

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



Foday S. Sillah, Detention National Supervisor, 1958-2008

PRESS CLIPPINGS

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

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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Local News	
Defence Rights Under Sierra Leone and International Law / <i>Standard Times</i>	Page 3
International News	
Inside the RUF: at last the child soldiers of Sierra Leone... / <i>The Times Online</i>	Pages 4-6
Special Court Supplement	
Day of the African Child Outreach at Paddy's, in Pictures	Pages 7-8

PAGE 12 STANDARD TIMES Tuesday June 12, 2008

Defense rights are rights of an accused during trial. They are guaranteed by the law or pre-script of several entitlements of a person having been accused of committing a crime. Thus, no matter the gravity of the offence committed or alleged to have been committed, it remains fundamental for an accused in a democratic state to be accorded the opportunity to utilize these rights in pursuit of presenting his own side; as failure constitute a discard of the rule of law and the principle of natural justice known as Audi Partem Alteram which literally means: hear both sides of story. When talking about defense rights, it simply connotes the uninterrupted or unfettered rights of an accused to defend him or her.

Sierra Leone as an emerging democracy has provided within its legal systems various rights of an accused during trial. There are two principle statutory creations that guide the court systems on the rights of an accused person during trial and these are the 1991 Constitution of Sierra Leone otherwise known as Act No. 6 of 1991, and the Criminal procedures Act of 1965. One may proceed to look at these legal provisions in detail.

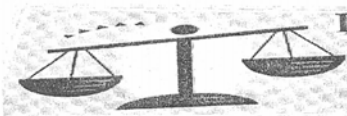
Section 23 in particular deals with security and protection of the law; and these entire sections posits numerous provisions on the rights of the accused persons.

Accordingly, subsection (1) of that section, which is the preamble, state that a person having been accused of committing an offence shall be given a fair hearing within a reasonable time by an independent and impartial court established by law. There are several issues that could be depicted from this all embracing subsection, and among those are the following:

" That the administration of justice in criminal cases is conducted without undue influence and that a kangaroo system or criminal adjudication has no place in our legal system.

" An accused can undergo trials for crime committed or alleged to have been committed without delay and further remedies could be sorted by an accused.

" That an accused is made to have a fair opportunity to present his side just like those who prosecute; and that the



Inside The Court Room

BY STANDARD TIMES LEGAL TEAM

Defense Rights under Sierra Leone Law and International Law

Principles of Equality of Arms are readily provided for through him. As a sign of fair hearing.

According to section 23 (4) of the 1991 Constitution, an accused person is presumed innocent until found guilty which is a cardinal principle of criminal fact-finding with the objective of attaining a correct account of events and ascertaining the culpability.

Thus, there are other specific rights which an accused person enjoys under the 1991 Con-

stitution as provided for under section 23 (5). An individual shall be informed at the time he is charged of the offence he/she has committed and in the language he/she understands and in details of the nature of the offence charged. An accused person must be accorded adequate time and facilities in the preparation of his defense. He/she shall also be allowed to defend himself in person or by a legal representative of his own choice he/she shall be afforded the opportunity to examine in person or by legal representative evidence presented by prosecution. He/she has a right to the service of an interpreter if he cannot understand the language used in his trial. In addition, he/she shall have the right to call witnesses in support of his case. An accused as stipulated in

This statute contains numerous provisions on defense rights and one may proceed to mention some of them.

According to section 65 of the Criminal Procedure Act of 1964, where it appears to the court that a charge is malicious, frivolous or vexatious and the court may order the prosecutor to pay all or any specified part of the expenses of the accused.

In preliminary investigation, the Criminal Procedure Act by virtue of section 110 states that upon the appearance of the

192 stipulates that if the accused is not defended by counsel, the court shall inform the accused of his/her right to address the court; to give evidence on his own behalf or to make an un-sworn statement and to call witnesses in his defence, and in all cases shall require him or his counsel to state whether they intend to call any witness.

In section 193 of the Criminal Procedure act where an accused person is not defended by counsel and state that he does not intend to call any witness as to the facts except him-

In section 193 of the Criminal Procedure act where an accused person is not defended by counsel and state that he does not intend to call any witness as to the facts except himself the court shall forthwith call upon the accused to make his statement or say anything or give evidence on oath, as the facts, and after his cross-examination (if any) he shall be permitted to address the court if he so desires and to call any witnesses as to character

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section 23 (3) has a right to utilize records of trials. Also an accused has a right to appeal to superior court.

Another important legislation that governs the defense right of an accused person during trial is the Criminal Procedure Act of 1965 as stated earlier.

accused before the court of summons, warrant or otherwise, an accused shall be made to know the substance of the charge against him/her and reserve the right to remain silent or reply thereto.

Furthermore, in cases of hearing of trial by jury section

According to section 65 of the Criminal Procedure Act of 1964, where it appears to the court that a charge is malicious, frivolous or vexatious and the court may order the prosecutor to pay all or any specified part of the expenses of the accused. In preliminary investigation, the Criminal Procedure Act by virtue of section 110 states that upon the appearance of the accused before the court of summons, warrant or otherwise, an accused shall be made to know the substance of the charge against him/her and reserve the right to remain silent or reply thereto

The Times Online

Monday, 16 June 2008

Inside the RUF: at last the child soldiers of Sierra Leone have their say

The trial of the rebel leaders behind a devastating civil war is soon to come to a close. The child soldiers who knew them tell their stories

Hawa Dumbuya was eight years old when a rebel commander, his machete still wet with the blood of her neighbours, marched her into the Sierra Leone jungle and forced her to become his “wife.” His name, Hawa says, was Issa Sesay, the notorious rebel leader currently on trial at the war crimes tribunal in Freetown.

For four years, until the Revolutionary United Front was disarmed in 2002, Hawa says she lived as Sesay’s slave, accompanying him on brutal missions by day and suffering his repeated rapes and assaults by night. Now 18 and rejected by her community as a “rebel wife”, she lives alone, scraping a living from selling jungle fruits and awaiting the verdict of a trial which offers the only hope of justice for victims of the group’s decade-long terror campaign.

With the judges to retire in a matter of weeks, Sierra Leoneans will know soon whether the leaders of the RUF will be held to account for the depravities that became the group’s hallmark. In their quest for power and control of the country’s diamond wealth, the Liberian-backed rebel group terrorised a reluctant civilian population with mass amputations, mutilations, rape and sexual abuse, looting, murder and the use of child soldiers.

Torture and rape: Former child combatants share their stories of serving in Sierra Leone's RUF
Hawa is all too familiar with such atrocities. “He forced me to have sexual intercourse with him. When I tried to refuse he said he was going to kill me. My parents had already been killed, that was why I could not do anything. He made me carry heavy loads and if I could not he beat me. Or he sent other combatants to deal with me.”

A diminutive if muscular teenager, at eight Hawa could barely hold the gun Issa Sesay thrust in her hands. “I didn’t want to fight. I tried to refuse, but he beat me, and told me he would kill me.”

“I carried the gun. But I never killed anyone. One time they captured a pregnant woman, during an attack on a village. They were betting on whether her baby was a boy or a girl. They told me to shoot her, but I refused, so they shot me in the leg.” She is matter-of-fact as she pulls up her long skirt and points to a smooth, dark scar shaped like a two pence piece on her lower shin. Then her face contorts.

“They held the woman, screaming, and slit her belly from bottom to top. The baby came out, it was a boy. Then they killed them both.”

Sesay is currently defending himself on 17 counts of crimes against humanity – including murder, looting, use of child soldiers, abduction, forced labour and sexual violence. The RUF’s leader in Sierra Leone from the 2000 arrest of overlord Foday Sankoh until the end of the war, Sesay was indicted in 2003 after his arrest in a sting operation which drew him to the capital Freetown. With Sankoh having since died in custody, Sesay is the most senior RUF commander left alive.

Having pleaded not guilty on all charges, Sesay has never expressed any remorse for his role in the civil war which left up to 75,000 people dead, many thousands more mutilated and a nation traumatised. He

has frequently been pictured smiling and laughing in court while listening to allegations of his part in such depravities, which he has dismissed as "rumour and folklore". He argues not only that he was fighting a just uprising against a corrupt regime, but that he was betrayed by the government of President Kabbah, which granted an amnesty on crimes committed by the rebels as part of the eventual peace agreement. Though the amnesty was later revoked, the wheels of justice grind awkwardly – and at times even farcically – in Sierra Leone. So far just four men have been convicted of civil war crimes – all of them members of government-backed militia or military splinter groups. Sesay may yet be acquitted.

Hawa prays every day that that won't happen.

"I saw him cut off hands, feet, sometimes male organs. One time I was standing in front of Issa Sesay when he caught a man the age of my grandfather. He told him to carry a very heavy load for him to another village. But the man couldn't, so Issa Sesay chopped off his hands."

Sao Augusta, an 18-year-old former fighter abducted by the rebels at the age of seven, says she worked as a slave on Sesay's farm from 1998 to 1999. "He was an evil man, a very wicked man," she whispers.

Working from six in the morning till seven at night, Sao received only beatings and a meagre evening ration of bulgar wheat from her captors. Like Hawa, she soon fell victim to the RUF's appetite for young virgins, raped at the age of 10 by Augustine Gbao, a senior commander on trial alongside Sesay.

"He came to the house where I was staying with Issay Sesay's wife and he forcefully took me and raped me, because I was a virgin. He said he had a ceremony to perform. He had a ritual to perform, he wanted to go to the front, the war front, and one of the conditions they gave him was that he had to have sex with a virgin. I was about 10 years old."

Hawa and Sao are among many former child fighters or slaves still living in Kailahun, the RUF's headquarters during the 11-year civil war. According to Dauda Kanu, who runs the district offices of Plan, an international NGO working to support children in the country, some 95 per cent of young people living in the area fought – willingly or not – for the RUF or another militia force.

Torture and rape: Former child combatants share their stories of serving in Sierra Leone's RUF
In Kailahun town, a huddle of make-shift huts and bombed-out concrete ruins buried in the eastern rainforest just a few miles from the Liberian border, bike riders shelter from the scorching sun under the corrugated corners of lean-to stalls, waiting for their next hire. These are the rebels, the meagre living they can scratch out ferrying passengers their only opportunity for survival in a community which might have been ordered to forgive, but will never forget.

Hawa lives in a state of fear, knowing that the next stall-holder she buys from, the next customer to whom she sells her jungle fruits, could be one of her abusers. "I am afraid when I see them. I am afraid that something like that might happen again."

Gloria Bonda, seven years old when she was captured by the rebels, knows her tormentor will never be brought to justice. At 11, she became a "bodyguard" to Sam Bockarie, the notoriously sadistic RUF commander nicknamed "Mosquito" for supposedly killing more people than malaria. Killed in a 2003 firefight in Liberia while on the run from Special Court prosecutors, Bockarie was second-in-command to RUF leader Foday Sankoh, and during his two-year imprisonment from 2007 was the overall commander of the group, leading its nihilistic attack on Freetown in 1999 under the codename "Operation No Living Thing."

It was Bockarie who lined five villagers up against a blood-stained wall and ordered 11-year-old Gloria to shoot them dead. "I refused, but they said if I refused, they would kill me. I did that, just so they wouldn't kill me."

Gloria shows me where she carried out the killings. Blood still stains the walls of the dank, dungeon-like room, in a bombed-out building known as the Slaughterhouse. As she tells me of the atrocities she witnessed there, the murders she was forced to commit, her jaw hardens, her stare becomes stony and faraway.

"At the Slaughterhouse, so many people were killed by him," she says. The rebels would take groups of captured villagers there, line them up in front of a pit and shoot them so their bodies would fall in. At other times, they would be more inventive.

"There's many ways to hurt people so that they die. Taking the knife and cutting them to death. Sometimes they beat them, flog them so that all their body was broken and all their parts would be flexible and they would die. Sometimes they would take a big drum, and fill it with palm oil, and boil it for some time. Then they would take them, and put them in it. Or they cook them, and eat them. I saw it."

Now Gloria lives alone. Her father dead, her mother killed in front of her eyes long ago, she has no one to help her survive. Shunned by many in her community for the rapes she endured and the killings she committed, she struggles to earn the money for her school fees from selling jungle fruits. With some help from Plan, who provide counselling sessions and educational support, she has just taken her West Africa school-leaving certificate. She hopes to become a nurse to help those injured in the war, but she does not know how she will pay for the course.

"They say we are rebels, that we are thieves, killers, sometimes they run away from us. There is so much stigma, forcing us to live alone without anyone. There are so many girls like us. We need help."

Plan International's report on women in war zones - Because I Am a girl: In the Shadow of War - was launched on May 15 by Cherie Blair. Visit www.becauseiamagirl.org

Special Court Supplement

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