

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

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

Wednesday, 1 March 2006

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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SPECIAL COURT

Gbao Writes To Sack Defence Lawyers

With the prosecution case in the RUF trial of Issa Sesay, Morris Kallon and Augustine Gbao resume tomorrow after a temporary break, Gbao had notified the Court's Principal Defender by letter dated 17th February of his intention to sack his Defence Lawyers.

This was brought to the attention of the Judge at the usual Status Conference held at the Court to proceed the 7th session of the RUF trial.

Principal Defender, Vincent Nmenielle however informed the Judge that it was outside his mandate to take such a decision. In reply, Justice Bankole Thompson said the accused's request is receiving serious attention and will be deliberated.

In a related development, two of the witnesses expected to testify in the ongoing trial are out of the country and are due here between March 20th-27th to give evidences before the court.

ICRC Denies supporting Kamajors

By Theophilus S. Gbendu

The Head of Delegation of the International Committee of the Red Cross (ICRC) Mr. Jurg Montani, has yesterday informed Awareness Times that the ICRC in Sierra Leone

was only interested in helping the victims of the conflict and no one else. He was reacting to our last Friday edition in which our reporters attached to the Special Court wrongly reported that a witness

testifying in the ongoing trial of Chief Hinga Norman and co. had stated in his testimony that ICRC did give food and medical supplies to kamajors during the course of the war.

Contd: page 2

ICRC Denies supporting Kamajors

From front page

The headline of the said story was "ICRC roped in kamajor operations," and the relevant portion which the ICRC was not happy with, read as thus "While in Kenema, the witness testified that he was informed by Major Tonny that officials of the Interventional Committee of the Red Cross (ICRC) had donated a quantum of food and medicine to augment the operations of the kamajor movement". In the transcript of the witness in question, the witness stated that ICRC did send in food and medicine supplies for the local citizenry in the areas under the command of the

Kamajors and ECOMOG. Apparently, this was not well understood by the Awareness Times reporters who then concluded that the supplies were infact meant for the kamajors.

"We apologise for the mistake by our young reporters. We appreciate the role ICRC has been playing in the country particularly during the war especially on matters bordering on the development of our nation and on the welfare of the people of Sierra Leone." the Editor of Awareness Times informed Mr. Patrick Massaquoi, the ICRC's Communications Officer during a visit by Mr. Massaquoi to our offices yesterday.

Court Writer

By THE COURT WRITER

**Legal Arguments on
of Sierra Leone to Te**

On the 17th January 2006, legal arguments were proffered in the Trial Chamber for the First Accused, the 2nd Accused (Prosecution's counsel) and the 1st Accused (the Defendant) regarding a subpoena for President Kabbah. The Defendant's counsel accused persons as subjects of the subpoena, and the 2nd Accused (Prosecution's counsel) stated that the President's counsel was bound to provide information regarding the whereabouts of the President. The Defendant's counsel stated that the President's counsel was bound to provide information regarding the whereabouts of the President.

Regarding the argument of the Defendant's counsel, Counsel for the Second Accused stated that the President admitted that it is now incumbent upon him to state in his capacity as Minister of Defence, Commander in Chief of the Armed Forces, and that the state must be called upon to provide the information. Counsel for the 1st Accused stated that it can only be by the court's order that the President is seen to compel the attendance of the President. Therefore, it can only be a subpoena that would compel the President to attend the trial. Counsel seek to compel the President to attend the trial especially when other means have failed.

The essence of the Defendant's argument was agreed. It is firmly grounded on the fact that the Defendant is reasonably believed to be in possession of information relating to the accused persons.

There is therefore no doubt that the Defendant is a material witness before the Trial Chamber. (2) Had the Defendant satisfied the legal test for issuance of a subpoena.

The answers to the above questions are in the affirmative. But again, it must be remembered that the Attorney General, in his capacity as the chief legal adviser had earlier contended that the President is not competent under such circumstances, as a subpoena requires a judicial penalty to enforce it where it is disobeyed. Notwithstanding the above proposition, sufficient jurisdiction direct that the Trial Chamber has the power to issue the subpoena. The Rules of Procedure and Evidence of the Ratification Act of the Special Court do not prohibit subpoena to any individual within the Special Court's jurisdiction. This is because the Special Court is a judicial body and it plays a vital role in the Court's functioning in each matter.

Moreover, the Special Court Ratification Act explicitly provides that for the purposes of execution and other issues by a judge of the chamber, such executions and other issues shall have the same effect as if they were issued by a Judge, a Justice of the Peace, or a Magistrate of the Sierra Leone Court. This provision is reinforced by Rule 8 of same which also provides that the Government of Sierra Leone shall cooperate with all organs of the Special Court at all stages of its operation. In this regard, the Inspector General of Police could issue orders to any individual who fails to comply with orders of the court upon its request.

Throughout the legal wrangling in Court Counselors for the First and Second Accused maintained that the President of the Republic of Sierra Leone has no Functional Immunity in international criminal law. The Special Court for Sierra Leone being no exception is resistant to that, an unreported Supreme Court judgment of Sierra Leone which was cited demonstrate the fact that a sitting Head of State is only entitled to immunity to processes brought before the national courts except if waived of it. But the point here is that this is an international tribunal within the national jurisdiction although not court by it. So should immunity be evoked in that peculiar circumstance?

In line with the arguments above, it was conjectured by the Lead Counselors for the First and Second Accused that Section 29 of the Special Court Ratification Act categorically states that the official status of any person cannot be a bar to prosecution let alone being called upon to give evidence. Before resting his case, A. Bockarie Esq. Further addressed the Court by emphasizing that the President may provide material assistance relating to issues of Moimina Fofanah's (2nd Accused) alleged culpability as one of those who bears the greatest responsibility for violations of international law, and may therefore throw light more specifically on his alleged command responsibility, the duties associated with the position of Director of War, how orders passed through the chain of command and structure, and interactions therein, coupled with the linkage in communication

between President Kabbah and the CDF whilst in Guinea. Dr. Jabbi, Counsel for the First Accused broadly adopted the submission made by A. Bockarie Esq. Insofar, as they could be applicable to Mr. Norman. It must be remembered that the consequence of disobeying an order of a subpoena, is that though it would not be presumed, the necessity would arise. Therefore, against the consideration that the President volunteered to an agreement with the United Nations Secretary-General in setting up the Court and further ensuring legislative ratification of same by the Parliament of Sierra Leone, the question now as to whether the President of Sierra Leone would submit to the jurisdiction of the Special Court as a witness should not arise because he should feel duty bound to comply with an order by the Court in regards to testification. But where he fails to do that, Rule 77a (3), and 9 of the Rules can then be evoked in case of contempt of a subpoena.

Against the backdrop of all the arguments outlined, it must be mentioned too that the relevance and materiality of the evidence expected from President Kabbah is the main criterion for the clarion call of the prospective witness in relation to the indictment before the Court in respect of the CDF accused persons. Suffice it to say that Document No. 547 of 30th January, 2006 containing Norman's Response to Attorney-General's Reply, in paragraph 6-13, under the rubric - The President as a Material Witness, and specifically Paragraph 7, makes mention of the first accused as a principal force in the establishing, organizing supporting, and promoting the CDF. Further to that, it says that Mr. Norman was the leader and commander of the CDF and had de jure and de facto command over the CDF. Considering the arguments proffered so far, these are serious allegations to which the best possible evidence could only perhaps come from no less a person than the President of the Republic of Sierra Leone who was at all times relevant to the indictment i.e since 30th November 1996 and to whom further titles such as Commander-in-Chief and Minister of Defence were vested.

The remarks of the Prosecutor in taking a principled and impartial position only ended in suggesting that a subpoena of such nature would be impossible to grant. He reinforced this and by stating that the issue of compellability is one that the Court needs to decide especially for a sitting Head of State and that quite apart from ensuring that the law and Rules of Procedure are observed, the Chamber may have subpoenas and applications failing or succeeding on their merit. Rule 54, Paragraph 34 of the Rules according to the Prosecutor sets out the standard for issuing a subpoena to a prospective witness. It was further stated that tribunals set up for war crimes have a political aspect and therefore subpoenas should not be abused. He also stated that Paragraph 36 of the Rules lays out the basis upon which the Trial Chamber must consider whether the information in the possession of the witness is necessary for the resolution of the specific issues in the trial. The Prosecution intimated the court that the Second Accused had the option to go into the witness box himself and testify in his own defence but he has declined to do so and is now calling on His Excellency the President to give information, which he is hiding. It must be however noted that Paragraph 7 of the Motion of the Second Accused clearly sets out the matters upon which he justifies the issuance of the subpoena namely, that seven prosecution witnesses have already made mention of President Kabbah. The question therefore is, does merely making mention of a person qualify him for issuance of a subpoena? Certainly not to my mind. But from all the foregone arguments made by the Learned Prosecutor, the question then to the reader is this. Does his position as stated here and argued in court smack off the "impartiality" and "neutrality" insofar as the subpoena is concerned and as earlier on mentioned by him?

Apart from adopting what the Prosecutor of the Special Court had to say, the Attorney-General was of the strongest of views that Mr. Norman is now in essence saying that President Kabbah has knowledge of and saw what he (Norman) was doing in Kailahun. An argument which does not seem to be very convincing by the Learned Attorney-General hopped on when he stated that according to the indictment, the accused persons are alleged to have violated international humanitarian law against the people of Sierra Leone and therefore President Kabbah may not be called as a witness because he did not know about the atrocities since he lived in Guinea at the time. The question here is does this mean that the President is not in possession of information that

Special Court

might assist the Court in ascertaining the truth? Let me in fact mention that Section 48(4) of the Sierra Leone Constitution does not say anything about subpoenas or immunity before an international tribunal but the learned Attorney-General insistently relied on that provision and maintained that it does not at all compel the President to come to the Special Court upon the issuance of a subpoena. Contrary to earlier submissions by the Attorney-General that given the peculiarity of the circumstances, he may be unable to do anything to have the President testify, he ended his submission by saying that if the Court in any case decides to subpoena His Excellency, he will advise him to come. This seeming ambivalence in the position of the Attorney-General regarding the subpoena for His Excellency to testify in court is again punctuated by the fact that he (i.e. the A.G.) had earlier said that the whole motive of the Defence Counsel is to get the President in the dock so that he can be exposed to humiliation and embarrassment. Another question then in mind is this: does testifying in court as a witness automatically expose one to ridicule and humiliation when in fact perhaps your information may be crucial in assisting the court to ascertain the truth? One might be tempted to say NO, especially considering His Excellency's enviable legal background. In fact, why in the first place did President Kabbah submit himself to the hearing of the Truth and Reconciliation Commission and have now categorically refused to testify in the Special Court?

The Slobodan Milosevic case in the International Criminal Tribunal for the former Yugoslavia was cited as being on all fours with the instant matter. In that case, the court declined to issue a subpoena to both the Prime Minister Tony Blair and the German Chancellor Schroeder who were called as witnesses for Mr. Milosevic. By reference to the CDF's Organogram as tendered in evidence, the two scenarios are worlds apart in that President Kabbah was here, and is still an integral part of the CDF whilst Prime Minister Blair was not particularly so involved in the machinery of governance with President Milosevic. For once, we should agree that the Defence of the First and Second Accused persons is not only confined to that which may have been already given (i.e. in the case of the First Accused) by their own testimony, but when the first defence witness has been called upon, the result. But as yet any person can reasonably conclude that their defence has not yet been given in totality. This is where the President may come in by way of assistance namely, information regarding the flow of command communication etc.

On the other hand, there has been the contention by the Prosecutor earlier on, that all evidence adduced so far by the Defence does not have anything specifically touching any concerning President Kabbah especially by the witnesses to warrant subpoena. My difficulty here then is this: has it been a rule of practice that it is Prosecution rather than the Bench who should evaluate the mass of evidence before the close of a trial (i.e. certainty not)?

Oral responses by Counselors for the accused have generally maintained that the position of President as Commander-in-Chief, and the Minister of Defence of Sierra Leone qualifies preeminently as a nexus for the subpoena to be issued regarding the accused persons respective titles as Deputy Minister of Defence cum Coordinator of the CDF, and Director of War (for the Second Accused).

Indeed much has been analyzed regarding the issuance of the subpoena both generally and specifically. The enactment of the Special Court Ratification Act through the Parliament of Sierra Leone, which incidentally so, is one of the major political organs and of which the President is a member, by virtue of Section 71(1) of the 1991 Constitution, makes the issue very important. Therefore, one may have no doubt again that political resourcefulness, have guided the key political partners or stakeholders i.e. the Government of Sierra Leone and the United Nations in ensuring that the processes of the court are expedited unimpeded. By reason of that premise, it stands to reason that all persons cohabiting within this given geo-political region i.e. Sierra Leone are absolutely obliged to ensure that the mission of the Special Court is satisfactorily complete, and that the country should not revert to the situation that primarily gave rise to the establishment of same. This obligation spans and traverses all strata of the society to evince reverence for the tenets of the Rule of Law.

FONDATION HIRONDELLE - HIRONDELLE NEWS AGENCY IN ARUSHA
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

ICTR/SIERRA LEONE

FORMER ICTR DEPUTY REGISTRAR CONFIRMED AS REGISTRAR OF SIERRA
LEONE COURT

Arusha, February 28th 2006 (FH) – The former Deputy Registrar of the International Tribunal for Rwanda (ICTR), Lovemore Green Munlo, has been appointed the Registrar of the Special Court of Sierra Leone according to a court press release.

The press release issued last Friday quotes Munlo as having accepted the post . He was appointed by the UN Secretary General, Kofi Annan.

Munlo, from Malawi, has served as Interim Registrar of the court based in Freetown since the beginning of October 2005.

Before joining the Sierra Leone Court, Munlo was the Deputy to the ICTR Registrar Adama Dieng from Senegal for a period of four years.

In taking up the post, Munlo said his vision is “to consolidate what the Court has already achieved and to move forward in providing efficient and professional support to Chambers, Prosecution and Defence”.

This, he said, would be done “with a view to accomplishing the mandate of the Court within the time frame set out in our Completion Strategy and in a way that pleases the Member States, the Management Committee, and the People of Sierra Leone”.

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

Eleven persons have been indicted so far by the Prosecutor and nine indictees are currently in custody of the court.

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**UNMIL Public Information Office Media Summary 28 Feb 2006**

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

International Clips on Liberia**Liberia could be success story but needs funds-UN**

GENEVA, Feb 28 (Reuters) - Liberia could become a success story for Africa but failure to invest in the peace could lead to greater instability in the volatile region, and the next six months is critical, a U.N. aid official said on Tuesday.

Dennis McNamara, special United Nations adviser on internal displacement, said that needs were huge as even the capital Monrovia still lacked running water and electricity almost three years after a civil war ended.

BBC 28/02/2006

Liberia: Police arrest Ukrainian nationals for allegedly raping two girls

The Women and Children Protection Section of the Liberia National Police has confirmed the arrest of several Ukrainian nationals. The head of the section told Star Radio the Ukrainians were arrested in connection with a rape case. Col Asatu Bah-Kenneth said the Ukrainians allegedly raped two girls. Col Bah-Kenneth said the accused Ukrainians are in the custody of the Liberia National Police.

Meanwhile the UN Mission in Liberia has clarified that the Ukrainians arrested for alleged rape are not personnel of the mission. The spokesman of UNMIL [Douglas Coffman] however, said the men were contracted to do a piece of job for the United Nations.

LIBERIA: War-displaced returning home, camps to be shut down

MONROVIA, 27 Feb 2006 (IRIN) - The government and the UN are shutting down camps across Liberia that have housed hundreds of thousands of citizens displaced by war, as peace returns to the country and citizens return to their home villages.

International Clips on West Africa

VOA 27/02/2006

Landmark meeting for Ivory Coast

By James Copnall, BBC News, Abidjan

Major political and rebel leaders will hold talks in the Ivory Coast for the first time since a 2002 uprising.

President Laurent Gbagbo, opposition leaders Henri Konan Bedie and Alassane Ouattara, and rebel leader Guillaume Soro meet in the capital Yamoussoukro. The four rarely speak and have not met on Ivorian soil since Mr Soro launched a rebellion in September 2002, which split the country.

Local Media – Newspapers

Former Liberian Leader and Nigerian President Hold Secret Talks

(The News, New Democrat, The Liberian Diaspora and The Diary)

- Nigerian President Olusegun Obasanjo on Sunday held talks with former Liberian leader Charles Taylor in the Presidential Lounge at the Murtala Mohammed Airport. Details of the talks, which lasted for about 30 minutes, were not revealed to journalists.

Liberian President to Speak at Major Program in Nigeria

(The News)

- *This Day*, a Nigerian newspaper, reported that President Ellen Johnson-Sirleaf will be the Special Guest of Honor at the 8th memorial anniversary of the former Chief of Staff, General Shehu Musa Yar'Adua and will address the topic: Hope and Promise of Liberians.

America Grants Liberia Duty-Free Privilege

(The Analyst, New Democrat and The Telegraph)

- In a press release issued by the U.S. embassy in Monrovia, U.S. Trade Representative Rob Portman announced recently that President George Bush had reinstated duty free trade benefits to Liberia under the Generalized System of Preferences program. The duty free trade benefits were suspended in 1990 because of concern about workers' rights.

Liberia and Burkina Faso Hold Collaboration Talks

(Daily Observer)

- A 14-member Burkinabe delegation arrived in Monrovia on Monday to initiate talks with the government aimed at providing technical assistance to Liberia's reconstruction in areas, including agriculture, water supply and construction.

EU Offers 16 Million Euro Humanitarian Aid to Liberia

(New Democrat and The Liberian Diaspora)

- The head of the European Commission Humanitarian Office for Africa, Caribbean and Pacific Countries Cess Witterbrood said in Monrovia recently that the European Union had provided an additional 16 million euros to assist the end of the return process and the people affected to be resettled and reintegrated in their places of origin.

UN Envoy Says Hard Work Guarantees Success of UN Missions

(The Liberian Diaspora)

- Speaking recently at a cocktail party organized by UNMIL Sector One, Special Representative of the Secretary-General Alan Doss said that success in UN missions come through hard work, determination and courage and not necessarily luck.

UNMIL Accused of Not Patronizing Liberian Air Travel Industry

(The Liberian Diaspora)

- Liberia Travel Agencies Association President Randolph Cooper recently expressed reservation over what he called the attitude of UNMIL to ignore Liberian travel

agencies and purchase air tickets for international staff outside Liberia. He said that the practice was unacceptable and must be stopped.

Local Media – Radio Veritas *(News monitored yesterday at 18:45 pm)*

President Gives Ultimatum for Ministers to Publicize Assets

- During a special talk show yesterday, President Ellen Johnson-Sirleaf gave an ultimatum of one week to ministers of government who have passed Senate confirmation to publicize their assets.

(Also reported on ELBS Radio and Star Radio)

President Withdraws Libel Suit against former Senator

- President Ellen Johnson-Sirleaf yesterday said that she was withdrawing her libel suit which she had filed against former rebel spokesman and former Grand Bassa County Senator Thomas Woewiyu. She said that the decision was in compliance with advices from key church leaders in the country.

(Also reported on ELBS Radio and Star Radio)

Finance Minister Says New Government Inherited 'Broken Economy'

- Speaking at a dinner tendered in honour of an International Monetary Fund delegation yesterday, Finance Minister Antoinette Sayeh disclosed that the new government inherited a 'broken economy', loaded with huge domestic debt and corruption, and stressed the need to instill discipline in the financial sector.

(Also reported on ELBS Radio and Star Radio)

UNMIL Spokesman Says Alleged Ukrainian Rapists are Not Mission Personnel

- United Nations Mission in Liberia Spokesman Douglas Coffman yesterday clarified that the Ukrainian nationals arrested by the police on allegation of gang rape were not personnel of the Mission.

(Also reported on ELBS Radio and Star Radio)

New Maritime Commissioner Asks Principal Deputies to Re-apply

- Speaking at a handing over ceremony yesterday, Bureau of Maritime Affairs Commissioner John Morlu asked all Assistant and Deputy Commissioners of the Bureau to re-apply as a measure to re-evaluate and strengthen the workforce to increase Liberia's maritime intake.

(Also reported on ELBS Radio and Star Radio)

Charity Group Hands Over Medical Equipment Today

- A press statement issued in Monrovia yesterday said that the Greater Monrovia Lions Club will today hand over Haemodialysis Machines to the John F. Kennedy Medical Center as part its support to the establishment of the first Haemodialysis Center geared at treating kidney problems in Liberia.

(Also reported on ELBS Radio and Star Radio)

Regional Civil Society Group Pledges Support to Government

- During a meeting with President Ellen Johnson-Sirleaf in Monrovia yesterday, Open Society Initiative for West Africa (OSIWA) Board Chairman Tijan-Cole assured the President that the organization would support the Government of Liberia in furtherance of its democratic principles focusing on the rule of law, justice, human rights and good governance.

(Also reported on ELBS Radio and Star Radio)

Senate President Pro Tempore Reiterates Claim to Seniority of House Leadership

- In his address to the Press Union of Liberia Edward Wilmot Blyden Forum yesterday, Senate President Pro Tempore Isaac Nyenabo argued that the Vice President of Liberia was not legally the head of the Liberian Senate because the Vice President is

part of the First Branch of Government and his/her presence at National Legislature was ceremonial.
(Also reported on ELBS Radio and Star Radio)

STAR RADIO (News culled from website today at 09:00 am)

Police Arrest Suspected Child Murderer in Maryland County

- Police in Harper, Maryland County have arrested Mr. Nyumah Teah in connection with the murder of four-year Blessing Emmanuel of the Ghanaian community Sunday. The eyes and other parts of the deceased were reportedly extracted when the body was found on the bank of the Hoffman River in Nikanbo near Harper.

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



Ivory Coast holds historic summit

Key talks between Ivory Coast political and rebel leaders have been held in the capital, Yamoussoukro, after the arrival of rebel leader Guillaume Soro.

Mr Soro agreed with President Laurent Gbagbo and two civilian opposition leaders, Henri Konan Bedie and Alassane Ouattara, to hold further discussions.

The four have not met on Ivorian soil since a rebellion split the country.

The meeting was organised by PM Charles Konan Banny to get them to sit down and work out their differences.

Mr Banny said the talks had been good, and this should give hope for Ivorians.

Mr Soro said progress had been made and would continue to be made until peace arrived.

He was transported to the capital on board a French military helicopter from his base in Bouake 100km to the north.

He had cited security concerns for his refusal to attend the talks.

He was appointed last year and tasked with organising elections by the end of October.

'Not safe'

The meeting, which lasted only four hours, produced a joint communique which talked of a new found trust among the political rivals present.

The four leaders agreed in principle to hold more high-level meetings to iron out Ivory Coast's numerous problems.

It was also decided that the military wing of the New Forces rebels and the armed forces loyal to President Gbagbo will meet.

They will discuss a new schedule for the disbanding of the militias who support President Gbagbo and the disarming of the New Forces.

Mr Soro delayed his arrival because he was unhappy about the presence of the presidential guard at the talks.

A senior rebel New Forces official told the BBC that they would not be safe if the presidential guard were present.

Mr Gbagbo, former President Konan Bedie and Mr Ouattara have been vying for power for over 10 years.

The leaders have met several times in peace summits over the last three years - but never before on Ivorian soil.

The civil war has hurt the reputation, stability and economy of a country once known as the "African

miracle", says the BBC's James Copnall in Yamoussoukro.

Some 10,000 French and UN peacekeepers are monitoring a buffer zone between loyalist and rebel forces.

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Date and time: 2006/02/28 21:42:03 GMT

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