

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:

Wednesday, November 02, 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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SLPP to appear in court within 21 days



Berewa - his legality contested

Story: Sahr Musa Yamba

Chairman of the ruling Sierra Leone Peoples Party (SLPP), Alhaji UNS Jah Tuesday confirmed to Concord Times that the party is to appear in court within 21 days.

Jah affirmed that a writ of summons has been filed at the Supreme Court on behalf of erstwhile Civil Defense Force Coordinator and incarcerated war crimes indictee,

Chief Sam Hinga Norman as the plaintiff.

Jah says the writ is challenging the legitimacy of the newly elected leader of the SLPP, Vice President Solomon Berewa.

"We received the writ yesterday 31st October 2005 and we are processing it through the appro-

priate channel," the Chairman said.

He maintained that the matter is a legal issue and "it is some of the democratic challenges that the party has to face."

He confirmed that the party's lawyers are looking at the writ and would respond accordingly.

"The convention of early September of which I was a party to legally elected Vice President Berewa. That issue had been contested in court before the convention and the Supreme Court gave a ruling," Jah noted.

Administrative Secretary of the SLPP, Brima Koroma when contacted by Concord Times on the

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SLPP to appear in court within 21 days

From page 1

matter said, "we are not too worried."

Secretary General of the SLPP, Jacob Jusu Saffa when reached for comments on the matter laughed and said, "the matter is with the legal advisers but we are nonetheless distracted by that."

Reactions from the general SLPP membership is mixed. Some supporters of the party maintain that Chief Norman should not try to tear the party apart for the sake of getting at some people while others are of the view that Chief Norman has a right to take the

party to court as he is a registered member and has put his life on the line for its survival.

According to the writ of summons, the 1st accused is the SLPP, 2nd accused UNS Jah, 3rd accused JJ Saffa and 4th accused Attorney General Fred Carew.

Chief Norman is an indictee of the Special Court for Sierra Leone and is currently in detention.

He took the SLPP to court before the convention in September but the case was struck out of court.

He was the leader of the Civil Defense Forces popularly known

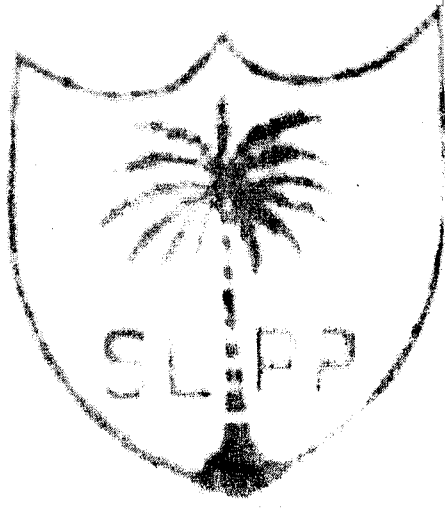
as Kamajors and Deputy Minister of Defense before his indictment.

Concord Times
November 2, 2005

Norman sends Bombshell into



Alhaji U.N.S Jah: "We are not baffled"



SLPP: Another Constitutional tussle



Hinga Norman: Ready for battle?

Supreme Court

By Sayah Kamara

he detained former Deputy Defence Minister of Sierra Leone, Chief Sam Hinga Norman on Monday, 1st October threw another bombshell into the Supreme Court of Sierra Leone in the form of a legal document containing more than twenty pages and exhibits that Lawyer Bu-Buakei Abbi filed on his behalf as C. No 3/2005. Awareness times can authoritatively report according to the documents, the originating

motion is against four defendants namely, The Sierra Leone People's Party as 1st Defendant, Alhaji U.N.S. Jah (National Chairman of the SLPP) as 2nd Defendant, Jacob J. Saffa (National Secretary General of the SLPP) as 3rd defendant and the Attorney General and Minister of Justice as 4th Defendant. The Statement of the Plaintiff's case has a theme referred to in legal terms as "Obsta Principiis. Nip it in the bud" It could be recalled

that the last time Hinga Norman brought such a matter to the Supreme Court was in July of this year. The decision then unanimously handed down by the five Supreme Court Judges was that Hinga Norman did not have the *locus standi* to bring the matter before the Supreme Court. **THE POLITICAL PARTIES ACT OF 2002** This was because the Supreme Court Judges had stated in their judgments that according to the

Political Parties Act of 2002, Chief Norman should have first taken his complaint to the Political Parties' Registration Commission (PPRC) which is the body established by law to regulate the conduct of political parties in accordance with Sections 34 and 35 of the National Constitution. The PPRC is mandated in Section 6(2) of the Political Parties Act of 2002 to monitor the accountability of political parties to their membership as outlined in

Subsection 6. (2)(b) and further in Subsection 6. (2)(d), the PPRC is mandated to mediate any conflict or disputes between or among the leadership of any political party. The Supreme Court Judges had therefore refused to look at the merit of Chief Norman's case unanimously affirming that Chief Norman did not have the *locus standi* with which to bring the matter before them. The Judges instead sent him to the PPRC which they stated was the rightful body mandated to look

into his complaint against the SLPP. **LOCUS STANDI** Locus Standi which is a relatively new term in the legal history of Sierra Leone was defined by Justice Tolla Thompson as simply meaning "standing or legal capacity of a person to institute an action in court." However, in the fresh case brought before the Courts, Chief Norman is this time looking at what his lawyer terms as prospective violations. Hinga Norman's

Contd: page 2

Norman sends Bombshell

From front page

lawyer, Constitutional expert, Dr. Bu-Buakei Jabbi on Monday confirmed to Awareness Times in a telephone interview that this new lawsuit handles all aspects of "locus standi" as well as what is loosely termed on Page 40 of the *Statement of the Plaintiff's Case* as "Resipiscence: Departing from Previous Decision". The documents filed include newspaper clippings as well as a review of the five Supreme Court Judges judgements which had sent Hinga Norman back to the PPRC.

POLITICAL PARTIES REGISTRATION COMMISSION

The PPRC itself was established by the earlier mentioned Political Parties Act of 2002 which also mandated the Administrator and Registrar General of Sierra Leone to act as the Commission's Secretary.

Many observers had however raised eyebrows as to why the Judges were sending Hinga Norman back to a non-existent PPRC. However, just recently, it was revealed that Justice Gbow had been appointed to serve as the Chairman of the PPRC but the fact is that he had never been sworn in officially so although there was a PPRC and a Chairman, there was no sworn in membership.

Some legal luminaries had however cited the fact that the Political Parties Act had automatically established the Administrator and Registrar General as the Secretary to the PPRC and so they state that Hinga Norman could have taken his complaint initially to the Administrator and Registrar General and if he did not then get redress because of a non-functional PPRC, he could have then claimed locus standi to take the matter to the Supreme Court.

HINGA NORMAN'S DEMANDS:

Whatever the legal arguments however, Hinga Norman has brought another case before the learned Supreme Court and he is asking for the following four legal reliefs, namely:

1. A DECLARATION to the effect that the nomination, election, selection, choice, or adoption, as the case may be, by the 1st Defendant herein, on 4th September 2005, at its Party Conference held at Makeni on 3rd and 4th September, 2005, of Solomon Ekuma Berewa as the Leader (Presidential Nominee) for the Sierra Leone People's Party (SLPP), whilst, at the self-same material time, the said Solomon Ekuma Berewa was the Vice-President of Sierra Leone under the provisions of the Constitution of Sierra Leone 1991, was and is 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, and was and is accordingly unconstitutional, illegal, undemocratic, invalid or null and void, and so of no lawful effect whatsoever.
2. A DECLARATION to the effect that the acceptance, assumption, holding and incumbency of the position or post of Leader (Presidential Nominee) for the Sierra Leone People's Party (SLPP) by Solomon Ekuma Berewa, with effect from 4th September 2005 and up until now, whilst the said Solomon Ekuma Berewa was and has been throughout the self-same material time the Vice-President of Sierra Leone under the provisions of the Constitution of Sierra Leone 1991, was and is 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, and was and is accordingly unconstitutional, illegal, undemocratic, invalid or null and void, and so of no lawful effect whatsoever.
3. A DECLARATION to the effect that the nomination, election, selection, choice, or adoption, as the case may be, by the 1st Defendant herein as aforesaid, of Solomon Ekuma Berewa as the Leader (Presidential Nominee) for the Sierra Leone People's Party (SLPP), whilst, at the self-same material time, the said Solomon Ekuma Berewa was the Vice-President of Sierra Leone under the provisions of the Constitution of Sierra Leone 1991, and that the acceptance, assumption, holding and incumbency of the said post or position of Leader (presidential Nominee) for the SLPP by the said Solomon Ekuma Berewa whilst he was and still is effectively Vice President of Sierra Leone as aforesaid, being both separately and jointly inconsistent and incompatible with and in contravention and violation of Subsections 35(4) and 76(1)(h) of the said National Constitution as aforesaid, are both separately and jointly tantamount to a suspension, alteration or repeal by implication, presumptive conduct or otherwise of the said provisions in Subsections 35(4) and 76(1)(h) thereof "other than on the authority of Parliament" in terms of Subsections 108(8) and (9) of the said National Constitution.
4. A DECLARATION to the effect that, by offering or allowing himself to be nominated, elected, selected, chosen, or adopted into, and/or by having ostensibly accepted, assumed, held or occupied and continued to hold or occupy up until now since 4th September 2005, or at all, as the case may be, the position or post of Leader (presidential Nominee) for the Sierra Leone People's Party (SLPP), whilst he was and still is effectively Vice-President of Sierra Leone under the provisions of the Constitution of Sierra Leone 1991, such item(s) of conduct being inconsistent and incompatible with and in contravention of the provisions in Subsections 35(4) and 76(1)(h) of the said National Constitution, and by virtue thereof, Solomon Ekuma Berewa, in his capacity as Vice-President of Sierra Leone as aforesaid, has committed and is still committing a violation of the Constitution of Sierra Leone by thereby failing or refusing or neglecting to "support, uphold and maintain the Constitution of Sierra Leone as by law established", to wit, by thereby failing or refusing or neglecting, in respect of the said provisions, to comply with the oath of Vice-President as set out in the Third Schedule to the said National Constitution, which said oath he did "take and subscribe" before entering upon the duties of the said office under the provisions in Subsection 54(4) of the said National Constitution.
5. A DECLARATION to the effect that the position or post of Leader (Presidential Nominee) of the Sierra Leone People's Party (SLPP) for the purposes of the 2007

National Presidential elections has, in law, stood vacant with effect from 4th September 2005 and that, in law, it still remains vacant as at the time of making this declaratory order by reason of the constitutional violations and contraventions which are the subject of the foregoing declarations herein.

6. A PERMANENT OR FINAL INJUNCTION restraining the 1st Defendant herein, in all its emanations and manifestations as organs, institutions, officers, members, sessions, meetings or operations thereof, the 2nd and 3rd Defendants herein, in their respective official capacities, and the servants, agents, operatives, privies and successors-in-office of the said 1st, 2nd, and 3rd Defendants, as may variously be applicable, from nominating, electing, selecting, choosing, or adopting any or the incumbent Vice-President of Sierra Leone under the provisions of the Constitution of Sierra Leone 1991, at all events during any time when Subsections 35(4) and 76(1)(h) of the said National Constitution and the relevant provisions of the Constitution of the Sierra Leone People's Party (SLPP) dated July 1995 are still in force in their present form and text, as Leader (Presidential Nominee) for the said SLPP whilst the said incumbent was or still is effectively Vice-President of Sierra Leone as aforesaid.

7. AN ORDER OF MANDAMUS commanding the 4th Defendant herein, in his/her official capacity, duties and functions as the Honourable Attorney-General and Minister of Justice, to ensure that any or the incumbent Vice-President of Sierra Leone under the provisions of the Constitution of Sierra Leone 1991, at all events during any time when Subsections 35(4) and 76(1)(h) of the said National Constitution and the provisions of the Constitution of the Sierra Leone People's Party (SLPP) dated July 1995 are still in force in their present form and text, is properly and best advised not to (and, in fact, does not) offer or allow himself/herself to be nominated, elected, selected, chosen, or adopted into, nor to accept, assume, hold or occupy, as the case maybe, the position or post of Leader (Presidential Nominee) for the said SLPP whilst the said incumbent was or still is effectively Vice-President of Sierra Leone as aforesaid.

As can be deduced from the above points, Hinga Norman's bone of contention is primarily with the Vice President of Sierra Leone, Honourable Solomon E. Berewa. However, the Vice President is not joined in the lawsuit as a defendant.

INITIAL REACTIONS

When Awareness Times contacted the office of the Vice President on Monday for a reaction to this latest development, we were informed that the document was being closely studied.

In his reaction yesterday, the National Chairman of the SLPP, Alhaji UNS Jah, informed Awareness Times in an interview that indeed they had been served the lawsuit and they are studying it. "This is part of the democratic process our party is fostering. We are not baffled by Chief Norman's action. We have passed the lawsuit over to our legal minds to study and to take the appropriate action," Alhaji UNS Jah said.

Awareness Times also tried to get a reaction from the Office of the Chief Justice but we were informed that His Lordship the Chief Justice was having a closed door meeting with all Justices of the Peace in Sierra Leone prior to his planned upcoming nationwide tour of judicial locations all over Sierra Leone.

"The Chief Justice would have loved to speak to you but his diary at this present time is packed full and His Lordship has several upcoming engagements and not just in Freetown. I hope you can understand how busy it is to ensure that the entire country's judicial system runs well," an aide to the Chief Justice told Awareness Times when we went to the Supreme Court to get a reaction from there.

HINGA NORMAN'S CLAIM TO LOCUS STANDI

Meanwhile, Hinga Norman has stated in the documents filed by his lawyers that he was bringing the action against the four defendants in the following capacities:

- a) as a public-spirited, law-abiding and constitution-compliant citizen of Sierra Leone, who, in the general national interest of maintaining and upholding the National Constitution at all invariable times, is keen not only to detect serious violations of it, especially by public office holders in the highest echelons of State executive authority, but also to promptly bring such violations to the attention of the judiciary as the guardians and enforcers of the Constitution and upholders of the rule of law for immediate appropriate action according to law;
- b) as a conscientious and active member of the Sierra Leone People's Party (SLPP), who is keenly concerned and/or apprehensive, like numerous other such members throughout the country;
- c) as a person who aspired to be elected Leader and the 2007 Presidential Nominee or Candidate of the aforesaid SLPP towards its recent Party Conference held at Makeni on 3rd and 4th September 2005, but was prevented from attending the said Conference by circumstances beyond his control, and is accordingly aggrieved and disadvantaged by the pre-emptive purported filling of the said post by a person who was not and still is not qualified to be elected to or to hold the said position in view of the provisions of Subsections 35(4) and 76(1)(h) of the National Constitution, especially as the said Plaintiff/Applicant does still aspire to be the said Leader (Presidential Nominee) for the said SLPP towards 2007.

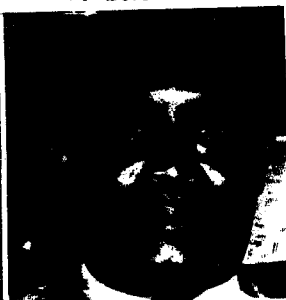
SO, WHAT NEXT?

Giving the fact that the Supreme Court had earlier sent Chief Norman back to the PPRC on the grounds of him having no locus standi, it now remains to be seen what decision the Supreme Court of Sierra Leone might arrive at on this fresh matter.

Margai, Norman



VP Berewa



Charles Margai

By Mohamed Sesay

The forming of a new political party, the People's Democratic Movement for Change, by Charles F.

Split SLPPP



Hinga Norman



JJ Saffa

has become even more worrying in the

Contd. page 2

Margai, who lost the SLPP leadership bid to Vice President Solomon Berewa, appears to have amounted to the throwing of spanners into the party thereby grossly

undermining its prospects at the 2007 presidential polls as more and more former SLPP supporters continue to switch their allegiance to the PMDC. The situation appears to

Margai, Norman Split SLPP

From front page

SLPP camp, over claims that the CDF Special Court indictee, Chief Sam Hinga Norman, has ordered his supporters and sympathisers, to pledge their allegiance to Mr Margai as he (Norman) prepares to drag the SLPP to court once more.

Speaking to this press, a very strong stalwart in Mr Berewa's camp, who wishes to remain anonymous, expressed concern over what he described as, the mass exodus of former SLPP supporters to the PMDC.

"I often pass by the office of the PMDC and the huge number of former SLPP supporters I see registering as members of the PMDC, is a cause for concern," he said in bewilderment.

When contacted at their Hannah Benka Coker Street office for confirmation of this claim, a Margai stalwart had this to say: "It's only the smoke they have started seeing. The fire would soon come when we commence our campaign in full swing."

He however could not comment on claims on the alleged Hinga Norman order for a possible alliance, although according to some Norman sympathisers who spoke to The Exclusive, it is not impossible.

The Exclusive

Wednesday Nov 2, 2005

Truth and Reconciliation Commission Report

CONTINUED FROM LAST EDITION

ULIMO: united with the Government in opposition to RUF/NPFL

24. Since the initial invaders of Sierra Leone were predominantly Liberians, the personnel of the RSLMF had reasons to be suspicious of anyone who had a Liberian accent. Liberians living in refugee camps in Eastern Sierra Leone were not spared such suspicions and in some cases they were targeted by personnel of the RSLMF. Some Liberians were killed in the process. The situation in the Liberian refugee camps between deplorable. This resulted in a meeting between Momoh and General Kapeh, who was a former Liberian Ambassador to Sierra Leone under President Doe. At that meeting, Kapeh expressed his government's willingness to help the Sierra Leone government prosecute the war. Doe's government saw the war as an NPFL invasion. As a result of the meeting, Dar Youlou was asked by Kapeh to organize Liberians in the refugee camps and other parts of Sierra Leone into a fighting group to fight along side the RSLMF. Dar Youlou (alias D-Wah) named the group 'Liberian United Defence Force (LUDF). The name LUDF was rejected and changed to United Liberation Movement (ULIMO). According to a senior officer of the group, the name LUDF was changed because they were not in Liberia and they were not fighting for the Liberian people, but for Sierra Leone.

25. ULIMO mainly recruited Mandingos and Krahn. Mandingos and Krahn were supporters of the Doe regime and therefore the main targets of the NPFL fighting forces.

At one time in Monrovia, my father called me and told me that the names Koroma and Kanneh were the names Liberians didn't want to hear. If you were in Liberia and you carried any of those names, you would be killed. My father was a twin; Koroma was his name. When we crossed the river, they killed my father and took away all his belongings."

26. Some former soldiers of the Armed Forces of Liberia (AFL), who fled the war in Liberia were also in the ULIMO group and these soldiers given guns and uniforms. One of the training camps of ULIMO was in an oil palm farm near Kpetema village along the Kenema and

Zimmi highway in the East of Sierra Leone. Major James, Yayah Kanu, who was the Brigade Commander in Kenema, was charged with the responsibility of overseeing the ULIMO training. After the training, ULIMO forces were put under his command. The Liberian, Roosevelt Johnson was named the field commander of ULIMO.

27. ULIMO was to set up a joint task force with the RSLAF at the war front to launch offensives against RUF positions and recapture RUF-controlled territories. However, from the outset ULIMO Commanders were intent on establishing a corridor into Liberia to resume the war against Taylor's NPFL. A former ULIMO fighter told the Commission that the organisation also wanted to save the Liberians in refugee camps in Sierra Leone from the abuses of personnel of the RSLAF.

28. Internal ethnic divisions began to compromise the cohesion of the ULIMO force. In particular, fighters began to align themselves according to their allegiances to either the Mandingo or the Krahn ethnic groups, the two dominant tribes in the organisation. Ethnic Krahn fighters remained close to Roosevelt Johnson and formed a loyalist group called ULIMO-J. Meanwhile Mandingo financiers in Kenema and some Guinean officials rallied around rival commander Alhaji Kromah to create the splinter group ULIMO-K. In 1993 ULIMO fighters from both sets crossed into Liberia to fight against Taylor's NPFL. The weapons supplied for the war against the RUF were instead used by ULIMO to carry its own against Taylor and the NPFL in Liberia.

29. ULIMO troops under the command of Charles Collins, who went to protect the diamond fields in Tongo in 1991, executed hundreds of civilians accused of being members or collaborators of the RUF. Most of the executions were carried out on the hill between Lalihun and Giehun. This hill became known as 'Rebel Hill', a nickname that is still used by the locals today. Although ULIMO succeeded in retaking some areas, including Pujehun, the RUF invasion of the country persisted. Greater military strength was required to protect Sierra Leone.

Nigeria: intervening to assist the Government of Sierra Leone

30. At the request of the Sierra

Leone Government, Nigeria sent a small force in late 1991 and they guarded RSLMF bases and installations. Apart from formal requests or protocols for military assistance, officials of both Nigeria and Sierra Leone pointed to socio-cultural ties between the two countries as good reason for Nigerian support. Socio-cultural ties between Sierra Leone and Nigeria have their genesis in the end of slavery and the establishment of Freetown as a haven for freed slaves. Slaves from Nigeria bound for the New World, freed by British navel boats, were resettled in Freetown. These ex-slaves from the Americas and Britain became known as the Krios, with a cultural identity that drew

"The NPRC government asked former AFL soldier, Brigadier-General David Bropleh, to re-organize the disarmed ULIMO authorities the side of government"

much from Nigerian heritage. President Olusegun Obasanjo talked about this 'blood relationship' between Nigerians and Sierra Leoneans as the foundation and justification for Nigeria's military and diplomatic intervention in Sierra Leone.

31. The desire to give a regional outlook to ECOMOG in Liberia also accounted for Nigeria's development of troops in Sierra Leone. Nigeria also supplied direct support to Sierra Leone's own military efforts. It sent soldiers to Sierra Leone to protect military installations and other strategic facilities so as to enable Sierra Leone send a contingent of troops to the ECOMOG mission in Liberia.

32. In April junior officers of the RSLMF moved to Freetown from the war front and overthrew the government of Momoh. They established the National Provisional Ruling Council (NPRC) and promised to expel the rebels from recruitment into the army and thousands of youths who had little or no formal education found themselves in the army.

33. The NPRC continued the diplomatic and military relations between Nigeria and Sierra

Leone, and "Status of Forces Agreement" (SOFA) was signed with the Nigerian government, which led to the deployment of the Nigeria Armed Forces Training Group (NATAGO). NATAGO had a specific mandate to provide training to the Sierra Leone military. In spite of such support the fortunes of the Sierra Leone army at the war front did to change for the better and by the end of 1993 the RUF had taken much of the Southern and Eastern parts of the country.

Phase II of the Conflict: 1994-1997 Government of Sierra Leone searches for solutions through diplomatic and non-state private armies

34. By the beginning of 1994 disciplinary problems, due to factional fighting in ULIMO's ranks, began to take toll on the organization's prosecution of the war in Sierra Leone. There was a dispute between Kapeh and Youlou, commanders of ULIMO. Colonel Tom Nyuma, NPRC secretary state for the Eastern province, called a meeting to settle the dispute. Youlou took the opportunity to express his anger and dislike for Kapeh. Following that, he ordered Mandingo fighters of ULIMO to kill Kapeh tried to escape, but was killed. Following this incident, in July 1994, all ULIMO personnel operating in Sierra Leone were disarmed by the SLA contingent at Waterloo and taken to Allen Town camp in Mayami.

35. By the end of the year, the RUF had brought the war to the outskirts of the capital city, Freetown, when it captured Newton. The NPRC chairman, Captain Valentine Strasser, promising amnesty, asked the RUF to cease hostilities. The RUF turned down the request and continued hostilities.

The maiden intervention of the United Nations (UN)

36. In November 1994 the NPRC Chairman, Valentine Strasser, wrote a letter to the UN Secretary-General asking the UN to facilitate negotiations between his government and the RUF. The UN Security Council responded by sending an exploratory mission to Sierra Leone on 15 December 1994 and the team traveled across the country. Following the report of the Mission, Mr. Berhanu Dinka of Ethiopia was appointed Special Envoy to Sierra Leone two months later. The role of the UN Special Envoy included facilitating negotiations between the

Government of Sierra Leone and the RUF and returning Sierra Leone to civilian rule. However, the presence of the UN Special Envoy in Sierra Leone did not the terror campaign of the RUF.

37. It was in these circumstances that Strasser's government hired the services of the Ghurkhas Security Group (GSG) in 1995. The GSG was a privately owned British company formed in 1989 and specialized for security services. GSG was sub-contracted to the Sierra Leone mission by J & S Franklin Limited, a British army Ghurkhas officers and soldiers for security services. GSG was sub-contracted to the Sierra Leone mission by J & S Limited, a British manufacturer of non-lethal military equipment and a weapons sales agent.

38. The GSG was to train the presidential guards and the RSLMF in counter insurgency techniques and safeguard Camp Charlie-a military base at Mile 91. The GSG arrived in Sierra Leone in February 1995 with 58 Ghurkhas and three European mangers. The NPRC had acquired two Russian Mi-24 attacks on a number of RUF bases. The GSG refused to conduct offensive operations against the RUF, arguing that it did not form part of their contract. On 24 February 1995 the GSG commander, Mackenzie, and other personnel were killed in an ambush by the RUF and two months later the GSG withdrew from Sierra Leone. In their short stay, the Ghurkhas achieved nothing. The abrupt withdrawal of the GSG, at a time when the RUF had intensified its operations in areas close to the capital city, not created a precarious security situation, but caused much embarrassment for the NPRC government which had promised to pursue the rebels by land, sea and air.

39. The NPRC government asked former AFL soldier, Brigadier-General David Bropleh, to re-organize the disarmed ULIMO authorities the side of government. The NPRC government and ULIMO authorities agreed, among other things, to drop the name ULIMO and the fighters were to be constituted as part of the Sierra Leone Army as a new unit called the Special Task Force. Members of the Special Task Force would serve under the laws and army rules of Sierra Leone.

TO BE CONTINUED

Sierra Leone: War Crimes Court Makes Major Strides

02 Nov 2005 00:05:20 GMT

Source: Human Rights Watch

(New York, November 2, 2005) – The U.N.-backed court for war crimes in Sierra Leone is making major strides toward ensuring justice for serious crimes committed during the eleven-year war in Sierra Leone, Human Rights Watch said in a report issued today. The devastating conflict, which lasted from 1991 until 2002, was characterized by brutal human rights abuses committed by all warring factions.

The 46-page report, "Justice in Motion: The Trial Phase of the Special Court for Sierra Leone," evaluates the conduct of the court during trials, which began last June.

"The Special Court has broken new ground with practices to promote fair trials, protect witnesses and make justice accessible to Sierra Leoneans," said Elise Keppler, counsel with Human Rights Watch's International Justice Program. "The Special Court is setting benchmarks that other tribunals can look to."

Key accomplishments of this novel tribunal, which is a hybrid international-national court, include:

- Substantial progress on trials of accused associated with all three main warring factions
- A defense office that advocates to ensure effective defense representation and fair trials
- A comprehensive scheme of protection and support for scores of witnesses
- Robust outreach that disseminates information about the court around the country through video, radio and discussion

Initially forced to rely exclusively on voluntary donations from other countries, the Special Court has faced constant financial shortfalls. Recent pledges made at a funding conference on September 30 are commendable, but remain inadequate. As a result, the court currently lacks sufficient funds to complete operations and carry out critical "post-completion" activities, such as protecting witnesses who have testified.

"With everything the Special Court has achieved, it would be shameful if it didn't receive the funding it needs to wrap up its work," said Keppler. "Donor countries should step up and contribute generously so that the court can make a strong and historic finish."

Former Liberian President Charles Taylor's ongoing exile in

Nigeria also threatens to undercut the Special Court's ability to fulfill its mandate to prosecute those bearing the greatest responsibility for serious crimes committed in Sierra Leone's armed conflict, Human Rights Watch said. Taylor has been indicted by the Special Court of seventeen counts of war crimes and crimes against humanity against the people of Sierra Leone. The crimes include killings, mutilations, rape and other forms of sexual violence, sexual slavery, the recruitment and use of child soldiers, abduction, and the use of forced labor by Sierra Leonean armed opposition groups.

"The Special Court cannot complete its work as long as Nigeria continues to harbor Taylor," said Keppler.

The report details concerns regarding court operations that should be addressed to ensure that the court functions as fairly and effectively as possible. These include disclosure of information identifying protected witnesses in the courtroom, poor performance of defense counsel, and insufficient initiatives to engage the national justice system.

Human Rights Watch also identified accomplishments and made recommendations for improvement in the Special Court's operations. The report builds upon Human Rights Watch's September 2004 report "Bringing Justice: The Special Court for Sierra Leone," which assessed developments at the Special Court at an earlier stage of its operation.

Background

The Special Court is charged with bringing to justice those who bear the greatest responsibility for grave crimes committed since November 1996, including war crimes, crimes against humanity, other serious violations of international humanitarian law and certain violations of Sierra Leonean law. Created in 2002 through an agreement between the United Nations and the Sierra Leonean government, the Special Court represents a significant new model of international justice, often referred to as a "mixed" or "hybrid" tribunal.

HRW news

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Nigerian court dismisses bid to stop reviewing Taylor's asylum

www.chinaview.cn 2005-11-02 04:29:33

ABUJA, Nov. 1 (Xinhuanet) -- A Nigerian high court on Tuesday dismissed an application by the government seeking to stop a review of political asylum granted to former Liberian president Charles Taylor.

Stephen Adah, the presiding judge, held that government's application had no merit and set down the review of the asylum for December 6, according to the official News Agency of Nigeria.

Two Nigerian businessmen, Emmanuel Egbuna and David Anyaele, whose hands were chopped off by Sierra Leonean rebels during its 10-year civil war, had filed a suit before the court seeking an order of Mandamus directing government to reconsider the refugee status granted Taylor.

They also sought an order of certiorari quashing the refugee status granted to Taylor and that the former warlord should be released for trial before a special court on war crime in Sierra Leone.

The plaintiffs contended that Taylor masterminded the civil war in Sierra Leone to destabilize the state and to obtain access to the mineral wealth in the country.

Counsel to government, Wole Aina, filed a preliminary objection challenging the locus of the plaintiffs to institute the suit.

Aina argued that the plaintiffs did not show how their rights were violated by the asylum and also contended that the suit disclosed no reasonable cause of action against the defendants.

Justice Adah held that the plaintiffs had suffered irreparable injury by their mutilated hands and therefore had justiciary rights to pursue and also said that the asylum granted Taylor was a continued injury being suffered by the plaintiffs.

Taylor, who is now in exile in Nigeria, was indicted by the UN-backed War Crimes Court for Sierra Leone on 17 counts of crimes against humanity for his role in supporting the 1991-2002 Sierra Leonean civil war.

Nigerian President Olusegun Obasanjo has repeatedly said he would not succumb to pressure to hand Taylor over for trial. Enditem

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Election Day finds Sekou Conneh, the leader of the rebel group that drove dictator Charles Taylor into exile, refreshed from an afternoon nap, confident that Liberia's first election after 14 years of civil war would pass without incident. At his compound on the outskirts of town, the former leader of Liberians United for Reconciliation and Democracy (lurd) is in high spirits, despite the fact that he has no chance of finishing among the top presidential vote-getters. "This is a great day for Liberia," says Conneh, as his posse of former rebels--some sporting aviator sunglasses despite standing in an unlit room--nod in unison. "This is a great day for democracy," continues the man whose army's march on Monrovia rivaled in brutality Taylor's own barbarous tactics during the civil war.

But, when the conversation turns to Taylor himself, Conneh's ode to Liberian democracy ends as abruptly as many of Liberia's roads. "There are some people who have worked with Taylor since 14 years [ago] and they are not going to change," he says. "They are his friends, and he gave them jobs. He built them up. And most of them are not going to change, so, yeah, Taylor is fully represented in this country. I know that. I fear that."

Taylor was the proverbial elephant in the room leading up to Liberia's October 11 presidential and congressional elections: Although barred from interfering in Liberian politics under the conditions of his asylum, there is plenty of evidence that Taylor has continued to meddle from his luxurious exile in Calabar, Nigeria. Leading presidential candidates were mostly mum about Taylor during the recent campaign, lest they alienate the roughly one-third of the population still thought to support the former dictator. Now that nearly all the votes have been counted, Taylor's allies seem to have done surprisingly well in the House and Senate. (The presidency will be decided in a run-off election on November 8.) These Taylor loyalists may soon have the opportunity to determine the fate of their former benefactor. And that means that the biggest winner of Liberia's latest stab at democracy may be the man who did the most to destroy the last one.

Ravaged by war and looted by its leaders, Liberia is a country with no public electricity or water, where squatters occupy government ministries and children play in heaps of trash left uncollected on the street. The political challenges facing its government are formidable, too,

especially given the fact that few of those winning legislative seats in the election come to power with clean hands. For example, in the soft hills of Nimba County, where Taylor began Liberia's civil war on Christmas Eve 1989, Adolphus Dolo (alias: "General Peanut Butter") and Prince Johnson have won Senate seats. A notorious Taylor henchman, Dolo gained a reputation as the only pro-government commander to fend off the feared attacks of Conneh's lurd army. Johnson began the war a Taylor ally but fell out on the road to Monrovia and is now a bitter enemy. He achieved notoriety by ordering his men to bring him the severed ears of then-President Samuel Doe. (They videotaped Doe pleading in vain for his life.)

Taylor's exile will be one of the first items facing this new government when it assembles in January under the mindful gaze of the 15,000 U.N. troops who constitute the second-largest peacekeeping mission in the world. Nigerian President Olusegun Obasanjo is under international pressure to turn Taylor over to the U.N.-backed tribunal in **Sierra Leone**, where he is charged with 17 counts of war crimes and crimes against humanity. But Obasanjo has said he will only do so if the democratically elected government of Liberia consents. "Obasanjo will pass the buck to the new president of Liberia. The president will pass the buck to the House and Senate, and either the legislature will decide or it will pass the buck to the people, in a referendum," says Jasper Cummeh, the head of a campaign finance monitoring organization in Monrovia. "The first thing for Taylor is not to manipulate the presidency, but to try to manipulate the House, and he will also have some voice in the Senate."

No one doubts that Taylor violated the terms of his exile by meddling in the Liberian elections, but no one knows, precisely, to what extent. Absent a reliable campaign finance reporting system, tracing Taylor's campaign contributions is nearly impossible. Of the 762 campaigns, only 116 had filed reports two weeks after the deadline. Former President Jimmy Carter, one of 400 international monitors, tells me, "Charles Taylor has lots of people running for office. There's no doubt about that. He'd like to control the government."

As the ballots made their way to election headquarters in Monrovia last week, some by helicopter and others along Liberia's medieval roads, it became clear that Taylor allies had had a good day. While the National Patriotic Party (NPP), Taylor's old political machine, has not managed an overwhelming success, several close friends of the former dictator have assumed new, if temporary, party identities. They seem to have the best of both worlds: the quiet support of the old NPP guard and a clean bill of health from their new parties of choice. Enough erstwhile NPP loyalists have publicly embraced new parties to suggest a fifth-column strategy. Even the NPP secretary-general ran as an independent. At least Taylor's wife, who did not accompany him into exile, ran on the official NPP ticket. She won a resounding victory.

According to several Liberian political analysts, no fewer than eight of Taylor's close associates, including his wife, will serve in the 30-seat Senate--more than enough to play defense on war-crimes legislation and perhaps enough to grease the path for his return. With a potential plurality in the Senate, Taylor also appears to be making a play for outright control of the House, where his former son-in-law, Edwin Snowe, is up for the speakership.

A 35-year-old former truck driver, Snowe married and then divorced Taylor's daughter. Shortly before he left for Nigeria in 2003, Taylor promoted Snowe to managing director of the Liberia Petroleum Refining Company. Snowe became one of the richest men in Liberia during the two-year transitional government that has been defined by excessive corruption, even by West African standards. Local journalists following his congressional campaign, which ended in a clear victory, said Snowe spent more than most presidential aspirants. "He is going to buy the speakership," says Tom Kmara, editor of the respected New Democrat newspaper.

Upstairs in his beachside compound outside Monrovia, behind tinted windows that soften the afternoon sun, Snowe dismisses any suggestion that he is his former father-in-law's stooge.

Earlier this year, in fact, Taylor tried to have him killed, Snowe claims. "But the investigation came out that it was not true and that I fabricated that," says Snowe. Of course, he has a ready explanation for this, too: "I was investigated by Mr. Taylor's ex-brother-in-law," he chuckles. "So his ex-son-in-law was investigated by his ex-brother-in-law."

On the day after the election, Snowe is confident. His decision to leave Taylor's old party, where he was once the youth chairman, and run as an independent appears to have been the right one. It will give him the flexibility to broker a deal with many of the nearly 20 parties and independent representatives in the House, he says, vaulting him to the speaker's chair. But Snowe's supposed independence appears as thin as his allegations of the Taylor-sponsored assassination attempt. One week before polling day, Snowe reportedly announced that, despite his independent candidacy, he had rejoined the NPP, a move designed to drive up his margin of victory. (Snowe later denied that this was the case, although the original NPP candidate dutifully stepped aside.) "It's all part of Taylor's game, part of the diversion," says James G. Kaizolu, editor of the Liberian Express newspaper and a former president of the press association. "They are all still NPP."

So what are Snowe's intentions regarding Taylor and the **Special Court for Sierra Leone**? "I am not going to lie about it. I am not going to kid you. I don't wish evil on Mr. Taylor," he says. "If the law dictates that, so be it. But I am not going to go after Mr. Taylor to hunt him down. No."

That's a remarkably charitable attitude toward a man whom you believe tried to have you killed. But then again, Taylor has tried to kill many Liberians. And, given the legislative results, one gets the sense that Taylor slept easier than most Liberian politicians on Election Day.

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