

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

**Enclosed are clippings of local and international press on the Special Court and
related issues obtained by the Press and Public Affairs Office
as of:**

Thursday, 20 October 2005

The press clips are produced Monday to Friday.
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Taylor Trial May be Out of Africa

Liberia's former President Charles Taylor looms large over the future stability of much of west Africa and yet he hardly figured in the recent election in his home country. The ex-warlord has been indicted on 17 counts of war crimes and crimes against humanity by the United Nations-backed court in Liberia's neighbour Sierra Leone - accused of backing that country's brutal rebels. He is currently in asylum

in a mansion in south-eastern Nigeria, which is refusing to hand him over to the court. Nigeria's President Olusegun Obasanjo says that would go against the terms of the deal under which he agreed to step down as Liberia's leader in August 2003, to end a 15-year war and stop rebels from rampaging through the capital, Monrovia, which they were poised to enter. Now, a new potential so-

lution is being mooted. It is being suggested that Mr Taylor could be tried by the Special Court for Sierra Leone sitting in The Hague, the court's chief prosecutor Desmond de Silva told the BBC News website. "Mr Taylor undoubtedly still controls forces which could destabilise the region," said the British lawyer. "A number of countries - both Western and African - take the view that perhaps the

interests of peace and security could best be served by a trial outside the region." He also points out that United Nations peacekeepers are due to leave Sierra Leone by the end of the year, potentially leaving the court more vulnerable to attack. A trial in The Hague might also placate the fears of some Liberians who fear Mr Taylor would not receive a fair trial in the Sierra Leone capital, Freetown.

UN orders Charles Taylor's arrest

The United Nations may have perfected plans to get former Liberian President- Charles Taylor currently in exile in Calaba, Cross River State arrested.

The UN resolution being circulated by the United States reveals that the whole body has directed UN peacekeepers in Liberia to arrest Taylor should he return home.

Mr. Taylor has been living in exile in Nigeria since August 2003 but has been indicted on war crime charges by the UN-backed Special Court in Sierra Leone.

The Associated Press report states that the resolution calls on the peacekeeper to then turn Mr. Taylor over to the Special

Court. Spokesman for the Special Court in Sierra Leone, Peter

Anderson spoke with VOA on the UN resolution.

"Well, I read the same Press reports that you did and I can tell

you what our position is on Charles Taylor... Mr. Taylor was indicted by this Court in March 2003. So our position is that there is a valid

warrant of arrest. There is a case for him to answer a proposed by **CONTINUED PAGE 2**

UN orders Charles Taylor's arrest

FROM PAGE 1

Judges of this international tribunal and that no matter where he is and under any circumstances, he should be turned over to the Court for trial".

Nigeria has said it might consider a request from a democratically elected Government in Liberia to turn Mr. Taylor over. Commenting on Liberia's October 11th elections, Mr. Anderson said, "We don't

have any specific interest in the outcome of the Liberian elections. Of course, we are a Court. We are not involved in politics.

We just look for whoever to respond to the indictment and to turn Charles Taylor over to the Court". Asked if the former Liberian leader were to be handed over today, would the Court be ready to prosecute? Mr. Anderson said, "That is what the Prosecutor has told us and he's said that he's trial-ready."

FINAL DRAWDOWN 2000 UNAMSIL Troops Leave December 31st

Two thousand UNAMSIL peacekeepers currently on the ground here in Sierra Leone will be leaving at the end of December as the mission also folds up operation here.

Daudi Mwakawago, Head of the Mission told journalists Friday that effective 1st January 2006 UNOISL shall be taking over from UNAMSIL whose mandate is going to be different altogether from the latter. "The peace keeping role is over, Mwakawargo said and peace building which is the next phase, we are not equipped for that," the Special Representative of the UN Secretary General said. UNOISL will be made up of a small staff of 300 personnel with the required skills and expertise. "Those now employed by UNAMSIL shall either be transferred to UNOISL, transferred to other mission abroad or sent home", according to Mr. Mwakawago.

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Independent Observer

20 October 2005

(Quoted from LAWCLA newsletter)

Peter Harrison Of The Special Court Makes Donation

Just a month after receiving items from the Department for International Development (DFID), another philanthropist, Peter Harrison, also made a donation to the Centre, namely \$100 United States Dollars. Mr. Harrison is a colleague of the Director at the Special Court and made this modest donation from his remuneration at the Special Court.

This money was used to purchase electric fans which the Centre was in dire need of. It is hoped that other well intentioned individuals will follow Mr. Harrison's good example.

Herald Sun

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I refused bribe offers: Halloran

20oct05

WEST African government and judicial officials wanted cash to drop sex charges against Victoria Police Supt Peter Halloran, secret tapes allegedly reveal.

"Several approaches were made to me for money to ensure the trial in Sierra Leone would finish quickly with an acquittal," Supt Halloran said.

He told the *Herald Sun* he refused repeated offers to bribe his way out of trouble and ended up being convicted and jailed for 18 months.

"I wanted to clear my name in court so I could return to Melbourne with a clear conscience," Supt Halloran said.

"I secretly recorded the approaches that were made to me for money.

"Those tape recordings reveal corruption at the highest levels of the Sierra Leone Government and judiciary."

Supt Halloran's sex conviction in war-torn Sierra Leone was overturned this month.

He arrived back in Melbourne yesterday to be greeted at his family home by his wife and two adult daughters.

Chief Commissioner Christine Nixon further brightened Supt Halloran's day by revealing he was welcome to have his job back.

"He certainly will come back into Victoria Police," she said.

"Peter Halloran has a whole set of skills, a whole lot of experiences that would be quite useful for us in different sorts of areas."

Ms Nixon said she had written to Supt Halloran asking him to meet her to discuss what he wanted to do.

In an exclusive interview with the Herald Sun, Supt Halloran, 57, said:

THE support of his family and friends helped enormously to cope.

HE would never forgive former Tasmanian police officer Mandy Cordwell for raising the sex allegations and pursuing them so zealously.

CORRUPTION or disciplinary charges may be laid against the senior Victoria Police officers he blames for contributing to his arrest, jailing and conviction.

SERVING his 18-month sentence would probably have killed him as the jail was one of world's most disease-ridden and violence-plagued.

HE was considering complaining to the Office of Police Integrity about some Victoria Police officers.

SUING those he holds responsible for his nightmare was possible.

HE was looking forward to discussing his complaints and his wish to get back to work with Ms Nixon.

IT cost him about \$450,000 to fight the charges -- of which the Police Association provided \$100,000.

Those who Supt Halloran wants to be held accountable for his predicament include Ms Cordwell, two high-ranking Victoria Police officers and an Australian Federal Police agent.

He is also considering what to do with his dossier of evidence of government and judicial corruption in Sierra Leone.

"If my appeal had failed then my next step was to try to persuade Sierra Leone President Ahmad Tejan Kabbah to step in and clear me," Supt Halloran said.

"I gathered substantial evidence, including secret tapes and sworn affidavits, that I believe would have convinced President Kabbah I was the victim of a corrupt judicial system."

Supt Halloran said corruption was endemic in Sierra Leone.

"I was also approached before the trial by somebody who advised me that a senior government official wanted to talk to me about the case.

"It was made clear to me that the official would tell me how much money he would need to finalise the prosecution.

"Details of the conversations relating to payments the official wanted were secretly recorded by me. I also spoke to two people who wanted to arrange payment to a judicial figure to finalise the matter.

"The judicial figure nominated a sum of money he required, which would be shared with some people in the judiciary. Those conversations were also recorded."

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ABC Online

Halloran keen to return to Victoria Police. 20/10/2005. ABC News Online

[This is the print version of story <http://www.abc.net.au/news/newsitems/200510/s1486306.htm>]

Last Update: Thursday, October 20, 2005. 8:51am (AEST)



Peter Halloran has arrived home after having a child-sex conviction quashed in Sierra Leone. (File photo) (ABC TV)

Halloran keen to return to Victoria Police

Former Victorian homicide squad chief Peter Halloran says it will take him some time to recover from his ordeal in Sierra Leone.

Superintendent Halloran arrived back in Melbourne yesterday after last week being acquitted of indecently assaulting a 13-year-old girl in the west African nation.

"It's great to be back but I think it will take a little bit of time before it sinks in and I settle down," he said.

The 57-year-old was facing an 18-month jail term after being convicted of indecently assaulting a teenage girl in February.

The Sierra Leone Court of Appeal overturned the conviction last week, allowing him to leave the country.

Superintendent Halloran bears a lot of anger towards some members of the police force executive who he says abandoned him, but remains hopeful of returning to work.

"I think there's probably two or three mischievous people who possibly misled the police Commissioner," he said.

"But by far and wide, the majority of the rank and file supported me and they have been very vocal in that regard, so in reality the rank and file have been very supportive.

"I don't see any reason at all why I wouldn't return to Victoria Police and take up a position there."

Police Commissioner Christine Nixon says she is happy to meet Superintendent Halloran when he is ready.

"He certainly will come back into Victoria Police," she said.

"He's on leave without pay at the moment and I assume will make an application to come back to full-time work again and then we'll look at where we might place him."

Commissioner Nixon has defended the conduct of the police during Superintendent Halloran's

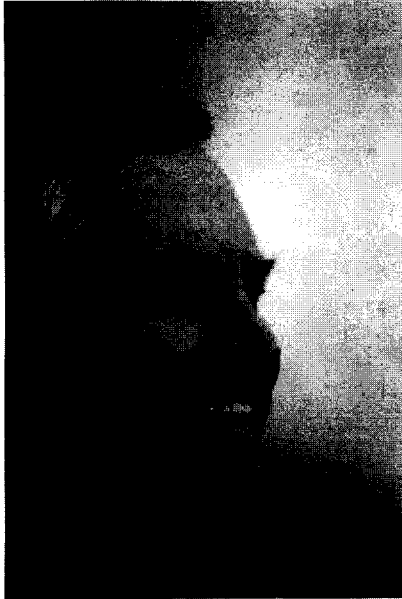
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Opposition slams Nixon as Halloran returns

By Rachel Kleinman

October 20, 2005



Peter Halloran

Photo: Craig Abraham

THE Opposition has attacked Chief Commissioner Christine Nixon and other senior police over their treatment of Superintendent Peter Halloran.

Mr Halloran, 57, returned to Melbourne yesterday, determined to restore his reputation after he was charged, convicted and finally acquitted of the sexual assault of a teenage girl in Sierra Leone. He was working there as a war crimes investigator, on unpaid leave from the police force.

Mornington MP Robin Cooper launched an attack in Parliament, accusing Ms Nixon of pursuing "a personal agenda" against Mr Halloran, a former homicide squad chief.

Opposition police spokesman Kim Wells said he had been approached separately by a source who named four officers involved in a smear campaign against Mr Halloran.

Mr Cooper said he had the names of two senior officers who were "happy to sink the boot in" by spreading false stories about Mr Halloran.

But he did not name them in Parliament, as he had earlier threatened to do.

Opposition Leader Robert Doyle called on the Victoria Police to investigate any members accused of inappropriate behaviour against Mr Halloran.

Ms Nixon denied having a "personal agenda". "He will make an application to come back into full-time work again and we will look at where we might place him," Ms Nixon said yesterday. "He has been through incredibly traumatic times. It's about when he is ready and what kind of work he wants."

His position in charge of the Victorian Protective Security Division has been declared vacant and he has not been told if he can return to duty. Mr Halloran said he would accept Ms Nixon's offer to meet to discuss his future.

With JOHN SILVESTER

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Scharf: Tribunal could be cornerstone for a new Iraq

(CNN) -- Michael P. Scharf, a law professor at Case Western Reserve University and the co-founder of the Public International Law and Policy group, has trained some of the judges presiding over the Iraqi Special Tribunal, charged with trying the alleged crimes of former Iraqi President Saddam Hussein.

Scharf, and the organization he oversees, has also provided assistance to the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, and The International Criminal Court, earning a nomination for the Nobel Peace Prize this year. In an interview with CNN's Manav Tanneeru, Scharf discussed the Iraqi Special Tribunal, the debate over its legitimacy, and what effects it may have on Iraqi society

CNN: The Iraqi Special Tribunal is different from the tribunals in Rwanda and Kosovo, and others set up in recent years. Could you explain how the tribunal came about?

SCHARF: David Scheffer, when he was the Ambassador at Large for War crimes Issues in the Clinton administration, spent 10 years trying to convince the Security Council to create an ad hoc tribunal to prosecute Saddam Hussein for all sorts of crimes against humanity, and for crimes committed during the first Persian Gulf War.

The French and the Russians were against that. Then, in 2003, when we invaded Iraq without Security Council authorization, the French and the Russians were furious at us, and they let it be known that at the end of the invasion, if we captured Saddam Hussein, they would not authorize an international tribunal. That shouldn't be a surprise because they weren't in favor with it to begin with, but they were really mad afterward. So, that meant that the option of a Security Council-created tribunal was not available.

The other option most people think about is the permanent International Criminal Court, but it has a provision in its statute that says it cannot try any case that occurred before July 1, 2002. It's called the non-retroactivity clause and the reason that's so important is because so many countries that have joined the statute of the ICC -- there are 99 altogether -- have committed crimes in the past, and the only way they would join the ICC was if they had been given a clean bill of health, and a promise that they would never be investigated or prosecuted.

Because so many of Saddam Hussein's [alleged] crimes predated 2002, almost all of them in fact, the ICC is not available as a forum for prosecuting Saddam Hussein, and you can't amend the statute because that provision is the absolute, most important in the entire statute for political reasons.

Then, there is the option of just sending the case to a regular, ordinary court of Iraq, but that would have been like sending him to the wolves. There would be no guarantee of fairness, the people are so angry, it's so political, that it just wasn't seen as a good option. So, what they did is they created what I call an internationalized domestic tribunal.

CNN: Why were the French and the Russians against the tribunal?

SCHARF: People of different countries wanted oil concessions from Iraq, which has the second biggest oil reserves in the world, and then after the 2003 invasion, it was based on, really, animosity about the invasion, and a desire not to be seen as in any way ratifying what they saw as an illegal event by approving an international trial for Saddam Hussein.

CNN: If the trial is not being held under the banner of the United Nations, are there any concerns over the court's legitimacy?

SCHARF: I had some concerns about legitimacy because its statute was originally [established] by the Iraqi transitional government, which had been appointed by Paul Bremer and occupying authorities and that to me didn't sound right. But, on August 11, the democratically-elected Iraqi legislature overwhelmingly cast a statute that [re-established] the Iraqi Special Tribunal statute, and also approved its rules of procedures, and also approved all of the judges that had been selected.

Now, this is a government that has been elected along the procedures that have been endorsed by the United Nations Security Council and has now endorsed, created, blessed, given authority to the Iraqi Special Tribunal and I think that eliminates any issues of legitimacy because it is now a tribunal that has been created by a democratically-elected sovereign state

CNN: Do you think the trial will have any impact on civil society in Iraq, on the governmental and non-governmental institutions that will, at some point, become legitimate political actors? Will the trial have a galvanizing effect or is it a separate event operating in a sort-of vacuum?

SCHARF: I was at a conference last week about the 60th anniversary of Nuremberg, and a person from Germany spoke there who grew up just after the Nuremberg trials, and he said that, for him, democracy began at Nuremberg, which is really interesting.

I think what will happen in Iraq, assuming there isn't a civil war and things settle down, is that these trials and the due process standards being used will be emulated in the rest of the justice system, making it the fairest justice system in the Middle East, and making it a model for other Middle Eastern countries, and if you have a fair justice system, it helps people believe in democracy. So, this literally could be a cornerstone for the new, rehabilitated democracy in Iraq.

CNN: How confident are you of that? Obviously, you need a constitution before you have those institutions?

SCHARF: I think the constitution is another important cornerstone. I think both of these events, and they are both starting at the same time and it's no coincidence, are the two most important events in the life of this new country. And, I'm not confident about anything in Iraq, so we just have to wait and see, I guess.

CNN: What do you think are the legacies of these tribunals? The International Criminal Court was recently formed to codify what these ad hoc tribunals have worked on, but what do you think these tribunals contribute to international law and international politics?

SCHARF: After Nuremberg, people would say "never again," meaning that they would never let genocide and crimes against humanity ever occur again without the international community doing something about it, and then during the Cold War, well, that didn't happen. Never again become again and again, and we entered into an era of impunity, so that people like Pol Pot in Cambodia, and Idi Amin in Uganda, and Papa Doc and Baby Doc in Haiti, and Pinochet in Chile all got away with it, and nobody lifted a finger, nobody even said that they would try to do something about them, and so that was like a golden age of impunity, where there was no deterrence. You know, Milosevic could say to his people, "Don't worry, no one ever prosecutes," and the same thing with Rwanda.

In the last 10 years, starting with Yugoslavia tribunal, then the Rwanda tribunal, and then the Sierra Leone tribunal, the Cambodia tribunal, the East Timor tribunal, and now the Iraqi Special Tribunal, you've got all these leaders who are now facing justice. It's a new era we're in, it's an era of accountability, and this is a part of that era.

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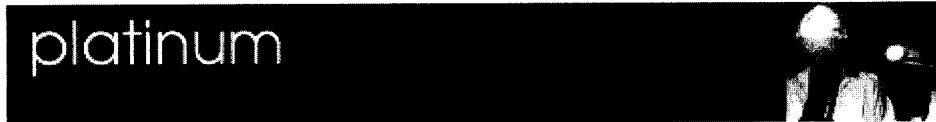
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Posted to the web on: 20 October 2005

The trials of finding a global court

Nikki Tait - Financial Times

TO SAY that the path to international justice for former political leaders has been bumpy over the past half-century would be an understatement. On the one hand, there have been repeated accusations that efforts to hold such individuals to account for crimes against humanity are, almost inevitably, "victor's justice". On the other, there has been the question of how to manage trials of this nature, given the magnitude and complexity of the atrocities alleged.

The first such attempt was the initial Nuremberg trial, in which 22 Nazi defendants were charged with war crimes and crimes against peace and humanity. The tribunal was seen as a huge legal landmark, heralded for the relatively dispassionate nature of its proceedings and ultimate fairness. Even so, it did not escape the "victor's justice" charge. Nor did its scale go unquestioned: in trying fewer than two dozen men, the tribunal considered about 100000 documents, 25000 photographs and tens of thousands of metres of film. The US delegation alone included 365 lawyers.

The use of "ad hoc" tribunals resumed in the 1990s — first, to look into crimes committed during the conflicts in the Balkans, and then to try the perpetrators of the genocide in Rwanda. The United Nations-backed International Criminal Tribunal for the former Yugoslavia was set up in 1993; the Rwanda tribunal was established in the following year. Both have generated controversy.

The trial of Slobodan Milosevic, the former Yugoslav president, began in early 2002 and only reached its half-way stage two years later — by which time the Serbian leader, representing himself, had adeptly turned cross-examinations into opportunities for tub-thumping speeches. A protracted effort to curtail Milosevic's right to self-representation because of his persistent ill-health eventually failed last November and the case continues.

That said, more than 3500 witnesses have had the opportunity to testify at the tribunal. New legal precedents and determinations — for example, over the elements making up the crime of "genocide" — have been established. Of the 126 accused who have appeared before the tribunal, 40 have been found guilty after appeals.

Even so, the acknowledged difficulties with the two tribunals led to a different model being pursued in Sierra Leone, where a special court established to try abuses committed during the country's civil war was given a shorter time to fulfil its mandate and more limited budget.

initiatives of their own. For example, a "universal jurisdiction" law introduced in Belgium in 1993 led to charges being filed against several world leaders. The law was repealed in 2003, partly under US pressure. Even so, in a "grandfathered case", former Chadian president Hissene Habre was charged last month with crimes against humanity and torture.

Finally, there is the International Criminal Court (ICC), the first permanent world court tasked with trying war crimes, genocide and crimes against humanity. Based in The Hague, the ICC finally became a reality in 2002. Since then, however, it has been gearing up for business and is only now edging towards trial mode. One of its initial investigations, for example, focused on the Lord's Resistance Army in Uganda. Here, the first arrest warrants against senior leaders were unsealed last week.

The ICC, however, is only able to consider cases occurring since its inception. In addition, its prosecutor can only pursue allegations of crimes in countries that have backed the new court, although he can be asked by the UN Security Council to intervene elsewhere. He can also only step in where national judicial systems have failed to act or are unwilling to do so — unless invited. It was never going to be the forum for trying Saddam Hussein, whose trial began in Baghdad this week.

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