

**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:**

Tuesday, November 01, 2005

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Ibrahim Tommy  
Ext 7248

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# Another Court Case Again...

# Norman Drags SLPP

Special Court indictes Chief Samuel Hinga Norman has dragged the ruling SLPP to the

Supreme Court again over what he referred to as irregularities of conduct as a political

party. According to the writ of summons the first, second and third defendants are, Alhaji UNS Jah, Chair-

man, Mr. Jacob Jusu Saffa, Secretary General and Mr. Frederick Carew, the Attorney General



VP Berewa



Hinga Norman

and Minister of Justice.

It would be recalled

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## From front page

that Chief Norman had hauled SLPP officials (Dr. Sama Banya, Chairman, Dr. Prince Alex Harding, Secretary General and the SLPP) before the Supreme Court shortly before the September Party Conference held in Makeni this year for almost the same reasons; that the party had violated the 1991 Constitution of Sierra Leone, the Political Parties Act 2002 and the SLPP July 1995 Constitution, when Vice President Solomon Berewa failed to resign his office before vying for the leadership position of the SLPP in accordance with the above-named instruments governing the game of politics in Sierra Leone. The case was heard and later thrown out of court for, as the Supreme Court Ruling made clear, lack of locus standi; meaning Chief Norman didn't have the legal standing to take the party to court, although the merits of the case were not in any way discussed.

Following the SLPP Party Conference in September from which VP Berewa emerged as the Leader and Presidential Nominee of the party even though President Kabbah had not resigned as President, the stage was set for the SLPP to return to court once more. It could also be noted that the SLPP July 1995 Constitution does not allow for the separate relinquishment of the position of Leader and Presidential Nominee from that of the Presidency. This was what Chief Hinga Norman sought to redress in the Supreme Court application made in August, instant.

Insiders of the ruling SLPP have opined that this application might meet the same fate as the defunct one considering the fact that if any complaint of such nature should come up, it should first be tabled before the Political Parties Registration Commission (PPRC) instead of going straight to the Supreme Court, the highest court in Sierra Leone. A senior member of the SLPP executive has said that any application on Norman's behalf before the courts of law would be responded to legally, adding that no one will distract the SLPP from performing its role as a responsible government.

Another senior member of the SLPP, although not an executive member, has claimed that the Norman application to the Supreme Court is being masterminded by people within the very SLPP who believe that it's only through intrigue that they can prosper. He also said that, these prophets of doom are merely using Chief Norman to achieve their aims, continuing that "even Norman knows that he might never see the light of day from where he's currently incarcerated. So, all what he's doing at the moment is not for himself but for others."

One political pundit has opined that nothing will come out of this new application by Chief Hinga Norman considering the type of judiciary we have at the moment. He went further to reveal that the Harry H. Yansaneh case and the rippling effects of that case have once more cast a shadow of doubt on the capacity of the judiciary to dispense justice in this country, especially where the high and mighty are concerned.

The Exclusive

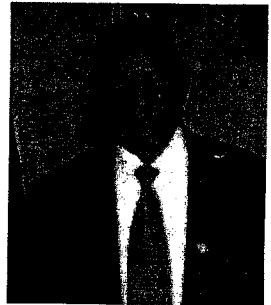
Tuesday November 1,

2005

# "V.P. Berewa's election is illegal"



Hinga Norman... ready for another losing battle



Solomon Berewa... less worry president Solomon Berewa and some of the party members emerged victorious.

The document questioned the legality of "the nomination, election, selection, choice, or adoption as the case may be by the first defendant on the 4<sup>th</sup> September 2005, at the party's conference held in Makeni on 3rd and 4th September 2005, where Solomon Ekuma Berewa as the leader (presidential nominees) was elected for the Sierra Leone People's Party (SLPP) whilst at the same material time

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**- Lawyer Jabbie tells Supreme Court**

- \* 1<sup>st</sup> accused - SLPP
- \* 2<sup>nd</sup> Accused - UNS jah
- \* 3<sup>rd</sup> Accused - J.J. Saffa
- \* 4<sup>th</sup> Accused - Fred Carew

**BY AYOLUK-JOHNSON**  
A writ of Summon filed at the Supreme Court has challenged the newly elected Leader of the SLPP Solomon Beewa and some of its executive members. The plaintiff has described the election of the party leader as illegal and uncon-

stitutional, citing relevant portions in the 1991 constitution, the Political Parties Act and the SLPP constitution

The writ mentioned Samuel Hinga Norman as the Plaintiff, the SLPP as the 1st defendant, Alhaji U.N.S. Jah 2rd, Jacob J. Saffa 3rd and the Attorney General as the 4th defendants.

The writ filed in the Supreme Court by the Plaintiff Lawyer, Dr. Bu-Buakei Jabbie is demanding the Supreme Court to look into the merit and demerit of the case.

It would be recalled that prior to the SLPP convention in Makeni the Plaintiff in this matter through is solicitor filed in the Supreme

Court a stay of the convention. The matter was tried and the High Court delivered a verdict which clearly stated that the Plaintiff had no Locust Standi in the matter which led to the convention being held in Makeni where the vice

educators carrying

## "V.P. Berewa's election is illegal"

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the said Solomon Ekuma Berewa was the vice president of Sierra Leone under the provision of the constitution of Sierra Leone 1991", chief Hinga Norman reiterated that by the motion that this act was "inconsistent and incompatible with and in contravention and violation of subsections 35 (4) and 76 (1) (h) of the said national constitution of Sierra Leone". At the background the election of Solomon Berewa seemed to suggest by the motion was subsequently "..... Unconstitutional, illegal, undemocratic invalid or null and void and with no lawful effect whatsoever".

the motion further resurged that after 4th September 2005 and up to the present, he continues to double as the vice president and leader (presidential nominees) which contravenes 35(4) and 76(1)(h) of the constitution of Sierra Leone. By and large that is the bone of contention between chief Hinga Norman and the four defendants of which the first is the Sierra Leone People's Party (SLPP) and others in the persons of Alhaji U.N.S. Jah National Chairman (SLPP) 2nd defendant, Jacob J. Saffa National Secretary General 3rd defendant and the Attorney General and Minister of Justice 4th

Standard Times  
Tuesday November 1,  
2005

## Women's rights to property and land ownership

LAND OWNERSHIP in the Western Area is based on English property laws from prior to 1925 and allows for individual ownership. In the provinces, land ownership is governed by Chiefdom Councils and allows only for group ownership. Equal land ownership and inheritance laws and practices are necessary to achieve sustained development in any country. In post-war Sierra Leone, they are also essential for women's economic, social and political survival.

The argument for land ownership for women is not only one based on personal need, family security or national development; it is also a question of basic human rights. Women can acquire land through purchase, but often lack resources to do so. Most landowners acquire land through inheritance, and because of discrimination in the laws of inheritance that apply throughout the country, far fewer women than men own land in Sierra Leone.

### Inheritance rights

Inheritance rights become problematic where intestacy arise. While individuals can make a will under the different systems of personal law, in reality only a small fraction of the population make a will. The individual's "personal law" governs inheritance in Sierra Leone. This is determined by a person's ethnic origins, as a "native" from the provinces, or as a "non-native" from the Western Area, or as a Muslim and not by his place of current residence. Inheritance is governed by three different sets of laws: customary law; Mohammedan law; and one set of statutes, which applies to persons who are not Mohammedans or whose personal law is not customary law. The inheritance rules of distribution discriminate against women under each of the three different laws.

### The Administrative of Estate Act

(Chapter 45 of the Laws of Sierra Leone 1960)

The Second Schedule in the Administration of Estates Act provides for rules of distribution for the property of deceased persons, where customary law or Mohammedan laws do not apply. The Rules provide that, on the death of a wife, the husband is entitled to all of her property. On the death of a husband, the wife is entitled to one-third of the estate and the children are entitled to the remaining two-thirds of the estate. If the husband has no children, the wife will be entitled to half and the other half shall be divided among the husband's nearest relatives or next of kin. The Act does not provide for unmarried couples living together to benefit from the estate of their respective partners.

### Different marriage systems applicable in Sierra Leone

There are four types of marriage systems in Sierra Leone: Christian marriage

#### Inheritance under customary law.

The rules of inheritance under customary law vary from one ethnic group to another. Widows do not have inheritance rights in some ethnic groups; indeed some groups regard a widow as a chattel and part of the estate to be inherited by the deceased's elder brother, or in his absence his eldest son. In Mende customary

# Women and National Law in Sierra Leone

law, a widow cannot inherit the husband's estate. In the case of *PC Bongay v Macaulay* (1920-26), the court supported the position that a woman cannot have any interest in land as of right, or acquire land through her husband. This discrimination is quite anomalous, as the Mende women are allowed to become Chiefs and hold other leadership positions in society.

Similarly in Temne customary law, the widow is not entitled to any interest in the house where the married couple lived. Although the husband's family may compensate a wife who has contributed towards the building of the house. Under traditional customary law, the husband inherited the deceased wife's entire property whether or not the deceased wife had any children. In modern times, the inheritance practice appears to be evolving to allow the wife to have a share of her husband's estate. Nonetheless, a son receives a larger share than the wife. Daughters also receive a lesser share than sons.

### Inheritance under Islamic law

The property of a Muslim who dies without leaving a will is distributed according to the Holy Quran. Section 9(2) of the Muslim Marriage Act of the Laws of Sierra Leone 1960, provides that only the eldest son or eldest brother of the Official Administrator can take out letters of administration to administer the deceased's estate. Wives, sisters and daughters i.e. the female members of the family, are hereby deprived of a similar right to take out letters of administration to administer the deceased property. This is still the case when the deceased is a woman and she is the sole owner of the property.

While the Act makes no provision for the distribution of the estate of a deceased person, it does allow the Official Administrator who holds the letters of administration to consult the tribal headman of the deceased, to ascertain the law governing the distribution of the estate. The Act gives the deceased sons and eldest brother the right to administer the estate of the deceased without providing the rules they should follow in distributing the estate, thus there are instances where wives and daughters have been deprived of any share in their deceased husband or father's estate. There are rules of distribution in the fourth chapter of the Quaran - Sura-tul Nisa applied by some women. This Act has the widest application in the country but because it does not contain any provisions guiding distribution, it is seriously flawed. It is not surprising that the distribution of a deceased's estate usually impacts negatively on women and are hardly challenged.

The different rules of distribution under each of these legal systems allowing men better inheritance rights than women are a clear discrimination on the basis of sex. The application of these rules sometimes exposes widows to forceful eviction without consideration to their contribution to the assets acquired during marriage. They also contravene a cardinal right of equality in marriage and at its dissolution. They also affect the children of the deceased who may be deprived of care and education as a result of these inheritance rules.

In instances under customary law where the deceased's brother inherits the wife and then forces her to marry him, this practice deprives women of their right to freely choose who and when they wish to marry, and is repugnant to "equity, natural justice and good conscience". As in the case with other African societies, the daily struggle, contribution and effort of women in Sierra Leone is often overlooked and not given any monetary value. Ghana is one very positive example of a country in the same sub-region as Sierra Leone that has made several attempts to amend its law on inheritance.

### The importance of land ownership for women

The war in Sierra Leone created many female-headed households. However, women still experience great difficulty in accessing housing. While many women have the resources to rent a house, landlords refuse to rent their houses to women unless a man carries out the negotiations. Many war widows complain of being forced out of farmlands that belonged to their husbands. Law reform law, particularly in the area of property and inheritance rights, is important to redress the grievances of these widows. This problem is even more prevalent in the rural areas where land held by the Chiefdom Council in trust for their community is allocated mainly to male family heads.

The Commission notes that most land allocation projects carried out by government or traditional authorities in Sierra Leone still tend to benefit men more than women.

Land ownership is needed to enable women to achieve economic empowerment. Land is needed not only for agriculture, a sector in which women make up the majority of the workforce, but also to be used as collateral for loans. In the Western Area, if the names of the couple are on the title deeds of the property acquired during marriage, they are regarded as joint owners. Neither party can convey or transfer the property to the detriment of the other. However, in cases where the property is only in the name of the husband, the wife is disadvantaged, as she cannot challenge a sale or gift of that property to a third party.

Given the present increase of single mothers and female-headed households because of the war, land is desperately needed to enable women to achieve economic empowerment and provide for their families. Women can have the same access to credit as men if they are landowners, because land can be used as collateral for a loan.

The courts of Freetown regularly impose presentation of title deeds as a condition when granting bail to accused persons for certain offences, thus making it difficult for any woman to secure bail for her relatives or herself because she does not own property. Securing greater access to land for women through legal reform in the areas of inheritance and land allocation, particularly after the war, is a pressing priority.

For the People

Tuesday November 1, 2005

# Truth and Reconciliation Commission Report

## CONTINUED FROM LAST EDITION

11. The then President of Ghana, Flight Lieutenant John Jerry Rawlings, and his government had an avowed revolutionary posture. He was perceived as a proponent of pan-Africanism. The majority of the radical students were received by the (PANAFU). Upon arrival in Accra, some of the students were received by the Chief of Libyan People's Bureau in Ghana. Some of the students gained admission into the University of Ghana at Legon to complete their studies. The Libyan government paid their fees and their up-keep on scholarships. While in Ghana, the student radicals were invited to attend seminars and conferences in Libya. Their trips were funded by the Revolutionary Council of Libya.

12. Alie Kabbah and his colleagues in Ghana subsequently worked out a programme with the Libyan authorities to train Sierra Leonean revolutionaries to overthrow the All Peoples' Party (APC) regime. About 25 Sierra Leoneans participated in such training in Libya between 1987 and 1989. In 1986 some of the students in Ghana travelled to Conakry to meet with members of PANAFU from Sierra Leone. It was resolved thereafter that four members of PANAFU would be sent from Sierra Leone for training in Libya. They travelled to Ghana where they stayed with Alie Kabbah and his colleagues in their hostel for a week before proceeding to Libya. They were joined by three others who had been based in Ghana. All of these Sierra Leoneans dissidents travelled to Libya without proper travel documents. This suggests that the Ghanaian authorities were aware of their presence and movement. The government however declined to comment on the issue on an invitation by the Commissions.

13. The training in Libya was mainly premised on ideology. It commenced in around August 1987 and ended in January 1988. Sierra Leoneans who subsequently travelled to Libya received not only ideological training, but also military training. In 1988, another group of Sierra Leoneans was sent to Libya for training.

## LIBERIA: ASSEMBLING THE RUF WAR MACHINE AND LAUNCHING WAR

14. Liberians were undergoing military training during 1988 to begin a revolution of their own against President Samuel K. Doe. In the course of the training in Libya, a disagreement arose among the Sierra Leone

revolutionaries regarding the timing and manner of the proposed revolution in Sierra Leone. Contrary to what the Libyans and some Sierra Leonean radicals wanted, the group of student revolutionaries wanted a well-structured revolution that would be restricted to Sierra Leone. The student-led group became known as the Alie Kabbah group. The Alie Kabbah group wanted more time to plan such a revolution. The Libyans wanted the Sierra Leonean revolutionaries to join the National Patriotic Front of Liberia (NPFL), in their revolution against Doe and then move to Sierra Leone, Charles Taylor, who was leading the Liberians, was quick to take advantage of the split in the ranks of the Sierra Leoneans by aligning with Foday Sankoh, a former corporal in the Republic of Sierra Leone Military Forces (RSLMF), who emerged as the leader of the more militant faction. Sankoh had no prior prominence within the Sierra Leonean revolutionary movement, but was willing to go with Taylor's NPFL to Liberia.

15. After the training of the NPFL forces concluded in Libya in 1989, Charles Taylor travelled to Sierra Leone and requested President Joseph Saidu Momoh to allow him to use Sierra Leone as a launch pad for his revolution into Liberia. The request was not granted because of the Mano River Union (MRU) Protocol that disallowed the interference of one MRU Member State in the affairs of another. Not only was Taylor's request turned down, he was also arrested and incarcerated at the Sierra Leone maximum security prison at Pademba Road.

Nevertheless, it was alleged by President Kabbah that the APC Government received money from Taylor to look favourably on his request to use Sierra Leone as a launching pad for war in Liberia.

16. In 1990, the Economic Community of West Africa States Ceasefire Monitoring Group (ECOMOG) undertook 'Operation Liberty' in an effort to quell the crisis in Liberia. Sierra Leone was used as a forward base and as a launch pad for subsequent ECOMOG operations in Liberia. ECOMOG's success in preventing the NPFL from taking over Monrovia in 1990 was regarded by Taylor as a calculated move to prevent his ascension as President of Liberia.

Taylor saw Sierra Leone as a major player in the success of ECOMOG's operations in

Liberia. In early 1991 Taylor, in an interview with the BBC, vented his disappointment with Sierra Leone and vowed that the country would "taste the bitterness of war". Taylor had captured territories in Liberia, which he made available for the further training of RUF fighters. On Sankoh's request the NPFL began turning over Sierra Leoneans captured in Liberia for training. Taylor also provided trainers from among his NPFL commandos. The recruits who received training from Taylor's men in NPFL territories in Liberia became known as the RUF "vanguards."

17. The RUF launched its insurgency without any independent direction or means, due to the sizeable presence of Taylor's men among them. As explained

## *Guinean Armed Forces personnel arrived in Sierra Leone three weeks after the attack on Bomaru and went straight into the battle front at Daru*

in the chapter on the Military and Political History of the Conflict, NPFL fighters outnumbered their RUF counterparts by four to one. In addition, as pointed out by one Sierra Leone researcher, "those Liberian NPFL fighters never took orders from Sankoh but from Taylor or NPFL commanders". Taylor and his men were in control of operations at the initial stage; indeed, it has even been suggested that the presence of Sierra Leoneans was merely designed to lend an indigenous flavour to the incursions. It is perhaps best to relay the experience of local people on the ground at this time through excerpts from TRC statements in which Liberian or NPFL fighters are mentioned:

"...On 23 March 1991, there was a cross border attack on Bomaru town, Upper Bambara Chiefdom. The elders resolved to send a fact-finding mission to ascertain what happened. I led a team of seven men to Bomaru. On our arrival, we were shocked and dismayed about the killings of up to 13 civilians. We went to the point where Major Foday was killed. I met his body hanging through the roof and blood flowing freely on the ground. Among the 13 civilians killed were 7 men, 4 women and 2 children. They had bullet

holes all over their bodies. We were informed that the conflict was between the Sierra Leone Army stationed at Bomaru and rebels of the NPFL of Liberia..."

"... Early in April 1991, the Liberians launched the attack on a full scale... days later, the rebels attacked the chiefdom headquarter town of Pendembu. They entered the town firing and bombing from all angles... later they called the trapped residents to assemble at the town barray. The commander, speaking through an interpreter in Liberian pidgin English explained the mission and their aim of taking on the APC government. He announced his organisation as Revolutionary United Front of Sierra Leone... He was Colonel Sherita, a chartered mercenary for the mission..."

"... On the day my father was killed, he was at home discussing with his friends when the rebels attacked shooting indiscriminately with no specific target. These rebels were from Liberia.

## BURKINA FASO: AN EARLY BACKER OF THE RUF'S WAR EFFORTS

18. Statements taken by the Commission show those fighters from Burkina Faso, known as Burkinabes, were involved in the early stages of the conflict. Burkinabes were fighting on the side of RUF. Sierra Leone military personnel found Burkina Faso identification cards on some members of the rebel fighters who were killed at battle front.

"It happened at Ngolawahun, Sorogbema in Pujehun district in May 1991 where Mr. Morserey was asked to hand over his cigarette to the Burkinabes who were part of the RUF. The rebels captured and killed him for refusing to give them cigarette."

"It was in 1991 and I was staying with my aunt as a ward. When the RUF-Burkinabes first entered Pujehun. I was at the stream with my companions. We were laundering clothes. We were caught and sexually abused by those rebels. I was eight years then and about three to four of them had sex with me. I was deflowered."

19. Although there were no suggestions that Burkina Faso was involved at state level, the relationship between Taylor and Blaise Campaore of Burkina Faso is noteworthy. The two were close friends. Campaore had introduced Taylor to Thomas Sankara and Ghaddafi in a bid to establish contacts for the rebellion in Liberia. In 1991, six Burkinabes, led by Captain Nodla Wasando, were captured by Sierra

Leone army personnel in Kailahun.

20. The speed with which the RUF attacked other towns and villages after the attack on Bomaru on 23 March 1991 was greatly assisted by the involvement of Liberian NPFL fighters and the Burkinabes. The Liberians and Burkinabes were trained in guerrilla warfare and had prior experience in the war in Liberia. The Liberian and Burkinabe fighters devised the crude strategies around enlisting new fighters, including recruiting child combatants. Their intimidatory practices included forcing children to kill their parents in the full view of onlookers from community. The rationale was that those children, forever haunted by their actions, would then stay with rebels. The Liberians and Burkinabes also committed atrocities ranging from systematic rape to cannibalism.

21. The initial response of the APC Government of President Joseph Saidu Momoh to the attack on Bomaru was to dismiss it as an act of banditry. However, when Pujehun District and other parts of the country came under attack, it was clear that a strong army was needed to curb the invasion of the RUF. The strength of the military in 1991 was about 3,500 (three thousand five hundred) men. The military had almost empty armoury. It was under these circumstances that the RSLMF requested military assistance from the Republic of Guinea.

## GUINEA: THE FIRST STATE TO PROVIDE COMBAT SUPPORT FOR THE GOVERNMENT OF SIERRA LEONE

22. The bilateral defence pact between Sierra Leone and Guinea to provide defence assistance in times of crisis dates to 1971. In 1971, Guinean soldiers were in Sierra Leone to help the government of President Siaka Stevens quell an attempted coup. In 1982 upon the request of the Guinea Armed Forces, the RSLMF sent a medical team to help Guinea in the face of a natural disaster.

23. Guinean Armed Forces personnel arrived in Sierra Leone three weeks after the attack on Bomaru and went straight into the battle front at Daru where: "the intervention of the Guinea forces at that time saved the lives of men and officers of the RSLMF who were at Daru barracks, which had been surrounded by the rebel forces. The Guinean Armed Forces supplied much-needed arms and ammunition to the RSLMF up to 1993. ULIMO: united with the Government in opposition to RUF/ NPFL

*TO BE CONTINUED*