

**SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE**



Flashback to 2001: Two schoolgirls, their hands rendered nearly useless from attempted amputations, resided at the War-Wounded Camp in Grafton.

PRESS CLIPPINGS

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

as at:

Monday, 30 July 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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We Yone
Monday, 30 July 2007

Kabbah Should Face Special Court



"The Commission finds that the SLPP Government was aware of human rights violations and abuses carried out by the CDF, through the role of its Deputy Defence Minister, Chief Sam Hinga Norman, who served as CDF National Co-ordinator, and through members of the CDF War Council at Base Zero. The Government was further kept informed through its Security Committee

briefings and through reports received from ECOMOG. Nevertheless the Government failed to take

steps to stop such violations and abuses. The Commission, accordingly, holds the Government

responsible for the violations and abuses of human rights committed.

Contd. page 10

[Note: "We Yone" is the official newspaper of the All People's Congress political party.]

Kabbah Should Face Special Court

From front page

ted by the CDF". (TRC Findings)

The above is an exact quotation from the findings of the Truth and Reconciliation Commission which indicts the Kabbah / Berewa led SLPP government of having knowledge of the atrocities committed by the CDF and for which they are held responsible. By interpretation of this finding, President Ahmed Tejan Kabbah as the principal head of the SLPP government and Commander-in-Chief of the Armed Forces cannot absolve himself from the wrongdoings of the CDF and should thus bear the greatest responsibility. By the meaning of this interpretation outgoing President Kabbah should be indicted and charged by the Special Court for Sierra Leone.

The fundamental obligation of the Special Court for

Sierra Leone is to bring to justice those who bear the greatest responsibility for crimes of human rights violation committed against the people of this country after November 1996.

As at present the court has indicted, tried and sentenced three former AFRC members while the AFRC leader Johnny Paul Koroma remains at large. Three former RUF members are also facing trial while the notorious Sam Bockarie is reported dead, Corporal Foday Sankoh proved dead and the illusive Fayia Musa, who is obviously Victor Reider, remains unscathed together with the dreaded Eldred Collins who has also become a main player in the SLPP.

Every other Sierra Leonean is aware of the terror and panic guys like Eldred Collins, Gibrill Massaquoi inflicted on this country yet they are left to go scot-free

because they do not bear the greatest responsibility.

Kabbah's deputy Defense Minister Sam Hinga Norman and two others were indicted by the Special Court as bearing the greatest responsibility for the actions of the Civil Defence Militia. Sam Hinga Norman died, very regrettably, in custody. Whatever the Special Court means by 'those who bear the greatest responsibility' should not absolve President Ahmed Tejan Kabbah from being indicted.

If the court can indict former President of Liberia Charles Taylor for aiding and abetting the RUF why not the Commander-in-Chief of the Armed Forces and head of a government that the findings of the TRC pins as having "knowledge of CDF violations and abuses and, to the extent that such leaders were in the chain of command, they are held responsible".

Sierra Leone Court Monitoring Program

Saturday, 28 July 2007

An Examining of Joint Criminal Enterprise in the Special Court's Decision of the AFRC Trial

By Zoila Hinson

On 20 June 2007, Trial Chamber II of the Special Court for Sierra Leone handed down the Court's first judgment in the trial of the alleged leaders of the Armed Forces Revolution Council (AFRC), Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu. While the Trial Chamber found all three defendants guilty on eleven of the fourteen charges, it announced that "the Trial Chamber [would] not consider joint criminal enterprise as a mode of criminal responsibility" on the grounds that Prosecutor had "defectively pleaded" it. This decision could prove significant in other Special Court cases where Prosecutor has similarly pleaded joint criminal enterprise (JCE) and the Prosecution case relies heavily on JCE as a mode of criminal responsibility. A close analysis of the decision, however, reveals that while it creates a high hurdle to establish JCE as pleaded, it still preserves the possibility that the Prosecutor may overcome that hurdle with the right evidence.

"Joint criminal enterprise" is a mode of criminal responsibility or way that a court may find an individual responsible for a crime. In a JCE, an accused is held responsible not based on his personally committing the crime, but based on his participation in a common plan that leads to the commission of that crime. This mode of criminal responsibility was first articulated in the International Criminal Tribunal for the former Yugoslavia Appeals Chamber decision in *Prosecutor v. Dusko Tadic*. The ICTY Appeals Chamber articulated the mode's elements, or what the Prosecutor must prove in order to convict the accused using that mode of responsibility: 1) "[a] plurality of persons; 2) the existence of a common plan, design or purpose that involves the commission of a crime provided for in the Statute; and 3) the participation of the accused in the common plan involving the perpetration of the crime provided for in the Statute."

The Tadic Court also described three forms of JCE, that crime. The systemic form refers to so-called "concentration camp" cases; under this form, an accused may be found guilty for participating in an institution where human rights abuses occur if he or she knew of abuses, willingly participated in the institution and implicitly or explicitly expressed the intent for the abuses to continue. Thus under this form of JCE, an administrator at a concentration camp may be held criminally responsible for acts of torture that occurred there, even if he or she did not personally commit acts of torture provided he knew about them and continued to work there. Finally the extended form of JCE holds an accused responsible for crimes committed by another member of the enterprise that the accused did not intend but that were a foreseeable consequence of common criminal plan in which he willingly participated. Note that for the extended form the Prosecutor need not show that the accused intended the crime with which he is charged; the Prosecutor must only show that the crime was as a foreseeable consequence of the common plan and that the accused willingly took part in that plan.

JCE has been subject to a number of criticisms. First, it was not explicitly stated as a mode of criminal responsibility in the statutes for either the ICTY or the SCSL. The Chamber in Tadic asserted that the ICTY statute implied JCE as a mode of criminal responsibility because Article 1 extended ICTY jurisdiction to "all those 'responsible for serious violations of international humanitarian law' committed in the former Yugoslavia." Reasoning that holding criminally liable "only the person who materially performs the criminal act would disregard the role of co-perpetrators of all those who in some way made it possible for the perpetrator physically to carry out the criminal act," the Court concluded that the Statute implicitly allowed joint criminal enterprise as a mode of responsibility that already existed in customary international law. Critics argue that this kind of "judicial creativity" overreaches. The Tadic decision has been further criticised on the grounds that the cases the Chamber cited to establish JCE was customary international law "provide almost no support for the most controversial aspects of contemporary joint criminal enterprise doctrine."

In other words, JCE as articulated by the ICTY may not have been customary international law at all. Other critics argue that JCE effectively functions to find a defendant or defendants guilty by association or becomes a kind of organization liability, where an individual is found criminally responsible for others' action simply because he associated with them. Finally, the "extended" form has been criticised on the grounds that it does not require either a causal link between either the defendant's action or his intention and the resulting crime. [ix]

In the AFRC judgment, however, Trial Chamber II does not criticise in general, but only as pleaded in this particular case. The Trial Chamber first asserts that a JCE must be "inherently criminal," usually because it has the aim of committing a substantive crime under the statute, and cites a series of ICTY cases as support. Paragraphs 33 and 34 of the AFRC indictment charge that the AFRC accused formed a common plan with the RUF "to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas." As the Trial Chamber points out, however, such a goal does not constitute a crime under international law." Since the indictment fails to plead the necessary element that the common plan exist for the purposes of committing a crime under the Statute, the Trial Chamber reasons, the indictment is defective.

The Trial Chamber then, however, expands on the ways that a Prosecutor may charge that a common plan was criminal when it agrees with the Prosecution's assertion that "a JCE only needs to 'involve' the commission of the crime," rather than be formed with the goal of committing a crime. The Trial Chamber clarifies, however, that if the Prosecutor charges that a plan "involved" crimes, then the "fundamental question" becomes "whether the agreement involved international crimes at the inception of JCE." As stated the reasoning is circular: the JCE must have involved crimes from the inception of the JCE because before it involved crimes it was, by definition, not a JCE. Trial Chamber seems to mean that if the common plan "involved" crimes, presumably meaning that the commission of crimes constituted an agreed-upon action or was an inherent and inevitable result of the goal of the common plan, then the plan must have involved committing such crimes from the beginning of the agreement. This does not seem to logically follow because an initially lawful agreement may transform over time to "involve" crimes. In reasoning, the Trial Chamber may have anticipated its own further criticism of the Indictment: that it fails to specify the time period over which the alleged JCE existed. Since the Prosecutor has asserted that accused were charged with a JCE at "all times relevant to the indictment," and the alleged JCE developed during the Indictment period, then the Prosecution must show the JCE was inherently criminal from its inception. Ultimately the Trial Chamber concludes that the indictment is defective in part because "[f]rom the evidence" presented in the case the Prosecutor has not established the alleged JCE was criminal from its inception.

While the Trial Chamber presents the issue as a defective pleading, it can be reframed as an evidentiary problem. While the Trial Chamber asserts that the indictment was pleaded incorrectly because it pleaded charges in a way that that Prosecutor could not prove, one could instead present the problem as a lack of evidence to prove the charges in the Indictment. This distinction affects the judgment's implications for other Special Court cases, particularly those of Charles Taylor and the RUF accused, which rely heavily on JCE as a mode of criminal responsibility.

Since the cases are being argued and the evidence presented separately, the Prosecutor could theoretically produce new or alternative evidence that proves beyond a reasonable doubt that the common plan "involved" crimes at its inception. Thus while this case creates strict requirements for what the Prosecutor must prove beyond a reasonable doubt in those cases in order to use JCE as a mode of criminal responsibility, it has still left the door open for the Prosecutor to meet those requirements by presenting more or different evidence to establish that the agreement in question "involved" crimes from its inception.

If the Prosecutor were successful, however, it could create an odd situation in which, for example, the RUF defendants are convicted of having formed a JCE with the AFRC, but the AFRC defendants had not received any finding about whether it formed a JCE with the AFRC. Indeed,

this outcome is more than just a possibility; while Charles Taylor will be tried by Trial Chamber II in The Hague, Trial Chamber I will resume trying the RUF accused in September. Since Trial Chamber I is not bound by Trial Chamber II's decisions, and, indeed, had already concluded that JCE was not defectively pleaded in the AFRC case, it could draw its own, contradictory conclusions about the pleading of JCE. Ultimately, this decision may not be settled unless it is appealed the issue is appealed and decided as a matter of law by the Appeals Chamber of the SCSL.

UNMIL Public Information Office Media Summary 27 July 2007

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Country to Boost Relations with Liberia

Luanda, Jul 27, 2007 (Angola Press Agency/All Africa Global Media via COMTEX) -- The visit to Angola of Liberian President, Ellen Johnson Sirleaf, expected for this year, will boost the political and diplomatic relationship between the two states, on Thursday here said that country's honorary consul in Luanda, Kalill Cherif. Speaking at the ceremony to commemorate the 160th anniversary of that country's independence, Kalill Cherif said the ties between the two countries and peoples dates back from the 1960s, the time of the beginning of the Angolan armed struggle.

A 'Rebel' Auditor-General Throws President Sirleaf Off Balance [analysis]

By Benedict Mokeiri

Nairobi, Jul 26, 2007 (The Nation/All Africa Global Media via COMTEX) -- At a time when Liberia is enjoying unprecedented international goodwill from a successful post-conflict transition, unfortunate signs are that it may be contracting the disease that doesn't spare many African regimes - corruption. Mid last month, the newly-recruited and youthful Auditor-General, John Morlu, stunned the country by alleging, in widely publicized statements, that the Sirleaf-led government was "three times more corrupt than the former interim transitional government of Charles Gyude Bryant that it replaced." Mr Morlu claimed he had evidence to this effect, citing "a risk analysis of government performance."

International Clips on West Africa

VOA 27 July 2007

Sierra Leone's Election Commissioner Says Country is Ready for August Vote

By James Butty, Washington, D.C.

Despite fears of pre-election violence and the possibility of vote rigging, Sierra Leone's chief electoral commissioner says the country is ready for the August 11 presidential and parliamentary elections. This will be the country's second election since the end of 10 years of civil war in 2002 and the first without the supervision of the international community.

UN Appeals to Parties to Avoid Incitement to Violence Ahead of Polls

Jul 26, 2007 (UN News Service/All Africa Global Media via COMTEX) -- The United Nations today appealed to all political parties in Sierra Leone to avoid inflammatory or provocative remarks that could lead to disturbances ahead of next month's presidential and

parliamentary elections, the second since the small West African country emerged from a disastrous decade-long civil war in 2002.

VOA 26 July 2007

UN Investigates Sexual Misconduct Charges against Ivory Coast Peacekeepers

The United Nations is sending a team of investigators to Ivory Coast next week to probe allegations of widespread sexual abuse committed by a Moroccan peacekeeping unit. The U.N. suspended the activities of the contingent of more than 700 peacekeepers earlier this week, when allegations surfaced they abused and exploited under-aged girls. The Moroccans have been confined to their barracks in the northern city of Bouake, except for essential daytime duties.

Local Media – Newspaper

Orator wants Government to Prioritize Youth Development

(The News, The Informer, The Analyst, The Inquirer, Public Agenda, New Democrat, and Daily Observer)

- In his 160th National Independence Day Oration, Child Rights activist Kimmie Weeks called on the Government to invest in the development of youths in order to adequately contribute to the future growth of Liberia.
- Weeks lauded the Government for the progress it has made but maintained that investment in the human capacity of the youth can not be delayed. He stressed that if Liberia is to reclaim its future, the Government must put in place a National Education Policy to address educational needs of the Country.
- He also accused Members of the National Legislature of slashing appropriations for education and health and increased their benefits. He entreated President Johnson-Sirleaf to veto any Budget passed by the National Legislature, which undermines education and health.

Liberty Party Retains Seat in By-Election in Bassa

(The Inquirer, The News and Public Agenda)

- According to a preliminary results posted on notice boards in District #3, Grand Bassa County, the National Elections Commission declared Liberty Party candidate Jeh Byron Brown having won 3,042 of the votes cast over his rival Unity Party candidate Moses Nyounboi who got 2,325.

Lawmakers End Security Training in Ghana

(The Inquirer and Heritage)

- A training session for the Security and Defense Committee of National Legislature which was held in Ghana, ended with the participants discussing among other things, the role of the Liberian National Legislature in the strategic direction, management and oversight of the security sector reform and conflict prevention for post-conflict Countries, strategies for civil society engagement and communicating security policy to the community.

Contact Group Welcomes Government Managing Natural Resources

(Public Agenda)

- A statement issued by the International Contact Group (ICGL) on Liberia attributed the destruction of Liberia's history to poor governance and disregard for the rule of law. However, the group said that it welcomes the Government's move to properly

manage the natural resources with Liberia's compliance with the Kimberley Process and the launching of the Liberian Extractive Industries Transparency Initiative.

Local Media – Star Radio *(News culled from website today at 9:00 am)*

National Day Orator Asks Government to Prioritize Youth Development

(Also reported on Radio Veritas and ELBS)

Contact Group Welcomes Government Managing Natural Resources

(Also reported on Radio Veritas and ELBS)

UNDP Dedicates Solar Power Project in Cape Mount

- A UNDP Solar Power project valued at more than US\$100,000 was dedicated in Jundu, Grand Cape Mount County. The project, which started in February was implemented by a Liberian engineering firm, Alternative Energy, installing Solar Panels at the Jundu Town Hall, clinic and a school. The Solar Power Project would last for twenty-five years.

(Also reported on Radio Veritas and ELBS)

Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpeh at karpeh@un.org.

The Boston Globe

Monday, 30 July 2007

Starting from here

By Kevin Cullen, Globe Columnist |

When she is asked what she wants most, 21-year-old Mariatu Sankoh smiles shyly.

"An education," she says, sitting in her Brighton apartment.

She never got past third grade. That's when war broke out in her native Sierra Leone. When it was over a decade later, more than 50,000 people were dead, and some, including Mariatu, felt like they were.

When she was 13, rebels took her from her village. Three of her friends said they were too tired to walk, so the rebels shot them.

Mariatu says sometimes she wishes the rebels shot her, too. Instead, they raped and brutalized her. They left her for dead. She says the only blessing was that she didn't get pregnant and become a "bush wife."

But the damage to her genital area was catastrophic and beyond the skills of African doctors.

Dr. Shannee Stepakoff, a physician for the United Nations, found her and knew Mariatu had to come here. A pair of doctors at Brigham and Women's Hospital, Warren "Buzz" Becker, a gynecologist, and Kevin Loughlin, a urologist, agreed to do the complex surgeries for free.

Ray Tye, the liquor magnate and philanthropist, agreed to pay for most everything else.

Tye normally uses his medical foundation to help children, but reasoned that Mariatu qualified because she had lost her childhood to war.

At 4 feet 7 inches, Mariatu looks like the schoolgirl she never was. While it is not why she came to Boston, there is a special poignancy, or irony, in her being healed here, because the man who ruined her life and her country was educated not far away. The rebels who brutalized her were unleashed by Charles Taylor, the former president of Liberia who spent 10 formative years in Boston, graduating from Bentley College in 1977.

In 1985, Taylor escaped from the Plymouth County jail, where he was being held for embezzlement in Liberia. Using the education and sophistication he acquired here, Taylor sneaked back to Africa and became one of that continent's most ruthless warmongers. His rebels recruited children as soldiers and hacked off the limbs of others. Today, he sits in The Hague, on trial for war crimes.

Mariatu Sankoh, one of his victims, blinks in disbelief when she hears of his life in Boston. She had no idea Charles Taylor was an educated man, much less educated here. How could a place that produced the people who have helped her also produce a monster like him?

"I don't know how this can be so," she said, shaking her head.

She arrived in March, to cold that made her cry. Her roommate and compatriot, Neneh Barrie, took her to the Brattle Theatre in Cambridge to see Ishmael Beah, who wrote a memoir about being a boy soldier in Sierra Leone.

Mariatu had never been on a train or a trolley and kept her eyes closed on the Green Line. Beah's eyes went wide with delight when he heard Mariatu speak their native Creole.

But mostly she stays inside, steeling herself for her third and final surgery next month. When she woke after her first surgery, Ray Tye was at her bedside, holding her hand. She had never met him, or seen a picture of him, but, drowsy and disoriented, she knew exactly who he was. She felt like crying, but thought it would embarrass him, so she just smiled and Ray Tye patted her hand.

She is grateful for everything people have done for her, but also embarrassed.

"I am most embarrassed because I have no education," she says. "Everyone I meet in America is educated."

Neneh Barrie, 28, who escaped from Sierra Leone during the worst fighting, won a scholarship to Fairleigh Dickinson University, and will soon head off to New Jersey for freshman orientation. Her cousin, Isha, will look after Mariatu.

Mariatu Sankoh will go home in the next few months.

That means she has time to scope things out.

"Where," she asks, folding her arms, "is this Bentley College?"

Kevin Cullen is a Globe columnist. He can be reached at cullen@globe.com. ■

Voice of America

Sunday, 29 July 2007

Women's Rights Entrenched in Sierra Leone

By Akwei Thompson

Washington, D.C.

Last month, Sierra Leone's parliament enacted three laws that give women unprecedented rights. One human rights coalition said the new laws will "help to radically improve the legal position of women in Sierra Leone.

Jasmine Fofana is the first vice-president of the Mano River Peace Network and a commissioner of the Human Rights Commission of Sierra Leone. From Kenema, in South Eastern Sierra Leone, she explained to Akwei Thompson the wide-sweeping nature of the new laws.

"We have new rights relating to women's rights for marriage, domestic violence and laws that protect women from all kinds of psychological, economic and emotional abuse...."

She said the law makes no distinction between educated and uneducated women: "I think uneducated women, like educated women, have been suffering from the discrimination and from the negative impact of the existing law...."

Jasmine Fofana added that "...not only just women; men also will benefit from the protection of people under the new statute."

BBC Online

Friday, 27 July 2007

France to help try Chad ex-leader

France has promised to facilitate the trial of Chad's ex-President Hissene Habre, who lives in exile in Senegal.

"We have to help Senegal financially, technically, legally to deal with the case," French President Nicolas Sarkozy said on a visit to Senegal.

Mr Habre, dubbed "Africa's Pinochet", faces charges of human rights abuses during eight years in office.

He fled to Senegal in 1990. Last year the African Union (AU) asked for him to be prosecuted there.

Mr Habre, who is in his 60s, was deposed in an uprising led by the current President, Idriss Deby, and denies knowledge of the alleged murder and torture of political opponents.

A commission of inquiry said his government was responsible for some 40,000 politically motivated murders and 200,000 cases of torture in the eight years he was in power.

Partnership

"That a dictator is brought to trial to answer for his actions is already good news," French radio quotes Mr Sarkozy saying at a press conference with his Senegalese counterpart Abdoulaye Wade.

"That the court in charge of the trial will be made up of Africans and will take place in Africa is another piece of good news."

Mr Wade acknowledged France's pledge and called for more international help, AFP news agency reports.

"This trial will cost a lot of money, I think that it should be the international community which should see to its financing," he said.

Mr Sarkozy is on his first visit to sub-Saharan Africa since becoming president in May and is due to go to oil-rich Gabon on Friday.

Correspondents say he is trying to encourage support for his idea of what he has called a "EurAfrican" partnership for Europe and Africa: urging the two continents to find a new way of working together, free from much of the colonial baggage of the past.



Hissene Habre's regime is accused of widespread murder and torture