

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE



Newly-arrived Deputy Registrar Herman von Hebel.

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, 11 July 2006

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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WEST AFRICA: Mixed Feelings Over Charles Taylor's Transfer to The Hague

By Lansana Fofana
(Credit: Inter Press Service)

Former Liberian head of state Charles Taylor was flown to The Hague, Tuesday, to face trial for war crimes and crimes against humanity associated with the conflict that took place in Sierra Leone during the 1990s.

The ex-president was previously held in that country's capital, Freetown, where a United Nations-backed war crimes tribunal has charged him on 11 counts. The Special Court for Sierra Leone is still responsible for trying Taylor, even though he will now be housed at the detention unit of the International Criminal Court in Scheveningen, near The Hague.

Taylor was transferred on the authority of the U.N. Security Council, in a bid to maintain regional stability.

"It is clear to us that Charles Taylor still does command massive support in the sub-region. We need to build on the hard-won peace here rather than prepare its collapse," a British diplomat in Freetown told IPS, Tuesday.

The former leader was indicted while still in office on charges that include unlawful killings, recruitment of child soldiers, sexual violence and attacks on U.N. staff in Sierra Leone.

In the face of international pressure and renewed civil war that had seen rebels close in on Liberia's capital of Monrovia, he accepted asylum in Nigeria in August 2003 — but was handed to the court in Sierra Leone in March of this year.

Taylor stands accused of bearing the greatest responsibility for atrocities that occurred in Sierra Leone towards the end of the last century.

The war crimes tribunal is specifically concerned with the period beginning Nov. 30, 1996.

This was the day that a failed peace agreement was signed by government and the Revolutionary United Front

"Taking Taylor for trial in The Hague is good. He is powerful and if tried here, his supporters may resurface and come finish us off,"

(RUF) which had launched its rebellion in March 1991, going on to kill, rape and mutilate thousands of civilians in the course of an 11-year war. RUF combatants became notorious for their practice of amputating the limbs of victims. The rebels entered Sierra Leone from Liberia with the alleged backing of Taylor, who is accused of supplying them with weapons in exchange for so-called "blood diamonds". His activities have reportedly also posed a threat to security in neighbouring Guinea, and Cote d'Ivoire.

"Taking Taylor for trial in The Hague is good. He is powerful and if tried here, his supporters may resurface and come finish us off," said Lamin Jusu-Jaka, chairman of Sierra Leone's amputee association, who had both his arms cut off by machete-wielding rebels.

A government spokesperson agreed. "This is a welcome relief," the official said of Taylor's transfer. "At least the people of Sierra Leone and the entire

"The victims of the war, and for that matter all Sierra Leoneans, would have been delighted to see Taylor put on trial here (in Sierra Leone),"

region (can) now go to sleep in peace." But these sentiments are not shared by everyone.

"The victims of the war, and for that matter all Sierra Leoneans, would have been delighted to see Taylor put on trial here (in Sierra Leone)," said John Caulker of the Freetown-based rights group, Forum of Conscience.

"He was indicted here and the alleged crimes were committed here. So the people have been deprived of seeing their number one tormentor being publicly tried."

The Special Court for Sierra Leone, headquartered in Freetown, commenced operations in 2003.

To date, it has indicted 11 people. They include leaders of the RUF, the Civil Defence Force militants who fought alongside government during the civil war, and three commanders of the Armed Forces Revolutionary Council — the military junta which toppled the government of President Ahmad Tejan Kabbah in 1997, and joined forces with

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the RUF.

The starting date for Taylor's trial is still unknown, and he has made just one appearance before the court in Freetown, when he pleaded not guilty to charges against him.

Officials of the Special Court for Sierra Leone and several hundred witnesses will travel to The Hague to enable Taylor's trial to be conducted. If convicted, he will be jailed in Britain.

Taylor's rule in Liberia was also characterised by violence.

He won presidential elections in 1997 after having launched a bush war against Samuel Doe's government that is said to have claimed upwards of 150,000 lives. In December 1989, Taylor and the rebel National Patriotic Front of Liberia entered the country from Cote d'Ivoire, eventually capturing large swathes of territory.

The Liberian civil war was marked by extensive human rights abuses, which continued after Taylor became head of state. (END/2006)

The Monitor

June Edition

Introduction- Is Charles Taylor Already Guilty in the Eyes of the International Community?

By Mohamed Suma

Welcome to the Fourteenth Edition of the Sierra Leone Court Monitoring Programme (SLCMP) newsletter, the Monitor. In the current edition, like the last two editions, we have focused largely on the Charles Taylor trial. This has been an eventful period in the life of the Special Court as it contributes in shaping the contours of international criminal justice. A sitting head of state (Charles Taylor) was indicted, eventually arrested and transferred into the custody of the Court; a request was made to transfer him to a third country (The Netherlands) and it was granted and then approved by the United Nations Security Council (Resolution 1688) after a third party's (Britain) decision to imprison him if he is found guilty. However, one question that was never raised, at least in the public domain, was where will Mr. Taylor go if he is acquitted and discharged of all the charges? Or is he already guilty in the eyes of the international community?

SLCMP is raising these questions by virtue of the fact that, in relocating the trial of Mr. Taylor to The Hague, the international community conducted themselves in a way that implies he can only be convicted of the charges against him. As a court monitoring programme, the SLCMP holds with unshaken conviction the centrality of the presumption of innocence and equality of arms as two fundamental and indispensable components (*inter alia*) of a fair trial. Given that the lack of the rule of law was one of the primary causes of the decade-long civil war in Sierra Leone, and the fact that the United Nations is regarded as the epitome of the dispensation of justice; a conduct that is deemed compromising of a fair trial will not only serve as a poor precedent to the former but most importantly,

undermine the credibility of the latter as the global upholder of the rule of law.



May be Mr. Taylor's (centre) last footsteps in Africa...?

Photo Courtesy of Special Court

On June 20, the Special Court, with support from UN security, effected the transfer of Mr. Taylor to The Hague in The Netherlands, pursuant to United Nations Security Council (UNSC) Resolution 1688 adopted unanimously on June 16. In March, following the arrest and subsequent transfer of Mr. Taylor into the custody of the Special Court –after over three years of political wrangling and lobbying– the Spécial Court wrote a letter to the Government of The Netherlands requesting a transfer of the trial. It based its reasons for such a request largely on security implications for the sub-region if Mr. Taylor is tried in Freetown, Sierra Leone. The Dutch Government accepted the request but with the proviso that a third country should imprison him after the trials. The third country, Britain, agreed almost two-and-half months later, on June 15. A few hours after the announcement was made, I granted an interview with a Dutch paper. One of the questions I was asked was whether we were disappointed about the appearance of a third country since we have, as a court monitoring programme, been advocating for the trials to take place here in Sierra Leone.

My response was that we were not against his imprisonment outside Sierra Leone if he is found guilty, but were against, and are still against, his trial outside Sierra Leone –for reasons we have discussed in the previous editions of the newsletter. I further stated that we are in fact disappointed that the British Government would only come forward now. Nevertheless, taking into consideration the central role they are playing in the post-conflict reconstruction efforts in Sierra Leone, we expect that they can only continue to build on their efforts.

Taking the queue from the Special Court, the UNSC in Resolution 1688 premised their decision, that allows Taylor's trial to be held in The Hague, on the potential of the trial to destabilize the sub-region if it were held here. The SLCMP has argued in the past that the issue of security has been over-exaggerated. If Mr. Taylor's supporters are going to destabilize West Africa, it will happen only if they have the capacity and not because he is in Sierra Leone. In other words, Mr. Taylor's supporters could destabilize the sub-region not because he is in custody in Sierra Leone or at The

Hague, but simply because he is being tried. We have also argued before that the transfer of the trial will dilute the hybrid nature of the Court, deprive the victims of access to the trials, give cause to a cost-benefit analysis of an already under funded court and will diminish the legitimacy of the Court. The last point is premised on the fact that " the legitimacy of international war crimes tribunals are most importantly enhanced by how much support they get from, and the benefit they offer to the victims and survivors." Despite all these concerns, the trial has been relocated to The Hague.

The decision to transfer the trial to The Hague is typical of what a municipal lawyer would do. Municipal lawyers claim that they are not social workers and therefore they are only interested in adjudicating a case to the extent of proving the guilt or innocence of the accused. There is, however, a distinction between a domestic court and an international tribunal. Unlike a domestic court, which take less account of the victims, international tribunals take into consideration the victims in making decision on the non-judicial aspects of the Court. As a matter of fact, on 17 January 2006, Pre-Trial Chamber I of the International Criminal Court (ICC) rendered a decision allowing victims to be involved even at the trial stage by way of making submissions directly or through counsel. As you may know, in the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, and even at the Special Court, victims have no independent participation. They only appear when called upon to give evidence by either the prosecution or defence. The ICC decision has created a leverage for victims to further play a central role in trials whose decisions will affect their lives the most. Additionally, it is also important to note that the Spécial Court is a transitional justice institution. A transitional justice institution which does not leave the society better off than when it started is a failure. Taking into consideration the views of victims in arriving at certain non-judicial decision (such as the venue of Mr. Taylor's trial) will not only enhance the legitimacy of a court but will also help achieve its objective of leaving a better society after its operations.

That said, I will revisit the question of whether the international community thought Mr. Taylor could only be convicted. Based on the fact that it failed to ask for another country in Europe or America to host him in an event he is proven not guilty, I am left with no option but to answer in the affirmative. Or does the international community think that if Mr. Taylor is proven innocent he will return to West Africa? If the international community wants us to believe that Mr. Taylor is free to reside wherever he chooses to if he is acquitted and discharged of all the charges against him, then this flies in the face of their much touted holy grail of his propensity to destabilize the sub-region. Therefore, there was no need to relocate his trial to The Hague. If, however, the international community thinks that he will not return to the sub-region because he can only be found guilty, it means that he has been convicted even before his actual trial. For that reason, Mr. Taylor's trial is going to be held in an already bias court, which certainly undermines the minimum standards of fair trial, including the presumption of innocence.

Lastly, in para 6 of the UN Security Council Resolution 1688 of 2006 allowing for the transfer of Mr. Taylor's

trial to The Hague, it is expressly stated that the Special Court with assistance from the UN Secretary General should provide access to the trial proceedings to the people of the sub-region. The whole argument for the trials to take place in Sierra Leone was for the primary purpose of increasing access to the proceedings. Increased access to the trial proceedings will not only impact the Sierra Leonean legal system, but will most importantly enhance healing. Just within a few days after the UN Security Council issued Resolution 1688, the Special Court whisked Mr. Taylor to The Hague. As a court monitoring programme, we will monitor and report to you if the Special Court will apply similar enthusiasm in ensuring that the people of Sierra Leone and West Africa are given increased access to the trial proceedings.

The Charles Taylor Case and the Idiosyncrasies of International Criminal Law

By Silas Chekera

The arrest of Charles Taylor in Nigeria on the 29th March 2006, and his subsequent transfer to the Special Court for Sierra Leone – a UN backed tribunal established to try those who presided over the mass atrocities that characterised the ten year civil war in that country – caused a stir locally and internationally. Drove of journalists descended on the blue-roofed complex of the Special Court and, for once, the spotlight was on the small West African country ranked as one of the poorest in the world despite its vast diamond resources. Finally, the long arm of the law had caught up with Taylor, reputed for covert and overt evasive tactics.

Hauled before the Court 6 days later, the sombre-looking Taylor was asked to plead to an 11-count indictment alleging various crimes under international law – unlawful killings; acts of terror; physical violence; sexual offences; looting; abductions and forced labour; and the recruitment of child soldiers. These charges stemmed from Taylor's alleged involvement in the civil war in Sierra Leone, purportedly motivated by greed and spite. He was the avaricious neighbour who coveted his neighbour's diamonds; also, Mr. Taylor, as the former President of Liberia, accused in court 'the sister Republic of Sierra Leone' of once harbouring rebels against his own government.

It is contended that for the aforementioned reasons Taylor got involved in the civil war in Sierra Leone. He allegedly provided logistical, technical and military support to the RUF, a rebel movement that, since the early 90s and for almost a decade, waged a protracted armed resistance against successive governments in Sierra Leone. This protracted war

would also come to involve the AFRC, a junta regime comprising members of the Sierra Leonean army that

seized power from the democratically-elected SLPP government in May 1997, only to be deposed 8 months later through the intervention of ECOMOG and thereafter perceived as outlaws. At its height, the war thus pitted the renegade movements, the RUF and the AFRC on the one hand, against the West African regional force, ECOMOG, and the CDF, a paramilitary group of traditional hunting societies that was sympathetic to the SLPP government. Yet it was the civilians who suffered most at the hands of these warring parties, resulting in the establishment of the Special Court at the end of the war to 'prosecute persons who bear the greatest responsibility' for the crimes committed during the war since 1996.

Mr. Taylor's culpability under international criminal law is based on three legal grounds. Firstly, his alleged *direct participation* in the commission of atrocities by either planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the alleged crimes. Secondly, under the principle of *joint criminal enterprise*, which would still hold him accountable even if he did not directly participate in the commission of the alleged crimes but was part of a common plan, design or purpose which amounted to or involved the commission of the alleged crimes. Thirdly, under *command responsibility*, which holds him responsible for offences that might have been committed by subordinates under his direct control, acting on his instructions or with his knowledge, or offences which, if not authorised by him, came to his knowledge and he failed to punish the culprits.

Coming barely a month after the death of Slobodan Milosevic, the former Serbian leader who stood accused before the International Criminal Tribunal for the former Yugoslavia, a UN tribunal that was

established to try those responsible for atrocities that also characterised the civil war in the Balkans, the arrest of Taylor offered timely reprieve to the international criminal justice system. That system professes to seek justice against those traditionally 'untouchable' – the most senior leaders who preside over serious atrocities against innocent people and then seek refuge under the cloak of their authority. Interestingly, while political and diplomatic manoeuvres were possibly underway to get Taylor to the Special Court, in December of 2005 the International Court of Justice, the UN's principal judicial organ, passed judgement in the case between the Democratic Republic of Congo and Uganda. The ICJ's ruling not only severely incriminated Uganda, but also potentially implicated that country's President as much as Taylor is implicated in the Sierra Leonean conflict.

Taylor and Museveni, the Ugandan President, make a very interesting comparison. Both men were rebel leaders who rose to power through the barrel of the gun, only to find themselves suffering the same fate at the hands of other rebels once in office. For the former, that was to be his demise, as rebel resistance forced him to relinquish power under a Nigeria-brokered peace deal. For the latter, the religiously-eccentric Lord's Resistance Army continues its unrelenting attacks in the Northern part of his country. Both leaders are implicated in military escapades into neighbouring countries for illicit purposes resulting in civilian atrocities. Much as Taylor was accused of coveting his neighbour's mineral resources, the plunder of DRC's natural resources by Uganda was well documented in the ICJ judgement. Similarly, as Taylor is alleged to have supported rebels in Sierra Leone,

Museveni's support of domestic rebel groups in the DRC are also well documented. As the ICJ found, Uganda, '*actively extend[ed] military, logistic, economic and financial support to irregular forces [in the DRC].*'

Yet most remarkable is the judicial finding by the ICJ that Uganda's military involvement in the DRC resulted in atrocities against the civilian population. In the Court's own words, '*by the conduct of its armed forces, which committed acts of killing, torture and other forms of inhumane treatment of the Congolese civilian population, destroyed villages and civilian buildings, failed to distinguish between civilian and military targets and to protect the civilian population in fighting with other combatants, trained child soldiers, [and] incited ethnic conflict*', Uganda, '*violated its obligations under international human rights law and international humanitarian law.*' The similarities between these charges and those against Taylor would not escape even the most cursory eye.

In light of these revealing findings by the ICJ, whose jurisdiction is limited to states, and therefore cannot pass judgment over individuals, the question then is whether there will be criminal proceedings against the individuals responsible for Uganda's established delinquency in the DRC. For if Charles Taylor is individually responsible for the alleged involvement of the Liberian troops in Sierra Leone, or for his alleged overt support for the rebel elements in that country, is Museveni not equally culpable for his country's wayward involvement in the DRC? Will the world be soon seeing the same droves of journalist descending on Kinshasa?

The Exclusive
Tuesday, 11 July 2006

Pikin Bizness succeed again

One more Sierra Leonean kid; Zogie, who was diagnosed with a hole in the heart has successfully undergone surgery in France and is reported to be steadily recovering.

He is the second in two years, to be saved of a similar condition through the help of the Consul for the Republic of Serbia and Montenegro in Sierra Leone's 'Pikin Bizness,' a philanthropic organization focusing on the welfare of children.

Contd. page 2



M.r Adonis Abboud

Pikin Bizness succeed again

From front page

It would be recalled that 'Pikin Bizness,' through the help of the Serbian and Montenegro consul in Sierra Leone Mr Adonis Abboud, in collaboration with ace reporter for the Financial Times in Paris, David Applefield, championed the cause of saving the life of Abu Bakarr Jalloh, who was also born with a hole in the heart.

See below for a dispatch from Mr. Abboud in France.

"I BELIEVE WE CAN NOW ALL BREATHE A SIGH OF RELIEF. FOLLOWING IS THE LATEST:

Adonis Abboud

Surgical intervention took place on Friday and lasted 6 hours. Zogie was

placed on Respirator overnight, and Saturday the Respirator was removed and he is now breathing normally. He spent Saturday and Sunday in the Intensive care unit. He has now been cleared to move to another location where the rehabilitation process will start, probably the same location where Abk was admitted. After 3 days, David will try and get him a Host family who will be monitoring him until he is ready to come back home. Shellac thank you for lighting a candle for our little Boy, I did the same at St. Lourdes in Milton Keynes during this morning Mass. I understand One of the new Members of pikin Bizness

Mrs Adama Wurie has donated \$1000 as her personal contribution to Pikin Bizness. MHD please extend to her my sincere thanks. I also got a call from a Mining Company who has pledged an unspecified amount to Pikin Bizness.

Finally this is the message I received from Zogie's mother this evening Sunday the 9th July 2006.

Quote: ADONIS, I HONESTLY DON'T KNOW HOW TO THANK YOU AND DAVID. YOU'VE GIVEN MY SON A NEW LIFE. MAY GOD CONTINUE TO BLESS AND STRENGTHEN YOU AND YOURS. MARY YEMA GANDA

Unquote: it's nice to hear gratitude from the mother herself.

NOTE: Zogie is the son of Mary Yema Ganda of Public Affairs.s

Star Radio (Liberia)

Sunday, 9 July 2006

http://www.starradio.org.lr/index.php?option=com_content&task=view&id=561&Itemid=2

War crimes advocates to go on hunger strike

Written by Edwin Clarke

Sunday, 09 July 2006

The Forum for the Establishment of a War Crimes court in Liberia says it would stage a three-day hunger strike shortly.

The Chairman of the Forum told Star radio during the hunger strike, hundreds of the Forum members would sit outside the grounds of the Executive Mansion.

Mr. Mulbah Morlu said the sit in is intended to compel both the Executive and Legislative branches of government request the UN to establish a war crimes court in Liberia.

Mr. Mulbah said their campaign remains unbending until perpetrators of heinous crimes in Liberia are brought to justice.

United Nations Secretary General Kofi Annan told reporters during his visit to Liberia that only the government could request a special court for Liberia.

United Nations



Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 10 July 2006

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

International Clips on Liberia

07/10/2006 08:29:16

Liberian government to hold donor conference

Monrovia_(dpa) _ The Liberian government announced Monday that it plans to host a two-day donor conference in the Liberian capital Monrovia this week for the reconstruction of the war-battered country. The conference is expected to begin Wednesday, according to a Liberian Finance Ministry statement. The conference aims to focus on a "comprehensive stock-taking of the first six months of the new government, economic revitalization and institutional reform as well as the combating of corruption."

Local Media – Newspapers

Donor Conference on Liberia Begins on Wednesday

(The News, The Inquirer, The Analyst, Heritage and The Informer)

- Liberia's Ministry of Finance has released the calendar of events of a major donor conference scheduled to commence this Wednesday in the Conference Room of the Ministry of Foreign Affairs in Monrovia. The donor conference will focus on the strategic interest of Liberia.

Nigeria Promises to Help Reform Liberia's Security Sector

(The Inquirer, Daily Observer and The Analyst)

- The Nigerian Government has promised to help support Liberia's security sector reform, mainly the new Armed Forces of Liberia. At a meeting with Liberian Defense authorities in Monrovia recently, the Chief of Defense Staff of the Nigerian Army, General Martin Luther Agwaia, said that his country would help Liberia build an army that would be subject to civil authority and protect the interest of the country.

US Congressional Team Wants Independent Legislature in Liberia

(The Analyst, Heritage, New Democrat and The Informer)

- A 16-member U.S. Congressional delegation has called for the independence of the Liberian legislature which would oversee the executive branch of government.

Lawmaker Wants UN Maintain Ban on Speaker Snowe

(New Democrat)

- A member of the House of Representatives has urged the United Nations to maintain its travel ban on Speaker Edwin Snowe. Representative Edward Forh said that Mr. Snowe's covert activities require that he remains on the travel UN ban.

Government Reduces Tariffs on Educational and Building Materials

(The News, New Democrat and Liberian Express)

- The Liberian government over the weekend announced a reduction in the tariff on educational and building materials in the country.

UNMIL Decorates Ghanaian Contingent with Peacekeeping Medals

(The News, New Democrat, The Informer and Liberian Express)

- Special Representative of the Secretary-General Alan Doss on Saturday decorated 132 peacekeepers of the Ghanaian contingent serving in the United Nations Mission in Liberia (UNMIL). Mr. Doss praised the peacekeepers for their professionalism and dedication during their service in Liberia.

Deputy Special Representative Pays Acquaintance Visit to Western Liberia

(The Informer)

- Deputy Special Representative of the Secretary-General for Operations and Rule of Law, Luiz Carlos da Costa, recently traveled to the Western Liberian County of Grand Cape Mount, approximately 120 kilometers away from Monrovia, to acquaint himself with the priorities of the county during this period of peace consolidation and restoration of civil authorities.

DDRR Produces 60,000 Trained Artisan Workers

(Liberian Express)

- Nearly 60,000 former combatants have now accessed vocational training and educational programs in the country. J. Varney Okai, Personnel Director of the National Commission on Disarmament, Demobilization, Resettlement and Reintegration (NCDDRR), made the disclosure recently and reaffirmed the Commission's commitment to providing employment opportunities for ex-combatants who have graduated from the program.

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

UN Envoy Praises Nigerian Peacekeepers

- Speaking over the weekend during a medal parade by the UNMIL Nigerian contingent, Special Representative of the Secretary-General Alan Doss praised Nigeria for its peacekeeping role, saying that without Nigeria's contribution to UNMIL, the return of peace to Liberia would have been far more difficult to achieve.

Government announces major donor conference

(Also reported on Star Radio)

UNMIL calls for police presence in Cape Mount

- Speaking in Robertsport, Grand Cape Mount County over the weekend Deputy Special Representative of the Secretary-General for Operations and Rule of Law Luiz Carlos da Costa called for adequate police presence in the area as part of the efforts to strengthen state authority.

(Also reported on Star Radio)

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

More Government Lawyers Needed

- Solicitor General Tiawon Gongloe said in Monrovia recently that the government needed more lawyers to sustain the peace in Liberia as there will be no recourse to war where justice is properly dispensed.

War crimes advocates to go on hunger strike

- The Forum for the Establishment of a War Crimes court in Liberia said over the weekend that it would shortly embark on a three-day hunger strike and sit in on the grounds of the Executive Mansion to compel both the Executive and Legislative branches of government to request the UN to establish a war crimes court in Liberia.

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.

Amnesty International

Tuesday, 11 July 2006

"Right of Choice": Amnesty International Human Rights Report 2006

This Amnesty International Report documents human rights abuses in 150 countries around the world. It highlights the need for governments, the international community, armed groups and others in positions of power or influence to take responsibility.

Death penalty

At least 2,148 people were executed in 2005 and at least another 5,186 were sentenced to death. These figures only reflect cases known to AI; the true figures were certainly higher. As in previous years, the vast majority of executions took place in only a handful of countries: 94 per cent of executions in 2005 were in China, Iran, Saudi Arabia and the USA. In 2005 Mexico and Liberia abolished the death penalty for all crimes, bringing the number of countries that are abolitionist for all crimes to 86. At the end of 2005, 122 countries were abolitionist, either in law or practice.

The campaign against the death penalty gained strength in the course of 2005. The third World Day Against the Death Penalty, on 10 October, was marked in more than 50 countries and territories, including Benin, Congo, China (Hong Kong), the Democratic Republic of the Congo, France, Germany, India, Japan, Mali, Puerto Rico, Sierra Leone and Togo.

There was progress also at the UN level. UN Resolution 2005/59 on the question of the death penalty, passed in April 2005, came the closest yet to condemning the death penalty as a violation of human rights. The resolution affirms the right to life and declares, significantly, that abolition is "essential for the protection of this right". Resolution 2005/59 was co-sponsored by 81 UN member states, the highest number ever.

One of the most powerful arguments against capital punishment is the inherent risk of executing the innocent. In 2005 both China and the USA released people from death row who had been wrongly convicted: China also acknowledged that innocent people had been executed. Unfair trials have led to executions in many countries; in 2005 people were executed in Iran, Saudi Arabia and Uzbekistan, reportedly without being given the benefit of due process of law, and therefore not afforded sufficient opportunity to present evidence of their innocence.

Discrimination based on a wide range of characteristics such as ethnicity, religion and poverty manifested itself at every stage of the death penalty process.

In a large number of countries, including India, Uzbekistan and Viet Nam, information about the death penalty remained secret. Sometimes information was withheld not only from the public but even from the victims. Japan remained one of the countries where inmates are not told when they are going to be executed until a few hours before their death. Just five hours before they were beheaded, six Somali nationals put to death in Saudi Arabia in April were reportedly still unaware that they were at risk of execution.

Even members of groups protected from the death penalty by international law and standards - such as juvenile offenders and the mentally disabled - were executed in 2005. In a welcome judgment on 1 March 2005 the US Supreme Court ruled that the use of the death penalty against people under the age of 18 was unconstitutional, leading to more than 70 child offenders under sentence of death having their sentences commuted. Concerns remained, however, that the Supreme Court's ruling did not apply to Guantanamo detainees who were juveniles when they were detained.

International Justice

2005 saw some significant developments towards bringing to justice those responsible for crimes under international law, including genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances. However, there was also continuing widespread impunity in national courts in the states where crimes were committed, as well as only limited use of universal jurisdiction by courts in other states.

In October, the International Criminal Court (ICC) announced its first ever arrest warrants for five leaders of the Lord's Resistance Army for crimes against humanity and war crimes committed in northern Uganda.

The ICC continued to investigate crimes committed in the Democratic Republic of the Congo, but did not issue any arrest warrants during 2005.

While the UN Security Council's referral to the ICC of crimes committed in Darfur, Sudan, was a positive step in addressing impunity, it was disappointing that the Security Council, as part of a compromise to ensure US support, included in its resolution a provision to exempt nationals of states not party to the Rome Statute of the ICC (other than Sudan) from the jurisdiction of the Court. In AI's view, this provision creates double standards of justice and violates the UN Charter and other international law.

The struggle against impunity was reinforced by the work of other international and internationalized courts, notwithstanding some constraints and setbacks. The Special Court for Sierra Leone advanced in three trials involving nine suspects charged with war crimes and crimes against humanity.

Some progress was made in establishing special courts - Extraordinary Chambers - for Cambodia. These were expected to try no more than half a dozen people for crimes committed while the Khmer Rouge were in power, while tens of thousands of others continued to benefit from a national amnesty. AI was concerned about the composition of the courts and whether the Cambodian judges would have the necessary training and experience, given the serious weaknesses in the Cambodian judicial system.

National courts in a number of countries also contributed to the effort to end impunity by investigating and prosecuting crimes committed in other countries using universal jurisdiction legislation. People were convicted of crimes under international law in Belgium, France, the Netherlands, Spain and the UK. Canada opened its first case under its universal jurisdiction legislation of 2000, charging Desire Munyaneza with genocide, crimes against humanity and war crimes committed in 1994 in Rwanda.

In September, Belgium issued a request for Senegal to extradite the former president of Chad, Hissene Habre, to face prosecution for the murder of at least 40,000 people, systematic torture, arbitrary arrests and other crimes, but Senegal referred the matter to the African Union. In November, former Peruvian president Alberto Fujimori was arrested in Chile. He had been

shielded from prosecution for extrajudicial executions and "disappearances" by Japan, which refused to extradite him to Peru. The long-awaited trial of Saddam Hussain started in Iraq in October.

Despite progress on international justice, much more remained to be done to address impunity. 2005 was the 10th anniversary of the massacre of around 8,000 Bosnian Muslims after the UN "safe area" of Srebrenica fell to the Bosnian Serb Army in 1995. While crimes committed in Srebrenica have been recognized as amounting to genocide by the International Criminal Tribunal for the former Yugoslavia, the women of Srebrenica whose husbands and sons were killed are still waiting for most of the perpetrators to be brought to justice. In June, AI voiced concerns to the UN Security Council about its efforts to close the International Criminal Tribunal for the former Yugoslavia without establishing effective national courts to deal with the tens of thousands of crimes that the Tribunal was not able to investigate and prosecute. (There were similar concerns over the future of the International Criminal Tribunal for Rwanda.)

At the international level, the courts and tribunals require the full support of states, in terms both of providing resources and of exercising the political will to hand over suspects. At the national level, obstacles to prosecutions, such as amnesties, have to be removed, and where national justice systems have been destroyed by conflict long-term rebuilding plans are urgently needed. While the increase in universal jurisdiction cases in 2005 was welcome, states still have to ensure that they do not provide a safe haven for people accused of crimes under international law.

Refugees, asylum-seekers and internally displaced persons

In recent years, the number of refugees worldwide has fallen significantly, but the reality in 2005 was more complex and far bleaker than the numbers suggested.

In all, more than 5 million refugees were returned - not all voluntarily - to their countries of origin between 2001 and 2004. Many of the returns took place to countries such as Afghanistan, Angola, Burundi, Iraq and Liberia where their safety and dignity could not necessarily be guaranteed. Some returns breached the fundamental principle of non-refoulement - the cornerstone of international refugee protection - that no one should be returned against their will to a situation where they would be at risk of serious human rights abuse.

In many countries, asylum-seekers were excluded from seeking protection, either physically or by procedures that failed to provide a fair hearing. In Greece, for example, in 2004 just 11 asylum-seekers were recognized as refugees and 3,731 were rejected. The refusal rate in fast-track asylum procedures in the UK was 99 per cent. In South Africa some asylum-seekers were arbitrarily deported because of corrupt practices at refugee reception centres and borders. In China hundreds, possibly thousands, of North Korean asylum-seekers were arrested and expelled with no opportunity to claim asylum.

While the number of people crossing international borders in search of protection fell, the number of internally displaced persons remained unchanged at 25 million in 2004, many of whom had been displaced for years. The UN Secretary-General's March 2005 report on the implementation of the Millennium Development Goals, *In Larger Freedom*, recommended strengthening the inter-agency response to the protection and assistance needs of internally displaced people. The resulting new inter-agency "cluster approach" promised to deliver greater accountability, but it remained to be seen whether it would deliver more predictable, robust and coherent protection to the millions of internally displaced people around the world.

For governments keen to minimize their obligations to protect refugees, the rhetoric of the "war on terror" provided yet another excuse to increase border controls. In many countries, politicians and the media fuelled xenophobia and racism, falsely linking refugees with terrorism and criminality and whipping up hostility towards asylum-seekers.

Stop Violence Against Women

The attacks on women's rights, the changed global security context and the lack of will by states to implement international human rights standards formed the backdrop against which AI continued throughout 2005 to join with women's groups around the world to promote women's human rights.

Areas of progress included new legislation in a number of countries which reduced discrimination against women. In Ethiopia, a new Penal Code removed the marital exemption for the crimes of bride abduction and associated rape. The Kuwaiti Parliament amended the electoral law to grant women the right to vote and stand for election. AI welcomed the entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Despite the gains made by the global women's movement over recent years, pervasive discrimination and impunity for crimes of violence against women continued to undermine women's fundamental rights to freedom, security and justice.

AI's campaign to Stop Violence against Women concentrated during 2005 largely on violence against women in armed conflict, violence within the family and the role of women human rights defenders.

As its campaign increasingly focused on the private sphere of violence in intimate relationships, AI emphasized the duty of governments to intervene to adequately protect, respect, promote and fulfill women's human rights. AI produced reports documenting domestic violence in a number of countries including Afghanistan, Guatemala, Gulf Cooperation Council countries, India, Iraq, Israel and the Occupied Territories, Nigeria, the Russian Federation, Spain and Sweden. Reports were also issued on the impact of guns on women's lives, and on women, violence and health.

The long-term impact of violence against women was also highlighted in a major World Health Organization study published in 2005. As AI has consistently argued, violence against women causes prolonged physical and psychological suffering to women, and has repercussions for the well-being and security of their families and communities. The connection between violence against women as a human rights issue and as a public health crisis led AI to accept an invitation to join the Leadership Council of the Global Coalition on Women and AIDS.

The need for integrated approaches to combating violence against women was highlighted by two 2005 decisions by the UN Committee on the Elimination of Discrimination against Women. The Committee called for a thorough, systemic revision of the criminal justice apparatus, and for mass popular education to address structural discrimination against women. In this case, the Committee reaffirmed that, where government authorities fail to exercise due diligence to prevent, investigate and punish violations of rights, states themselves bear responsibility for actions of perpetrators.

BBC

Monday, 10 July 2006

Top Serbs tried for Kosovo crimes

Ex-Serbian President Milan Milutinovic is one of those charged

The largest trial of senior Serbian officials has begun at The Hague's International War Crimes Tribunal.

Six men, including ex-President Milan Milutinovic, face war crimes charges over the actions of Serb troops during the conflict in Kosovo in 1999.

The six deny murdering, persecuting and deporting ethnic Albanians.

The case has taken on a new importance after the death of ex-Yugoslav President Slobodan Milosevic during a trial on similar charges.

Opening the proceedings, prosecutor Thomas Hannis reminded the court of the stark images that preceded Nato military action in 1999.

THE ACCUSED

Milan Milutinovic ex-Serbian President
 Nikola Sainovic ex-deputy PM of Yugoslavia
 Dragoljub Ojdanic ex-army chief of staff
 Nebojsa Pavkovic ex-Kosovo army commander
 Vladimir Lazarevic ex-commander, Pristina Corps
 Sreten Lukic ex-Kosovo police chief

Trial in Milosevic's shadow

"In 1999, Kosovo was prominent in international headlines and video images of conflict and convoys of thousands of Kosovo Albanian refugees," he said.

"We are going to explain why."

Mr Milutinovic is in the dock alongside former Yugoslav deputy Prime Minister Nikola Sainovic, ex-army chief of staff Dragoljub Ojdanic and three former generals - Nebojsa Pavkovic, Vladimir Lazarevic and security chief, Sreten Lukic.

They are charged with involvement in the murder, sexual assault and forced deportation of Kosovo Albanian civilians, as well as the destruction of their religious sites.

'Systematic'

The trial of the six men, Mr Hannis said, was about establishing who was responsible for acting against Kosovo's Albanian community.

Mr Hannis outlined the complex history of Serbia's relationship with Kosovo, which holds a central place in Serbian history and was a key part of Slobodan Milosevic's nationalist creed. The six are accused of forming a "joint criminal enterprise" with Mr Milosevic.

Mr Hannis told the court that Serbian forces forced some 800,000 Kosovo Albanians to flee their homes and villages.

He spoke of "widespread and systematic" murder, bombing, robbery and rape by Serbian forces across the province.

The six defendants had aimed to alter the ethnic balance in the province to ensure Serb control in Kosovo, Mr Hannis said.

In addition, Mr Hannis suggested, a culture of impunity existed in Serbia which meant crimes by Serbs against Kosovo Albanians were rarely investigated, if ever.

Mr Milosevic, widely seen as the architect of the Serbian activities in Kosovo, died in his cell in March, four years into his trial at The Hague.

His death means the tribunal has yet to establish legally what happened in Kosovo in 1999. The fresh proceedings at The Hague may be lengthy.

The prosecution says it needs at last a year to submit its evidence against the six defendants, and the defence is likely to take at least as long.

BBC

Friday, 7 July 2006

Rwandan officer's jail term cut

A former Rwandan army officer jailed by an international court for his role in the 1994 genocide has had his sentence cut from 27 to 12 years on appeal.

The International Criminal Tribunal for Rwanda found former Lt Samuel Imanishimwe not guilty of two of the five counts on which he was convicted.

In another appeal case, former mayor Sylvestre Gacumbitsi had a 30-year jail sentence increased to life.

Some 800,000 Tutsis and moderate Hutus were killed during the 1994 genocide.

Mr Imanishimwe had asked the appeal court to overturn all his convictions, while prosecutors had appealed for his sentence to be increased to life.

ARUSHA TRIBUNAL

26 suspects on trial or awaiting judgement

25 convictions

3 acquittal

Mr Imanishimwe - the commander of the Karambo military camp at the time of the genocide - was originally found guilty of authorising the arrest, detention, mistreatment, and execution of civilians.

He was the first army officer serving at the time of the genocide to be convicted by the tribunal.

In another sitting, appeal judges ruled that the 30-year sentence imposed on Mr Gacumbitsi in 2004 was too lenient.

Mr Gacumbitsi, former mayor of Rusomo in eastern Rwanda, was convicted in 2004 of genocide, extermination and rape as a crime against humanity.

The tribunal, established in the Tanzanian town of Arusha in 1994, has so far convicted 28 ringleaders of the genocide.

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/5157838.stm>

Washington Times

Tuesday, 11 July 2006

Judges, lawyers feel weight of Saddam's trial

By Katie Stuhldreher

The judges and the attorneys for both the prosecution and the defense in the trial of former Iraqi leader Saddam Hussein agree on only one thing -- that the experience has changed their lives forever, according to participants in the trial.

The judges "knew that being shown on TV during the [Iraqi High Tribunal] trials would change their lives, that they and their families would be targets of violence both during the trial and in the years that follow. They seemed both enthusiastic and at the same time a bit concerned," said Michael Scharf, a Case Western Reserve University law professor who trained Iraqi judges for the trial.

Yet, Mr. Scharf said, the judges are showing a "great deal of bravery" and are "absolutely committed to achieving justice for atrocity crimes in Iraq."

Mr. Scharf said the high level of publicity in the trial had put pressure on everyone involved.

"What was truly amazing about the Saddam trial is that it was televised gavel-to-gavel in Iraq, and the international media broadcast daily highlights with translations," he said.

He pointed out that although the trial was not unfair, it was "among the messiest in history," and each mistake was "made for all to see -- and for TV commentators to dissect."

David Crane, former U.N. undersecretary-general and ex-chief prosecutor of the Special Court for Sierra Leone, said publicity is key to the trial's effect on the formation of the new Iraqi state.

"The real point ... is how the trial is perceived by Iraqis. Sure, there are some Saddam loyalists who will never be satisfied, and also many victims who will want revenge -- which in that part of the world is an eye for an eye. But, if they think justice was done, they might not be happy with the verdict, but they will be able to live with it," he said.

Not only do the judges have to deal with publicity and the pressure of ensuring justice in a crucial trial, but many fear for their safety, specialists said.

Yesterday, Chief Judge Raouf Abdel-Rahman expressed regret over the latest killing of a defense attorney and acknowledged the risk to all officers of the court, the Associated Press reported from Baghdad.

Three members of the defense team have been killed since the beginning of the trial in October. The defense team, which was scheduled to begin closing arguments yesterday, instead announced a boycott of the proceedings over the abduction and fatal shooting on June 21 of defense attorney Khamis al-Obeidi.

Members of the defense team last month enumerated their demands, including family relocation, U.S. military protection, emergency telephone access for military protection, and funding for living and working expenses.

"Representing truth and justice against those who do not respect the law and wish to bend it to fit their political ambitions is always frightening," Curtis Doebbler, a member of the defense team, wrote in an e-mail to The Washington Times.

Yesterday, Saddam sent a letter to the chief judge, saying, "There's a deliberate attempt to convict us as a result of a malicious American desire, aided by disgusting collaborators in Iraq." He said the trial was unfair and the tribunal unlawful, according to AP.

A court spokesman said that the judge dismissed the defense team's demands and that the court would appoint new lawyers to deliver closing statements if necessary, AP reported.

Saddam and seven other defendants, including his half-brother, face death by hanging in the execution of more than 140 Shi'ites in Dujail, Iraq, in 1982. Saddam faces a second trial, set to begin mid-August, on charges of killing thousands of Kurds in northern Iraq in the 1980s.

Special Court Supplement

Dr Donald Harding, Special Court Medical Officer, on Typhoid



There has been much talk about typhoid fever lately. Steps have been taken to improve on the hygienic conditions in the cafeteria. We can tell you that there are no active carriers of the typhoid germs in the cafeteria. Here are a few facts about typhoid fever.

TYPHOID FEVER

Typhoid fever is an infection caused by the bacterium *Salmonella Typhi*.

How is typhoid fever spread?

Salmonella Typhi lives only in humans. Persons with typhoid fever carry the bacteria in their bloodstream and intestinal tract. In addition, a small number of persons, called carriers, recover from typhoid fever but continue to carry the bacteria. Both ill persons and carriers shed the germs in their stool.

You can get typhoid fever if you eat or drink beverages that have been handled by a person who is shedding the bacteria or if sewage contaminated with the *Salmonella Typhi* bacteria gets into the water you use for drinking or washing food. Shellfish taken from sewage-contaminated beds is a route of infection. Flies may spread the bacteria directly from faeces to food. Once the bacteria are eaten or drunk, they multiply and spread into the bloodstream. What are the signs and symptoms of typhoid fever?

Sustained high fever 39 - 40C (103 - 104F), Headache, Loss of appetite, Malaise, Constipation or diarrhoea, Stomach pains. In some cases patients have flat rose coloured spots.

Diagnosis is confirmed by identifying the *Salmonella Typhi* bacteria in cultures of blood and stool samples.

Prevention

1. Practise proper hygiene. Wash your hands with soap before handling food.
2. Avoid risky foods and drinks
3. Get vaccinated.

Drink bottled water or if you drink tap water bring it to boil before you drink it. Ask for drinks without ice, unless the ice is made from bottled or boiled water. Eat foods that have been thoroughly cooked. Wash vegetables and fruits very well before consuming them. Peel those that can be peeled. Avoid foods from street vendors.

Vaccination

It is advisable to consider being vaccinated, if you are travelling to a country where typhoid is common. The vaccine gives about 70% protection and is effective a week after administration. Typhoid vaccines lose effectiveness after several years.

Special Court Supplement

New Members of Staff – 7 June through 7 July 2006



Thomas I. K. George (Courtroom Officer) started work at the Special Court on 26 June.

Prior to his appointment, Mr George was a legal researcher with Defence for Children International in Freetown. He also served with UNAMSIL as Rule of Law Assistant. He later worked with the

Sierra Leone Court Monitoring Programme as Court Monitor and served briefly as acting Programme Director.

Thomas George graduated from Fourah Bay College with a Bachelor of Arts degree in International Relations. He later received a Bachelor of Law degree.

He enjoys listening to music, reading and going on excursions.



Herman von Hebel (Deputy Registrar) took up his post at the Special Court on Friday, 7 July. He brought with him his legal pedigree in both national and international law. Before joining the Court, Mr von Hebel worked for five and a half years with the International Criminal Tribunal for the Former Yugoslavia (ICTY), where he

served as Senior Legal Officer responsible for coordinating work in the ICTY's Trial Chamber II.

He was a member of the Dutch delegation to the Rome Conference and Preparatory Commission on the establishment of the ICC; he also served the Commission in other capacities including as chairman of the working group on the definition of war crimes and on the elements of crimes.

Mr von Hebel was also Legal Adviser to the Government of the Netherlands.

Mr von Hebel has authored, co-authored and contributed to many publications including Putting an End to Impunity, From The Hague to Rome, and Reflections on the International Criminal Court.