

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



**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:**

Wednesday, 29 August 2007

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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For di People  
Wednesday, 29 August 2007

### IMC Condemns SLPP Newspaper "Does Not Augur Well for Good Relationship with Donor Community"

## PRESS RELEASE

**THE INDEPENDENT Media Commission, the body established by Parliament to regulate the media in Sierra Leone and monitor their content has been closely following the current trends in the media, in particular the content of newspapers and radio programmes.**

The Commission notes that even though it has been appealing for caution and restraint in the publication and broadcast of articles and statements that are likely to cause panic and fear, radio stations owned by political parties have been using their stations to abuse personalities in each other's camp and conjure up hate, intimidation, public unrest and threats to peace and stability contrary to the Media Code of Practice.

The IMC wishes it to be known that while it is committed to promote democracy, media pluralism and press freedom it will not sit idly by and allow the peace process to be derailed by some sections of the media. It must be clearly stated that press freedom is not synonymous with reckless criticism, character assassination and total disregard for media law and ethics.

What is expected of political radio stations and newspapers at this time is to use the media to convince the populace in a very civil tactical manner to vote for their candidate in the run off Presidential election slated for September. Continued threats, abuses, accusations and counter accusations result in adverse repercussions that are likely to derail our hard earned peace.

If radio stations and newspapers continue in the current vein, the Independent Media Commission will have no alternative but to suspend their licenses.

**FOLLOWING COMPLAINTS from the international community about the article captioned "As conspiracy to defraud Sierra Leoneans mounts, Carlos Valentia Exposed" Published in the August 23<sup>rd</sup> edition of the Unity Newspaper, the Independent Media Commission has investigated and discovered that the article in question reflected the perceptions of the author Soko Ngoboi and may not necessarily reflect the views of the Unity Newspaper.**

Be this as it may, the IMC views the article with disfavour and wishes to point out that the Editor bears full responsibility for everything that is published in his newspaper, because as the gatekeeper of the paper, he takes the final decision on the content of each edition.

The IMC condemns the attack on the UN Special Representative of the Secretary General, Victor Angelo, the Chief Technical Adviser at Nec, Carlos Valentia, Andréa Reidy of the British High Commission and Douglas Addison of the World Bank, as the innuendos and insinuations do not augur well for continued good relationship between Sierra Leone and

these international all media organizations to promote disaffection, ill will and hatred. Media organizations are hereby reminded to exercise editorial judgment in favour of good taste, mutual respect, decency, public safety and strict adherence to the Media Code of Practice. The Board of the IMC takes this opportunity to appeal to all media organizations to refrain from publishing or broadcasting any matter that is likely to be offensive or



COLE:double pressure



[This relates to an article in last Friday's 'SLPP Unity' newspaper which alleged the United Nations, the Special Court, and other international institutions were conspiring to "fix" the elections.]

## Patriotic Vanguard website

Wednesday, 29 August 2007

[http://www.thepatrioticvanguard.com/article.php3?id\\_article=1690](http://www.thepatrioticvanguard.com/article.php3?id_article=1690)

### CDF Sentencing Hearing Postponed

For Public Release, August 28, 2007.

Sentencing hearing for the two remaining members of the Sierra Leone Civil Defence Forces (CDF-SL), Mr. Moinina Fofana and Dr. Alieu Kondewa, was postponed this morning to September 18 without explanation. Some supporters and family members showed up for the hearing this morning only to be told that the hearing had been postponed for three more weeks.



Fofana and Kondewa along with former Regent Chief, Sam Hinga Norman, have been on trial since 2003 on eight counts each of violations of war protocol under Article III Common to the Geneva Conventions (War Crimes), crimes against humanity and other serious violations of international humanitarian law. Judgment on First Accused, Chief Sam Hinga Norman, was aborted following his death in prison in Senegal on 22 February 2007.

On August 2, the Trial Chamber ruled three to two that the two remaining defendants were guilty on four counts each of Article II Common. In addition, former High Priest, Alieu Kondewa, was found guilty of one count of international humanitarian law, placement of persons under 15 years of age into combat. Neither of the CDF defendants was found guilty of crimes against humanity levied against them by the prosecution. Earlier in the trial, the court also rejected the prosecution's attempt to charge the men with sexual crimes as in the case of the rebel AFRC and RUF accused. It is also worth noting that the lone Sierra Leonean jurist on Trial Chamber, Prof. Roslo Bankole Thompson, failed to convict the CDF Accused of any of the eight counts against them and issued a strongly worded separate and dissenting opinion.

Although no reason was given today for postponing the sentencing hearing, it is reasonable to assume that the decision was not entirely unconnected to the tense political situation in the country as the ruling SLPP government which established the court fights a people's revolt against massive corruption, incompetence and the abandonment of the government-sponsored CDF militia by the SLPP government of President Tejan Kabbah.

A run-off between Mr. Kabbah's designated successor, Vice President Solomon Berewa of the ruling SLPP and its arch rival, the opposition All People's Congress led by Ernest Bai Koroma is scheduled for September 8. In the recently concluded first run of the elections, Mr. Koroma out-voted the Vice President by 6 percentage points but failed to garner the 55 percent votes needed to win an outright victory. Fierce rivalry between the two parties has led to physical

altercations between their supporters in the diamond-mining district of Kono and in the Western Area including Freetown over the past three days. A dusk to dawn curfew is reported to have been declared by the government in Kono.

The Hinga Norman-CDF Defence Fund and various support groups of the CDF leaders throughout the world wait anxiously for the sentencing to be imposed on the people's heroes, Moinina Fofana and Dr. Alieu Kondewa and hope that Sierra Leoneans in deciding their political future will not forget those who sacrificed all to make democracy and the rule of law possible in our beloved country.

Rev. Alfred Munda SamForay,  
CDF Defence Fund.

Photo: CDF indictees. The late Hinga Norman is extreme right.

# Sierra Leone Court Monitoring Programme

Monday, 27 August 2007

## Justice Bankole Thompson's Opinion in the CDF Case: A Summary and Analysis

### Summary of the Dissent Opinion

On 2 August 2007, Trial Chamber 1 delivered its judgment in the trials of Moinina Fofana and Allieu Kondewa, two alleged leaders of the Civil Defence Force (CDF). While the Chamber unanimously acquitted Fofana on four of the eight counts charged and Kondewa on three, only a majority of the Chamber found the accused guilty on four and five counts respectively.<sup>i</sup> Justice Bankole Thompson dissented on all guilty findings and entered a "Separate Concurring and Partially Dissenting Opinion of Hon. Justice Bankole Thompson Filed Pursuant to Article 18 of the Statute."<sup>ii</sup>

Justice Thompson begins Part 1 by noting that two factors inspired his dissenting opinion: the "awesome responsibility" assigned to judges in international criminal tribunals due to the complex cases, and the recognition that reasonable judges can examine the same evidence and reach different conclusions.<sup>iii</sup> Thompson frames the issue of guilt as a question of determining "where legitimate collective defensive action in an armed conflict ends and where joint criminal enterprise begins."<sup>iv</sup> This framing seems to consider the guilt or innocence of the CDF en masse and in terms of the legitimacy of their military action; it appears not to acknowledge that forces fighting for a legitimate purpose might still violate international law or that guilt should be assessed based on specific actions by individual actors.

Thompson first disagrees with the majority's assigning undue legal significance to factual findings about Kamajor initiation rituals, ritual cannibalism and ritual killings, particularly its findings that use initiation rituals "as a basis for the tribunal to pronounce on the permissibility or legality of initiation either as a cultural imperative for membership in the Kamajor society or as a prerequisite for military training for combat purposes in the context of said society."<sup>v</sup>

Thompson then states that he also disagrees with the judgement because a defendant has a right to legal defences, even if he did not raise those defences during his trial, and the majority does not consider these defences.<sup>vi</sup> Thompson expounds on this point by citing legal scholars who have asserted the rights of defendants to legal defences in criminal tribunals.<sup>vii</sup> He also cites the prevalence of the right to a legal defence in municipal criminal law and argues that to have a different rule in international criminal law would "give rise to the spectre of crimes against humanity and war crimes being essentially crimes of strict liability or absolute prohibition, giving the criminal judicial process a profile reminiscent of the discredited English Court of the Star Chamber."<sup>viii</sup> He indicates he will return to this issue later in the dissent.

Thompson turns to alleged defects in the form of the indictment in Part 2. He concurs with the majority's dismissal of Fofana's argument that the Prosecution pleaded the indictment without sufficient specificity. He then discusses a "grave irregularity" in paragraph 28 of the indictment, charging the defendants with acts of terrorism and collective punishments (Counts 6 and 7).<sup>ix</sup> Thompson asserts that since paragraph 28 incorporates by reference the crimes charged in Counts 1 through 5, each of Counts 6 and 7 effectively charges each Accused with six separate offences. xAccording to Thompson, this creates a "penumbra of uncertainty" about which specific charges the Accused must defend and thus violates "the rule against duplicity, multiplicity or uncertainty."<sup>xi</sup>

In Part 3, Thompson next endorses the majority opinion’s narration of the background to the conflict and its political context.<sup>xii</sup>

In Part 4, he similarly agrees with the majority’s reasoning that establishes the Court’s jurisdiction over the case, law governing the crimes charged and law governing the forms of liability, with the exception of certain aspects of joint criminal enterprise (JCE).<sup>xiii</sup> While he agrees that JCE was a form of liability in customary international law when the alleged crimes were committed and that Article 6(1) of the Statute incorporates it by implication as a form of liability, he disagrees with the “rather uncritical adoption of existing jurisprudence on the subject.”<sup>xiv</sup> After briefly outlining existing law on JCE, he presents three criticisms of the third type of JCE, which holds an individual liable for a third party’s criminal acts that were not part of the joint criminal enterprise, but were a foreseeable consequence.<sup>xv</sup> Thompson asserts a) that the scope of liability under this type of JCE liability is unclear; b) that it is equally unclear how to interpret “foreseeability” and c) that it is unclear how to determine the effect of category three liability on the due process concerns that an individual may only be charged with crimes based on his or her individual conduct and conscious choice.<sup>xvi</sup> Finally, he emphasizes that JCE is a mode of liability, rather than a substantive charge like conspiracy, and is therefore a form of accomplice liability.<sup>xvii</sup>

In Part Five, Thompson discusses the principles that guided the Trial Chamber in assessing the evidence presented. He notes first that the Chamber must follow the Court’s Statute and Rules of Evidence and Procedure.<sup>xviii</sup> These include Rule 89, which states that the Chamber should attach no precedential value to national rules of evidence, but should apply rules that “best favour a fair determination of the matter before it.”<sup>xix</sup> According to Thompson, the Chamber also remembered that it must assess both whether the criminal act occurred and whether the Accused bore criminal responsibility in order to assess guilt.<sup>xx</sup> Pursuant to Article 17(3), the Chamber presumed the innocence of the Accused and made sure to put the burden of proof beyond a reasonable doubt on the Prosecution.<sup>xxi</sup> In assessing the guilt of the Accused, the Chamber kept in mind the three modes of liability charged: individual criminal responsibility pursuant to Article 6(1), JCE, and command responsibility pursuant to Article 6(3).<sup>xxii</sup> In determining whether the Prosecution discharged its burden, the Chamber considered alternative explanations other than the Accused’s guilt, following the principle from *Prosecutor v. Delalic*, an ICTY case.<sup>xxiii</sup> Consistent with the Statute, it drew no conclusions from the decision of both Accused not to testify.<sup>xxiv</sup>

Thompson then shifted his focus to how the Chamber evaluated evidence. In assessing witnesses evidence, it weighed a) their knowledge of the facts, b) their demeanor; c) their conduct and d) their character. In assessing their credibility, it evaluated a) their knowledge of the facts, b) their disinterestedness, c) their integrity, d) their veracity, and e) their motivation to speak truthfully.<sup>xxv</sup> In weighing the probative value of testimony, it considered a) internal consistency and detail, b) strength under cross-examination, c) this creates a “penumbra of uncertainty” about which specific charges the Accused must defend and thus violates “the rule against duplicity, multiplicity or uncertainty.”<sup>xi</sup>

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In Part Six, Thompson endorses the majority’s findings of fact, with his stated reservation about its findings on initiation rituals.<sup>xxxi</sup> He also endorses the majority’s findings of factual guilt; in other words, he accepts that the Accused committed the acts that form the basis of the charges and the majority’s guilty findings.<sup>xxxii</sup>

In Part Seven, he distinguishes between factual and legal guilt, emphasizing that while an Accused may have committed the criminal act, he or she may not be legally guilty.<sup>.xxxiii</sup> He notes that a key element of legal guilt is intent.<sup>.xxxiv</sup> Thompson endorses the Trial Chamber's not guilty findings on Counts 1, 3, 6, and 8 for Fofanah and Counts 1, 3 and 6 for Kondewa.<sup>.xxxv</sup>

In Part Eight, Thompson discusses possible defences to the charges he asserts were raised by the evidence, but were not argued by either Accused. He states that two principles guide his reasoning: a) that the Prosecution must prove both that the Accused committed the criminal act (*actus reas*) and that he acted with the requisite mental state (*mens rea*) and b) even if the Accused acted with the requisite *mens rea*, his conduct might still be justifiable or excusable.<sup>.xxxvi</sup> In contrast with the majority, he finds that the evidence raises two defences: necessity and the doctrine of *salus civis suprema lex est*.<sup>.xxxvii</sup> He claims, without citing any cases, that it is established in national legal systems that a judge must consider possible legal defences even if not raised by any party, and therefore he will follow that rule in this international criminal tribunal.<sup>.xxxviii</sup>

In explaining the necessity defence, Thompson asserts that it applies because the CDF fought for the restoration of President Kabbah's democratically elected government and "the preservation of democratic rule is a vital interest worth protecting at all costs."<sup>.xxxix</sup>

### **Analysis of the Dissenting Opinion**

This summary, however, fails to establish elements of a necessity defence in international law. While the two principles he outlines may be true based on the law from these three legal systems, Thompson does not explain why these legal systems can represent all national legal systems, or argue that this defence has been established as customary international law. Nor does he discuss principles that restrict its application or scope, even though such restrictions exist in national legal systems. At common law in the United States, for example, a necessity defence only succeeds under six conditions: a) the actor is faced with clear and imminent danger; b) there is a direct causal relation between the defendant's action and the harm to be averted; c) there is no effective legal way to avert the harm; d) the harm the actor will cause by violating the law is less serious than the harm he seeks to avoid; e) lawmakers have not anticipated the choice of evils and determined the balance to be against it; and f) the actor cannot have caused the situation which forced him to engage in criminal conduct.<sup>.xliii</sup> In general, this means that the necessity defence is not as simple as the choice of the lesser of two evils. In particular, the judge in this case would have to believe that the specific actor was faced with a clear and imminent danger when he or she acted – difficult to establish when the Accused voluntarily attacked a village, for example – and that there was a direct causal relationship between the Accused's specific action and the particular harm to be averted.

Thompson's reasoning, however, negates the need for such a causal link. The version of the defence he presents in paragraph 88, for instance, simply states that "[w]here the evil sought to be avoided by the criminal act is greater than the act would cause, the actor is permitted to choose the criminal act."<sup>.xliv</sup> Moreover, it seems unlikely that such a causal relationship could be established between torturing civilians or conscripting child soldiers and preventing a specific act of violence by the AFRC/RUF. Perhaps most importantly, the defence is specific, not general. Thus the general validity of the CDF and its goals and the general illegitimacy or criminality of the AFRC/RUF do not justify or excuse specific criminal conduct by members of the CDF; those could only be justified or excused by specific, imminent threats of harm by members of the AFRC/RUF, and only then when the harm caused by a member of the CDF met all the other conditions of the necessity defence. While the Trial Chamber should not necessarily be guided by U.S. law in particular, Thompson ignores any and all national restrictions on the applicability and use of the necessity defence.

[Page missing in original]

of individual criminal responsibility, and effectively issues a *carte blanche* for members of legitimate fighting forces engaged in legitimate conflicts to commit war crimes. Moreover, since Justice Thompson excuses war crimes committed by members of the CDF on the grounds that they fought for “the State of Sierra Leone”<sup>i</sup> rather than because they fought for the good of its people, this defence would excuse any war crimes committed by members of a force fighting to preserve any state. It could thus excuse soldiers who torture civilians during a conflict when a dictatorial state is threatened by a rebellion of an ethnic group the state has tried to cleanse, or a democratic movement that threatens the dictator’s power and whose leaders the state has imprisoned without trial.

Finally, as discussed, the Geneva Conventions, Optional Protocol II and the International Covenant on the Rights of the Child reject the argument that the validity of the conflict justifies or excuses the war crimes for which the Accused were convicted. The international community has already balanced the harms and rejected Thompson’s reasoning. Unsurprisingly, Thompson does not cite a single case in any national or international system applying this defence.<sup>ii</sup> Thompson thus creates a defence without demonstrating its basis in law and applies it in a way contrary to international law.

In his conclusion in Part Nine, Thompson criticises the Prosecution for presenting a case he claims was built on “guilt by association, requiring attribution of culpability to the entire Kamajor society for atrocities committed by some or rogue Kamajors.”<sup>iii</sup> He also implies that even if the Accused committed crimes and are legally guilty, they should not be charged: “I entertain more than serious doubts whether in the context of the uniquely peculiar facts and circumstances of this case a tribunal should hold liable persons who volunteered to take up arms and risk their lives and those of their families...their transgressions of the law notwithstanding.”<sup>iiii</sup> The rule of law and equality under the law, however, require that the law apply to all people, regardless of background, status or past accomplishment. Thompson’s dissent thus suggests that the Court violate these basic principles of jurisprudence and treat the Accused as above or immune to the law because they fought as members of the CDF.

In Part Ten, he outlines how he would dispose of the charges, finding each Accused not guilty on all counts.<sup>liv</sup>

## Notes

<sup>i</sup> The Trial Chamber convicted Fofana of Count 2, Violence to life, health and physical or mental well-being, in particular murder, a violation of Article 3 Common to the Geneva Conventions; Count 4, Violence to life, health and physical or mental well-being, in particular cruel treatment, a violation of Article 3 Common to the Geneva Conventions; Count 5, Pillage, a violation of Article 3 Common to the Geneva Conventions; and Count 7, Collective Punishments, a violation of Article 3 Common to the Geneva Conventions. Kondewa was convicted of Count 8, Enlisting children under the age of 15 into armed forces or groups or using them to participate actively in hostilities, in addition to Counts 2, 4, 5, and 7.

<sup>ii</sup> Article 18 of the Statute of the Special Court for Sierra Leone reads: “The judgement shall be rendered by a majority of the judges of the Trial Chamber or of the Appeals Chamber, and shall be

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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## UNMIL Public Information Office Media Summary 28 August 2007

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

### International Clips on Liberia

#### **Drawdown of Forces Will Not Endanger Peace, UN Envoy Pledges**

Aug 28, 2007 (UN News Service/All Africa Global Media via COMTEX) -- The top United Nations official in Liberia has again reassured the once war-shattered West African nation that the world body will not jeopardize the country's hard-won stability with its planned reduction of peacekeeping forces. The UN Mission in Liberia (UNMIL) will not "put at risk the peace we have all worked so hard to achieve," Secretary-General Ban Ki-moon's Special Representative Alan Doss said yesterday at a medal parade for outgoing Namibian peacekeepers in Sinje, Grand Cape Mount County, about 100 kilometres from Monrovia, the capital, and close to the western border with Sierra Leone.

### International Clips on West Africa

#### **Sierra Leone president threatens to impose state of emergency**

English Politics News--August 28, 2007, FREETOWN, Sierra Leone\_Sierra Leone's president threatened to declare a state of emergency if skirmishes between rival political groups continue before next month's presidential run-off in Sierra Leone. Speaking in a radio and television address late Monday, President Ahmed Tejan Kabbah warned his government would "deal firmly and promptly with anyone bent on unleashing mayhem on our country." Police used tear gas to disperse rock-throwing ruling-party and opposition supporters who clashed Sunday in the capital, Freetown. On Monday, authorities imposed a dusk-to-dawn curfew in a town in the eastern diamond mining region of Kono after similar clashes there.

#### **15 hurt in Sierra Leone vote clashes**

FREETOWN, Aug 28, 2007 (AFP) - Police imposed a night-time curfew in the eastern Sierra Leonean town of Koidu Tuesday, after seven people were injured in clashes between supporters of the two rival contenders for the presidency. Another eight people were hurt in fighting elsewhere in the country. Police declared a dusk-to-dawn curfew on Koidu, a major town in the Kono district, where the eastern region's police chief, Santigie Koroma, said "rival party supporters used slings and stones". Clashes were "widespread and we were overstretched," Koroma told journalists on Tuesday, saying that no arrests had been made. "Things are much quieter though today."

#### **Police seize heroin couriered to Ivory Coast**

**ABIDJAN**, Aug 28 (Reuters) - Police in **Ivory Coast** discovered 6.6 kg of heroin inside a piston for a lorry engine sent to the West African state by a courier from Pakistan, an official said on Tuesday. Authorities seized the drug, with a local street value of \$136,000, at the premises of the courier company following a tip-off by an anonymous caller. A Ghanaian man to whom the package had been addressed was arrested and could face up to five years in jail, police said. "We got some metalworkers to saw open the piston and found the drugs. We had no difficulty finding the addressee," a senior police officer told Reuters, asking not to be named.

### Local Media – Newspaper

#### **Flood Renders Several Homeless**

*(Daily Observer, The Inquirer, The News and New Democrat)*

- Hundreds of residents living in parts of Bushrod Island and Somalia Drive have been made homeless as a result of flooding.
- The flood follows days of heavy rains which resulted into the St. Paul River and Stockton Creek overflowing their banks and submerging communities nearby under water.
- Meanwhile, the Liberia Water and Sewer Corporation has suspended the supply of safe drinking water to Monrovia and its environs.
- Speaking to reporters, the Managing Director of the LWSC, Hunbu Tulay said the pump room of the corporation's water treatment plant and the entire water processing equipment is currently underwater.

### **President Sirleaf Makes More Appointments in Government**

*(The Inquirer, The Heritage and New Democrat)*

- President Ellen Johnson-Sirleaf has made more appointments in government pending confirmation by the Liberian Senate.
- An Executive Mansion release issued in Monrovia named those appointed are Andrew S. Allakamenin, Deputy Minister for Administration, Ministry of Commerce; Hester Williams Catakaw, Deputy Minister for Instruction, Ministry of Education; Dr. Mohamed Sheriff, Deputy Minister for Administration, Ministry of Transport and Edward K. Goba, Deputy Minister for Land Transport at the Ministry of Transport and also named Cllr. John Stewart as Commissioner to the Bureau of Maritime Affairs.
- The President also named members to various Boards representing a number of Corporations and Agencies.

### **US\$ 30M needed to Conduct Municipal, Chieftaincy Elections**

*(Heritage and the News)*

- Presidential Press Secretary Cyrus Wleh Badio says President Ellen Johnson-Sirleaf is seeking legislative authority to enable her appoint City Mayor and Chief to municipal and chieftaincy positions.
- Addressing reporters yesterday, Mr. Badio said it would cost government US\$ 30 million to conduct these elections and said government does not have the funds to hold the elections.
- He said the President is consulting with the Legislature to consider the budgetary and constitutional implications and following that would appoint City Mayors because most of the current mayors are ineffective.
- There have been mounting calls for government to provide funding for the holding of municipal and chieftaincy elections.

### **President Sirleaf seeks Extension of TPS for Liberians**

*(The Informer and the News)*

- Speaking to the press yesterday, Presidential Press Secretary Cyrus Badio said the President Ellen Johnson-Sirleaf has written U.S. President George Bush requesting an extension by two years of the Temporary Protective Status (TPS) for Liberians.
- He said the President thought the one year extension of the TPS was too short and has sought the intervention of President Bush to allow Liberians stay on for two more years to afford them sufficient time to prepare to return home or regularize their status.
- About a month ago, members of the lower House of the US Congress passed a resolution that would allow Liberians under the TPS to stay in the US.

Local Media – Radio Veritas *(News monitored yesterday at 6:45 pm)*

### **President Sirleaf Makes More Appointments in Government**

*(Also reported on ELBS and Star Radio)*

### **Flooding Renders Hundreds Homeless**

*(Also reported on ELBS and Star Radio)*

### **Five Wetlands in Liberia Meet International Standard**

- A statement issued by the Environmental Protection Agency(EPA) yesterday said five areas in Liberia have been recognized as wetlands of importance.
- According to the EPA, the Ramsar Convention on Wetlands of International Importance named the areas as the Kpatawee Fall in Bong, Gbedin in Nimba and Lake Piso in Grand Cape Mount Counties. Other areas are Marshall in Margibi and the Mesurado Wetlands in Montserrado Counties.
- The release said the Convention on Wetlands also officially certificated Liberia's EPA for the preservation of the wetlands and said this followed years of research to identify wetlands of international importance in Liberia.
- Major criteria for qualification of wetlands include location, physical and ecological features and hydrological values.  
(Also reported on *ELBS* and *Star Radio*)

### **Police Arrest Four in US\$ 25,000 Robbery**

- Police in Monrovia have arrested four men in connection with the snatching of a bag containing US\$ 25,000 belonging to the owner of a fishing company.
- Police sources say the men were arrested Sunday after a tip-off that they had broken into the vehicle of Mr. Young Park of the Interburgo Company and made away with his bag.
- The source said the men are currently detained and undergoing investigation.

**Star Radio** *(News monitored today at 12:00 noon)*

### **Executive Mansion Rules Out Holding of Municipal Elections**

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## Institute for War and Peace Reporting

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### Otti Mocks Court's Indictment Record

LRA accuses ICC of being faint-hearted for not charging heads of states over human rights abuses.

The international justice system works to silence opponents of bad governments while exercising leniency and indulgence towards executive state presidents and prime ministers who themselves are suspected of committing war crimes, the leadership of Uganda's rebel Lord's Resistance Army, LRA, has alleged in an interview with IWPR.

"No government leader in power has been arrested or tried" in international tribunals, said LRA commander Vincent Otti, who himself is the target of an arrest warrant for war crimes and crimes against humanity by the fledgling International Criminal Court, ICC, based in The Hague.

Speaking by satellite phone from the LRA's guerrilla headquarters, deep in the bush of the 5000-square-kilometre Garamba National Park, in the northeast of the Democratic Republic of Congo, Otti told IWPR, "If this institution [the ICC] is really designed to try anybody suspected of crimes against humanity, then it should also be trying the Ugandan People's Defence Force."

The UPDF, the armed forces of the government of Uganda, and the LRA have been locked in a 21-year-long civil war in northern Uganda that has seen more than 100,000 people die, some 1.7 million people uprooted from their homes and made internal refugees, and an estimated 38,000 children aged as young as seven and eight years abducted by the rebels to serve as guerrilla fighters, porters and sex slaves.

"Thomas Lubanga was arrested because he was suspected of being a rebel, but if he had been the president of a country he would not be behind bars now in a European prison," said Otti, who is deputy to the LRA leader Joseph Kony.

Thomas Lubanga Dyilo, leader of an ethnic Hema militia in the heavily-forested, mineral-rich Ituri region of the Congo, was placed in custody by the Congo government and transferred to an ICC prison in the capital of the Netherlands in March 2006. Proceedings against 46-year-old Lubanga are going forward with glacial speed. A preliminary hearing will be heard in The Hague only on September 4, eighteen months after Lubanga's arrest: that hearing will deal only with pre-trial issues, and there is no clarity when a full trial will begin.

Lubanga is specifically charged with recruiting children under the age of fifteen to fight as guerrilla soldiers. In the five years of operation of the ICC, staffed by some 600 international civil servants, Lubanga is the only person the court has so far managed to arrest.

Human Rights Watch, the New York-based international human rights organisation, has been pushing ICC prosecutors to investigate the involvement of the Ugandan and Rwandan governments in the Ituri conflict for several years, arguing that the various Ituri militias have been armed and financed by outside groups with an interest in the Congo's mineral and forest wealth.

The LRA, which has been involved in peace talks with the Ugandan government for more than a year, has said it will not agree to a final settlement unless ICC chief prosecutor Luis Moreno-Ocampo withdraws indictments against Kony, Otti and other rebel leaders. Moreno-Ocampo's 23-page charge sheet alleges that the LRA leaders "engaged in a cycle of violence and established a pattern of brutalisation of civilians by acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements".

The charge sheet further alleges that Kony and his men abducted civilians, including children, who were forcibly "recruited" as fighters, porters and sex slaves to serve the LRA.

Otti demonstrated his own confusion about who exactly in The Hague is issuing the warrant for his own arrest and that of others when he said, "If [Ugandan president Yoweri] Museveni left power today he would be arrested by the

ICJ tomorrow.”

The International Court of Justice is the primary judicial organ of the United Nations, and has operated in The Hague since 1946, resolving legal disputes between sovereign states, not between individuals. It is confused over and over again with the ICC - that began work only in 2002 and focuses on war crimes and crimes against humanity by individuals - and which seeks Otti's arrest.

Otti alleged that Museveni would only ever face potential prosecution by an international court when he steps down from political power. “He will then find himself behind bars in The Hague to answer crimes against the people of Uganda who were killed in the Luwero Triangle when Museveni was a bush fighter, like us, fighting the then established government he overthrew,” said Otti.

Northern Ugandans allege that as far back as the Eighties, Museveni's then rebel group, the southern-dominated National Resistance Army, NRA, was responsible for human rights abuses during the war against the government of the then president Milton Obote. In Museveni's 1981-86 guerrilla war, tens of thousands of people were killed in the Luwero Triangle, an area to the northwest of Kampala, the Ugandan capital, where NRA rebels were deeply entrenched.

The LRA revolt is in part the consequence of historic tensions between the ethnic Nilotic tribes of northern Uganda and the Bantu tribes of the south. Each has established national dominance at different times, often by force and sometimes through the ballot box.

In his interview with IWPR, Otti blamed the UPDF for the “Barlonyo massacre” of February 21, 2004, when LRA guerrillas were widely reported to have attacked an internal refugee camp of that name, near the northern town of Lira, and killed more than 300 people while abducting others and burning every building to the ground.

Otti claimed to IWPR that the Barlonyo attack was in fact carried out by Ugandan government soldiers, whose officers subsequently placed the blame on the LRA. “The UPDF,” he said, “has a habit of wearing rags and then hitting people in the IDP (internally displaced persons) camps. Then they go and put their uniforms back on to put out UPDF propaganda [alleging LRA responsibility].”

However, Bosco Okello, who was present at the Barlonyo attack and was abducted as a young child that day by the LRA, recently escaped from the rebels and returned home. “I didn't know what to think when I first came back,” said Bosco, now aged 16. On February 21, 2004, before he was taken away to an LRA camp, he helplessly watched the rebels execute his own brother. Okello is now trying to find work on construction projects to support his parents - neither of whom can walk because they were shot in the legs on that same date - and his younger brother and sister.

Before severing the satellite phone call from the Garamba, Otti warned that peace talks in Juba, South Sudan, between the Ugandan government and the LRA would fail if Museveni did not move quickly to demand that the court in The Hague drop its charges against the LRA.

He threw out a challenge to the ICC, which has no police force of its own, “to come and arrest me if it thinks it can do so”, and said terms used by Museveni such as “terrorists” to describe the LRA “are propaganda to intimidate the oppressed minority groups that are fighting for their rights”.

In The Hague on August 20, a Ugandan judge, Julia Sebutinde, insisted, in an interview with IWPR, that the serious nature of the allegations against Kony and Otti means they should be tried by a formal international court rather than simply going through informal tribal ceremonies designed to achieve reconciliation.

“War crimes and crimes against humanity [charges] which LRA top commanders are facing cannot be tried using the local traditional justice system like the Acholi Mato Oput [a traditional reconciliation ceremony of the Acholi ethnic group of northern Uganda],” said Judge Sebutinde, who is sitting in the case of former Liberian leader Charles Taylor, accused of war crimes at the UN-sponsored Special Court for Sierra Leone in The Hague.

“The perpetrators of war crimes and crimes against humanity in northern Uganda, in all fairness, must appear before an impartial and independent tribunal to answer the charges,” continued the judge. Only a tribunal of this kind, she said, would “adequately address” the kind of crimes that Kony, Otti and their commanders are charged with.

Moreno-Ocampo has consistently said that the arrest warrants against Kony, Otto and others will not be lifted unless either the Ugandan government or the LRA bring a legal challenge to ICC judges in The Hague or to the UN Security Council in New York.

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