

**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:**

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The press clips are produced Monday to Friday.  
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Sagely Archives

Abdullah Karim Bangura, Abdul Razak... The Policy Sciences Research Section of the Sierra Leone... King Group

"We must never forget the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our lips as well. We must summon such detachment and intellectual integrity to our task that this trial will commend itself to posterity as fulfilling humanity's aspiration to do justice."

Judge Robert Jackson

Judge Robert Jackson's opening remark at the Nuremberg trial, to a great extent, fosters a euro-centric view of the judicial process and of history. The record on which we judge these defendants is the record on which history will judge us tomorrow."

India and the Philippines gained independence during the course of the Nuremberg trial, and many former colonies have now also gained their independence. The task of "fulfilling Humanity's aspiration to do justice" can hardly be fulfilled by following Nuremberg type assumptions about the world. It is not so much a question about the relative of justice; it is more a question about the rational basis for the rules and procedures and the efficacy of the "justice" solution offered. The following example from the Reports of the Aboriginal Justice Inquiry of Manitoba illustrates some of the problems involved:

"In the context of our societies, murder requires special notice. It is conceived of differently by Indians and European and was therefore punished by different processes. In Europe murder was an offence against the state, among Indians it was an offence against the family of the victim. The common law demanded the murderer's life as atonement to the state; Indians would make his life forfeit to his victim's family. In Europe, the state assumed responsibility for bringing a murderer to justice; in Indian societies, the family of the victim would demand much more than a punishment, but they also considered it their duty to help the murderer to atone for his crime, as well as to ensure that the murderer's family was not destroyed by the blood feud. The murderer's blood feud could be converted into a payment of compensation by the murderer's own kin or to the relatives of his victim. This

Sierra Leone Special Court:

A View beyond Slogans and Propaganda

custom (which had been known centuries earlier in Anglo-Saxon England as wegild) was a widespread stabilizer of Indian societies, forestalling the development of obligatory revenge into exterminating feuds."

The United Nations (UN), a seeming solution to the problem, is structured such that escaping the rational structure of the world of Nuremberg is virtually impossible. The "veto power" wielded by nations within the Security Council almost guarantees that the precepts of the world of Nuremberg are always maintained. The notion of "world power," economic and military status to nations produces the same result. We might not have the possibility of "victor's justice," but unfettered justice is still unattainable since economic, military, and political interests are often factored into the quest for "justice." These are often displayed in the lack of uniformity in application of so-called international crimes law.

tribunal after a defective procedure cannot be a valid one."

Procedure, in this case, is not limited to court proceedings. The SLSC, we must remember, is unlike other legal institutions in Sierra Leone with established legitimacy and acceptance. We will show that the procedures used to establish the court were flawed, thereby denying it of any claims to legitimacy. We will also show that the court's ability to deliver justice has been greatly impaired by latent extra-judicial motives.

According to Judge Radhabinod Pal, also a judge at Nuremberg, "Questions of law are not to be decided in an intellectual quarantine area...we cannot afford to be ignorant of the world in which disputes arise."

The SLSC 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

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. Ambassador Danforth has spelled out, what may be considered, expectations from the UN:

"The United Nations in particular should marshal its resources to help societies emerging from conflict to develop their national judicial capacities in a manner that is accountable to their citizenry."

"But the rule of law cannot only be imposed by international bodies, to make the rule of law effective, citizens must know their own government. They must understand how it works and how to influence it. Where legal and judicial matters necessarily involve certain confidences and restraints on sharing of information, absolute secrecy can encourage corruption."

The required Gazette publications and referendum are all measures aimed at satisfying the "accountability to their citizenry" requirement. The oversight by the Sierra Leone Government, which went along with the complacency of the United Nations amounts to an attempt to impose the Special Court on the people of Sierra Leone. The tardiness displayed by the Sierra Leone Supreme Court to address this is a further sign that the legacy of the Special Court will be founded on unjust principles permitting future disregard for the Constitution whenever any government finds it expedient.

Credit: jeone; Author: USA Africa Dialogue Editor; Fox-Dutton; Department of History; The University of Texas at Austin; University Station; Austin, TX 78712-0229; USA; 512 435 7224; 512 435 7222 (fax); www.utexas.edu/conferences/afica

The United Nations in particular should marshal its resources to help societies emerging from conflict to develop their national judicial capacities in a manner that is accountable to their citizenry.

The conflict in Sierra Leone was, by all accounts, marked by heinous crimes. Individuals directly responsible for these crimes must be held accountable for their personal actions. Country or clans fostered by the Sierra Leone special court (SLSC), victims were not only those murdered, raped, mutilated, or children robbed of their innocence. Forests that maintained social balance, primarily in rural areas, were destroyed and violated. Healing, therefore, requires more than avenging the sufferings of those victims identified by the SLSC. Restoring balance in all facets of society goes beyond the reach and competence of rhetoric issued by the court. Promise to punish the accused, to bring closure, is a concept that may be in accordance with that held by the community. The court's inability to comprehend the true basis for the conflict trivializes the plight of survivors and their sense of what is right. It fails to preserve and defend the rights of those who survive and those about whom they care, and to respect the lives of their fellow humans and the sanctity of their communities. How will the community ever honor its heroes when insidious tongues from the court vilify their names? How will a society that makes victims the enemy be viewed as part of any sane institution, the respect, contempt and aversion for that society? All attempts at restoring stability have to gain legitimacy. Our aim here is to put the hollow rhetoric language of the SLSC against the stark reality required to rebuild a community. We also want to show how the SLSC will not be able to do so, very simply and clearly.

As Judge Henri Bernard, a French judge at Nuremberg, put it, "A verdict reached by a

"No one is above the law" are two phrases popularized by the SLSC. 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 inefficacy 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. It didn't matter that the slogan politicizes justice and opens the possibility of corrupting justice itself. They border on intellectual dishonesty, and deception to deliberately exploit the craving for peace with promise of justice from an institution whose foundation did not respect a basic need for justice, i.e., transparency. This is what Ambassador John Danforth, a United States representative to the UN, has to say about transparency:

"Transparency is a true engine of the rule of law, and can promote a responsive and trusted judicial system in both stable societies and those seared by conflict. For the rule of law to prevail in a society, the people must know the law. The law must be transparent to all citizens. The judicial system—courts, police, prosecutors—must be open and visible."

The Special Court is, as it is often emphasized, a product of an agreement

# Charles Taylor to create problem for Obasanjo



*By Tom Jaffee*  
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 indicted 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

*Taylor no safe haven yet*  
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.

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## Charles Taylor to create problem for Obasanjo

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The release also states that the fact that Obasanjo is turning on his citizens rather than turning over a war crime indicted 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.