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 at:
Wednesday, 11 July 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

For di People
Wednesday, 11 July 2007

Augustine Gbao Sacks Lawyer

RUF STRONGMAN, Augustine Gbao the third accused person in the ongoing trial at the UN Special Court in a petition dated 20 June 2007, requested the Chamber to withdraw the status of Mr Andreas O'Shea as Court appointed counsel and lead counsel in the case against him and order that his services be dispensed with.

by
ALUSINE SESAY

The Trial Chamber I of the Special Court for Sierra Leone composed of Hon Justice Bankole-Thompson Presiding Judge, Hon Justice Pierre Beutet and Hon Justice Benjamin Mustanga Itoe.

Having read the response of O'Shea dated 22 June 2007 to the petition by the third accused against him and having also by John Cammegh, a Court appointed Counsel to the defense team of the third accused on 21 June 2007, the Trial Chamber was satisfied that in the circumstances that there is a complete and irreversible breakdown in trust and confidence between the third accused and O'Shea.

One of the Court appointed counsel for Augustine Gbao who at the same time is the lead counsel in Gbao's defense team, and for the necessity for an effective representation of the third accused and to ensure the expeditiousness of the proceedings, the Trial Judge in his ruling granted the request of the third accused for the Chamber to withdraw O'Shea's mandate as one of his Court appointed Counsel and consequently relieved the said Counsel from any further duties and obligations in relation to the matter and further confirmed the appointment of Cammegh as Court appointed Counsel for the third accused and further recommends that he be appointed lead counsel of the defense team for the third accused.

It would be recalled that Issa Hassan Sesay first accused, Morris Kallon, second accused and Augustine Gbao were jointly indicted for bearing the greatest responsibility for crimes against humanity allegedly committed by the accused persons during the ten years rebel war for which they now stand trial. Meanwhile, it has been confirmed by the Public Affairs Office of the Special Court that Hon Justice Benjamin Mutaga Itoe of Cameroon has been elected to a one year term as Presiding Judge of the Trial Chamber I.

He succeeds Hon Justice Bankole Thompson of Sierra Leone who ends his term on 5 July 2007. Hon Justice Itoe is serving for the second time at Chamber I. He first served as Presiding Judge of the Chamber from May 2004 to May 2005. During that tenure of office, he presided over the opening of both the CDF and RUF trials respectively on 3 June and 5 July 2004.

Concord Times
Wednesday, 11 July 2007

Examining The Admissibility of Electronically Adduced Evidence in Criminal Trials in Sierra Leone

By Allieu Vandi Koroma

"The judges and sages of the law have laid it down that there is but one general rule of evidence, the best that the nature of the case will admit."

This article will examine the need to update the rules of evidence in Sierra Leone's court systems, specifically the hearsay rule and exceptions thereto, to bring it into line with the practicalities of an electronic age. It will explain the terms, consider the law as it currently stands, discuss the problems those rules are currently raising and make suggestions for change.

The terms and the law as it stands

In criminal proceedings, the facts in a case comprise the facts which the Prosecution bear the burden of proving in order to establish the guilt of the accused and the facts which the accused can present convincingly in his defence. The party which bears the burden of proof must prove those facts up to a certain level (known as the 'standard of proof').

In civil trials, that level is 'on the balance of probabilities.' That is, if one side can convince the court that they are probably right, and that there is more than a 50% chance that they are right, then that side will win the case. In criminal trials, the standard of proof is higher.

The Prosecution must prove 'beyond a reasonable doubt' that the Accused is guilty. Whenever there is plea of not guilty, everything is in issue and the Prosecution has to prove the whole of their case, including the identity of the accused, the nature of the act and the existence of any necessary knowledge or intent. Any fact which is formally admitted must be proved.

Aside from the need to prove guilt beyond reasonable doubt, however, the Prosecution must also show the court that any evidence it wants to adduce before the court is acceptable according to rules of court (this is known as satisfying the 'evidential burden').

Rules of court on the admission of evidence are there to protect parties (and particularly the Accused) from an unfair trial, by ensuring that any evidence that is brought to the court is reliable and that the court should give weight to it when considering guilt or innocence.

The cardinal rule of evidence is that, subject to the exclusionary rules, all evidence which is sufficiently relevant to the facts in issue is admissible, and all which is irrelevant or insufficiently relevant to the facts in issue should be excluded.

However, another important rule, with which we are concerned here, is the hearsay rule. The hearsay rule says that evidence can only be admitted to the court if the court is able to verify the truth of that evidence itself by cross examining the author of the evidence in court. By asking critical questions and forming an impression of the witness, the court should be able to assess whether the author or witness is telling the truth or not. The idea is essentially to stop rumours or second-hand information from being tendered as fact, both to prevent distortion of the facts and to prevent a lie from being taken as fact.

Ideally then, any evidence should come by word of mouth from a witness testifying in court. However, in an electronic age this is not always possible. There are also many exceptions to the hearsay rule.

Evidence from a computer or mechanical or other device may or may not be hearsay, and may be hearsay and yet fall under one of the exclusionary rules. To the extent to which a computer is used merely to perform functions of sophisticated calculation which could have been done manually, no question of hearsay but an item of real evidence, the proof and relevance of which depends on the evidence of those using the device.

However, where a computer is used to record information which is supplied by a person, the hearsay rule will come into play if it is sought to use a printout from the computer to prove that what the person said was true. Once classified as hearsay, the admissibility would depend, not on its authenticity, but simply upon whether it falls within the exception to the rule.

When the admissibility of a particular item of evidence is in dispute, the burden of admission lies on the party seeking to admit that evidence. When this burden is borne by the prosecution, they must prove the admission 'beyond reasonable doubt' while the defence must only prove the admission of any evidence they want to adduce 'on a balance of probabilities'. In addition, if the inclusion of evidence would be prejudicial to the fairness of the trial, the judge has discretion to exclude it.

In Sierra Leone, the issue of admitting electronic evidence as real evidence has come under serious contention by both the prosecution and defence vis-à-vis the hearsay rule. The crucial distinction is between computer printouts containing information implanted by human hand, and printouts containing records produced without human intervention. The former falls under the hearsay rule while the latter is not hearsay.

In other jurisdictions, such as in England and Wales where the hearsay rule originated, many exceptions to the hearsay rules have developed over the years through case law and in statute on a piecemeal basis. One such exception is that a document made in the course of business can be admitted, as long as it was not made specifically for the purpose of the criminal proceedings. If it was made specifically for the criminal proceedings, the document can be admitted, but only if the maker is unavailable to give evidence in court, or it is not reasonably practicable to secure their attendance at court.

Rules of procedure and evidence have not been developed recently in Sierra Leone to keep up to date with modern electronic and business realities, and so no similar exception exists in Sierra Leone. As such, business documents, containing records produced with human input, are not admissible in the courts in Sierra Leone.

A case before the courts

Exactly this issue has arisen in a current matter before Adrian Fischer in Freetown's Magistrate Court No.1(a) involving one Hindowa Saidu, a former Celtel S/L employee as the Accused, who was charged to court for allegedly threatening via SMS to kill the Human Resource Director of same.

The main legal tussle, which has almost grounded the trial for over six months since it was first heard, is the admissibility of printout information from a Celtel electronic device to be admitted as real evidence against the Accused. The prosecution's argument is that the evidence, a computer printout document, should be admitted as real evidence since the device was not 'interfered' with but only commanded to perform a function which did not specifically relate to the Accused.

The defence on the other hand is objecting to that piece of evidence on the grounds that it is hearsay and should not be admitted as real evidence since an individual 'interfered' with the device by inserting figures in order to obtain the printed information; thus documentary records stored on computer are hearsay. According to the defence, weight should not be given to a document where the person who programmed the electronic device is not subject to cross-examination in front of the court by counsel for the defence. This holds real weight, as the rules of procedure have not been updated to encompass such situations. As such, if the evidence in the document is false, and yet it is accepted as fact, the defendant will be unfairly prejudiced against and will have his right to a fair trial abused.

Although there is no authority to suggest that a criminal court has any power to admit as matter of discretion evidence which is inadmissible under an exclusionary rule of law, it is, however, well established that a trial judge, as part of his inherent power and overriding duty in every case to ensure that the accused receives a fair trial, always has a discretion to refuse to admit prosecution evidence if, in his opinion, its prejudicial effect outweighs its true probative value. He also has a general discretion to exclude otherwise admissible prosecution evidence which has been obtained by improper or unfair means.

As the current rules stand, the only alternative for the court, in order to ensure a fair trial, is that the programmer of the Celtel device be identified and cross-examined in court. Only that person can describe the function and operation of the device and the data upon which the document was produced. At the same time however, this affects other rights of the Accused. Such a procedure would seriously delay his trial, contravening the right to trial without undue delay. Unfortunately, because the defence counsel in this case is offering pro bono services, there is in practice a strong likelihood that he will withdraw representation if the matter does not make progress. Thus the Accused is under pressure to concede to the prosecution's application for submission of the evidence, even though it is to his own detriment. This is yet another example of the failure of the current legal system to uphold the rights of the Accused by failing to provide free legal representation to the defence. The Accused should not be made to suffer because of the inadequacies in our legal system.

If the presiding Magistrate, however, gives verdict in favour of the prosecution by admitting the evidence, it would probably have been the first time for such evidence to be admitted in our legal system. Equally, the power of discretion would not have been in the interest of the Accused.

The Need for Legislative Reform

This matter definitely brings to light the urgent need for the rules of procedure and evidence of Sierra Leone to be reviewed and updated. Such significant matters are not for Judges to decide case by case, but should be decided by Parliament in legislation. It is essential to introduce reform of the laws in order to correspond with today's more complex litigations in Sierra Leone. The current body of criminal laws and rules in Sierra Leone no longer meets the needs of present-day Sierra Leone society. The country is much more sophisticated than it was two centuries ago when a large body of English legislation was enacted into the Laws of Sierra Leone.

Accordingly the SLCMP calls on the government to order the drafting of legislation to amend the criminal rules of procedure and evidence in an effort to protect human rights and bring the law up to date with modern realities.

Culled from the 24th edition of the SLCMP

Standard Times
Wednesday, 11 July 2007

The Need To Improve on Social Justice

The results of the eleven years civil conflict in Sierra Leone were bad governance, corruption, social injustice in the judiciary and other public places of work and negative vices that prevailed in the period under review.

Thus, it was expected that the end of the civil conflict in 2002 would address these concerns but unfortunately much has not been realized as social injustice is still prevalent in the country.

In a bid to curtail social injustice throughout the country, the Justice Sector Development Programme, (JSDP) of the British Council in Freetown has organized a judicial orientation and fresher workshop programme towards that goal.

Charles Okafor of the JSDP said that "continuity professional development and training is now widely accepted as crucial to enhancing the skills of judicial officers in their daily work in the courts". It may be recalled that the JSDP funded judicial orientation and refresher workshop which lasted for a period of four days at the Kimbima Hotel in Freetown for magistrates and justices of the peace by providing them opportunities.

The newly appointed judicial officers which include three high court judges, two magistrates, three deputy masters and registrars to familiarize themselves with the rudiments of their duties in an informal setting. A similar workshop was also held for the Sierra Leone Police (SLP) with regards to their local needs in policing which was also supported by the JSDP sector.

The JSDP also introduced a literacy and numeracy programme in the Freetown Central Prison. The programme involved a total number of twelve officers and inmates who were trained in to teach literacy and numeracy to inmates who wished to participate at the three stages.

But after the training the effects were not replicated and realized as those who administer the criminal justice system hold power with the potential for abuse and tyranny. In facts, the right to equality before the law, or equal protection before the law, is fundamental to any just and democratic society. Whether rich or poor, ethnic majority or religious minority, political ally of the state or opponent, all are entitled to equal protection before the law. As John P. Frank observed "under no circumstances should the state impose additional inequalities, it should be required to deal evenly with all of its people".

Apparently this is contrary to what obtains in Sierra Leone as those who cannot afford to pay the services of legal practitioners are denied justice in favour of the rich and powerful.

Presently the magistrates courts in

The need to improve on social Justice

Freetown are filled with many cases unattended and have spent more than four years on the shelves without judgment.

On the contrary, the concept of social justice has a wider range of things which are yet to be addressed. In an exclusive interview with the Iranian Cultural Consul in Freetown Mr. Mohamed Ghezel Sofla regarding social justice, he stated that "Islam is an institution of justice and moderation. It is a straight path and the Muslim fraternity is the nation that practices moderation and justice."

Mr. Sofla also maintained that in a society unless the high sounding slogans take strength from their roots they do not go ahead with slogan mongering. He observed that the slogan of social justice is trumpeted by every government but people will not find even the slight tinge of social justice in the courts. Such slogans, he said, are not based on sincerity.

The Iranian Consul asked the following questions: Is there any law which claims to be hundred percent just so that nobody is deprived of his rights? Is there any law maker who has never been impartial and who has not been influenced by personal prejudices? Or on what standard can a certain law be determined as just?

The Iranian diplomat pointed out that if the law-markers are free from any political, tribal, zonal or racial biasness, then on what standards will they enact just and fair laws from all the people and for all the time to come. "What stratum do the law makers come from and from which group of society they want to protect the right". Social justice and just laws, he said, are only possible through divine laws conveyed to mankind by the prophets of Allah.

He noted that justice is the basic condition of life. In Islam, he went on "all important establishments and installations remain under the control of just people whose reputations have been good and who are able and pious. In the matter of administration of justice by the magistrate to the ordinary clerk and the witnesses, all should be particular in upholding justice.

The man who leads prayers must be just and honest. It is necessary that the jurist whom we follow, the president, the prime minister, the finance minister and the man pronouncing the formula of divorce are all just and honest people. In the matter of giving news only the just and honest man should he relied upon." He concluded by saying that Islam has laid great emphasis on justice and it is the basis on which all problems of the society, be it personal, social or economical is decided.

Will this doctrine operate in Sierra Lorene? The answer is absolutely not possible considering how many people that can afford a square meal a day.

This makes groups like the amputees and child-miners working day and night in the mines to earn their living whilst their colleagues are engaged in schooling potentially vulnerable.

Conclusively, there should be strict observance of equity and treatment to people of various classes in society without any distinction as the Universal Declaration of Human Rights states that "everybody is equal".

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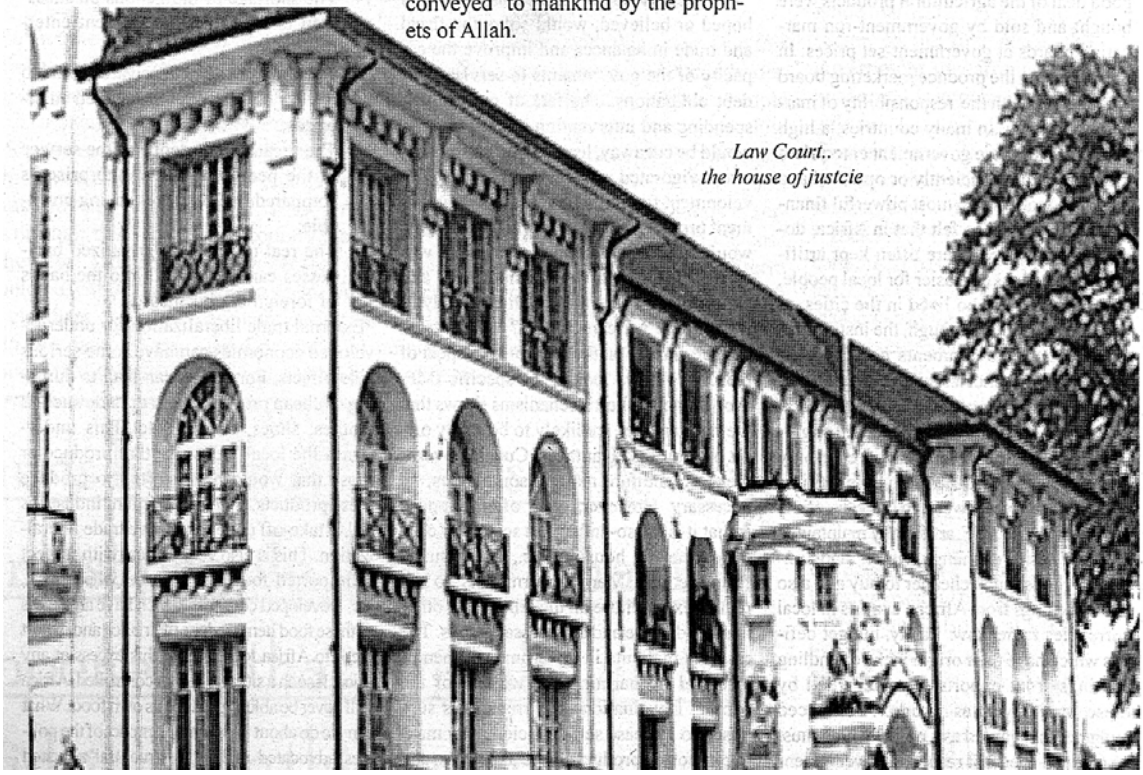

Law Court..
the house of justcie

The Guardian
Tuesday, 10 July 2007

Prosecutor sees progress in Taylor trial

Mark Tran talks to Stephen Rapp

The prosecutor in the special Sierra Leone tribunal said today he was optimistic that the trial of Charles Taylor, the former Liberian president accused of war crimes, will proceed on schedule despite recent delays. Stephen Rapp, formerly a US attorney in Iowa, told Guardian Unlimited that Mr Taylor's trial should resume at The Hague next month.

"I see the trial proceeding," Mr Rapp said during a visit to London. "The challenge is that he needs a new defence team. The judge has ordered legal aid to be substantially increased to $100,000 a month and work is under way to get that team in place this month for the next session on August 20."

Mr Taylor sacked his lawyer when his trial opened in June and boycotted the special UN-backed court because, he said, he wanted a stronger legal team. Mr Taylor subsequently appeared before the court last week to re-enter a not guilty plea to a count of sexual slavery, which had been slightly reworded in an amended indictment.
The special court has since agreed to a new "financial package" of $100,000 (£50,000) a month so that he can hire a top legal team for his defence. The 59-year-old Mr Taylor could go through $2m depending on how long his trial takes. Estimates range from 12 to 18 months.

Mr Taylor faces 11 charges of war crimes and crimes against humanity for allegedly backing the Revolutionary United Front, a rebel group that killed maimed and raped thousands of Sierra Leoneans during a war that lasted 11 years and ended in 2002 after British military intervention.

If Mr Taylor is found guilty, he is likely to spend the rest of his life in a British jail. Today, the court is expected to initial an agreement with the British authorities for the UK to accept him as a prisoner.

The court has been criticised for being too expensive and too slow in bringing people to trial. Set up in 2002, the ad-hoc court consisting of international and Sierra Leonean judges issued its first verdicts last month, when three militia leaders were found guilty of war crimes, including mutilation, rape and the use of child soldiers in Sierra Leone's civil war. The court made legal history as it was the first time an international tribunal ruled on the charge of recruitment of child soldiers.

The president of the special court, Justice George Gelaga King, rejected charges of slowness.

"When the special court was set up in 2002, it had to start from scratch. It was given 11 and a half acres of virgin jungle land, there was no electricity and no water. It took time to put facilities in place," he said. "The court ought to be commended for working in difficult and adverse circumstances."

The cost of the court from 2002 to 2009, when it is expected to wind up, is put at $102m. Some Sierra Leoneans wonder whether the money could have been better spent on rebuilding their shattered country rather than on a court where three-quarters of the judges are foreign.

Holding Mr Taylor's trial at The Hague has added to the costs, but it was felt by the Sierra Leonean government and the UN security council that holding the trial in Freetown, where the court is based, would be too dangerous. Both the Liberian and Sierra Leonean governments feared that a trial in west Africa might spark fresh unrest by rousing Mr Taylor's supporters, many of whom are former child soldiers.

"There is peace in Sierra Leone, but the situation is not 100% stable," said Judge King. "It is very delicate."

Human rights groups have also faulted the tribunal for failing to spread the word to the public in Sierra Leone and Liberia about its work.

"It's important for people to know that Charles Taylor is being held to account," said Tania Bernath, an Amnesty International researcher on Sierra Leone.

If people are failing to get the correct information from the tribunal, she said, Taylor supporters in Liberia could manipulate public opinion. There have been rumours, for example, that Mr Taylor is being starved by the court.

Part of the reason for members of the special court visiting London and other capitals is to raise money. The court depends on voluntary contributions, with the US and the UK stumping up two-thirds of the money. The court needs to raise more cash or it will run out by the end of October.

"We need $89m over the next three years," Mr Rapp said. "Of the $89m we've raised $26-27m, so there's $60m to go. It does involve me talking to people and telling them why it's important for countries to support the court."

Foreign and Commonwealth Office

Tuesday, 10 July 2007

AGREEMENT WITH SPECIAL COURT FOR SIERRA LEONE

After signing the sentence enforcement agreement with the Registrar of the Special Court for Sierra Leone, today, Lord 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.'

NOTES FOR EDITORS

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.

United Nations Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 10 July 2007

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

International Clips on Liberia

Liberia and UN Mission Achieve Key Target in Police Recruitment

Jul 10, 2007 (UN News Service/All Africa Global Media via COMTEX) -- More than 3,500 officers have now graduated from Liberia's Police Academy as part of United Nations-backed efforts to improve the rule of law in the West African country and help the nation rehabilitate after more than a decade of brutal civil war.

Detention record costs Liberia Qualship status

LIBERIA's detention performance in the US has resulted in the register losing its US Coast Guard's Qualship 21 status for 2007, writes Rajesh Joshi in New York. The disqualification comes only a year after Liberia qualified for Qualship 21, which made it the largest flag state to have earned the accolade.
The registry insisted yesterday that the disqualification would not affect its business and that it would qualify in 2008.

International Clips on West Africa

Ex-rebel RUF party bows out of Sierra Leone polls

FREETOWN, July 9 (Reuters) - The political party born out of Sierra Leone's Revolutionary United Front (RUF), whose rebels hacked off civilians' limbs during a brutal civil war, disbanded on Monday admitting it could not fight next month's elections. The RUF took up arms against the Freetown government in 1991 under the leadership of the charismatic Corporal Foday Sankoh, and at its height controlled much of the West African country, including rich diamond fields whose gems it used to buy guns.

Ivorian prime minister concludes visit to Burkina Faso

LOME, Jul 9, 2007 (Xinhua via COMTEX) -- Cote d'Ivoire's Prime Minister Guillaume Soro on Monday wrapped up his visit to Burkina Faso and returned to the Ivorian capital Abidjan, ten days after his plane was attacked by a rocket in the central Ivorian city of Bouake, according to reports from the Burkinabe capital Ouagadougou.

Local Media – Newspaper

Grand Bassa District Bi-Election Gets Underway
(The Inquirer, The News and New Democrat)

- Speaking to reporters yesterday in Monrovia, the Chairman of the National Elections Commission, James Fromoyan said all is now set for the Grand Bassa district #3 by-elections today, Tuesday and said over 26,000 voters are expected to turn out to vote.

- Meanwhile, the opposition Liberty Party has accused the ruling Unity Party of mandating the Liberia Petroleum Refinery Company (LPRC) to release US$60,000 to facilitate the UP candidate campaign in the bi-election.
- The Unity Party denied the claim and challenged the Liberty Party to prove its allegation which it said is intended to undermine the party's effort.

Government Probes Port Fracas
(Liberian Express, New Democrat, The Analyst, The Inquirer, The News, The Informer, Daily Observer, The Forum and Heritage)

- President Ellen Johnson-Sirleaf said government will prosecute anyone found to have used excessive force in violation of the law in yesterday's clash between officers of the Liberia National Police and the Seaport Police at the Freeport of Monrovia.
- In a government statement, President Sirleaf said an investigation panel to probe the riot has been set up and has five working days to complete its task.
- The team is headed by National Security Advisor, Dr. H. Boima Fahnbulleh and includes UNMIL, the National Bar Association, National Law Enforcement Association, the Council of Churches, a Representative of the Civil Society and the Solicitor General.
- The statement confirmed that a number of people were wounded and properties damaged during the melee but said calm has returned and the port was opened for normal business.
- Meanwhile, the police said 22 of its officers were wounded in the clashes while the port's management claimed 13 of it workers were hurt during the violence.

Journalists Group Penalizes Media Institutions for Ethical Violation
(Heritage and The Inquirer)

- The Press Union of Liberia (PUL) has held three media institutions guilty of ethical transgression following the publication and broadcast of profane statements by former National Patriotic Party Chairman, Cyril Allen.
- The Heritage, National Chronicle and Power TV were fined LD$2,500 each for contravening article 14 of the union's code of conduct, which among other things speak against the use of profane languages.
- A PUL release said the media institutions yesterday admitted that they erred and apologized for their action.

Government Clarifies Reports of Petroleum Shortage
(New Democrat, Heritage, Daily Observer, The Informer, The Inquirer and National Chronicle)

- Correspondents said that the Government of Liberia expressed concern over the arbitrary increase in the prices of basic commodities including petroleum products.
- The Government's position followed media reports of a hike in the prices of essential commodities on the Liberian market clarifying that the price of petroleum product remains the same and that a shipment of 1.4 million gallons of gasoline was expected in the Country today to address the superficial shortage.

Major Opposition Party Members Fuse over Standard-Bearer Slot
(National Chronicle, The Forum and Liberian Express)

- In a statement issued by the USA-branch of the Congress for Democrat Change (CDC), the partisans said they differ with Mr. George Weah's assertion that he remains the Standard-Bearer of the CDC and described the statement as "alarming and undemocratic".

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

President Johnson-Sirleaf Launches Liberia Extractive Industry Initiative

- President Ellen Johnson-Sirleaf today launched the Liberia Extractive Industry Transparency Initiative (EITI). The EITI programme which is being championed by the civil society coalition seeks to ensure that there is full disclosure of revenues earned from mineral resources and other extractive sectors.

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Opposition Party Turns Down Meeting with President

- The opposition New Deal Movement said it is boycotting today's stakeholders' consultative meeting with President Johnson-Sirleaf.
- In a press statement, the party said it has resolved not to attend the meeting because it believes the invitation was belated and not done in good faith.
- The party claimed that the meeting was a ploy to use the New Deal Movement to "legitimize" pre-determined positions and policies single-handedly initiated by the government.
- This latest action brings to three the number of parties boycotting the meeting. The Liberty Party and the Congress for Democratic Change had earlier boycotted the meeting with the President.

Eviction of Unfinished Defense Ministry Building Called Off

- A joint operation of the Liberia National Police and UNMIL to evict occupants of the unfinished Defense Ministry building in Congo Town has been called off.
- Correspondents said the operations started early today but was later halted due to what the Deputy Police Inspector, Colonel Gayflor Tarpeh said was a change of order.
- Col. Tarpeh said the operation team would only conduct a thorough search of the building which host scores of squatters.

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Voice of America
Wednesday, 11 July 2007

Rwanda President Seeks Investigation of French involvement in Genocide

By Peter Clottey
Washington, D.C.

Rwanda President Paul Kagame is calling for fresh investigations into France's alleged involvement in the country's 1994 genocide that saw scores of Hutus and moderate Tutsis killed in a 100-day massacre. This comes after a French newspaper published a declassified secret document, which alleges that former French President Francois Mitterrand was aware of plans for Rwanda's genocide. A previous French inquiry cleared France of any complicity in Rwanda's genocide.

From the Rwandan capital Kigali, Minister for Justice Tharcisse Karugarama tells VOA English to Africa service reporter Peter Clottey it is imperative that fresh investigations are opened in view of recent information.

"I think the president said what the truth only is that there is need to go backwards into 1994, actually, starting right from 1990 to check and establish once and for all the role of France in the genocide. So many independent observers have said that France had a role in the genocide, that the leadership had a role in what was going on in Rwanda," he said.

Karugarama said President Kagame is right to call for an independent investigation on France's alleged complicity in the genocide.

"The president is saying there is need to examine France's continuous denial. That time was up for an independent assessment investigation of what France did in Rwanda. Here today, Rwanda has set up a commission to investigate what happened, but there are other people who can investigate if they so wish. I'm very sure the president is right in calling for a fresh look, a fresh analysis, and a fresh investigation of what role France played in the mayhem, in the killing that took place in this country," he noted.

Karugarama said he is a sure fresh investigation into France's alleged complicity would find the truth about the allegations.

"Definitely, because the French parliamentary commissioner of inquiry, the fact finding mission that was conducted by French parliamentarians, action does not tally with the conclusion, because the investigators did establish a fact about France's involvement, but the conclusion was different from the facts that they presented. And so the body of the report is not consistent with the actual conclusion of the findings," Karugarama pointed out.

He said the break in diplomatic relations between Rwanda and France has nothing to do with establishing the truth of France's alleged complicity in the genocide.

"Diplomatic relationship between nations, they do not in any way stop or prohibit the establishment of facts. As has been previously stated, you can hide the truth for sometime, you can never hide the truth forever. I think time is of essence, and sooner than later, the facts on the ground will definitely show proof that France's leadership at the time had a role, or knew very well what was going on here, and ignored the signs that genocide was being prepared here. And they went ahead to support a government that was clearly supporting, and planning genocide," he said.

Karugarama said the world would soon see what part France played in the genocide.

"Sooner rather than later, it would be very obvious for France, for the French and for the rest of the world to judge France as having had a hand in what happened in this country," Karugarama noted.

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Rwanda Requests France Extradite Former Official Involved in Genocide

By Arjun Kohli
Nairobi

France is expected to receive an extradition request from Rwanda this week for a senior Rwandan politician accused of being involved in the 1994 genocide. Arjun Kohli has more on the story from our bureau in Nairobi.

Former Rwandan politician Isaac Kamali was captured as he tried to enter the United States from France last month. He was traveling with a French passport when the International Criminal Police Organization, better known as Interpol, discovered his name on a list of fugitives and arrested him at the Philadelphia airport.

He was taken back to Paris where he is in the custody of French officials.

The Rwandan government accuses Kamali of several counts of murder, and of orchestrating the genocide that saw the deaths of 800,000 people in three months. He was a member of Rwanda's former ruling party, the National Revolutionary Movement for Development, the party that is believed to have masterminded the genocide.

Charles Murigande (2004 file photo)

Rwanda's Foreign Minister Charles Murigande tells VOA that Rwandans want justice to be served.

"This man committed crimes in Rwanda. He is a Rwandan. Naturally, in the most logical thinking he should be held accountable where he has committed the crimes and for the people he has wronged to see justice being done," said Murigande.

Kamali is believed to have left Rwanda for Senegal and from there he took refuge in France.

Rwanda's relationship with France has deteriorated since last year, after a French magistrate accused Rwandan President Paul Kagame of ordering the assassination of the former president, Juvenal Habyarimana, whose death precipitated the genocide. Mr. Kagame was the leader of the rebel group that brought the genocide to an end.

Following the French accusation, Rwanda closed the French Embassy in Kigali.

In recent weeks tensions have increased, after a French newspaper, *Le Monde,* reported that French officials had clear warnings in the early 1990s of a possible slaughter by ethnic Hutus of the minority Tutsis.

Rwanda's justice minister said last week that France should prosecute French politicians who ignored warnings about the genocide. Rwanda has also accused France of refusing to cooperate with a commission of inquiry into the 1994 massacre.

But Foreign Minister Murigande says Kamali will likely face trial.

"I cannot speculate on what France will do or will not do," he said. "It is party to the 1948 convention against genocide so I would expect of a civilized country not to be a safe haven for perpetrators of genocide. If there

is any objection of bringing him to Rwanda, the bottom line for us is for him to be held accountable whether he is held accountable in Paris, in wherever, whoever would want to hold him accountable."

An International Criminal Tribunal for Rwanda was also set up in Tanzania in 1994. The court has delivered judgments on several individuals who were holding leadership positions in Rwanda during the genocide. Rwanda's former prime minister, Jean Kambanda and seven of his ministers are among the 25 people who have been convicted.

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The Capital Interview: Bellinger Says International Court Flawed But Deserving of Help in Some Cases

Interviewee: John Bellinger, Legal Adviser to the Secretary of State
Interviewer: Robert McMahon, Deputy Editor

The Bush administration's rejection of the International Criminal Court (ICC) and its use of Guantanamo Bay facilities to house "unlawful combatants" have damaged the country's reputation as a human rights standard bearer. Washington has recently softened its approach to the ICC and continues to gradually reduce the number of detainees at Guantanamo. John B. Bellinger III, legal adviser to the U.S. secretary of state, says that while Washington is not necessarily "warming" to the ICC, it has sought to clarify that the U.S. government agrees with the objectives of the court. In the case of Guantanamo Bay, Bellinger says the State Department is "working very hard" to repatriate some of the Guantanamo detainees as well as exploring different options for holding others seen as posing a threat to the United States.

I'd like to start with Darfur and the International Criminal Court. The Bush administration has said it would consider assisting the ICC's work in Darfur. What does that mean in practice and does it include helping to track down the two Sudanese indictees?

We do see a role for the International Criminal Court in certain cases, including in particular the case of Darfur. For that reason we did not object to Security Council Resolution 1593, which referred the situation in Darfur to the ICC. So as a matter of principle, we have supported the ICC's investigation and prosecution of the cases in Darfur. At the same time we have the restrictions in U.S. law and the American Service Members Protection Act, which prohibit as a general matter any U.S. assistance to the International Criminal Court. There is an exception which has not been tested, and whose parameters are not clear, which permits assistance to the ICC to bring to justice certain named individuals as well as other foreign nationals who have committed war crimes, genocide, or crimes against humanity. So we think that within the bounds of U.S. law, there would be authority to provide assistance to the ICC.
We have not been asked by the prosecutors for any specific help, so therefore it's difficult to say in advance that we would say "yes" to any request, but we have said that because of our particular concern about the situation in Darfur and the need to ensure accountability for those responsible that we would seriously consider providing assistance in response to an appropriate request.

So in terms of the specific request, when the prosecutor recently came before the Security Council and asked for help, the U.S. couldn't respond to that in a specific way?

Correct. People have in the past and for some period of time asked us generally for assistance. We have responded generally by saying that we would be prepared to assist within the bounds of U.S. law and in response to a specific request, but it would depend whether the type of assistance was something that we had and could appropriately provide. I think the main point that we're conveying is that U.S. concerns about the ICC are well known, but that we acknowledge that in certain cases we would be prepared in principle to help the ICC in a situation like Darfur where there seems to be no other way to provide accountability for those who have committed crimes.

Given the strong U.S. opposition when the statute creating the ICC came into force five years ago, there is now this offer of cooperation. What has changed? Has there been a chance to assess how it's performing so far? Does it not necessarily seem as politically motivated?

No, I don't think that's it. I understand that this has been the view of many ICC supporters all along—that as long as the ICC as an institution continues to behave reasonably, the United States will warm to it. I don't think that's an accurate characterization. I think what's happened is we've made clear that not only this administration, but the

Clinton administration had concerns about the ICC and the Rome Statute from the time that the statute was completed, and that we object to its purported coverage of the United States, even though we're not a party. Nonetheless, we certainly agree with its overall ends—there's no doubt about that.

"I think perhaps we have made a mistake in not explaining until the last eighteen months or so just how difficult it is to resettle the individuals who are [in Guantanamo], and how hard we are working."

What we've clarified over the last couple of years is that the controversy over the ICC had become really a tempest in a teapot where there should be no doubt that the United States shares the same goals of ICC supporters, which is to bring to justice and end impunity to those who have committed war crimes, crimes against humanity, and genocide, and that what we have therefore been clarifying in the last couple of years is not just that the ICC and its prosecutors have behaved unobjectionably, but that there can be specific cases like Darfur where the United States sees a role for the ICC. So we continue to be concerned about its purported jurisdiction over us—that was a concern shared by the Clinton administration. That's why President Clinton did not submit the Rome Statute to the Senate, but we nonetheless see that the ICC has a role in a case like Sudan.

Clinton did at the last minute sign the Rome Statute. Officials like [former Clinton administration ambassador at large for war crimes] David Scheffer said that it would be a good idea to be inside trying to work for change. This is a similar—in a different context—approach of some towards the UN Human Rights Council. What do you make of that argument about working from the inside versus the outside?

Well, many of us at the State Department believe it is better to be inside a tent working for change rather than outside. That, as a general principal, is probably correct but it doesn't fit in every circumstance and in a circumstance like the Human Rights Council, which is so fundamentally flawed and which we were concerned at the outset was going to be so fundamentally flawed that we adopted a wait-and-see attitude. We sadly believe that we have been proven correct—that in fact the Human Rights Council has pursued an agenda of not going after human rights abusers, but instead protecting them. We think that it is not an organization we would be able to have an impact on by being on the inside, and we don't think that would have changed had we been part of it over the last year.

The U.S. has been generally a big backer of ad hoc tribunals. But some say these courts do little to deter rogue regimes from flagrant violations or committing genocide. What is your response to that?

Well, it's a good point that we have been supporters of these ad hoc tribunals—it's one of the things that Secretary [of State Condoleezza] Rice and I have tried to emphasize when people suggest that the United States is not committed to the cause of international criminal justice because of the controversy over the ICC. In fact, we have been the biggest political and financial supporter of these other ad hoc tribunals: the ICTY [for the former Yugoslavia], the ICTR [for Rwanda], the special court for Sierra Leone over the last decade. We've provided more than half a billion dollars of U.S. taxpayer money to continue to support them politically and we think [these tribunals] do have a significant impact. The fact that they may be ad hoc, we think, nonetheless continues to send a signal to perpetrators of human rights violators in the countries involved in these cases, but also to other human rights violators around the world, that they will be brought to justice.

"In certain cases we would be prepared in principle to help the ICC in a situation like Darfur where there seems to be no other way to provide accountability for those who have committed crimes."

Secretary Rice personally worked very hard with respect to bringing [former Liberian President] Charles Taylor to justice, a case that actually ties back together with the ICC to ensure that Charles Taylor did not live out his days in Nigeria but was ultimately brought to justice. We felt that having this special court for Sierra Leone to try him in Africa could be destabilizing to the region, and we therefore supported the use of the ICC facilities in The Hague for use of the special court for Sierra Leone to try him.

Turning to the situation in Guantamano Bay, there are reports that the Bush administration is stepping up discussions on closing the detention facility there but is facing difficulty over where to locate some of the remaining 375 detainees. Is that a correct characterization?

Well, the president has made clear for quite some time that he would like to move toward the day where Guantanamo can be closed. Both the president and other senior cabinet officials, including Secretary Rice, certainly understand the concerns in the international community about Guantanamo. At the same time, clearly while one can disagree as to who ought to be held, everybody will agree that there have been some very, very dangerous people who have committed serious crimes, offenses, planned acts of terrorism, who need to be held somewhere. The administration is

working very hard both with the international community to ensure that we can send back those from Guantanamo who we think ought to go back to their home countries, but we're also looking at different options as to how we can hold the people who ought to be held because they pose a threat.

Because of U.S. law preventing return [of cleared detainees] to a torture situation, they cannot be returned back to their country, but it's also hard to find a place to send people who have been described as the "worst of the worst" in U.S. statements. So there's this limbo that a number of these people have been confined to. Is the United States continuing discussions about where some of these people might be able to go?

Absolutely. I think perhaps we have made a mistake in not explaining until the last eighteen months or so just how difficult it is to resettle the individuals who are there, and how hard we are working. I think there has been an impression that the United States was simply holding all of these people and was not working hard to resettle them. We have been, for a very lengthy period of time, working with almost all of the countries who have nationals in Guantanamo to determine whether they want them back and will hold them under what conditions. This is a very difficult situation. Clearly, we're not trying to send back everyone who's in Guantanamo—we think many of them have committed very serious crimes, and that even if we can't tie them to specific crimes, are senior members of al-Qaeda who would go back to planning different attacks. The premise of every critic who says Guantanamo must be closed immediately is that we could simply snap our figures and have everyone go back to the countries where they came from, and that's just not really possible. So we've been trying to emphasize publicly as well as privately to countries around the world the difficulties of resettling and asking other countries for assistance.

The Supreme Court has agreed to reassess whether Guantanamo detainees have a right to question their detention in U.S. courts. Some have suggested that the Supreme Court could end up ruling on the status of Guantanamo itself or any other such detention centers outside of the U.S. Is there concern about the judiciary undermining what the administration sees as its key weapon in its war on terror?

I think the larger point here is that all parts of the U.S. government have been involved in dealing with this area of the detention of terrorist suspects who don't fit into the traditional legal categories. They are not traditional criminals who were subject to the extraterritorial jurisdiction of our criminal courts, but nor do they fit within the Geneva Conventions generally because they are members of al-Qaeda and are not party to the Geneva Conventions. So we are in a new area that these al-Qaeda suspects don't fit neatly into either the criminal laws or the Geneva Conventions. So we've had to work with Congress and with the courts to develop new laws, new policies, and new procedures. So we will be providing our briefs to the Supreme Court in this latest case.