

**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:**

Thursday, December 22, 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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Ext 7248

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## Moinina Fofanah Turn Bone-Nar-Troat!

# NO KABBBA!

# NO COURT!

## Tejan Kabbah Say Natin!

THE DEFENCE Team of Moinina Fofanah in the ongoing trial of Kamajor chieftains including its leader, Chief Sam Hinga Norman before the Special Court Tribunal set by the UN for crimes against humanity, could be stalled if president Tejan Kabbah refuses to testify because he is said to be the cornerstone of Kamajor activities and as head of all forces in Sierra Leone, is the prime mover and shaker of the Sierra Leone war since he took power in 1996 under the SLPP banner.

by SU THORONKA

The defence believes that a subpoena has already been served on president Kabbah at his State Lodge residence requesting his presence at the on-going Special Court trials as he is the most relevant witness on several key issues already before the Court.

### appear

It is believed that the president has expressed disfavour to appear voluntarily as a witness although he admitted "to having supplied and supported" the CDF during his exile in Guinea but has categorically distanced himself from the allega-

tions contained in the prosecution's indictment and re-iterated his refusal to be a witness while declining to answer any further questions.

### vital

The defence is said to have been frustrated after reasonable attempts to obtain Kabbah's voluntary co-operation that could also be of vital assistance to other co-defendants.

Among the indictments include the fact that Kabbah was "commanding, materially supporting and communicating with various members of the alleged CDF leadership, both from his exile in Conakry and later from



KABBBAH put jurisdiction of Special Court before all but now

his presidential offices in Freetown."

That "the kamajors fought on behalf of Mr Kabbah with a view to affecting his restoration as the democratically elected president of the nation."

And that "with respect to the question of who bears the greatest responsibility for the alleged violations of the CDF during the conflict, Kabbah may himself be among such group or, at the very least that he is in a position to give evidence regarding the relative culpability of the three accused persons."

### serve

The defence also submitted that "Mr Kabbah's testimony would serve to enlighten the Special Court Chamber on the activities of the CDF during the period listed in the prosecution's indictment, as well as to provide evi-

dence concerning the crucial issue of command responsibility."

Also that "command responsibility is a theory of liability with which all three accused persons ie Moinina, Norman and Kordowa have been charged."

### seven

The defence also submitted that Kabbah as "Norman's putative superior during the conflict, possesses information with respect to all three accused persons," to ascertain where authority actually existed.

Furthermore, that "at least seven prosecution witnesses, some indicating that Kabbah may have played a role in the alleged CDF command structure, are testifying against Mr Kabbah." **Continued Back Page**

NO KABBAH! NO COURT! Continued

# KABBAH!

From Front Page

say about such testimony is self-evident." At this juncture, legal pundits said the rules of Procedure of the Special Court, the government of Sierra Leone and its officials are compelled to cooperate with the Special Court.

## undue delay

That article 17 of the agreement between the United Nations and the Government of Sierra Leone for the establishment of the Special Court for Sierra Leone provides that the government shall co-operate with all organs of the Special Court and the Government shall comply without undue delay with any request for assistance by the Special Court or an Order issued by the Chambers.

## other law

Also section 21 (2) of the Special Court Agreement, 2002 (Ratification Act) provided that notwithstanding any other law, every natural person, corporation, or other body created by or under Sierra Leone law shall comply with any direction specified in an Order of the Special Court.

Furthermore, Rule 8 provides that "the government of Sierra Leone shall co-operate with all Organs of the Special Court at all stages of the proceedings. Requests by any organ of the Court shall be complied with in accordance with article 17 of the Agreement and that an Order issued by a Judge or Chamber shall have the same force or effect as if issued by a Judge, Magistrate or Justice of the Peace of a Sierra Leone Court."

## natural person

Based on the above and other legal points, the defence team now concludes that: "Mr Kabbah as both a "natural person" and representative of the Government of Sierra Leone," is bound by the above-referenced provisions to co-operate with all Organs of the Special Court at all stages of its proceedings.

## very man

"The Defence notes that it would be quite odd, not to say perverse, if the very man who invited the Secretary-General of the United Nations to examine the question of establishing the Special Court now somehow spurns participation in its proceedings," the defence concluded.

FOR DI PEOPLE

# Pres. Kabbah urged to uphold Rule of Law

In a letter written to President Kabbah by the International Bar Association (IBA) on 1<sup>st</sup> December 2005, the Association asked whether Sierra Leone is committed to the Rule of Law. IBA comprises Twenty thousand Lawyers and over One hundred and Ninety Bar Associations worldwide and its role is to influence the development of international law reform and to shape the future of the legal profession. IBA has its supreme governing body, the Council on which member organization are represented.

The International Bar Association President, Francis Neate stated in the letter that during their recent conference in Prague, the Council passed resolutions on the Rule of Law. Firstly, the conference deplored the increasing erosion of the rule of law around the world. The IBA welcomes recent Court decisions in some countries that reiterate the principles underlying the rule of law. Also, the independence of the

Judiciary and the legal profession in upholding these principles. The legal organization also supports the efforts of its member Bar Associations to draw attention and adhere to these principles. The conference also resolved that an independent and impartial Judiciary exists, the presumption of innocence, the right to fair and public trial without undue delay, a rational and proportionate approach to punishment, a strong and independent legal profession. In addition, swift protection of confidential communications between Lawyer and client, equality of all before the law, arbitrary arrests, secret trials, indefinite detention without trial, cruel or degrading treatment or punishment, intimidation or corruption in the electoral process are unacceptable. The IBA calls upon all countries to respect the fundamental principles of the rule of law. The Sierra Leone Bar Association also pledged its support to IBA's worldwide Rule of Law campaign.

THE  
SECRETARY  
December 2005

**USA, Britain** *Culled From Cocoroko Website*

**France & Germany  
Condemned Over  
Marqai's Court Case**

**Was it an ill Advised Statement by the Western  
Ambassadors or double standards?**

Dear Sir/ Madam,

The recent press release made by the missions of the US, UK, France and the EC has a tendency to do more harm to emerging democracies and must be viewed with utmost concern not only by Sierra Leoneans but the entire West African Sub-region. It is possible that the intention was well meaning, but coming at the time it did, it will serve the dual purpose of trying to defuse a potentially explosive situation, whilst at the same time providing ready ammunition for lawless members of the populace who are bent on wreaking havoc on their own people. And the fact that supporters of Charles Margai have come out wholeheartedly in support of the statement bears testimony to what I am saying here. The statement is bound to be misinterpreted and Sierra Leoneans will be the losers again.

As representatives of the democratic world, it will be hypocritical of them to preach out democracy on the one hand, and then cry foul when the rule of law is being applied. If the Bo incident is true, then the police are right to investigate and send a case to the DPP. It is now left for the DPP to take a course of action and decide whether there is a realistic chance of securing a conviction based on the facts so presented. If they decide to try the matter, then it becomes 'Sub-Judice' and the statement does not serve the administration of justice well in this matter at all.

Let us imagine a situation where the motorcade of the British Deputy Prime Minister, or that of Dick Cheney gets ambushed by supporters of David Cameron, or John Edwards when they are about to attend a function, be it private or official. Imagine the fallout from that episode in the first place as the emergency services will be lambasted for not predicting that in the first place, in this instance the Vice President was detained for over an hour, and according to press reports, they were actively encouraged to do so by their leaders. Apart from obvious conduct and unlawful detention, I am sure in this present day and age when there is a clear War on Terror, these people would have been tried using Anti-Terrorism Powers. This is how democracy works, and we all know that Democracy is founded on the Rule of Law.

What some of us are seeing now is the usual 'We know it all situation' and what we say is right always. They have to listen to us as we have all the answers'. This is wrong and true diplomacy should have been where the Heads of Missions express their concerns privately to the Government, rather than copying the press at this time. It can only be interpreted by the sitting government as an ~~anti~~ government message and can only heighten the tempo in these very tense times. Are they trying to tell us that democracy is when you disobey the law with impunity, assemble illegally, attack the motorcade of your leaders and cause panic and confusion? In England or America, that cannot be allowed, so why should it be in Sierra Leone? Remember, what is good for the goose, is also good for the gander. There should be no double standards as the north has always been slow for democracy to be seen, as the situation where a populist demagogue secures large following, protests, sometimes without good reason and gets attention. When the crowd causes trouble with his express encouragement, he should not be held to account. That is not democracy but the seeds of chaos.

We are surprised that no statement has as yet come from the offices of these missions where a President is trying to change the constitution in Nigeria, to allow him a third term in office. This is a true attempt to abuse the democratic principles but no words have yet come forth. Rather we have a case in Sierra Leone where the same Police that you helped us train, are trying to do their jobs, but are now being constrained by the Representatives of those who are supposed to be helping us develop.

In conclusion, I am asking that the Home governments to come up with clarifications on this matter and advise their Ambassadors not to unduly interfere in the rule of law but to await the outcome. The statement was pre-mature and seems very partisan in the least. If the government then tries to influence the outcome, that is where a case exist for the kind of statement so attributed. Please continue to help Sierra Leone and not allow things to slide into anarchy once again.

Kind Regards,

Yours Faithfully,

**Mohamed Alie Bah**

On behalf of the "Concern and Patriotic Sierra Leoneans in the UK"  
United Kingdom

Cc: Tony Blair, British Prime Minister, George W. Bush US President, Angela Merkel, German Chancellor, Jacques Chirac, French President, Ahmed Tejan Kabbah, Sierra Leone President, Solomon Berewa, Sierra Leone Vice President, Jose Manuel Barroso, President of the European Commission, Momodu Koroma, Sierra Leone Foreign Minister & International Cooperation, Javier Solana Madanga, EU Foreign & Security Policy & Sec Gen Council of European Union, US, French, German, Ambassadors, UK High Commissioner and EU Representative in Sierra Leone, National and International Media Houses

INDEPENDENT OBSERVER

December 22, 2005

## **Ellen Expresses Concern Over Jewel's Relationship With Taylor**

**By Sam Togba Slewion**

**MONROVIA,** -- Since Jewel -Taylor, wife of exiled President, Charles Taylor, intensified her political game, winning a Senate seat and forming alliance with high profile politicians, who are among the strong critics of her husband, there has been doubts and apprehensions over the intent of her new political moves.

After winning the Senate seat in the first round of the elections, she joined the list of other defeated and victorious candidates to throw her support behind Ellen Johnson Sirleaf in the second round, giving her the edge to emerge the winner in a two-man race with Liberian soccer star, George Weah, Standard Bearer of the Congress for Democratic Change (CDC), making her the first female President of Liberia and Africa.

Jewel's new found political romance with Ellen can be considered a natural attraction due to several underlying factors, including the fact that Weah had a strained relationship with Taylor, forcing him to flee Liberia after he was branded an enemy of Taylor and Ellen's current position, as President-elect, giving her the power to decide Taylor's fate, considering his host country, Nigeria, stance to only show Taylor the exit for possible persecution for war crimes at the Special Court in Sierra Leone, if requested by an elected government of Liberia.

But this political dating game between Jewel and Ellen may not last too long, if Jewel continues to be loyal to her husband, Taylor, while flirting with Ellen and other kinmakers in Liberia. "We hope she has broken her communication with him," Ellen says of Jewel Howard-Taylor when she visited the offices of the Washington Post on last Thursday during the last leg of her recent visit to the United States to explain the agenda of her Administration for post-war reconstruction of Liberia.

Ellen went further to say "we think she won the election in her own right; so we will give her the benefit of the doubt. But," she added, "if she continues her links to Taylor and there is negativity, then we will have to make another decision."

It is not clear what "another decision" will Ellen make, but political pundits believe the President-elect made the hard decision on the Taylor issue by reverting to her pre-campaign position that all war lords must be persecuted for crime against the Liberian people.

A position she changed during the campaign leading up to the elections, putting forth her support for a Truth and Reconciliation Commission instead of a War

Crime Tribunal or a court similar to the Special Court in Sierra Leone created by the United Nations to persecute war lords responsible for maiming and killing of thousand civilians in Sierra Leone during that country civil upheaval, which many believe had the invisible hand of Taylor.

Ellen's campaign position on the fate of war lords may have been the political bit, which attracted Jewel to her political net, if one takes into consideration Jewel's recent statement in support of a Truth and Reconciliation Commission and her total rejection of the extradition of Taylor to Sierra Leone to face trial for alleged crime based on the international arrest warrant hanging over his head.

The former first lady told the Daily Observer, in an exclusive interview, that " I would go for the Truth and Reconciliation Commission because I think we need to know the stories; we need to find out those perpetrators." She added that she will not support her husband's extradition to Sierra Leone, blaming the existing political climate in Liberia for the insurrection launched by Taylor's NPFL. "Liberia was at a point where it could have been a John Doe; there was so much that had happened that created a ripe situation for a crisis," she quipped.

She also cast a wide net of blame over the entire country, holding all Liberians responsible for the carnage and destruction of the country. "Are we prepared to take all of us to Freetown (capital city of Sierra Leone)? Because the conflict that we faced were not of Charles Taylor's making. It was a result of the history of this nation," she averred.

Despite the strong position she is taking, Jewel, like any politician, knows how to stroke the ego of her opponents to continue dating Ellen, while she maintains her marriage with Taylor when she told reporters " I believe in Ellen and hope she will use her strong womanhood to set the standard and the stage for this new Liberia that we so desperately need." But the question remains how long will this triangle love affair last?