

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



Presiding Judge, Justice Pierre Boutet, reads out the RUF sentencing judgment .

PRESS CLIPPINGS

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

as at:

Tuesday, 14 April 2009

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

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Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 7 April 2009

Registrar Herman von Hebel to Leave Special Court



Registrar Herman von Hebel has announced his departure from the Special Court after nearly three years in Sierra Leone.

Mr. von Hebel joined the Special Court for Sierra Leone as Deputy Registrar in July 2006. He was named Acting Registrar in March 2007. In July 2007 he was appointed Registrar by the Secretary-General of the United Nations.

Mr. von Hebel will leave the Special Court effective 1 June 2009 to join the Special Tribunal for Lebanon in The Hague.

Before joining the Special Court, Mr. von Hebel served as Legal Advisor to the Dutch Ministry of Foreign Affairs (1991-2000) and the International Tribunal for the former Yugoslavia (2001-2006).

“I have thoroughly enjoyed my work at the Special Court,” Mr. von Hebel said. “Being based in Freetown, my work allowed me to really see the impact of the work of the Court on peace and reconciliation in this country, and the restoration of the rule of law.”

“I will miss the Special Court, the staff and the people of Sierra Leone,” he added. “But I will never forget them.”

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

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Special Court for Sierra Leone
Email: SCSL-pressoffice@un.org
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Special Court for Sierra Leone

Outreach and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 8 April 2009

Long Sentences for Convicted RUF Leaders

Three former leaders of Sierra Leone's rebel Revolutionary United Front (RUF) have received lengthy prison sentences for atrocities committed during Sierra Leone's decade-long civil war.



Justice Pierre Boutet reads out the judgment in Court.

In a sentencing judgment read out by Presiding Judge Pierre Boutet of Canada, former RUF Interim Leader Issa Hassan Sesay received a total sentence of 52 years, while senior RUF commander Morris Kallon will serve a 40 year sentence. Augustine Gbao, also a senior RUF commander, will serve a total of 25 years.

Sesay and Kallon were convicted in February on 16 counts of war crimes and crimes against humanity. Gbao was convicted on 14 counts.

The Trial Chamber took note of several mitigating factors advanced by the Defence, but said that in view of the gravity of the crimes, their impact was limited.



Augustine Gbao stands to hear the judgment of the Court.

The Chamber noted that the crimes for which the three had been convicted “were committed upon a massive scale across several Districts of Sierra Leone” and that “the impact of all these crimes upon the Sierra Leonean society has been enormous.”

“The Chamber concluded that the inherent gravity of the criminal acts for which Sesay, Kallon and Gbao have been convicted is exceptionally high,” the Judges said.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

SPECIAL COURT FOR SIERRA LEONE

Office of the Prosecutor

PRESS RELEASE

Freetown, Sierra Leone, 9 April 2009

Prosecutor Welcomes Sentences in RUF Case

The Prosecutor of the Special Court for Sierra Leone, Stephen Rapp, welcomed today's sentencing judgment in the trial of three leaders of the Revolutionary United Front (RUF). The sentences follow the verdicts on February 25, 2009, convicting all three Defendants for war crimes, crimes against humanity and other serious violations of international humanitarian law.

Trial Chamber I of the Special Court sentenced Issa Sesay to 52 years in prison, Morris Kallon to 40 years, and Augustine Gbao to 25 years.

"These sentences recognize the gravity of the terrible atrocities for which these men have been held responsible," said Rapp. "Most importantly they honor the victims, the thousands of men, women and children of Sierra Leone, who suffered because of the acts and decisions of these individuals."

Today's sentencing judgment was pronounced for the specific crimes of terrorism, collective punishments, exterminations, murder, rape, sexual slavery, mutilations and physical violence, use of child soldiers, enslavement, and pillage. The decision also includes the first sentences in history for the crimes of forced marriage and attacks against peacekeepers.

In pronouncing the sentences, the Trial Chamber said that it had given consideration to the "nature and physical impact of the crimes" including "their scale and brutality" and to the "vulnerability, number, and suffering" of victims. The judges specifically noted that "civilians had been shot, killed, beaten to death, burned alive, hacked to death, raped, mutilated and enslaved."

The judges also cited instances where "men were disemboweled with their intestines used as makeshift checkpoints," "a boy had all four limbs hacked off before being thrown into a pit and left to die," and "civilians were made to choose between their lives or those of their family members"

In brief remarks at the conclusion of the sentencing, Prosecutor Rapp praised the judges for their historic contributions to international humanitarian law which he said would "be cited by courts across the world in the years ahead." Rapp also said that their judgments had helped "re-establish justice and the rule of law in Sierra Leone without which lasting peace and development is not possible."

The Special Court has now pronounced judgment and sentencing in all three of its Freetown based trials. The final stage of the RUF case will be the appeals phase.

The case against former Liberian President, Charles Taylor, is ongoing in The Hague. The Prosecution presented its last witness at the end of January 2009, and the Defence case is expected to begin in the coming months.

Standard Times

Wednesday, 8 April 2009

SPECIAL COURT REGISTRAR RESIGNS ...New Job in Lebanon



Herman Von Hebel... Registrar

The Special Court Registrar of Sierra Leone, Mr. Herman von Hebel has resigned. His resignation takes effect on 1st June 2009. Mr. Herman von Hebel will proceed to Lebanon to assume a new position at the Lebanon Tribunal. His resignation was confirmed by the Outreach Department of the Special Court in Sierra Leone.

Before proceeding for his new assignment, the sentencing of war crime indictees who have been found guilty in a number of war crime counts would have been concluded.

The sentencing of RUF General Issa Sesay, Alex Gbao and others have been scheduled to take place today 8th April, 2009. It is not known who next the Special Court will try after this group of people.

Special Court sources say since there is not much on hand at the Court, most of its officials are heading to places where their services are needed. It is therefore not a shock or surprise to many people about the resignation of the registrar.

For di People
Thursday, 9 April 2009

52 Years For Issa Sesay The Rebel Peacemaker

THE SPECIAL Court for Sierra Leone yesterday Wednesday 8 April 2009, handed down its sentence to the leaders of the Revolutionary United Front, after six years of proceedings.

First accused, Issa Hassan Sesay, interim leader of the RUF was sen-

by **ELIAS BANGURA**

tenced to 52 years; second accused, Morris Kallon, senior RUF commander, was given 40 years; and third accused, Augustine Gbao, also a senior leader of the

RUF, 25 years. These sentences are to run concurrently.

Both Issa Sesay and Morris Kallon were each found guilty on 16 counts of war crimes and crimes against humanity. Augustine

Gbao was found guilty on 14 counts.

Their crimes ranged from terrorizing the civilian population and collective punishments, unlawful killings, sexual and physical violence, to the use of child soldiers, abduction and forced labour and attacks

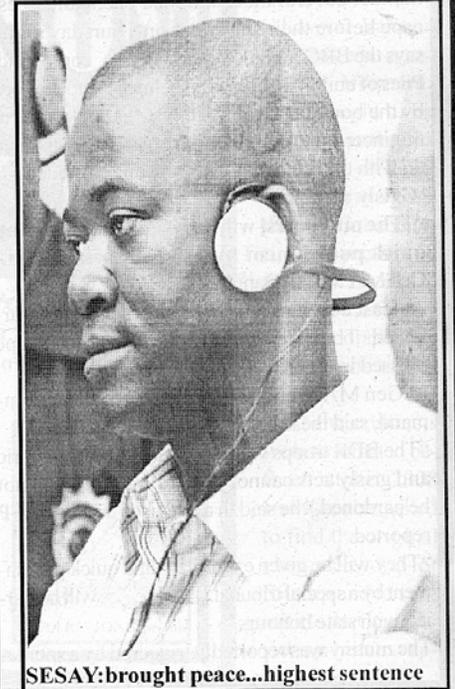
Continued Page 7



GBAO: goes for 25



KALLON: gets 40



SESAY: brought peace...highest sentence

From Front Page
on Unamsil personnel. These crimes are in contravention and violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II (war crimes), and other humanitarian law.

Delivering the sentences, Justice Pierre Butis said he and Trial Chamber One had given consideration to the nature and physical impact of the crimes including their scale and brutality and to the vulnerability, number and suffering

of the victims. He said they are aware that during the war here, civilians had been shot, killed, beaten to death, burned alive, hacked to death, raped, mutilated and enslaved. He also spoke about instances where "men were disemboweled with their intestines used as makeshift checkpoints," and "civilians were made to choose between their lives or those of their family members," and there was "a boy who had all four limbs hacked off before being thrown into a pit and left to die."

Stephen Rapp, the Spe-

cial Court's Prosecutor duly welcomed the sentencing judgment of the three RUF leaders.

"These sentences recognize the gravity of the terrible atrocities for which these men have been held responsible.

"Most importantly, the Court has honoured the victims-the thousands of men, women and children of Sierra Leone, who suffered because of the acts and decisions of these individuals," he said.

The Prosecutor praised the Judges for their historic contributions to international humanitarian

law which he said would “be cited by courts across the world in the years ahead.” He said their judgments had helped to “re-establish justice and the rule of law in Sierra Leone without which, lasting peace and development is not possible. This trial is a fair one, yes it is.”

But the Defence Counsel of the three Ruf convicts scorned the judgment. Wayne Jordash, Lead Counsel for Issa Sesay said he was disappointed and frustrated about everything, because “this Court abandoned fair principles; the trial has been shockingly unfair from beginning to end.

“I am furious, of course. And look at it, in spite of all our protests and submissions about the irregularities with the Prosecutors, for example like their paying money to witnesses, was never looked into by Trial Chamber One.

“Of course we are going to appeal on every count because our hope is only in the Appeals Court now, since Trial Chamber One has outrageously abandoned the rules of a fair trial. This trial is a disgrace to international law. It is a politically motivated one.”

The three Ruf convicts are to remain in the Special Courts custody until a place is chosen where they would spend their sentences which is likely in Rwanda where special arrangements have been entered into.

The Special Court has now pronounced judgment and sentencing in all three of its Freetown based trials. The final stage of the Ruf case will now be the appeals phase. The case against former Liberian Presi-

dent, Charles Taylor, is ongoing in The Hague. The Prosecution presented its last witness at the end of January 2009, and the Defence case is expected to begin in the coming months.

On 7 March 2003, Issa Sesay and Morris Kallon were indicted. Augustine Gbao was indicted on 16 April 2003. The Prosecution concluded its case on 2 August 2006 after calling 75 witnesses, three of them experts. One additional witness testified at the behest of the Defence.

On 3 May 2007, the Defence opened its case, bringing in 85 witnesses. 59-including former President Kabbah-were called by Issa Sesay; 22 were called by Morris Kallon; and eight were called by Augustine Gbao. Three witnesses were common to Sesay and Kallon, and one was common to

Sesay and Gbao.

The trial judgment was on 25 February 2008, while the sentencing was yesterday, 8 April, 2009.

“This sentencing given to these three men is minimal to me,” said Nancy, a visitor to the hearing. “If not the death penalty, at least they should have been given a life sentence.”

“I don’t think it was a fair trial, at least not to Issa Sesay,” said David, another visitor.

“I mean, look at the contribution he made to the peace process, and with the Judge saying that action is not consistent with the crimes he committed while he was interim leader, is shocking. Any way, let’s wait the appeals phase,” he said.



Awareness Times
Thursday, 9 April 2009

partners.

Rebel Leaders Get 52, 40 & 25 Years Imprisonment Sentences

*Augustine Samba
& Aruna Turay*

Trial Chamber 1 of the Special Court for Sierra Leone has on Wednesday 8th April 2009 handed down sentencing judgment in the trial of three leaders of the Revolutionary United Front (RUF). Issa Sesay, Morris Kallon and Augustine Gbao received lengthy prison sentences, ranging from 52, 40 and 25 years respectively, for atrocities committed during Sierra Leone's decade-long civil war.

The sentences follow the verdict on February 25, 2009, convicting all three defendants for war crimes, crimes against humanity and other serious violations of International Humanitarian Laws (IHL).

Handing down the sentences, Presid-

and political contribution to Sierra

ing Judge Pierre Boutet of Canada disclosed that the "Trial Chamber had given consideration to the nature and physical impact of the crimes", including "their scale and brutality", and the "vulnerability, number, and suffering" of victims. The judge specifically noted that "civilians had been shot, killed, beaten to death, burned alive, hacked to death, raped, mutilated and enslaved".

Judge Pierre Boutet also cited instances where "men were disemboweled with their intestines used as makeshift checkpoints", "a boy had all four limbs hacked off before being thrown into a pit and left to die", and "civilians were made to choose between their lives or those of their family members".

The sentencing judgment was pro-

nounced for the specific crimes of terrorism, collective punishments, exterminations, murder, rape, sexual slavery, mutilations and physical violence, use of child soldiers, enslavement, and pillage. The decision also includes the first sentence in history for the crimes of forced marriage and attacks against peacekeepers.

Prosecutor of the Special Court for Sierra Leone, Stephen Rapp has welcomed the sentencing judgment. According to him, "These sentences recognize the gravity of the terrible atrocities for which these men have been held responsible". "Most importantly they honor the victims, the thousands of men, women and children of Sierra Leone, who suffered because of acts and decisions of these individuals", Stephen

Rapp pointed out.

Prosecutor Rapp however, commended the judges "for their historic contributions to international humanitarian law", which he said "would be cited by courts across the world in the years ahead".

The Defence Counsel has however, expressed determination to appeal the judgment, alleging that it was nothing other than "a bundle of contradiction, inconsistency and above all, politically influenced". The counsel called on the Government of Sierra Leone not to allow its citizens undergo their gaol term in another country, citing that if the international community is expressing commitment for prisoners' welfare, they should upgrade the prison here.

Awoko

Thursday, 9 April 2009

52, 40 and 25 years jail term for RUF convicts

By Betty Milton

The three convicts of the Revolutionary United Front (RUF) convicts has been sentenced for 52 years jail term for Issa Sesay, 40 years for Morris Kallon and 25 years for Augustine Gbao.

Giving his judgment yesterday at the Trial Chamber I of the Special Court presiding Judge Pierre Boutet the crimes committed by the convicts were serious and heinous and that before giving judgment there were certain factors which they took into consideration and this include the scale and brutality of the offence, the impact of the crime on relative and society and that they crimes were committed on a massive scale.

Adding that the natural and physical impact of the crimes including their scale and brutality and to the vulnerability, number and suffering of victims.

Justice Boutet noted some of the crimes committed by the convicts stating that "civilians had been shot, killed, beaten to death, burned alive, hacked to death, raped mutilated and enslaved. Men and were disemboweled with their intestines used as makeshift checkpoint, a boy had all four of his limbs hacked off before being thrown into a pit and left to die and civilians were made to choose to make between their lives or those of their family members."

Reading the finding of the court on Issa Sesay he together with other RUF members organize civilians for mining in Kono

and the gravity of his conduct in the commissioning of this crime reaches it highest level.

On the counts of conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities, it was recall by the Trial Chamber that the Sesay took active part in this crime as he conscript child soldiers and some were even use as his bodyguard.

It was also recalled by the Trial Chamber that Issa Sesay gave orders that young boys be trained in Bunubu and he also provided support and medicine to those in the war front his activity reaches the highest level.

Ruling that the statement of remorse made by the Sesay was not a genuine one and therefore should not be seen as a mitigating factor and that they accept that he express empathy to the victims.

On the finding of the Morris Kallon the Trial Chamber ruled that the conduct on the use of child soldiers reaches the highest level.

On his participation on the Joint Criminal Enterprises (JCE) the chamber ruled that Kallon participated in the JCE as he was one of the few RUF members to be part of the governing body of the AFRC adding that Kallon was comfortable with governing body of the RUF.

On the findings of Augustine Gbao the judges ruled that Gbao was a member of the AFRC Supreme Council

and that he was not in the policy and fighting level of the RUF stating also that his role in the JCE was at the lower kevel.

When slamming the 52 years sentence, the 38 years old Issa Sesay stood still and looking straight in the directions of the judges. This sentence of Issa Sesay had been the highest even handed down by the court.

45 years old Morris Kallon who had a 40 years jail term in his black and white shirt with head up and concentrated on the judges while the judgment was read to him.

Augustine Gbao who is the eldest of 60 years receives the shorter sentence of 25 years.

The lead counsel for Issa Sesay Wayne Jordash said that the Chamber did not do its job well as they abandon certain legal principals, its fear trial right and that they ignore everything that will help in his {Sesay} trial.

He revealed that they will Appeal against the decision as the chamber made error in their decision.

Mr Jordash further stated that the trial was political as his client was not given fair trial.

The prosecution on the other hand welcomed the sentencing judgment in the trial these sentences they said recorgnise the gravity of the terrible atrocities for which these men have been held responsible.

Awoko Online

Thursday, 9 April 2009

CGG organizes stakeholder forum on symbolic reparation

Campaign for Good Governance, a non governmental humanitarian organization has on Friday 3rd March held a stakeholders forum titled “The Power of Place”. The interactive forum which took place at the National Museum complex brought together Bishop Humper, former chairman of the Truth and Reconciliation Commission, representatives from civil society organizations, Special Court for Sierra Leone, National Human Rights Commission, National Commission of Monuments and Relics and human rights activists. In her opening statement the programme coordinator for CGG, Mrs Bernadette French said the forum is an initiative of the CGG to engage stakeholders in the process of reconciliation, forgiveness and peaceful coexistence in Sierra Leone. She further explained that the programme is a follow up from the TRC’s recommendation to support national historic structures in the implementation of the symbolic reparation programme.

The various representatives gave an update on their activities in relation to symbolic reparation and maintenance of the country’s historic sites and monuments. The chairman of the forum, Mr. John Caulker stated the importance of preserving our historic heritage as it will leave a legacy for our future generation. The chairman of the National Commission of Monuments and Relics, Mr. Charlie Hughes said the commission was established in 1947 to protect and conserve Sierra Leone’s historic assets. Mr. Hughes said that the law which regulates the seven man commission is as old as the commission itself. He however stated that they are working towards the review of the outdated Monument and Relics Act. The Outreach coordinator of symbolic reparation programme at NaCSA, Ibrahim Satti Kamara told stakeholders that the reparation programme will target forty chiefdoms in the country for a start.

The first symbolic reparation programme took place at Bumaru in the Kailahun district where the first gun shot which signals the start of the civil war was fired. Ibrahim Satti Kamara further explained that the ceremony started with a vigil and was followed by a symbolic reburial on the 23rd March, 2009. The Head of Legacy Section of Special Court and Head of Department, Peace and Conflict Studies, Fourah Bay College, Mrs. Memunatu Pratt assured partners of the court’s willingness to support the reparation programme.”

Lawyers To Appeal RUF 117 Years Jail

Lawyers for Issa Sesay and Morris Kallon say they are appealing against yesterday's lengthy jail term slammed on their clients by the Special Court Chief Taku, representing Morris Kallon and Wayne

Jordash, representing Issa Sesay shall be addressing separate news conferences today to explain their next line of action. There was no word from the Augustine Gbao defence

team, The three former leaders of the RUF received lengthy prison sentences for atrocities committed during Sierra Leone's decade-long civil war. In a sentencing judgment read out by Presiding Judge Pierre Boutet of Canada, former RUF Interim Leader Issa Hassan Sesay received a sentence of 52 years, while senior RUF commander Morris Kallon will serve a 40 year sentence. Augustine Gbao, also a senior RUF commander, will serve 25 years. Sesay and Kallon were convicted in February on 16 counts of war crimes and crimes against humanity. Gbao was convicted on 14 counts. The Trial Chamber took note of several mitigating factors advanced by the Defence, but said that in
More in page 2



Presiding Judge Pierre Boutet of Canada

RUF APPEAL from front page

view of the gravity of the crimes, their impact was limited.

The Chamber noted that the crimes for which the three had been convicted "were committed upon a massive scale across several Districts of Sierra Leone" and that "the impact of all these crimes upon the Sierra Leonean society has been enormous."

"The Chamber concluded that the inherent gravity of the criminal acts for which Sesay, Kallon and Gbao have been convicted is exceptionally high," the Judges said.

#END

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Premier Media
Thursday, 9 April 2009

RUF Commanders Sentenced



Augustine Gbao

Morris Kallon

Issa Sesay

After six years of legal wrangling three accused of the Revolutionary United Front (RUF), Issa Sesay, Morris Kallon and Augustine Gbao were yesterday finally sentenced by the Trial Judge of the Special Court for Sierra Leone in Freetown.

By Augustine Beecher

The three accused, who were found guilty by the court two week ago, were subdued and emotional during the process of sentencing, as the Trial Judge, Pierre Boutel took his time to address each separately. The Judge reviewed the crimes the accused had been charged with, discussed any aggravating and mitigating factors before passing down

judgement.

Issa Sesay was found to have committed the gravest crimes considering his eminent position in the rebel hierarchy as a member of the Supreme Council and the fact that he was very active in securing and controlling the diamond grounds that fueled the war.

He was found guilty on sixteen counts of war crimes and crimes against humanity including Act of Terrorism- 52 years (1), Collective Punishment- 45 years (2), Extermination- 35 years (3), Murder- 40 years (4), Violence to Life- 40 years (5), Rape- 45 years (6), Sexual Slavery- 40 years (7), Inhuman Acts- 40 years (8), Destruction of Personal Dignity- 35 years (9), Violence to Life, Health and Physical Damage- 50

years (10), Other Inhuman Acts- 40 years (11), Child Recruitment- 50 years (12), Enslavement- 50 (13), Pillage -20 years (14), Attacking UN officials- 51 years (15), and Violence to Life, Health and Physical Wellbeing- 45 years (17).

The judge said because he played a very significant role in the organization, and his statement of remorse was not sincere, the Chamber had no alternative but to sentence him to the highest number of years acceptable to the court.

Contd. Page 4

RUF Commanders

From front page

The sentences are to be served concurrently or at least 52 years.

Morris Kallon was found guilty on fifteen counts of war crimes and crimes against humanity including Act of Terrorism- 39 years (1), Collective Punishment- 35 years (2), Extermination- 28 years (3), Murder- 35 years (4), Violence to Life- 35 years (5), Rape- 35 years (6), Sexual Slavery- 30 years (7), Inhuman Acts-30 years (8), Destruction of Personal Dignity- 28 years (9), Violence to Life Health and Physical Damage- 35 years (10), Other Inhuman Acts- 30 years (11) Child Recruitment- 35 years (12), Enslavement- 35 years (13), Attacking UN Official- 14 years (15) and Violence to Life, Health and Physical Wellbeing- 35 years (17).

The judge said the Chamber took into account both aggravating and mitigating factors like a sincere expression of remorse by Kallon in arriving at a sentence for the indictee.

The sentences are to be served concurrently, meaning he will have to serve at least 39 years.

Augustine Gbao was found guilty on fourteen counts of war crimes and crimes against humanity including Act of Terrorism- 25 years (1), Collective Punishment- 20 years (2), Extermination- 15 years (3), Murder- 15 years (4), Violence to Life- 15 years (5), Rape- 15 years (6), Sexual Slavery- 15 years (7), Inhuman Acts- 10 years (8), Destruction of Personal Dignity- 10 years (9), Violence to Life Health and Physical Damage- 20

years (10), Other Inhuman Acts- 11 years (11), Enslavement- 25 years (13), Pillage- 6 years (14) and Attacking a UN Official-25 years(15).

He will also serve his sentences concurrently, which means he will have to serve 25 years.

The courtroom was full of relatives and victims of the indictees, many of whom were happy that they were able to see the outcome of the long-drawn-out trial.

The victims were happy that justice is being done even though they lamented the absence of the actual leaders of the group in the dock.

The relatives of the indictees were emotional and disheartened as they listened to the verdict of the judges with tears streaming down their faces.

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Premier Media
Thursday, 9 April 2009

Thursday, April 9, 2009

Hard Talk *With Augustine Beecher*

Now That The Special Court Has Decided

The Special Court for Sierra Leone has come and nearly finished what it was here for, trying those who are found to have committed the gravest offences during decade-long rebel war initiated by the Revolutionary United Front (RUF). Established in 2003 by the Government of Sierra Leone in collaboration with the United Nations, it indicted all-together twelve people believed to have committed the gravest offences in the war including crimes of murder, rape, extermination, acts of terror, enslavement, and attacks on humanitarian workers.

With the sentencing of the remaining RUF commanders today, Augustine Gbao and Issa Sesay, the Court may have effectively completed its mission in the country, considering the fact that no further people are going to be indicted and judgment has been passed on the indictees of the Kamajohs and the members of the Armed Forces Revolutionary Council (AFRC).

What need to be done now is a thorough review of the Courts failures and challenges so that the experience gained from here could be utilized in other avenues in similar situations.

Many Sierra Leoneans were not happy with the Court not only because they believed the money spent on it could have been used in a more productive manner, but also because they believe justice could not be achieved by it.

That the Court was set up for Sierra Leone with money from the international community by the United Nations to showcase its determination to eliminate impunity in public affairs at both the local and international levels, makes it difficult for the ordinary people to identify with it. At the same time the government was incapable of having any influence over the proceedings because the Court is not financed by it.

A typical case in point is that of the former coordinator of the Kamajohs, Chief Sam Hinga Norman, who was indicted and arrested by the Court but the government could do nothing about it, because it had no authority over it.

Putting the case of Hinga Norman aside, this happens to be the only country in the world where the international court supersedes the national courts. This peoples disappointment at that fact was clearly manifested by infighting among the members of the ruling party as a result of its 'abandonment' of a person who is considered to be a hero by many.

Also, the case of the rebel leader, Foday Sankoh, who was also indicted and incarcerated by the Special Court, but died before he can be judged and sentenced for the crimes he committed against the people of this country. Many had wanted to see him dead but many more had wanted to see him suffer and repent for his crimes.

Additionally, the death of Sam Bockarie, alias 'Maskita' also denied the people that satisfaction, for it happened outside of the country and not in connection with his indictment at the Special Court.

indictment at the Special Court.

The AFRC leader, Jonney Paul Koroma, who escaped minutes before he should have been arrested following his indictment by the court was another set back to the aspirations of the court and the people it was meant to serve. His absence from the trials left a big wound in the minds and hearts of many victims of their atrocities that will take many years to heal, especially when most of the actual perpetrators are still free and roaming about, carrying out even more heinous acts.

The court, which was meant to contribute to reconciliation in the country has ended up serving only the whims of its financiers, for even though the people who have ended up being judges and finally incarcerated by the court form a minute fraction of those who must be punished for the crimes of the war.

However, limiting the trials only to high level operators and commanders ensured that many of the actual perpetrators will never be tried or punished for their crimes against humanity. And the fact that the national courts were never involved in the process, there is no way they can judge cases from the war that may have been brought to it.

Also, that even for the most heinous crimes committed during the war, no death penalty is imposed, leaves a lot to be desired by the victims, many of whom have to eke out a living while the incarcerated enjoy their stay with the Court in airconditioned rooms, fabulous meals and facilities for the good life.

In short, they are only denied their freedom of movement, while all other freedoms are preserved.

Now that the Court has finally decided its last case, that of the RUF inditees, it is time to decide also on what should be the way forward.

With Charles Taylor in The Hague, and almost certain to be found guilty, it can be said that the court was only able to capture some of the perpetrators of the war, leaving the majority of the offenders free to go about their business, with nothing to show the victims that justice has been done.

How can justice be said to be done when the victims know their attackers, and they see them roaming about freely with impunity?

How can anyone believe that the Special Court has made it difficult for people to commit crimes against humanity with impunity, when it lacked the power to track down and prosecute the actual people who committed the crimes?

Many people welcome the guilty verdicts against the various indicted parties, but many would have wished the court to cover all crimes punishable by death in this country, so that those who lost their lives and their families would find solace in the fact that their tormentors have been tried in a competent court of jurisdiction.

The establishment of the court here could have been a great opportunity to bolster the nation's own troubled national court system or to deliver a brand of justice that would have made the war's victims feel their suffering had been avenged.

Many are psychologically detached from it, despite the geographical proximity of the court, and people really hardly talk about it.

The type of justice, behind floor-to-ceiling bulletproof glass that makes the courtrooms appear like enormous aquariums, has also left many Sierra Leoneans puzzled.

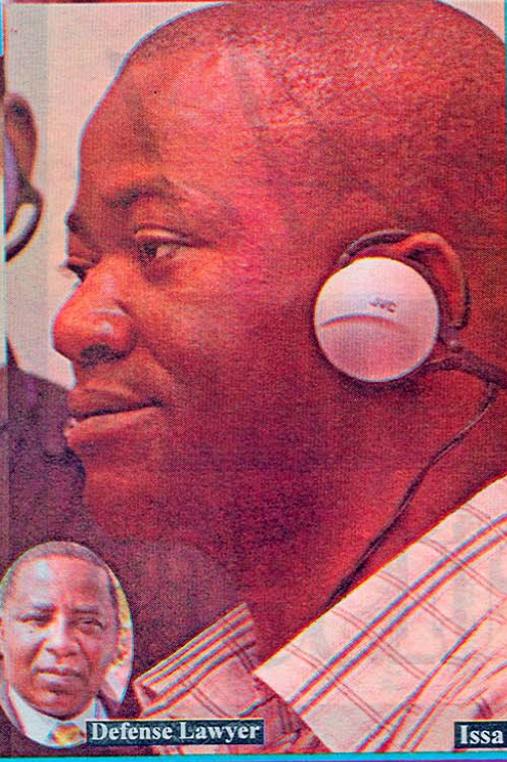
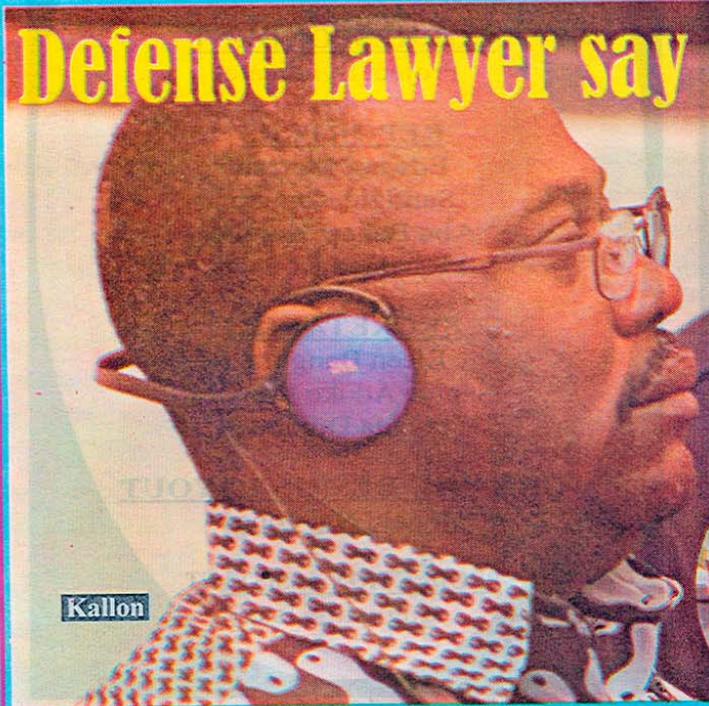
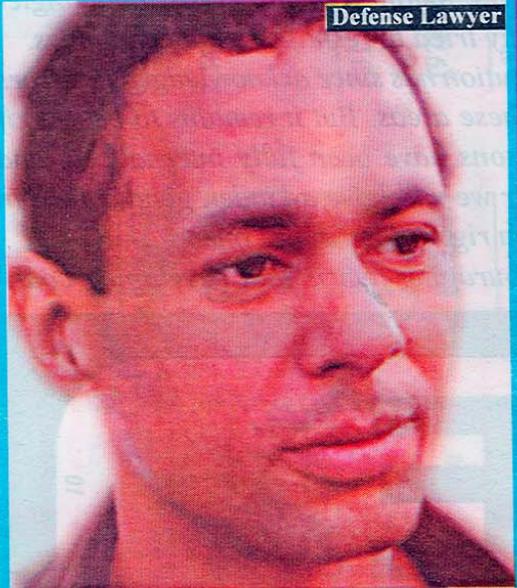
The court may have achieved its goal of punishing those who committed the gravest crimes during the war that are still alive and in custody, but it may have failed woefully in achieving the real objective of bringing justice for the victims of the war, for although those tried were commanders, it remains true that most of the atrocities were neither committed by them nor with their consent.

The country still has a long way to go to a society where impunity is a thing of the past. Indeed there are many manifestations to this fact that many victims of the war are forced to live with.

Standard Times
Tuesday, 14 April 2009

Issa Sesay & Morris Kallon to appeal...

Defense Lawyer say



Issa Sesay & Morris Kallon to appeal

...Defense lawyer say

BY MOHAMED KONNEH

Defense Lawyers for both convicted RUF war crime indictees Issa Sesay and Morris Kallon have said in Freetown that they will appeal their case on the note that the sentencing was unfair.

Kallon was illegally sentenced several times on the same set of facts, and thus the sentence was clearly illegal because it is forbidden by International Criminal Jurisprudence, according to his lawyer. This was disclosed at a press conference held at the Sierra Leone News Agency in Freetown on Thursday 9th April 2009.

Lawyers for convicted war crime indictees Issa Hassan Sesay and Morris Kallon have said in Freetown they are going to appeal the sentences brought down on their client at the just concluded RUF trial at the special court. The ICTY in the case of Celebici, forbid multiple sentences for the same violations, Chief Charles Taku Lawyer for Morris Kallon said on Thursday in Freetown.

Morris Kallon was indicted at the Special Court on 7th March 2003, and pleaded not guilty to the initial indictment.

Thereafter, there were several

amendments leading to the filing of new consolidated indictments. Chief Taku further noted that this does not conform to an international tribunal as in the case of the Special Court.

To aggravate the situation, according to the lawyer, Mr. Kallon has been convicted on crimes that were never charged in the indictment paragraphs 376-399. Effort he said is also being made for Mr. Kallon, Issa Sesay and Augustine Gbao not to serve their sentences outside Sierra Leone.

Serving sentences outside their Country of origin is like surrendering the sovereignty of Sierra Leone to another Country, it was noted.

This will be another way of condemning them to death, taking into consideration the language barrier, proximity in meeting with family members and other unforeseen problems.

The convicted prisoners, according to their lawyers, want to serve their sentences in Sierra Leone as this will keep them get closer to their families and courage to live long.

All three former senior commanders of the RUF have been sentenced to a total of one hundred and seventeen years in jail by the UN backed Special Court for Sierra Leone. No date has been set for the hearing of the appeal.

Premier Media
 Tuesday, 14 April 2009

"Issa Sesay's Trial Was Unfair"

... Wayne Jordash

The Lead Counsel for Issa Sesay, Wayne Jordash on Thursday expressed disappointment with both the convictions and sentence received by Issa Sesay, stating that he did "not believe that the totality of the evidence before the Trial Chamber was reflected in the judgement."

By Augustine Beecher

The legal luminary made this statement at a special press briefing at the Sierra Leone News Agency (SLENA) the day after his client was sentenced by the Trial Chamber to 52 years after being found guilty on sixteen counts of war crimes and crimes against humanity.

He said that "while it is true that Sesay was instrumental to the peace process, it is his actions in the war that are truly



Wayne Jordash (R) and legally assistance at the conference

significant."

"The defence case was built largely on evidence of civilians- people working as farmers, teachers, nurses, palm wine sellers- who left their homes and families to travel to Freetown to speak on behalf of Mr. Sesay. These people all told a consistent story that in areas where Issa Sesay had command and control, civilians were well treated and any rebels who committed crimes were punished," he explained.

between Sesay and the crimes committed on the ground.

Mr. Jordash also noted with concern that the judgement ignored the defence case of 59 witnesses, 42 of whom were independent civilians.

"The judgement was based on largely the evidence of Prosecution insiders, some of who had received substantial sums, not only

Contd. Page 4

The defence team maintained that there was no doubt that terrible crimes were committed against the people of Sierra Leone by all the parties to the conflict, but stressed that justice demands a link

Trial Was Unfair

From front page

from the Witness Service but also from the Prosecution, to testify. Many of these insiders opposed disarmament, particularly while Foday Sankoh was imprisoned. They hold Sesay responsible for Sankoh dying in custody and their reduced quality of life in peacetime Sierra Leone, and this together with the money they received, motivated their testimony against Issa Sesay," he said.

He stated that a proper fair trial involves genuine enquiry and the stringent application of the rule of law, requires fair judges and the presumption of innocence.

"We all lose when these requirements are abandoned and when legitimate evidence is ignored to achieve a preconceived result," he said.

He cited Martin Luther King Jr., who said that "injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

The lead counsel concluded his statement by stating that they plan to appeal all the convictions and the manifestly excessive sentence, while hoping that the Appeals Chamber will recognize that justice is for everyone.

Asked whether he is aware that the sentences could be increased if they lose the appeal, Mr. Jordash said what is important is that justice is seen to have been done.

Similar sentiments were also made by the legal team of Morris Kallon headed by Chief Charles Taku, international lawyer.

He argued at a press briefing on the same day that his client was "illegally sentenced several times on

the same set of facts," adding, "that sentence is clearly illegal because it is forbidden by international criminal jurisprudence."

He cited the case of Celebici at the International Criminal Tribunal for Yugoslavia (ICTY), which forbids multiple sentences for the same violations.

Mr. Kallon was the victim of that... He was sentenced three times for the killing of a Nigerian woman," he stated.

He also argued that his client was initially indicted on March 7th 2003, and pleaded not guilty to the initial indictments.

"Thereafter, there were several amendments leading to the filling of new or new consolidated indictments," he said.

He said as a result of the consolidated indictment, the Prosecutor expanded the charges against Mr. Kallon by including new crime basis, sometimes covering new districts, and that even though Mr. Kallon insisted on his right to take a plea to the new indictment, "he was denied this fundamental right."

"I want the people of Sierra Leone to know that Morris Kallon's rights were violated from the inception of this case, and he was tried, convicted and sentenced on consolidated and amended indictments to which he was denied the right by the Trial Chamber to plea," he said.

"This is not the type of justice that the international community and the people of this great country, Sierra Leone, invested so much into," he lamented.

He also noted that his client has been convicted on crimes that were never charged in the indictment, adding that the Trial Chamber agreed with the Kallon defence in paragraphs 376-399 that

"no crimes underpinning the personal responsibility of Morris Kallon were pleaded in the indictment, and that Joint Criminal Enterprise ought to have been unambiguously pleaded, "yet without an application from the prosecution for an amendment, the Court on its own went ahead to invoke unjustified and egregiously biased and prejudicial reasons to proceed to convict Mr. Kallon."

"We believe that the fundamental bases of a fair trial were violated and that the judges compromised their independence in so proceeding. That is how Kallon came about being convicted and sentenced ...for the crimes to which the very Court agreed he was never charged. That is conviction by ambush and that is not what the international community and the people of Sierra Leone bargained for," he stated.

Given all these reasons and many more, the lead counsel said he has been instructed by his client to appeal so as to give the opportunity to save the legacy of the Special Court "by correcting this travesty."

"This is not just about Kallon, but about the future of criminal justice in Sierra Leone and other civilized countries around the world," he said.

He stated that his client would prefer to spend his jail term here in Sierra Leone instead of Rwanda or any other place, where there is very little regard for human rights, and where they will be totally removed from their culture and relatives.

That, he said, is a final appeal to the government of Sierra Leone, not to surrender them to a foreign government.

"Both of them wish to serve their sentences in Sierra Leone," he concluded.

OBSERVER VOICE

ISSA SESAY is definitely going to spend the rest of his life behind bars; sentenced last Wednesday by the special court to 52 years imprisonment.

WE AGREE that horrendous crimes were committed by the RUF of which Issa Sesay was a member and later because it interim leader. His name was silent, infact unknown outside the rebel outfit while Foday Sankoh and Gen. Mosquito exit.

IT WAS the departure of Sankoh which brought him into prominence and that signaled the turning point of the dreaded rebellion.

ISSA ASCENSION to the leadership of the RUF was blessing in disguise for Sierra Leoneans. His flexibility, sincerity and genuine intention towards the peace process were the reasons why we are were we are today.

IT WAS for this purpose of sincerity that General Daniel Opande, the retired UNAMSIL Force Commander, had it return to Sierra Leone to testify on his behalf.

OPANDE INSISTS on Issa's cooperation towards the peace process. But his testimony, like the about 50 defence witnesses which the presiding judge described as unreliable.

VERY SIERRA Leonean appreciated Issa Sesay and the reason why in the year the war was finally declared over, he

In Sympathy With Gen. Issa Sesay

was overwhelming voted for an award at the annual AWOL ceremony.

DURING THE dark days of the war, the names Dennis 'Superman' Mingo, Mike Lamin, Gibril Massaquoi etc were most talked of and very prominent. And as mentioned earlier, Issa Sesay was less known.

HE WAS accused among the others to bear the greatest responsibility. Perhaps he was to have been a free man today had he not sacrificed to take over the RUF leadership so we can have peace.

TODAY, HE has been sent to long term imprisonment for sacrificing for peace in Sierra Leone. He was not pressured but volunteered to talk peace.

HIS LAWYER Wayne Jordash is making another last ditch attempt to at least have the sentence reduced. We cannot immediately rule out his success in that direction. Although the possibility is as tasking as a pregnant woman about to give birth.

ISSA SESAY is not likely to see the light of day but the history books will remember him as the rebel leader who brought peace to this country.

Local News

By Ibrahim Tarawallie

Lead defense counsel for former commander of the revolutionary united front, RUF said the fundamental basis of a fair trial was violated in the recent special court convictions, a decision he described as a travesty of justice.

Chief Charles Taku's comments were a direct repudiation of an April 8, 2009 landmark ruling by Justice Pierre Boutet sentencing Issa Sesay, Morris Kallon, Augustine Gbao to 52, 40, 25 years respectively.

Meanwhile, special court prosecutor, Stephen Rapp said the sentencing judgment recognized the gravity of the terrible atrocities for which these men have been held responsible.

He added that the sentencing judgment was pronounced for the specific crimes of terrorism, collective punishments,

exterminations, murder, rape and sexual slavery among others.

"The judgments had helped re-establish justice and the rule of law in Sierra Leone without which lasting peace and development is not possible," he said.

But Chief Taku insisted that, in the process of re-establishing justice and the rule of law, the rights of Morris Kallon in particular were violated from the inception of the case.

He told journalists at the Sierra Leone news agency in Freetown, a day after the chamber's decision on April 8, 2009 that judges in trial chamber 1 compromised their independence in the entire case.

He added that Morris Kallon was convicted for crimes he was never charged for in the indictment.

"The sentence read out by the judge is clearly il-

legal because it is forbidden by international criminal jurisprudence. The judgment against Kallon is a travesty of justice," he said.

He said the judgment serves a political agenda, describing it as a mockery of the fundamental principles on which international criminal justice is found.

"Morris Kallon was illegal sentenced several times on the same set of facts in the judgment. The prosecution expanded the charges against Kallon by including new crime base," he said.

Chief Taku noted that the rule of law demands that the trial judgment should not stand and that every footnote in the judgment was manipulated by the judges in the sentenced.

"Kallon appeal to the government of Sierra Leone not to surrender him to a foreign government. He said doing so

Special Court in 'travesty of justice'



Presiding judge Justice Pierre Boutet

will be an indirect way of condemning him to death," he said.

The lead defense counsel said they are well prepared to appeal to every charges in the judgment. Issa Sesay's lead de-

fense counsel, Wayne Jordash blamed the prosecutor for the unfair sentenced against his client adding, "It was the kind of judgment we are expecting from the incep-

tion of the case." "We are totally disappointed with the judges. It is the worst judgment I have ever seen in my entire career as a lawyer," he said.

For di People
Tuesday, 14 April 2009

SPECIAL COURT

TRIALS

Any Lessons Learnt?

THE SPECIAL Court for Sierra Leone has handed down its final verdict on the last batch of accused persons that are deemed to have played key roles for the war atrocities committed in Sierra Leone in order to put an end to impunity. But have we learnt any lessons?

by
BALI MODU

First to be sentenced were members of the Kamajors-the southern-based militia mo-

Santigie 55 and Bazy to similar jail terms. They teamed up with the rebels after the Tejan Kabbah-led SLPP government was removed from power following a nine

800,000 mostly Tutsis exterminated in an ethnic conflagration.

Many others who had been frontline commanders in the rebel war like Sam 'Maskita' Bockarie,



SESAY:gave peace



GBAO:trial ends



KALLON:jailed

released just before the 2007 elections by the SLPP government who had intended using them to cause violence in the SLPP strongholds of Kailahun and Pujehun but unfortunately, circumstances did not favour then government.

The other batch of Westside Boys were routed by joint British and Sierra Leone fighters during Operation

combatants who took part in the war have been found wanting but what is also evident is that inasmuch as the nation still bears bitter memories of the war and its attendant consequences, yet the issue of impunity has so far not been addressed within the socio-political and economic context.

In a certain way, some of those sentenced believe that they have been

means to power, raping and looting and the hope that it will bring a true revolution where poverty and other social injustices would be eliminated even though the agenda of the RUF leader Sankoh was completely in tandem with his convictions based on creating fear and destruction to cow the populace

SPECIAL COURT...ANY LESSONS?

From Page 4

and unbridled corruption to dominate the political landscape just as the APC messed-up from 1967-1992 under a one-party political order that was oppressive as it was corrupt.

It is now left with president Koroma to put an end to this trend which so far is challenging. He has to be honest and show the political will to bring about the requisite socio-political and economic changes. He should avoid divisive politics and must be patriotic enough to put country first before self.

He should also be tolerant and be above politics as well as the vision to ensure that Sierra Leone's lost status as the Athens of West Africa is restored. To do this, a new national consciousness must be created as well as create an ideology and a body of faithfuls ready to make the sacrifices to attain national liberation.

The status of the country as a pariah must be terminated and above all, president Koroma must be creative enough to create jobs instead of cap-in-hand to an international community whose support is yet to make a positive dent in the body politic for the simple reason that foreign humanitarian and developmental aid are basically shared between the giver and the taker as such funds are misallocated, misplaced, mis-spent and exported to foreign banks or used to build houses for the

rent-seeking elites who helped to discourage the enabling climate to attract investors as they help to give the bad impression of an unfriendly investment climate.

It is not that the people are really talking about the Special Court now but how to get by everyday in mounting and intolerable economic difficulties with no jobs and the money in short supply as if the global credit crunch is having its own indirect effect on



KOROMA: the nation's hope for liberation

the economy. In short, to solve Sierra Leone's problems demands the right type of leader and so far, president Koroma could just be the right person to take the nation to the much-anticipated Promised Land of milk and honey especially when the country is so richly endowed and it only takes the right leadership to restore the national status from that of an ill-run Sparta to once again the status of the Athens of West Africa.

So inasmuch as the sentencing is welcomed as a measure to put a stop to impunity but the very agents that had created the enabling atmosphere for the war and national backwardness are yet to be addressed vigorously but however, the nation is hopeful that with Bumbuna soon to light and the expectant National Youth Commission, president Koroma is bound to begin to make his leadership felt as the nation starts its tortuous journey from hell and back to a peaceful, progressive and democratic state where patriotism is the order of the day.

The problem has not been the youths that were transformed into monsters but the very political elite and their miseducated collaborators who created the conditions for their monsterism. And until that problem is addressed, the nation cannot see the light of day but rather the promise of another round of turbulence as long as there are no jobs but hopelessness.

Awareness Times

Tuesday, 14 April 2009

“The Fundamental Right of Issa Sesay Was Denied”

By Bintu A. Sesay

“I do not believe that the totality of the evidence before the Trial Chamber was reflected in the judgment”, says Lead Counsel for RUF convict Issa Hassan Sesay, at a press conference on Thursday 9th April 2008, at the Sierra Leone News Agency (SLENA). He was reacting to the sentencing of his client to a 52-year imprisonment, by the Special Court for Sierra Leone. According to Mr. Jordash who clearly registered his disappointment at the stance taken by Judges of the Trial Chamber to sentence his client to such a long term, said his client was 38 years old when he became the interim leader of the Revolutionary United Front (RUF) in August 2000, at the request of ECOWAS Heads of States.

He went on to state that his client was best known for pushing the RUF Movement through disarmament, and for his critical role in the peace process. Expressing disappointment with both the conviction and sentencing of his client, Mr. Jordash pointed out that “the Defence case was built largely on evidences of civilians, people working as farmers, teachers, nurses, palm wine sellers - who left their homes to travel to Freetown to speak on Sesay’s behalf. The Defense Witnesses, Mr. Jordash maintained, all told a consistent story that in areas where Issa Sesay had command and control, civilians were well-treated and that any rebel fighter who committed a crime against any civilian was punished.

Mr. Jordash made it clear that Sesay’s Defence is not averse to the fact that terrible crimes were committed against Sierra Leoneans by parties to the conflict, but noted that justice demands a link between Sesay & the crimes committed during operations. In line with this, Mr. Jordash alleged that the defence’s case, in which 59 witnesses testified, 42 of whom were independent civilians, was ignored. He added that, “The judgment was based largely on the evidences obtained from prosecution inside

witnesses, some of whom had received substantial sums not only from the witness service but also from the prosecution to testify”.

Concluding, Mr. Jordash observed that a proper fair trial involves genuine

enquiry and the stringent application of the rule of law, adding that it requires fair judges and the presumption of innocence.

Mr. Jordash stressed further that Issa Sesay’s defense team intends to

“appeal all convictions” and “the manifestly excessive sentence”.

“We hope that the Appeals Chamber will recognize that justice is for everyone, including Mr. Issa Sesay”, Wayne Jordash ended.

Awoko

Tuesday, 14 April 2009

Challenges To Juvenile Justice

By S. Beny SAM

When most of our prisons were built during the colonial days no provision was made for women in those days probably on the assumption that women do not commit crime or they had not started falling foul of the law. In the same token much provision was not made for children's remand homes. It was only recently that the Kenema prisons made provision for female inmates. The other gray area is that the law is yet to protect the unborn child who through no fault of hers happens to be in the womb of a mother who has been sentenced.

In this 21st century where rights issues are paramount, it is scandalous that gender blunders could be allowed to stay. In the same token the issue of remand homes for children for long has been treated with far less seriousness than it deserves. Do you know that in the whole of the Republic of Sierra Leone clocking 48 years there are only two remand homes? These are in Freetown and Bo. Added to this insult is that at the moment not all districts have Resident Magistrates and regular court sittings.

The increase in the number of children in conflict with the law poses a lot of challenges for law enforcing agencies, security personnel, Human Rights, Civil Society activists and other stakeholders. Child offenders do not necessarily have to be put on a block with the adults simply because facilities are not available. Do you remember the principle of First Call which gives first priority to children whether you are poor and deprived?

So Sierra Leone has no excuse for not having Remand Homes in the length and breadth of the country. Quite a lot of work has been done by the Justice Sector Development Project to lend sanity to a hitherto near moribund third arm of government. The provisions we make now for our children will reflect the kind of future we will have.

Like I always say we should go more for holistic approaches to addressing problems. You can build the most fantastic Court Houses but if other demand and supply aspects are overlooked, it will be a fruitless one step forward and two steps backwards. The increased awareness on human rights ironically puts too much pressure on law enforcement agencies like the police. More cases get to their desks because in the first place people know their rights much more now than before. But the problem is that they have no where to keep the children while they wait to be charged to court. So in most cases they are released and told to be reporting. In other instances child offenders are unfortunately locked up in cells with adults.

We once had sessions with some elders in Serabu village near Kenema on their thoughts on poverty. Some of them said that one thing that increases poverty is human rights. According to them now that their children had the right to take them to the Police for every minor thing and in the event they are fined, this they say depletes the family income. No matter how this could appear simplistic or naïve it is a pointer to the ramifications of the whole issue of justice and human rights.

One thing we need to recognize is that you cannot separate child welfare and women's welfare. You cannot definitely say you don't eat monkey but you cherish the soup. In fact child survival is directly related to women's empowerment. It therefore behooves planners and

implementers to take women's issues and child issues in tandem. This is why in compiling the Millennium Development Goals Maternal mortality and infant mortality are both considered as critically important.

It was like during the Rebel carnage civilians trapped behind rebel lines could only get humanitarian assistance by negotiating with the rebels ... something the majority of Sierra Leoneans initially frowned at. People did not want food to get to the rebels but the civilian population was under hostage to the rebels and to get to them you had to go through the rebels.

There are also cultural and traditional ramifications to the welfare of children. Some families still just take children for granted and even sometimes like an extension of their property or assets. In some households if you ask for the number of people in the family the father will invariably say "Nine of us ... plus these three little kids." Children are thus not really counted as part of persons in the household. They only come on board as an afterthought. Although things have changed a bit, culturally children are still put in the back seats with their mothers. This trend indeed has to change fast. A lot is often said about children's obligations. This however should not be a condition for according children their rights.

Recent developments in crime place children in a very precarious situation. Because of their small stature, they are used by adults to climb up walls and traverse narrow crevices to enter people's houses to open doors for thieves to get access. During the war all warring factions recruited children as they could better maneuver in the jungle than grown ups. The authority they never had in their homes, they got in the jungle. Some of them actually went back to their villages on revenge missions.

In the area of marriage girls are more often than not lured or forced into marriage to the elderly influential persons in their communities. Some are even betrothed while they are still babies. This is unacceptable as the parents become beholding to them, so much so that even when the child grows up and does not want the particular man, she has no choice. Situations like this are difficult to handle even when there are some safeguards in the Child Rights Act. Customary law needs to be codified and more or less harmonized with the Child Rights Act.

A lot needs to be done in the homes. I wonder how serious do parents take children's welfare even where they have the means.

In terms of incidents of rape many families keep it secret and deprive the children of justice. Again cultural perspective on rape is quite different. In some cultures the main purpose for marriage is sex and having children ... the rights of the woman and the children remain secondary.

With the seeming ambivalence in our laws as related to children one can hardly guarantee the right of children. This is glaringly reflected in juvenile justice as it obtains currently. Perhaps one good start could be having remand homes and juvenile courts at all regional headquarters as a start.

Reuters

Wednesday, 8 April 2009

UN-backed court jails Sierra Leone rebels

* Sentences include world's first for forced marriage

FREETOWN, April 8 (Reuters) - Sierra Leone's U.N.-backed Special Court sentenced three former rebel commanders to jail terms of between 25 and 52 years on Wednesday for a range of offences during the country's 1991-2002 civil war.

Issa Hassan Sesay, Morris Kallon, and Augustine Gbao, the most senior surviving commanders of the Revolutionary United Front (RUF), whose uprising triggered the war, were found guilty on Feb. 25 of various war crimes and crimes against humanity.

Their convictions included the world's first for the specific offences of attacks on peacekeepers and forced marriage. All three were also convicted of recruiting child soldiers and other crimes.

The war saw bands of rebels including drug-crazed child soldiers kill, rape or chop the hands off innocent villagers in a conflict fuelled and financed by gems taken from its eastern diamond fields.

For the first count against each defendant, Sesay was sentenced to 52 years in jail, Kallon 40 years and Gbao 25.

The total jail terms were 693, 340 and 327 years respectively, though each one's terms are to run concurrently. Both defence and prosecution may appeal elements of the conviction and sentences.

The three are the first RUF rebels to be tried by the court, which has already jailed members of a pro-government militia and those of a separate rebel group formed by members of a former military junta.

Charles Taylor, former president of neighbouring Liberia, is on trial on charges of fomenting Sierra Leone's conflict during his own country's 1989-2003 civil war in return for diamonds from eastern Sierra Leone.

His trial is being held at a special sitting of the Sierra Leone court in The Hague because of fears that it might endanger regional stability if held in West Africa. (Reporting by Christo Johnson; writing by Alistair Thomson; editing by David Lewis and Tim Pearce)

BBC Focus on Africa

Wednesday, 8 April 2009

LEAD-IN: Sierra Leone's United Nations-backed war crimes court has ended its work in the country with convictions for three former rebel leaders who appeared before it. The men were the first from the former Revolutionary United Front, or RUF, to be found guilty of crimes that included the forced recruitment of child soldiers, attacks on UN peacekeepers, and for the first time, forced marriage, all committed during the country's ten-year civil war. The BBC's Umaru Fofana was in court and sent us this report.

FOFANA: Having been convicted on 16 of 18 counts of war crimes and crimes against humanity, the former interim leader of the rebel Revolutionary Front movement, Issa Sesay, was asked by the Presiding Judge, Pierre Boutet, to stand up before reading out his sentence.

BOUTET: For Count 1, acts of terrorism, in violation of Article 3 common to the Geneva Convention and of additional Article 2 punishable under Article 3(D) of the Statute, sentenced to a term of imprisonment of 52 years.

FOFANA: His total number of years in prison is 695, but since they will be served concurrently, Sesay should spend 52 years behind bars. This, the trial chamber said, was because the former rebel leader had direct responsibility in kidnapping and killing UN peacekeepers as well as forcibly conscripting children as rebels – children who were deprived of their childhood and of education, the Trial Chamber said.

Issa Sesay, himself forcibly recruited as a 19-year old, initially looked pensive and long-faced. He paid rapt attention while the Judge handed down the sentence. Suddenly, he burst out into wry laughter. Not surprisingly perhaps, Sesay's lead counsel, Wayne Jordash, told the BBC that he would appeal on each and every ground, and was visibly incensed by today's sentencing.

JORDASH: Entirely predictable. We expected nothing from this Trial Chamber. Let me put it straight: from beginning to end this has been nothing but a trial which is unfair. It is, in my view, the most unfair trial that I have ever seen in an international criminal tribunal. It's the most unfair trial that I have ever seen in a domestic jurisdiction. I'm shocked by the way in which the Prosecution were assisted by the Trial Chamber. I'm shocked by the way the Defence were inhibited by the Trial Chamber, and I'm shocked by the way that the judgment simply ignored every aspect of the Defence case.

FOFANA: The former commander of the RUF, Morris Kallon, was sentenced to 40 years in prison, while Augustine Gbao, another senior RUF commander, received 25 years. This is what the Presiding Judge, Pierre Boutet, gave as reason for the relatively lenient sentence for Gbao.

BOUTET: Whilst the crimes committed pursuant to the joint criminal enterprise for which Gbao has been convicted are vast and atrocious, it simply recognizes that Gbao's involvement within the overall scheme was more limited than that of his co-defendants. The Chamber considers his role as diminishing his responsibility for sentencing purposes.

FOFANA: All three men have already served five years in custody since their arrest in 2004 (sic). The man who recruited them all, Foday Sankoh, did not live to see the day. He died in custody.

It is not immediately clear where the three men, or the other five condemned persons, will serve their sentences. The Registrar of the Court, Herman von Hebel, told me that the Government of Sierra Leone had expressed concern over the men serving their jail terms in the country. He said they had already signed agreements with Sweden and Rwanda, but that nothing had yet been finalized.

Today's sentences mark the end of work of the Trial Chamber in Sierra Leone, as all attention now shifts to the trial in The Hague of the former Liberian President, Charles Taylor, who also faces war crimes charges – charges he has vehemently denied.

Voice of America

Monday, 6 April 2009

By Scott Stearns
Dakar

Former Liberian President's Lawyers Ask for Acquittal

Attorneys for former Liberian president Charles Taylor want a U.N. tribunal to acquit their client of all charges relating to his alleged involvement in Sierra Leone's civil war. Mr. Taylor is facing charges of war crimes and crimes against humanity including murder, rape, enslavement, and conscription of child soldiers.



AFP Photo

Mr. Taylor's counsel opened his defense asking judges to acquit the former Liberian leader because they say prosecutors have failed to prove their case against him.

While his lawyers concede that Mr. Taylor supplied arms and ammunition to rebels of the Revolutionary United Front, they say that support lasted only 18 months and ended long before the start of the Special Court's mandate to try offenses committed in Sierra Leone.

Defense lawyer Morris Anyah said that in order to convict his client, the court must find that he had direct intent, not recklessness or negligence, but the direct intent that his actions would lead to the commission of a crime.

Former Liberian President Charles Taylor sits in courtroom prior to hearing of witnesses in trial in The Hague, 08 Jan 2008

"That means Mr. Taylor must know that there is a substantial likelihood that what he is saying - recognize the junta, take over Kanu - there is a substantial likelihood that that would be manifested," Anyah said. "It is not on us to prove the evidence of that. The prosecution has to make the link. They have to bring the evidence."

Anyah told the three-judge panel in The Hague that prosecutors have not done so.

"Your honors, if you examine closely the evidence that has been presented and you examine the appropriate legal elements, you will find the evidence lacking," Anyah said.

Anyah questioned the testimony of several prosecution witnesses, including one who alleged that Mr. Taylor told rebel leader Foday Sankoh to go to Ivory Coast for peace talks in 1998.

"There has been evidence in this case that Foday Sankoh was arrested in 1997 and the he remained in custody of the Nigerians until July 1998 when he was transferred to the custody of the Sierra Leoneans," Anyah said. "And so you have a witness coming before your honors and saying that in 1998 Charles Taylor directed Foday Sankoh to go to the Ivory Coast. But Foday Sankoh was in prison."

Anyah says there is no doubt that terrible crimes took place in Sierra Leone, but he says prosecutors have not shown any evidence linking Mr. Taylor to the planning, instigation, execution, or aiding and abetting of those crimes.

The prosecution's 11-count indictment alleges the former Liberian rebel led the Revolutionary United

Front across the border and acted as their effective leader for much of Sierra Leone's 10-year civil war.

In his opening statement in June of 2007, chief prosecutor Stephen Rapp said Mr. Taylor was part of a joint criminal enterprise to control Sierra Leone's diamond wealth and topple the government in Freetown.

"The witnesses that we will call and the document that we will present will prove that the accused is responsible for the development and execution of a plan that caused the death and destruction in Sierra Leone," Rapp said.

The Freetown session of the special court jointly established by the United Nations and the government of Sierra Leone reached its final verdict in February. It found the three most senior surviving members of the RUF group guilty of murder, sexual enslavement, and attacks against U.N. troops.

Mr. Taylor's trial was moved to The Hague because of fears that his supporters might disrupt proceedings held in neighboring Sierra Leone.

The prosecution rested its case in February after hearing from 91 witnesses in just over a year.

Prosecutors are scheduled to reply to the defense request for "Motion for Judgment of Acquittal" on Thursday. Judges are expected to rule on the matter several days later.

Defense lawyers say that if their motion is denied and the trial continues, Mr. Taylor will be their first witness.

Voice of America
Wednesday, 8 April 2009

Sierra Leone Rebel Leaders Sentenced for War Crimes

By Scott Stearns
Dakar

Sierra Leone's war crimes tribunal has sentenced three former rebel chiefs to long prison terms for crimes against humanity.



Sierra Leone rebel commanders Augustine Gbao, left, and Issa Hassan Sesay as they appear in court at the U.N. backed Special Court for Sierra Leone in Freetown, Sierra Leone (File)

The interim leader of the rebel Revolutionary United Front, Issa Sesay, was sentenced to nearly 700 years in prison. But because the judge ordered that his separate sentences for 16 counts of war crimes and crimes against humanity be served concurrently, Sesay will be incarcerated for a maximum of 52 years.

That is the longest sentence handed down by the special court, which was established by the United Nations and the Sierra Leone government. The court can not impose the death penalty or a life sentence.

Former RUF commander Morris Kallon will serve a maximum of 39 years. Commander Augustine Gbao will spend 25 years in prison.

The three most-senior surviving members of the RUF were found guilty of murder, rape, sexual enslavement, attacks against U.N. troops and the use of child soldiers.

Kallon's lawyer, Charles Taku, denounced his client's sentencing.

"This is a travesty of justice," said Taku. "And I can also say that it is a complete mockery of international criminal justice."

Corinne Dufka, who directs West Africa operations for the U.S.-based group, Human Rights Watch, says the three men orchestrated the violence that left tens of thousands of people maimed as rebels cut off victims' arms, legs, noses and ears.

"They commanded troops that roamed the towns and villages and the Sierra Leonean countryside, committing some of the most unspeakable and horrific atrocities - from their signature atrocity of amputation to horrific sexual violence against girls and women," she said.

All three men were found guilty of so-called "forced marriage" - the first time that sexual assault verdict has been handed down by an international tribunal.

Alhaji Jusu Jarkah heads a group of Sierra Leonean amputees and war wounded.

"We are very much happy as victims," he said. "We see that the law has taken its course."

These are the eighth and last sentences by the Freetown session of the special court. Corinne Dufka of Human Rights Watch says it puts on notice current-day perpetrators of war crimes in Africa and around

the world that no one is above the law.

"In Sierra Leone, the eight people who have been convicted were really considered untouchable," added Dufka. "That was a very profound, well-ingrained perception among Sierra Leoneans that the big men simply got away with murder, mutilation, rape, massacres and other crimes. So I think that precedent has begun to be broken."

Dufka lived more than three years in Freetown during the civil war. She says the Special Court's work could have a profound impact on Sierra Leone's political future.

"I think the true test of whether the Special Court has had an effect will be the extent to which Sierra Leoneans today begin to hold their leaders and others accountable for different types of crimes," said Dufka, "primarily the bad governance and corruption, which, in fact, gave rise to Sierra Leone's brutal armed conflict in the first place."

The last defendant before the Special Court is former Liberian leader Charles Taylor. He faces an 11-count indictment for crimes against humanity, including, murder, rape and enslavement.

His trial was moved to The Hague because of fears that his supporters might disrupt proceedings in neighboring Sierra Leone.

Mr. Taylor's attorneys opened their defense this week by asking judges to acquit the former rebel leader because they say prosecutors have failed to prove their case against him. Prosecutors are expected to respond to the defense motion on Thursday.

If the motion is denied and the trial continues, Mr. Taylor's lawyers say he will be their first witness.

Sierra Leone's war crimes tribunal has sentenced three former rebel chiefs to long prison terms for crimes against humanity.



AFP Photo

Former Liberian President Charles Taylor sits in courtroom prior to hearing of witnesses in trial in The Hague, 08 Jan 2008

CBS News.Ca

Wednesday, 8 April 2009

UN-backed court sentences former Sierra Leone rebel commanders

A United Nations-backed court in Sierra Leone court sentenced three former rebel commanders Wednesday to jail terms ranging from 25 to 52 years for war crimes and crimes against humanity during the country's decade-long civil war.

Issa Hassan Sesay, Morris Kallon, and Augustine Gbao — the most senior surviving commanders of the Revolutionary United Front (RUF) — received total jail terms of 693, 340 and 327 years respectively, though the terms will run concurrently, according to Reuters.

Their uprising — over control of diamond fields in the eastern part of the country — triggered the civil war from 1991 to 2002, which saw rebels, including child soldiers, kill, rape and mutilate innocent villagers.

Their convictions in Freetown mark the world's first for attacks on peacekeepers and forced marriage. They were also convicted of recruiting child soldiers and other crimes.

They are the first three RUF rebels to be tried by the Special Court for Sierra Leone, which found them guilty on Feb 25.

Charles Taylor, former president of neighbouring Liberia, is on trial at a special sitting of the Sierra Leone court in The Hague for spurring his country's 1989-2003 civil war in return for diamonds from eastern Sierra Leone.

Daily Observer (Liberia)

Thursday, 9 April 2009

Taylor's Lawyer Puts up Strong Defense

THE HAGUE, The much publicized trial of Charles Ghankay Taylor, former President of Liberia, has reached a crucial stage at the United Nations backed Special Court for Sierra Leone, in The Hague, The Netherlands, with the former president's team of defense lawyers putting up what legal observers believed to be a strong defense.

For the benefit of our readers, we hereby present the key legal issues raised by the defense lawyers of Mr. Taylor, at the trial in Europe, as released on April 6, 2009 by www.Charlestaylortrial.org, an internet website.



Taylor is accused of exporting war to Sierra Leone

Charlestaylortrial.org

Monday, 6 April 2009

Defence Makes Oral Submission of No Case Answer

9:30am: The defence team for Charles Taylor today made an oral submission of no case to answer before the judges of Trial Chamber II. This submission, also known as Rule 98 submission is an oral argument put forward by the defence that the prosecution failed to present evidence or prove its case beyond reasonable doubt on all counts in the indictment that would warrant a conviction against Mr. Taylor.

The defence oral submission was made by counsel for Mr. Taylor, Mr. Morris Anyah, with Justice Richard Lussick presiding. In commencing his presentation, Mr. Anyah stated that he wanted to move the court to dismiss all charges against Mr. Taylor. He said that the prosecution evidence that has been presented to date does not support or was insufficient to warrant any conviction against Mr. Taylor. He said that the basis of his request had nothing to do with the crime base evidence that was presented by the prosecution as the defence has not disputed any evidence that crimes were committed in Sierra Leone. He said that the defence was in agreement with the prosecution that terrible things happened in Sierra Leone during the conflict. The problem, he informed the court, had to do with the linkage evidence presented by the prosecution. He informed the judges that during his submission, emphasis will be put on the mode of liability as required for the crimes charged and the issue of Joint Criminal Enterprise (JCE). He added that during the presentation of the prosecution's case, there has been a lack of evidence for the mode of liability required for the crimes charged.

Explaining the procedure that his submission would take, Mr. Anyah told the court that he will proceed in this order:

1. Factual Record.
2. Suggest approach that the court should adopt.
3. Indictment: To consider certain locations where no evidence has been led by the prosecution.
4. Review of Evidence.
5. Ask for the dismissal of the counts against the accused.

Mr. Anyah then moved to the discussion of the specific points above.

1. Factual Record: Mr. Anyah stated that from January 2008 to the conclusion of the prosecution's evidence, 91 witnesses testified against Mr. Taylor. He said that two prosecution witnesses, TF1-196 and 081 were withdrawn as prosecution witnesses and that a total of 473 exhibits have been tendered in court by both prosecution and defence teams. He referenced a few decisions that have been rendered by the Trial Chamber in the Taylor trial, including some on agreed facts and law in the trial.

2. Approach: Mr. Anyah stated that in making his submission, he would first articulate the law, citing the elements of the offences, and also articulate the respective modes of liability. Giving terror as an example, he said he would seek to explain whether said terror was part of JCE or Superior Responsibility.

3. Indictment: Mr. Anyah informed the court that he would seek to explain that no evidence was led by the prosecution for certain crime bases mentioned in the indictment. For example, in Count 1 of the indictment, Mr. Anyah explained that for the offence of burning as part of Acts of Terrorism in the Western Area, no evidence was led for certain crime bases mentioned in the indictment. These, he said, included Goderich, Kent, Grafton and Tumbo. He also explained that one of the witnesses who testified about alleged atrocities in the Western Area spelled the crime base 'Tombo' which was different from the 'Tumbo' as spelled in the indictment. Mr. Anyah stated that for lack of evidence for these crime bases, they should be stricken off the records. He also said that for

the crime of burning in Kono, the indictment mentions the crime base 'Wenededu' which was spelled in court as 'Wendadu.' For lack of evidence for the crime base 'Wenededu,' counsel asked that it be stricken off the records.

Under Counts 2-3, Mr. Anyah said that for the crime of unlawful killing in Kono, the indictment mentions a crime base 'Bomba Fuidu' for which no evidence was led by the prosecution. For unlawful killings in the Western Area, specifically 'Tumbu,' counsel said that evidence was led for 'Tombo,' not 'Tumbo.'

Referencing Count 9 of the indictment, which deals with recruitment of child soldiers, the prosecution alleges that this was done by the fighting forces throughout Sierra Leone. For the crime bases mentioned for which no evidence was led by the prosecution, counsel asked that the crime of recruitment of child soldiers should be stricken off as no evidence was led for these places. Counsel referenced a few other places in the indictment for which no evidence was led by the prosecution.

4. Modes of Liability

a. Planning: Mr. Anyah stated that paragraph 33 of the indictment delineates the modes of liability for planning. He referenced the Special Court Trial Chamber's case law that there were both preparatory and executory stages and that the level of participation in either stages must be substantial. He explained that the mens rea for planning must be a direct intent. He said that the prosecution has led very little evidence of planning against Mr. Taylor. He said that Witness TF1-371 testified that sometime in 1998, Sam Bockarie received orders from Taylor to maintain RUF hold on Kono. Mr. Anyah explained that looking at the elements of planning; the witness's testimony was not applicable to the preparatory and executory phases of the crime. He further referenced the testimony of another prosecution witness who testified that the 1999 invasion of Freetown was planned by the RUF. He said that the same witness later said that no senior RUF commanders were involved in the Freetown invasion but that the attack was undertaken by AFRC soldiers. Mr. Anyah emphasised that the said evidence was not capable of supporting a conviction. Mr. Anyah also referenced another witness's testimony that Superman received ammunition from Jungle, who in turn had obtained the ammunitions from Mr. Taylor for Operation Fiti Fata. Mr. Anyah said that such evidence does not apply to planning.

b. Committing: Mr. Anyah said that the element for committing required a direct and physical perpetration of the crime by the accused. He said that there is no evidence supporting the direct and physical perpetration of any crime by the accused.

c. Instigating: Mr. Anyah explained that the actus reus of instigating requires that the accused should have urged, encouraged or prompted another person to commit the crime and that the accused's act/commission must contribute substantially to the conduct of the perpetrator. Counsel referenced a witness's testimony that Mr. Taylor spoke to Johnny Paul Koroma via satellite phone and told him to capture Kono. Counsel said that this in itself does not have any substantial contribution to the conduct of the crimes in Kono. He referenced another witness's testimony that there was a meeting in Buedu during which Gen. Ibrahim Bar informed them that Mr. Taylor recognized the AFRC junta and advised them to capture Kono and build an airfield. He said the same witness had acknowledged to the Sesay defence team that he did not attend the said meeting. Mr. Anyah said that the law requires that there should be a causal link between the accused's act of instigation and the perpetration of the crime. He said that in this case, the said causal link was absent in the evidence. He also explained that the mens rea for instigation requires direct intent, not recklessness.

d. Ordering: Mr. Anyah referenced the Trial Chambers case law definition of this as a person of authority ordering a subordinate to commit an offence. He said that for this to happen, there must be intent and forcibility of the commission of the crime. He referenced a witness's testimony that Mr. Taylor ordered Sankoh to travel to Ivory Coast for peace talks in 1998 and that Mr. Taylor ordered that artillery to be sent to the RUF in Gbarnga in 1992. Mr. Anyah stated that it is a judicially noted fact that Sankoh was in custody in 1998 and was only transferred to Sierra Leone in 1999.

e. Aiding and Abetting: Mr. Anyah explained that there had to be assisting and encouraging for this to happen. He said that the actus reus for this requires the accused to have given practical assistance, encouragement and moral support which had a substantial effect on the conduct of the crime. He referenced the judgement in the CDF case

that aiding and abetting must be specifically directed, must have a substantial effect and must go to a certain specific crime.

Counsel referenced a witness's testimony that from 1991 to 1996, the RUF received arms and ammunition from the NPFL in Liberia. He, however, informed the court that during this period, the border between Liberia and Sierra Leone was closed for most of the time. He said that this was confirmed by prosecution witness Vamunya Sheriff and Moses Blah. The witness was also quoted as having said that sankoh travelled to Liberia to collect radios. This, counsel said, was not substantial to the perpetration of the crime. Counsel also said that the indictment period only covered crimes after 1996, not 1991 to 1996. Counsel also referenced testimony that Bockarie bought ammunition from Taylor in Liberia, using money obtained from Kono. This, he said, did not amount to aiding and abetting. He also referenced another testimony that SAJ Musa advanced to attack Freetown on his own volition and not on orders from Bockarie. He referenced the Trial Chamber I ruling in the RUF case that the Freetown invasion of 1999 was undertaken by the AFRC and not the RUF. Counsel further referenced another witness's testimony that Mr. Taylor held a meeting with AFRC soldiers in Liberia during which Johnny Paul Kormoa was present. He said that Taylor advised the AFRC soldiers to be united with the RUF. He said this meeting took place in May 1998. According to Mr. Anyah, the same witness said that he had no knowledge of Johnny Paul Koroma travelling to Liberia from May 1998 to August 1999. He also said he was not aware of any trade of diamonds between Johnny Paul Koroma and Charles Taylor.

Mr. Anyah explain that there is precedent in the CDF judgement to support that words of encouragement, moral support, provision of medicines, affirmation that actions are appropriate does not constitute aiding and abetting. He said that an aider and abetter must be aware of the perpetrator's intentions (the mens rea element). He said that the same principle has been upheld in various international tribunals.

f. Joint Criminal Enterprise (JCE): Mr. Anyah noted that there is a present application before the Trial Chamber on the issue of JCE and until the Chamber disposes of the application, he does not wish to discuss the details. He, however, raised questions about the JCE pleaded in the indictment against Mr. Taylor. He asked to know what the common purpose of the enterprise was and whether such JCE was done during the time period that falls within the court's jurisdiction. He said that to establish JCE, the accused must participate in the common design or purpose. He said that the mens rea element requires a shared intent by the parties to perpetrate the crime and then one party commits the said crime. He said the accused has to contribute to the enterprise and the crime which is foreseeable actually takes place. Referencing a decision from the ICTY, counsel said that the accused must take risk that such foreseeable crime must occur. Counsel referenced the Chief Prosecutor's opening statement in the trial that Sankoh and Taylor met in Libya in the late 1980s where they agreed to assist each other to capture political power in Sierra Leone and Liberia. Counsel said that while there are allegations that Taylor assisted Sankoh in Sierra Leone, no reference has been made to any assistance rendered by Sankoh to Taylor in Liberia, thereby fostering the agreement reached in Libya. Counsel then asked to know for how long and during what time period did the said JCE take place? He said that the Court's jurisdiction covers crimes committed from Nov. 30, 1996 to Jan. 18, 2002. He said while Taylor and Sankoh had their plans in Liberia, the coup of May 25 cannot be part of that plan. He said that prosecution has suggested that the purpose did not change but did not lead any evidence to bear out that common plan remained one and the same. He also said that while Sankoh was in custody, he had problems with Bockarie and so how would the meeting of the minds between Sankoh and Taylor transfer to Bockarie. He also asked how Issa Sesay could have become part of the same common plan. He said that for JCE to take place there must be a shared criminal intent of all the co-perpetrators. This, he said must be the same with Bockarie, Sesay, SAJ Musa, Tamba Brima, etc. According to Mr. Anyah, there is evidence that in attacking Freetown in 1999, SAJ Musa wanted to reinstate the Sierra Leone Army. If the parties acted with different intents and purposes, how Mr. Taylor can be responsible, he asked. He said the prosecution should lead evidence about the change of purpose. Counsel referenced several witness testimonies such as Taylor being kept abreast for issues in Sierra Leone. He referenced that another witness said that he did not see or hear any messages from Taylor to RUF about the Freetown invasion, while another said he did not hear of any transfer of arms or discussion of military strategy with Bockarie. According to another witness, Taylor met with the West Side Boys in Liberia and encouraged them to respect the Lome Peace Agreement. Counsel asked whether this gives any evidence of shared intent for JCE and whether this was not in conflict with Taylor's plan with Sankoh in Libya. Another witness said that when Sanko and Taylor met in Libya, there was a third person from Gambia and the three men agreed to assist each other in their respective countries. Counsel asked whether there was any evidence that said assistance was rendered to attack Gambia. He

said that noting the different purposes with which the various fighting forces attacked various places, like SAJ Musa wanting to reinstate the army, etc, the prosecution failed to establish the standard to prove that there was JCE.

g. Superior Criminal Responsibility: Mr. Anyah noted that the prosecution had alleged that Mr. Taylor held a position of superior responsibility and exercised control over the RUF, AFRC and Liberian fighters, that he knew or had reason to know that they had committed crimes or were about to do so but had failed to take measures to prevent or punish the commission of said crimes. He said that the prosecution had failed to prove this.

Legal Requirements: To prove superior criminal responsibility, there must be effective control to prevent or punish the commission of crimes and that the accused must have the ability to prevent or punish. Counsel asked whether Taylor would have had the material ability to prevent or punish criminal conduct of Superman.

On the abduction of UN peacekeepers, a witness testified that the former UN Secretary General Kofi Annan asked Mr. Taylor to secure the release of the abducted peacekeepers. He said that Mr. Taylor was in a dilemma; one was if he got involved, they would establish more links between him and the rebels, and if he refused to be involved, they would say he was obstructing the process. In either case, Taylor could not win, Mr. Anyah said.

Concluding, Mr. Anyah stated that every count in the indictment fails. He also said that while he would not push for the assessment of the credibility of some prosecution witnesses, he would seek that where the evidence is rife and inconsistent and can be regarded as discreditable; the judges could use their discretion to rule such evidence out.

Counsel then concluded his submission.

Presiding Judge, Richard Lussick thanked Mr. Anyah for his submission and noted that the prosecution would need to respond. Prosecution counsel Ms. Brenda Hollis informed the court that the prosecution will be ready to respond on Thursday April 9, 2009. The judges accepted this proposal and stated that the said response will take place at 9:30 on Thursday April 9, 2009.

Court adjourned.

United Nations  **Nations Unies**

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Complete Media Summaries
13 April 2009

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

Newspaper Summary

War Crimes Court Insists it has enough Proof to Convict Ex-Liberian Leader

(Daily Observer, The News, New Democrat, the Liberian Express)

- The trial of former Liberian President Charles Taylor continues in The Hague, where the prosecution on Thursday resisted a submission filed by the defense before the UN backed Special Court for Sierra Leone calling for the release of the ex-president. Reports said the prosecution insisted that evidences adduced in court are sufficient for the conviction of the ex-president who is on trial for war crimes allegedly committed in neighbouring Sierra Leone.

Liberian Government Automates Business Registry

(Daily Observer)

- The Government of Liberia (GOL) has announced the automation of business registration in the country. The GOL made the announcement in Monrovia last Thursday through the Ministry of Commerce and Industry (MCI) on Ashmun Street.
- The Commerce Ministry has also reduced from three to two, the number of signatures required by importers to obtain Import Permit Declaration (IPD). The Ministry has as well eliminated with immediate effect, the attainment of destination inspection permits (DIP) from MCI.

President Sirleaf Promises to Seek Solution to Immigration Problems facing US-based Liberians

(Heritage, The Informer, The Inquirer, Public Agenda, New Vision, The Analyst)

- President Ellen Johnson Sirleaf said Government will work along with immigration authorities to find a lasting solution to the immigration problem facing Liberians in the U.S.
- Over 3,000 Liberians living under the Temporary Protective Status (TPS) in the U.S. are faced with constant threat of deportation.
- An Executive Mansion release quotes the President as saying though her government welcomes the return of Liberians, their abrupt repatriation could undermine the economy.
- President Sirleaf spoke at the weekend at the distinguished Carlson Lecture series at the University of Minnesota.

Radio Summary

Star Radio *(News monitored today at 9:00 am)*

President Sirleaf Unsatisfied with 'Abrupt' Repatriation of Liberians in U.S.

(Also reported on Truth F.M., Sky F.M., and ELBC)

Reports Say Renew Violence Erupts at Guthrie Rubber Plantation

- There are reports of renewed violence at the Guthrie Rubber Plantation in western Liberia.
- According to the reports, workers went on the rampage Sunday destroying properties.
- It is not known what sparked the latest violence despite the presence of a new management team.
- The latest situation comes less than a month after similar violence led to the burning of a police station in the area.
- Information Ministry officials say Internal Affairs Minister Ambulai Johnson is leading a delegation to assess the situation in the area.

(Also reported on Truth F.M., Sky F.M., and ELBC)

LNP Launches Highway Patrol

- The Liberia National Police (LNP) today launched a vigorous highway patrol in the country.
- An LNP statement said the highway patrol comes in the wake of an increase in criminal activities across the country. The Police observed that criminals are now using major highways to unleash terror on peaceful residents.

(Also reported on Truth F.M., Sky F.M., and ELBC)

Truth F.M. *(News monitored today at 10:00 am)*

Ministry of Health Launches Programmes to Reduce Maternal Mortality and HIV/AIDS

- The Ministry of Health today launched series of programmes aimed at reducing maternal mortality and HIV/AIDS in the country.
- The Ministry in collaboration with its partners will shortly commence a nation-wide campaign to prevent maternal mortality and HIV/AIDS.
- Health authorities say during the campaign they will conduct malaria health facility survey to collect data about illness and death caused by malaria.

Inthenews.co.uk

Wednesday, 8 April 2009

The ultimate accountability

The conviction of former Peruvian president Alberto Fujimori is a historic moment not just for the country, but for the whole world.

It took 15 months for three judges to find Fujimori guilty of organising death squads which left 25 people dead.

Their verdict – guilty - is the first time a former democratically-elected head of state has been convicted by his own country of charges relating to massacres and kidnappings.

Human rights campaigners are well aware of its significance. "It's not every day when a former head of state is convicted for human rights violations such as torture, kidnapping and enforced disappearances," Amnesty International's observer at the trial Javier Zuniga commented.

"We hope that it's just the first of many trials in both Latin America and throughout the world."

The international attention on Fujimori's case is undoubtedly justified. His presidency in the 1990s successfully ended the Maoist Shining Path insurgency, but two-thirds of the 70,000 people killed during it died at the hands of the Peruvian armed forces.

Justice eventually came over the deaths of just 25 of them. Fifteen men, women and children killed by paramilitary group Colina and nine students and a university lecturer kidnapped and killed in 1992 were enough to seal a 25-year prison sentence.

That didn't matter. There is something utterly compelling about the prospect of a former head of state being held to account. It's the ultimate accountability: an individual previously endowed with powers now forced to pay for their crimes.

Such is its potency that the idea has even crossed over into fiction. High ratings figures for the Trial of Tony Blair, a Channel 4 drama based upon the idea that the former prime minister could be held accountable in law for the decision to go to war in Iraq, are testament to this.

Yet, for many, achieving that accountability is nothing more than a fantasy. Fujimori's conviction – which he announced today he plans to appeal – is unlikely to prompt a spate of similar prosecutions around the world.

For part of the reason Fujimori's case is so remarkable is because of how difficult it is for such trials to succeed and take place.

Saddam Hussein's fate reflects this perfectly. He was eventually hanged to death on December 30th 2006, three-and-a-half years after being ousted from power in Iraq. But the road from the presidential palace to the hangman's noose was not a smooth one.

His trials were disrupted again and again. The chief judge was removed after saying Saddam was not a dictator; Saddam repeatedly refused to attend; and three members of his defence team were killed. Eventually he was found guilty of crimes against humanity by causing the deaths of 148 Shia men in Dujail after a failed assassination attempt in 1982.

It could be said that Saddam was never really cooperating with the court. One man who did was Slobodan Milosevic.

The ex-Serbian president, after a brief brush with a UN tribunal, was sent to The Hague to be dealt with by the International Criminal Tribunal for the former Yugoslavia. It was a mammoth trial: charged with war crimes, Milosevic planned on presenting 1,200 witnesses after the prosecution spent two years completing its case.

He died five years after proceedings got underway. Many felt hugely frustrated that the man they believed was responsible for so much suffering had not been punished for his failings. It highlighted another weakness of such trials. Securing the conviction of a former head of state is not easy.

Which may be why the international criminal court has yet to secure one. Its chief prosecutor, Luis Moreno-Ocampo, has already spoken of his commitment to the rule of law, even in the rarefied atmosphere of presidential offices.

The case of Charles Taylor, the former Liberian leader, offers some hope for international prosecutors. His trial finally began last year after a lengthy campaign to get him brought to The Hague. He is accused of an array of crimes including rape, terrorism, mass murder and rape during the Sierra Leone civil war. Allegations are continuing to emerge as work continues against him.

Yet it is bringing the suspects to trial that often proves the most difficult aspect of the case. No more is this the case than when the indicted suspect remains in power.

The campaign against Sudan's president, Omar al-Bashir, is among the most tortuous the ICC has carried out. After issuing a warrant for his arrest on March 4th this year the ICC sat back and hoped he would be delivered to them. That hasn't happened just yet.

Bashir refused to "kneel" to the ICC and, only last week, made his fifth foreign trip in defiance. The Arab world's refusal to honour the court's demands is behind the problem; he even attended an Arab League summit in Qatar where leaders condemned the ICC's indictment.

The man many believe is responsible for war crimes in Darfur, where over 300,000 people are believed to have been killed since 2003 by government-backed militias, remains at large.

"Omar al-Bashir's destiny is to face justice," the ICC's chief prosecutor Mr Moreno-Ocampo said on March 4th. "It will be in two months or two years but he will face justice."

That faith is what drives him and his work; it's also what makes the conviction against Fujimori so powerful. Recent history shows how hard it can be to secure the justice sought by so many victims. When it is achieved, as in Fujimori's case, it's no surprise it makes the headlines around the world.