

**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:**

Thursday, 12 July 2007

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

Thursday, 12 July 2007

### The Role of The Judiciary in The Sustenance of Democracy

It is more serious when the act is committed by the executive. I think for one organ, and more especially the executive which holds all the physical powers, to put up itself in sabotage or deliberate contempt of the other is to stage an executive subversion of the constitution it is to uphold. Executive lawlessness in any nation-state is tantamount to a deliberate violation of the constitution. The essence of the rule of law is that it should never operate under the rule of fear. The use of force to effect an act and while under the marshal of that force, seek the court's equity is an attempt to infuse timidity into courts and sabotage the rule of law. It must never be."

In the area where the rule of law operates, the rule of self help by force is abandoned. Sierra Leone being one of the countries in the world even in the third world which proclaim loudly to follow the rule of law, there is no room for the rule of self help by force to operate. Once a dispute has arisen between a person and the government or authority and the dispute has been brought before the court, thereby invoking the judicial powers of the state, it is the duty of the government to allow the law to take its course or allow the legal and judicial process to run its full course. The courts expect the utmost respect of the law from the government itself which rule by law. It is more honourable to follow the due process of the law. It is also more respectful and more rewarding to follow such a course.

Another notable feature of democracy is the protection and presentation of fundamental human rights. Happily, the judge plays a more important role than any other form of individual or group in this connection. The State and the Judiciary should demonstrate their resolve to enthrone democratic values in our system. The judiciary especially the Supreme Court in particular, is an essential integral arm in the governance of the nation. It is the guardian of the Constitution charged with the sacred responsibility of dispensing justice for the purposes of safeguarding and protecting the Constitution and its goals. The judiciary, when properly invoked, has a fundamental role to play in the structure of governance by checking the activities of the other organs of government and thereby promoting good governance, respect for individual rights and fundamental liberties and also ensuring the achievement of the goals of the Constitution and not allow the defeat of such good goals and intendments. It is the duty of the Court to keep the government faithful to the goals of democracy, good governance for the benefit of the citizens as demanded by the Constitution.

The Supreme Court has the sacred duty to translate into actuality the noble ideas expressed in

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# The role of the Judiciary in the sustenance of democracy

the basic law; give flesh and blood, in fact life, to the abstract concepts of freedom, liberty, transparency, a society free from corruption, abuse of power and all the noble goals articulated and reiterated in the Constitution."

It is noteworthy that the Sierra Leone judiciary is at the vanguard of our dream renaissance. As the harbinger of hope and repository of trust and confidence, our judiciary through the judges, has worked assiduously in ensuring that our nascent democracy is rooted in the rule of law. In sooth, "Corrupt practices and abuse of power spread across and eat into every segment of the society. These vices are not limited only to certain sections of the society. It is lame argument to say that pri-

sel that is holding Sierra Leoneans together. One wonders whether our politicians are indeed interested in democracy or in nurturing it, as a result of their peculiar behavioural pattern, nuances, mischief and misdemeanor, all of which, are often than not, oscillate between the sublime to the ridiculous.

The principle of separation of powers under the Constitution is meant to guarantee good governance and development and to prevent abuse of power. A writer, Montesquieu once said, 'political liberty is to be found only when there is no abuse of power. But constant experience shows every man invested with powers is liable to abuse it, and carry his authority as far as it will go.'

much as possible they kept to this moral right and, sadly immediately a leader loses this moral right, he/she ceases to be a leader. A good leader should adhere to law and observe same.

Leaders cannot exist without followership and so everyone must observe the Constitution and obey State authorities, because no authority exists without God's permission, and the existing authorities have been put in place by God who had allowed them to swear to an oath to uphold the Constitution. Therefore the followership should endeavour not to oppose the existing authority for whoever opposes them unduly should face the wrath of the law.

This is so because justice is not

strated that it is a strong and reliable servant of our democracy if it is made to be independent.

The essential truth is that the Judiciary is an institution. Its business as an institution of governance is larger than the individual profile of a Judge. But it is important to reflect on the constituent elements of this great institution. The institution consists of the Bar and the Bench. While the latter maintains their personal integrity, the former should fiercely support the independence of the Judiciary. Those who fight zealously for the independence of the Judiciary must surely know that, it is not enough.

Judges hold justice in trust for God who is the ultimate Justice of all. Justice is so central to man as well as to democratic norms and governance. No wonder Aristotle in his "Nicomachean Ethics" declared that: "We see what all men mean by justice; that kind of state of character which makes people disposed to do what is just and make them act justly and wish for what is just." Also in "Politics", Aristotle declared that: "Justice is the bond of men in state, and the administration of justice, which is the determination of what is just, is the principle of order in political society."

Arising from the foregoing, and, for what has been said in this article is the inescapable fact that for our democracy to survive and endure, the Judiciary must be up and doing, perform its constitutional and statutory duties without let or hindrance, either from the Executive or Legislature and must also be imbued with men and women of impeccable integrity, who command an unquestionable loyalty to the cause of justice and constitutionalism. The Judicial personnel must also possess sufficiency of learning in law and other subjects, while at the same time exercising and displaying unparalleled maturity and restraint, even in the face of provocation.

The Judiciary must be supported by a virile, learned, dutiful, courageous, diligent, articulate, honest, dogged and professional Bar that is prepared to defend the Judiciary against the assaults of politicians and their ilk. The Bar must at all times call for total obedience to the judgments and orders of courts and should not collaborate or conspire with those who disobey court orders and treat them with impunity. It is only this way that democracy can be sustained.

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vate individuals or persons do not corrupt officials or get them to abuse their powers. It is good sense that everyone involved in corrupt practices and abuse of power should be made to face the law in our effort to eradicate this cankerworm. Corrupt practices and abuse of power can, if not checked, threatens the peace, order and good governance of the state. One is forced to state that all Sierra Leoneans, except perhaps those who benefit from corruption, are unhappy with the level of corruption in the country. It is a national malaise which must be tackled by the Government of the state. The disastrous consequences of the evil practice of corruption have taken this nation into the list of one of the most corrupt nations on earth. Of all the three arms of government, the judiciary in Sierra Leone should remain as one of the most disciplined, sober, reflective, diligent, patriotic and committed to the goal of democracy which must be the ves-

One thing that is visibly absent in our body politic is good and effective political leadership. A good leader is someone who is able to lead and has the ability to influence his people positively to attain and achieve greater heights for the good of humanity. A good leader is selfless and has only the interest of the people he is leading at heart. A leader's action always has a rippling effect on the society. The leadership's wrong actions can destroy the society and bring it to naught, whilst the acts of a good and seasoned leader could catapult our country we all dream about. It is great men and great leaders like Mahatma Ghandi of India, Roosevelt of America, Mrs. Thatcher of Great Britain, the Kennedy's of America Nkrumah's of Ghana and Nelson Mandela South Africa have made their country the pride and envy of the world. These men and women were all people of great standing who acquired the moral right to lead their people and as

only priceless and inestimable, but also a sine qua non to the sustenance of democracy.

If we are to keep our democracy in place there must be one commandment: "thou shall not ration justice" this is because its role in preserving the tenets of democracy and Rule of Law, the Judiciary must jealously guard and guide its coveted position in the scheme of things so that our Judges can fare well. It is the general conviction that the role of justice and the rule of law in checking acts of violation, breach and indiscretions on the part of the politicians, the Judiciary will continue to do more and do better.

Interestingly, even from within the walls of the souls of other arms of government, commendations, exhortations and exultations have continued to pour out to the Judiciary for its role in what we continue to describe as "our nascent democracy". The State Judiciary has proved that it is a dependable custodian and defender of our constitution. It has demon-

## The New African Magazine

July 2007 Edition

### Taylor's Trial: Whose Agenda?

Feature.

Unless the SCSL Trial Chamber puts its foot down and ensures its orders are immediately obeyed by the Court Registry, the smooth running of Charles Taylor's trial may be in real jeopardy, reports **Osei Boateng**.

## Sierra Leone Liberia Taylor's trial: whose agenda?

**T**he UN-backed Special Court for Sierra Leone (SCSL) may have finally handed down its first verdicts in four years of existence, convicting three former rebel leaders of crimes against humanity on 20 June. But its biggest case involving the former president of Liberia, Charles Taylor, appears to be headed for the rocks unless the Trial Chamber puts its feet down and confronts a seemingly recalcitrant Court Registry bent on having its own way.

On 20 June, the Court found Alex Tamba Brima, 35, Brima Bazzy Kamara, 39, and Santigle Borbor Kanu, 42, guilty on 11 of the 14 charges against them, including the recruitment of child soldiers and forced marriage in an armed conflict. The presiding judge, Julia Sebutinde from Uganda, set 16 July for sentencing. The three men were, however,

acquitted on one count of sexual slavery and two counts of inhuman acts. The verdicts came as a tiny relief for a court that has been under intense pressure to justify its long and expensive existence (so far, over \$100m has been spent without much to show for it).

The biggest fish in the Court's pond, however, is former President Charles Taylor, who boycotted the opening of his trial in The Hague on 4 June, saying he could not "participate in a charade that does injustice to the people of Sierra Leone and Liberia", and that he chose "not to be the figleaf of legitimacy for this process". The Court had programmed itself to adjourn until 25 June, but, at the time of going to press, it was doubtful if Taylor, who dispensed with his defence team on 4 June and decided to represent himself, would show up for the second sitting. If he does not, the

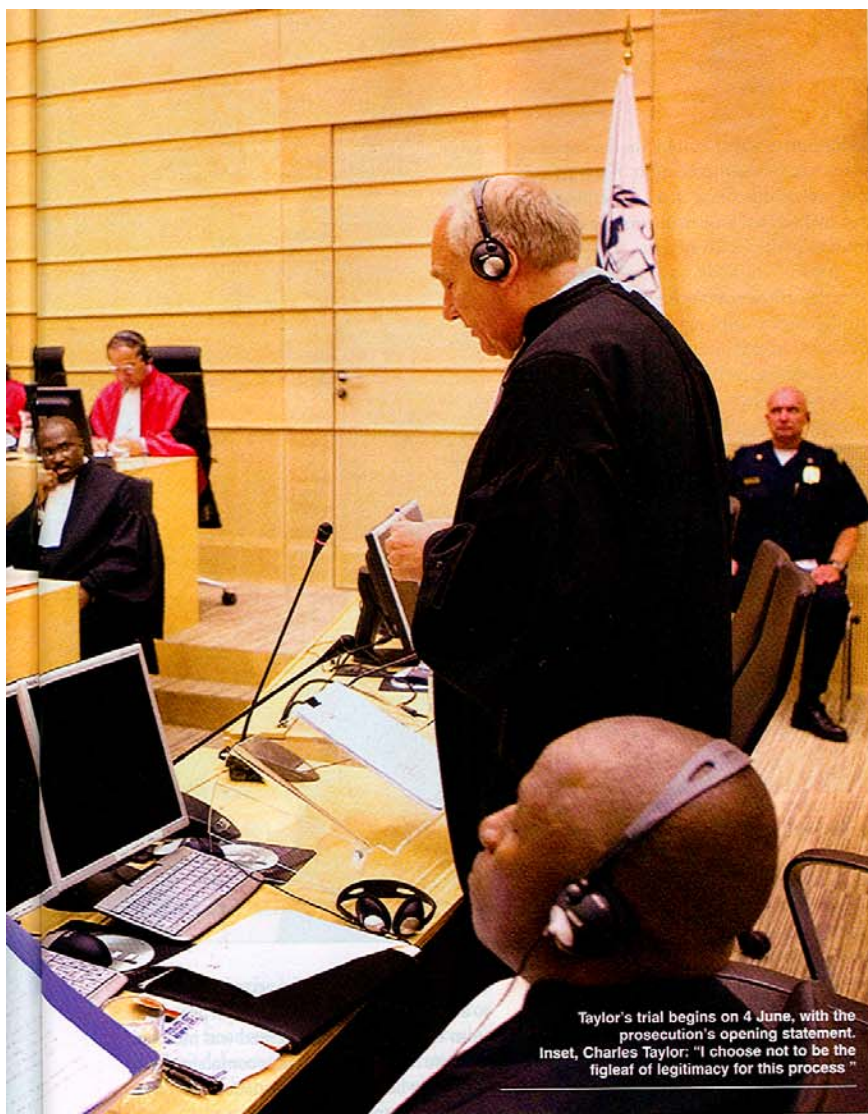
smooth running of his trial will be seriously jeopardised.

During the pre-trial period, Taylor and his defence team repeatedly stressed the importance of getting a fair trial, which meant "equality of arms" (getting adequate resources and facilities proportional to that available to the prosecution) and being given sufficient time to prepare his defence for a case of such complexity. But at every turn, his requests were either half met or thrown out.

When he was arrested in March last year, Taylor pled partially indigent (which means he doesn't have enough money to defend himself in court), and so, until the Court finds evidence to the contrary, it is obliged by its statutes to provide him with adequate resources to mount a proper defence.

From all indications, this has not been met.





Taylor's trial begins on 4 June, with the prosecution's opening statement. Inset, Charles Taylor: "I choose not to be the figleaf of legitimacy for this process."

Incidentally, the Court's Registry, now headed by an acting registrar from Holland, Herman von Hebel, appears hellbent on making things even more difficult for Taylor.

For three long months, the Registry refused to obey clear instructions from the president of the Court to remove a surveillance camera mounted in the room where Taylor held privileged consultations with his attorney.

The camera was only removed when Taylor and his defence team staged a protest by boycotting attorney-client consultations for 18 days between 5 and 22 March. To be seen to be fair, the Court had to compensate for the 18 lost days by adjourning the case from 4 to 25 June to allow Taylor's defence team the lost time to prepare for trial. Several such incidents happened during the pre-trial period. And when Taylor could not get any

headway with the Registry, including his requests to speak to the "principal defender" (a Court-appointed official who looks after the interests of the accused), he felt there was no point playing "figleaf" to a system that appears fixated on a "political conviction" dictated by forces outside the Court.

The Registry would not even permit the principal defender, Vincent Nmehielle, a Nigerian lawyer, to travel from the Sierra Leonean capital, Freetown, to The Hague to speak to Taylor about his concerns. The Registry, again, did not permit Nmehielle to attend the opening of the trial on 4 June.

This greatly irked Taylor who decided to boycott the opening day. His statement explaining his action, which was read in court by his lawyer, Karim Kahn, a British/Pakistani barrister whose services Taylor terminated on

4 June, is so instructive that it deserves to be printed here in full. He said:

"Your Honours. It is with great sadness and regret that I write to inform you that I no longer feel able to attend and participate in the proceedings against me before the Special Court for Sierra Leone. Sadness, because at one time I hoped and had confidence in the Court's ability to dispense justice in a fair and impartial manner. Over time it has become clear that such confidence is misplaced.

"Everyone deserves justice. The people of Liberia and Sierra Leone, who for too many years have undergone tragic sufferings, deserve justice. The people of Africa, for whom the promise of independence was only pyrrhic, deserve justice. And I too, deserve at least the modicum of justice.

"I have always, in my small way, been willing to make sacrifices for peace. I relinquished the presidency of Liberia, and accepted exile in Nigeria, to ensure that the people of Liberia would no longer suffer war. As I said on 7 August 2003, when I left Liberia, I relinquished the presidency because I could no longer preside over the suffering and humiliation of the Liberian people.

"Till date, the Special Court has not demonstrated itself capable of delivering justice.

"Justice is blind. Justice pursues truth. Justice is fair. Justice is immune to politics. It is not justice to preordain convictions. It is not justice to emaciate my defence to an extent that I am unable to launch an effective defence. It is not justice to throw all rights to a fair trial to the wind in a headlong rush to trial.

"It seems apparent that there is a plain desire to reach a pre-determined decision of guilt in haste and without due regard to even the most basic fair trial rights as enshrined under international law.

"Article 14 of the ICCPR and Article 7 of the African Charter on Human and People's Rights provide for the equality of arms between parties. Today marks the start of the trial against me. The Special Court's administration has been so dilatory that I have only one counsel to appear on my behalf. One counsel against a prosecution team of nine lawyers. This is neither fair nor just. It is astonishing that, as the custodians of fairness, the Trial Chamber is prepared to countenance this position.

"Given the size of the prosecution team, it is not surprising that it has been able to produce a seemingly never-ending volume of material to be considered in the case. The limited defence resources have made it impossible to review all of this material and has distracted from the proper preparation of

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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## UNMIL Public Information Office Media Summary 11 July 2007

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

### International Clips on Liberia

**BBC** Last Updated: Wednesday, 11 July 2007, 09:09 GMT 10:09 UK

#### **George Weah returns to classroom**

Former world footballer of the year, George Weah, has gone back to school to boost his chances of winning Liberia's next presidential elections in 2012. Critics said Mr Weah, who contested and narrowly lost the 2005 polls, was not well-enough educated to run the West African country.

### International Clips on West Africa

#### **Ivory Coast asks UN to investigate attack on PM**

ABIDJAN, July 11 (Reuters) - Ivory Coast has asked the United Nations to investigate an assassination attempt against Prime Minister Guillaume Soro, the former French colony's government said on Wednesday. Unidentified attackers fired rockets at the Fokker 100 aircraft carrying Soro moments after it landed in the northern rebel stronghold of Bouake last month, threatening to delay already slow progress on a peace plan in the world's top cocoa grower.

#### **Sierra Leone parties launch election campaigns**

FREETOWN, July 10, 2007 (AFP) - Campaigning for Sierra Leone's August 11 legislative and presidential elections began Tuesday, with outgoing head of state Ahmad Tejan Kabbah calling for "violent-free" polls. "Let me remind all that politics is a friendly contest and we should accept the outcome."

### Local Media – Newspaper

#### **Extractive Industries Initiative Launched in Liberia**

*(The Analyst, New Democrat, Public Agenda and National Chronicle)*

- President Ellen Johnson Sirleaf on Tuesday launched the Extractive Industries Transparency Initiatives (EITI) in Monrovia and said it should ensure the requisite transparency in the interest of the Liberian people. President Sirleaf said the implementation of the initiative should indeed avoid the national resources from being plundered.

#### **U.S. Envoy Sees Positive Changes in Liberia**

*(Daily Observer)*

- [sic:] United States Ambassador to Liberia, Donald Booth, says in only 20 months after Liberia's democratic elections which brought in a new government, there have been enormous positive changes in the country.

#### **Representative Apologizes to Colleagues Again**

*(Heritage, The Inquirer and The News)*

- Montserrado County Representative, Dusty Wolokollie on Tuesday apologized to his colleagues for comments he made that his colleagues at the House of Representatives secretly passed the Telecommunications Act in favor of cell phone companies.

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

### **Vote Counting Underway Following By-Election in Grand Bassa County**

- Correspondents said that vote counting following the By-election in District #3 in Grand Bassa County was continuing today with candidates of the Liberty Party, Unity Party and an independent candidate being the main contenders.

*(Also reported on ELBS and Star Radio)*

### **Senate Confirmation Hearing for Associate Justice Hitches**

- The Senate confirmation of President Ellen Johnson-Sirleaf's nominee for the position of Associate Justice, Cllr. Jamesetta Wolokollie experienced a hitch at the Liberian Senate. An earlier vote endorsing Cllr. Wolokollie was overturned with a reconsideration motion filed by Grand Cape Mount County Senator, James Momoh contenting that the vote that endorsed Cllr. Wolokollie as Associate Justice, was less than the 16 votes required.

*(Also reported on ELBS and Star Radio)*

### **Calm Returns to Freeport following Bloody Violence**

- Reports say calm has return to the Freeport of Monrovia after Monday's violence that left dozens of people wounded. Correspondents say normal activities have resumed and employees are back to work. In an interview, the Director of the Liberia Seaport Police, Col. Ashford Peal said he regretted Monday's riot describing it as "unfortunate".

### **Security Apprehend Drug Suspects**

- Nine persons were arrested with drugs at the vicinity of the uncompleted Ministry of National Defense block in Congo town during a joint operation of the Liberia National Police and forces of the United Nations Mission in Liberia.

### **Star Radio** *(News culled from website today at 09:00 am)*

### **Lawmakers Investigate Causes of Price Hikes**

- The House of Representatives yesterday mandated its committees on Commerce and Public Utilities to investigate the causes of the hike in the prices of commodities on the market and should do so by holding discussions with the Commerce Ministry and petroleum and rice importers. The decision followed a public outcry for the Lawmakers to intervene in the continuous increase of prices on the market.

*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. Weah Karpeh at karpeh@un.org.*



## Voice of America

Thursday, 12 July 2007

### Rwanda's Senate Votes to Abolish Death Penalty

By Peter Clottey  
Washington, D.C.

Rwanda's senate has unanimously voted to abolish the death penalty. This follows Rwandan cabinet approval at the beginning of the year of the bill put forward by President Paul Kagame. Abolishing the death penalty was one of the preconditions specified by the international community before it transfers genocide suspects to the Rwandan judiciary. It is estimated that about 800 Rwandans on death row would have their sentences commuted to life imprisonment. Government sources say the new law would be promulgated as the death penalty is officially abolished by the end of July.

From the capital Kigali, Rwanda's Minister for Justice Tharcisse Karugarama tells VOA English to Africa reporter Peter Clottey that the new law would be operational by the end of this month.

"The senate voted unanimously to abolish the death penalty from the statutes of Rwanda. This is a process that has taken approximately eight months of debates and consultations across the country. The draft law went through the lower chamber of parliament... yesterday was towards the end of the entire process. What remains now is for the law to be signed, and then it would be sent for publication in the government gazette. The date of its publication will be the date when it will become operational. That should happen perhaps I should say before the end of the month," he said.

He said Rwandans agree that the death penalty has no place in view of the country's past.

"For ordinary Rwandans who were involved in the debate that proceeded the drafting of the law itself and the debate that went into parliament and into the senate, there were consultations across the country. There was what you can call a 100% unanimity over the abolition. But there was in general terms a general consensus that the death penalty has no place in Rwanda. That Rwandans have lost so many lives, that human life in Rwanda had lost value, and that it was time to restore the dignity of the human life in this country, especially, given its sad history, especially in regard to the genocide," he pointed out.

Karugarama said he is sure the president would be a happy man concerning the lives that would be spared with the promulgation of the new law.

"I think President Kagame was part of then process that moved this process forward, from the very inception of the idea to abolish the death penalty, he was part and parcel of the process. In the consultations in cabinet, these are meetings he chaired I would imagine that he would be happy to sign into law. You can imagine we have had being close to 800 people on the death role in the country... so I think the president would be saved from exercising a sad duty of signing death sentences," Karugarama said.