

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

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

Tuesday, June 01, 2004

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No immunity for Charles Taylor, says Special Court for Sierra Leone Human Rights First urges Nigeria to bring Taylor to justice

NEW YORK, May 31, 2004 – Nigeria must respond to the Special Court for Sierra Leone's rejection of former Liberian President Charles Taylor's claim of immunity, and promptly surrender Taylor to the Court, says Human Rights First.

Today, the Appeals Chamber of the Special Court for Sierra Leone upheld the indictment and warrant for Charles Taylor's arrest, denying a challenge to their validity by Taylor's lawyers on the basis of a claim of head of state immunity.

The Court's President, Judge Emmanuel Ayoola stated, "We hold that the official position of the Applicant [Charles Taylor] as an incumbent Head of State at the time when these criminal proceedings were initiated against him is not a bar to his prosecution by this Court." Taylor "was and is subject to criminal proceedings before the Special Court for Sierra Leone."

Taylor was indicted by the Special Court for Sierra Leone in March 2003 on charges of crimes against humanity and war crimes, but remains at large under Nigerian protection. He has resided in the eastern Nigerian town of Calabar for most of the period since he resigned as president and departed Liberia in August 2003.

"Following today's decision, there is no excuse for Nigeria to continue harboring Charles Taylor," said Fiona McKay, director of Human Rights First's International Justice Program. "His indictment for gross criminal acts stands, and he should face trial without delay."

Nigeria's failure to hand over Taylor to the Special Court for Sierra Leone defies resolutions of the U.N. Security Council urging all states to cooperate with the Court. Nigeria has obligations under international law to cooperate in bringing to justice those accused of gross violations, and is in fact a member of the Sierra Leone Special Court's Management Committee, a body whose specific duties include encouraging state cooperation with the Court.

Nigeria additionally faces domestic opposition to its failure to bring Taylor to justice. Both the Nigerian Bar Association and Union of Journalists have condemned Nigeria's complicity in Taylor's impunity.

The United States, in turn, should publicly urge Nigeria to surrender Taylor for prosecution. It has failed to do so to date, even though it is a major financial supporter of the Special Court.

U.S. silence sends the wrong signal to Nigeria. "Taylor's presence in Nigeria is an affront to victims of the criminal violence in Sierra Leone," said McKay. "Without Taylor, the Court is unable to fulfill its mandate to try persons alleged to bear the greatest responsibility for serious crimes committed during the conflict in Sierra Leone."

The Special Court for Sierra Leone was established in 2002 on the basis of an agreement between the U.N. and Sierra Leone. The Court's duty is to prosecute those who bear the greatest responsibility for serious crimes under international law and Sierra Leonean law perpetrated since 1996 in Sierra Leone. Eleven individuals currently stand indicted by the Special Court, and nine of these indictees are currently in pre-trial detention. The Court's first trial is scheduled to begin later this week at its recently completed courthouse in Freetown, the capital of Sierra Leone.

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S.Leone Court Says Has Right to Prosecute Taylor
Mon May 31, 2004 11:23 AM ET

By Christo Johnson

FREETOWN, Sierra Leone (Reuters) - Sierra Leone's U.N.-backed war crimes court ruled Monday that it had the right to try former Liberian President Charles Taylor for his alleged role in a brutal decade-long civil war.

The ruling is likely to increase pressure on Nigeria to hand over Taylor, 56, who has been living in exile there since leaving office last August.

The court dismissed an appeal by Taylor who said he should be entitled to immunity as he had been a serving head of state at the time of his indictment last year.

Taylor is accused of providing financial and military support to rebels in Sierra Leone who became notorious for hacking off civilians' limbs, in return for access to the former British colony's diamond fields.

"The (tribunal's) appeals court has ruled that Charles Taylor was and is subject to criminal proceedings before the court in Freetown," court spokeswoman Allison Cooper said. "He has no head of state immunity."

Taylor was not immediately available for comment.

The court indicted him in March 2003 on 17 counts of crimes against humanity and other serious violations of international humanitarian law. The indictment accelerated his downfall when it was made public in June while he was at a summit in Ghana.

Taylor's lawyers had also argued during his appeal that the court had no jurisdiction outside Sierra Leone. They requested his indictment be quashed and an international arrest warrant be declared null and void.

But the court, where United Nations and local judges sit side by side, argued it was an international tribunal.

"The principle seems now established that the sovereign equality of states does not prevent a head of state from being prosecuted before an international criminal tribunal or court," the court's appeals chamber said in its ruling.

Some 50,000 people died in Sierra Leone's war, which started in 1991 when rebels attacked from Liberia. It was declared over in 2002 after the deployment of a massive U.N. peacekeeping force which numbered 17,500 at its peak.

Taylor, who began a civil war in his own country in 1989 before being elected president in 1997, left Liberia last August under huge international pressure and with rebels besieging the capital Monrovia.

Sierra Leone's court says it is now up to Nigerian authorities to hand Taylor over to the tribunal.

Nigeria, which has no extradition treaty with the Freetown-based court, has said Taylor could face justice in his own country if the Liberian people so desired.



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31 May 2004

**Summary of DECISION ON PRELIMINARY MOTION BASED ON LACK OF JURISDICTION
(CHILD RECRUITMENT)**

**PROSECUTOR V SAM HINGA NORMAN
(Moinina Fofana intervening)
Case Number SCSL-2003-14-AR72(E)**

Note: In accordance with the practice of the Special Court in some cases of public interest, importance or complexity, the following summary has been prepared to accompany the announcement of the reasoned decision today. This summary is intended to assist in understanding the outcome of this proceeding and is not a complete statement of the conclusions reached by the Court. The only authoritative statement of the Court's reasons is that contained in the published decision, which will be made available on the Court's website in due course, together with this summary.

Decision of the majority (read out by Justice Winter):

1. Under Article 4 of its Statute, the Special Court has the power to prosecute persons who committed serious violations of international humanitarian law including:

c. Conscripting or enlisting children under the age of 15 years into armed forces or groups using them to participate actively in hostilities ("child recruitment").

The question raised by the Preliminary Motion is whether the crime as defined in Article 4(c) of the Statute was recognised as a crime entailing individual criminal responsibility under customary international law at the time of the acts alleged in the indictments against the accused, which date back to November 1996.

2. To answer this question, international conventions and international custom have to be scrutinized. We have considered several key international instruments, including the Geneva Conventions and the Convention on the Rights of the Child.

3. Prior to November 1996, the prohibition on child recruitment had crystallised as customary international law, as demonstrated by the widespread recognition and acceptance of the norm prohibiting child recruitment in these international instruments, reiterated in the 1990 African Charter on the Rights and Welfare of the Child.

4. The central question which must then be addressed is whether the prohibition on child recruitment also entailed individual criminal responsibility by 1996, so that the principle of non-retroactivity is not breached. The protection of children is one of the fundamental guarantees articulated in Additional Protocol II and reflected in the Special Court Statute. As can be verified in numerous reports of various human rights organizations, the practice of child recruitment bears the most atrocious consequences for the children. Serious violations of fundamental guarantees lead to individual criminal liability. Therefore the recruitment of children was already a crime by the time of the adoption of the 1998 Rome Statute for the International Criminal Court, which codified and ensured the effective implementation of an existing customary norm relating to child recruitment rather than forming a new one.

5. A norm need not be expressly stated in an international convention for it to crystallize as a crime under customary international law. Furthermore, it is not necessary for the individual criminal responsibility of the accused to be explicitly stated in a convention for the provisions of the convention to entail individual criminal responsibility under customary international law. Further support for these findings is found in the national legislation of states which includes criminal sanctions as a measure of

enforcement.

6. Therefore, child recruitment was criminalized before it was explicitly set out in treaty law and certainly by the time frame relevant to the indictments. The principle of legality and the principle of specificity are both upheld.

7. For these reasons the Preliminary Motion is dismissed.

Separate Opinion of Justice King:

8. Justice King agreed, but added in a Separate Opinion that the Defence had failed in its duty to explain what it meant by "at the times relevant to the Indictment" and to particularise in precise, unequivocal and unambiguous terms what exactly it was requesting the Court to declare. For this reason, Justice King felt unable to grant the declaration requested.

9. Justice King cited Articles 2 and 22 of the African Charter on the Rights and Welfare of the Child promulgated in 1990 stating that those provisions spoke for themselves.

10. Justice King added that because of some of the language used, he was unable to appreciate the reasoning of Justice Robertson.

Dissenting Opinion of Justice Robertson:

11. Justice Robertson (who was unable to be present in Court for the delivery of the Decision) appended a Dissenting Opinion, being in "no doubt that the crime of non-forcible enlistment did not enter international criminal law until the Rome Treaty [for the International Criminal Court] in July 1998". Consequently, he "would grant a declaration to the effect that [the Applicant must not be prosecuted for any offence of enlistment, under 4(c), alleged to have been committed before the end of July 1998".

12. Justice Robertson traced the preparatory work leading to the adoption of the Special Court Statute and argued that the state of international law in 1996 in respect of child enlistment was unclear to the UN Secretary-General himself. He pointed out that the question of whether an act was criminalised should be carefully separated from whether it *should* be criminalised and considered in depth the principle of 'no punishment without law'. He went on to look at customary international law and emphasised that the question was whether child recruitment was a criminal law prohibition under customary international law by 1996. He then traced the relevant treaty law and developments up to 1996. He found that the Rome Statute was a "landmark in international criminal law" and that with its adoption, child recruitment crystallized as a crime entailing individual responsibility.



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UN tribunal in Sierra Leone rules Liberia ex-president must stand trial

Source: Agence France-Presse English Wire Date: May 31, 2004

FREETOWN, May 31 (AFP) - The UN-backed war crimes court for **Sierra Leone** on Monday ruled that former Liberian president Charles Taylor must stand trial on charges of aiding rebels during the west African country's civil war.

The court rejected a motion filed by Taylor's lawyers, in which they argued he was immune from prosecution because he was a serving head of state at the time of the alleged crimes and his indictment, a statement said.

"We hold that the official position of the applicant Charles Taylor as an incumbent head of state at the time when the criminal proceedings were initiated against him is not a bar for his prosecution by this court," said the statement.

Judge Emmanuel Ayoola said Taylor "was and is subject to criminal proceedings before the special court, which is an international court."

Taylor has been in exile in Nigeria since August last year, when, under huge international pressure, he stood down, paving the way for an end to 14 years of war in his country.

He was indicted in March last year on 17 counts of crimes against humanity for allegedly arming and training **Sierra Leone's** notorious Revolutionary United Front (RUF).

In exchange for his help, which is believed to have included the dispatch of Liberian fighters into **Sierra Leone** to back the rebels, Taylor was allegedly paid with so-called "blood" diamonds -- among the estimated 400 million dollars worth of the precious gems smuggled from **Sierra Leone** during the war.

Taylor was served with the indictment in June of last year in Accra, Ghana, where he was engaged in negotiations to end Liberia's civil war, sparked in 1989 by his rebellion against then president Samuel Doe.

The court's timing infuriated regional leaders who were trying to broker the peace deal, including Nigeria President Olusegun Obasanjo who eventually became Taylor's reluctant host in exile.

Since then Obasanjo has remained firm, even flying in the face of an Interpol warrant filed in December, that his guest will stay where he is until Liberia summons him home for trial.

Ig-ban/kdz/sjw

Human Rights Watch

Sierra Leone: Landmark Rulings Advance Justice Charles Taylor Not Immune from Prosecution, Child Recruitment a Punishable Crime

(New York, May 31, 2004) - A landmark ruling today by Sierra Leone's war crimes court removes any legal basis for Nigeria continuing to harbor former Liberian president Charles Taylor, Human Rights Watch said today.

The Special Court for Sierra Leone ruled that sitting heads of state are not immune from prosecution before an international criminal tribunal or court. Human Rights Watch therefore urged the Nigerian government to turn Charles Taylor over to the Special Court to face trial for his alleged crimes.

In another important decision, the Special Court ruled yesterday that it can prosecute the recruitment or use of children under the age of 15 as soldiers because it was a crime under international law during the entire period covered by the Special Court's authority. The recruitment and use of child soldiers is one of the charges against each of the 11 defendants from all warring factions indicted by the court, including Taylor.

The Special Court for Sierra Leone, which is backed by the United Nations, indicted Charles Taylor on 17 counts of war crimes and crimes against humanity for his role in contributing to the death, rape, abduction, and mutilation of thousands of civilians during Sierra Leone's civil war from 1991 to 2001. After being forced from power in August 2003, the former Liberian president is currently in exile in Nigeria.

"With this decision, Charles Taylor has no more legal cards to play," said Richard Dicker, director of the International Justice program. "The time has come for Nigeria to hand Taylor over to the Special Court."

Human Rights Watch also called on the international community to urge Nigeria to surrender Taylor. The United Nations and United States reportedly played a major role in negotiating the agreement that led to Taylor's leaving Liberia and receiving safe haven in Nigeria.

Taylor's lawyers argued that the former Liberian president enjoys immunity from prosecution for war crimes and crimes against humanity for several reasons. These arguments include that Taylor was a sitting head of state at the time of his indictment and that the Special Court violated an international legal principle that a state cannot assert its authority over another state.

However, the judges ruled that a sitting head of state can be prosecuted by the Special Court. Affirming that the Special Court is an international court, the judges found that it has been established that the principle that a state cannot interfere in the affairs of another state does not bar prosecution of a sitting head of state before an international criminal tribunal or court.

"No one should be above the law when it comes to widespread amputations, murder, and rape," said Dicker. "This important ruling strengthens the principle that those who commit serious crimes must be held accountable, regardless of their position."

On child recruitment, conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities is included in the Special Court's statute as a serious violation of international law that could be prosecuted by the court. However, one of the defendants, Sam Hinga Norman, the leader of Sierra Leone's Civil Defense Militias and then vice-minister of defense, challenged the authority of the Special Court to try these crimes. He argued that international law did not establish individual criminal responsibility for the offense during the period covered by the court's authority.

"The lives of thousands of Sierra Leonean children recruited by all sides during the civil war were torn apart by this appalling practice," said Dicker. "This ruling will make it possible to prosecute the perpetrators."

Background on Charles Taylor and the Special Court Elected president of Liberia in 1997 after a seven-year war that ousted former president Samuel Doe, Charles Taylor gained notoriety for the brutal abuses against civilians committed by his forces in Liberia, and for his use of child soldiers organized in "Small Boy Units." Forces supported by Taylor have been involved in conflicts in neighboring Guinea and Cote d'Ivoire. There are credible reports that Taylor remains in frequent contact with members of his former government, and that hundreds of fighters loyal to him are undergoing training in Liberia near the border with Cote d'Ivoire. The U.N. peacekeeping force in Liberia has expressed concern about the allegations of training, but so far has found no evidence to support them.

The Special Court has the power to prosecute those "who bear the greatest responsibility" for serious violations of international humanitarian law and certain violations of domestic law committed in Sierra Leone since November 30, 1996. The United Nations created the Special Court through an agreement with the government of Sierra Leone. Nine senior, indicted war criminals are currently in custody awaiting trial in the court's detention facility.

For Human Rights Watch's reports on the widespread and systematic use of sexual violence and other crimes committed in Sierra Leone, see "We'll Kill You If You Cry: Sexual Violence in the Sierra Leone Conflict," <http://hrw.org/reports/2003/sierraleone/sierleon0103.pdf>, "Sowing Terror: Atrocities Against Civilians in Sierra Leone," <http://www.hrw.org/reports98/sierra/>, and "Sierra Leone: Getting Away with Murder, Mutilation, and Rape," <http://www.hrw.org/reports/1999/sierra/>. For Human Rights Watch's letter urging Nigeria to hand Taylor over to the Special Court, please see <http://www.hrw.org/press/2003/11/nigeria-ltr111703.htm>.

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THE AUSTRALIAN

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Ex-president 'must stand trial'

From correspondents in Freetown, Sierra Leone

31may04

THE UN-backed war crimes court for Sierra Leone ruled today that former Liberian president Charles Taylor must stand trial on charges of aiding rebels during the west African country's civil war.

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The court's timing infuriated regional leaders who were trying to broker the peace deal, including Nigeria President Olusegun Obasanjo who eventually became Taylor's reluctant host in exile.

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Crucial Special Court ruling on child soldiers

KAMAJORS MAY BE CHARGED WITH ANOTHER CRIME

Monday May 30, 2004

The Special Court has just ruled that the recruitment of child soldiers was illegal under international law throughout the period covered by the court's mandate. In a crucial vote today, the court agreed 3 out of 4 that the recruitment of child soldiers had been criminalized during the period that accused war crimes indictees committed the act in Sierra Leone .

British legal luminary, Justice Geoffrey Robertson (pictured on the right) , was the only Judge who disagreed , asserting in his dissenting opinion that the recruitment of child soldiers was not criminalised under international law until late July 1998 during the time of the coming into force of the Rome Statute which set up the International Criminal Court (ICC).

The significance of today's ruling is that another charge--**THAT OF RECRUITING CHILD SOLDIERS--** may be added to the rap sheet of Chief Hinga Norman and the other two members of the Kamajor militia, expected to appear in court on Thursday , to start answering to charges that they committed War Crimes and Crimes Against Humanity during the Sierra Leone war.

LIBERIA'S former President Charles Taylor also lost his appeal against his indictment by the Special Court, in another ruling delivered today. Taylor will now be tried for war crimes as the court found sufficient cause to indict him for his role in the Sierra Leone war.



Taylor loses war crimes appeal

Former Liberian President Charles Taylor has lost his appeal against being prosecuted for war crimes.

The UN-backed Special Court for Sierra Leone ruled that it does have the right to try Mr Taylor for his alleged role in the 10-year Sierra Leone civil war.

Mr Taylor had argued that he should be entitled to immunity because he was a serving head of state.

He is now in exile in Nigeria after stepping down as Liberia's president last August.

Mr Taylor is accused of backing the Revolutionary United Front (RUF) rebels who were notorious for hacking off the limbs of civilians in Sierra Leone during the war, which ended in 2002.

He now faces 17 charges of crimes against humanity and other breaches of international law.

Blood and diamonds

Mr Taylor's lawyers appealed even before his trial had begun.

Among their arguments, they said the court was a national body and therefore its jurisdiction did not extend beyond Sierra Leone.

TAYLOR TIMELINE

1989: Launches rebellion
1991: RUF rebellion starts in Sierra Leone
1995: Peace deal signed
1997: Elected president
1999: Lurd starts rebellion to oust Taylor
June 2003: Arrest warrant issued
August 2003: Goes into exile

The prosecution says Mr Taylor backed the RUF in exchange for diamonds worth hundreds of millions of dollars.

An estimated 50,000 people were killed during a decade of fighting and many thousands more were mutilated.

The court says it is now up to Nigeria to hand over the former Liberian leader.

He has been living in exile in the south Nigerian city of Calabar since stepping down last August as part of a deal to end his own country's civil war.

His lawyers say he has no plans to leave.

Nigeria has previously rejected calls for him to be extradited. Mr Taylor, saying giving him asylum was the only way to end 14 years of fighting in Liberia.

June 1, 2004

Liberian Ruler Can Be Tried, Court Rules

By SOMINI SENGUPTA

AKAR, Senegal, May 31 - Charles G. Taylor, the former Liberian president accused of crimes against humanity in connection with a rebel insurrection in neighboring Sierra Leone, can be prosecuted by an international war crimes tribunal, a United Nations-backed court in Sierra Leone ruled Monday.

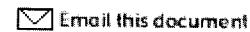
Mr. Taylor's lawyers had argued that a court in one country had no right to try the head of state of another country. But the four judges on the appeals panel of the Special Court for Sierra Leone rejected that argument, ruling that as an international tribunal, the special court does have that authority. The ruling clears the last legal hurdle for the prosecution, but another more daunting one remains. Nigeria, which has sheltered Mr. Taylor since he stepped down as president of Liberia in August 2003, has so far rebuffed demands to turn him over to the court in Sierra Leone. The Nigerian president, Olusegun Obasanjo, has said only that he would return his guest to his home country if the Liberian courts seek to prosecute him.

Liberia, which emerged from 14 years of crushing civil war with Mr. Taylor's departure, has issued no such request.

Mr. Taylor's lawyer in Freetown, Sierra Leone's capital, declined to comment on the special court's ruling. "I haven't read the report, so how can I comment on it?" said the lawyer, Terrence Terry.

The special court was created jointly by the United Nations and the government of Sierra Leone to punish the ringleaders of that country's decade-long war. Mr. Taylor is the most prominent among 11 people indicted so far. He faces 17 counts of murder, rape and other crimes against humanity in connection with the support he reportedly gave the rebels in Sierra Leone.

"With this decision, Charles Taylor has no more legal cards to play," said Richard Dicker, director of international justice for Human Rights Watch, based in New York. "The time has come for Nigeria to hand Taylor over to the special court." The special court will begin its first trial on Thursday. Among the defendants is Sam Hinga Norman, a former government minister in Sierra Leone accused of raising a terrifying pro-government militia, the Kamajors.



Source: World Vision

Date: 1 Jun 2004

World: New World Vision report charts devastating cost of conflict

As US President George Bush lobbies for the forgiveness of Iraq's debt, a new report argues the accumulated debt of 16 of the world's worst war-torn countries could be wiped away for even less.

The report, "An ounce of prevention: The failure of G8 policy on armed conflict", says the collective failure of international institutions to take conflict prevention seriously has contributed to the deaths of 14 million people and the displacement of 19 million people over the last four decades in these 16 countries. Yet the world's richest countries could dramatically improve the lives of countless millions victims of conflict by forgiving their combined debt of \$US84 billion.

The call comes as President Bush is expected to pressure G8 member countries later this month to wipe away Iraq's debt mountain - estimated to total \$US134 billion - to facilitate reconstruction.

The US move has prompted World Bank president James Wolfensohn to warn any such move on Iraq would trigger a new look at debt relief for all countries (The Guardian, April 20, 2004, p21).

World Vision's report profiles the cost of conflicts that have devastated Sudan, Rwanda, the Democratic Republic of Congo, Lebanon, Cambodia, Angola, Sri Lanka, Somalia, Sierra Leone, Nepal, Liberia, Haiti, Guatemala, Burundi, Afghanistan and Chechnya. The report argues that debt forgiveness is a critical preventative measure in enabling post-conflict countries to avoid future bloodshed.

"Just as the US are arguing in Iraq, debt forgiveness is vital in bringing stability to war wracked countries and in preventing renewed conflict," World Vision's director of International Policy and Advocacy, Alan Whaites, said.

The report says the World Bank's \$25 million Trust Fund for Low-Income Countries Under Stress is a welcome development but barely constitutes a drop in the bucket.

"At \$20 billion, Sudan's external debt is the largest in this study and far beyond its capacity to repay. Debt forgiveness for all the countries in this study would be less than Iraq's, have immediate effects and together would total approximately twice the overseas development assistance commitment of the OECD's Development Assistance Committee members in 2003."

"Without debt relief, however, these countries will remain shackled to the constraints of post-conflict economic stagnation without the means to rise to viability."

As well as debt forgiveness, the report also calls for the establishment of a common framework for conflict-sensitive assistance.

"Failure to properly analyse the impact of humanitarian assistance in conflict contexts can... feed militants, sustain and protect the militant's supporters, contribute to the

war economy and provide legitimacy to combatants," the report says.

Mr Whaites said there were conditions that could be linked to debt forgiveness and future aid.

"But while there are no absolute guarantees the alternative is to continue to bankrupt the state and disempower the government, greatly increasing the risk of a renewed cycle of violence," he said.

The report calls for peace-building troops under UN command to be trained in advance on typical humanitarian protection tasks. It also urges donors to dedicate resources to restrict the flow of small arms and illegal exploitation of natural resources to countries in conflict.

For more information on World Vision International visit <http://www.wvi.org>, or contact us at newsvision@wvi.org

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Christian Monitor

Tuesday June 01, 2004

WIN WIN FOR DAVID CRANE AS... NORMAN AND TAYLOR'S PETITION REJECTED

Charles Taylor's bid to quash his indictment thereby setting aside the warrant for his arrest was turned down Monday 31st May, by the Special Court.

It follows an application by the former Head of State of Liberia filed 23rd July 2003, on the grounds that he is immune from prosecution by the court by virtue of the fact that he was, at the time of the issuing of the indictment

and warrant of arrest against him, a Head of State. Charles Taylor in his application also raised the issue of the arrest warrant and its transmission to Ghana while he was there on official engagement also in his capacity as a serving Head of State. The arguments for and against the motion were heard by the Appeals Chamber on the 31st Oct and 1st Nov. In denying Charles Taylor immunity from prosecution

the court considered international law and that of the principle which now seems established that the sovereign equality of states 'does not prevent a Head of State from being prosecuted from an international criminal tribunal or court. Consequently the court ruled that the official position of Taylor as a sitting

Head of State at the time when the criminal proceedings were initiated against him is not a bar for prosecution by the Special Court for Sierra Leone.

On the matter of the arrest warrant and its transmission to Ghana, were Taylor's lawyer argued that it was an infringement on the sovereignty of that country, the court ruled, that issue should

properly be raised by Ghana' rather than the applicant and the forum for that would not be the Special Court.

In another ruling, the court cleared the way for the charge of illegal recruitment of child soldiers following a motion filed by Hinga Norman of the Civil Defence Force (CDF) on the 26th June 2003. After arguments heard by the Appeals Chamber on 5th

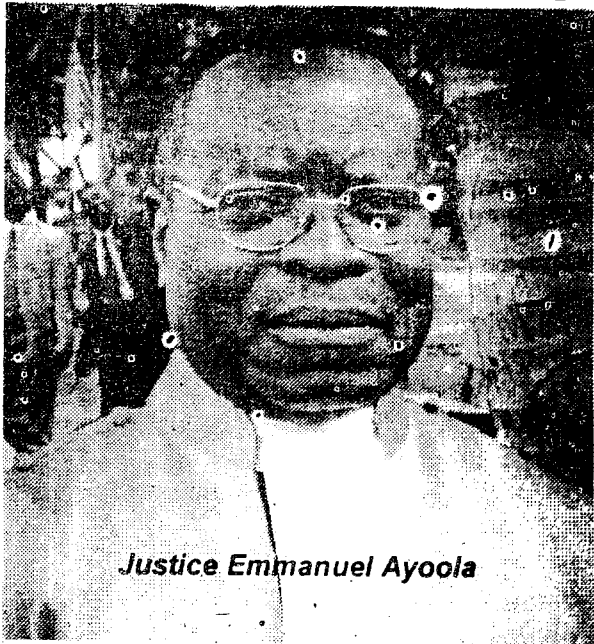
6th Nov, by the prosecution and defence, the court in a three to one decision Mon 31st ruled that it was a crime under international law to recruit child combatants at the time the crime was alleged to have been committed.

Former president of the court Justice Geoffrey Robertson was the dissenting vote in that decision.

Awoko

Tuesday June 01, 2004

Special Court says no to Head of State immunity for Charles Taylor



Justice Emmanuel Ayoola

By Kelvin Lewis

The UN backed Special court for Sierra Leone has ruled that former Liberian President Charles Taylor should stand trial for war crimes, crimes against humanity, and violations of international humanitarian law despite the fact that he was a serving Head of State when the 17 count indictment was unsealed and an international arrest warrant was issued against him. Lawyer Terrence Terry who defends former President Taylor had appealed to the Court to quash the indictment and set aside the arrest warrant

because under customary international law criminal proceedings cannot be instituted against a sitting Head of State. Mr Terry had also argued that the Special Court for Sierra Leone was a national court and not an international court. The Prosecutors on the other hand, had argued that as a matter of procedure Mr Taylor could not file a motion without making an initial appearance before the court. Nigerian born Justice Emmanuel Ayoola who was performing his first public function as President of the Special Court after he was

Contd. Page 2

From Front Page
elected just under a week ago on behalf of the Appeals Chamber of the court read out the ruling dismissing Mr Taylor's appeal. A national The court reaffirmed its earlier decision that the Special Court for Sierra Leone is an international court and not a national court of Sierra Leone or part of the judicial system of Sierra Leone exercising judicial powers of Sierra Leone. Further the court ruled that it is now an

established principle in international jurisprudence that the sovereign equality of states does not prevent a Head of State from being prosecuted before an international criminal tribunal. As a result the court concluded that Charles Taylor being a serving Head of State at the time he was indicted "is not a bar to his prosecution" by the Special Court for Sierra Leone. On the last claim by Mr Taylor's defence lawyers that the issue of an arrest warrant and its

subsequent transmission to Ghana was an infringement on the sovereignty of Ghana was equally dismissed on the grounds that it is an issue which should properly be raised by Ghana, and even so the Special Court would not be the proper forum because it is an international court for criminal proceedings against individuals. Pressure has been mounting on Nigeria to hand over the exiled former Liberian President for prosecution, but Nigerian authorities have maintained that he will only be handed over on the request of the Liberian government.

Concord Times

Tuesday, June 1, 2009

Special Court rules: Taylor subject to criminal proceedings

The Appeals Chamber of the Special Court yesterday ruled that former Liberian President Charles Taylor was and is subject to criminal proceedings before the Court in Freetown, according to a Press Release issued by the

Court.

According to a ruling delivered at the temporary courthouse and read out by the Court's President Justice Emmanuel Ayoola, The Appeals Chamber among others hold that Taylor's position as then President, "when these criminal proceedings were initiated against him is not a bar to his prosecution by this Court."

The Chamber stressed, "the Applicant was and is subject to criminal proceedings before the Special Court for Sierra Leone." The former Liberian President's lawyer Terrence Terry argued that, "as a sitting head of state at the time of his indictment in March 2003, he enjoyed immunity from prosecution under customary international law," the Release said.

He was also said to have argued that the Court did not have the jurisdiction to indict Taylor, because it was a national and not an international Court.

"Today Appeals Chamber decision reaffirmed an early decision delivered on 16 March, which found that the Special Court is not part of Sierra Leone judicial system," the Release maintained.

For di People

Tuesday June 01, 2004

CIRCLES OF IMPUNITY

"TO STOP the circle of impunity" is the buzz phrase of the Special Court established in Sierra Leone by the UN to try those who bear the greatest responsibility for a war that has gone down in the annals of human conflict as the most grotesque and brutal war in recent history. The Special Court is complemented by a TRC thus creating a unique merger of retributive and distributive justice.

by OUMAR FAROUK SESAY

The Special Court is nothing other than sanitized revenge and TRC on the other hand is recording of the collective pain of a nation, the common factor in both is premised on the willingness of the victims to co-operate. How willing are the people to bring their individual pain to form a collective for the purpose of records in a country in which there is a massive mistrust of institution? How will the people perceive a justice system which seeks to stop the culture of impunity by putting to trial those who carry out the greatest responsibilities for the war while the foot soldier that killed, raped and maimed them is rewarded with disarmament, rehabilitation and reintegration package?

This complex model of transitional justice has produced mixed reaction to people who are still trying to heal the wounds of pre-war abusive institutions and a post-war trauma. Most people choose the dignity of silence instead of narrating their debasement in public. They create a psychological fence around the gray areas of their minds, the portion of abuse, are made into a shrine of agony, hate and seething revenge.

The cultural nuances further enhance the silence, in a country where sex is not discussed in public, it is understandable if a father who was forced to join in the gang rape of his daughter refuses to revisit that topic. Most people believe that to tell is to dehumanize yourself. The limited time frame of the Truth and Reconciliation Commission further accentuates the problem.

Throughout history mankind has developed philosophical and psychological methods of dealing with death. Taking a cue from the first recorded death of Abel, we now know how to bury the dead. From our religious persuasion we commit the body to God through Christ or Mohamed in a "dust to dust" and "ashes to ashes" rituals. We comfort the bereaved with time-tested philosophies like there are reasons and purpose for everything under the sun. In some cases the consolation is translated to funeral dirges. In effect we know how to deal with death with all its multiple facets. On the other hand we are yet to come with a body of thought to console a person whose limbs have been chopped off by a rebel who now roams the backyard of his compound because he did

not bear the greatest responsibilities for the war.

The uniqueness of the transitional justice introduced in post-war Sierra Leone is creating problem revolving around rules of engagement enshrine on the Geneva Convention and individual responsibility. Are we suggesting that a combatant who rape and maim innocent civilians has nothing to answer so long as there is someone who bears the greatest responsibilities for his actions? There is more symbolism than essence in the whole exercise in Sierra Leone's transitional justice model. This might explain why it has more credibility in the international community that thrives on images and symbols. For most people a symbolism which put Foday Sankoh, Issa Sesay and Hinga Norman on the same moral pedestal conjures conflicting images that fail to communicate to the ordinary people. The manifestation of their confusion and mistrust for the Special Court is mooted in an act of indifference. Sierra Leoneans have been known to use apathy as weapon of political protest.

This stoic act of indifference sometimes mooted in street philosophies like "embalm" was predominant in pre-war Sierra Leone and it is finding expression in discuss relating to the Special Court. There is more intellectual interest in the complimentary model of transitional justice introduced in Sierra Leone, most scholars of jurisprudence argue that the outcome of the Special Court is predetermined for the simple fact that a justice system which set to punish those who bear the greatest responsibilities for the war also chose who to indict. The selective process undermines the credibility of the court. The selection process of the Special Court complemented by the quilt projection and bug passing process of the TRC create a transitional model that will be remembered for its transient impact in war torn Sierra Leone.

Victor's justice was the condemnation of the Nuremberg trial after the Second World War yet it succeeds in prosecuting those who bear the greatest responsibilities for the holocaust and the foot soldiers who carried out orders. The South Africa TRC model obliterates the punishment and not the crime. The Sierra Leone model on the other hand obliterates both the crime and the punishment. In our culture there is a system of individuating blame and responsibility. There is a story of a man who was taking to a local court for a heinous crime. His only defense was he was acting under instruction from a senior citizen and that he bears no responsibility for his act. The court chairman



DAVID CRANE: special court chief prosecutor

not moved by the defense said to the defendant: since you are a willing messenger with no views of your own, I'm instructing you to remove the crown of the chief and cast it in the dustbin. The defendant hesitated and replied I can't do that I will be in grave danger. That reply shattered his defense. This story is only an anecdotal evidence of individual responsibility that has far reaching implication. The precedent on that case is burnt into the collective memory of the national psyche no one has ever been pardon for a crime in local justice system on the basis of acting on instructions from above.

People cannot understand why a monstrous structure like Special Court is only able to indict two deceased rebel leaders, one junta leader swinging between the spectrum of life and death, an elusive ex-president, a national hero and few illiterate ex-rebels while thousands of cold-blooded killers are roaming the street under the pitiful excuse that they don't bear the greatest responsibilities. Our "alien traditional" justice system we inherited from the British will not accept duress as an excuse in a murder case. In effect it is very difficult to find an excuse for human rights abuse to the magnitude of the genocide committed by the rebels. Simply put any person involved in committing atrocities during the war bears a greatest responsibility. We either expand the scope of our selective process of justice or concoct some legal gymnastics as an exit tragedy or else the whole process is making a farce out of national tragedy. It hurts beyond believe to politicized and trivialized a national tragedy while people are still bleeding from both physical and psychological wounds.

The United Nations has done an excellent job in ending the war in Sierra Leone but to think their hastily concocted exit tragedy laden with symbolism and devoid of essence will end the circle of impunity in post-war Sierra Leone, they must think again. The many arm robbers tormenting peaceful citizens in post-war Sierra Leone are killers and rapers pardoned with impunity by UN catwalk intellectu-

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IMPUNITY

From Page 2

als paid to come up with a brochure perfect concept that has no bearing to the reality on the ground.

The whole exercise smack of quick fix solution, the UN spent a lot in terms of men, money, and material there is a bureaucratic need for a closure. A transitional justice that will factor the grievances of the people of Sierra Leone might open up a pandora's box. A quick fix model will look perfect in a UN brochure. They opted for the later and we are left with the debate after the fact.

There is more to the circle of impunity than meet the eye. Ours is a story of interlocking circles like medieval geometry. Circles of greed hinged on circles of corruptions, cascaded to circles of violence, and impinged on diverse circles of impunity.

Collectively we must stop this whirlwind of circles from becoming a cyclone that will suck us out of existence. In the words of David Crane the Special Court prosecutor: "the role of the court is to stop the circle of impunity". The question is what circle? Whose impunity?

Former RUF spokesman appeals for help

BY THEOPHILUS S. GBENDA

Former spokesman of the defunct Revolutionary United Front (RUF), Mr. Eldred Collins has called on government, NGOs and concerned individuals to help him with much needed logistics for the capacitation of his fishing project at Rokupr.

Mr. Collins made this plea in a recent interview relating to his alledged consent to testify

against his former comrades presently in the special court detention cells, awaiting trial for war crimes and crimes against humanity.

Unconfirmed sources had earlier intimated that Eldred Collins and Gibriel Massaquoi have consented to testify against their comrades in arms, for which they and their immediate families have been relocated in a safe country for

security reasons.

According to Eldred Collins, as far as he is concerned, there is no iota of truth in the story as no one has ever contacted him in that regard, maintaining that since his disarmament he has been engaged in a fishing with an organization called the Western Area Progressive Organization (WAPO), which he said is his brain child.

The organization, Mr. Collins said, has a membership of over one hundred youths and operates in eight communities within the Rokupr and Tombo fishing axis.

The organization, Mr. Collins went on, started with a single boat and accessories provided by the NCDDR, noting that the organization has now built a larger boat, which can cater for up to sixty-five workers as compared to the first one, which caters for less than 50 workers.

He said the only constraint he now faces is the lack of an outboard machine, net lead and other gadgets necessary to put the second boat into action, saying he has contacted a number of NGOs and government officials including the Minister of Fisheries and Marine Resources Mr. Okere Adams, and was earnestly looking forward to their timely intervention.

Christian Monitor

Tuesday June 01, 2004

No Peace Without Respect for Human Rights, Says Pope

Welcomes 7 New Ambassadors to Vatican

John Paul II says there can be no authentic peace without respect for human rights

The Pope expressed this conviction today when he received the letters of credence of seven new ambassadors to the Holy See. The envoys came from Suriname, Sri Lanka, Mali, Yemen, Zambia, Nigeria and Tunisia.

"Disturbing news constantly arrives from all continents concerning the human rights situation, showing how men, women and children are tortured and how their dignity is profoundly offended, contrary to the Universal Declaration of Human Rights," the

Holy Father said. "In this way, all humanity suffers injury and contempt," he added, speaking in French to the group of seven diplomats, after having delivered specific addresses to each of the countries represented. "As all human beings are our brothers, we cannot remain quiet in the face of these

intolerable abuses," he added. "Today I make an appeal to the consciences of our contemporaries," the Pontiff said, taking advantage of the occasion given him by the presence of the ambassadors. "Consciences must be educated so that the unbearable violence weighing upon our

brothers ceases once and for all, and so that all people mobilize to ensure that everyone's fundamental rights are respected," the Holy Father said. "We cannot live in peace, and our hearts cannot remain in peace, if people are not treated in a dignified way. We have the duty to

show solidarity toward everyone," he continued. "There will be peace," he added, "if we all mobilize - and you particularly, as diplomats - to ensure every person on the planet is respected. Only peace enables us to have hope for the future."

Concord Times

Tuesday June 1, 2004

Feature

Ex-child soldier's path to hope

The only way to survive as a child soldier is to be tougher, to be cooler, than the others - and to obey without question the senior officers who abuse you. A decade after her escape from the military, China Keitetsi says she cannot forget the systematic rapes she suffered and the violence she was forced to commit. She tells her story in the book *Child Soldier*, being published in the UK this week. Now 27, Ms Keitetsi is an international campaigner on the plight of child soldiers and has set up a project to give those who escape from conflict a home. She is also desperate to find the son and daughter she had to leave behind in Uganda and South Africa. But, she told BBC News Online, she fears the damage done in her own brutalised childhood can never heal. Ms Keitetsi says she was enlisted into Yoweri Museveni's National Resistance Army in Uganda at the age of eight in the 1980s. She was given her first Uzi aged nine - and became a killer. Gesturing with what was her trigger finger, she says: "When I was a kid with a gun I felt big, I felt powerful. "With a gun you just needed to open the safety, cock the gun, use this finger and they are dead. "You don't need a big body, you don't need power, just the gun. This finger puts blood on your hand." The government of Mr

Museveni, who became president in 1986 and has remained in power since, denies Keitetsi's claims that children so young were enlisted and abused. A committee set up by the Ugandan government to investigate Ms Keitetsi's case dismisses her as a hoaxer who joined the army aged 17, then deserted after involvement in a theft. The committee says "there was never a policy of recruiting child soldiers" and claims the NRA simply cared for children left orphaned by combat. But Ms Keitetsi sticks by her story, showing a tatty photograph of herself in uniform when she says she was 13. An unwanted and beaten child, she says she was drawn into the NRA after watching a military parade and admiring children with apparent power. China Keitetsi in uniform aged 13, a year before she gave birth

"It was a competition among the kids. You want to be cool because if you are cool you are respected, you are promoted, you are almost like a king," she says. "You needed love, you needed attention from your boss and if he patted you on the shoulder and said 'good job' it was good - so you ended up doing bad things to please your boss." But the security of belonging was poisoned by shame as she, like other girl soldiers, was used for sex by officers in their barracks. "Nearly every evening an officer would come and order you to report to his place, typically at 9pm," she says.

"I would spend the whole day thinking about 9pm and wishing time would stand still." Saying 'no sir' was not an option, she says, so the girls turned their pain and rage on the army's enemies. "The NRA gave us weapons, made us fight their war, made us hate, kill, torture, and made us their girlfriends: we had no choice." When she was 14 she became bodyguard to Lt Col Moses Drago, a sympathetic man who fathered her son Moses but died in 1996. "When I was 14 years old, I gave birth to my son, and when I was 15 years old, I couldn't count how many commanders had already used my body," she says. Keitetsi does not know the paternity of her daughter, Ashley, and worries about what she will tell her. She fled Uganda aged 18, while pregnant, after rejecting the sexual advances of an officer. This placed her in danger of death by firing squad when he then accused her of selling weapons to the enemy. After a three-week bus journey from Kenya through Tanzania, Zambia and Zimbabwe, she reached safety in South Africa but her son remained with family in Uganda. She spent four years in South Africa, attending a trauma clinic but giving up her daughter to be cared for. In 1999, she found her way to the United Nations High Commissioner for Refu-

gees and was relocated to Denmark. She says she remains overwhelmed by the support given by psychologists, social workers and two Danish families over the past five years. But bad news was also in store. When Keitetsi traced a cousin in Uganda, she was told her father, mother and closest sister, Margie had all died. Two other sisters were already dead.

Her book began as therapy recommended by doctors to help her cope with her grief. "I was writing and tears were running and I couldn't stop them running," she says. "I was feeling like this every time I wrote." Now working in a Copenhagen kindergarten, she is slowly learning to live in freedom - a hard lesson after a decade following orders to survive. But Ms Keitetsi believes her quest to reunite her own children by December will help heal the scars of her lost childhood. In the same month, the home she is building in Rwanda for ex-child soldiers is due to open. "I wouldn't have a reason to live without my two kids and I couldn't live without these dreams," she says. "If I can give help to 10 girls, or five girls and five boys, I'm sure they will also give a little bit and it will spread. "That will be the best Christmas I've ever had - the greatest Christmas of my whole life - because I will have a home and they will also have a home." *Courtesy BBC*

Tuesday June 1, 2004

Sierrawood

By Sulaiman Momodu

A visitor to Kenema who walks along the main Hanga Road easily gets the erroneous impression that everybody is filthy rich. Tune in your radio receiver and hear the advertisements. Here, diamond tycoons rule the airwaves. But don't blame the radio stations in Bo and Kenema. It is the system. With support to keep the radio station on air mostly far and in between, and most people's heart desire is to have their announcements and programmes aired gratis, diamond adverts are no doubt given top priority.

In addition to the craze for diamonds, another craze is for Nigerian movies. Posters of the big men who deceitfully look like children, Chenedu and Osita better known as Aki and Paw Paw, Sam Loco, Genevieve, Ramsey, Emeka and several others can be seen all over the place. The latest posters are on Blood Diamonds, a familiar subject to Sierra Leoneans.

Kenema is the heartland of diamonds. It is the diamonds regional headquarter. No question. But just branch off a little from Hanga Road and see poverty. I mean real poverty, you will weep.

When the war broke out in 1991, Sierra Leoneans started searching for the root cause. Some said nepotism was responsible, few pointed at tribalism, most said it was injustice, yet others accused illiteracy. In summary, the war was as a result of chronic corruption and bad governance.

Diamonds came under the spotlight as the root cause of the war when endless battles were fought over who should control the diamond fields. The spotlight on Sierra Leone became intense when the hacking of limbs came to characterize the war.

Everybody knows that diamond production has financed deadly conflicts in countries such as ours, Angola, Congo and Liberia. A ban on exports of Sierra Leone rough diamonds so-called Blood Diamonds was in effect since 2000 to prevent

Kenema and Blood Diamonds

rebels from using the precious gems to pay for weapons.

As recent as Saturday, 29 May, just after a diamond jingle on the local radio in Kenema went the announcement, "Blood diamonds at Capitol."

For the benefit of readers who are yet to visit Kenema, Capitol is the only entertainment spot in the whole district. The last time I was at Capitol was on Christmas Eve.

The popular gospel singer Ebenezer Venn Bangura was to be in live performance with his super hit album Child of Purpose (Kon Kon Kon). Although I had witnessed the launching of the album at the Family

Kingdom in Freetown, I wanted to spend Christmas Eve in the presence of the Lord, so if Christ were to descend from the clouds, he would have met me, a part-time sinner, in praise and worship with my hands raised towards heaven. Ask the man of God, Evangelist Ebenezer Venn Bangura.

Despite the announcements on the radio, one could count those who went to the spiritual gathering on the fingers. After singing one or two songs, we were told to go home and return for the second day. This time, we were not to buy the tickets. Well, history repeated itself in 24 hours.

The hall was again empty. I felt sorry for the man of God. To me, Kanu Masala was testing his faith.

The story of Blood Diamonds was very different. At Capital, I had a chat with Abdul Tejan Cole, the Sierra Leonean who has carved a name in the booming Nigerian film industry and then entered the hall. The hall was gravid, completely full. In Kenema, diamond issues are matters of the heart. And why not?

Evangelist Ebenezer Venn Bangura should know the old adage that seeing is believing. People can see diamonds and watch the wonders they perform in changing a pauper over night into a millionaire, whereas the road to God is rocky, thorny and full of tests.

Like it used to be in recent years, the movie Blood Diamonds acted in Sierra

Leone is about the struggle for the control of diamonds and how the government succeeded in taking its control. The soundtrack of the movie features Daddy Saj's Corruption and X-Project's Tumba Dance.

For the few who found it difficult to understand the story, acted mostly at night, the movie may not be a good work. But for the majority who did not allow their concentration to go astray, it is a brilliant work. In Blood Diamonds, the government took control of the embattled gems.

In real life, in light of the Sierra Leone government's increased efforts to control and manage its diamond industry and ensure proper control over diamond mining areas and full adherence to the Kimberley Process, the UN Security Council agreed last June or so not to renew the sanctions on so-called blood diamonds.

Blood Diamonds features familiar names like Dr. Julius Spencer in neat military fatigue, Daniel Moseray (Dan Moss) of SLBS Wan pot, Desmond Finney of FBC (I hope he is still there), some FBC students and of course Abdul Tejan Cole in a spectacular performance ever as Minister of Defence.

A movie acted together with Nigerian movie stars with the apparent assistance of the military and police, Blood Diamonds is a good first step. This piece is not a critique of the movie. However, one thinks it would have perhaps been a good idea to shoot areas of Sierra Leone where the diamonds come from, the process involved in getting the gems and so on. On the whole, I think with some quality control by government, what Tejan Cole and Abu Noah, the great fan of Bai Bureh, have started can just be another area of employment for our unemployed youths. Against the background that Tejan Cole struggled to get sponsors outside the country for the movie, if I am to grade Blood Diamonds, I am convinced it deserves 70 percent.