

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



**PRESS CLIPPINGS**

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

**as at:**

Friday, 16 November 2007

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

### Local News

Defence Refutes Prosecutions Witnesses' Evidence / *Awoko* Page 3

AFRC Appeals / *Cotton Tree News* Page 4

### International News

Sierra Leone "Blood Diamonds" and the Blood Diamond Merchants / *The Patriotic Vanguard* Pages 5-6

Sierra Leone Faces an Era of Hope / *The Maxim News Network* Page 7

UNMIL Public Information Office Media Summary / *UNMIL* Pages 8-12

UNMIL Report Highlights Challenges Facing Liberia's Juvenile Justice System / *UNMIL* Page 13

Stay the Course in The Hague / *Stabroeknews.com* Pages 14-15

### Special Court Supplement

The Presidential Inauguration, in Pictures / *PAO* Pages 16-18

Awoko

Friday, 16 November 2007

## Defence refutes prosecution witnesses' evidence

By Betty Milton

The defence counsels for the appellants of the Special Court in their submission have refuted certain evidence adduced by prosecution witnesses against the three Armed Forces Revolutionary Council (AFRC) accused persons.

In his submission on behalf of the first appellant Alex Tamba Brima, the lead counsel Kojo Graham said in certain crime base areas like Karina and Bonoya the witnesses failed to give evidence on these attacks.

The defence counsel maintained that like ordering the attack on Karina, the appellant was in Kailahun when Karina was attacked as this was rebutted by a

prosecution witness TF1-334.

Another witness TF1-184, the lawyer told the court, was offered money and other essential favours "which influenced him to give evidence against my client."

Mr Graham further told the Chamber about incentives received by some potential prosecution witnesses like financial allowances and promised relocation outside Sierra Leone.

Submitting on the number of jail term for his client, the counsel said "50 years was excessively harsh for the first appellant and was not in consonance with the sentencing practice in International Criminal Tribunal for Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) respectively."

Lawyer Andrew Daniels on

behalf of the second appellant Ibrahim Bazy Kamara submitted that on the allegation of the killing of five girls in Karina in the Bombali District, the evidence was made with inconsistencies.

Mr Daniels submitting on the credibility of the witnesses said some of the witnesses only testified "to incriminate my client."

The counsel rebutted crimes of enslavement in the findings of the Trial Chamber that Ibrahim Bazy Kamara was part of the planning process of the attacks, aiding and abetting of crimes in Bombali and Freetown the evidence adduced by witnesses TF1-134 and TF1-184 were made with inconsistencies "while the former narrated the presence of Kamara during the invasion of the four areas, the latter exonerated him as absent and these were insiders with military background."

## Court refuses to allow seizure of Charles Taylor's personal archive

Judges in the war crimes trial of Charles Taylor have refused to allow the seizure of the Liberian president's personal archive, despite the possibility that it contains documents implicating Taylor in atrocities in Sierra Leone.

At a hearing Tuesday at the U.N.-backed Special Court for Sierra Leone, Presiding Judge Julia Sebutinde said prosecutors had given no valid reason for the documents to be seized.

Prosecutors argued that the archive likely contains documents that would incriminate Taylor, who is charged with arming and supporting rebels who murdered thousands of civilians and hacked off the limbs of thousands more during Sierra Leone's 10-year civil war, which ended in 2002. Taylor has pleaded innocent.

Sitting in court Tuesday in a dark blue suit and yellow tie, Taylor looked relaxed, sometimes chatting and laughing with his lawyers. He is being tried in The Hague because of fears that

holding the case in Sierra Leone could re-ignite violence there.

In a motion, prosecutors argued that it was "highly probable that the accused's personal archives' contain relevant material which will materially assist the prosecution case. But judges who are to restart Taylor's trial on Jan. 7, rejected the request as too vague, saying it "has all the hallmarks of a fishing expedition." In a written ruling, judges said prosecutors had "not identified the information sought, nor even described it by its general nature."

## Cotton Tree News

Wednesday, 14 November 2007

### **AFRC Appeals**

By Ndeamoh Mansaray

The Appeals Chamber of the Special Court for Sierra Leone began hearings on the three former Armed Forces Revolutionary Fighters. Making a submission of nine grounds of appeal against the final trial judgments, Dr. Christopher Staker, who appeared for the prosecution, submitted that the trial chamber in relation to all grounds of appeal should include findings of additional criminal responsibility on the part of the convicted persons or to record additional convictions. He said they are asking that if necessary, the appeals chamber remake the case to the trial chamber for further findings of facts on specific matters.

Commenting on the first ground of appeal which was in relation to crimes committed by the AFRC in the Bombali / Freetown axis, the prosecution submitted that the three accused were responsible for the planning and instigating of the crimes committed in those areas. He said for that, the criminal responsibility was significantly greater than what was found by the trial chamber. Responding, the defense team in their submission argued that there was no evidence or proof that the accused committed those crimes and so should not be held liable for them.

## The Patriotic Vanguard

Thursday, 15 November 2007

### Sierra Leone "Blood Diamonds" and the Blood Diamond Merchants

By Ahmed Ojullah Bangura, UK.

‘Blood diamonds’ are precious stones that are illegally and immorally used to fuel conflict in many resource rich countries. These stones are either smuggled or are part of legitimate diamonds exported to international markets. They are used by individuals, groups or rogue political elites in countries that believe in greed and lack moral esteem.

These categories of people have caused so much mayhem in many resource rich African countries through exchange of these diamonds for arms. Some of the acts committed as a result of this trade are not only unimaginable but also unforgettable. After years of brutal civil war fuelled by these blood diamonds, attempts have been made to bring some of the perpetrators to justice for crimes against humanity. But the dispensation of justice seems to be selective and subjective.

Sierra Leone is one of the countries worst affected by more than a decade of brutal civil war that left many raped, hundreds maimed, thousands killed, and tens of thousands displaced. Ironically, the war was fought under the pretence of fighting against corruption and bad governance.

But unfortunately, what many Sierra Leoneans witnessed and experienced was a ‘paradox of war’. The war which was hoped to alleviate the then prevailing political, economic and social malaise in the country ended up bringing more hardship, brutality, greed, and more indicators of war.

Many diamond dealers, businessmen, and politicians took advantage of the collapsed state of affairs of the political system to provide security and social services. Eventually Sierra Leone was left at the mercy of ‘blood money’ individuals referred to as ‘Blood Diamond Merchants’. These are business cronies who seek illegal trade in diamonds and sometimes evade taxes on the trade that provoked and sustained conflict and destruction in Sierra Leone.

As a result of the colossal human suffering inflicted on the people of Sierra Leone, justice was needed to send the chapter of the war to the past. But this attempt is viewed as conspiracy and an indication of double standards. Those who have been tried for their role in the conflict look like scapegoats in my view. They face justice now while many more who aided the war in similar circumstances walk like diplomatic freemen.

It is a fact that Charles Taylor never fought as a rebel soldier in Sierra Leone but he is on trial for allegedly aiding the RUF/SL during their reign of terror. Like Charles Taylor, Libya’s Muhammad Khaddafi was accused of training the core of the RUF in Libya; whilst Ivory Coast became a safe haven for the late RUF leader Foday Sankoh, and Burkina Faso became a transit point for arms and mercenaries under the auspices of both heads of states.

It is apparently justifiable that the political leaders of these countries played diabolic roles during the senseless brutal war in Sierra Leone. Unequivocally, there are other individuals who traded arms for diamonds and even facilitated shipment of these arms from Western and former Soviet states to kill Sierra Leoneans of all ages, sex and status. The pivotal reason for the behaviour of these ‘Blood Diamond’ Merchants was solely for our precious diamonds. They never had the moral act to take prudence decision for the sake of humanity and avoid the catastrophe that befalls our beloved land.

But what is perplexing to me is that why is Charles Taylor the only non-Sierra Leonean (Blood Diamond Merchant) to face trial for heinous crimes associated with our diamonds?

He, like many others, aided the RUF diabolically. The Heads of State of Ivory Coast and Burkina Faso, and Libya, facilitators of arms from European countries to Sierra Leone, should also be held accountable for their actions.

Academic writers and environmental groups have always pointed at the role of 'Blood Diamonds' in Sierra Leone's darkest days. None of them is questioning the role of the merchants who traded in the very diamonds they refer to as 'blood diamonds'. Can diamonds train mercenaries? Can diamonds kill? Can diamonds travel to Liberia, Ivory Coast, Burkina Faso, Libya or reach the international market in exchange for arms? Who were responsible? Was Charles Taylor the only one to answer for his role in Sierra Leone's brutal war?

This is not justice. The history of the brutal war will be incomplete if we fail to bring to justice other 'Blood Diamond Merchants' (Africans and Europeans alike) in the conflict, who for immoral reasons aided and abetted the 'war of untold stories'.

## Maxim News Network

Wednesday, 14 November 2007

### **Sierra Leone Faces an Era of Hope**

The Secretary-General has extended his warmest congratulations to President Ernest Bai Koroma, on his inauguration as President of Sierra Leone.

In a message delivered by Assistant Secretary-General for Peacebuilding Support Carolyn McAskie, he also congratulated the country's people on a peaceful and transparent electoral process.

He added that Sierra Leone faces an era of hope; its people are looking to their new Government to consolidate peace, ensure sustained economic growth and heal ethnic and national wounds. The road ahead will not be easy, he said, but the United Nations stands ready to provide continued support, including through the Peacebuilding Commission.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

---

## **UNMIL Public Information Office Media Summary 14 November 2007**

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

### **International Clips on Liberia**

#### **President Sirleaf And Nigerian President Hold Talks in Abuja**

Nov 13, 2007 (Liberia Government/All Africa Global Media via COMTEX) -- President Ellen Johnson-Sirleaf and entourage have returned home from a two-day visit to the Federal Republic of Nigeria.

### **International Clips on West Africa**

#### **Act now on corruption, injustices, Sierra Leone's new leader urged**

DAKAR, Nov 14, 2007 (AFP) - Human Rights Watch (HRW) on Wednesday urged Sierra Leone's newly elected leader to act fast and in a concrete manner to stem human rights problems and rampant corruption bedeviling the country. In a letter on the eve of President Ernest Bai Koroma's official inauguration following elections in September, HRW said the country has made little progress to address the issues that were at the core of the brutal civil war which ended in 2001.

#### **Sierra Leone ex-rebel commanders appeal against sentences**

FREETOWN, Nov 13, 2007 (AFP) - Three ex-rebel chiefs jailed for up to 50 years for war crimes in Sierra Leone on Tuesday appealed against their sentences and convictions, a day after prosecutors said the sentences were too lenient. Tamba Brima, 35, and Santigie Borbor Kanu, 42, were in July sentenced to 50 years and Brima Kamara, 39, to 45 years for a series of war crimes committed during the country's decade-long civil war which ended in 2001.

### **Local Media – Newspaper**

#### **IMF Takes Measures to Clear Liberia's Debt**

*(Daily Observer, The Inquirer, The News, New Democrat, Heritage, National Chronicle and The Informer)*

- A statement issued in Monrovia yesterday said the Managing Director of the International Monetary Fund (IMF), Dominique Strauss-Kahn on have announced that the IMF has secured sufficient financial pledges from member countries to allow the Fund to provide debt relief to Liberia.

#### **Drug Agency Identifies Drug Cartels in Monrovia Suburb**

*(New Democrat and Heritage)*

- The Drug Enforcement Agency (DEA) has identified 200 drug cartels in the Paynesville community and named an alleged Nigerian drug trafficker identified as "Lagos Man" as the major supplier of narcotics in the country.



- Speaking to reporters, the Drug Enforcement Agency, Chief of Operation, Col. Sebastian Gibson declared "Lagos Man" as wanted and said all is being done to arrest him for recently bringing into the country 31 kilograms of heroine and cocaine valued at US\$845,000.00.

### **Alleged Murderer of Chinese Woman Pleads Insanity**

*(New Democrat and The News)*

- State lawyers Tuesday filed a motion to dismiss arguments by defense counsels into the murder proceedings of Chinese craft expert, Jiang Chongyu that the defendant, Mohammed Konneh is insane until proven through psychiatric test. The State lawyers represented by Montserrado County Attorney, Samuel Jacobs said they cannot in anyway condone mere speculation by the defense counsels that the alleged murderer was insane prior to and after the commission of the crime.
- In his ruling, Judge Charles Williams of Criminal Court "A" give the prosecution counsels 5 days to arrange a psychiatrist test in consultation with defense lawyers to determine whether defendant Konneh is insane or not.

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

#### **Government Charges former Finance Minister Economic Sabotage**

- Correspondents said that former Finance Minister Lusene Kamara and four others including his former Deputy Minister of Administration, Mr. Togbe Doe have been indicted and charged with Economic Sabotage by the Government having accused the former National Transitional Government of Liberia officials of misusing over US\$3m and LD\$11m (Liberian dollars) from the State coffers during tenure. The accused have reportedly filed a criminal appearance bond of more than US\$7m.

*(Also reported on ELBS, Star Radio, SKY FM and Truth FM)*

#### **Police Suspended and Charged with Theft**

- Police sources said that Mathew Wallace, Mathew Wongba and Chris Doe of the Liberia National Police have been suspended from office and charged with theft of property for their alleged role in the stealing of US\$25,000 from a Korean businessman in September.

*(Also reported on ELBS, Star Radio, SKY FM and Truth FM)*

*Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpeh at [karpeh@un.org](mailto:karpeh@un.org).*

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

---

## UNMIL Public Information Office Media Summary 15 November 2007

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

### International Clips on Liberia

#### **New UN Report Calls for Strengthening Juvenile Justice System**

Nov 14, 2007 (UN News Service/All Africa Global Media via COMTEX) -- Liberia's juvenile justice system, which like most institutions in the country suffered significantly during the country's brutal 14-year civil war, needs to be strengthened to ensure that the legal rights of children are upheld, the United Nations said today in a new report. The latest quarterly report on the human rights situation in Liberia, released today by the UN mission there - known as UNMIL - outlines a broad range of human rights concerns, with a particular focus on the challenges facing the West African country's juvenile justice system.

#### **US hail IMF-Liberia debt slashing deal**

WASHINGTON, Nov 12, 2007 (AFP) - US President George W. Bush welcomed a landmark debt reduction deal between the International Monetary Fund (IMF) and Liberia as a victory for his administration, his spokeswoman said Wednesday. The United States, with the Group of Eight industrialized countries and the IMF, World Bank and African Development Bank "worked hard to secure the funding necessary for 100 percent multilateral debt relief," said Dana Perino.

### International Clips on West Africa

#### **Thousands gather for new Sierra Leone president's inauguration**

FREETOWN, Nov 15, 2007 (AFP) - Thousands poured into Sierra Leone's main stadium Thursday for the inauguration of President Ernest Bai Koroma, elected in polls seen to have turned a page on the West African nation's brutal past. Dignitaries from Africa and further a field are also due to attend the ceremony, including President Laurent Gbagbo of Ivory Coast, Abdoulaye Wade of Senegal, Blaise Compaore of Burkina Faso and Yahya Jammeh of Gambia. The United States will be represented by Assistant Secretary of State for African Affairs Jendayi Frazer while France will be sending Secretary of State for Foreign Affairs and Human Rights Rama Yade. Sierra Leone's former colonial power Britain will be represented by Valerie Amos, the European Union's envoy to the African Union and the first black woman to sit in the British cabinet. Koroma, 53, a leader of the opposition All People's Congress, won a second round election against former vice president Solomon Berewa in September.

VOA 11/15/2007 04:06:47

#### **Ivory Coast: Ivory Coast President agrees with US reconciliation push**

Section: Regional News - An official spokesman for Ivorian President Laurent Gbagbo has said the president believes political leaders from across the spectrum must work together in order to guarantee lasting peace in the country.

The comment follows a recent visit by U.S. Deputy Secretary of State John Negroponte, who says much of his time in Ivory Coast was spent encouraging authorities to work transparently and collectively to implement a March peace accord. Phillip Wellman reports for VOA from Abidjan.

## **Ivory Coast starts construction on second oil refinery**

ABIDJAN, Nov 14, 2007 (AFP) - Ivory Coast on Wednesday started construction on its second oil refinery, which will have a processing capacity of 60,000 barrels a day (bpd). "Ivory Coast is not yet a large oil producer, but we will be," President Laurent Gbagbo said. The refinery will "strengthen our position and ensure that our needs will be covered", he added.

### **Local Media – Newspaper**

#### **President Johnson Sirleaf Admits Problem in Finance Ministry Report**

*(National Chronicle, The Informer, The News, New Democrat, Heritage and The Parrot)*

- Speaking yesterday during her regular phone-in programme "Conversation with the President", President Ellen Johnson Sirleaf acknowledged problems with the Finance Ministry's Fiscal Out-Turn Report for 2006/2007 and said the excessive spending noted in the report is not possible with the Cash Management Committee in place. The report shows that some government ministries and agencies have expended above their budgetary allotments.

#### **Telecom Sector Regulators Vow to Keep Illegal Service Provider Shut**

*(Daily Observer, The Inquirer, The News, New Democrat and The Informer)*

- Addressing a news conference Wednesday, the Chairman of the Liberia Telecommunications Authority (LTA), Albert Bropleh said that the action to close down the West African Telecommunications (WAT), Incorporated remains unchanged until the Company goes through the appropriate procedure to secure a valid and recognized frequency to operate.
- Also speaking at the new conference yesterday, LTA Commissioner Lamini Waritay stated that the operations of WTA had security implications, alleging that the company brought in radio frequency equipment that scanned the entire frequency spectrum and could enable it to tap on other communications including those on national security.

#### **UNMIL's Human Rights Report Raises Juvenile Justice Issues**

*(Heritage, The Inquirer, The News, New Democrat, The Informer and Liberian Express)*

- The United Nations Mission in Liberia has released its fifth quarterly report on the human rights situation in Liberia, with particular focus on the Judicial System in the country. The report covering the period February to April 2007 outlines a broad range of human rights concerns especially with regards to Liberia's Juvenile Justice System.

#### **Road Construction Work Kicks Off Tomorrow**

*(National Chronicle and The Informer)*

- President Ellen Johnson Sirleaf says the Jallah Town road which has been under reconstruction for several weeks will open to the public tomorrow as the commencement of the road construction work in the country begins with the Tubman Boulevard.

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

#### **Monrovia Schools Give Government Ultimatum to Pay Salary Arrears**

- In a statement issued in Monrovia yesterday, teachers of the Monrovia Consolidated School System gave the Government of Liberia 72 hours to pay in bulk some 10 months salary arrears and transportation allowances.

- The Association expressed regret over the lack of interest in the welfare of public school teachers by Government as teachers because most Liberians consider teachers as the least even though they are the ones who are responsible to mould the minds of the youths.  
(Also reported on ELBS, Star Radio, SKY FM and Truth FM)

#### **Rubber Workers Embark on Strike Action in Bong County**

- Correspondents said that a disagreement has erupted between workers of the former Weala Rubber Company (WRC) and the new management of the Salala Rubber Corporation (SRC) in Bong County. The workers are contending that they are entitled to severance pay from the former employer, the WRC while reserving the right to be hired by the new employer, the SRC especially that they have been informed that the SRC has taken over the Plantation including its assets and liabilities.

(Also reported on ELBS, Star Radio, SKY FM and Truth FM)

#### **Bad Roads Hinder Commercial Activities in Lofa County**

- According to *Daily Observer* reporter Edwin Fayiah , deplorable road conditions are compounding the hardship being faced by people in Lofa County. He said that vehicles using the Ganta-Zorzor highway get stranded in thick mud for days or weeks causing the prices of goods and services to increase. However, he said that UNMIL engineers in the area were intervening by filling the terribly bad spots of the road with crush-rocks.

(Also reported on ELBS, Star Radio, SKY FM and Truth FM)

*Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpeh at [karpeh@un.org](mailto:karpeh@un.org).*

Press Release, 14 November 2007

UNMIL/PIO/PR/135

**UNMIL Report highlights challenges facing Liberia's juvenile justice system**

**Monrovia, Liberia** - The United Nations Mission in Liberia (UNMIL) has released its latest quarterly report on the human rights situation in Liberia, with particular focus on the challenges facing Liberia's juvenile justice system.

The fifth report – covering the period from February to April 2007 - outlines a broad range of human rights concerns, especially with regards to Liberia's juvenile justice system. Information gathered across Liberia during the period under review revealed that children below the age of criminal responsibility were tried in adult courts, and in several instances juveniles were detained with adult inmates in violation of national law and international human rights standards.

Violations of human rights by some law enforcement officials were also reported and human rights standards in detention facilities need a lot of improvement, the report points out. Furthermore, trial by ordeal continued to be practiced in some parts of the country, in some cases with the consent or involvement of local authorities.

The report also notes the slow progress in hearing of cases in a number of Circuit Courts during the February Court Term, with some Circuit Courts not trying any cases, or only a few, due to the absence of essential personnel.

Through these quarterly reports, the Human Rights and Protection Section of UNMIL provides recommendations to assist the Government in promoting, protecting and respecting the rights of all citizens of Liberia. The latest report highlights the need to strengthen Liberia's juvenile justice system to ensure that the rights of children who come into conflict with the law are upheld. In its efforts to support Liberia's Justice Sector, UNMIL has so far renovated and/or built 13 court houses, 7 detention facilities and 24 police stations across the country. Other initiatives are underway to further support the Justice Sector.

Rule of law suffered significantly during the 14-year civil war that devastated Liberia. With support from UNMIL and the international community however, the Government of Liberia, under the leadership of President Ellen Johnson Sirleaf, is making progress in the areas of good governance, consolidation of peace, revival of the economy and the rebuilding of national institutions.

*A copy of this report and other human rights reports are available on  
UNMIL website: [www.unmil.org](http://www.unmil.org).*

\*\*\*\*\*

Stabroeknews.com

Friday, 16 November 2007

[http://www.stabroeknews.com/index.pl/article\\_daily\\_features?id=56533319](http://www.stabroeknews.com/index.pl/article_daily_features?id=56533319)

### **Stay the course in The Hague**

By Patricia M. Wald (This article was received from Project Syndicate, an international not-for-profit association of newspapers dedicated to hosting a global debate on the key issues shaping our world.)

WASHINGTON DC - After eight years on the job, Carla del Ponte is about to step down as the chief prosecutor for the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. Set up by the United Nations to prosecute those on all sides in the Balkan wars - Serbs, Bosnian Muslims, Croats, and, later, Albanian Kosovars - who committed atrocities, it is imperative that the UN appoint a new prosecutor prepared to carry on del Ponte's work.

The ICTY was the first international criminal tribunal since the Nuremberg and Tokyo Tribunals at the end of World War II. Despite a slow start, it has compiled an admirable record in bringing to justice and providing fundamentally fair trials for some 80 indictees, including generals, heads of state, and brutal prison camp commandants. The flagship for successor war crimes courts in Rwanda, Sierra Leone, East Timor, Cambodia, and the permanent International Criminal Court, the ICTY is now in its final phase, slated to close its doors in 2010. These final years will be critical, not only for the ICTY's reputation and legacy but for international humanitarian law (the so-called "laws of war"). The ICTY has overseen the development of a phenomenal body of jurisprudence that brings life to the abstract precepts of international law. It has clarified the meaning and obligations of the Hague and Geneva Conventions on the treatment of prisoners and civilians in occupied territories. That record must not be wasted.

Many of the highest-level trials are just beginning or will soon commence, and a substantial number of appeals are pending, which raise as yet undecided issues of the law of war. While only four ICTY indictees remain at large, two fugitives - Ratko Mladic and Radovan Karadzic - are among the most notorious suspects who must face justice before the ICTY's work can be considered complete.

As a former judge at the ICTY, I can attest to the indispensable role that prosecutors inevitably play. They ensure that key legal and factual issues get raised, that the best evidence is obtained - often through diplomatic means, but often at risk of life and limb in hostile territory - that guilty pleas do not dilute the truth, and that sentencing recommendations are commensurate with the crimes' true dimensions. The UN has given the ICTY three excellent prosecutors: Richard Goldstone from the South African Constitutional Court, Louise Arbour from the Canadian Supreme Court, and Del Ponte, a formidable prosecutor from Switzerland.

They have amassed a talented and dedicated corps of litigators whose meticulous preparation and thoughtful analyses have been critical to the court's work. Since leaving the ICTY, I have personally participated in annual joint training sessions for the appellate litigators of all the international criminal courts and know well that the caliber of the ICTY prosecutors' work remains high.

Yet a crisis looms. Del Ponte, whose term expires at the end of the year, has just returned from Belgrade, where she sought again to try to facilitate the arrest of Karadzic and Mladic. By all rights, her deputy, David Tolbert, an American lawyer with nine years of service at the Tribunal, should step effortlessly into her shoes. Tolbert's legal shrewdness, scholarly international law background, and smart management style are indisputable.

Tolbert has been especially successful in spearheading the Tribunal's self-correction process to remedy earlier shortcomings in the efficiency, length, and cost of trials. His appointment has been endorsed by del Ponte, other past prosecutors, and the top lieutenants and staff of the Prosecutor's office, who sent a letter of support to the UN Secretary-General. Even if Mladic or Karadzic are not turned over to the court, there are several top military and civilian leaders of the Srebrenica massacre whose cases are not yet finished, making the need for Tolbert paramount. Alas, the UN's ways are not always easy to comprehend, and it is reportedly contemplating the appointment of an outside prosecutor with no prior experience at the ICTY.

If that happens, the ICTY will lose its chief prosecutor and its deputy, and a large number of the staff will reportedly leave as well.

Those of us who have been playing a role in the birth and maturation of this grand experiment in international justice urge the UN to think hard before detouring from the proud tradition left by eminent Nuremberg prosecutors Robert Jackson and Telford Taylor, and by the first three ICTY prosecutors. The UN should stay the course with Tolbert as the ICTY's fourth and final prosecutor.

Special Court Supplement  
The Presidential Inauguration, in Pictures  
Thursday, 15 November 2007. Photo Credit: Lawrence Sesay







