

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



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as at:

Thursday, 26 June 2008

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Concord Times
Thursday, 26 June 2008

Testimony ends in RUF trial

The Defence concluded their case late Tuesday in the trial of three former leaders of Sierra Leone's Revolutionary United Front (RUF). An Expert Witness, called jointly by counsel for First Accused Issa Sesay and Third Accused Augustine Gbao, was the last witness to testify in the RUF trial and also before the Court in Freetown, as the Special Court for Sierra Leone takes a significant

step forward in completing its mandate.

The trial of The Prosecutor vs. Issa Hassan Sesay, Morris Kallon and Augustine Gbao opened in Freetown on 5 July 2004. The Judges of Trial Chamber I heard testimony from 86 witnesses during the Prosecution case, including one called at the behest of the Defence. 85 witnesses were called by the Defence. Of the 85

Defence witnesses, 59 witnesses were called by counsel for Sesay, while counsel for Kallon called 22 witnesses, and counsel for Gbao called eight witnesses. Three of the witnesses were common to Sesay and Kallon, and one was common to Sesay and Gbao.

Final trial briefs are due by 29 July 2008 and oral arguments will take place on 4-5 August, prior to the Court's judicial recess.

The Monitor

June 2008

Prosecutorial Strategy, Defence Rebuttal and Moses Blah's Testimony at the Taylor Trial

Introduction

Since beginning to hear testimony from Prosecution witnesses in January 2008, the trial of the Prosecutor of the Special Court for Sierra Leone vs. Charles Ghankay Taylor has proceeded at a steady pace, with the Prosecution calling 30 out of around 72 scheduled witnesses so far. This article will provide a brief overview of the strategies pursued by the Prosecution during direct examination and the Defense Counsel during cross-examination to date. It will then discuss the testimony given to the Special Court by former Vice-President of Liberia, Moses Zeh Blah, in May of 2008.

The indictment against the former President of Liberia, Charles Taylor, charges him with individual criminal responsibility for the Crimes Against Humanity of murder, rape, sexual slavery, enslavement and other inhumane acts. It further charges Taylor with Violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II, specifically acts of terrorism, violence to life, health and physical or mental well-being of persons, in particular murder and cruel treatment, outrages upon personal dignity, and pillage. Lastly Taylor is indicted for committing Other Serious Violations

of International Humanitarian Law, specifically conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities. The indictment charges Taylor both with direct individual criminal responsibility, in ordering instigating, committing, planning or aiding and abetting these crimes, and with superior or command responsibility over subordinate members of the RUF, AFRC and/or Liberian fighters who committed such acts. The particular crimes alleged occurred between 1996 and 2002.

Prosecutorial Strategy

Through direct examination of the witnesses called to date, the Prosecution has sought to establish three key elements in order to prove the charges alleged in the indictment. First, the Prosecution has sought to provide details of atrocities committed in Sierra Leone through direct examination of so-called 'crime base' witnesses.

Second, and most crucial to its case, the Prosecution has endeavored to link Charles Taylor to crimes committed in Sierra Leone since 30 November 1996, the period over which the Special Court has jurisdiction. This has been done through direct examination of so-called 'linkage witnesses.' In particular, the Prosecution has elicited testimony from linkage witnesses to establish the command structure of the NPFL, the RUF, and the AFRC. It has then sought to demonstrate Taylor's position within this hierarchy and his alleged ability to give orders to or assist RUF commanders. The Prosecution has also attempted to establish that Taylor was aware or had knowledge of the crimes being committed in Sierra Leone.

Third, the Prosecution has stressed the role of diamonds and arms and ammunition in the Sierra Leonean conflict, in order to further demonstrate a connection between Taylor and the overall conflict. In an effort to establish that Taylor directly supplied and financed many of the RUF and AFRC forces, the Prosecution has elicited testimony intended to prove that Taylor provided arms and ammunition to the RUF in exchange for diamonds, and thus directly profited from the mining of diamonds overseen by RUF commanders.

Defence Rebuttal

During cross-examination of the Prosecution's witnesses, the Defense Counsel for Charles Taylor has pursued four primary strategies. First, the Defense has sought to challenge the relevance and admissibility of evidence that details crimes occurring outside the temporal and geographical scope of Taylor's indictment and the jurisdiction of the Special Court. This is particularly important given that much of the testimony heard to date details atrocities committed by Liberians that occurred either before 1996 or outside of Sierra Leone. The Prosecution has responded by arguing that such evidence is relevant in terms establishing the widespread and systematic nature of the crimes, as well as helping to establish Taylor's requisite mens rea – that is intent, knowledge, or awareness that such crimes were occurring in Sierra Leone. Trial Chamber II, Justice Teresa Doherty presiding, has sided with the Prosecution on the relevance of such evidence.

Second, the Defense has sought to undermine the alleged connections between Charles Taylor and the command structure of the RUF, thus weakening his link with atrocities committed in Sierra Leone by the RUF. It has done so primarily by eliciting testimony indicating that Charles Taylor merely advised commanders in the RUF, that he had little if no control over activities occurring in Sierra Leone, and that he never directly ordered the commission of atrocities. In addition, the Defense has emphasized the constructive role Taylor played in the negotiations over the Lome Agreement as well as the system of discipline he established within the NPFL itself.

Third, the Defense has pursued a strategy of undermining each witness's credibility. The Defense has spent considerable time reviewing prior statements given by the witnesses to the Office of the Prosecutor (OTP), emphasizing inconsistencies between these statements and testimony provided in Court and suggesting possible reasons for changes in statements over time. The Defense has alleged, among other things, that the Prosecutor's office has engaged in unprofessional conduct during its preparatory sessions by coaching or prompting the witness to 'remember' evidence not previously provided in statements. It has also highlighted the fact that the witnesses were given multiple opportunities to make corrections to these statements during proofing sessions, and that changes in statements only occurred after related testimony was given by other witnesses. In effect, the Defense is alleging that the Prosecution is leading its witnesses to provide testimony that is consistent with and supportive of testimony given by previous witnesses.

The Defense has also sought to undermine the credibility of witnesses by scrutinizing the relationship of each witness with the Office of the Prosecutor, particularly in regards to payments made by the OTP to the witness in exchange for testifying before the Special Court. Most witnesses have maintained that they only received reimbursements from the OTP for travel expenses related to testifying, but the Defense is still implying that some witnesses may have been paid by the OTP to testify. In addition, the Defense has attempted to undermine witness credibility by connecting each witness to the alleged crimes. At times, this amounts to cross-examination directed at whether the witness him or herself actually engaged in any of the atrocities alleged.

Lastly, the Defense has pursued a strategy of de-emphasizing the importance of diamonds exchanged for arms and ammunition, by highlighting other sources of supplies (aside from Liberia and/or Charles Taylor) upon which the RUF relied. In particular, the Defense has focused on the provision of arms and ammunition by Libya, Burkina Faso and ULIMO forces, as well as the capture of supplies from towns raided. It has also attempted to implicate other diamond and arms dealers living in Sierra Leone during the time of the conflict, including Israeli and Lebanese nationals.

Moses Blah's Testimony

One of the most publicized witnesses called to date, Moses Zeh Blah, the Prosecution's 26th witness, testified before the Special Court from 14 May to 21 May 2008. Blah had served as Adjutant General of the NPFL, Inspector General of the NPFL, Liberia's ambassador to Libya and Tunisia, Vice President

under Taylor, as well as President of Liberia for a brief period when Taylor resigned in 2003. Blah testified in English and waived all prior protective measures. Chief Prosecutor Stephen Rapp conducted the direct examination, and Lead Defense Counsel Courtenay Griffiths conducted the cross-examination.

During direct examination, Blah first provided testimony about Taylor's involvement with and the command structure of the NPFL. He testified about the first time he met Taylor during military training in Tripoli, Libya. In Libya, Blah had trained with a group of Gambians, as well as a small group of Sierra Leoneans including Foday Sankoh. Blah testified that Sankoh referred to Taylor as "chief," though at this time Taylor did not meet with the other nationalities training in the camp. Blah recounted that the first time he saw Taylor, he introduced himself as "chief" and named the soldiers the National Patriotic Front of Liberia. Taylor later appointed Blah as Adjutant General of the NPFL.

Blah testified that the group of Liberians in Tripoli returned to Burkina Faso for a year and then relocated to the Ivory Coast. Blah was in Libya awaiting weapons and ammunition when he heard from the Libyans that Taylor had invaded Liberia with shotguns and cutlasses in late December 1989.

In 1990, Taylor appointed Blah as Inspector General of the NPFL. As Inspector General, Blah was to investigate anyone who committed illegal acts, such as killing civilians, looting and raping. Those found guilty would be punished, though only Taylor could authorize executions. Blah was also not permitted to investigate Executive Mansion Guards. He did testify about complaints that Executive Mansion Guards abused civilians and that the commander of the Marine Unit ate human flesh, though claimed that he did not pursue investigations out of fear of Taylor's reaction.

According to Blah, in 1991 Foday Sankoh was in Liberia and complained to him that the NPFL soldiers were committing atrocities in Sierra Leone, including raping women, killing civilians, and looting. After Sankoh discussed this with Taylor, Taylor allegedly told Blah that "[t]his type of thing must happen if you are fighting a war," and that Taylor would withdraw his men if Sankoh pursued this complaint further.

After Taylor was elected President in 1997, he appointed Blah ambassador to Libya and Tunisia. In 2000, Blah became Vice President of Liberia under Taylor. He testified that during this time, Benjamin Yeaten was the director of Taylor's Special Security Service (SSS) and the head of the battle group "Jungle Fire," within which ZigZag Marzah was a commander. Blah stated that Yeaten was more powerful than himself but not more powerful than Charles Taylor. He also recalled Benjamin Yeaten's involvement in atrocities, and stated that Yeaten was never punished for these acts.

Blah provided testimony concerning the provision of weapons to the NPFL by Libya. When asked about the relationships between Taylor and the Presidents of Libya and Burkina Faso, Blah testified that Gaddafi provided the training in Libya, some arms and other support, and that Blaise Campoare and Taylor were friends. Blah also recalled a number of arms shipments from Libya and Burkina Faso to Liberia, and testified that arms were usually stored at White Flower (Taylor's residence in Monrovia) when Taylor was President. Blah explained that his lack of knowledge of other arms deals was the result of his position as Vice President and its focus on state matters, which kept him "very far away" from arms and ammunition or security matters.

Blah also provided testimony about alleged connections between Taylor and the RUF, specifically concerning the role played by NPFL forces in Sierra Leone. Blah learned that 'Kuwait' was the code name for Sierra Leone, and that there were NPFL soldiers fighting alongside the RUF in 'Kuwait.' He also learned that once NPFL soldiers were inside Sierra Leone, they were headed by Foday Sankoh because he was the one in control of the RUF.

Blah further testified about connections between Taylor's inner circle and high-level AFRC and RUF commanders. For instance, Blah recalled that Sierra Leoneans led by Sam Bockarie fought with Benjamin Yeaten against LURD forces. The witness stated that he first met Bockarie at Yeaten's house and that Bockarie was often in Liberia. Blah also recounted one occasion during Taylor's presidency when Johnny Paul Koroma, Sankoh, and Bockarie came to Liberia for Taylor to settle a dispute among them. Blah then stated that on May 5, 2002 he met with Yeaten and saw Bockarie's dead body in the back of a truck alongside another decapitated body. Yeaten allegedly told him that the dead body was the 'mission' he was on, apparently to "destroy evidence." When Blah reported the incident to Taylor, Taylor said that this was a military matter and none of his business. Blah claimed that Yeaten killed Bockarie so that Taylor's government would not be seen as supporters of the RUF, and that Bockarie had been choked to death. After being shown a BBC report on Sam Bockarie's death, Blah corrected the year in which this occurred to 2003.

During cross-examination, Defense Counsel Courtenay Griffiths sought to undermine the allegation that Charles Taylor was engaged in military operations in Sierra Leone by contrasting Blah's close relationship to Taylor with the fact that Blah could not provide any direct or first-hand knowledge of Taylor's participation in any criminal acts or connections with the AFRC and RUF. Mr. Griffiths also questioned why, despite Blah's position and access to information, he had no direct knowledge of arms supplied by Taylor to the AFRC or RUF, financial support provided by Taylor to the AFRC or RUF, diamond transactions with Taylor, radio communications between Taylor and the AFRC or RUF, or instructions by Taylor to senior RUF commanders about military operations within Sierra Leone. Blah stated that he did not know about arms shipments because such knowledge was not part of his job duties, but he did know Liberians were fighting in Sierra Leone.

Defense Counsel also sought to undermine the credibility of Blah's testimony, by implying that Blah's relationship with Taylor might implicate Blah in the alleged crimes. In response, Blah emphasized that as Vice President, he had very limited authority and that any orders he gave came from Taylor. Mr. Griffiths also emphasized Blah's insistence that the Prosecution grant him immunity before he would cooperate. He then implicated Blah in Bockarie's murder by using autopsy reports to discredit Blah's description of Bockarie's body and by implying that it was Blah's responsibility to remove Bockarie from Liberia. Finally, Mr. Griffiths questioned Blah regarding payments he received following his interviews with the Prosecution.

Defense Counsel then sought to undermine the allegation that Charles Taylor, as head of the NPFL, had any control over the conflict in Sierra Leone. Mr. Griffiths highlighted the artificial nature of borders in Africa and the multiple ethnic groups that cut across national boundaries, such as Mandingos, Gios, Manos, and Krahns, implying that it is virtually impossible to police these borders. Defense also emphasized the lack of overall control within the NPFL, and the fact that most NPFL soldiers were not paid.

Mr. Griffiths undermined the possibility that Taylor could have supplied arms to rebels in Sierra Leone by noting that ULIMO controlled the border between Sierra Leone and Liberia from 1992 until 1997. In addition, in 1994 both ECOMOG and UNMIL forces had a widespread presence in Liberia and instituted checkpoints and roadblocks on all major routes and the airport. Blah did admit that from 1992 to 1997 NPFL did not have enough arms for itself, much less enough to supply Sierra Leonean rebel groups. While Blah noted that it was not impossible for the NPFL to transport large quantities of arms because ECOMOG would take monetary bribes, he also confirmed that ULIMO fighters were selling their arms across the border to Sierra Leone during this period.

The Defense Counsel attempted to portray Taylor's management of the NPFL as both legal and professional. For instance, Mr. Griffiths asked Blah about a tribunal established by Taylor to try crimes

committed by NPFL soldiers in an attempt to impose the rule of law. Blah noted, however, that the NPFL faced difficulties as time went on and the tribunal dissolved. Yet he did confirm that amputations were not a feature of the Liberian civil war.

In an effort to cast doubt upon Taylor's control over or support for the RUF, the Defense noted Taylor's active role in promoting peace talks in the region. For instance, Blah testified that Taylor wanted peace in Sierra Leone and worked to finalize the Lome agreement, and that Blah had accompanied Taylor to Togo to discuss bringing peace to Sierra Leone. Blah further noted that Taylor had requested the UN to deploy troops between Liberia and Sierra Leone in 1998 to reassure the world that Liberia was not involved in the Sierra Leonean conflict and that Taylor had officially declared that Liberia would not be used as a base to destabilize any neighboring country.

Moses Blah is the most senior figure to testify in the trial against Charles Taylor in the Special Court to date. However, he only agreed to testify after receiving a subpoena to do so. Before traveling to the Hague to testify, he told the BBC Program Focus on Africa that he was only going to tell the truth and he had "nothing personal against President Taylor - we worked together almost like brothers; we had a revolution going together, so I don't think I'm going to betray him."

The Monitor

June 2008

Dejure and Defact Control? : Augustine Gbao's Challenge to Command Responsibility

By Alison Welcher

After an extended break to allow for a Plenary meeting of all the Special Court judges, Trial Chamber I resumed action on June 2, 2008, picking up where it left off in the RUF trial. Since that time, the defense for the Third Accused, Augustine Gbao, has been presenting its case before the court. To support its case, the Gbao team has been calling witnesses to testify about Gbao's general popularity among and goodwill toward civilians, specific instances where Gbao acted to save civilians from renegade soldiers, and Gbao's fear of the front lines. Further, perhaps most importantly in relation to the charges in the RUF indictment, the Gbao defense team has both explicitly and implicitly renounced the allegation that Gbao had command, or superior, responsibility over RUF rebels committing crimes throughout Kailahun and Bombali Districts where he was stationed, much less over rebels throughout the RUF as a whole.

The RUF indictment, amended as of August 2006, alleges that Gbao was overall commander of the RUF's Internal Defense Unit (IDU) prior to the coup. It further charges him with being the senior RUF commander in control of Kailahun Town, Kailahun District, between 1996 and 1998, and joint commander of AFRC/RUF forces in Makeni, Bombali District, between March 1999 and January 2002. Finally, the indictment charges that Gbao was the overall security commander in the AFRC/RUF forces, meaning that he was in command of all intelligence and security units, between mid 1998 and January 2002. Rather than challenging allegations regarding Gbao's named positions within the RUF hierarchy, the Gbao defense has instead sought to flesh out exactly what these roles entailed. In doing so, the strategy of Gbao's defense team has been to portray him as a man with very little actual authority over RUF soldiers and to further argue that whenever Gbao did choose to exercise the little authority he had, he did so in ways that effectively punished or prevented the misbehavior of troublesome rebels toward civilians. Thus, the Gbao defense has consistently battled two prongs of the three-pronged test for command responsibility in international criminal law: (1) that Gbao did not stand as a superior in a superior-subordinate relationship over those committing crimes and (2) that even if Gbao was in such a relationship, he fulfilled his duties to prevent and punish criminal behavior at the hands of his subordinates.

To provide some background, in international criminal law generally, and as it is codified in the Statute for the Special Court of Sierra Leone, there are various modes of individual criminal responsibility, or ways that one can be held liable for crimes that have been committed. The most traditional way to be convicted of a crime is to commit it yourself. However, as is true in Sierra Leone itself, one can also be held guilty in international criminal law for less direct acts, such as planning, instigating or ordering a crime. Additionally, one can be held individually liable for the acts of one's subordinate, even if they are done on the independent initiative of that subordinate: this is command responsibility. Article 6(3) of the Statute for the SCSL emphasizes three pre-requisites to a finding of command responsibility:

- (1) the Prosecutor must establish the superior-subordinate relationship,
- (2) the Superior must have had knowledge of or had reason to know that the subordinate was about to commit a crime or has committed the crime AND
- (3) the Superior must have failed to take necessary and reasonable action to prevent the crime or to punish the subordinate for the action or inaction committed.

The test for a superior-subordinate relationship, long applied by international tribunals, is that of effective control. However, there is no easy way to summarize how this test is applied or what set of factors constitutes effective control. Instead, it must be applied on a case-by-case basis for every incident and

location out of which charges arise. Still, in the case of Augustine Gbao, a look at the past decisions of the SCSL trial and appeals chambers may shed some light on the defense team's strategy and the decision that is to come.

In its decision in the CDF case, Trial Chamber I (composed of the same three judges who are now trying Issa Sesay, Morris Kallon and the subject of this article, Augustine Gbao) articulated at length the principles it had adopted from the ICTY and other sources in outlining its legal understanding of command responsibility. The judgment went on to state that the basis of the superior-subordinate relationship is a "de jure or a de facto capacity to prevent the commission of a crime by a subordinate or to punish the offender of the crime after the crime has been committed." De jure power in itself is not conclusive of whether such a relationship exists, although it may be relevant as evidence; the effective control test must still be satisfied independently. Mere substantial influence or persuasive authority that falls short of effective control is insufficient for a finding of superior responsibility. This understanding of the effective control test was upheld by the Appeals Court against challenges by the CDF Accused and holds important implications for the Gbao defense. On the face of the indictment, Gbao had de jure control over RUF combatants. As overall security commander, it would appear to an outside observer that he would have had power over all security units and would be actively involved in ordering and carrying out punishments. Most people would probably also assume he held a great deal of authority as overall IDU commander, even if only limited to IDU agents and actions. Since the IDU allegedly handled instances of combatant misconduct, Gbao would have stood in a position to prevent and punish such actions. However, Gbao's defense has been to contest pre-conceived notions such as this and to have witnesses testify that in actuality, Gbao did little more as IDU commander than receive reports and make recommendations to his superiors; once he did so, matters were out of his hands. The defense contends that Gbao could not issue orders to anyone beside IDU field agents and that his main job was to ensure that the units functioned properly. It is further alleged by the Gbao defense that as overall security commander, he had no additional powers in deciding the outcome of serious investigations, and his only distinctive duty was to pass on joint security board recommendations to senior commanders. Finally, the Gbao defense has called several witnesses to speak to the fact that Gbao was not respected by RUF combatants, was not involved in military planning or activities, and was even derogatorily referred to as "Damn Bloody Civilian" for his fear of the front lines.

Skipping ahead to the third prong of the test for command responsibility, Trial Chamber I stated in its CDF judgment that a superior will be liable if he (or she) failed to take measures that are within his (or her) material ability. Trial Chamber I, alluding to a precedent from the Nuremberg Tribunals, also articulated a number of factors that speak to the ability of a superior to prevent a crime, including securing reports that military actions have been carried out in accordance with international law; issuing orders aimed at bringing relevant practices into accord with the laws of war; protesting against or criticizing criminal action; taking disciplinary measures to prevent the commission of atrocities by troops under one's command, and insisting before a superior authority that immediate action be taken. As for the duty to punish crimes that have been perpetrated, the court said this included the obligation to investigate an alleged crime to assist in the determination of the proper course of conduct to be adopted and to take active steps to ensure the offender is punished. The superior may exercise his own powers of sanction, or if he lacks such powers, report the offender to competent authorities. Again, Augustine Gbao's defense team has called witnesses who can either recall specific instances where Gbao investigated and handled RUF combatant misconduct or can speak to his lack of ability to hand down anything more than minor punishments or recommendations for more serious punishments. Additionally, the defense has painted a picture of a man seriously concerned with abiding by international law and conducting fair and thorough investigations. Thus, defense witnesses have described times when Gbao was reprimanded by Sam Bockarie for taking too long in an investigation or when Gbao lectured soldiers on the proper conduct under the laws of war and the RUF ideology. Witnesses have also recalled specific instances where Gbao freed women forced into marriage or punished soldiers for looting or stealing. Finally, the defense has

called witnesses to refute allegations of Gbao's involvement in major violations of international law, including the killing of 65 Kamajors and the hostage-taking of UNAMSIL personnel. Instead, the defense has claimed that Gbao advised against both these occurrences and did his best to make sure they did not take place.

Despite his alleged role as one of the senior commanders of RUF, Augustine Gbao stands in somewhat marked contrast to his co-accused. While Issa Sesay is the alleged interim leader of the RUF and Morris Kallon is an alleged former battlefield commander, Gbao did not take on a similar military role. In many ways, Gbao is most like Allieu Kondewa, one of the accused (and convicted) in the CDF case. By all accounts, Kondewa was not a fighter, and he never went to war or the front lines. Yet, he had command over the Kamajors in that they believed he possessed mystical powers that could protect them. Kondewa was also part of the National Coordinating Committee, the highest administrative body of the CDF. Still, Trial Chamber I found Kondewa to be a superior with effective control in a few of the districts where crimes allegedly occurred, citing evidence such as Kondewa's authority to issue oral and written directives to the Kamajors in that area, order investigations for misconduct, hold court hearings and threaten the imposition of sanctions of a "terrible death" on the Kamajors. Based on this power, the Trial Chamber concluded that he had the duty to ensure that an effective mechanism was in place in those areas so that his subordinates would in fact comply with his orders.

On appeal, the Appeals Chamber upheld the finding that Kondewa had superior responsibility for atrocities committed in Bonthe. However, in regards to Trial Chamber I finding similar responsibility in Moyamba District, the Appeals Chamber held that Kondewa's de jure status as High Priest of all the Kamajors did not by itself give Kondewa effective control over the Kamajors. Since the only other evidence that the trial court had relied on was the statements made by the alleged perpetrators, who identified themselves as "Kondewa's Kamajors," and the use of a vehicle by Kondewa, the Appeals Chamber held that it could not be concluded beyond a reasonable doubt that Kondewa stood in a position of effective control over Kamajors in that area.

While there was no belief among RUF combatants that Gbao held supernatural powers, he, like Kondewa, stood in a different kind of role than the other Accused. While he may not have had the respect of combatants, they knew that he stood for authority and law and order, which is part of why they did not want to like him. In this way, the Gbao defense strategy may have actually undermined itself by contesting more than one prong of the test for command responsibility. In arguing not just that Gbao did not have authority, but also that he did his best to command law and order, the defense may have made it easier for the trial court to decide that Gbao did indeed have the power to stop and to punish combatant misconduct, a power stemming from his position as superior. Recent witnesses for Gbao have told stories of how the mere threat of reporting to Gbao stopped rebels trying to misbehave in their tracks, or of how such bad conduct stopped in the presence of Gbao, as is allegedly the case in Makeni in mid-1998. These witnesses may lead the court to conclude that despite not being liked by fighters, Gbao stood in a position of effective control over them, that he knew or had reason to know of their misbehavior, and that he simply did not do enough to prevent or to punish their actions. Thus, the determination of whether Gbao is responsible for numerous atrocities under article 6(3) will largely turn on Trial Chamber I's view as to just how far Gbao's ability to affect combatant behavior extended.

Having had its judgment on Kondewa's superior responsibility in Moyamba District overturned by the Appeals Chamber for not being supported by the evidence cited, Trial Chamber I is likely to closely scrutinize how far Gbao's "effective control" extended, and over whom specifically he had this control. Precedents have found superior responsibility even where subordinates have a reputation for unpredictability or being difficult to control. Also, concurrent command does not vitiate the individual responsibility of any of the commanders, meaning that Gbao does not have to be proven to be the only, or even the main, commander in an area. Still, in light of the Appeals Chamber's statements in the CDF case,

Trial Chamber I will want to back any finding of superior responsibility for Gbao with substantial evidence of such a relationship, evidence that extends far beyond mere de jure authority and that speaks to both how he viewed himself and how he was actually perceived by combatants.

If Trial Chamber I does make such a finding, the Appeals Chamber seems to have agreed with allowing a broad reading of what constitutes a failure to prevent and punish criminal acts. Going back to Kondewa's case, Trial Chamber I found that Kondewa did exercise command responsibility in Bonthe, a finding upheld by the Appeals Chamber. The trial court stated that this responsibility included the duty to set up an effective mechanism to ensure that subordinates complied with his orders. After hearing testimony as to the widespread occurrence of abuses by all parties involved, Trial Chamber I was surely aware of the great difficulty of such a task. Yet, the court still found it appropriate to hold Kondewa liable for not doing so. Such a mindset suggests that if Trial Chamber I does find Gbao had command responsibility over certain areas, the court will not be particularly moved by those instances in which Gbao did allegedly make sure things were set right; instead it will hold him to a very high standard of acting to prevent and punish.

The reader may wonder why proving a superior-subordinate relationship is so important. One of the main reasons is the difficulty in proving that the accused committed, ordered, planned, etc., the allegation at hand. With crimes occurring over many years and locations, and with most documentary evidence either non-existent or long-destroyed, it can become very difficult to prove beyond a reasonable doubt that a defendant played a direct role in the commission of a crime. Thus, superior responsibility is a way of holding those who stand in positions of authority accountable for crimes that arise out of their overall directives or their actions in setting up a hierarchy of persons to carry out orders. In many ways, command responsibility is related to the Special Court's mandate to try those who "bear the greatest responsibility" for the atrocities committed during the long civil war. Augustine Gbao's unique relationship to the war as one who was charged with maintaining order and upholding the RUF ideology makes such an analysis all the more interesting. Trial Chamber I's handling of his case, especially if it finds his defense a credible one, may have important implications for establishing how diligent potentially law-abiding superiors must be in controlling the independent behavior of subordinates, and what standard they will be held to under international criminal law.

The Monitor

June 2008

Summary of Justice King's Dissenting Opinion in the CDF Appeals Judgement

By Cosette Creamer

On Wednesday 28th May 2008, the Appeals Chamber of the Special Court for Sierra Leone, before Honourable Justice George Gelaga King presiding, delivered its judgment in the appeals case of The Prosecutor against Moinina Fofana and Allieu Kondewa, former leaders of the Civil Defence Forces (CDF). For a more detailed summary of the Appeals Judgment, see the SLCMP May 2008 newsletter. The Honourable Justice George Gelaga King wrote a partially dissenting opinion, expressing his disagreement with three aspects of the Appeals Judgment: (a) the reversal of the Trial Chamber's acquittal of both accused for charges of the crimes against humanity of murder and other inhumane acts; (b) the decision to uphold the Trial Chamber's guilty verdicts for the war crimes of violence to life, health and physical or mental well-being of persons, in particular murder and cruel treatment; and (c) the revision of the Trial Chamber's sentencing decision.

The first point of disagreement between Justice King and the majority opinion of the Appeals Chamber concerns the meaning of the general element of a crime against humanity, that the crime occurred in the context of an attack 'directed against any civilian population.' The Trial Chamber had entered findings of not guilty for Counts 1 and 3, charging crimes against humanity of murder and other inhumane acts. A majority of the Appeals Chamber, with Justice George Gelaga King and Justice Jon Kamanda partially dissenting, reversed these decisions and entered guilty findings for both counts. In order to prove the commission of a crime against humanity, the Prosecution needed to prove beyond a reasonable

doubt that attacks by the CDF and the Kamajors were directed "against any civilian population."

This is a general or 'chapeau' requirement for crimes against humanity that must be proven in addition to the actual commission of the specific crime, i.e. murder. The Trial Chamber found that the Prosecution had not established this requirement based on evidence adduced that attacks by the CDF and the Kamajors were directed against rebels, and the Prosecution's admission that the CDF and the Kamajors "fought for the restoration of democracy."

In its Appeals Brief, the Prosecution submitted that the Trial Chamber erred in finding that the CDF 'fought for the restoration of democracy' because this is not and should not be a material consideration in determining whether or not crimes against humanity were committed, given that international humanitarian law applies equally to all parties in a conflict. In their Response Briefs, the Defense Counsels maintained that CDF attacks were never directed against the civilian population but against military targets, and that the CDF's policy was never to terrorize civilians, since this would be contrary to protecting civilians from rebel forces, the main purpose behind the establishment of the CDF. The Defense also argued that many acts of the Kamajors were isolated, random and unauthorized by the CDF.

The Trial Chamber, in defining 'directed against any civilian population,' adopted the dictum of the ICTY Appeals Chamber decision in Kunarac et al that the civilian population must be the primary, rather than incidental, object of an attack. In his dissenting opinion, Justice King first considers whether the finding that the CDF was 'fighting for the restoration of democracy' is a material consideration in determining whether a civilian population is the primary object of an attack. While he agrees with the Prosecution's contention that international humanitarian law applies equally to all sides of a conflict, he does not think

the Trial Chamber was necessarily referring to which side of the conflict was in the right. For him, the Trial Chamber was actually referring to the fact that the object of attacks by the CDF and the Kamajors was the AFRC and the rebels, in order to defeat them and restore the elected government. For Justice King, this is a relevant factor in evaluating the “totality of the evidence” to determine whether or not the attacks were primarily directed against civilians or, alternatively, rebel forces.

Justice King agrees with the Trial Chamber’s findings that the relevant attacks were military operations with military objectives. He expresses the view that the Appeals Chamber should not usurp the Trial Chamber’s power to enter findings of fact since the Appeals Chamber has not heard nor evaluated the credibility of the evidence itself. Justice King argues that the Trial Chamber relied on relevant legal authority and principles, particularly the ICTY Appeals Chamber decision in Kunarac et al, and he therefore disagrees with the Appeals Chamber’s contention that “the Trial Chamber’s conclusion in regard to the [directed against requirement] is devoid of articulation of its reasoning.” He also disagrees with the Prosecution’s charge that it is “apparent” from the Trial Chamber’s findings that it considered, as a matter of law, that an attack is not “directed against the civilian population if civilians are attacked in the course of attacks directed against opposing forces.” Justice King argues that this view cannot be attributed to the Trial Chamber, because it examined all the evidence presented and came to the conclusion that the evidence adduced did not prove beyond reasonable doubt that the civilian population was the primary – as opposed to incidental – object of the attack. He also does not agree with the Appeals Chamber’s view that the “Trial Chamber appears to have misdirected itself...by confusing the target of the attack with the purpose of the attack.” For Justice King, the Trial Chamber is not guilty of this confusion. Rather, the Trial Chamber was actually saying that the Prosecution had not proven beyond reasonable doubt that the civilian population was the primary object of the attack, and that it had found that the primary target of the attack – regardless of the purpose of the attack – was the AFRC and its allies and not the civilian population.

Justice King’s dissent is partly driven by how he interprets the standard of review the Appeals Chamber should apply in considering the Trial Chamber’s factual findings. The Appeals Chamber itself stated that the applicable standard of review with regard to issues of fact is extremely deferential and should only be overturned if ‘wholly’ erroneous or if no reasonable trier of fact would reach the same conclusion. Justice King reiterates that the Appeals Chamber must keep in mind the guiding legal principle on appeals review that “any evaluation that raises a reasonable doubt in the evidence must be resolved in favour of the Accused,” and in reversing the Trial Chamber’s findings and decision, it has not followed its own standard of review.

Justice King’s second point of disagreement is with the Appeals Chamber’s decision to uphold the guilty verdicts for the war crimes of murder and cruel treatment, punishable under Article 3(a) of the Statute for the Special Court (Counts 2 and 4). Kondewa was first found guilty under Article 6(3) of the Statute, which provides for superior criminal responsibility if the accused had knowledge that one’s subordinate was about to commit such acts, or if subordinates had done so and the superior had failed to take measures to prevent or punish the subordinate. Justice King acknowledges that it is settled law that Article 6(3) liability rests on an understanding of a ‘superior’ that possesses either de jure or de facto control to prevent or punish a subordinate committing a crime. He also agrees that the applicable test to establish a superior- subordinate relationship is one of effective control, and that this test applies to both military and civilian superiors. Thus, he concurs with the Court’s articulation of the legal concept of superior responsibility but disagrees with how it applied the test of effective control to the facts in order establish such responsibility.

Kondewa’s appeal also challenged the Trial Court’s application of this effective control test in determining whether a superior-subordinate relationship existed between himself and the alleged perpetrators of the crimes in Bonthé District. The Trial Chamber held that based on Kondewa’s de jure

status as a “High Priest” and his de facto status as a superior to the Kamajors in Bonthe District, he had exercised effective control over the Kamajors. Justice King argues that this finding by the Trial Chamber relied heavily on Kondewa’s status as a “High Priest,” and that the Appeals Chamber gave “undue credence” to this finding. He also thinks it ridiculous that on the basis of purporting to be a juju or medicine man, the Court could view Kondewa as a commander in a superior-subordinate relationship with the Kamajors, a finding that is anomalous in international criminal law. In Justice King’s opinion, “the roles found to have been performed by Kondewa as ‘High Priest’ are so ridiculous, preposterous and unreal as to be laughable and not worthy of serious consideration by right-thinking persons in civilised society.” Moreover, he doesn’t think this finding provides factual foundation for the determination that Kondewa had the legal and material ability to prevent or punish the commission of crimes by the Kamajors. This is particular so in light of evidence that Kondewa never commanded any troops, nor went to the battlefield himself.

Justice King next argues that the Trial Chamber’s finding that Kondewa was a de facto superior in Bonthe District contradicts its finding that Kondewa was not a superior for purposes of superior responsibility in Talia/Base Zero, since the latter is in Bonthe District and was “at all material times” the Headquarters of the Kamajors. Additionally, the finding that Kondewa had ‘substantial influence’ as a High Priest over the Kamajors cannot be equated, in Justice King’s view, with the material ability to prevent or punish subordinates for the commission of crimes. He argues that there is no pertinent evidence, direct or indirect, that Kondewa was in a superior relationship to the ‘Three Commanders’ of the Kamajors, and the Trial Chamber’s finding of such a relationship was a ‘speculative enterprise’ at best. This is further supported by the Trial Chamber’s finding that even the Three Commanders could not control the Kamajors. For these reasons, Justice King argues that the Appeals Chamber should not have affirmed the judgment of the Trial Chamber with regard to Counts 2 and 4.

Justice King also disagrees with the Appeals Chamber’s decision to uphold the Trial Chamber’s finding that Kondewa aided and abetted the commission of war crimes in Tongo. The Trial Chamber found that Kondewa’s speech in the December 1997 Passing Out Parade in Talia had a ‘substantial effect’ on the commission of war crimes by the Kamajors in Tongo, even though these statements were made more than a month before the crimes were committed. The Trial Chamber also found that Kondewa possessed the requisite mens rea for aiding and abetting because he was aware that the Kamajors would commit such war crimes based on knowledge of Hinga Norman’s orders and the fact that the Kamajors had committed such crimes in the past. Justice King dissents because he views Kondewa’s statements at the Passing Out Parade as ‘innocuous’ statements of fact. The Trial Chamber, according to Justice King, committed two errors in evaluating the evidence. First, it made no factual finding on the issue of whether any of the Kamajors present during the Passing Out Parade in Talia were actually those who committed war crimes in Tongo over a month later. Second, it drew the wrong inference from the statements made in Talia, which could not be interpreted as commands but as statements of fact.

Justice King ends this section of his dissent by asking: “could it also be said that those of the International Community...who mandated Kondewa, ECOMOG, the Civilian Defence Forces and their allies to fight for the restoration of the democratically elected Government and are, apparently, in a superior/subordinate relationship with Kondewa and others, are guilty of War Crimes?” He contrasts the Appeals Chamber’s decision with the decision not to investigate allegations of war crimes made against NATO during the 1999 bombing of Serbia and Kosovo, cautioning that “accusations of double standards might arise.” For Justice King, there is also the danger that such a decision will deter future government forces from intervening to address rebel forces or civil warfare. He also agrees with the Trial Chamber’s view that a mitigating factor in the case was the fact that the accused were fighting for the restoration of a democratically elected government, and “not any far-fetched thesis about an unwarranted allegation of a so-called ‘just war.’”

Justice King's third point of disagreement is with the Appeals Chamber's sentencing decision, because he believes that the Appeals Chamber interfered with the discretion afforded to the Trial Chamber in determining the appropriate penalties. On appeal, the Prosecution alleged ten errors of the Trial Chamber in its sentencing decision, although the Appeals Chamber gave credence primarily to only one: "treating the 'just cause' of the Accused as a mitigating factor." The Appeals Chamber held that the Trial Chamber erred by considering 'just cause' and 'motive of civic duty' as relevant factors in its sentencing decision, and that the Appeals Chamber thus has the ability to revise these sentences. Justice King dissents on both issues.

Justice King argues that the Trial Chamber did not take into account 'just cause' as a mitigating factor, but rather what the Defense had in fact pleaded – that the fighting was mobilized in order to restore the democratically elected government of President Kabbah. Only the Trial Chamber Justices themselves, in addressing the issue of the defense of necessity raised by Justice Bankole Thompson in his Dissenting Opinion, mention the phrase 'just cause' or 'just war.' Justice King thus appears to be arguing (a) that the Defense never pleaded just cause as a mitigating factor, and thus the Trial Chamber did not consider it as such; and (b) that when the Trial Chamber considered the argument that the CDF and the Kamajors were fighting to restore the democratically elected government as a mitigating factor, this is not equivalent to considering a 'just cause' or 'just war' argument because the Trial Chamber was considering the reasons for the fighting and not necessarily the justness of the cause.

The Trial Chamber also considered the following individual circumstances in reaching its sentencing decision: remorse, lack of formal education or training, subsequent conduct, lack of prior convictions and historical background. It then found no evidence that Fofana or Kondewa joined the conflict for 'selfish reasons' but rather had acted "from a sense of civic duty." In Justice King's opinion, a reasonable person would conclude that the Trial Chamber took into account both the gravity of the offence and the individual circumstances of the accused, and so correctly applied Article 19 of the Statute. For this reason, he dissents with the Majority's view that the Trial Chamber took into consideration factors that it should not have considered in the exercising of its sentencing discretion, and thus the Appeals Chamber did not have the right or the power to substitute its own sentencing discretion.

Center for American Progress

Wednesday, 25 June 2008

http://www.americanprogress.org/issues/2008/06/war_criminals.html

Holding War Criminals Accountable



SOURCE: AP/Michael Kooren

During her testimony, CAP's Gayle Smith praised the war crimes trial brought against former Liberian President Charles Taylor (above), but said more needed to be done to end crimes against humanity such as the genocide in Darfur.

“We must focus on legislation not lamentation; we must not just look in horror [on Darfur],” said Sen. Dick Durbin (D-IL), Chairman of the Senate Judiciary Subcommittee on Human Rights and the Law at Tuesday’s hearing, “From Nuremberg to Darfur: Accountability for Crimes Against Humanity.” Testimony, including that of Gayle Smith, Senior Fellow at Center for American Progress Action Fund and co-chair of the ENOUGH project, focused on fulfilling Nuremberg ideals of accountability by making crimes against humanity illegal in the United States.

Crimes against humanity are any acts of persecution or large-scale atrocities against a specific population, including but not limited to torture, rape, murder, and enslavement. Unfortunately, war criminals cannot simply be deported to their home countries and tried there for their crimes since many of those nations’ infrastructures and judicial systems are in a state of collapse. Yet since these crimes are not illegal in the United States, the perpetrators usually have to be tried for a much more inconsequential crime than they actually committed.

Smith, along with the other speakers, argued for legislation that would make crimes against humanity illegal in the United States, in order to “make sure America is on the right side of history.” She lauded

Former Liberian President Charles Taylor's trial for war crimes at the Hague and the establishment of the International Criminal Court, but declared these efforts insufficient. Only with sustained and robust peace processes in Darfur and other warring African regions, protection for civilians, and most importantly, accountability, will the perpetrators of crimes against humanity be stopped.

Smith outlined four key reasons why we should focus on accountability: it is the right thing to do and reinforces the United States' moral foundations; it would strengthen the structure and influence of the rule of law; it is in our national interests since crimes against humanity often lead to collapses of states, violence, and instability; and accountability can be a "sledgehammer" with which to uphold the law and bring crimes against humanity to an end.

Smith also encouraged the United States to pressure China to help in Darfur since its dependence on oil in the Sudan has helped fund the genocide. "They don't want to be seen...as championing the cause of genocide," she said, citing the fact that this summer's Olympics were already being renamed the "Darfur Olympics."

Diane Orentlicher, professor at American University, and a leading expert on international criminal tribunals, admired the United States' leadership in the Nuremberg trials and Genocide Accountability Act of 2007, but like Smith, she said it was not enough. She called it "desperately important" that there be a law that forbids all mass atrocities, not just genocide. Crimes against humanity are inhumane acts committed as part of a widespread or systematic attack against a civilian population.

Co-founder and president of Team Darfur, Joey Cheek, emphasized that mass killings and atrocities in the Sudan are a result of conscious and willful decisions as opposed to a natural disaster. He demanded more than sympathy and money.

"What I have come to realize is that it takes much more than awareness," Cheek said. "In the face of crimes such as these, people must be willing to fight back." He called for an Olympic Truce, in which world leaders would use considerable effort to create and promote peace during the time of the Olympics. In addition to a renewed peace process, Cheek mentioned increased humanitarian assistance and the deployment of peacekeepers.

Daoud Hari, author of *The Translator: A Tribeman's Memoir of Darfur*, and one of only five Darfur refugees resettled by the United States, put a human face on the tragedy as he described his experience in the country and the atrocities he witnessed. Although he said that hearing about these tortures, rapes, and the murder of children had, "destroyed his soul," he worked to expose the situation to the world.

"I honestly believed that the people who run the world we live in today will not allow this outrage to continue, if only they know about it," Hari said.

United Nations  **Nations Unies**

United Nations Mission in Liberia (UNMIL)

**UNMIL Public Information Office Complete Media Summaries
25 June 2008**

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

Newspaper Summary

Judge Nullifies Claims of Juror Tempering in Economic Sabotage Case

(The News, New Democrat, Public Agenda, The Inquirer, Heritage)

- The Criminal Court C under the gable of Presiding Judge Samuel Geevon-Smith ruled that he could not be convinced of jury tampering as alleged by State Prosecutors in the ongoing Economic Sabotage case. State lawyers recently accused members of the jury of bribe-taking and prayed the court to launch an investigation. The lead Prosecutor, Attorney Samuel Jacobs, alleged that the jury was tampered with for which he requested the court to institute an open probe into the matter. But Judge Geevon-Smith defeated the claims and ordered that the economic sabotage case be preceded with

Lawmaker Wants CBL Governor Summoned

(The News)

- A request to summon Central Bank Governor Mills Jones to respond to reported allegation from the General Auditing Commission (GAC) was debated in plenary Tuesday and sent to committee room.
- Montserrado County Representative Dave Coleman in a letter to plenary Tuesday requested his colleagues to summon Governor Jones to provide explanation about allegation that CBL submitted a document to GAC that doesn't meet the standard of accounting practice.
- Some lawmakers rejected the request on grounds that the House shouldn't operate on what appears in the media.

Accused Senator Writes from Prison

(The Inquirer, The News, Heritage, Public Agenda, New Democrat, Daily Observer)

- Margibi County Senator Roland C. Kaine has pleaded with his colleagues to look into the allegation which links him to the massacre of several persons in Margibi and Grand Bassa counties.
- In a communication addressed to his colleagues and dated June 16, 2008, Senator Kaine called on plenary to ensure that a free, fair and speedy trial is carried out in the case.
- Senator Kaine, who claimed to be innocent, said that since the investigation started, there has been no evidence linking him to the incident.
- Following the reading of Senator Kaine's communication in session Tuesday, River Gee County Senator Isaac N. Johnson urged his colleagues to handle the letter with care since it has political and legal implications.
- The Senate did not discuss Kaine's communication further but instead, the body sent the letter to the Senate Judicial Committee in consultation with its Legal Counsel for a one week review.

President Sirleaf Encourages West African Leaders to Support Women Candidates

(Democrat, Daily Observer, The Inquirer, The News, Heritage, Public Agenda, New)

- President Ellen Johnson-Sirleaf has urged leaders in the Economic Community of West African States (ECOWAS) to support women candidates in upcoming elections in a number of countries of the Community.

- She said if exercised successfully, the measure will help to promote women empowerment in the region.
- According to an Executive Mansion release, the President spoke Monday in Abuja, Nigeria, at the 34th Ordinary Session of the Authority of Heads of State and Government of ECOWAS.
- President Sirleaf's statement comes at the time when a number of West African nations are scheduled to hold elections later this year in Cote d'Ivoire, Ghana, Guinea, Guinea Bissau and Sierra Leone.
- The heads of states also took note of the pending elections scheduled to be held later this year in Cote d'Ivoire, Ghana, Guinea, Guinea Bissau and Sierra Leone and urged all stakeholders in these ECOWAS member states to ensure the conduct of credible, transparent, free and fair elections.

World Bank Gives Position on Mechanized Farming

(The News)

- [sic] The World Bank has generally pointed out that mechanized farming is driven by private sector initiatives, and as such, "the private sector plays more of a role (in mechanized farming) than governments."
- The point was made over the weekend when the Liberian government and the World Bank signed a US\$10 million grant in response to the government's initiatives towards its short and long term food needs.
- The point was made in the presence of Liberia's Agriculture Minister Chris Toe and Finance Minister Antoinette Sayeh in response to The NEWS' question regarding the Bank's position towards mechanized farming in Liberia.

Taylor Loyalists Warn American "Gangsters" – Say "their heads would have been cut off..."

(New Democrat)

- [sic] Key loyalists of former President Charles Taylor, on trial for crimes against humanity amongst others, have vowed swift resistance against US embassy officials, accusing them of illegally invading the home of their boss as gangsterism. Mr. Cyril Allen, ex-chair of Mr. Taylor's National Patriotic Party, speaking after the Americans arrived at Taylor's White Flower residence, defied the accused US embassy officials to repeat their act. He said they were fortunate that they (Americans) did not encounter ex-fighters in the building because they would have been challenged, adding their "heads would have been cut off." He blamed the government for allowing these "American boys and girls" to conduct the search.

Radio Summary

Star Radio (News culled today from website at 8:35 am)

Information Minister Distances Executive From Search at Taylor's Residence

- The Information Ministry says the Executive Branch of government did not request the search and seizure warrant that was taken to the home of former President Charles Taylor.
- The family and associates of the former President claimed that a team from the Special Court accompanied by armed Police officers reportedly searched the "White Flower" residence for over 45 minutes on Sunday.
- Information Minister, Dr. Laurence Bropleh said the government had no particular interest in the trial and would not take sides.
- Dr. Bropleh's statements were in reaction to allegation by an associate of Mr. Taylor that the Ministries of Foreign Affairs and Justice masterminded the search.
- Meanwhile, Star Radio reports that information gathered suggests that the operation at Mr. Taylor's house on Sunday was a joint criminal investigation by American investigators in collaboration with the Liberia National Police and

said it has nothing to do with the UN-backed Special Court in Sierra Leone.
(Also reported on *Truth F.M. and ELBC*)

President Sirleaf, Delegation In Germany To Attend Partnership Forum

- President Ellen Johnson Sirleaf at the head of a cabinet delegation left the country yesterday for Germany to attend a partnership forum which opens today.
- At the forum, government will highlight where it stands in terms of development efforts and also present its Poverty Reduction Strategy.
- The forum is to also solicit more support for government's development programs for post-conflict Liberia.
- Government's first partnership forum was held in the U.S. in 2007 and was attended by partners from across the world that made commitments towards Liberia's reconstruction.

(Also reported on *Truth F.M. and ELBC*)

Senate Rejects Pleas for Kaine's Suspension

- The Senate has rejected calls for the suspension of Senator Roland Kaine who is being detained on the charge of murder.
- The Senate said it cannot suspend Senator Kaine based on the accusation linking him to the killing of 19 Liberians in a land dispute.
- The President Pro Tempore of the Senate, Isaac Nyenabo, said suspending Senator Kaine would mean that the Upper House is rendering him guilty of the murder charge.
- Pro Tempore Nyenabo said the Senate has not also reached a decision on freezing the salaries and other benefits of the detained Senator in an apparent reaction to calls by the Catholic Justice and Peace Commission for the body to suspend Senator Kaine and freeze his benefits.

(Also reported on *Truth F.M. and ELBC*)

BIN Nabs Nine Illegal Immigrants

- The Bureau of Immigration and Naturalization (BIN) has arrested nine persons for illegally entering the country.
- The nine men were arrested in the former mining town of Mano River along the Liberia-Sierra Leone border.
- In an interview, Deputy Immigration Commissioner, Archie Williams said the men were brought in Monday and are being detained at the bureau's holding cell.
- Deputy Commissioner Williams said the nine are currently undergoing investigation which is expected to last within the 48 hours statutory period.

Twenty-four Pregnant Women Confirmed HIV Positive in Bong County

- Reports from Bong County say twenty-four pregnant women have been confirmed HIV positive in that county. *Star Radio* quoted the Chief Medical Officer of Bong County as saying the women were among 1500 persons who underwent voluntary counseling and testing. They were tested at health centers in Totota, Salala and Phebe early this year. Two of the women, according to reports, have given birth and the babies are however, tested negative of the virus.
