

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



PRESS CLIPPINGS

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

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The Guardian (Nigeria)

Thursday, 4 July 2013

The beauty of justice

WOLE OYEBADE

The Rule of Law: Between Nigeria and other climes

All men are equal before the law, says Nigeria's constitution. But in reality, big men have increasingly shown disdain for the country's different laws and have, indeed, escaped justice while the downtrodden pay the price when they break the law. WOLE OYEBADE examines how powerful people have faced the music over wrongdoings in other climes and writes that, such societies have been better off for it.

Conviction of Silvio Berlusconi, former Italian Prime Minister, again accentuates the primacy of law and equality of all men – from president to prince and peasants – in the eyes of the ultimate arbiter: the law.

Berlusconi, like Ben Ali, Charles Taylor, Dominic Straus-Kahn, and Laurent Gbagbo among other world leaders, have all faced the wrath of the law and prosecuted for defiling the law they had sworn to protect.

The bottom-line is the principle of equality, which demands that all individuals are subject to the same laws of justice (due process). Article 7 of the Universal Declaration of Human Rights states: "All are equal before the law and are entitled without any discrimination to equal protection of the law."

-SNIP-

Though not for milking his people dry like Ibori did; Liberian former president, Charles Taylor was also sentenced to 50 years in jail for being "in a class of his own" when committing war crimes during the long-running civil war in neighbouring Sierra Leone.

Judges at a United Nations-backed tribunal in The Hague said his leadership role and exploitation of the conflict to extract so-called "blood diamonds" meant he deserved one of the longest prison sentences handed down so far by the court.

Taylor, 64, was found guilty of 11 counts of aiding and abetting war crimes and crimes against humanity, when supporting rebels between 1996 and 2002 in return for conflict gems.

The offences included murder, rape, sexual slavery, recruiting child soldiers, enforced amputations and pillage.

Delivering the decision at the special court for Sierra Leone, Judge Richard Lussick said Taylor's crimes were of the "utmost gravity in terms of scale and brutality". He added: "The lives of many more innocent civilians in Sierra Leone were lost or destroyed as a direct result of his actions."

Prosecutors had asked the judges to impose an 80-year prison term. Lussick said such a long term would have been excessive as Taylor was convicted of aiding and abetting which "as a mode of liability generally warrants a lesser sentence than that imposed for more direct forms of participation".

Issa Sesay, a leader of the Revolutionary United Front (RUF), which carried out many of the atrocities, has been sentenced to 52 years in jail.

Korto Williams, director of ActionAid Liberia, said: “Not only is this verdict an opportunity for Sierra Leone and Liberia to move forward, it also signals the international community’s clear intent that any leader who misuses their power and carries out state-sanctioned violence will be held responsible for their crimes and will be punished.”

Taylor is the first former head of state convicted by an international war crimes court since Admiral Karl Dönitz, Hitler’s successor, was jailed at Nuremberg.

The civil war left more than 50,000 dead in the West African state. Thousands had their arms or hands forcibly amputated. During the conflict, the country’s average life expectancy dipped to 37 years.

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Laurent Gbagbo, former President of Côte d’Ivoire from 2000 until his arrest in April 2011, is still awaiting trial for his role in post election crises in his country. In October 2011, the International Criminal Court (ICC) opened an investigation into acts of violence committed during the conflict after the election, and ICC chief prosecutor Luis Moreno Ocampo visited the country.

The ICC formally issued an arrest warrant for Gbagbo, charging him with four counts of crimes against humanity – murder, rape and other forms of sexual violence, persecution and “other inhuman acts”, allegedly committed between 16 December 2010 and 12 April 2011, although many supporters allege that it is not true.

Gbagbo was arrested in Korhogo, where he had been placed under house arrest, and was placed on a flight to The Hague on 29 November 2011 without knowing where he was led. An adviser to Gbagbo described the arrest as “victors’ justice.”

The ICC’s confirmation of charges hearing for Gbagbo was scheduled for June 18, 2012, but was postponed to August 13, 2012, to give his defense team more time to prepare. The hearing was then postponed indefinitely, citing concerns over Gbagbo’s health.

IRIN

Thursday, 4 July 2013

Briefing: Justice and peace 10 years on in Liberia



MONROVIA, (IRIN) - In December 1989 Charles Taylor crossed into Liberia from Côte d'Ivoire with a small group of fighters, sparking two brutal civil wars which would leave over 200,000 dead and over one million displaced. This August marks a decade since the end of that conflict.

The country is now at peace and has made some progress in infrastructure development - some neighbourhoods in the capital have access to electricity and 70 percent of Liberians have access to cleanish water - but the reconciliation process has made little headway.

Liberia's peace appears to stem instead from a deep-seated weariness of violence and the presence of a large UN peacekeeping force.

Have violence perpetrators been punished?

Four years ago, Liberia's Truth and Reconciliation Commission (TRC) released a series of recommendations on measures for national reconciliation, justice and wide-ranging institutional reform to address the causes and consequences of the conflict. Yet until now little has been done to implement them, partly because some of those recommended for prosecution or disbarment from public office, including Nobel Laureate President Ellen Johnson Sirleaf, remain in positions of power and influence.

One of those recommended for prosecution, Prince Johnson, the senator for Nimba Country who finished in third place in the last presidential poll, stands accused by the report of "killing, extortion, massacre, destruction of property, forced recruitment, assault, abduction, torture & forced labor [and] rape". The TRC also requests that he account for "the remains of the late President [Doe], especially the skull of the head of the President which was occasionally displayed by Hon. Johnson as a 'war trophy'."

James Yarsiah is the chairman of the Transitional Justice Working Group, a civil society initiative monitoring Liberia's peace process. "I don't want tomorrow another group of Liberians to crawl from the mountains and the bushes... because the guys who did it before are honourables and dignitaries now," he told IRIN. "What kind of a message does that send?"

Suggestions of prosecutions have been met by the argument that attempting to prosecute those involved in the war might end up re-igniting it. But Yarsiah points to **the success of the Special Tribunal for Sierra Leone** in prosecuting "those who bear the greatest responsibility" for crimes committed in that country's own conflict, without provoking a return to violence. Liberia also has the safeguard of around 8,000 UN peacekeepers to quell any unrest.

"The United Nations cannot condone impunity," said the UN deputy special representative to the Secretary-General, Aneas Chuma. "There must be a moment of reckoning and accountability."

In January 2011 Liberia's Supreme Court ruled that the disbarment of any Liberian from public office without due process is unconstitutional, effectively nullifying that recommendation. "I don't see anything happening [towards accountability] for the foreseeable future," said Yarsiah - "not under this administration".

A new body tasked with implementing TRC recommendations, the Independent National Human Rights Commission (INHRC), stands accused of political bias and a lack of experience in the field of human rights.

The commission's acting head, Commissioner Boakai Dukuly, told IRIN that even though "there is no way you can have reconciliation, in the final analysis, without justice, sometimes you need a cooling off period after a conflict... Our situation is unique - the people who participated in the atrocities, a lot of them are in the government, they are in high places," he said.

What role are Palava Huts supposed to play?

Not all the TRC recommendations are as controversial as the imperative to prosecute the warlords and bar figures from public office. A large part of the report is dedicated to promoting reconciliation, notably through the use of traditional Palava Huts, aimed at promoting community-level dialogue, a "quasi-judicial forum for justice and reconciliation".

But these too, have been slow to make ground, amid confusion over their exact role. "Everyone's saying 'Great, but what is it?'" said Yarsiah.

The INHRC is tasked with implementing the Palava Hut system. "As we understand it here, [it] is really mediation, reconciliation, dialogue... an idea, not an edifice," said Commissioner Dukuly.

It remains unclear exactly what powers the Huts will have, and how they will operate. If they are endowed with judicial powers, as insinuated in the TRC report, there is speculation they may face opposition from those already opposed to the establishment of the proposed Special Tribunal. If they are merely a forum for confession and forgiveness, are the perpetrators any more likely to confess and repent than they were during the initial hearings of the TRC, which were deemed a charade by many observers? At this stage it is still unclear when the Palava Hut system will gain ground.

Have any reparations been paid?

A third element of the TRC report called for a reparations programme of US\$500 million. Despite much debate on the relative merits of “individual” and “community” reparations, this too has yet to be initiated, according to the Human Rights Commission. “The reparations programme is yet to be started,” said Dukuly. “To have reparations, the government has to put money in it,” he added.

One aspect of the TRC recommendations has, however, seen some recent progress, with the dedication of a memorial to two communities in Bong County where 500 people had been massacred during the second civil war (1999-2003). It is, according to the UN, “Liberia’s first memorialization of this kind”.

How flawed is the justice system?

Prominent among the institutional shortcomings often blamed for Liberia’s civil wars are a deeply flawed justice system, the over-centralization of power and wealth among Monrovia’s Americo-Liberian elite, widespread corruption, tensions over land rights and high levels of poverty and unemployment.

These problems largely persist.

The justice system remains inefficient and inaccessible for many Liberians. Power and wealth are still concentrated in the capital, Monrovia. Corruption remains widespread, as underscored by a recent audit report by accountancy firm Moore Stephens, which showed that only two of 68 land concessions since 2009 had been awarded in compliance with Liberian law. Land issues also remain highly contentious, with land tenure laws in need of reform, land grabs on the rise, persistent tensions between returning Liberians and those who stayed; as well as mounting tensions in towns and cities as urbanization mounts.

What about poverty and unemployment?

Above all, poverty and unemployment remain pervasive. For many Liberians, life has got little easier over the past decade, and price rises in basic commodities such as rice and fuel since 2008 mean life has become harder for many. According to the 2013 UN Human Development Report, 84 percent of Liberians continue to live below the poverty line.

The foreign direct investment poured into the country has not yet managed to significantly improve living standards of many ordinary Liberians. Liberia remains 174th out of 186 countries on the Human Development Index.

Rosaline Duaneh makes soup in a sandy alleyway in the maze of shanty dwellings that form West Point slum, near central Monrovia. She has been making soup here ever since the war. On a good day she makes up to 200 Liberian dollars (under US\$3), with which she must care for her seven children. Rosaline says she is only able to send two of her children to school. “Life is hard for me”, she told IRIN. “I’m only just managing. It is just the same as before, but now there are no gunshots.”

“I have been here all my life” says her neighbour, 29-year-old Archie Ponpon. “There have been no changes, only the silence of the guns.” Archie, like many in West Point, complains of a chronic lack of jobs, even for high school graduates. According to a March 2013 report by the International Labour Organization, just 4.1 percent of Liberian youths have “stable” employment.

Are we now at a turning point?

But there are signs that now, 10 years after the signing of the Comprehensive Peace Agreement, some momentum is starting to take hold.

The government in December released “Vision 2030”, a wide-ranging policy document relating to security, rule of law, reconciliation and economic development which aims to make Liberia a middle-income country by 2030. President Johnson Sirleaf has earned praise for attracting billions of dollars in foreign investment to the country - despite the controversies surrounding many recent land deals - and has also won acclaim for writing off the vast majority of her country’s debt.

Though electricity and the transport network remain extremely underdeveloped, efforts are being made to change that. A World Bank project hopes to provide electricity to a further 80,000 Liberians while the government is aiming to fix the derelict hydro power plant at Mount Coffee by 2015. Power cables now reach West Point slum, for instance, though most residents cannot afford the tariff (43 US cents per kilowatt hour). Though tarmac roads remain rare outside the main urban centres, road rehabilitation projects are also ongoing.

Late last year the government unveiled a draft for a \$50 million decentralization project aiming to devolve a certain level of power to the counties and lessen the current imbalance between Monrovia and the rest of the country. It lacks funding and would require constitutional amendments before it could be implemented, but it is a start.

Justice too is being decentralized. The UN’s Chuma points in particular to the first of five regional “Justice and Security Hubs”, which was launched this February in Gbarnga, Bong County. The hubs aim to make justice more accessible to residents of the interior of the country. And while the wider justice system remains far from flawless, it is slowly increasing its capacity to serve the population.

The security forces have undergone considerable reform, and the UN has now trained over 4,000 new police recruits. The UN Mission in Liberia (UNMIL) is aiming to reduce its troop count from around 8,000 to just under 4,000 by 2015.

And while land remains a highly contentious issue, in May the country’s Land Commission submitted a wide-ranging land rights policy which hopes to address some of the recent frictions.

“You don’t just build a state based on the rule of law just like that,” said Isabelle Abric of the UN Peacekeeping Mission in Liberia. “What I can really say is about the fact that there have been 10 years of peace, no matter what, and that means the first generation of children that went to school without war, and that’s what the country is building upon now.”

Last week the government launched a “Reconciliation Roadmap” which aims to streamline and coordinate the peace process. The document largely avoids the question of punitive justice for perpetrators of the war, but it does demonstrate the administration’s renewed efforts to face up to the challenges of the transition, providing a framework for the drive for peace and reconciliation.

“As Liberians, let’s seize this opportunity to reclaim our future,” announced Johnson Sirleaf at the unveiling of the Roadmap. Ten years after the end of the conflict, Liberia is at a turning point. It must take this opportunity to build on its recent progress if it is to consolidate the rocky foundations of its current peace.