

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, September 12, 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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Letter from America

So long a Letter to Parliamentarians

Today, the trumpet summons this generation's leaders to do what is right to ensure a safer and better future for Sierra Leone. The call is for the country's parliamentarians to pull out of the United Nations deal that created the Special Court of Sierra Leone, as Parliament is the only body in the country that has the authority to do so. There are at least six reasons that make it imperative for the country's parliamentarians to respond to this call.

First, the Special Court has demonstrated that it is incapable of understanding the world of this specific conflict, and has, therefore, attempted to manipulate the process to suit its self-ordained mandate. "No peace without justice" and "No one is above the law" are two phrases popularized by the Special Court. Considering former breakdown in the rule of law in Sierra Leone, these slogans gained ready acceptance. As is the case with slogans, the euphoria they generated diverted attention from their efficacy against the social reality in Sierra Leone. The fact that these slogans came out of the mouths of officials of a quasi-United Nations organization accompanied with a massive architectural monument, they built the expectations that never again will there be injustice in Sierra Leone. It was not significant that there is no inextricable connection between peace and justice, and that claims about positive connections amount to intellectual fraud.

Second, the Special Court is, as is often emphasized, a product of an agreement between the Sierra Leone Government and the United Nations to address serious violations during the Sierra Leone conflict. Sierra Leone, up to the date of the agreement, was not an oligarchy. It had a Constitution and an elected Parliament. The Constitution clearly stipulates conditions to be fulfilled before a treaty or agreement is introduced into the body of law. This is more so the case when the treaty or agreement introduces changes within the Constitution itself. The Special Court agreement changed the judicial system's hierarchical structure and also deleted the clause that protected the Head of State from arrest. Under these conditions, the Constitution stipulates that the agreement be preceded by two Gazette publications separated by nine days, a referendum, and parliamentary debate. These requirements were never followed, amounting to a blatant disrespect of the law of the land. The bill was introduced to Parliament a few days before Parliament was dissolved for elections and no referendum was conducted. Parties entering into a contract have to establish that the other party is qualified and authorized to be a party to the contract. With respect to Sierra Leone, the authority comes from the Constitution. Letters of invitation from the President, negotiation involving the Attorney General, and the President's signature are not enough to subvert the will of the people. It is clearly evident that with respect to the Special Court agreement, parliamentary procedures were not respected; the Sierra Leone Constitution was defiled, and the people were denied their right of having an input into the formulation of laws of their land. The precedence established by the executive branch of government and the United Nations is inimical to establishing justice, upholding respect for the rule of law, and protection of human rights.

Third, characterization of the Sierra Leone war as purely a war for diamonds ties the war to terrorist movements. To many people, this Americanizes the war while at the same time it displays insensitivity to the Sierra Leone experience. The near obsession with the pursuit of Charles Taylor, which is both legal and justified, to a point where the Chief Prosecutor is claimed to have "showed scant respect to the combined goodwill of those (West African) leaders and the peoples they represent" has not helped to diminish the perception. The structure of the Special Court is such that the Chief Prosecutor has the sole discretionary power to define what constitute a crime, the category of people to be indicted, selecting and interpreting incidents and events that will serve as evidence, and prosecute the accused in front of judges. This model is susceptible to deliberate manipulation and it has the tendency of delivering "justice" that is at variance with society's norm and value system. The manipulation aspect could be derived from the Chief Prosecutor's characterization of the war and America's enthusiasm to see the realization of the court and that the prosecuting team is headed by an American. America's open opposition to the International Criminal Court (ICC) and its advocacy for a Special Court like tribunal should be borne in mind in evaluating claims of possible manipulation. Giving judges ample provisions to subject the indictments to an extensive preliminary review is one way to allay this perception. Unfortunately, primarily because of the three-year mandate, "the court's rules have been revised to minimize the judge's preliminary review of the prosecutor's indictments" (*Sierra Leone Faces Significant Obstacles in Establishing Rule of Law, HRSP Concludes, Virginia University Law posting April 12, 2004*). There is "no peace without justice," especially when justice is perceived as contrived and polluted.

Fourth, Human Rights Watch (HRW), in a recent report, expressed some serious concern that greatly undermined "the Special Court's ability to uphold fair trial rights." HRW's concern was centered around (1) inadequate logistical support available to defense teams, (2) lump sum payment structure for defense teams, (3) lack of suitable candidates to serve as investigators and delays in their appointment, (4) insufficient training of defense counsel and investigators, and (5) inconsistent translation. HRW officials aptly remarked that based on their belief, "these issues could contribute to a perception that rights of the accused are not protected and equality of arms is not adhered to by the Special Court." All the points of concern highlighted by HRW directly affect the ability of the defense team to

mount a formidable defense on behalf of the accused. This in turn enhances the prosecutors' chances of obtaining a conviction.

Fifth, the most troubling aspect of the indictment is the Chief Prosecutor's insidious injection of "tribe" into the trial. The conflict in Sierra Leone contained no hint of "tribal" affiliations. The rebels, the renegade Sierra Leone Army, the loyal Sierra Leone Army, and the government sponsored Civil Defense Force (CDF) each had all the ethnic groups of Sierra Leone among its ranks. The CDF consisted of indigenous Sierra Leoneans who were recognized for the part they played in stopping the ravages of the rebels and the renegade army. The response from the citizens was also not based on ethnic affiliations. Again, because of the invasion path, some areas were forced to organize at a very early stage under the banner of "Kamajors," the name for local hunters. Journalists, mainly foreign journalists, used the name "Kamajors" synonymously for all local forces that opposed the rebels and renegade soldiers. This synonymic practice continued even when the government decided through an act of parliament to aid these local groups under the CDF umbrella, thereby increasing their range of operation beyond their respective localities. Realistically, credit given the CDF belongs to all the respective groups. In fame and infamy, it will be divisive to highlight only one group.

Finally, the Special Court, by all indications, became part of the Sierra Leone legal system through the instrument of the agreement entered into by the government of Sierra Leone and the United Nations. Since Special Court could enter into agreement, solely through its own initiative, with any other state without any recourse to ratification of such agreement, the Special Court has powers exceeding that of Parliament and the President. These are obviously provisions not within the Constitution and, hence, constitute changes to the Sierra Leone Constitution. The Constitution, for example, in chapter VII, Part 1, Section 120, states that "(1) the judicial power of Sierra Leone shall be vested in the Judiciary of which the Chief Justice shall be the Head," and that "(2) The Judiciary shall have jurisdiction in all matters civil and criminal including matters relating to this Constitution, and such other matters in respect of which Parliament may by or under an Act of Parliament confer jurisdiction on the Judiciary." We might as well forget about these provisions within the Constitution if the Special Court continues to maintain its presence in Sierra Leone.

There is no doubt that the origin of the war could be traced to our unwillingness or inability to act while politicians tamper with the Constitution. This oversight does not reflect respect for the values of the people. Without this, the Special Court might have well been convened in the United States or in the United Kingdom. Its presence in Sierra Leone has nothing to do with respect for Sierra Leone's ideals and values.

To put it succinctly, honorable Parliamentarians, you are our last hope to get the country out of this looming predicament.

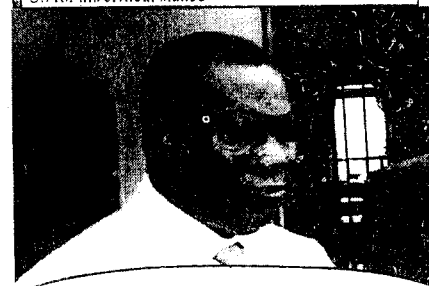
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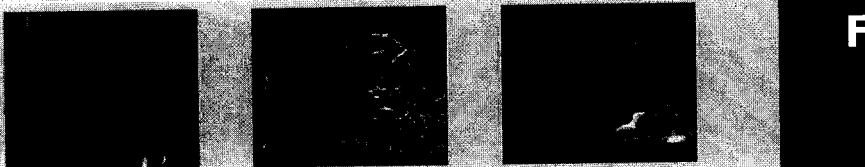


Kofi Annan, Faces persistent embarrassment from the US for his critical stance



Francis Kikoi, dreams of a Sierra Leone with less poverty

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Taylor to Create Problem for Obasanjo

Concord Times (Freetown)

NEWS

September 7, 2005

Posted to the web September 7, 2005

By Tanu Jalloh

Freetown

A joint press release issued by twenty-one human rights organizations across Africa has drawn the attention of President Olusegun Obasanjo of Nigeria ahead of a possible problem should exiled ex-Liberian President and Special Court indictee, Charles Taylor continue to influence his decision.

"We the undersigned Liberians, Nigerians, Sierra Leoneans, other Africans and international organizations are calling on President Obasanjo to immediately end his government's persecution of human rights campaigners, reassure Liberians and all Africans that Charles Taylor will not, shall not and cannot be allowed to subvert the collective will of ECOWAS, African Union and the World Community," the release states and further called for the immediate handing over of Taylor to the special Court for Sierra Leone.

The release also states that the fact that Obasanjo is turning on his citizens rather than turning over a war crime indictee to have his day in the Special Court for Sierra Leone raises questions about his commitment to upholding standards of the African Union of which he is the current chairperson.

"African leaders and institutions must ensure justice is done for countless victims of rape, child soldiers, journalists, amputees, refugees and all those whose lives have been wasted in the Liberia, Sierra Leone and other conflicts," the release states.

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UNMIL Public Information Office Media Summary 10 Sept 2005

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International Clips on West Africa

10/9/2005 11:11:56

Annun says Ivory Coast elections will not be held on time

PARIS (AP) _ Ivory Coast's presidential elections scheduled for next month must be delayed because preparations are not ready, U.N. Secretary-General Kofi Annan said, blaming the West African nation's political leaders for "destroying" their country.

Elections planned for Oct. 30 in the war-divided nation "won't be possible because political leaders and parties have not cooperated," Annan said in an interview broadcast Saturday on Radio France Internationale.

Local Media – Radio Veritas *(News monitored yesterday at 18:45 and today at 06:45)***Pro-Democracy Groups Warn of Violence During Elections**

- A National Democratic Institute, International Republican Institute and Carter Center joint pre-election assessment delegation visiting Liberia has warned that violence could disrupt the electoral process due to setbacks in the Disarmament, Demobilization, Rehabilitation and Reintegration program which left a number of ex-combatants frustrated.

(Also reported on ELBS Radio and Star Radio)

Elections Commission Pleased with Poll Preparation

- National Elections Commission Chairman Frances Johnson-Morris told a news conference in Monrovia the NEC was pleased with the level of preparation by poll workers but said there were still challenges posed by bad roads and lack of logistics which the commission and stakeholders including international partners could overcome before 11 October.

(Also reported on ELBS Radio)

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