

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



Members of the St. Joseph's Secondary School (Convent) band stand to play the national anthem.

**PRESS CLIPPINGS**

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

**as at:**

Tuesday, 17 April 2007

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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The Spectator  
Tuesday, 17 April 2007

# ICRC to organize court competition

By *Aminata Turay*

Reports from the International Committee of the Red Cross (ICRC) say that the Committee will be organizing a nation-wide competition amongst six higher academic institutions including Fourah Bay College, Njala University, Milton Margai College of Education & Technology, the Institute of Islamic Studies, Eastern Polytechnic (in Kenema) and Northern Polytechnic (in Makeni).

The third national moot court competition which will take place in Freetown from the 18-20 April 2007, reports say, is primarily aimed at sensitizing the target groups on the principles of International Humanitarian law.

It could be recalled that this competition in previous years enhanced efforts of students in their ardent quest for acquiring much knowledge about International Humanitarian Law (IHL).

At the climax of the competition, the two best teams will meet each other in the grand final on the 20<sup>th</sup> April in one of the trial chambers of the Special Court in Sierra Leone at 1 o'clock p.m.

## The Spectator

Tuesday, 17 April 2007

### Who Will Emerge Victorious In The 3<sup>rd</sup> Moot Court Competition?

#### Introduction

The dissemination of knowledge about International Humanitarian Law is one of the mandates

Of the International Committee of the Red Cross (ICRC).

The ICRC over the past years had demonstrated relentless effort in supporting states in the dissemination of international Humanitarian Law (I.H.L.)

However, there are two respective clauses that under pinned the mutual effort of both the states and ICRC in the quest of disseminating knowledge of IHL. If you look at the specific references in the Geneva Conventions I,II,III & IV respectively and their various articles: 47,48,127, 144 and equally so articles 83 of additional protocol I. it is stipulated that states has the responsibility in peace time as well as in armed conflict to disseminate the conventions and protocols as widely as possible.

On the other hand, under the statute of ICRC, it is the responsibility of ICRC to work for the understanding and dissemination of knowledge of IHL. Basically the aim of this year competition is to simply encourage the teaching and inclusion of IHL in the curriculum of educational institution. And to encourage students TO develop interest in IHL.

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#### Previous moot court competition

In the previous moot court competition teams from various universities and colleges were presented with fictional cases to argue out quiet convincingly, when and how does IHL become applicable especially in armed conflict situation. How do the warring parties seem to recognize the fundamental principles of IHL, like proportionality distinction, precaution and limitation based on their knowledge of IHL and their capability to work as a team in vividly advancing some argument devoid of any discrepancy in terms of their arguments?

Generally the scenarios varies, ranging from the qualification of conflict: Internal armed conflicts & non-international armed conflict. What is the cost-benefit analysis for launching an attack, failing to take into consideration the fundamental principles of IHL? As a team you must be able to come up with a unique and convincing argument in

front of a panel of judges, who at the end of all presentations of argument will carefully nuance the various argument and came up with a decision as to which team convinced them most.

This year competition will take a different dimension. Teams will involve in a series of role plays, simulating the roles of ICRC delegates. Ranging from prison visitation and their humanitarian activities, and knowledge dissemination of IHL.

For instance, as an ICRC delegate what is expected of you when you do conduct detention visit?

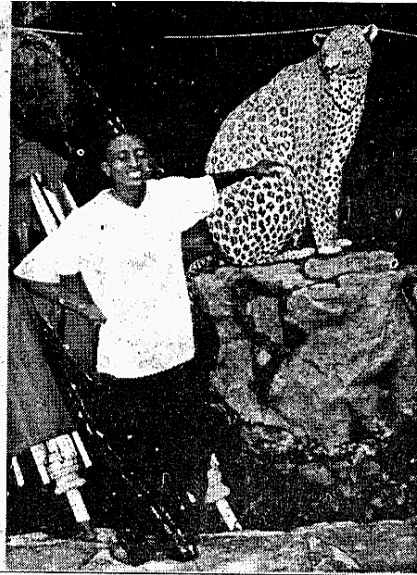
Do you conduct your detention visit largely outside the spotlight of media attention?

Who is a prisoner of war? And how one does loses his civilian status during an armed conflict?, and finally how does a superior incur individual criminal responsibility. These are the type of role plays that teams will be performing in the next two days. After round two of the role play the two best teams will meet each other in one of the trial chambers of the special court on the 20<sup>th</sup> April, 2007.

#### **Their chances**

This is something quiet difficult is predict until a winner is decided come Friday, no one will be able to determine who stand a better chance of winning this years moot court competitions. One thing that is quiet obvious is that Fourah Bay college had been playing dominance in the last two competitions, the first moot court competition was out rightly won by law students in the person of Drucill Taylor and Osman Jalloh (OJ)

The second moot court competition was a mixed representation of student: **Nelson Fofana** from the



*Abdulrahman Kamara*

mass communication department **Abdul Karim Koroma Jr. Political Science Department. And Abdul Raham Kamara History Department**

Again, the team that is selected to represent the collage in this year moot court competition is recruited from the Law Department in the

person of Emran Kanu, Mohamed Ali Timbo and someone else. Emran and Timbo are fine gentlemen and am sure they will make a better representation, and will surely bring glory to the college. For Milton Margai and Njala are surely not new to such a competition and they are a force to reckon with.

In the last moot court competition the best speaker came from Njala in the person of **Momoh Bockarie**, though he was surrounded by mediocre who were vaguely, familiar with the fundamentals of IHL. To the new comers: Institution of Islamic studies and poly-Technic in the North, bear in mind that such competitions are typical challenges that reduces one to the extremes of discomfort. Make sure you work as a team and try to be convincing.

I wish all the Teams best of luck.

From **ABDULRAHMAN KAMARA**

## Standard Times

Tuesday, 17 April 2007

### Judges in the Legal System

**T**here are significant differences between the role of a judge in the common law system descended from the British practice, and civil law systems descended from the continental European judicial practice. The descriptions below are necessarily archetypal. Details however vary from one judicial system to another. In many cases, the judicial systems have experienced convergent evolution, expressly or unconsciously adopting similar practices or operating in a manner that minimizes the impact of formal differences between the archetypal roles of each system of judges.

For example, while the common law judicial procedure generally contemplates a single evidentiary trial, many cases are actually resolved through testimonies obtained from witnesses in an isolated depositions prior to trial that support written presentations to a judge or judges. Similarly, while civil law judges must have some statutory point of departure of their legal rulings, there are accepted methods of legal reasoning that often afford them greater latitude to fit into the law in the circumstances of an unusual case when a stark statement of the underlying principles of the system would suggest. This can serve a purpose similar to the common law method of legal reasoning known as "stare decisis."

#### JUDGES IN COMMON LAW LEGAL SYSTEMS

In common law countries, judges usually operate within the adversarial system of justice, and usually receive some additional training. A simple example could be cited in the case of the United States American where judges are often expected to attend regular judicial education and instruction. In the common law system, when there is a jury trial in the trial courts, the jury generally decides questions of fact, guilty or not guilty, whether a party was negligent or not. While a single judge decides questions of law under common-law systems, one of the judge's most important powers is to craft jury instructions.

Because both civil and criminal procedure in common law systems developed in the context of a system where the ultimate decisions are usually deferred to a jury. Common law judges are limited in their powers to resolve matters prior to a full trial, even if they have all information that they feel they need to resolve case involving disputed facts.

Historically, in the middle Ages, juries often state the law by consensus or majority and the judge applied it to the facts as he saw them. This practice to some extent no longer exists. The power of juries to determine the law in a manner contrary to that dictated by the trial judge, or even ignore the law which is often called jury nullification has been controversial in places like the American jurisprudence and Liberia.

#### JUDGES IN CIVIL LAW SYSTEMS

In most civil law jurisdictions with

# Judges in the legal system

inquisitorial systems, judges go to special schools to be trained after graduating with a law degree from a university; after such training they often become investigating magistrates. However, the inquisitorial system is not used in all civil law jurisdictions; it is primarily in use in countries of Southern Europe that were influenced by Napoleon's Code such as France, Italy, Spain, Portugal etc. In Northern Europe, the adversarial system is predominant in criminal matters. Nevertheless, judges in both Northern and Southern Continental Europe generally do not have background as practicing attorneys or advocates even though they are legally trained.

In the civil law system, serious matters are almost always decided at the trial level by at least three judges, and sometimes more, often in combination with lay persons in serious criminal matters, although one of those judges may take the lead in gathering evidence in a case. In civil law systems typically only the equivalent of U.S. small claims and misdemeanors are handled by a single trial judge.

In civil law practice, appeals are usually decided upon by a panel of multiple judges. The highest appellate



responsible government employees.

Historically, in the United Kingdom, certain matters, such as annulments of marriages and division of personal property of deceased persons, were the responsibility of ecclesiastical courts, in which clergy presided. Many countries, such as Israel and Pakistan and Iran, continue to have religious courts, particularly in matters of family law, that operate

mon law system, a judge typically has the power to summarily punish with a fine or imprisonment any misconduct that takes place in the courtroom, and to similarly punish violations of the court's orders, after a hearing, when they take place outside the courtroom. This power, in turn, may be used by common law judges to enforce orders for injunctive relief, which is a court order to take or refrain from taking some particular act, directed

and disputes between private individuals. In contrast, in civil law countries only designated judges or quasi-judges can hear public law cases, and ordinary judges can hear only criminal cases and cases involving private parties.

Judges in a common law system are also empowered to make law guided by past precedent, or to choose to ignore past precedent as no longer applicable, based on a concept known as "stare decisis" "to stand by what has been decided", in cases where no statute or prior case clearly mandates a particular result, and in cases where past precedents, for some reason, no longer appear to provide firm guidance as to the current state of the law. For example, in a case of "first impression" which has never arisen in a publicly reported case in a state, a judge must choose which rule will apply, usually informed by decisions which have been made in similar cases in other jurisdictions and based on the public policies involved. Judges in civil law systems, in contrast, are strictly forbidden from "making law" and, as a general rule, are not bound by or even encouraged to refer to precedents established in prior similar cases.

Civil law judges, likewise, have some powers not usually held by common law judges. Most importantly, a common law judge is usually required to base a decision almost exclusively on the evidence provided by the parties to a case during the course of a trial, or a hearing, or in documents filed with the court. In contrast, a civil law judge frequently has the authority to investigate the facts of a case independently of evidence provided by the parties to that case, known as an "inquisitorial" role.

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court in a civil law jurisdiction, often translated as "supreme court" in English, is typically organized more like an intermediate appellate court in common law practice, in that decisions are usually made by a panel of judges that does not include all judges who are a member of that court. Also unlike common law practice, judges are typically assigned to appeals in the highest appellate court based on specialties in a particular type of law, rather than at random. Typically the only appellate court in a civil law system in which all members of the court will typically decide a case that will operate in a civil law country is the constitutional court, if any.

Certain non-judges are vested with judicial power by virtue of their political or religious office, affiliations or their positions as

in addition to their ordinary courts with full authority to enter legally binding decisions.

Often parties in contractual relationships with each other enter into "arbitration agreements" which vests quasi-judicial authority to resolve disputes between the parties in a non-judge chosen by mutually agreed means.

#### **POWER OF JUDGES**

In common law countries, especially those with roots in the Commonwealth of Nations, such as Nigeria, Sierra Leone. The Gambia etc judges have a number of powers which are not known to exist, or are not acknowledged to exist, in civil law legal systems, which collectively make the judiciary a more powerful political force than in civil law countries.

One of these powers is the "contempt of court" power. In a com-

mon law system, a judge typically has the power to summarily punish with a fine or imprisonment any misconduct that takes place in the courtroom, and to similarly punish violations of the court's orders, after a hearing, when they take place outside the courtroom. This power, in turn, may be used by common law judges to enforce orders for injunctive relief, which is a court order to take or refrain from taking some particular act, directed at the individual who must do so. This power is a vestige of authority that members of the nobility had when they personally preside over disputes between their subjects. It has the effect of giving common law country judges great power to fashion remedies, such as school desegregation orders and restraining orders directed at individuals. Civil law judges, in contrast, outside of specialized courts with narrowly delineated powers, generally lack contempt power or the power to impose injunctive relief.

Similarly, in the common law system, cases in which the government administration is at issue, known as public law cases, for example, suits claiming violations of civil rights by government officials are often heard by the same judges who handle criminal cases

## Agence France-Presse

Tuesday, 17 April 2007

<http://runningafrica.com/news-04162007Keeping-Taylor.html>

### **\$78,000. A year to keep a 'convicted Taylor' in jail: Can Great Britain pick up the tap?**

**LONDON:** The government's offer to jail former Liberian president Charles Taylor if he is convicted of war crimes is in doubt because of the potential costs of his detention, the Sunday Telegraph newspaper said.

The weekly published details of a leaked government memo that highlighted the cost of keeping such a high-profile inmate in jail as "in the region of £44,000" a year. The House of Commons is to debate whether to pass emergency legislation allowing his detention here when it returns from its Easter break this week.

According to the newspaper, the memo states: "A possible objection to the Bill relates to the potential cost of imprisoning Taylor in the UK.

"Some may argue that, with the UK prison system heavily loaded and given the other demands on the UK taxpayer, it is not appropriate to commit government funds to imprison foreign nationals."

The memo also reportedly highlights the fact that Taylor may choose to stay in Britain after his release or claim asylum and that this "might represent a danger to the public or a drain on public resources". It advises the government to argue that such commitments are not entered into lightly but by its action "the UK will be making a major contribution to the cause of international justice".

Taylor is considered to be the single most powerful figure behind a series of civil wars in Liberia and neighbouring Sierra Leone between 1989 and 2003, which between them left about 400,000 people dead.

He has been indicted by the UN-backed Special Court for Sierra Leone on charges of crimes against humanity, war crimes and violations of international human rights.

He is accused of sponsoring and aiding rebel groups who perpetrated murder, sexual slavery, mutilation and conscription of child soldiers in Sierra Leone's civil war in exchange for a share in the lucrative diamond trade.

Foreign Secretary Margaret Beckett said last June that London had agreed to a request by the former UN secretary general Kofi Annan that if Taylor were convicted, he would serve his sentence in Britain.



**Former President Charles Taylor**



## **UNMIL Public Information Office Media Summary 16 April 2007**

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

### **International Clips on Liberia**

**THE SUNDAY TELEGRAPH** (UNITED KINGDOM) 04/15/2007 21:49:38

#### **Britain will pay high price for jailing dictator, ministers warned**

MELISSA KITE

A PLEDGE BY Britain to imprison the former African dictator Charles Taylor, on trial for war crimes, was thrown into doubt last night as a leaked memo highlighted the potential costs. The notorious former president of Liberia faces a lifetime in jail if he is found guilty at the International Criminal Court in The Hague. The sentence will be served in Britain if emergency legislation is passed by Parliament this week. But in a leaked government briefing document prepared for ministers, concern centres on cost and safety issues.

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

**BBC** Last Updated: Monday, 16 April 2007, 09:58 GMT 10:58 UK

#### **Ivory Coast to drop buffer zone**

A demilitarized zone dividing Ivory Coast in two is due to start being dismantled shortly. The 600km-long zone between the loyalist army and northern rebels has been patrolled by 11,000 French and UN peacekeepers to keep the rivals apart. A BBC correspondent says this is seen as a major step towards reunifying the country and holding elections. He says there has been an extraordinary thaw between President Laurent Gbagbo and rebel leader Guillaume Soro. Mr Soro was last month named as prime minister, following a peace deal between the two men.

#### **Ivory Coast leaders push for reconciliation as peace deal moves ahead**

ABIDJAN, April 14, 2007 (AFP) - Ivory Coast's new prime minister and ex-rebel leader Guillaume Soro appealed on Friday for reconciliation in the war-divided country as a new amnesty law came into effect. "We must now learn how to forgive. It is the price we have to pay for reconciliation to be possible," Soro said in his first address to the nation since taking up office two weeks ago.

Local Media – Newspaper

**UNMIL Boss Ties Economic Recovery to Rule of Law**

*(The Analyst, Heritage, The Informer and New Democrat)*

- The Special Representative of the Secretary-General Mr. Alan Doss said that without the rule of law and the presence of the Police, it would be difficult to stimulate economic recovery.
- Mr. Doss spoke last Thursday when he dedicated a newly rehabilitated Police Station in Owensgrove, Grand Bassa County.
- The rehabilitation of the Police Station, according to the papers, brings to 25, the number of stations constructed and rehabilitated under the UNMIL Quick Impact Projects in 11 counties.
- According to *The Informer* newspaper, the move is considered as another step towards the consolidation of security and rule of law across Liberia.

**Government to Train New Security Unit**

*(The Analyst)*

- The Liberian Government has announced plans to train a new security force, to be called "Quick Reaction Unit", to respond to public riots in the country. Information Minister Laurence Bropleh said that the new force will include officers from the Liberia National Police which would quell demonstrations and patrol the city if UNMIL leaves.

**"Police Flex Muscles on Taxi Driver"**

*(The Analyst)*

- [sic:] After months of training under the supervision of the United Nations Mission in Liberia (UNMIL) International Civilian Police (CIVPOL), many Liberians thought that officers of the Liberia National Police (LNP) would have become moderate in dealing with the public, but that seems not to be the case. According to observers, various happenings point to the fact that the police are yet to put away negative behaviors that kept the public in fear during the regime of former President Charles Taylor. The latest incident of police brutality occurred over the weekend when several residents and by-passers gathered at the intersection of Carey and Johnson Streets to witness the police demonstrating their usual dreadful act against the driver of Taxi-0274, Ousman Quatteh.

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

**President Orders an End to Trial by Ordeal in River Gee County**

- During her tour of Southeastern Liberia, President Ellen Johnson Sirleaf ordered an end to trial by ordeal in River Gee County, warning that anyone caught engaging in the practice locally known as 'sassy wood' would be arrested and prosecuted in accordance with law. The Ministry of Justice had banned the practice of 'sassy wood' throughout Liberia and threatened punitive measures for violators.
- Meanwhile, Information Minister Dr. Lawrence Bropleh told reporters that the Harper-meeting of the Cabinet was also used to discuss the fiscal budget of US\$150 million for 2007/2008, considering development initiatives in the 15 counties, each of which would get US\$300,000 to under take their own development projects.
- Minister Bropleh assured the public that Ministries and Agencies of government were working hard to ensure that the new budget meets the development goal of the Government.

*(Also reported on ELBS and Star Radio)*

**Advocates Say April Rice-Riot Helped Suppress Fear**

- According to correspondents, one of the ringleaders of the famous rice-riot of 14 April 1979, Mr. Gabriel Baccus Matthews stated that the agitation helped Liberians overcome the fear of government which propelled the suppression of free speech for many years in Liberia.

- Mr. Matthews called on the current Government to adopt clearly defined social responsibilities for the welfare of its citizens simply because national resources ought to serve the national interest.

*(Also reported on ELBS and Star Radio)*

#### **Government to Send Prisoners to Renovated Correctional Facility**

- Speaking last week when she received items for use by inmates of various prisons in the Country from the Prison Assistance Fellowship, Siena Johnson, Assistant Justice Minister for Public Safety, said that the Government of Liberia would soon open the newly renovated correctional facility in Zwedru, Grand Gedeh County and subsequently transfer prisoners there with the passage of the supplementary budget. The facility was constructed in the 1970s to rehabilitate prisoners by giving them useful skills while in confinement.
- The Fellowship's Director Rev. Francis Kollie said that the gifts were intended to complement Government's effort to attend to the needs of inmates.

*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).*

## BBC

Monday, 16 April 2007

<http://news.bbc.co.uk/2/hi/africa/6559241.stm>

### Ivory Coast to scrap buffer zone

Ceremonies have begun to mark the removal of a buffer zone that has divided Ivory Coast for five years.

A bulldozer knocked down a UN military check-point, leading to cheers as vehicles moved freely into the zone.

President Laurent Gbagbo and former rebel leader, Prime Minister Guillaume Soro, jointly inspected government troops and former rebel soldiers.

They will form a joint force to patrol the zone separating the rebel-run north from the loyalist-controlled south.

The 600km-long zone has been patrolled by 11,000 French and UN peacekeepers to keep the rivals apart.

A BBC correspondent says this is portrayed as a major step towards reunifying the country and holding elections.

He says there has been an extraordinary thaw between President Gbagbo and Mr Soro - who was last month named as prime minister, following a peace deal between the two men.

The BBC's James Copnall in Abidjan says the buffer zone had effectively split Ivory Coast into two countries.

Travelling between the government-controlled south and the rebel-held north has been possible, but it has never been easy thanks to road blocks and mutual suspicion, he says.

Now the confidence zone is to be dismantled, though the process will take several weeks.

The UN and French will withdraw to 17 observation posts and the loyalist and rebel armies will mount joint patrols.

But the man Mr Soro replaced, Charles Konan Banny, has his doubts about the peace process.

He spoke for many Ivorians when he told the BBC he feared both President Gbagbo and Mr Soro had hidden agendas which would compromise the chances of free and fair polls.



Peacekeepers have stopped the rival armies clashing

