tejan Kabbah, his former ally whom Norman believes to be responsible for his indictment by the Sierra Leone Special Court (see Sierra Leone: 4 June 2004: Long-Awaited War Crimes Trials Open in Sierra Leone). The race for the nomination is beginning to heat up, with Vice-President Solomon Berewa the current favourite to succeed Kabbah as the party's flagbearer. Should he be cleared to stand, Norman would present a strong challenge to the vice-president. Despite the charges against him, relating to his time as head of the Civil Defence Force (CDF) militias during the civil war, he remains immensely popular, particularly in the south-east where his Kamajor militia were the principal forces involved in the defence against the Liberian-backed Revolutionary United Front (RUF).

Significance: Norman's popular appeal will be a source of major concern to the SLPP leadership and his role in the party has already become a point of discussion. Earlier this week, another nomination challenger, Dr Lansana Nyalley, accused the government of responsibility for Norman's detention. The fact remains that the court will not permit Norman to attend this weekend's party congress in order to officially proclaim his candidature. A way around this problem may be found, but the current leadership will simply redouble its efforts to exclude him from the race.

## UN sees post-peacekeeping role in Sierra Leone

02 Aug 2005 23:24:08 GMT

Source: Reuters

### Background

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By Irwin Arief

UNITED NATIONS, Aug 2 (Reuters) - Sierra Leone will need U.N. help to keep recovering from more than a decade of civil war, even after peacekeeping troops leave at the end of this year, U.N. Secretary-General Kofi Annan said on Tuesday.

U.N. peacekeepers were first deployed in the West African nation of about 6 million people in 1999, and the fighting finally ended in January 2002.

It was now time for the U.N. mission to be replaced with a "modestly sized" U.N. assistance operation, with an initial 12-month mandate beginning on Jan. 1, 2006, Annan said in a report to the 15-nation U.N. Security Council.

Sierra Leone, a former British colony, has made significant progress since the war ended. But continued U.N. aid would help the government hone its skills to run the country, develop the economy, protect human rights, establish a public radio network and improve its justice system, the U.N. leader said.

After the peacekeepers leave, "the sustained commitment of the United Nations, working in close partnership with the government of Sierra Leone, will be required," he said.

Annan said a staff of around 50 would be needed to run the scaled-back U.N. presence.


A separate security force was also called for, to protect the special court set up to try those bearing the greatest responsibility for crimes committed during the war, one of the most brutal in Africa's modern history, he said.

Once the world body's biggest peacekeeping force, with more than 17,000 troops, the U.N. mission in Sierra Leone now numbers about 3,200 soldiers. Its current mandate expires Dec. 31 and will not be renewed by the Security Council.



The war pitted government forces and militias against Revolutionary United Front rebels who seized control of the country's diamond-mining areas and became notorious for hacking off the limbs of women and children and enlisting thousands of child soldiers in their cause.

The rebels fueled the fighting by selling diamonds they mined for arms.

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# South China Morning Post, August 1, 2005

August 1, 2005

## **Trial and error**

Experts say efforts to obtain justice for peoples oppressed by brutal regimes still have a long way to go. Peter Kammerer reports

Murder, rape, slavery and torture have long been recognised as the worst crimes, and society has put tough measures in place to bring perpetrators to justice. But when such offences are committed on a massive scale by one group of people against another, courts have been less sure about what to do.

The series of international tribunals and special courts established over the past decade to deal with genocide and other crimes against humanity have achieved mixed results. Trials expected in coming months of Iraqi dictator Saddam Hussein and the leaders of Cambodia's Khmer Rouge are seen by some observers as being flawed.

Hopes are high for the Hague-based International Criminal Court, but there are even doubts about whether it can properly give justice to the people affected by conflicts.

Then there are situations like East Timor, where 1,500 civilians were killed, 250,000 displaced, and where rape and torture was widespread when Indonesian troops and proxy gangs and militias tried to prevent a move for independence in 1999. Tiny East Timor's government, not wanting to upset delicate economic and diplomatic relations with its giant neighbour, is resisting calls for an international tribunal.

Nonetheless, experts in international law believe that a system is evolving that will, over time, give justice to people who have suffered at the hands of their own governments or those from other countries. They warn, though, that finding the best approach is a matter of trial and error and could yet take decades.

Renowned lawyer and judge with the Special Court for Sierra Leone, Geoffrey Robertson, stressed last week that the world was at a "very rudimentary stage in delivering on international criminal justice", having taken concerted steps only over the past 10 years.

"Many mistakes have been made, particularly with the inefficiency and expense in some new courts," Mr Robertson said from his chambers in London. "I do think, however, that justice will have its own momentum and in time we will look back on these problems as teething troubles, and future generations will be amazed that we let people like Pol Pot, Augusto Pinochet and Idi Amin live happily ever after their tyranny."

Of the three former dictators, only Chile's Pinochet is still alive, and although his regime is accused of killing thousands of opponents between 1973 and 1990, he is before courts

on less serious charges of corruption. Amin, blamed for the deaths of 300,000 Ugandans during his 1971-1979 rule, died in exile in Saudi Arabia in 2003.

Khmer Rouge leader Pol Pot died in 1998 without being charged with any crimes, despite his 1975-1979 regime being blamed for the genocide of as many as two million Cambodians. But a recent decision by the United Nations to help fund and support a three-year national tribunal to try the foremost leaders of the atrocities has finally given survivors hope that justice will be done.

There are some concerns that the Cambodian government's insistence that its courts provide the majority of legal expertise will prejudice the chances of fair trials. That the tribunal's budget will be just US\$ 56 million means that only a handful of those behind the genocide can be tried and other lesser figures will remain free.

Yet the fact that 26 years after the killing spree ended a tribunal finally appears likely is a sure sign of a changed international attitude towards human rights violations.

Since its establishment by a UN resolution in May 1993, the International Criminal Tribunal for the former Yugoslavia has charged 162 people, so far sentencing 21 to jail terms and acquitting five others. Arrest warrants have been issued for 10 more.

A second international tribunal was set up in 1995 following the slaughter of up to two million people in Rwanda the previous year. With nine judges and four trial chambers, the International Criminal Tribunal for Rwanda is presently hearing 25 cases and has handed down 19 judgments involving 25 accused. Among them is the world's only former leader to be jailed for genocide - caretaker prime minister during the killing spree, Jean Kambanda, who is serving a life sentence in Mali.

The International Criminal Court finally became reality on July 17, 1998, when a UN conference in Rome adopted its statute with a vote of 120 countries in favour, seven - including the US - rejecting the idea and 21 abstaining. It began operations on July 1, 2002, and anyone committing crimes under the statute since that date is liable to prosecution.

Five months before the court's prosecutor began taking cases - investigations of atrocities in the Darfur region of Sudan, northern Uganda and the Democratic Republic of Congo are under way - the Special Court for Sierra Leone was set up by the UN and Sierra Leone's government.

It deals with atrocities committed since 1996 in the African nation, and 11 people from the three groups involved in the conflict have been charged with crimes including murder, rape, extermination, enslavement, conscription of children into an armed force and attacks on UN peacekeepers and humanitarian workers.

A lack of funding is hampering the court's work and it is because of the high cost involved in such undertakings that the tribunals in the former Yugoslavia and Rwanda

have been ordered to begin winding down operations. The biggest, the Yugoslavia tribunal, has 16 judges working in three courts and has so far spent an estimated US\$ 1 billion - its budget for this year and last year is US\$ 272 million.

That cost is just for prosecuting the main perpetrators of the crimes and national courts are trying those accused of lesser charges. The manner in which the trial of former Yugoslavian president Slobodan Milosevic has been conducted - it is in its second year and is likely to go into a third - has been widely criticised.

The tribunal's worth in healing the wounds of war has been further questioned by the non-arrest of former Bosnian Serb leader Radovan Karadzic and his army commander, Ratko Mladic, who were both charged with war crimes in July 1995, and are thought to be in hiding under Serbia's protection.

Sierra Leone's tribunal faces a similar problem: It has charged Liberia's former president Charles Taylor with genocide, but he is living in luxury in Nigeria under a deal brokered for his removal from power.

Concern is also widespread among international law experts about how fair the trial of ousted Iraqi dictator Saddam Hussein and his officials will be when it begins in September. They are being tried by Iraqi judges in a national court and many believe that that, along with heavy American influence, will prejudice the outcomes.

Such concerns were behind the creation of the International Criminal Court, although Mr Robertson believed it was more appropriately a forum for prosecuting crimes against humanity in countries where accountability was non-existent or the legal system had broken down.

Spokesman for the prosecutor's office of the court, Christian Palme, said a learning process was under way where lessons from the tribunals and ad hoc courts were being incorporated into the International Criminal Court's workings. The main difference was that the court was permanent and therefore had a potentially wider remit.

But the president of the New York-based International Centre for Transitional Justice, Juan Mendez, said the co-existence of the court and other forms of international justice would continue for some years. Some cases would be better suited to the court and others to other international means of justice.

"I have great hopes for the International Criminal Court, but there's always going to be a need for domestic jurisdiction to live up to its obligations," Mr Mendez said. "In an ideal world, we wouldn't need international justice - rather, domestic systems that function and do not let serious crimes go unpunished. But the way the world is, international justice comes in as a substitute when nations are unwilling or unable to provide redress for victims of human rights abuses."

The process presently in place had flaws and was far from perfect, the observers agreed. Nonetheless, they suggested a system was evolving that would bring justice to the victims of the worst crimes - in coming years or perhaps decades.

GRAPHIC: (Photo: AP); Slobodan Milosevic (left) and jailed Rwandan leader Jean Kambanda (above) are familiar with international criminal tribunals, while Iraq's Saddam Hussein (top) faces a national court for justice.