

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



Lumley Beach, from the Cape Sierra Hotel

PRESS CLIPPINGS

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

as at:

Thursday, 15 February 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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The News
Thursday, 15 February 2007

Special Court sensitizes market women

By Peter Hindolo Trye

Special Court for Sierra Leone outreach section in collaboration with the Sierra Leone Market Women has held a one day seminar for market women in the southern region.

Speaking in an interview with The News in Bo, the National Secretary General of the Sierra Leone Market Women, Marie Bob Kandeh said that the seminar is a nationwide programme for Freetown, Makeni, Kenema and Bo at

regional level.

The purpose of the seminar according to Marie Bob Kandeh was to move Special Court to the women who cannot be chance to witness the court.

She further said that the seminar targeted market

women because they suffered greatly during the civil conflict in Sierra Leone adding that some were sexually abused among several others. Therefore, she said the seminar was organized for them to know that the perpetrators are going to be punished for the wrongs they did to them during the war.

The News
Thursday, 15 February 2007

34,000 ammunitions discovered

By Zainab Kanu

A quantum of thirty-four thousand rounds of ammunitions has been discovered in Tongo in Kenema district east of Sierra Leone.

According to the Assistant Inspector General of Police (AIG) in charge of operation, Morrie Lengor, last Monday, during their usual work in the field, diamond miners dogged up a huge quantum of munitions and eventually

raised alarm. AIG Lengor went on to state that the issue was reported to the community police partnership board. The weapons according to the AIG included A.K. rifles, SLR rounds, without bullets, 7462 grenades.

The AIG maintained that

although there were no live bullets discovered they should not be seen or found in any community. He said a well coordinated search exercise in the vicinity where the weapons were discovered is still ongoing. AIG noted that Tongo is calm and quite despite the discovery.

FEATURE

Justice delayed is justice denied turned sour: the treason trial of Omrie Golley et al

By Allieu Vandi Kamara

It is now over a year since Omrie Golley and two others, Mohamed Bah and Kai Tombie, were arrested and charged with treason, a capital offence which bears the death penalty. Upon preliminary investigations in the Magistrates Court, the matter was committed to High Court No. 1 before Justice Samuel Ademusu.

However, since the matter was committed to the High Court, there have been a plethora of legal rigmaroles which have almost brought the trial to a standstill. The lead counsel for the Defence, Charles Margai, filed a motion on the 24th February 2006, to the Supreme Court to rule on the constitutionality of Justice Samuel Ademusu sitting on the case, who according to Mr. Margai, retired as a Judge in 1998 and is now on contract. Before the Supreme Court met on the 7th March 2006, he filed in another motion asking for the Chief Justice, Ade Renner-Thomas, to reclude himself from the decision to be taken on the motion against Justice Ademusu for discussing and forming an opinion on the motion outside court.

According to Mr. Margai, after the filing of that motion against Justice Ademusu, he received a letter from the Chief Justice through the acting Registrar of the Supreme Court dated 24th April 2006, addressing him that the matter would be heard after a panel had been constituted.

It however, took the Supreme Court 322 days to constitute a panel to sit on the motion contesting Justice Ademusu's eligibility to adjudicate on a proceeding as crucial as a treason trial involving no less a person than the former spokesman of the Revolutionary United Front (RUF). Like Justice Geoffrey Robertson, former President of the Special Court for Sierra Leone who was forbidden from hearing the cases of the RUF members after his impartiality was put to question by defence lawyers on the basis of what he had written about the rebels of the RUF in his book, *Crimes Against Humanity* published in 2002, the Chief Justice was also exempt from the decision on the motion against Justice Ademusu.

A panel of judges, presided over by Justice SCE Warne, subsequently met on the 11th January 2007, a day less of a year after the accused persons were arrested, to arbitrate on the motion against Justice Ademusu. Before the proceeding began in actuality, Mr. Margai made an application to the Bench to order the bringing of the accused persons who were noticeably absent in court. The application was granted and the three accused persons brought to court. However, there was a dramatic twist of event in the courtroom when Mr. Margai stood up and said that the Defence (himself and R.B. Kowa) was not going to proceed with the motion before the panel since all but one of the Justices were themselves retirees. He said that "it is my view that natural justice will be breached as the 4 Justices will have an interest in the matter to be determined" contrary to one of the tenets of natural justice – *nemo iudex causa sua*, meaning, you cannot be a judge in your own case. He went on to say that when a similar issue arose about the Chief Justice to reclude himself from the proceeding, he discuss himself. The Defence is of the impression that personal considerations may override the "superior interest of justice."

For the records, Mr. Margai further stated that the stance taken by the Defence was not an intention to delay the trial process because it was their clients who were suffering. But justice, he said "should, however, not be compromised in the name of speeding up trial."

Premised on the presumption of innocence until proven guilty according to law, persons charged with a criminal offence should be tried without unwarranted delay. In other words, the fate of accused persons should be determined within a reasonable time. This right is enshrined in Article 14(3) of the International Convention on Civil and Political rights (ICCPR) which require that trials on criminal charges take place "...without undue delay." The *raison d'être* for this provision is to ensure that the defense of accused persons is not jeopardized by the passage of inordinate amounts of time, during which witnesses' memories may weaken or become indistinct; witnesses may become inaccessible and other evidence may be destroyed or disappear.

It is also geared toward ensuring that the uncertainty which an accused person faces, compounded with the stigma attached when incriminated, regardless of the presumption of innocence, is not prolonged. Hence, the right to be tried without delay encapsulates the dictum that justice delayed is justice denied.

The guarantee of prompt trial in criminal proceedings has been seriously con-

travened in the trial of Omrie Golley *et al.* the issue is not so much about the accused persons being tried; they should be brought to book for what they were charged with and if proven guilty should face the full penalty of the law. The contention is, however, with the delay in hearing the motion of the defence. Mr. Margai filed the motion on the 24th February 2006 to the Supreme Court to arbitrate on the constitutionality of Justice Ademus to sit on the substantive matter. He only received a letter two months later from the Chief Justice through the acting Registrar of the Supreme Court that the matter would be heard after a panel had been put in place. That said, it took the Supreme Court 46 weeks to constitute the said panel to hear the motion. The concern here is that if the trial could not be proceeded within the absence of a decision on the motion by a panel free of contract judges, why did it take Supreme Court 11 months to form the panel? In some other jurisdictions, motions filed need no more than two weeks to be arbitrated upon by the court of arbitration. The delay is not only significant but also undermines the confidence reposed in the judiciary as an impartial arbiter or expeditious justice.

The necessity of expediency in criminal trials has not been realized in this trial. Over a year after their arrest, the judicial process has been excruciatingly slow. According to the Defence, an official evidential request to the Prosecution is yet to be acknowledged; there have been frivolous adjournments and decisions on constitutional motions have not been expedited. Although the trial is in progress at High Court No. 1 before the Judge in question, if however, a constituted panel rules against the Judge on the motion, his decisions will be *ipso facto* untenable. In other words, the whole trial process will be started again. Thus their right of freedom of movement and to be tried within a reasonable time as expressed in section 17(1) of the Constitution of Sierra Leone 1991 and Article 14 violated. Conversely, while Justice Ademus continues to preside over the matter, whatever verdict he delivers in the process has the force of law. If they are found guilty, they would be sentenced to death.

The right of the accused to be represented in all stages of criminal proceedings has been acutely compromised in this trial. The defence, since filing that motion almost a year ago contending Justice Ademus's eligibility has not been appearing before him on the matter. This is on the basis that an appearance would have undermined the motion filed against Justice Ademus. This notwithstanding, Golley and co. have been appearing in court in the absence of their counsel contrary to the UN Human rights Committee Report. The Report holds that in a case where the offence is punishable by death, that the interests of justice require that the case should not proceed if the accused is not represented by a counsel. The said Report also states that in a case where a court proceeds to try, convict and sentence to death an accused whose defence counsel had withdrawn, with the judge apparently rendering assistance to the accused, the accused's right to a fair trial had been violated. Omrie Golley, like the Special Court indictees, Hinga Norman and Issa Sesay, has been complaining about his deteriorating health conditions since his arrest over a year ago. However, unlike the two Special Court detainees who were recently airlifted to Senegal to receive medical treatment, Golley is yet to be treated in like manner. It is worth noting that, on the basis of the presumption of innocence, refusing Golley the opportunity to receive medical attention for his failing health constitutes an abuse as medical procedures are considered a routine. Also, the court made public Golley's medical report against his objection that it was against his personal dignity, contrary to international court rules which forbid public disclosure of medical information about the detainees under the privacy regulation.

According to Mr. Margai, after the filing of that motion against Justice Ademus, he received a letter from the Chief Justice through the acting Registrar of the Supreme Court dated 24th April 2006, addressing him that the matter would be heard after a panel had been constituted.

Credit: The Monitor official Newsletter of the Sierra Leone Court Monitoring Programme vol 20, January 2007

Standard Times

Thursday, 15 February 2007

What Is Criminal Law?

Criminal law also known as penal law is the body of statutory and common law that deals with crime and the legal punishment of criminal offenses. There are four theories of criminal justice: punishment, deterrence, incapacitation, and rehabilitation. It is believed that imposing sanctions for a crime, society can achieve justice and a peaceable social order. This differs from civil law in that civil actions are disputes between two parties that are not of significant public concern.

Criminal law in most jurisdictions, both in the common and civil law traditions, is divided into two fields namely, criminal procedure that regulates the process for addressing violations of criminal law and secondly substantive criminal law that details the definition of, and punishments for, various crimes.

The origin of criminal law in many countries is based on English common law. These, and other legal systems, are also influenced by early written codes, such as the Roman Twelve Tables.

However, the function of criminal law is intended to enforce social control by discouraging behavior that is harmful to societal well-being, as well as behavior that challenges the government's authority and legitimacy. Criminal law and punishments are designed to serve as a deterrent, helping to restrain behavior.

Pre-sentence Investigation

A pre-sentence investigation is a legal term referring to the investigation into the history of person convicted of a crime before sentencing to determine if there are extenuating circumstances which should ameliorate the sentence or a history of criminal behavior to increase the harshness of the sentence.

Such reports trace their origins to the efforts of prison reformer John Augustus who in the 1840s began a campaign to allow discretion in sentencing to help those who were deemed undeserving of harsh sentences and could be reformed.

The practice became firmly entrenched in the 1920s under a theory that crime was a pathology that could be diagnosed and treated like a disease.

What is a Criminal Law?

The reports are normally prepared by the government usually by the probation officer; in the case of Sierra Leone prison officers do the job. In the 1970s and 1980s, defense attorneys began also preparing such reports. This in turn has led to new laws taking away judge discretion and imposing mandatory sentences based on formulas of previous criminal behavior.

The basic information needed include:

- Identification data
- Family history
- Marital history
- Education history
- Employment history
- Economic data
- Military record
- Health history

- Substance abuse/use and any mental health history

- The relevance of the report

factual and legal issues for sentencing. Thereafter, if a defendant is incarcerated, the Prisons or State Department of Corrections will use such information to designate the institution where the offender will serve the sentence and determine the offender's eligibility or need for specific correctional programs. Also, depending on the jurisdiction, the pre-sentence information can be used to calculate the release date. The probation officer assigned responsibility for the offender's case during probation and supervised release will use the report to make an initial assessment of case needs and risks.

Additionally, the information may be used as a source for future research whereby

Probation officers investigate by interviewing and reviewing documents. Unless the defen-



Attorney General, F.M. Carew

or previous employers, school officials, doctors, counselors, and others. The diverse interview settings that probation or

merous agencies, previous probation or parole records.

When interviewing or reviewing documents, the officer must weigh the evidence based on the best available information. The final report must contain only accurate information. The objective basically is to produce a report that the court may rely upon at sentencing. Though, it is inevitable that there will be data that the officer(s) may be unable to verify, such information should be clearly identified. The officer is required to distinguish between facts and the inferences, opinions, or conclusions based upon those facts.

When a defendant is referred for a pre-sentence investigation, the officer must immediately begin to collect facts. Though the procedure varies from jurisdiction to jurisdiction, Sierra Leone may not be an exception to the rule. The officer usually conducts several aspects of the investigation concurrently and ensures that the pre-sentence information is submitted to the court on time. Since officers routinely conduct multiple pre-sentence investigations simultaneously, meeting the deadline sometime becomes difficult.

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During any investigation an officer may review numerous documents including: court dockets, plea agreements, investigative reports from numerous agencies, previous probation or parole records

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is to immediately help the court determine an appropriate sentence and also serves other purposes. Since the advent of sentencing guidelines, the importance of the pre-sentence information has increased because the document is now designed to frame

dant declines, the defendant is questioned in every case. Additionally, the officer should interview the defense counsel, the prosecutor, law enforcement agents who investigated the conduct that led to the defendant's conviction, victims, the defendant's family, present

prison officers encounter require them to be proficient in a variety of questioning techniques.

During any investigation an officer may review numerous documents including: court dockets, plea agreements, investigative reports from nu-

Awoko

Thursday, 15 February 2007

Massive search on at Tongo

Massive search of Arms and Ammunition is still going on in the diamondiferous town of Tongo field in the east of the country.

According to James Balema Samba who is the youth chairman for Lower Bambara chiefdom and also doubled as the field Assistant for UNDP programme Arms for Development.

Speaking to the Eastern based correspondent of this press by phone disclosed that from Thursday the 8th to the Saturday 10th February

2007 huge quantity of Arms and Ammunition has been discovered in a stream at a place called Niawama stream at Landoma six (6), Bomi section in Tongo field.

He further explains said up to the time of talking to this press 29,955 AK 47 riffle bullet, 648 of Anti Air Craft bullets, 76 magazines, 55 grenade launcher and one (1) hand grenade bomb were discovered from the stream.

He said the arms were discovered by a youth who alleged to have gone into the stream to take bath and fortunately stepped on the hard objects in the stream,

upon lifting it, he discovered it to be arms. He then went to the police and report about his ordeal.

Police wasting no time, together with the youths and other stake holders went into action in search of the arms, and they have been succeeding in discovering more everyday they go in search of it.

The arms are being raped in a plastic bag and put in a 50kg nylon rice bags.

The Arms for Development programme has make it known to the public that Lower Bambara chiefdom is arms free and that every one found in possession of Arms will account for it to the law. The programme has then put Arms collection boxes in all the seven sections of the chiefdom for those who are still in possession of Arms to deposit their Arms there at night. Three gums have been received so far from the box at Panguma and more is expected.

Tongo field has been the strong hold of the then RUF under the controlled of former Col Kailondo Banya, because of it mineral deposit.

It is believed that those Arms were deposited in stream and some buried

during their pull out. Half of the populations of Tongo field are EX-Combatant and some people go with the opinion the youth who discovered the Arms might have had some pre-knowledge about it.

There is now an arrangement in Tongo for people to provide their water bailing machines in other to dry the stream, which some authorities have approached the Koidu holdings company to help divert the stream so that more discovering can be made, the search is still in progress.

In Kenema, speaking over the local SLBS 93.5 FM, the local Unit commander at the Regional Police headquarter, Vincent Nabieu told his audience that there is no cause for the public to be alarm about the discovering because Tongo was the RUF strong hold no suspect has been arrested in connection of the Arms.

He assured the public that the police would do all it can to make the area Arms free zone. He appealed to the public to provide then with more information that will lead to more discoveries of Arms and Ammunition in their communities.

Awoko

Thursday, 15 February 2007

Martial law hindering help for wounded

President Lansana Conte imposed martial law in Guinea on Monday effectively blocking the few emergency agencies that were working to treat people wounded during one of the worst days of violence.

The Guinean Red Cross, which had been running the only ambulance service in the country during the protests in January and in the last three days, is now grounded by the curfew, Georg Cunz, head of the International Committee of the Red Cross (ICRC) delegation in Guinea said on Tuesday. "We are not able to operate today," said Cunz. "We are in negotiations with the army to try and get freedom of movement, but they have not yet agreed. We are all at home trying to find out what's happening," he said.

Cunz said 15 ICRC and Guinea Red Cross ambulances worked throughout the day in Conakry on Monday transporting hundreds of wounded to the city's dilapidated hospitals.

The Guinea Red Cross also operates in all 33 of Guinea's provinces. Following the widespread looting and fighting on Monday, Conte made an address on national radio on Monday evening, saying those protestors calling for his resignation were, "sending Guinea into civil war".

He said the army would impose a strict curfew and that civilians would only be

allowed to leave their houses between 4pm and 8pm. The military would also take control of all internal security, which is normally under the control of the police and gendarmerie, Conte said.

On Tuesday most of the streets in the capital Conakry and other towns were empty except for a heavy military presence. However in the morning there were some reports of clashes between youths and soldiers in some suburbs of Conakry, and later in the day in the provincial capital Labe in the centre of the country.

During the fighting on Monday, 245 wounded people arrived at Donka Hospital in Conakry, staff told IRIN. Media reports estimate that at least 20 people had been killed during the day.

Marie Jeanne Hautbois, head of the NGO Terres des Hommes, which is working to support Guinean staff at Donka, said conditions at the hospital are difficult but functional.

"The main problem is that most staff live in the suburbs and it's very difficult for them to come to work now," Hautbois said.

"The situation is difficult but the medical teams gained a lot of experience during last month's violence and have made preparations to organise themselves," Hautbois added.

However conditions in

smaller hospitals in Conakry and elsewhere in the country could be worse, she said.

Guinea's hospitals are so run down that Guineans usually rely on their families to bring them food and to shop for drugs and even the surgical equipment doctors need to treat them. Family members are often called on to donate blood for their relatives.

Many of the wounded at Donka came unaccompanied and are being treated with medical kits and supplies relief organizations provided during and after January's violence, Hautbois said.

Also on Tuesday, the UN World Food Programme (WFP) said that 550 metric tonnes of food worth more than US \$350,000 was looted on Saturday and Monday from WFP warehouses in Labe and Kankan, and the WFP's representative in Kankan had been evacuated to Mali after stone-throwing youths attacked the WFP compound. WFP had suspended its operations in Guinea the week earlier, a statement said.

The US Embassy flew a plane with 25 non-essential embassy staff and expatriates from Conakry to Dakar on Tuesday, but in a public alert to its citizens resident in Guinea said it was not conducting an evacuation.

The Trumpet
Thursday, 15 February 2007

Massive Troop Movement at Salone/Guinea Border.

By M.R. Kamara Forces mainly soldiers, Daru axis heading
Trucks loaded with were seen in large towards the kailahun,
Sierra Leonean Security numbers in the Kenema- *Contd page 7*



Massive Troop Movement at Salone/Guinea Border.

From front page

Koindu border with Guinea. The movement which started on Monday 12th February with backing aircraft alledged to have come from Freetown to help patrol the border area reportedly caught the attention of the people of the said two districts. The IMATT team present in Kenema followed along in the whole operation according to eye witness report.

This action by the Sierra Leone Government has been describd by many in both Kenema and Kailahun as a response to the present crisis in the Neighbouring Republic of Guinea. Eyewitnesses say that Refugee situation is already evident in the Towns and villages around the border. The number of refugees' according to unconfirm report from Kailahun says is swelling at the border but are reportedly denied access the Guinean Forces to cross over to Sierra Leone.

When contacted the Public Relations Officer of the Ministry of Defense Mr. Adolphus Samuel, he reported sick and cannot confirm anything. He referred us to one Captain Murray but efforts to contact him proved futile.

Special Commentary

Why Events in Guinea Concerns Sierra Leone

Since the labour union inspired popular uprising in Guinea started few weeks ago, many Sierra Leoneans have not been at rest regarding the safety of their brothers and sisters or fellow compatriots in Guinea. The close bilateral, cultural and geographic relations between the Mano River Union Countries which constitute Liberia, Sierra Leone and Guinea is so deep that many people consider that events in Guinea can easily make spill-over effects into this country. The relationship is deep seated to the extent that some tribes in Sierra Leone find themselves at both divides of the border. The Susu, Fullah, the Mandingo and Kissi share both countries and the only perceived differences at the border is the British and French colonial boundaries that were drawn as well as the French and English national languages.

This was why at the beginning of the 14 years civil disorder that shook Liberia over the years, late President Joseph Saidu Momoh of Sierra Leone, Gen. Ibrahim Banbangida of Nigeria were at the vanguard to motivate other ECOWAS leaders to tame Charles Taylor's rebel movement, through a peaceful resolution of the Liberian conflict. Sierra Leone, Guinea and Nigeria went a step further by convincing other leaders to assemble troops in Freetown for training. The soldiers from Nigeria, Guinea, Sierra Leone, Ghana and Gambia became the nucleus of the West African Peace Keeping Force (ECOMOG). After the Military training exercise at Benguema near Freetown, ECOMOG troops set sail from Freetown to the Liberian capital Monrovia in 1990. This is one reason why President Ahmad Tejan Kabbah has indicated in Freetown that contrary to what people are saying that the Government of Sierra Leone has remained silent on the current situation in Guinea, he is in full touch with the Guinean authorities with the aim of finding a peaceful resolution to the crisis.

Indeed many observers view that the situation in which Guinea finds itself nowadays has some similarity to the Liberian situation in the early 1990s. President Samuel Kanyon Doe was like a wounded lion who did not actually know how to find his way out of the labyrinth. He was so confused that he wanted less to do with any form of ECOWAS mediation at the initial stage of the conflict. Doe felt that ECOMOG interference was tantamount to compromising Liberian sovereignty and territorial integrity.

Today less than twenty years later President Lansana Conte seems engulfed in a similar plethora of security and political problems. The fact is that Guinea is sitting on a loaded time bomb that can explode at any moment. It appears that the possibility of a long drawn rebel war is imminent if only the dissidents can find the right leadership and have access to arms and ammunition to enable them wage war on the government.

Reports from Guinea indicate that Guinean troops have been deployed throughout Conakry and the country's principal towns since the declaration of a State of Emergency on Monday. The repressive measures applied by Conte's regime have been receiving widespread condemnations from the international community including from the UN Secretary-General Ban ki-moon and the European Union. This has obliged the Guinean Army Chief of Staff General Kelfalah Camara to make a slight reduction of curfew hours as a sign of moderation.

One speculation is that President Conte has requested the intervention of Guinea Bissau troops since he has personal friendship with the Bissau President Nino Vieira, something that will not be pleasing to Guinean soldiers.

There are also reports that Conte has made an alliance with the estranged wife of ex-Liberia rebel leader Sekou Dabate Corneh known as Madam Isha Corneh who controls a large number of Liberian ex-LURD rebels to help him out.

Whatever arrangement that may unfold President Conte should realize that out of the crisis experience gained in Liberia and Sierra Leone the only way forward for the resumption of normal life will be a multilateral peace keeping force from the UN, ECOWAS or the African Union.

For di People

Thursday, 15 February 2007

Guinea: An African Solution To An African Problem

GUINEAN PRESIDENT, Gen Lansana Conte has declared a state of emergency following the decision by citizens of that country to demonstrate against his over 20 years of military rule in the country after he came into the political front following a coup.

by

ERNEST BRIMA

He is known to have interfered into the running of the country's judicial organ by marching into the state prison and released a close friend of his who was sentenced after he was found guilty on corruption charges.

Prior to that, there were attempts to assassinate him coupled with the illness he has been going through and since all attempts failed to get him, he was then often referred to as the man with seven lives. But what has happened in that country just shows how the people's power is supreme which demands adherence to the dictates of those you



CONTE:sick and infirmed but still clinging to power



GUINEA SOLDIERS: killing civilians for protesting a Conte step-down govern as a leader. Conte has been one of those living Presidents in Africa to have 'enjoyed' the power of dictatorship even as most Africa countries have moved from the one party mentality to the so-called democracy as in the case with Sierra Leone.

The decision by Conte to instruct the army to restore peace and order in

a signal that his days are numbered especially so, when even the press has been muzzled because he even instructed that the military keeps a close eye on the press. Sorie Ibrahim Koroma of the then APC attempted to fight for political power even at the point of illness and the end result we all know. Power is given to the politician by the people and so if the voice of man is

the voice of God, then these could well be the last days for Conte

There could be a way out of this problem especially if the leaderships of the Manor River Union, Ecowas and the African Union sit around the table and think of giving an African solution to the problem. As stated by the leader of the opposition party in Sierra Leone, Ernest Bai Koroma,

it is high time the sub-regional organizations intervene instead of waiting for the last minute when thousands of innocent civilians would have lost their lives in the hands of a murderous regime.

Our president, Tejan Kabbah could be very instrumental in that direction because he is the next-door neighbour to Conte. As Kabbah is on the verge of exiting the political scene in the country, his intervention in solving the Guinea crisis would be a plus to him even though, there isn't much he has done at home. The AU under John Kuffor, should be seen showing the organization's concern to the problem. Conte is not bigger than the country and the sub-regional organizations to which he is a member. The people are tired of him and the MRU and Ecowas leadership must tell him this.

It is said that you can fool some people sometime but you can't fool all the people all the time. The wishes of the people must be listened to. It is no gainsay that if that conflict continues unabated, there is the greater possibility for a spill-over effect to Sierra Leone and Liberia,

countries that have just returned from civil war. In the Sierra Leonean context, there is the youthful population that is completely in preparedness to cause another mayhem to this nation.

Just listen to their lyrics, 'man dem nor gladio!' Quite recently there was an incident at Cole farm where police officers had a confrontation with youths and you can imagine youths in the east-end of the city who might have prayed for such an incident to have occurred in the east. With the spate of armed robbery on the increase, there are lots of guns not handed over by our fighting brothers and sisters in the jungle.

The opposition has raised the issue up and it would be in the interest of national peace and security that Kabbah and all those con-

cerned do something. Even as am writing this piece, the Yenga conflict is still unresolved which could be a determinant factor to any spill-over effect. This was how it all started in 1991 when a civil conflict broke out in Liberia. Our borders were open and there was no con-

trol mechanism put in place by the Momoh regime at the time rebels gained access into the country from the south

Our West African brothers like Obasanjo of Nigeria must play a role in trying to avert that country sending his men to die in Sierra Leone again should there be another conflict who must therefore help provide an African solution to the problem and that could be a step forward. The demands of the people are in place for they cannot continue to be under a system that is repressive, undemocratic, and above all, one that could not bring about development of the people, with an inflation rate sky-rocketing,

The behavior of Conte shows the attitude of the African leader who is so selfish and greedy that all he thinks about, is not for those he is governing but for close friends and relatives, and this I want to believe, was not the dream of late Kwame Nkrumah when he was preaching the philosophy of

African unity.

The gun has no place in our society as far as political power is concern. Democracy should be given a chance in Guinea and that could be achieved when our leaders think of an African solution to an African problem.

Patriotic Vanguard website

Wednesday, 14 February 2007

http://www.thepatrioticvanguard.com/article.php3?id_article=1011

The Special Court's Push for an Unfair Advantage for the Prosecutor

"Indeed, the preceding evidence clearly shows that the Court has bent backwards to allow the Prosecutor to manipulate the proceedings to win guilty verdicts against the three Civil Defense Force defendants. In doing so, however, the Court has also exposed the fact that the Prosecutor has no case. Indeed, to turn one of the Prosecutor's statements upside its head, it would be "ridiculous" to find the three "accused guilty of the crimes for which they stand trial," and they should be "acquitted.""

By Abdul Karim Bangura & Sami Gandy-Gorgla

The Policy Sciences Research Section of the Sierra Leone Working Group

From the first day of the proceedings of the Special Court for Sierra Leone, the Prosecutor has been given an unfair advantage to win guilty verdicts and convictions in the case against Chief Samuel Hinga Norman, Moinina Fofana and Alieu Kondewa. The proceedings of the closing arguments were not different. The following are some examples for our assertion.

First, Rule 86 of the Court's Rules of Procedure and Evidence stipulates that after the presentation of all evidence, the Prosecutor shall and the defense may present a closing argument. In essence, while the Prosecutor is mandated to offer a closing argument, the Defense can do so if, and only if, it chooses to do so. One must wonder why both the Prosecutor and the Defense were not given the same mandate, as it is not uncommon for a Prosecutor to forgo a closing argument, if s/he believes that doing so would serve no worthwhile purpose. This seems to be the case for the Prosecutor in the case against the Civil Defense Force defendants, as the Prosecutor has not been able to prove his case.

Second, because the Chamber was not advised as to the methodology of the third accused, it was assumed by the Bench that his methodology would follow the sequence, thematic or otherwise, as indicated in the final trial briefs of all three men. Is this not the same Court that in the beginning of the trial rejected the plea by the accused that they be given a consolidated and proper indictment?

Third, the Prosecution team was granted leave to file two annexes to the final trial brief some six days after the final trial brief by the Defense team contrary to Rule 86 (B) which states that "A party shall file a trial brief with the Trial Chamber not later than 5 days prior to the day set for the presentation of the party's closing argument." Is this not a case of the Prosecutor breaking his own rule? It is quite obvious that the Prosecutor who has overwhelming financial, human and technical resources in his possession could not put his case together on time. Again, the reason for this is that he has no case; thus, he must continue to scramble past his own deadline to make up a case.

Third, the Presiding Judge had a document addressed to the Court and certified by Raymond Ewing, a detention officer, which read that the first accused would not attend court on the day of the closing arguments for reasons which he, the first accused, would only disclose to the judges. The Prosecutor, however, submitted, and the Court agreed, that the Trial Chamber could conclude that the first accused had waived his right to be tried in his presence because the document was not signed. At least three questions can be raised on this issue. First, why could a detention officer trained by the Court certify a letter that was not signed? Second, why would the Trial Chamber

agree with the Prosecutor's argument that the first accused had waived his right to attend court for closing arguments when it is expressly stated in the letter that he would like to talk to the judges? Third, how did the judges know that the letter is from the first accused when they had already rejected it on the ground that it was not signed?

Finally, the Prosecutor noted that the Civil Defense Force was not illegal, considering its aims of restoring the democratically elected government. Nonetheless, he argued that he should use uncorroborated evidence against the defendants, and the Court agreed with him. How can the Court be perceived to be fair if it allows the Prosecutor to use evidence that has not been proven in the proceedings?

Indeed, the preceding evidence clearly shows that the Court has bent backwards to allow the Prosecutor to manipulate the proceedings to win guilty verdicts against the three Civil Defense Force defendants. In doing so, however, the Court has also exposed the fact that the Prosecutor has no case. Indeed, to turn one of the Prosecutor's statements upside its head, it would be "ridiculous" to find the three "accused guilty of the crimes for which they stand trial," and they should be "acquitted."

UNMIL Public Information Office Media Summary 14 February 2007

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

International Clips on Liberia

Ban Ki-Moon Urges Donors to Help Liberia Continue Path toward Stability

Washington, DC, Feb 14, 2007 (UN News Service/All Africa Global Media via COMTEX) -- Drawing on his own firsthand experience growing up in the war-torn Republic of Korea, United Nations Secretary-General Ban Ki-moon today said that Liberians, who are working to consolidate peace and democracy from the ashes of a devastating 14-year civil war, should look ahead to a brighter future with the assistance of the international community. "Liberia is fast emerging as a pillar of stability in the region," Mr. Ban said in a statement delivered in Washington, D.C. by his Special Representative for Liberia, Alan Doss, at the Liberia Partners' Forum, a high-level donors' conference.

U.S. Cancels Liberia's Debt, But Billions Pending

By Emad Mekay

Washington, Feb 14, 2007 (Inter Press Service/All Africa Global Media via COMTEX) -- Liberian President Ellen Johnson-Sirleaf gained major ground in a campaign to cancel her country's debts with the announcement Tuesday that Washington will write off some 358 million dollars in debts incurred by Liberia's previous undemocratic regimes. Some U.S. lawmakers, non-governmental organizations and the World Bank are lining up behind calls for other major creditors to follow suit, since the country's total external debts are estimated at 3.7 billion dollars.

International Clips on West Africa

BBC Last Updated: Wednesday, 14 February 2007, 11:26 GMT

Toxic waste deal won't halt case

A British law firm representing victims of a toxic waste incident in Ivory Coast says it will not halt its group action case against a Dutch company. The law firm says it will also bring a second case on behalf of businesses and individuals who lost their livelihoods. On Tuesday, Trafigura said it would pay \$198m (£102m) to the Ivorian government for a clean-up and an inquiry. Ten people died and many fell ill after waste was shipped to Abidjan and left around the city in August 2006.

Local Media – Newspaper

African Development Bank to Revive Liberia's Water Sector

(Daily Observer, The Informer, The Inquirer, The News, The Analyst and The Forum)

United States Drops Liberia's Debt

(Daily Observer, The Informer, The Inquirer, The News, The Analyst and The Forum)

US Planes Set for Routes over Liberia

(Daily Observer, The Informer, The Inquirer, The News, The Analyst and The Forum)

World Bank Asks Multinational Financiers to Waive Liberia's Debt

(Daily Observer, The Informer, The Inquirer, The News, The Analyst and The Forum)

Opposition Party Applauds United States for Dropping Liberia's Debts

(Daily Observer, The Informer, The Inquirer, The News, The Analyst and The Forum)

Local Media – Radio Veritas *(News monitored today at 9:45 am)*

African Bank Announces Plan to Revive Liberia's Water System

- Correspondents said that African Development Bank (ADB) President Donald Kabaruka announced at the Partnership Forum for Liberia in Washington D.C. that the Bank would help to revitalize the water and sewer system of Liberia because it attaches great importance to supply of water and the rehabilitation of the sewage system in Monrovia.

(Also reported on ELBS and Star Radio)

United States Declares Debt Waiver for Liberia

- United States Secretary of State Dr. Condoleezza Rice declared at the Partnership Forum for Liberia in Washington D.C. that America was cancelling Liberia's debts of US\$391 million under the highly indebted countries category and added that the debts burdened the Country's reconstruction efforts. She also announced that President George Bush asked the United States Congress to provide more than US\$200 million in additional aid to Liberia for 2007/2008 fiscal year.

(Also reported on ELBS and Star Radio)

United States Airlines Resume Flights to Liberia

- Speaking at the Partnership Forum for Liberia in Washington D.C., United States Secretary of States, Dr. Condoleezza Rice announced that plans were underway for American airlines to resume direct commercial flights to Liberia to restore the people-to-people relationship between Liberia and the United States. She added that the Governments of Liberia and United States would sign the Open Skies Agreement to allow business and economic activities to flow between the two Countries.

(Also reported on ELBS and Star Radio)

Opposition Leader Hails United States for Cancelling Liberia's Debts

- The Standard-bearer of the opposition Congress for Democratic Change, Mr. George Weah who also attended the Partnership Forum for Liberia in Washington D.C., hailed the United States Government for cancelling the US\$391 million Liberia owed the US which he thought was a way forward in the recovery process of Liberia and in furtherance of the long standing relations between Liberia and the United States.
- Mr. Weah entreated other nations to follow the footsteps of the United States by waiving the Country's debts. He praised the Government for inviting him to the Forum and called on other opposition politicians to positively engage the Government to sustain the peace.

(Also reported on ELBS and Star Radio)

World Bank President Asks Financiers to Waive Liberia's Debt

- World Bank President Paul Wolfowitz called on international financial and multilateral institutions to make Liberia's debt waiver an urgent priority.
- Speaking at the Partnership Forum for Liberia in Washington D.C., Mr. Wolfowitz called on the International Monetary Fund, African Development Bank and the World Bank to urgently agree to waive the debts totalling US\$3.7 billion as it was unacceptable for a country of only three million people to carry such a debt burden, accumulated during years of armed conflict.

(Also reported on ELBS and Star Radio)

Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpah at karpah@un.org.

Reuters

Thursday, 15 February 2007

Liberia must do more to punish war crimes - Amnesty

MONROVIA (Reuters) - The perpetrators of hundreds of thousands of cases of rape, torture and sexual abuse are living unpunished in Liberia more than three years after the end of a civil war, Amnesty International said on Thursday.

The rights group said the government of President Ellen Johnson-Sirleaf, installed as Africa's first elected female head of state just over a year ago, must do more to bring those responsible to justice if the country was to recover.

"Many women are forced to live near their attackers -- passing them on the streets and in the markets -- fearing that their abusers will never be brought to justice," Amnesty International said in a statement.

The report comes as donors meet in Washington to discuss aid to Liberia to help it rebuild after its 1989-2003 war. The United States pledged to cancel \$391 million in outstanding debt on Tuesday and urged others to do the same.

Amnesty said at least 60 percent of the population was estimated to have suffered some form of sexual violence during the conflict, which devastated the once prosperous country's infrastructure and killed more than 200,000 people.

A Truth and Reconciliation Commission (TRC) was sworn in a year ago, tasked with investigating human rights abuses during the war, in which armies of drugged child soldiers led by ruthless warlords mutilated and raped as they fought.

While the commission has powers of subpoena and can recommend prosecutions, it does not have a mandate to convict individuals, meaning it can only play a limited part in bringing the perpetrators of war crimes to justice, Amnesty said.

Failure to punish those found to be guilty would prolong the distress of victims and potentially prevent them from seeking reparations, the rights group said.

"The government has made no formal plans for providing reparations to the hundreds of thousands of victims of rape, torture or sexual violence or to children who were forced to enlist in army groups," the statement said.

"As a result, victims have been left to suffer without official acknowledgement of the crimes committed against them or assistance to rebuild their lives."

Amnesty International

Thursday, 15 February 2007

Press Release

Source: Amnesty International (AI)

Date: 15 Feb 2007

Liberia: Truth, Justice, Reparation for Liberia's victims

Introduction

Ellen Johnson-Sirleaf, the new president of Liberia, took a strong stand against impunity when she asked Nigeria to send back former President Charles Taylor on 25 March 2006.

Charles Taylor's subsequent transfer to the Special Court for Sierra Leone is an important step forward in the fight against impunity in Africa. Amnesty International believes that Charles Taylor's transfer should set the stage for Liberia to tackle its own problem of impunity and to ensure that the thousands of persons who have committed crimes under international law during Liberia's 14-year conflict be brought to justice. As Liberia's recent history suggests, the failure to address violations of international human rights and international humanitarian law in the past has helped perpetuate civil conflict and further abuse.

Liberia ratified the Rome Statute of the International Criminal Court (Rome Statute) on 24 September 2004 but to date, the Government has not taken steps to implement obligations under that treaty into national law. The significance of prosecuting those suspected of war crimes and crimes against humanity is widely recognized in Liberia by both civil society and members of the government. Furthermore, the UN Secretary-General's 2004 report on the rule of law and transitional justice in conflict and post-conflict societies recognized this obligation. It recommended that governments, in consultation with their civil societies, develop an overall strategic action plan to address past human rights violations. These recommendations have been reinforced in the second rule of law report issued in 2006.

Even though the Truth and Reconciliation Commission (TRC), established by the Comprehensive Peace Agreement (CPA), started work in June 2006, there are significant gaps in the Liberian government's overall strategy to redress past violations of international human rights and international humanitarian law. Liberia's decimated national judicial system is a major obstacle. It suffers from a severe lack of sufficiently qualified personnel, low level of professionalism, resources and salaries for judges, prosecutors, and lawyers, and lack of jurisprudence. Few people in Liberia have access to or confidence in the justice system.

Prisons and police detention facilities are overcrowded, and most of the inmates are detained without charge or trial, in violation of international law. Without legal aid services in place, few detainees and defendants have access to lawyers to represent them, as they can not afford to pay the high fees required.

To date there is no consensus on the numbers of suspected perpetrators of war crimes and crimes against humanity, who or how investigations for individual prosecution will be carried out, no victim and witness protection unit has been established, nor has it been determined which judicial mechanism will prosecute any of the alleged perpetrators. It is also unclear if, when, and what type of reparations may be granted to victims.

Amnesty International appreciates both the political and practical challenges of addressing impunity in Liberia. On the political front, at least four Members of Parliament (MPs) have had sanctions imposed against them by the UN Security Council because of their ongoing ties with former President Charles Taylor, and some MPs are alleged to have perpetrated human rights violations themselves.

Passing appropriate legislation in Congress to bring all perpetrators to justice in Liberia will be a major challenge.

Amnesty International recognizes the commitment made so far by the Liberian Government, the UN and donors, which is laid out in a recently endorsed confidential UN/Government Joint Rule of Law strategy paper and a copy of which has been obtained by Amnesty International. Wide-ranging reforms are proposed for the judicial sector, including constituting a Law Reform Commission to ensure that civil and criminal law meets international law and standards.

However this strategy does not lay out a comprehensive approach to redressing past human rights violations. In addition it is a matter of concern that the report remains confidential and was not drafted in a transparent manner in close consultation with civil society contrary to one of the key recommendations made in the UN Secretary General rule of law report.

The CPA has made provisions for police and army reforms, and the disarmament, demobilization, rehabilitation and reintegration (DDRR) of all soldiers. The rationale for these measures are considered a form of reparation as they aim to ensure that victims will not be subjected to future crimes. Reforms aim to bring civilian control to security forces and the police. Likewise the rationale behind DDRR programs are to disarm, rehabilitate, and reintegrate former combatants so that they are no longer a threat to society. These reparation initiatives however are limited in that they target those formally active in the conflict but do not provide any direct benefit for Liberia's many victims.

Donors and international organizations have provided funds for commemorations and memorial services. So far, however, the Government has not made any formal reparation plans. International law and standards are clear that it is the state's duty to ensure that victims receive reparations. Existing donations from international organizations and the international community cannot replace the government of Liberia's primary obligation to ensure the right of victims to a remedy and reparations.

In May-June 2006 discussions took place between Amnesty International researchers and a wide range of actors in Liberia: suspected perpetrators, such as ex-commanders of armed opposition groups, and those loyal to former President Charles Taylor's government; victims of rape and sexual violence; children under 15 conscripted or enlisted into fighting forces; survivors of massacres; torture victims; internally displaced persons and members of civil society. They all revealed their expectations that the Government should take steps to redress past violations. While many thought the TRC was an important beginning point largely they expressed the importance of prosecuting the suspected perpetrators of war crimes and crimes against humanity. Both the UN Secretary General's 2004 and 2006 report on the rule of law and transitional justice in conflict and post-conflict societies recognized this obligation.

Amnesty International believes the most important step now is for the government to develop, in a transparent manner and in close consultation with civil society, a long-term comprehensive plan to ensure that those suspected of involvement in crimes under international law are brought to justice in trials that meet international fair trial standards, that the truth about the crimes is established and victims and their families receive full reparations.

The present report *Liberia: Time for Truth, Justice, and Reparation for Liberia's Victims* is divided into four parts:

Part I provides an historical overview of Liberia's first conflict, which lasted from 1989-1996, leading to a re-emergence of conflict and human rights violations in 1999.

Part II highlights the crimes under international law which were carried out during the 14 year conflict and sets out the Liberian Government's international legal obligations to redress past violations of international human rights and international humanitarian law.

Part III uses the framework of truth, justice, and reparation found in international law to highlight the steps taken so far to fulfil these obligations. It highlights the current gaps and highlights the steps needed to ensure that more is done to redress past violations and abuses and provide reparation.

In **Part IV** Amnesty International urges the Government of Liberia, in consultation with civil society and with support from the UN and the wider international community, to devise and implement in a transparent manner, a long-term comprehensive action plan for investigation, prosecution, redress and reparations.

The long-term strategic action plan should be initiated by the government, in close consultation with civil society, and should take the following key steps:

- Continue to provide sustained logistical and financial support to the TRC;
- Implement the substantive provisions of the Rome Statute of the ICC, Commission Against Torture (CAT) and International Coalition for the Protection of All Persons from Enforced Disappearances in domestic law, criminalizing genocide, war crimes and crimes against humanity, and enabling their investigation and prosecution by Liberian authorities;
- Investigate crimes under international law and, where sufficient evidence exists, prosecute individuals in trials that meet international fair trial standards;
- Establish a victims' and witnesses' unit;

The Inquirer (Monrovia)

Wednesday, 14 February 2007

War Crime Advocate Arrested

By Sebo Daniels

The Government of Liberia has confirmed the arrest of Mr. Mulbah Morlu head of a group calling for the establishment of a war crime court in Liberia.

Confirming his arrest yesterday, the Solicitor General of Liberia Cllr. Tiawon Gongloe said Mr. Morlu was arrested by the National Security Agency (NSA) for security reasons.

He said Mr. Morlu was arrested along with one person but failed to give the name of the person.

In a brief chat with the INQUIRER, yesterday at the Justice Ministry, the Solicitor General explained that he has received credible information that Mr. Morlu was the brain behind recent mobilization of some group of citizens who stormed the Unity Conference Center in Virginia outside Monrovia in solidarity with the embattled Speaker of the House of Representative Mr. Edwin M. Snowe Jr.

Cllr. Gongle reiterated that it is an open secret now that Morlu has close link with the purported group that went to the Unity Conference Center recently displaying placards of all kinds of slogans against the removal of the embattled Speaker.

He said such action on the part of Mr. Morlu poses security threat to the state, something which he said the Government.

Cllr. Gongole said the Government of Liberia has taken note the action by Mr. Morlu and others and is monitoring the motive behind the action.

However, the Assistant Secretary General of the Congress for Democratic Change (CDC), the political party Mr. Morlu Belongs said they are concerned for manner in and form in which Mr. Morlu was arrested.

Mr. Gray told the INQUIRER that "our major concern is that he is a Liberian and without a warrant of arrest or an invitation he was picked up put behind bars. This is unfortunate."

The CDC Assistant Secretary said "we look around for almost 24 hours to relocate only to find out that he was at the National Security Agency (NSA).

He said while at the NSA, they (CDC) officials learnt that Mr. Morlu was arrested for incitement but it was also gathered that he was questioned on his advocacy for a war crime court in Liberia.

"We are calling on government to provide an explanation as to why he should be detained without a warrant of arrest. Really, we want government to refrain from arresting people in such a form and manner. It was done clandestinely and if they have a case against Mr. Morlu he should be charged and send to court immediately" Mr. Gray said.

The CDC Assistant Scribe said, "we do not want a repeat of the Charles Taylor government when people were being picked up and put behind bars or flogged"

Justice Initiative

Wednesday, 14 February 2007

Press Release

Corruption Allegations at Khmer Rouge Court Must be Investigated Thoroughly

New York, February 14, 2007—Corruption allegations levelled at Cambodian judges and court officials at the Extraordinary Chambers in the Courts of Cambodia (ECCC) must be investigated thoroughly, fairly, and quickly, the Open Society Justice Initiative said today.

Cambodian financial operations at the ECCC are the subject of ongoing external investigation. Serious allegations that Cambodian court personnel, including judges, must kick back a significant percentage of their wages to Cambodian government officials in exchange for their positions on the court are undermining the credibility of the ECCC. The alleged entanglement of money, political favors, government officials, and judicial officers heightens fears that the Cambodian judges are subject to government interference and cannot act independently. These allegations, if proven, would severely undercut the legitimacy of the ECCC, the court established to try senior leaders and those most responsible for the crimes of the Khmer Rouge.

"Donors, the international community, and the Cambodian people have the right to know that money entrusted to the ECCC is being spent transparently and honestly," said James A. Goldston, executive director of the Open Society Justice Initiative. "If these allegations of corruption are confirmed, it would strip the ECCC of its integrity and undermine its ability to provide accountability for mass crimes."

According to ECCC Director of Administration Sean Visoth, an audit of human resources practices on the Cambodian side of the ECCC by an international accounting firm has been commissioned by the United Nations Development Programme (UNDP)—the UN body holding funds in trust for international donors.

"The court's most precious resource—public confidence—is at stake," said Goldston. "Too often in Cambodia's recent history, allegations of corruption in the use of public funds have been swept under the rug. This malign neglect must end. The audit must be completed swiftly and its findings released publicly."

In addition, the ECCC should immediately implement further measures to combat corruption and protect the court's independence and transparency.

According to the Justice Initiative, these additional measures should include:

- greater transparency in hiring procedures for Cambodian staff and improved human resource management;
- placement of an independent full-time financial monitor within the ECCC itself; and
- creation of a "whistleblower" mechanism which would alert donors if corruption concerns resurface and protect those who come forward with information.

Furthermore, the Group of Interested States—the informal organization of donor nations working with the court—should create a mechanism capable of exercising effective oversight of the court's administrative and financial practices, and should demand more regular and public accounting of the court's expenditures.

Voice of America

Wednesday, 14 February 2007

<http://www.voanews.com/english/2007-02-14-voa78.cfm>

Four People Killed Under Guinea's Martial Law

Four people have died in Guinea, as the West African nation endures a second day of martial law imposed to break up anti-government protests.

The four were killed overnight in suburban Conakry, as security forces enforce a total crackdown on protests against President Lansana Conte.

Citizens are banned from leaving their homes most of the day since Mr. Conte declared a state of emergency Monday.

The top U.N. official for human rights, Louise Arbour, said there are serious allegations that Guinea's security forces are breaching international standards on the use of force.

More than 100 people have been killed in clashes between police and protesters since the start of this year.

United Nations Secretary-General Ban Ki-moon says he deplores the loss of life, and he expressed grave concern about the worsening political situation in Guinea.

The demonstrations follow a general strike called by labor unions to protest Mr. Conte's rule. Labor unions went on strike last month to protest widespread poverty under Mr. Conte, who has been in power since a coup 23 years ago.

The unions suspended their strike earlier this month, but resumed it again Saturday after the president chose a close ally, Eugene Camara, as prime minister. Opposition parties wanted an independent politician to fill that post.

BBC Online

Thursday, 15 February 2007

Europe diary: Denying war crimes

BBC Europe editor Mark Mardell on a German attempt to criminalise Holocaust-denial across Europe, and the next steps to be taken in the life cycle of the proposed EU law limiting CO2 emissions from cars.

AN IMPRISONABLE OFFENCE

The Germans, who are the current holders of the EU presidency, are very keen to bring in a Europe-wide law making it an imprisonable offence to deny genocide or war crimes. So, it would become a crime to deny the fact of the Holocaust, the Rwandan genocide or the Yugoslav war crimes. Or would it?

On first reading, it is clear enough: the proposed law says "publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes" must be punished. But there is a "but". A key clause says that a crime is only committed if there is a threat to public order. The British government hopes to use this to avoid bringing in a new law.

Diplomats argue that Britain's tough rules against crimes motivated by racial hatred would cover such offences.

WHITER THAN WHITE

One who will be celebrating is the man who was sentenced to three years in prison by an Austrian court for genocide-denial.

Historian David Irving now thinks he might have been wrong about the Holocaust, but told me: "Germany... is trying to dictate terms but it's really a political tactic. It's what Germans call a *Persilschein*, which is a Persil certificate to prove that they are thinking decently now.

"And they can't do that at the expense of the other European nations and they can't do that at the expense of free speech. I will be the first person in this country to go out into the street and try to break the law. Because I think it's a silly law and silly laws need to be exposed as such."

A NEW SET OF CIRCUMSTANCES

Most Jewish organisations in the UK don't want a new law. A panel of lawyers and distinguished experts, which looked into the question of introducing a holocaust-denial law in the UK in 1999 agreed with the government line that what we had was enough.

But now the man who chaired the panel, the lawyer Anthony Julius, has had second thoughts.

"Times have changed. At that time Holocaust denial was the plaything of cranks, impotent cranks. People who could represent no real threats to Jews or others," he tells me.

He goes on: "Since then, the president of Iran has made a series of potentially lethal interventions into global political life, both sponsoring Holocaust-denial and calling for the destruction of the state of Israel. Now that combination creates an entirely new set of circumstances - meaning that the German proposal should be taken very seriously. "The legal tradition in this country has been very heavily biased in favour of free speech, and that is a good thing, but I think that we need to recognise the changed political circumstances and give much more consideration to the German proposal than we might otherwise be inclined to."

It's the European Commission's third bash at getting some sort of law on racism on the books and it's been weakened along the way, dropping for instance, plans to outlaw the swastika everywhere in the EU.

There are doubtless pros and cons of having what amounts to a Europe-wide law, but what is the point of having such laws that member states can ignore?

Each member state shall take the measures necessary to ensure that the following intentional conduct is punishable: 'publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes...'



David Irving: Having second thoughts about the Holocaust



Anthony Julius: Second thoughts about Holocaust-denial law