

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:

Friday, September 09, 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

ECOWAS court should not handle election matters — Justice Odunowo

By Innocent Anaba

Posted to the Web: Friday, September 09, 2005

Justice Tajudeen Odunowo, a retired judge of the Federal High Court was known for his courageous adjudication of matters brought before him, while on the bench. It is on record that he was one of the few judges who was never afraid of the military in those days, as he granted late acclaimed winner of the June 12, 1993 presidential election, Chief MKO Abiola, bail, at a time, most Nigerians were scared to stand in the way of the ruthless military junta.

In this interview, he described as unfortunate, the recent hike in the prices of petroleum products, maintaining that government should have made the people happy by spending the excess money from crude oil sale, on projects that would benefit them instead of inflicting more hardship on them.

He cautioned that the ECOWAS court will not be able to cope with elections matters, which are now being filed and heard by the court.

Speaking on the indictment filed against former Liberian leader before the special criminal court sitting in Freetown, Sierra Leone, he said that Nigeria owed the international court a duty to send Taylor to face the charge preferred against him, since Nigeria is a signatory to the treaty establishing the court.

On the face-off between President Olusegun Obasanjo and his vice, Alhaji Atiku Abubakar, he is of the view that such quarrel only lowers the prestige of the country's leadership and wondered why the occupiers of the two highest posts in the country should condescend to washing their dirty linen in public.

Excerpt:

The Court of Appeal is the final court of appeal for election petition cases. But we now have a situation in our hand where a loser at the appeal court now proceeded to the ECOWAS court challenging not issues relating to the

Ads by Goooooogle

Online Voting
Elections & surveys for schools, colleges and associations
www.votenet.com/eballot

Oil & Gas Jobs in Africa
For People with Experience of Oil / Gas / Power / Energy Industry
www.worldwideworker.com

[Home Business Ideas & Tools](#)

--
[Protect your PC from Adware and Spyware](#)

--
[Use AdBrite to buy & sell ads!](#)

election but fundamental human rights to fair hearing. What are the consequence of such action?

If the ECOWAS court finds out that the matter that came before it for adjudication is elections matter, which ought not to be handled by the court, the court should be able to tell the persons to go back home, to the national court of that country that is empowered to hear such matters, because that is not the right place to challenge such matter. If you lose a House of Assembly election, House of Representative, Senate and local government elections and every body goes there, at a point, the court will not be able to cope and certainly, there will be no money to run the court.

You can see how long it takes our courts to hear such matters. Again, they (ECOWAS court) will bug themselves down, because that is not their primary concern. One can understand if some body has gone to the Supreme Court, I am not talking about the election appeal now. If you go on appeal, there is a provision for that and it is understandable. But for state elections, governorship election and other elections to be taken to the ECOWAS court is simply out of place. Another consideration is that by the time the processes are completed, the duration of the election they are fighting for would have been over. For example another election is coming up in less than two years time and I wonder if the ECOWAS court hearing the case will be able to conclude the matter before they leave office.

It is likely that the losers at the appeal court who proceeded to the ECOWAS court are just trying to buy time?

It appears so. You know how long it takes for election matters to be resolved and as I said earlier, election is less than two years away. So it appears as if it is a ploy to buy time as you have noted, because before they file all the processes and actual hearing in the matter starts, the person whose election is being challenged would have finished serving his term and in that regards, it makes non-sense of the whole thing. It appears to be an avenue basically to buy time.

How will the decision of ECOWAS court be enforced, especially if it is against the government, when our government are known to choose which order to obey?

It is really not going to be easy. As you know, our leaders are known for not obeying court orders made by their own courts. I wonder how they will obey the ones made by courts that are not owned by the country. It will however add to our national embarrassment, given that our leaders are not too good in obeying court orders made by its courts, let alone the ones made by courts who do not have the power to enforce same. The most that can happen is that the order will be served on Attorney General and that will be the end of it.

President Olusegun Obasanjo accepted to offer asylum to former Liberian

President, Charles Taylor in order to restore sanity in Liberia. But there is now international and local pressure on Nigeria to hand-over Taylor for trial in Sierra Leone. Is it morally right for us to hand him over for trial?

It is not morally right to hand him over. But at the same time, it is illegal not to hand him over, because Nigeria is a signatory to the law establishing the UN criminal court, which issue indictment against Taylor. What I feel we should do is that we should hand Taylor over to the court for him to defend himself. I believe in the presumption of innocence of an accused person. But he (Taylor) was accused of genocide and other crimes against humanity. It is for him to say I am not guilty of these crimes and go to the court and defend himself. At least he must be given the opportunity to defend himself, which I feel the court has offered him.

If you consider the morality of handing him over, given that Nigeria did not take the decision unilaterally to bring him here, then I can say it is not morally right, but it is certainly legally right, which is what should be of interest to us. He was alleged to have masterminded the death of thousands of people in both the Liberian and Sierra Leonean crisis. He should go to the court to prove his innocence, after all, the allegation is not a guilty verdict. The court is an international court set up by the UN and Nigeria is a party to the treaty setting up the court and to that extent, we should hand him over to the special court. As I said before, if he believes he is innocent, he should go to the court and prove it. We owe a primary duty to the court and it is part of the duty of the President that we fulfill our duties under international laws.

What are the consequence or implication of our refusal to surrender him to the UN special court in Sierra Leone?

I don't think much can happen to Nigeria if we refuse to hand over Charles Taylor to face trial. At most it could be political or economic sanctions.

Are we justified in the first place to have offered Charles Taylor political asylum when other African countries rejected him?

I don't think we are. We should not have granted him asylum in Nigeria. We should be concerned with our problems. Obasanjo is the President of Nigeria and not ECOWAS President. There are a lot of matters that he needs to be attending to in the country and Charles Taylor is not part of our problem. There was really no point bringing him to Nigeria.

How would you react to the recent calls to ban former military rulers from contesting future elections, particularly 2007 election?

I don't support the call to ban former military officers from contesting future elections, because there is no law banning them from contesting such elections. If we have any thing against them, then we should be able to bring them to court and made to stand trial and if convicted, then that could then be the reason for stopping them from contesting elections and not just because they are former military officers, but because they have been found guilty of an offence. If they have been found guilty of specific offences, then on that basis, they can be stopped, that is what we have in

our constitution.

We cannot be seen to be doing outside what we have in our constitution. The argument to ban them is predicated on the fact that they have allegedly amassed so much wealth and because the kind of politics we practice is one that is dominated by money, these former military rulers will be able to buy elections.

The only sanction against them, as at now and as far as the constitution is concerned which I know, is for the electorate to reject them. That is all. More so they are subjected to two legal regimes. If they commit an offense against the military affecting civilian lives, they will face trial under the military and that will not excuse them from standing trial under a civilian regime. In any event, they are tax payers and they must have a say in the government of their country. And so, I don't see why any body should say because they amassed wealth, they should not be allowed to seek elective offices, because the allegation that they amassed wealth is speculative. No one can tell us the amount of money they have stolen.

To amass wealth does not preclude any body from contesting elections. After all, if you have wealth and you want to contest election, you must put your hands into your pocket. If you have money, it will lighten your burden and your having to beg from your friends and relations to fund your election expense. And if the money they acquired was illegally acquired, then let them be charged for an offence. They should be tried and if found guilty, based on that they should be barred from contesting elective office.

You have said that there is no law presently banning them from contesting elections. What if the constitution is amended to bar them. Will you support such move?

I will not support selective amendment of the constitution. You don't change the rule of a game mid-way into the game. If for instance the election is next week and you make a rule, it should apply equally to all and not to single out a group as the reason why you will want to adopt certain positions. If we have a law and we all work towards it, it will be alright, but not that the rule and laws will be changed mid-way because we want to deal with a group, I don't think that is how to go about it. You have to bear in mind that if we receive money to sell our votes, we cannot turn around and complain. I read not too long ago about a politician who said he had to sell his house because of election. So you cannot be seen to complain when he comes into office and begin to use public money to acquire private property, because it was obvious that he was going to do that when he comes into office. Did you not read some time ago, when a man in Anambra state was quoted as telling the governor that he (Governor) did not know how they rigged and won the election. If they bring money and we take it and vote them in, then we have no right to complain when they start looting public fund. The masses are the one that should take the blame. If we don't sell our votes and they know that they

can't buy us, they will not come out to contest. But they come out because they know we can be bought, so who do you blame?

What is your reaction to the recent hike in prices of petroleum products, by the present Obasanjo's administration, who is notorious for such increases?

Since the present Obasanjo administration came into power, he has increased petroleum products prices over seven times and it is unfortunate. What if we do not have fuel, one can only imagine what would have happened to us. Government should be able to get some money some where, because the spiral effect of the hike is biting in all sections of the society as the cost of every thing has practically gone up, be it transportation, food and every other thing. Every thing has automatically gone up. I don't think it is a good policy, especially when there is no alternative to fuel and means of transportation. If for instance the public transportation is functional, we have buses and train functioning well and the economy is buoyant, then government's argument could make meaning. Don't forget the present budget was based on crude oil price of 30 dollars per barrel, and now the price of crude oil is well above 70 dollars. Now the question one would ask is, what is the government doing with the excess money they are making and which they have made all these while from the sale of crude oil. The excess ought to have been used to cushion the effect in prices, not increase it.

Government's argument has always been that fuel is being subsidized. Do you buy this argument?

I don't really understand what they mean by fuel being subsidized. I don't think that is correct. Ok, by how much are they subsidizing it, they have not told us. At least before you can know whether it is subsidized they should be able to tell us the production cost of fuel and the relative price of fuel elsewhere. In other countries, where they don't have oil, they even pay less than we do. So by how much are they subsidizing the fuel they sell to us, they should let us know. How much is the cost producing petrol? It is not enough to say they are subsidizing, when they have not told us the cost of production, so that we can understand their argument.

How better can the Nigerian masses protest the incessant hike in prices of fuel by government?

I don't support the idea of marching up and down in the name of protesting over fuel price hike. It has never worked. Well, we have to re-organise how we use fuel. If we use 100 litres of fuel, we could reduce it to say 50 litres or find an alternative means of going about. One may even leave his car and use public transport. But even with the hike in price of fuel, the transporters too have increased the cost of transportation, because the price of other goods in the market has increased and they must meet up, but anything short of trekking or using camel, I don't really know what we should do. It is really unfortunate and we can only wait to vote them out in the next election. These are some of the things they should have told us during their campaign. But it was only AD (Alliance for Democracy) I believe that showed us its manifesto. The parties are supposed to tell us

what they intend to pursue as policies when they come into power, that way, we will know whether we want to vote for them or not. But what happen is that they give the people money and they vote blindly and if they give you money to vote for them and you do, you cannot be seen to complain that what they are doing is not good.

But how can we vote them out, when it is today a common knowledge that most of them rigged themselves into power?

They did not rig alone. They rig with the consent of the electorate. Because they gave out money and people colluded with them. Remember the other day, one of the key actors in the Ngige saga was talking, he admitted they rigged the election and even spoke on how they rigged the election. Because of the money they spent on elections, they want to recoup, that is what is causing problem between Ngige and his former godfather. The same thing is happening in other areas of the South-West, where one of the governors said that there was no way of paying somebody money every month out of government's coffers, saying that they will not have enough to do the job of government if they keep paying that kind of money. So we as the people are the problem, because if they give us N500 and highest N1,000 and tell us where to throw our vote, we must live with the consequences of selling our votes.

What do you make of the face-off between President Obasanjo and Vice President Atiku?

They have not told us the fundamental cause of their quarrel. But even if they tell us, I don't think it should make the two of them to be talking about each other that way in public. They can disagree with themselves on issues in private, but it should not be allowed to blow open the way it has. People are meant to disagree but to the extent of having them attack each other, it is not good for the image of our country. It is not good for our democracy. It lowers the prestige of the country for the two leaders to be fighting outside. It is not proper for them to wash their dirty linen outside.