

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 08, 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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Archie

Tuesday November 08, 2005

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Special Court Witness recalls

At age 10 three rebels raped and Impregnated me

In the trial of the three RUF indictees (Issa Sesay, Morris Kallon and Augustine Gbao) at the Special Court, prosecution witness TF1-314 a 21-year-old girl has said that she was raped by three rebels,

after which she became pregnant. The witness recalled that she was captured by some members of the RUF along with their commander C.O Blood at her village in Masingbi in the Tonkolili District, where she was raped by three of them

and left lying under the cellar as she was unable to move. Early the next morning, she said she was forced to move with the troops through Bamakonta to Buedu, where Issa Sesay who was their Commander ordered that all abductees should be trained.

The witness said that they were more than 50 and those trained were between the ages of 10-25, disclosing that the training Commander was from Liberia. They were trained on how to shoot guns, lay ambush, how to withdraw and other things in war for two weeks. During the training the witness said, the other people present were Morris Kallon, Augustine Gbao, Scorpion and C.O Blood. After the two weeks training, 25 of them were sent on food finding mission with 10 of them armed with 2 pistol grips, AK 47 and AK58.

She said the mission was successful. She further stated that the Small Boys Unit (SBU) were used as bodyguards while five of them in the Small Girl Unit (SGU) were doing the household chores. The 21-year-old girl went on to state that she was first impregnated by Scorpion who was her boss around the age of 11 but the baby died later. "Commander A also forced me to have sex with him and again I became pregnant by him and I delivered a baby boy who is still alive. Another Commander B took me to

be his wife. I used to do the household work like cleaning, and preparing food for him." She went on "most of us the SGU's were taken as housewives to do all the work in the morning and at night they will have sex with you." The 21-year-old mother with three children said that they wanted to escape but if they were caught, they will be killed and if they happen to escape and make their way through to the Kamajor controlled area they would also be killed and eaten by them. While they were in the jungle she said, they were ordered by Saj Musa to join the forces in Freetown.

Witness tells Special Court:

Gbao, Superman ambushed UNAMSIL

Story: Tanu Jalloh

Paragraph 8 of statements taken on the 19-20 July 2005 and that of October 29 2003 from witness TF1314 testifying in the closing session of the Revolutionary United Front (RUF) trial at the Special Court Monday revealed that third accused, "Augustine Gbao and Superman

had a meeting and planned the ambush of a United Nations Mission in Sierra Leone (UNAMSIL) truck at Makoth."

Crossed examined by lawyer Camegh, defense counsel for the third accused, paragraph 1 of the witness' 20 October 2005 statement states, "it was Augustine

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Gbao, Superman ambushed UNAMSIL

From page 1

Gbao and second accused, Morris Kallon who carried out the ambush in Makoth. Superman was not present."

Defense Counsel in his submission after the cross examination deduced, "it must be noted that the witness' testimonies in the statements made were fun-

damentally flawed and could be justified by the fact that she does not know what she was talking about."

"Witness, I want to put it to you that by virtue of the inconsistencies identified in the statements you made on 29 October 2003 and 19-20 July 2005 and which completely contradict that

of 20 October 2005, I suggest you lied to the prosecution because you knew Gbao was the Police Chief in Makeni at the time." counsel deduced adding that the witness had only listened to idle gossips and drew conclusions.

Submissions continue.

Concord Times

Tuesday, November 08, 2005

Awoko

Tuesday November 08, 2005

Kenema riots

Two stabbed to death

By John Abu in Bo

Normal activities came to a standstill in the township of Kenema on Monday 7th November 2005, following the discovery of two bike riders who were found stone dead at the Holy Rosary Secondary School sports field, along Dama Road in Kenema. The two bike riders were believed to have

been attacked by armed robbers, as there were multiple stab wounds all over their bodies. The report reveals that a silver knife was found near the body of the deceased (bike riders), while their attackers succeeded in carrying away one of their motorbikes. Reports

further state that members of the bike riders in Kenema stormed the residence of the Principal of the Holy Rosary Secondary School, Theresa Koroma in protest over the death of their colleagues and later went on the rampage in the township. They were alleged to have marched

onto the Kenema Police Barracks, but were prevented by the Police who were alleged to have fired live bullets and tear gas to disperse the irate bike riders. The Regional Police Commissioner Eastern Region, Mrs. Elizabeth Turay in an exclusive interview with our Correspondent last night

revealed that the situation was brought under control with help from Police reinforcement from Bo. She said that the situation in Kenema is now calm and quiet. "as I speak to you, everybody is indoors and the Police patrol is ongoing," she stressed. A patient at the Kenema government Hospital and

another person were reported to have been injured by stray bullets. So far, the Commissioner confirmed that ten people have been arrested and are now helping the police with their investigations. Meanwhile the Police in Kenema have declared a dusk to dawn curfew while further investigation continues.

From Awareness Times Newspaper in Freetown

COMMENTARIES

One Man Against The System in Sierra Leone

By Tamba M. Sumana

Nov 7, 2005, 13:23

Former Deputy Minister of Defense, Chief Sam Hinga Norman has spent over two years in detention. The Special Court which was set up by the United Nations Security Council in honour of a request from President Ahmad Tejan Kabbah, is the custodian of the man who doubled as National Coordinator of the disbanded Civil Defense Force (CDF).

The primary mandate of the Special Court is to try and bring to justice those that are thought to bear the greatest responsibility for the atrocities committed during the recently concluded 11-year war that ravaged this nation.

There were atrocities indeed, ranging from mass killing of civilians, amputation of children even as young as six months, arson, rape, compulsory conscription and a lot more.

Quite apart from their international accomplices, there were three major protagonists in the war. The Revolutionary United Front headed by the late Corporal Foday Saybana Sankoh ignited the mayhem on March 23rd 1991. Of course the Constitution of this country rests the defense against internal as well as external enemies of the state squarely in the hands of the national defense force-the Sierra Leone Army (SLA). Though unprepared and ill-equipped at the time, the army put up fierce resistance against the intruders. Moa Barracks in Daru was badly wanted by the RUF, which had captured several towns and villages in the East and wanted to consolidate their positions but the barracks never fell and that indicates the immense sacrifice made by the gallant men and women of the then SLA.

However, the RUF strategy of indiscriminate killing and abduction of women and children greatly confused the situation. This rebel outfit earlier proclaimed liberation for the people of this country from tyranny, but when it turned around and started inflicting mindless acts against the very people, the situation demanded second thought.

This was particularly the case when certain disloyal officers and men of the SLA started betraying their constitutional role by either dissenting the force or secretly conniving with the rebels at the detriment of the civilians.

Confidence in the army became visibly shaken. To confuse the situation even further, rebels in military combat fatigue could be seen luring innocent and defenseless civilians into traps that usually cost them {civilians} their lives.

In a bid to counter this and other atrocious acts, most able bodied men in the eastern province where the mayhem was initiated, thought it reasonable to contribute to a portion of their defense. They volunteered. Thus the civil defense force called "Kamajors" (in Mende meaning hunters) was conceived.

Obviously, a movement like that, having so much to do with combat, needed to be directed at least by somebody with a recognized military background. Chief Sam Hinga Norman automatically fitted in. Before becoming Chief of Tellu Bongor in eastern Sierra Leone, he rose to the rank of Captain in the Sierra Leone Army. His chieftom is on record for suffering one of the first and most gruesome massacres of civilians to be inflicted by the RUF. His head was even personally declared wanted by the RUF leader, with whom he had served in the SLA.

For someone like Chief Hinga Norman, whose subjects had been ruthlessly massacred without any justifiable reason (like most others who lost their life in the war), it was a matter of survival. He had to put

his acquired skills into practical meaning by organizing willing and able bodied men into a cohesive force that could actively resist the RUF's unquenchable thirst for blood.

Initially, the Kamajors presented a brave and disciplined force, in some cases laying claim to supernatural powers- bullet proof charms, the ability to disappear and so on. They psychologically inspired the confidence of the civilians around them while instilling fear into the rebels.

Their efforts and contribution in repelling the RUF attracted so much national recognition that it became necessary for them to be eligible for assistance from the central government which was eventually honoured.

However, the national army was not too comfortable with the growing popularity of the Kamajors and many of them felt slighted and unrecognized even though they had been bearing the brunt of casualties in the war front. And some of the mostly uneducated Kamajors did not know exactly where to draw the line between them and the soldiers.

This resulted into stand offs between the two forces, and in some cases incidents of bloody clashes even occurred.

That was the state of affairs before May 25, 1997 when certain junior officers in the army usurped constitutional order and invited the RUF to join them for "Peace and Reconciliation." That move ostracized the Kamajors and further alienated them.

In the noisy confusion that ensued, atrocities were no doubt committed by all sides as the testimonies at the Truth and Reconciliation Commission indicated.

The rules of engagement as specified by the Geneva Convention and other related protocols were flouted either deliberately or out of sheer ignorance. It seemed as if nobody trusted anybody and the unarmed civilians were at the receiving end.

The Special Court was subsequently set up to break the cycle of impunity and Chief Sam Hinga Norman is there to account for his role as the man that was in charge of the CDF. But the CDF was replicated in virtually all the districts. Kono had the 'Donsos' (Hunters) and the "Tamaboros" in the North as well as the "Gbhetis." They had command structures that Chief Norman was not directly in charge of but their efforts were commended by the suffering masses and the ousted government which desperately wanted to be reinstated.

Foday Sankoh and Sam 'Maskita' Bockarie could have given reasons for unleashing hell on the nation but they are no more. Johnny Paul Koroma, leader of the ousted Armed Forces Revolutionary Council is presumed dead or at large- nobody seem certain. Their presence at the Special Court would have added momentum to its intent and purpose.

The UN backed Special Court says it has authentic documents implicating former Liberian leader Charles Taylor in perpetrating the war in this country. Today he is comfortably under the protective wings of Big Brother Nigeria. This is not casting aspersion on President Obasanjo because Charles Taylor found his way into the safe confines of that country under an international arrangement. And if I were Obasanjo, I will protect my integrity by keeping my promise. President Kabbah is Supreme Commander of the Armed Forces of Sierra Leone and Chief Norman was his deputy. But he is a sitting President with certain constitutional immunities, so he is virtually untouchable.

This is probably how and why Chief Norman's freedom and liberty had been restricted for close to three years-by the Special Court.

He is the biggest fish on the Special Court's hook, kept there, perhaps to give a sense of importance to

the deliberations of the court.

Anyhow, there is growing concern over Hinga Norman's continued detention by that court. There are fears that this situation is brewing consequences that would be adverse for this country in the long run. And for us just emerging from a devastating conflict that left the country poorer, the last thing any sane national here would expect is a re-run of that eleven wasted years. Whether we accept it or sweep it under the carpet, Chief Norman has a sizeable following and an increasing number of sympathizers, many of whom believe that the man does not deserve what he is going through. To most of them, Chief Norman, is like the sacrificial lamb.

One of the primary causes of the war in Sierra Leone was grudge.

Grudge had been accumulated by groups and individuals who had been mistreated by the system but had no immediate means of venting their anger.

When the appropriate time came we, the survivors are witnesses to the raving madness that engulfed us. Those who created the Special Court may have had good intentions. Impunity should be discouraged.

In spite of these, Chief Norman continues to consider himself as part of the government that actually craved for the establishment of this court that is now holding him. This has been demonstrated by his recent court actions against the ruling SLPP, a party he still has reverence for. He even presented his name as candidate for the revered position of leader and presidential nominee for the forthcoming elections. Although he did this by proxy, he was able to once again demonstrate to the people of this country that some sections of the national community admire and love him. Prior to its national delegates convention in Makeni, he took the party to task by challenging some aspects of its Constitution which he felt had been grossly flawed. This was however thrown out of court by the presiding Judges on the grounds that he had no standing to take the party to court. It was pronounced in legal term that he lacked 'Locus Standi'. By his action however, the stipulated date was forcefully changed.

Again, Chief Norman has sent another bombshell against his SLPP, this time right inside the Supreme Court, once again challenging certain aspects of the party's Constitution with particular reference to the just concluded delegates' convention. In all these, suffice it to state that he has the support and sympathy of certain portions of the SLPP and even outside the party circle. Even as he continues to be held behind bars at the Special Court, he feels as been within the system though considering himself as the sacrificial lamb. It is against this background that I feel that Chief Norman's ability to challenge the system by any other means and must not be underestimated. He continues to attract the sympathy and loyalty of his people as their hero. Not only that, he is considered by them as a national hero.

My concern however, is that more material for future crisis could be manufactured in the process. The court itself is facing so much financial difficulties that many skeptics believe that it might not accomplish its designed mission. Its state of under funding also signifies to a large extent that even the donors are growing weary of the huge cost involved in sustaining an instrument which might not achieve anything. The evidences are glaring!

If the UN Security Council can face these stark realities and try to quickly wrap up the deliberations of the Special Court here, then lasting peace would be ensured. Regarding and understanding Hinga Norman's peculiar circumstances and pardoning him will be a revered legacy by which the court would be remembered here now and tomorrow.

Perhaps reconsidering its status can also be another panacea for consolidating peace and averting any unfortunate incident. After all, the Special Court has already helped in sending out the message loud and clear that impunity has no place to hide in this present civilization.

Truth and Reconciliation Commission Report

CONTINUED FROM LAST WEEK FRIDAY EDITION THE ENLISTMENT OF EXECUTIVE OUTCOME

41. The NPRC government secured the services of Executive Outcomes, a South African private security firm. Executive Outcomes was introduced to Strasser by Michael Grunberg and Anthony Buckingham of the mining company, Branch Energy. The contract required from the Freetown area, secure government control was to help repel the RUF from the Freetown area, secure government control of the diamond areas in Kono help stabilize the whole country and retrain the army and the Kamajor militia. The company was to provide logistical support, sophisticated communication equipment and transportation for the army.
42. Executive Outcomes was set up in 1989 and was run by Luther Eeban Barlow, previously a Lieutenant Colonel in the South African military intelligence unit and a senior member of the Civilian Cooperation Bureau (CCB). Executive Outcomes, in its early days, developed a flourishing business relationship with the diamond-mining sector. In 1993 Executive Outcomes carried out its first significant military operation in Angola for the Angolan government against UNITA.
43. Between 1993 and 1995, Executive Outcomes changed its strategy and its company profiles. It expanded and became a fully-fledged private army. British operating were established under Executive Outcomes (UK) Limited and registered in London in September 1993. Barlow registered Executive Outcome as a private company in South Africa.
44. Executive Outcomes was to be paid two million US dollars (\$2,000,000) a month by the Sierra Leone government. Executive Outcomes financed its own activities at the beginning, hoping to be reimbursed by the government of Sierra Leone when control over the diamond mining areas was regained. Executive Outcomes encountered financial problems between 1996 and 1997 because of non-payment for its activities in Sierra Leone. In all, the company was only paid about a third of it's was in Sierra Leone. Part of these funds allegedly came from the IMF loan to the diamond concession holder, Branch Energy, a diamond mining

company with close links to Executive Outcomes.

45. Executive Outcomes, with its reconnaissance capabilities, air power, and guerrilla warfare experience was able to beat back the RUF to Kailahun and the Liberian border. It retook Kono and destroyed Camp Zogoda, the RUF jungle base that acted as its headquarters. All of these military and strategic gains were accomplished in only a few months.

RUF SEEKS FOREIGN ASSISTANCE IN THE FACE OF DEFEAT

46. The RUF was thrown into disarray but it was not annihilated. In order to continue its campaign in Sierra Leone, the RUF fell back on external support. Libya, which has provided training for Sankoh and other Sierra Leoneans, continued to give support to the RUF. In a letter to Brother Mohamed Talibi, the Ambassador of the Libyan Arab Peoples Jamahiriya in Accra, Ghana, dated 26 June 1996, Sankoh wrote:
- "I want to thank you and the other brothers at home again for the half million United States Dollars (500,000USD) which I received through you for the purchase of needed materials to pursue the military mission."
47. In the same letter, Sankoh went on to make a further request for \$ (US) 1 million to "purchase twice the listed materials for effective and smooth operation." B
48. By the end of 1995 the NPRC clearly had the upper hand in the war as the RUF had been pushed through Kailahun District into Liberia. At this time, the people of Sierra Leone were anxious for a return to democratic rule.

ELECTIONS AND DIPLOMATIC INITIATIVES TO END THE WAR

49. In February and March 1996, multi-party elections brought the Ahmad Tejan Kabbah-led Sierra Leone Peoples' Party (SLPP) to power. External involvement in Sierra Leone's war remained insignificant, mainly taking the form of international diplomacy and the occasional condemnation of human rights violations and abuses taking place in the country.

BRITAIN AND THE WEST: STRATEGIC CONTRIBUTIONS TOWARDS STABILITY

50. Britain provided financial support for the election of February and March 1996 with a contribution of some £17 million. The EU, the Com-

monwealth, the US and the UN also provided funds and technical support. The emerging opportunity for stability in Sierra Leone saw other countries bolstering diplomatic initiatives to end the war.

LIBYA: BRIDGING THE GAP TO PEACE TALKS IN 1996

51. The Commission heard that Colonel Ghaddafi admitted supporting the RUF when he was confronted on the issue by Julius Maada Bio, the second Chairman of the NPRC, in 1996. Moreover Ghaddafi provided Bio with vital information and direction as to how to get the RUF to the table for peace talks. Ghaddafi's counsel led di-

"After his election, Kabbah made requests to the international community for assistance in the areas of intelligence - gathering and training"

rectly or indirectly to the first peace talks between the Government of Sierra Leone and the RUF, which took place in Abidjan in 1996. Libya, which sent delegates to the peace talks, promised the withdrawal of its support to the RUF. The opening of those discussions was partly facilitated by the Special Representative of the Secretary General of the UN to Sierra Leone, Mr. Berhanu Dinka. Following the general elections of February and March 1996, the talks that had begun between the RUF and the NPRC Government of Sierra Leone under Bio were taken up by the newly elected SLPP Government of President Kabbah.

COTE D'IVOIRE: A HOST AND CATALYST FOR PEACE TALKS

52. Konan Bedie, the President of Cote d'Ivoire and his foreign minister, Amara Esse', were also instrumental in bringing the SLPP Government and Foday Sankoh together in Abidjan. Esse' went to the bush to persuade Sankoh to attend the peace talks. The Abidjan talks resulted in the signing of a Peace Accord on 30 November 1996. The main

elements of the agreement included the total and immediate end of hostilities, disarmament, demobilization and reintegration of all combatants, the withdrawal from the country of all mercenaries and amnesty for RUF fighters.

53. Sierra Leoneans were generally uncomfortable with the Abidjan Accord. They were displeased, for example with the fact that Cote d'Ivoire had allowed the RUF to establish an office in Abidjan. This gesture was not without precedent, however. Cote d'Ivoire also permitted UNITA, which was waging war against the Angolan government, to set up an office in Abidjan.

THE RUF REGROUPS AND POSES A RENEWED THREAT

54. According to Kabbah, the RUF's signing of the Abidjan Accord was a deception. A few days after the signing of the Accord, the government intercepted a message sent by Sankoh to his field commander, Sam Bockarie (alias Mosquito), in which Sankoh told Sam Bockarie that he signed the Accord to relieve international pressure on the RUF. In the same message, Sankoh was said to have ordered his men to resume hostilities on an even bigger scale. A month before the Abidjan Accord, Sankoh wrote a letter to Talibi indicating that he had earlier received US\$29,000 through a certain Daniel Kallon. Sankoh said in the letter that he would use the period after the signing of the Abidjan Peace Agreement to "transact (my) business in getting (our) fighting materials freely and easily". He further requested US\$700,000 to help purchase fighting materials.
55. Kabbah, demonstrating commitment to the negotiated settlement of the war, terminated the contract of Executive Outcomes in accordance with the Abidjan Accord. The RUF had insisted on the early implementation of the clause that provided for the withdrawal of all mercenaries. This was to dramatically weaken the government's military position. Sankoh had refused to sign the document authorizing the deployment of UN monitors. Although the Executive Outcomes contract was terminated several of the company's personnel stayed on in Sierra Leone and took up other security-related assignments.
56. After his election, Kabbah made requests to the international community for assis-

tance in the areas of intelligence-gathering and training. The response of the international community was negligible. Kabbah's request to the US government to assist his government with weapons, when it became clear that the Abidjan Accord was not holding, was turned down. Another request for assistance in training soldiers at Bengueman to the US and British governments resulted in these countries sending five soldiers, two Americans and three British. The highest ranking soldier was a sergeant. After a brief spell, the five trainers left without informing the Commander-in-Chief of the RSLMF.

PHASE III OF THE CONFLICT: 1997-2002 THE COUP OF 25 MAY 1997

57. In the early months of 1997 there was an alleged coup plot against the Government of Kabbah. The government requested Nigerian assistance to investigate the coup plot, which resulted in Johnny Paul Koroma and other junior military officers being charged with treason. The trials were taking place when soldiers of the Sierra Leone Army and handful of civilians staged a coup on 25 May 1997. Following the coup, Kabbah and his cabinet fled to Guinea and the plotters established themselves as the Armed Forces Revolutionary Council (AFRC).

GREATER INTERNATIONAL COMMUNITY INVOLVEMENT TO END THE COUP

58. The coup took place in an optimistic post-Cold War decade that had seen the collapse of undemocratic one party and military regimes across the world. The coup was received with shock by world leaders as a setback for the growth of democracy in Africa. It was swiftly condemned.

ECOWAS, OAU AND THE COMMONWEALTH ENTER THE FRAY

59. On 4 June 1997, the Organization of African Unity (OAU) at its annual meeting in Harare, only one week after the coup, called on Africa and the world not to recognize the military junta in Sierra Leone. At the same meeting the OAU appealed to ECOWAS to assist the people of Sierra Leone to restore constitutional order. Agreement" which, "continued to serve as a viable framework for peace, stability and reconciliation in Sierra Leone".

TO BE CONTINUED

FDP

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of repression and resistance."

- Robert Kennedy

From The TRC File

Access to justice for women facing sexual violence under general law and under customary law

WOMEN VICTIMS of sexual violence in Sierra Leone face considerable challenges in seeking to achieve justice. Some of the problems they face are as follows:

- i. The prevailing culture of silence;
- ii. Reduced sentencing for offenders;
- iii. Difficulty in getting a conviction as a result of the strict evidentiary requirements of proof;
- iv. Short staff and institutional inefficiency in the Law Officer's Department;
- v. Absence of legal aid for women;
- vi. Absence of laws on marital rape;
- vii. A woman's consent to sex is not considered to be an issue of legal relevance under customary law;
- viii. Laws on evidence and procedure on crimes of sexual violence are not gender sensitive; and
- ix. Absence of temporary shelters for victims of sexual or domestic violence.

Application of National Law to Violations during the Conflict

Women suffered a multiplicity of violations during the war, including abduction, forced recruitment, detention,

forced displacement, forced labour, assault, torture, forced drugging, amputation, forced cannibalism, rapes, sexual slavery, sexual abuse, extortion, looting, destruction of property and killing. Many of these violations constitute crimes under Sierra Leone's criminal law. Torture, forced drugging and amputation may be prosecuted assaults under the Offences Against the Persons Act 1861. The killing of women may be prosecuted as murder or manslaughter. Detention may be prosecuted as false imprisonment. The acts of extortion, looting and destruction of property may be prosecuted under the Larceny Act 1916 or the Malicious Damage Act. The national laws of rape under the common law, indecent assault and procuring for prostitution could be applied to crimes of sexual violence committed during the war.

While it is reassuring to know that such crimes can technically be prosecuted under national law, it will not happen because of the amnesty provisions in the Lome Peace Agreement of 1999. Notwithstanding this amnesty, the existing criminal justice system would in any case be totally inadequate to handle cases of this nature. It is further highly unlikely that a criminal justice system that fails to deal properly

with crimes of this nature during peacetime could be in a position to prosecute crimes against humanity and war crimes. A major problem for victims is the fact that the evidentiary burden is high and the onus is on the victim to offer corroborating evidence.

In addition, the crimes of rape, unlawful carnal knowledge, indecent assault, abduction for immoral purposes and procurement for the purposes of prostitution as provided for in the national law are primarily based on a notion of crimes against the honour, dignity and chastity of the victim, her family or the community. The existing criminal laws are totally inadequate when dealing with crimes of this nature that occur during a conflict situation, as they focus on a narrow definition of morality that would further stigmatize and traumatize the victim.

On 23 February 2003, the Sierra Leone Parliament established a Standing Committee for Human Rights and related issues to promote respect for human rights in Sierra Leone. If this Committee is to succeed in its mandate, it will have to pioneer and lobby for legal reform to promote and protect women's rights. A relevant consideration in its work must be the application of national law to sexual violations that may occur in a future conflict situation.

WOMEN AND INTERNATIONAL LAW IN SIERRA LEONE

A brief overview of the international instruments on women and the level of their incorporation in Sierra Leone national law!

THE RATIFICATION and incorporation of international human rights instruments into the national law is crucial to the advancement of women's rights as it imposes on states an obligation to interpret national law in a manner consistent with the state's international or legal obligations. International human rights standards can be regarded as the minimum standards of protection, which all systems of national laws strive to attain.

Sierra Leone became a member of the United Nations in 1961 and ratified most of the major human rights instruments. Sierra Leone is a signatory to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Cultural and Social Rights (ICECSR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the African Charter on Human and People's Rights, and the African Charter on the Rights and Welfare of the Child.

A general overview of the major international instruments

The Universal Declaration of Human Rights recognises the right to life, liberty and security; the right to be free

from sex discrimination; the right to marry and found a family; equal rights for women as to marriage, during marriage and at its dissolution; the right to be free from torture and cruel, inhuman or degrading treatment or punishment; and to provide that marriage shall be entered with the free and full consent of the intending spouses.

The International Covenant on Civil and Political Rights also guarantees the right to life; to liberty and security of the person; to privacy; to be free from sex discrimination; to marry and found a family; to not be forced to enter marriage without the free and full consent of the intended spouses; to equality of rights and responsibilities of spouses as to marriage during marriage and its dissolution; to be free from torture and cruel, inhuman or degrading treatment or punishment; to be free from medical or scientific experimentation without free consent and to public health, medical care, social security and social services. It also provides that governments must establish a minimum age for marriage and make the registration of marriages in an official registry compulsory.

The ICECSR, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) are also instruments that recognise: the right to life; to privacy; to be free from sex discrimination; to the highest attainable standard of physical health; to health care services; to decide

on the number and spacing of their children and to have access to the information and means to do so; to the elimination of discrimination against women in all matters relating to marriage and family relations; and to be free from sexual violence, abuse, exploitation, prostitution and trafficking.

These instruments require Government to commit itself to develop preventive health care, guidance for parents and family planning education and services; prenatal and postnatal and to ensure access to information, counseling and services concerning family planning; to appropriate services to ensure safe pregnancy; Government undertakes to eliminate traditional practices prejudicial to the health of children.

The African Charter on Human and People's Rights

The African Charter on Human and People's Rights entered into force in October 1986. Article 18 (3) of the charter states that, "the state shall ensure the elimination of every discrimination against women, also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions". By this Article, the African Charter has incorporated all of the international declarations and conventions that relate to women. There is a protocol on the Rights of African Women approved in July 2003 that offers wide protection for the rights of women. Sierra Leone needs to ratify this protocol, which will allow the rights provided in it to be enjoyed in Sierra Leone.

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

Article 1 of CEDAW defines "discrimination against women" to "mean any distinction, exclusion or restric-

Continued Page 10

UNAMSIL'S WITHDRAWAL: WHO WILL BRIDGE THE GAP?

DO WE as a sovereign state have the capability and political will to secure our nation both internally and externally after the peacekeepers would have gone, when the issue of Yenga still remains unsolved?

by SU

THORONKA

Major General Patrick Sam Mboma is alleged to have said that it is not a major problem. If the seizure of a portion of our land is not a problem, I wonder what the CDS would consider to be a problem.

During the illegal occupation of Yenga by Guinean troops, the entire nation was hoodwinked by the authorities into believing that it was temporary to

prevent insurgents from Liberia.

However, even when peace has finally returned to Liberia, the Guineans are very much reluctant to give up the land. When the question of security was put to the police and army sometime ago, they assured us of maximum security. But with the continuous occupation of the disputed land by Guineans, there is every reason for me to be apprehensive.

My problem is not so much with the army but the police - 'force for good'. Quite honestly, the police force is a real shadow of the colonial legacy. The British Government, through DFID, had siphoned a lot of its taxpayers money in restructuring the Sierra Leone Police Force. Some senior personnel have been trained abroad but it appears as if the training acquired has not been replicated down to the rank and file. Otherwise, there should have been great improvement in terms of discipline, appearance, professionalism and the method of recruitment.

Before independence, it

was not uncommon to see a police personnel recklessly dressed and smelling nothing but alcohol and nicotine fume. When I was a little boy, the presence of a police within a locality created an uneasy calm for children.

Disappointingly, a good number of policemen are friends of hardcore criminals and 419ers today. Gone are the days when stubborn or recalcitrant boys shape up immediately

heartening to note that these personnel look haggard and untidy because their uniforms are disproportionately larger than their physical structures.

During festive occasions, one could hardly notice the presence of police personnel in crowded commercial areas in the city where commuters and buyers are dispossessed of their goods and money. They will instead decide to assemble in the various stations looking for an opportunity for extortion while others are busy

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they were threatened with the police. Nowadays, when civilians apprehend a culprit, he will quickly advise them to take him to the police where the law will be compromised and later set him free only to commit the same crime.

The police force ceased to be a force for good when Bambay Kamara and his successors took over from Commissioner of Police to Inspector General of Police. During this period, the police force was completely politicized, recruitment was by either regional, tribal, political affiliation or those who have the wherewithal easily bribed their way through a trend that had continued up to date.

There are some police personnel who can neither write nor speak the Queen's language without blemish. Although the police uniforms are properly tailored, some are not measured. It is therefore dis-

chasing drivers and petty traders for the same purpose.

Ghettos are in the increase, especially in the eastern and central parts of the city where gangsters gather to plan their destructive game. What most Sierra Leoneans, including the author, could not understand is the criteria on the issuance of permit to process the streets of Freetown.

It is easier for mask devils to be issued with permit to criss-cross the city on Christmas or Pray Days with enough security personnel alongside, than religious groups or civil societies to demonstrate against social injustice.

My question is how prepared are the police to minimize or eradicate crime rate, indiscipline and public nuisance amongst the populace?

For de People

Tuesday, November 08, 2005

Anti-terror battle raises spectre of torture: experts

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HELSINGOER, Denmark: While the use of torture is diminishing in some corners of the world, the fight against terrorism triggered by the September 11, 2001 attacks in the US has raised the spectre of torture being used even by democratic nations, according to experts.

At meeting in Denmark marking the 20th anniversary of the International Rehabilitation Council for Torture Victims (IRCT) over the weekend, experts expressed concern about the anti-terror measures of some governments which in the name of security have downplayed the abolition of torture and other degrading treatments.

Even democratic governments are questioning the ban on using torture, according to Manfred Nowak, the UN' special rapporteur on torture. "It is the first time that governments are admitting that they think a higher goal ... the fight against terrorism ... would justify making exceptions from the absolute prohibition of torture and ill-treatments," Nowak told AFP.

"This is a very, very dangerous trend because you open a Pandora's box if you allow it, and we are coming back to a situation where torture is systematic in our societies," he added.

Nowak pointed to the situation in the US where Congress is considering a proposal to make an exception to the law banning US forces from using cruel and inhuman treatment of prisoners. The exception would apply to detention centres run by the Central Intelligence Agency (CIA). If such a proposal was passed by Congress, it would be the first time a law authorised cruel and inhuman treatment by intelligence forces, Nowak said.

"This undermines the prohibition of torture," he said.

In deportation cases, Nowak said several European countries are currently accepting diplomatic assurances from countries where torture is systematically used so they can send unwanted individuals back to their homelands.

"This undermines the absolute prohibition ... to send any person to a country where there is serious ground to believe that he or she will be submitted to torture," he said.

Dr Maria Pinoui-Kalli, of the centre for rehabilitation of torture victims in Athens, cited some examples in Greece where refugees, especially Afghans, were tortured by Greek police.

"What the Americans did in Abu Ghraib prison has inspired others in democratic countries" such as Greece, she said, referring to the scandal surrounding the treatment of Iraqi prisoners in the Baghdad jail by US forces.

She said that the world has remain vigilant against the use of torture "under the pretext that the end justifies the means," she said.

Renate Winter, judge at the Appeals Chamber of the Special Court of Sierra Leone set by the UN to prosecute war crimes, said: "The worst terrorist has the right not to be tortured."

Since the IRCT was created in 1985, "unfortunately the question of torture remains, but the situation would be worst without organisations like IRCT", said Morten Kjaerum, director of the Danish institute for human rights.

The Copenhagen-based IRCT is an independent international group of health professionals that promotes and supports the rehabilitation of torture victims and the prevention of torture through nearly 200 rehabilitation centres and programmes around the world. – AFP