

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



Members of Sierra Leone's Single Leg Amputee Football Club line up prior to Friday's opening match against Ghana in the Amputee Nations Cup. See today's *'Special Court Supplement'* for photos.

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, 13 February 2007

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

Tuesday, 13 February 2007

Special Court of Delay?

By Jacob Sax Conteh (Virginia, US)

How can justice that has been delayed for so many years be real justice? How can those of us who lost loved ones in the senseless carnage in Sierra Leone be assured that the same thing will never happen again when the perpetrators of one of the most cruel and brutish wars in modern history have not been punished because of an intricate court system which sees many foreign and national workers of the Special Court live in luxurious houses, ride air-conditioned SUVs and fly wherever they want in the country when our people continue to languish in poverty and diseases, some without hands and feet? I often shudder when I think of the untold misery the rebels caused in Sierra Leone, and how up to this day none of the leadership of that movement has been convicted in a court of law. The rebel leaders - Sam Bockarie and Foday Sankoh died without facing justice. Jonny Koroma is missing, and now Issa Sesay is in Senegal getting first class medical treatment. This is wrong. The UN can do better than that. We cannot continue to wait without seeing someone locked up for good in a less luxurious hotel (prison) like the one the killers now enjoy in Freetown. Though many of us are willing to forgive and move on with our lives, we also need the process of justice to be accelerated. Here in the United States and in many other countries in the world, serious cases are often tried and concluded in a space of a year or two. So why is it that more than six years after the war officially ended, we are still waiting for the Special Court to nab the rebels.

The answer lies in the way the UN operates. In Rwanda, despite warning from several groups, the UN stood by or left the Tutsis and moderate Hutus to be massacred before heading there to set up a tribunal to prosecute the killers, many of whom have either been killed in reprisal killing or have simply disappeared into oblivion. After the Rwanda genocide, many Hutus, including innocent women and children fled to Goma, Zaire to escape from Paul Kagame and his army. But Kagame and his henchmen took advantage of lapses in Zairian security and massacred thousands of Hutus, and the UN did not do anything. In Zaire itself, it took the UN years to react to the continued rape and murder of innocent civilians. In Liberia and Sierra Leone, the Nigerians would have easily ended the rebel carnage if they had the support of the UN Security Council, but here again the UN failed miserably. They sat in their offices in New York until thousands of people lost their lives. In Sierra Leone, when the UN finally decided to act, they sent a group of inept and ill-equipped peace keepers five hundred of whom the RUF rebels took hostage. That emboldened the rebels to press the war until they almost overran the entire country.

Today, the UN is a toothless lame bulldog when it comes to Darfur. While thousands of poor defenseless people are killed in that region in an ethnic cleansing foray, the UN cannot agree on what to do to rescue the people of Darfur. This is an outrage. But the UN will surely set another tribunal to bring the perpetrators to justice years later.

I call on the UN Special Court in Sierra Leone to speed up its process and bring the killers of our people to justice. That will finally put to rest the anguish many of us still feel knowing that the murderers, rapist and gangs that terrorized our people have never paid the price for their act.

Jacobconteh@yahoo.com

Standard Times

Tuesday, 13 February 2007

What Is Criminal Procedure?

Criminal procedure refers to the legal process for adjudicating claims that someone has violated a criminal law or laws.

Differences between civil law and common law systems

" **The majority of civil law jurisdictions follow an inquisitorial system of adjudication, in which judges undertake an active investigation of the claims by examining the evidence and preparing reports.**

" **In common law systems, the trial judge, the investigators, and the prosecution are separate functions. After an investigation has been completed and charges lodged, the trial judge presides over proceedings grounded in the adversarial system of dispute resolution, where both the prosecution and the defense prepare arguments to be presented before the court. Some civil law systems have adopted adversarial procedures.**

Proponents of either system tend to consider that their system defends best the rights of the innocent. There is a tendency in common law countries to believe that civil law/inquisitorial systems do not provide the defence with adequate rights. Conversely, there is a tendency in countries with an inquisitorial system to believe that accusatorial proceedings unduly favor rich defendants who can afford large legal teams, and are very harsh on poorer defendants.

BASIC RIGHTS

Currently, in all countries with a democratic system and the rule of law, criminal procedure puts the burden of proof on the prosecution - that is, it is up to the prosecution to prove that the defendant is guilty, as opposed to having the defendant prove that he is innocent; any doubt is resolved in favour of the defendant. This provision, known as the presumption of innocence, may in practice operate somewhat differently in different countries. In the forty six countries which are members of the Council of Europe, this is required by Article 6 of the European Convention on Human Rights. Similarly, all such jurisdictions allow the defendant the right of a counsel and provide defendants that cannot afford to have their own lawyer.

Some lawyers are at the public expense (which in some coun-

tries called a "court-appointed lawyer"). Again, the efficiency of this system depends greatly on the jurisdictions. In some jurisdictions, the lawyers provided to indigent defendants are often overworked or incompetent, or may not take much interest in the cases they have to defend.

**Habeas corpus:
what is it all about?**

In common law countries, habeas corpus is a Latin word which is interpreted to mean "You should have the body", in the name of a legal action or writ by means of which detainees can seek relief from unlawful imprisonment. However, habeas corpus has a much broader meaning in common law today. A writ of habeas

derives from the opening formula of the writ in medieval times and means "You should have produced the body to be subjected to (examination)." The full name of the writ is used to distinguish it from similar ancient writs:

Habeas corpus ad subjiciendum Known as the "Great Writ". The writ of habeas corpus ad subjiciendum is a legal proceeding in which an individual held in custody can challenge the propriety of that custody under the law. The prisoner, or some other person(s) on his behalf, for example, where the prisoner is being held incommunicado, may petition the court or an individual judge for a writ of habeas corpus.

The writ of habeas corpus im-

no rights, but they are for practical purposes worth a hundred constitutional articles guaranteeing individual liberty". In most countries, however, the procedure of habeas corpus can be suspended in time of national emergency. In most civil law jurisdictions, comparable provisions exist, but they are generally not called "habeas corpus".

Blackstone cites the first recorded usage of habeas corpus in 1305, during the reign of King Edward I. However, other writs were issued with the same effect as early as the reign of Henry II in the 12th century. Winston Churchill, in his chapter on the English Common Law in *The Birth of Britain*, explains the process thus:

However, as habeas corpus is only a procedural device to examine the lawfulness of a prisoner's detention, so long as the detention was in accordance with an Act of Parliament, the petition for habeas corpus would be unsuccessful

corpus is a court order addressed to a prison official or other custodian ordering that a prisoner be brought before the court for determination of whether that person is serving a lawful sentence or be released from custody. The writ of habeas corpus in common law countries is an important instrument for the safeguarding of individual freedom against arbitrary state action. Habeas corpus can also mean that the imprisoning authority of an alleged murderer 'should have the body' to prove that there has indeed been a murder at all, but this usage is rare.

Origin

The writ is often referred to in full in legal texts as habeas corpus ad subjiciendum. The name

implies that the prisoner is brought to the court in order for the legality of the imprisonment to be examined, practice is to have a hearing with both parties present to examine whether the writ should issue, rather than issuing the writ immediately and waiting for the return of the writ by the addressee before the legality of the detention is examined. The prisoner can then be released or bailed by order of the court without having to be produced before it.

The right of habeas corpus - or rather, the right to petition for the writ - has long been celebrated as the most efficient safeguard of the liberty of the subject. Professor Dicey wrote that the Habeas Corpus Acts "declare no principle and define

"Only the King had a right to summon a jury. Henry accordingly did not grant it to private courts... But all this was only a first step. Henry also had to provide means whereby the litigant, eager for royal justice, could remove his case out of the court of his lord into the court of the King. The device which Henry used was the royal writ... and any man who could by some fiction fit his own case to the wording of one of the royal writs might claim the King's justice."

The procedure for the issuing of writs of habeas corpus was first codified by the Habeas Corpus Act 1679, following judicial rulings which had restricted the effectiveness of the writ. A previous act had been

passed in 1640 in Britain to overturn a ruling that the command of the King was a sufficient answer to a petition of habeas corpus.

Then, as now, the writ of habeas corpus was issued by a superior court in the name of the Monarch, and commanded the addressee, a lower court, sheriff, or private subject to produce the prisoner before the Royal courts of law. Petitions for habeas corpus could be made by the prisoner himself, or by a third party on his behalf and as a result of the Habeas Corpus Acts could be made regardless of whether the court was in session, by presenting the petition to a judge. Since the 18th century the writ has been used in cases of unlawful detention by private individuals, most famous is the Somerset's Case (1771), where the black slave Somerset was ordered to be freed. The famous words being quoted from an earlier case: "The air of England has long been too pure for a slave, and every man is free who breathes it".

The right of habeas corpus has been suspended or restricted several times during English history, most recently during the 18th and 19th centuries. Although internment without trial has been authorized by statute since that time, for example during the two World Wars and the trouble in Northern Ireland, the procedure of habeas corpus has in modern times always technically remained available to such internees. However, as habeas corpus is only a procedural device to examine the lawfulness of a prisoner's detention, so long as the detention was in accordance with an Act of Parliament, the petition for habeas corpus would be unsuccessful.

Since the passage of the Human Rights Act 1998, the courts have been able to declare an Act of Parliament to be incompatible with the European Convention on Human Rights. However, such a declaration of incompatibility has no immediate legal effect until it is acted upon by the government.

Concord Times
Tuesday, 13 February 2007

Berewa Boasts:

**"My majority will be so massive"
*My track record will speak for me
*SLPP Govt did not betray Hinga Norman**

*By Ibrahim Seibure &
Olusegun Ogundeji Israel*

Vice President, Solomon Ekuma Berewa said he has a track record which other presidential candidates do not have.

He disclosed this after highlighting some of his achievements while in office as Attorney-General and vice president in an exclusive interview with Concord Times last Friday at his Spur Road office.

Berewa said the people of

Sierra Leone are not going to risk their future

to an uncertain and unknown politician who has nothing to offer except insulting people.

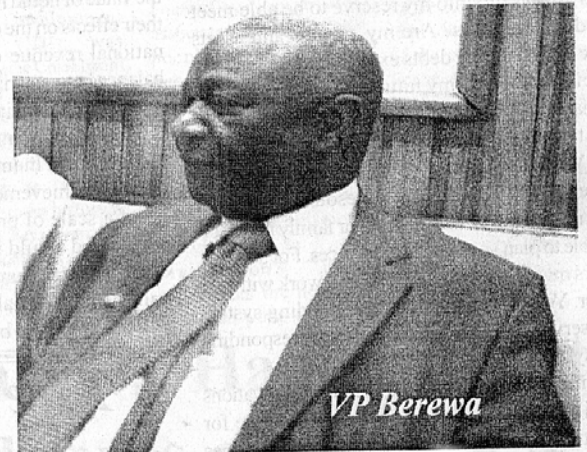
"You cannot entrust your future and the destiny of your country to a person who has not shown that he can manage it. I have shown them that I can be president; I have been acting president a number of times without blemish," he said.

In addition, Berewa boasted that he has done many things for the people of Sierra Leone to be happy

which other candidates have not done.

He refutes the belief that power of incumbency which he emphasized is a universal thing, is at play in Sierra Leone but hinged his unconfirmed victory in the forthcoming July 2007 presidential election on his experience in governance.

On the issue of Hinga Norman's arrest and trial having any effect on his chances of becoming president, Berewa said, "The SLPP did not arrest Hinga Norman."



VP Berewa

The Spectator

Tuesday, 13 February 2007

50\50 Fawe Lawcla on second phase

The second phase of the collaborating partnership with LAWCLA,50/50 group and FAWE on discriminatory laws against women in Sierra Leone funded by Westminster foundation for Democracy in the UK has commenced effective operations.

Today, in Sierra Leone there is need for an urgent action to be taken to reform those obsolete constitutional and legislative provisions on women and gender in our law book.

The onus depends largely on policy makers, mainly parliament to bring into operation some of the pending legislations on gender parity and women's right and also to domesticate key international instruments like convention against all form discrimination against women which today has become legally legitimized and accepted by nation-states the world over.

Furthermore it is instructive to note that to bring into operation this instrument [local as well as international] is a less time consuming exercise. As a reference parliament the world over are mainly pre-occupied with addressing loadable issues but even at that and even in countries where the complexities and burden is greater than ours, they have moved a step further in reforming laws that are not in the best interest of women and gender parity. Parliament in Sierra Leone though acknowledge to be pre-occupied with numerous priorities, the fact still remains that legislating on gender reform must be accorded the utmost priority. It is less than five months before a new parliament.

It is not more than sixty days before the present parliament says goodbye. If we do not have these legislative reform now, what LAWCLA,50/50 and FAWE as civic society entity human rights activists will experience is just another new beginning of speeches, debate and reflection on pending gender related legislation with a new crop of legislators.

It means human right activism has to start all over again.

It could be evidenced that numerous advocacy and awareness raising programmes have come by and one confidently believes that it is much to the knowledge of parliament as a primary reformer of government. What is expected from such an institution is thorough debates and eventual action. This hasn't been seen in the area of gender parity.

In Sierra Leone, what makes individual and collective development a difficulty to come by is snailly posture of policy formulation even when the fundamental negatives are identified. This is of no good for states like this which is badly in need of development.

Cocorioko website

Monday, 12 February 2007

<http://www.cocorioko.net>

**HINGA NORMAN UNDERGOES HIP REPLACEMENT SURGERY IN SENEGAL:
COMING OUT WITH HUGE ANNOUNCEMENT OF HIS POLITICAL ALLIANCE
THIS WEEK.**

Former Coordinator of Sierra Leone's Civil Defence Force (CDF), Chief Hinga Norman, has undergone successful hip replacement surgery in Dakar, Senegal. Reports reaching COCORIOKO from our correspondent in Senegal, Foday Sesay, said that the operation was performed on Friday and Chief Norman is making satisfactory recovery. At his bedside is his daughter and several family members



COCORIOKO can also reliably inform you that with the operation now out of the way and the former Interior Minister making a speedy recovery, Chief Norman will be making a huge announcement this week about his political alignment and future.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 12 February 2007

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

International Clips on Liberia

AP February 12, 2007

Liberian leader hails progress, says more aid needed

By GEORGE GEDDA

WASHINGTON_Liberian President Ellen Johnson Sirleaf on Monday hailed the gains her year-old government has achieved but warned that the country's recovery is fragile and needs continued outside help. "Slowly but steadily we are making our way back. We know we can create a new peaceful, open and prosperous Liberia," she said in a speech at the outset of an official visit here. But she expressed concern that international attention on Liberia may be flagging. Assistance for her country should be accelerated not leveled off, she said. Johnson Sirleaf spoke to a crowd of 200, an event organized by the Center for Global Development, an independent think tank that works to reduce global poverty and inequality.

Nigeria, Liberia to reach memorandum of understanding on defense and security

MONROVIA, Feb 11, 2007 (Xinhua via COMTEX) -- Nigeria and Liberia is soon to reach a Memorandum of Understanding (MOU) on defense and security cooperation, a senior Nigerian official said at the weekend. Leading a military delegation on a one-day visit to the Liberian capital Monrovia on Saturday, Nigeria's defense minister Thomas Ironsi said that he was impressed with the level of security in the strife torn West African country. The delegation was to assess the level of cooperation existing between the Nigerian contingent in the UN Peacekeeping Mission In Liberia (UNMIL) and the Liberian side, he said.

International Clips on West Africa

There no relevant stories on West Africa in the international media today.

Local Media – Newspaper

Pre-Partnership Conference on Liberia Opens in Washington D.C.

- In a dispatch from the United States, the Press Secretary to President Ellen Johnson-Sirleaf, Mr. Cyrus Badio said that a pre-partnership forum of co-sponsors would be held today to conclude arrangements for Tuesday's opening session of the main Partnership Conference on Liberia in Washington D.C.

(Also reported on ELBS and Star Radio)

Liberia National Police Graduates Officers

- The Liberian National Police over the weekend graduated over 125 police officers, amounting to 2,585 officers who have been trained by UNMIL in the restructuring exercise of the Police.
- Speaking at the graduation exercise, Associate Justice, Kabineh Ja'neh stressed the need for adequate logistics and training to make the police more professional and

effective while Liberia National Police Training Commandant, Col. Peter Zayzay urged the officers to respect the rule of law in the performance of their duties and expressed disappointment over the refusal of females to sign up for the police service.

(Also reported on ELBS and Star Radio)

Liberia Security Will Not Be Compromised UNMIL Assures

- Speaking at a medals parade for 118 Nigerian Formed Police Unit serving with the United Nations Mission in Liberia in Gbarnga, Bong County, the Special Representative of the Secretary-General, Mr. Alan Doss assured Liberians that the Mission would ensure that Liberia's national security would not be compromised as the Mission's 15,000 strong would remain vigilant in maintaining the peace and security for the Government to concentrate on rebuilding the Country.
- Mr. Doss lauded the Nigerian Police for their role in helping to bring stability and order to Liberia.

(Also reported on ELBS and Star Radio)

Liberia Celebrates Armed Forces Day Today

- According to a proclamation issued in Monrovia, President Ellen Johnson-Sirleaf declared yesterday, Sunday as Armed Forces Day in recognition of the valuable services of the military to Liberia.

(Also reported on ELBS and Star Radio)

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.

BBC Online

Tuesday, 13 February 2007

Guinea leader declares emergency

Guinea's President Lansana Conte has declared a "state of siege" and told the army to restore public order, after three days of violent protests.

Speaking on state radio and television, Mr Conte said he had told the military to "take all necessary measures" to prevent the risk of a civil war.

The clashes followed a call by unions for protesters to resume a strike called to force Mr Conte from power.

At least 15 people were reported killed in the capital, Conakry, on Monday.

Gunfire was heard near army barracks, while gangs of youths armed with machetes and clubs were seen marching through some suburbs.

Others were killed in clashes on Saturday, as protesters took to the streets in several Guinean towns.

'Protect the people'

The unions called off last month's 18-day strike after Mr Conte promised to hand powers to a prime minister.

But they renewed the strike action call after saying the man named on Friday for the post, Eugene Camara, was too close to Mr Conte.

Dressed in traditional robes, Mr Conte appeared on national television and radio to announce that the unrest amounted to a "state of siege".

"Orders have been given to the heads of the armed forces to take all necessary measures to re-establish public order and protect the people of Guinea from a civil war," he said.

Mr Conte said he had fulfilled the unions' demand that he appoint a prime minister, and accused "badly intentioned people" of hijacking the movement to flout government authority.

'Angry population'

The BBC's Will Ross in Conakry says that with so many people calling for the president to step down, the new measures, which include a round-the-clock curfew, are likely produce even more anger among an already angry population.



The army has been ordered to quell protests in Guinea's towns

“
the heads of the armed forces
”

President Lansana Conte

Many in Guinea blame Mr Conte - who seized power in a 1984 coup but has since won three elections - for the country's ailing economy, our reporter says, and see a change of leadership as the only solution.

The president, meanwhile, has turned to the army to end the crisis, he says.

Under Guinean law, a state of emergency prohibits all public gatherings and imposes a strict curfew, while giving the military expanded powers.

The French Foreign Ministry has said it is following the situation "extremely closely" and has urged all parties to exercise restraint.

Regional fears

The unions say Mr Conte, who is in his 70s, has diabetes and rarely appears in public, is too sick to continue running the country.

They also accuse him of personally securing the release of two prominent men accused of corruption.

Guinea is rich in minerals but is seen as one of the world's most corrupt countries and most people live in poverty.

About 60 people were killed in protests during last month's strike, when security forces fired live bullets to prevent demonstrators reaching central Conakry.

Some fear that violence in Guinea could spread to its neighbours, Liberia, Ivory Coast and Sierra Leone.



The unions say President Conte is too sick to run the country



The Patriotic Vanguard

Monday, 12 February 2007

Guinea: Lansana Conte May Soon Go.

By Gibril Koroma

Over 50 people have died in the recent disturbances in Guinea-Conakry and our sources in that troubled country have predicted that this is the beginning of the end of the ageing and sick president Lansana Conte's political career.

Last weekend has been highly dramatic and tragic all over Guinea as houses were torched, property looted and people killed in almost all the regions. The recent disturbances were sparked when Conte appointed a confidante and ally, Eugene Camara, as Prime Minister, much to the anger of the protesters, who rejected Camara and asked for somebody neutral. They also repeated that Conte himself should step down. Eugene was a Governor of Guinea's central bank.



In Conakry, on Saturday, the demonstrators went on the rampage in places like Ratoma, Matam, Matoto and Bonfi burning police stations and looting rice from rice stores. The Ratoma municipal offices were ransacked and millions of Guinean francs carted away, according to *Le Diplomate Guinee*, a Guinean newspaper. The buildings housing Sotelgui and Western Union were also destroyed for reasons yet unclear. An unconfirmed BBC report says two soldiers were killed by the protesters.

The Conakry residence of the president of Guinea Bissau, Nino Viera was also ransacked. Viera is a friend of Lansana Conte and the demonstrators fear he might send mercenaries to help Conte if things really get out of hand.

In Nzerekore, on the Ivorian border, the house of Eugene Camara was burnt to the ground. In Kankan, Pita, Labe and Mamou, many government buildings and the residences of government officials were also completely destroyed and prisoners released from jail. In Siguiiri, the house of the Finance minister was smashed to the ground and property carted away.

Donka hospital in Conakry, Guinea's largest, was filled to the brim with the sick and wounded and hospital authorities are making arrangements for some of the patients to give space to the new arrivals.

Meanwhile Air France and other airlines have suspended flights to Guinea and some embassies have started evacuating their citizens.

According to a BBC report, neighbouring governments, especially those in Sierra Leone and Liberia are worried about developments in Guinea because they fear spill-over effects.

Conte has meanwhile declared martial law in the country today; this forbids all public demonstrations but we are yet to see whether the demonstrators will abide by it.

Gunshots were heard earlier today at the Alpha Yaya barracks in Conakry. Some soldiers were protesting the delay over their promotions. The government immediately announced their promotions.

The protesters, lead by the country's trade unions, are asking Conte to appoint Ba Mamadou, a veteran opposition politician, as Prime Minister to reflect power-sharing.

Photo: The embattled and beleaguered president Lansana Conte.

The Toronto Star

Feb 11, 2007 04:30 AM

<http://www.thestar.com/News/article/180476>

Long road back to the killing field

Olivia Ward

Canadian prosecutor faces special challenges in trying to bring Khmer Rouge to justice.

In Cambodia, where more than 1 million people perished at the hands of the Khmer Rouge, a quiet struggle is going on that will determine the fate of the survivors: whether they will receive justice in their lifetimes or be swept to the margins of their troubled country's history.

At issue are the rules for prosecuting suspects under a joint national and international tribunal sponsored by the United Nations and aimed at trying senior perpetrators of the crimes that took place in Cambodia's notorious "killing fields" between 1975 and 1979.

Cambodian and international judges are trying to hammer out a compromise between two very different systems of law so that trials can go ahead. And the man caught in the middle is the tribunal's Canadian prosecutor, Robert Petit.



"They have to come up with a comprehensive set of rules so everyone will be reading from the same book," Petit says in a phone interview from Phnom Penh, where he has been based for the past seven months.

Petit, a 45-year-old Montrealer and veteran of war-crimes tribunals in Rwanda, Sierra Leone, Kosovo and East Timor, was chosen by the United Nations to prosecute the trial, alongside Cambodian counterpart Chea Leang.

Petit has cases ready to launch and is aware that the top Khmer Rouge leaders are aging and dying. But he says nothing will happen until the Cambodian and international judges resolve their differences.

"Legally speaking, nothing stops the process from going on. But with the state of national law, and the differences in interpretations, we must wait until there is an agreement."

If that doesn't happen when the Cambodian and international judges meet in a plenary session next month, the outlook for the trials – and prospects for the victims – will be clouded. Reports say the international judges may quit in frustration.

Human Rights Watch and other critics have accused the Cambodian government of interfering in the tribunal and delaying prosecutions. Prime Minister Hun Sen, who has agreed to the trials, was a former member of the Khmer Rouge but not at a level of command responsibility. He is not considered at risk of prosecution.

Human Rights Watch has called for open hearings, appointment of independent defence counsel and other international standards of justice that the Cambodian authorities may not be eager to embrace.

And, rights groups say, the government, though paying lip service to the trials, has appointed judges with close ties to the ruling Cambodian People's Party.

"Hun Sen supported the creation of the tribunal to a point, but he has heavily influenced who the judges were," says Noah Novogrodsky, director of the International Human Rights Program at University of Toronto and a visiting professor at Georgetown University's law faculty.

"Cambodian politics infect the court."

Critics fear that the government will try to filter out information it does not want made public, destroying the credibility of the court as well as the victims' chances of achieving justice.

In contrast with other war-crimes sites where he has worked, Petit says "there is a striking lack of understanding on the part of the victims about why this happened to them.

"At the time, the reasons weren't clear, and since then there has been no education to make it any clearer. Now, there is a whole generation that wonders why a father, grandfather or grandmother died."

Led by the late dictator Pol Pot, the Khmer Rouge installed a reign of terror based on a radical communist ideology that called for elimination of educated, religious and middle-class people, including those who managed the country's basic services.

The international judges are now faced with a dilemma. If they soften their stance on the rules of justice, the exercise could become a travesty. But if the Cambodians refuse to bend, the trials might never proceed.

"If the tribunal ends up being an institution where the defendants don't enjoy the presumption of innocence, the judiciary is bent on revenge rather than evidence and there is an effort to scapegoat one part of the political community, it could turn into retributive justice," says Novogrodsky, who has helped train Cambodians to take part in the tribunal.

"That would not be restorative for the country as a whole."

But Petit is uneasy with the symbolic weight that has been heaped on the trials.

"The worst thing we can do is to make the criminal law process something it is not," he says. "We are not here to write history. Those things are better dealt with by truth and reconciliation commissions, education and government programs. Our role is very black and white – to find someone innocent or guilty beyond a reasonable doubt."

But he admits that "we are conscious that this is supposed to help people come to terms and move on from these dramatic and tragic events. Courts have a limited mandate, but they have to make a contribution on the personal, national and international level."

The tribunal has been given a three-year lifespan. And it has to work on a tight budget of \$56 million. Canada has donated \$2 million, but Cambodia says it may not be able to meet its \$13.3 million contribution.

"We are working with limited resources and the smallest staff I have seen (in a war-crimes court)," says Petit. The tribunal includes 17 Cambodian and 12 international judges and prosecutors.

By comparison, the International Criminal Tribunal for the Former Yugoslavia has a budget of more than \$150 million a year and a total staff of 1,200.

A criminal prosecutor in Montreal for eight years, Petit made his first trip overseas in 1995, applying for a post in the International Criminal Tribunal for Rwanda and ending up as a prosecutor of some of the most notorious leaders of the 1994 genocide. He worked as a legal adviser with the UN mission in Kosovo, a prosecutor with the UN in East Timor and a senior trial attorney with the Special Court for Sierra Leone.

In Cambodia, Petit has not released names of the prospective defendants, but a half dozen former Khmer Rouge officials are widely believed to be on the list, only one of whom is in custody.

Despite the daunting challenges, the prosecutor hopes trials will get underway this year.

"At the end of the day," he says, "I would like to be able to tell the people of Cambodia that, with the resources we have, we have managed to prosecute people who should be brought to justice, and in a sufficient number to be credible

"I hope Cambodians will feel that the prosecutions, and the judgments rendered, will help them understand what happened and that there was justice done. And I hope we will leave some kind of imprint on the justice system, so it can also move forward in a better way."

Press Conference in Monrovia, Liberia by Karim Khan, Counsel for Charles Taylor

Wednesday, 7 February 2007

Transcript

WOMAN'S VOICE: [indistinct] press that the defence [indistinct] Mr. Taylor appointed by the UN has arrived [indistinct] Mr. Taylor informed the UN that he does not have the money to pay for his lawyers, so he has been given two lawyers by the United Nations and these are the lawyers on my left hand side. And along with them is Mr. [noise on tape]

KARIM KHAN: First of all, many thanks for the invitation. I'm very grateful to accept the invitation most graciously extended by the family of my client, Charles Ghankay Taylor. This is the first press conference [indistinct] [basically] for Charles Taylor, and it has many implications to speak to the press. I consider this appropriate, not to speak to the international media in Freetown, nor to speak to the media in London or The Hague, but consider it appropriate on this, our first press [indistinct] the Republic of Liberia, to speak to the citizens of this country who elected, democratically, my client to high office.

Some parameters need to be explained. As a member of the bar, and as the lawyer in fact selected by Mr. Taylor from a suitably qualified list, I am bound by a code of professional conduct. So at the outset I must ask you to forgive me. I hope you don't expect me to start speaking about the facts of the case or about the evidence, because that I am not inclined to do, nor am I professionally able to do so under the Code of Conduct of the Special Court for Sierra Leone, as well as the English Bar [Counsel] Code. What I can do is to [respond to] [as far as our brief programme] is concerned, seek to explain the function of the defence, our role as defence counsel, and what we're doing.

At the end of this conference, it will be quite short [I should say] a short statement will be [indistinct], perhaps some you have it on hand now, which is [indistinct] to announce our presence here in Liberia. But the team that I have assembled to assist me comprises here in Liberia firstly counsellor James Supuwood who you are very familiar with. He is an extremely able and experienced advocate in the Liberian courts. He is working very kindly and at significant inconvenience to himself, *pro bono*. He is not receiving a cent from the Court or from us, and his help is greatly appreciated, and it is with heartfelt thanks that I welcome him to our team.

Also I introduce here in Liberia to my colleague Mr. Avi Singh. Avi is a member of the California and India bars. He's exceptionally experienced in international humanitarian law. He's been a member in the ICTR working a defence case there. And we do have a larger team. We have an investigator in Freetown and we also have a co-counsel at the moment, Roger Sahota, who's a solicitor for Supreme Court in England and Wales working from The Hague, as well as another legal assistant, Miss Kareen Bousman to also we poached from the Rwandan tribunals and who I had the privilege of working with previously in the Yugoslav tribunals.

We are at a stage of proceedings where we are trying to prepare for trial. And the Court, as you are well aware, has fixed a June start date. We have submitted that that start date is significantly premature and disadvantages the defence because the prosecution, not only because the prosecution had five years to prepare his case and we had five months since the Legal Services Contract was signed, but the actual complexity of the case simply demands more time. I can't speak further about this matter because our submissions which have been publicly filed and are available to all is currently under consideration by the Trial Chamber. And we do expect that the Trial Chamber will make the appropriate decision in due course. It is a matter entirely for them and we will comply to the best of our abilities with the orders of the Trial Chamber.

Various other motions, of course, have been filed, and our views on various issues are well-ventilated and I think they will not surprise any of you. We are, in addition, inviting members of the public to come forward, fearlessly, and with courage, to speak the truth. In the press release I have detailed a contact

number. Anybody who has anything to say to tell us information which may be relevant or of interest to the defence should feel free to contact the defence team in confidence and let us know what they know that may be of assistance.

I say “courage”, because of course we operate in a highly politicised environment. Our client, as it is well known, was transferred to The Hague and the Security Council in its wisdom decided that the man who had been free in Nigeria for some years without West Africa falling off the rest of the continent, who was incarcerated and segregated, whose phone calls were monitored, who was handcuffed when he was taken from the cells to the Court – nonetheless, that one man, surrounded by Mongolian peacekeepers was a threat to international peace and security. and in that highly politicised environment – and you’re well aware of the context here in Liberia – I do call upon those that wish to speak the truth to come forward without the chilling effect of political opposition to speak to the defence team. Because the people of Liberia deserve no less. No court, no judicial institution, certainly not the people of Liberia – and in my humble opinion no people of Africa – demand vengeance. You are a very forgiving people, and when you see the truth you latch onto it and accept it as your own.

These are not small politics, these are very major politics. And if one seeks justice rather than vengeance, if one seeks clarity rather than confusion, if one seeks transparency rather than obfuscation, it requires a transparent judicial process in which any person, whether they be the former President of Liberia or whether they be the most humble citizen of Liberia, they deserve proper respect – not just as Liberians or as Africans, but as citizens of the world. And this is why I do call upon the people of Liberia and the media to remain engaged in this process, to demand that court proceedings are broadcast to this country so you can follow and you can decide what is the truth. Is the myth based on fact, or is it a Hollywood fiction that is simply being made into blockbuster movies?

End of the day, the task is for the judges to decide, and we are content with that. We believe the judges have the ability to rise to the challenge, to separate fact from fiction. But it is for the people of Liberia to demand that its country, its government, and the international community do not fall prey to “scapegoat justice”. [Indistinct] a rigorous analysis of what happened in this country. Perhaps some of you have been following the press reports coming out of the prosecution. Of course, the prosecution speaks quite a lot. We have of course the highest regard for many people in the prosecution. Perhaps some more than others. But the prosecution has said, I think on the 31st of January in the Court press release at least, that his aim is to be the voice primarily of the people of Sierra Leone.

We of course extend, and our client has extended, the highest and warmest regards to the brothers and sisters in Sierra Leone. But our job, and my job, is not to be the voice of anybody except the voice of Charles Taylor. But if that voice is listened to, if it is understood, it is my belief and hope that the story of the people of Liberia will be better understood.

So thank you once again for inviting me to this press conference. We look forward to the process. We look forward to challenging the prosecution’s evidence in due course. And we thank you for the opportunity to introduce our members of the team to you officially here in your wonderful country. Many thanks indeed.

Q. My name is [indistinct] [?Kennedy] and I work for Star Radio. Now, I see you in this article written in a magazine...

KHAN: Which article is that?

Q: “Will Charles Taylor Get a Fair Trial”...

KHAN: Oh, that’s the New African article.

Q: Right. There’s a quotation that I [indistinct], “We have woefully inadequate resources and we will not take part in the charade unless matters improve” [indistinct] Charles Taylor’s defence team. That’s a direct quote. Now, does this suggest that when the requisite resources are not provided [indistinct] not [indistinct]

to see a fair trial for Mr. Taylor [indistinct]. Additionally, who do you expect to provide the resources? Is it Mr. Taylor or the Court?

KHAN: Well firstly, you'll get to know me over the next year and [indistinct] that process. I try as far as I can to keep my word. I did say at the outset this is the first press conference. This is the first interview I've had – and that is true. So that quotation did not come from me. That's the first point. I've read that article, and it accurately cites many submissions that have been made in Court regarding various issues. Some of those have been decided by the Court and you'll be familiar with them, so much of it is very accurate, but that quotation itself did not come from me. But of course one is hoping that the Court will give adequate time and facilities. It is not for me at this point to threaten anybody or to make any statements in this forum. But of course as a member of the bar, as somebody who holds the law dear, who believes and aspires that the law and its processes mean something, of course I would not want to take part in any proceeding that may be viewed as a sham or be viewed as deficient in any way. And it's my hope that with the attention of the world gazed on this case, focused on this case, with the demands of Liberians for justice, for fair process for one of your own, and the responsibilities of the international community, a fair trial even at this stage should be achieved. But we are not [masters] of this process. We are simple participants, and we are dependent upon the Court and those that provide funding – which brings me to your next question: Mr. Taylor has been declared, the Court has looked into it, he's been declared partly indigent and his funding is the Court's responsibility. So in the filings that we have made, of course we have asked the Court ensure that adequate facilities are provided to us so that we have at least some kind of parity, if not complete equality, with the prosecution who've had years, who've had millions of dollars, who have an army of investigators and lawyers and experts, and of course the defence are very much the poor relations. In many respects [indistinct] begging bowl. It's not a position one relishes but that unfortunately seems to be the reality.

I know the Court is trying at this late stage to obtain further funds. I think the prosecutor has said – and I'm sure it had nothing to do with the start date of June – that the prosecutor said in New York that the Court has received half its money, at least up to June. So they have money until June and the trial is due to start in June. One hopes maybe it's a little more money things may change, but of course the obligation's on the Court and international community and those that have incarcerated my client to make sure this is a fair process that withstands the test of time.

Q: My name is Patrick [Konneh] and I work for Truth FM in Liberia and [Real] Television. Now there's been a lot of talks around here. I like to know from you, how will you like to compare Mr. Taylor's condition previously in Sierra Leone with that of his current condition in The Hague? And how is it like interacting with Mr. Taylor? Are you being access to [interact with him]?

KHAN: Well, my filings speak for themselves. Personally it's a very nice name, your radio station. I haven't had the benefit of listening to it so I'm sorry – certainly a very welcome name. But as far as the submissions are concerned, it's well known, defence pointed out numerous discrepancies between the regime in Freetown that the other African accused, the other Sierra Leonean and Sierra Leonean accused in Africa are granted as compared to the regime and operation in faraway Europe, in the Netherlands. So I would refer you to the filings that we said in Court that we submitted in Court, my submissions in Court which I think you have, you've been given. That's my position, that the family have seen the differences, they've been to both facilities and so I don't think there's anything more...

UNKNOWN: There's an assumption, like he's in The Hague, that conditions in a European detention facility must be better than the detention facility even though it's run by the United Nations in Africa. And without speaking to the differences and your claim that these documents are publicly available, I urge you not to fall for that assumption, and evaluate what's been said objectively and decide for yourselves.

KHAN: Much of this case, and much of international justice, is of course about due process. It's also about respect, and I think that should not be forgotten.

Q: [Indistinct] your interaction with Mr. Taylor in The Hague?

KHAN: Sorry, I must give somebody else a chance.

Q: My name is [Indistinct] Williams. I report for the [indistinct] Radio Veritas. You make reference to the Prosecutor in Sierra Leone and from your [indistinct] one can surmise that you are not satisfied with statement made. Do you have some fear with this entire proceeding from what you have been looking at. Do you have fear in this process?

KHAN: No I don't fear. I have the greatest respect and a great deal of affection for many colleagues in the prosecution. I'm not a partisan figure. Myself, I worked for the prosecution of the Yugoslav and Rwandan tribunals between '97 and 2000. This is not personal, there's no fear. We are looking forward, if we're granted preparation time, for this trial to start, because there's a real story to tell. So no, we have no fear at all of our friends in the prosecution. Not at all. I don't know if they have any concerns, but we certainly don't.

Q: Yes sir, [Indistinct] Clark from [Indistinct] Television. We've learned that the defence team is in search of an investigator [indistinct] utmost integrity and good character. We want to know how we go about in search of this investigator in Liberia [indistinct].

KHAN: Yes we are looking for an investigator. We're not looking for anybody, we're looking for somebody of the highest integrity, complete honesty, complete confidentiality who is willing to do an awful lot of work in a short amount of time. So the bar will be set high. [It's better] to have nobody than to have somebody I cannot rely upon to provide an effective defence and comply with my professional responsibilities and the various orders of the Court. But I think in the press release that I gave you, we gave an email of my learned friend on my left, Mr. Singh, in which resumes or *curriculum vitae*s can be sent, and once those are received I will consider them and Avi Singh will consider them, and we'll interview. The investigator in fact will be paid for by the Court, so it will require approvals [security] clearances to a certain extent and then the Court has to be satisfied. So people should apply and if they are quality, if they can be trusted and they can be useful, and if they can behave to the highest ethical standards, then I'm really looking forward to reading their CV with interest.

Q: (From Radio Veritas, indistinct]

KHAN: There's been no invasion of privacy at all by the Prosecution. No baseless allegations were made by this defence team at all. The complaint is a matter that will be decided in due course, but I can explain it so that there's no misunderstanding that my friends in the prosecution are not improperly blamed is that a camera has been placed in the room where legally privileged meetings take place. We have complained that that is unfair and it is discriminatory because there is no such intrusion in the legal conferences, either in relation to the Freetown accused – the CDF, RUF, AFRC accused – or in relation to Mr. Lebanga, who is the only other African accused in the ICC. So in the whole international legal firmament, in international courts, the only camera in any room where legal conferences take place is [indistinct] Mr. Taylor. We have said, publicly, to the judges that is not fair, and the matter is currently before the President of the Court and the President of the Court in due course will make the appropriate decision which we will respect and which we look forward to.

Q: [Indistinct]

KHAN: I think it's not a matter of suspecting anything. I think in any judicial process I may [indistinct] and I think all people involved in human rights and international law [indistinct] with people of the press. I respect the press and I think the press are the watchdogs of society in many respects. Your critical thoughts, your comments, your insights are not garbage to be disregarded. And proper, insightful [indistinct] and balanced comments are needed in a democratic society. This is aiming to be a democratic society. So that being the case, when one of your citizens is whisked away, not just to a foreign court but to a foreign continent, I think it is the legitimate concern of any citizen, and any country, to ensure that that citizen's rights are upheld. Of course you know Germany – great democracy – has taken certain action and

is looking out for its citizens that have been improperly arrested by the United States. It's normal in international relations, it's not something uncalled for, unheard of, normally. There are international conventions when an individual is arrested. Normally one of the first things is that the consulate, the ambassador, goes to visit him and [gives] consular assistance. Mr. Taylor has not had any consular assistance. And I have high hopes for this country. You know you're a great people and one hopes that petty party politics will not pollute what should be a democratic society. The time is now the test and will be the arbiter on that issue.

Q: [Indistinct]

KHAN: Well, Mr. Taylor has pleaded not guilty. He is presumed innocent, and we are assembling what one hopes will be a very robust, and [interesting] case. And if Mr. Taylor, if we do what we need to do, and of course it's for the judges to decide whether or not the case has been proved beyond a reasonable doubt in relation to allegations in Sierra Leone. Nothing relates to Liberia, it relates to Sierra Leone. And if it's not [proved] of course he will be acquitted – as any accused will be acquitted.

Q: I work for BBC and AP, Jonathan Paye-Layleh. The role of this investigator is somehow not clear to me. Can you just explain exactly what this investigator will be doing here in Liberia?

KHAN: Working for me, and investigating the case according to my instructions. That should be enough at the moment.

Special Court Supplement

Amputee Nations Cup at the National Stadium on Friday, 9 February 2007
Sierra Leone Team I – 3, Ghana 0; Sierra Leone Team II – 0, Liberia - 0





