

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



Justice Renate Winter presenting a book to Juldeh whose drawing appeared in a UN publication
(See more in today's Special Court Supplement)

PRESS CLIPPINGS

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

as at:

Tuesday, 10 July 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Standard Times

Tuesday, 10 July 2007

The Rule of Law, Democracy and The Judiciary

For much of human history, rulers and law were synonymous and law was simply the will of the ruler. A first step away from such tyranny was the notion of rule by law, including the notion that even a ruler is under the law and should rule by virtue of legal means. Democracies went further by establishing the rule of law. Although no society or government system is problem-free, rule of law protects fundamental, political, social, and economic rights and reminds us that tyranny and lawlessness are not the only alternatives. Rule of law means that no individual, president or private citizen, stands above the law and that democratic governments exercise authority by way of law and are themselves subject to law's constraints.

Laws should express the will of the people, not the whims of kings, dictators, military officials, religious leaders, or self-appointed political parties and citizens in democracies must be willing to obey the laws of their society, then, because they are submitting to their own rules and regulations, justice is best achieved when the laws are established by the very people who must obey them. Under the rule of law, a system of strong, independent courts should have the power and authority, resources, and the prestige to hold government officials, even top leaders accountable to the nation's laws and regulations. For this reason and many others judges should be well trained, professional, independent, and impartial. To serve their necessary role in the legal and political system, judges must be committed to the principles of democracy and the laws of a democracy may have many sources such as written constitutions; statutes and regulations; religious ethical teachings, and cultural traditions and practices. Regardless of origin, the law should enshrine certain provisions to protect the rights and freedoms of citizens.

Under the requirement of equal protection under the law, the law may not be uniquely applicable to any single individual or group. Citizens must be secure from arbitrary arrest and unreasonable search of their homes or the seizure of their personal property.

Citizens charged with crimes are entitled to a speedy and public trial, along with the opportunity to confront and question their accusers. If convicted, they may not be subjected to cruel or unusual punishment.

The Rule of Law, democracy and the judiciary



Citizens should not be forced to testify against themselves. This principle protects citizens from coercion, abuse, or torture and greatly reduces the temptation of police to employ such measures.

The concept of Democracy

freely elected representatives, with set of principles and practices that protect human freedom and can be referred to as the institutionalization of freedom.

Democracy rests upon the principles of majority rule, coupled

functions is to protect such basic human rights as freedom of speech and religion, the right to equal protection under law; and the opportunity to organize and participate fully in the political, economic, and cultural life of society and conducts regular

political, social, and cultural life and rest upon fundamental principles, not uniform practices.

Citizens in a democracy not only have rights, they have the responsibility to participate in the political system that, in turn, protects their rights and freedoms.

Democratic societies are committed to the values of tolerance, cooperation, and compromise. Democracies recognize that reaching consensus requires compromise and that it may not always be attainable. In the words of Mahatma Gandhi, "intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit."

An Independent Judiciary

Independent and professional judges are the foundation of a fair, impartial, and constitutionally guaranteed system of courts of law known as the judiciary. This independence does not imply that judges can make decisions based on personal preferences, but rather free to make lawful decisions even if those decisions contradict the government or powerful parties involved in a case.

In democracies, independence from political pressures

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comes from the Greek word, "demos," meaning people. In democracies, it is the people who hold sovereign power over legislator and government. Although nuances apply to the world's various democracies, certain principles and practices distinguish democratic government from other forms of government.

Democracy is government in which power and civic responsibility are exercised by all citizens, directly or through their

with individual and minority rights. All democracies, while respecting the will of the majority, zealously protect the fundamental rights of individuals and minority groups, and it guards against all-powerful central governments and decentralizes government to regional and local levels, understanding that local government must be as accessible and responsive to the people as possible.

The concept clearly understands that one of their prime

free and fair elections open to all citizens. Elections in a democracy cannot be facades that dictators or a single party hide behind, but authentic competitions for the support of the people.

Democracy subjects governments to the rule of law and ensures that all citizens receive equal protection under the law and that their rights are protected by the legal system.

Democracies are diverse, reflecting each nation's unique

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of elected officials and legislatures guarantees the impartiality of judges. Judicial rulings should be impartial, based on the facts of a case, individual merits and legal arguments, and relevant laws, without any restrictions or improper influence by interested parties. These principles ensure equal legal protection for all.

The power of judges to review public laws and declare them in violation of the nation's constitution serves as a fundamental check on potential government abuse of power even if the government is elected by a popular majority. This power, however, requires that the courts be seen as independent and able to rest their decisions upon the law, not political considerations.

Whether elected or appointed, judges must have

job security or tenure, guaranteed by law, in order that they can make decisions without concern for pressure or attack by those in positions of authority.

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Trust in the court system's impartiality in its being seen as the "non-political" branch of government is a principal source of its strength and legitimacy. A nation's courts, however, are no more immune from public commentary, scrutiny, and criticism than other institutions and freedom

of speech belongs to all judges and their critics alike. To ensure their impartiality, judicial ethics require judges to step aside (or "recuse" themselves) from deciding cases in which they have a conflict of interest. Judges in a democracy cannot be removed for minor complaints, or in response to political criticism. Instead, they can be removed only for serious crimes or infractions through the lengthy and difficult procedure of impeachment (bringing charges) and trial either in the legislature or before a separate court panel. An independent judiciary assures people that court decisions will be based on the nation's laws and constitution, not on shifting political power or the pressures of a temporary majority.

Endowed with this independence, the judicial system in a democracy serves as a safeguard of the people's rights and freedoms.

Foreign and Commonwealth Office

Tuesday, 10 July 2007

Signature of sentence enforcement agreement with Special Court for Sierra Leone

Editor's Note: * The Special Court for Sierra Leone (SCSL) was established by an agreement between the Sierra Leone government and the UN in January 2002 and is based in Freetown. The court is a new type of body in international justice; it is a hybrid tribunal comprising domestic and international judges and other staff and uses both international and domestic case law. It is funded completely through voluntary donations

- The UK has donated £12 million since 2002, most recently £2 million in April this year.

* In response to requests from the SCSL and the Government of Liberia, the Security Council unanimously concurred that the continuing presence of Charles Taylor in Sierra Leone, for trial or imprisonment, was a threat to that country's stability and passed Resolution 1688 that enabled him to be tried by the SCSL in the premises of the International Criminal Court in The Hague. The UK helped to facilitate this by passing the International Tribunals (Sierra Leone) Act into law this year which will enable the Court to sentence Charles Taylor to imprisonment in the UK if he is convicted. The last stage of this process is the signature of the Sentencing Agreement today.

* On 4 June 2007 the trial of the former Liberian President, Charles Ghankay Taylor opened before the SCSL sitting in The Hague at the premises of the International Criminal Court. This trial is being heard in all respects as if it were being held in Sierra Leone and the Court comprises Special Court for Sierra Leone officials and Judges.

* The Special Court for Sierra Leone's mandate is to prosecute "persons who bear the greatest responsibility for serious violations" of international humanitarian law and domestic law committed in Sierra Leone since 30 November 1996. The crimes within the court's jurisdiction include gender crimes and the crime of recruitment of child soldiers, reflecting the particular suffering of these groups during the conflict. It has the power to prosecute people who committed the following crimes as part of a widespread or systematic attack against the civilian population: Murder; Extermination; Enslavement; Deportation; Imprisonment; Torture; Rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence; Persecution on political, racial, ethnic or religious grounds; Other inhumane acts.

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FOREIGN AND COMMONWEALTH OFFICE

News Release issued by The Government News Network on 10 July 2007

After signing the sentence enforcement agreement with the Registrar of the Special Court for Sierra Leone, today, Lord Mark Malloch-Brown, Minister for Africa at the Foreign and Commonwealth Office said:

"Signing this agreement enables the UK to give effect to our commitment to imprison former Liberian President Charles Taylor if he is convicted by the Special Court and demonstrates again our strong support for the Court. "I pay tribute to the Court's work in bringing to justice those accused of crimes against humanity and war crimes during Sierra Leone's civil war. This is making a major contribution to the cause of international justice and is an essential part of the process of restoring and maintaining stability in Sierra Leone.

"We must all continue to make clear that there can be no impunity for those who would commit these most serious crimes. I therefore urge the international community to maintain its support, financial and otherwise, for the Court so that it can continue this important work. "

Miami Herald.com

Tuesday, 10 July 2007

Accuser's ID to be released in Liberian torture case

Secrecy shrouds the prosecutions of former Liberian President Charles Taylor and his son, "Chuckie" Taylor Jr., that are playing out in the Netherlands and Miami.

BY JAY WEAVER

For months, Miami prosecutors and defense lawyers representing the son of former Liberian president Charles Taylor have wrestled over one main issue: the identity of the man who accused the younger Taylor of torturing him five years ago in a police agent's home in Liberia.

Prosecutors have wanted the information kept a secret for the victim's safety; Taylor's attorneys have sought its disclosure to mount a defense for a September trial in federal court.

Thanks to a recent judge's order, Charles "Chuckie" Taylor Jr. and his defense team are finally going to learn his accuser's name.

But there's a catch. Taylor is only allowed to see the alleged victim's name. His lawyers cannot give him "any tangible materials" identifying his accuser. Nor can Taylor, who is in federal custody, disclose the accuser's name without his lawyers' approval.

And, his identity cannot be made public by either side until trial.

The strict rules about the alleged victim's name are yet another uncommon development in the unique Miami case against Taylor, a 30-year-old U.S. citizen born in Boston and raised in the Orlando area. It is the first U.S. prosecution of a human-rights violation committed in a foreign country.

The charges were filed under the Torture Act passed by Congress in 1994. The law permits the U.S. government to prosecute anyone suspected of carrying out torture outside the United States as long as the suspect is a U.S. citizen, a legal resident or is present in this country, regardless of nationality.

Taylor, arrested at Miami International Airport in late March 2006, admitted falsifying his application for a passport to enter the United States from Trinidad. He served a nearly one-year sentence on that violation.

His father, who at the same time was arrested in Africa, now faces a U.N.-backed war crimes trial in the Netherlands for alleged atrocities during Sierra Leone's civil war, which ended in 2002.

ANONYMITY

Coincidentally, most witnesses testifying in the trial of the elder Taylor won't have to use their real names because of fear of retribution by the former Liberian president.

The politician also has been linked to killings, kidnappings, torture and other violence in Liberia, where his son headed the "Demon Forces," a security unit blamed for many of the alleged atrocities.

The younger Taylor, while imprisoned on the passport conviction, was charged in December with one count each of torture, conspiracy to torture and using a firearm during a violent crime.

Taylor, who was assigned public defenders because he cannot afford his own lawyers, could face up to 20 years in prison.

The prosecution is based entirely on the alleged kidnapping and torture of one victim, whose identity since Taylor's arrest has been shrouded in secrecy.

Taylor and his security forces are accused of kidnapping the victim from his home on July 24, 2002, because they suspected he was part of a rebel group known as Liberians United for Reconciliation and Democracy. Its goal was to force Taylor's father from office.

In court, prosecutors said he was not involved in the group, but noted that "the motive" of the alleged torture was to obtain information about the insurgents from him.

The unidentified victim was abducted from his home and transported to various locations, then taken to the residence of the Liberian president, according to the indictment. His son oversaw questioning at the presidential residence, known as Whiteflower.

The victim was then transported to the residence of a co-conspirator, a member of the Liberian Special Security Service.

His home was the alleged scene of the torture. Taylor threatened the victim at gunpoint and poured scalding water on his hands and body, while the co-conspirator applied a hot iron to his flesh. Taylor electrically shocked the victim's genitalia and other body parts, the indictment says. He also rubbed salt into his open wounds.

Taylor's government held the victim for about a year in an "underground hole," which was filled with water, prosecutors said.

An FBI agent said in court that the victim was medically examined in the United States and that he had reviewed his medical records. The agent, Thomas Gregory Naples, said he reviewed photos of the victim showing hot-iron scars.

He also testified that the victim was in the United States and had identified Taylor as his torturer in a photo spread.

The goal for prosecutors Karen Rochlin and Caroline Heck Miller has been to keep his identity under wraps for his own safety. The victim, who fled Liberia, now lives in the United States.

Taylor's attorneys countered their client's constitutional rights were being violated because he could not confront his accuser in court without knowing his name, credibility and motivations.

In April, U.S. District Judge Cecilia Altonaga refused to issue a protective order sought by prosecutors.

Last week, Magistrate Judge William Turnoff ruled the "government must provide further information regarding the victim" -- as well as the name and location of his attorney. He also ordered prosecutors to release the name of any co-conspirators -- a step prosecutors have already taken by disclosing the name of the police agent who owned the Liberian home where the victim was allegedly tortured.

SOME PROTECTION

But Turnoff stopped short of ordering prosecutors to reveal their entire list of witnesses before trial.

Still, prosecutors were required by law to disclose the name of one witness to the defense because he "disputes the victim's claims that he was tortured by" Taylor, according to Turnoff's order.

The secrecy dispute was settled only days before another unusual legal issue was still unresolved: Taylor's lawyers challenged the U.S. government's authority to file criminal charges involving alleged torture in another country.

But on Thursday, Altonaga rejected their argument.

A Washington, D.C., human rights group, which filed a friend of the court brief in the Miami case, hailed the judge's decision.

"The approach of the U.S. government has always been to deport rather than prosecute people accused of committing torture in another country," said lawyer Morton Sklar, executive director of the World Organization for Human Rights USA.

"This marks the first time the government didn't just deport the person or decline to prosecute him."

UNMIL Public Information Office Media Summary 9 July 2007

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

International Clips on Liberia

There were no relevant stories on Liberia in the international media today.

International Clips on West Africa **Citizens Denied Access to Taylor Trial**

Monrovia, Jul 08, 2007 (The Analyst/All Africa Global Media via COMTEX) -- The Special Court for Sierra Leone (SCSL) has been accused of denying the people of Sierra Leone access to the trial of former Liberian president Charles Taylor. SCSL conducted a public procedural hearing at The Hague Wednesday, but failed to broadcast a video of the hearing anywhere in Sierra Leone, the country where the crimes for which he is being tried took place. According to the Special Court Monitoring Project, an advocacy group, the Court violated UN Security Council Resolution 1688, which requested that the Special Court make the trial accessible to the people of the West African sub-region, including Sierra Leone, through video link.

Following Ivorian Rocket Attack, UN Envoy Meets Key Regional Peace Player

Jul 06, 2007 (UN News Service/All Africa Global Media via COMTEX) -- The head of the United Nations peacekeeping operation in Cote d'Ivoire has met with a key regional figure to discuss the state of the peace process in the divided West African country in the wake of last week's deadly rocket attack on a plane carrying Prime Minister Guillaume Soro. Abou Moussa, the Officer-in-Charge of the UN Operation in Cote d'Ivoire (UNOCI), held talks yesterday with Blaise Campaoré, the President of neighbouring Burkina Faso and the facilitator of the Ouagadougou Political Agreement, Mission spokesman Hamadoun Toure announced.

Local Media – Newspaper

Liberia National Police Graduate more than 300 Officers

(The Informer)

- The National Police Training Academy in Paynesville on Saturday graduated 367 newly trained police officers after successful completion of several months of police training.

Investigative Commission Reports on University Crisis Tomorrow

(The Informer)

- The Special Investigative Commission which has been probing the crisis at the University of Liberia will present its findings and recommendations to the institution's Board of Trustees on tomorrow, 10 July. According to a release, following the presentation of the Commission's report, a joint Faculty-Senate and Council meeting will be convened on Wednesday to discuss the resumption of classes.

Temple of Justice and Police in Land Dispute

(Heritage, The Inquirer and The News)

- Authorities at the Temple of Justice and the Liberia National Police are said to be quarreling over a parcel of land on Capitol Hill which the Supreme Court claims while the Police on the hand said the sport belongs to them. The standoff has brought to a halt construction work for the Children and Women Protection Unit of the Police.

President Sirleaf Resolute in the Fight against Corruption

(Heritage, The Informer, Public Agenda, National Chronicle and New Democrat)

- The media continued to reflect the Government's determination to fight corruption at all levels in the society. A number of newspapers ran news articles citing the adoption of a national Anti-Corruption Strategy, the ratification of the African Union Convention and the United Nations Convention against Corruption as measures taken by the Government to tackle the issue.
- President Ellen Johnson Sirleaf admitted corruption, especially in the public sector but said Government was determined to address some of the fundamental causes which encourage the act, by providing adequate compensation to civil servants, who will be held to a code of conduct in the discharge of their duties.

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

Security Forces Intensify Operation against Criminals

- According to a release issued by the National Port Authority, criminal gangs continue to terrorize crew members of vessels at the Freeport of Monrovia but that security forces at the Port have intensified their operations to crackdown on them. The Head of the Seaport Police, Col Ashford Pearl said that the gang leader, Edwin Morris alias "Rufus Kupolatie" and Mohammed Swaray have been arrested for allegedly attempting to enter a ship at the Port.

Catholic Prelate Lauds Radio Veritas on Anniversary

- The Secretary in the Office of the Archbishop of Monrovia, Reverend Father Sumo Varfee Mulbah cautioned the staff of Radio Veritas that despite the end of conflict in Liberia, they should know that the woes are still around and that the station should continue to disseminate unbiased news and information to the Nation without fear or favor.
- Delivering the Homily on the Station's 10th Anniversary, Sunday, Father Mulbah said that the station provided the platform for promoting justice, peace and gospel and urged staff of the Station to continue their dedicated and sacrificial services not only to the Church but to the entire nation.

Liberian National Police and Seaport Police Clash

- Correspondents said that several persons were wounded during clashes between the Liberia National Police and Seaport Police at the Freeport of Monrovia this morning. UNMIL forces intervened and calmed down the tension.
- Some police sources said that the riot started when the Police Commander of Zone 1 at the Bushrod Island arrested several suspected thieves with three drums of fuel oil from the Port and later called in the Inspector-General of Police Beatrice Munnah Sieh who was slapped by a seaport police officer as she probed the suspects. But the Head of the Seaport Police told reporters that his Officers were not the aggressors, describing scenes where Liberia National Police Officers beat up Seaport Police Officers with batons.

Justice Renate Winter's presentation to Juldeh in pictures

