

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

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

Monday, May 17, 2004

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Briefing

Friday, May 16, 2003

United States Holocaust Memorial Museum
Washington D.C.

Accountability for Crimes Against Humanity: Sierra Leone

[full transcript](#)
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Map of Sierra Leone
The World Factbook

speaker:

"The Special Court is a groundbreaking, bold new experiment to combat impunity and to construct justice in a devastated society recovering from a decade of war."

— **David M. Crane,**

Chief Prosecutor, Special Court for
Sierra Leone

record of the event:

Full transcript

David M. Crane's remarks

Questions and Answers

full transcript:

Jerry Fowler:

Hello, everyone. I am Jerry Fowler, the staff director of the Museum's Committee on Conscience. The mandate of the Committee on Conscience is to respond to contemporary threats of genocide.

Its origins actually go back to the original vision in the late 1970's for the creation of the museum. The Presidential Commission on the Holocaust that recommended creating this memorial, which was chaired by Elie Wiesel, envisioned a memorial that would be responsive to the future. In fact, he said that "a memorial unresponsive to the future would violate the memory of the past."

Most of our programming that we do with the Committee on Conscience focuses on genocidal situations, Sierra Leone generally is not considered to be one. But I wanted to host today's presentation because of the importance of the Special Court for Sierra Leone as a potential model for dealing with a situation of mass violence, and in the case of Sierra Leone, obviously mass crimes against humanity, even if lawyers would say that genocide was not involved.

We have done a number of programs that look at different attempts at justice and the issues involved in having accountability after situations of mass violence, including looking at Rwanda. You will see that we have a program coming on June 3 that will examine *gacaca*, the effort in Rwanda to adapt traditional dispute resolution mechanisms to dealing with the challenge of justice after genocide.

We have had a number of programs dealing with the former Yugoslavia. We have done programs on Guatemala, looking at attempts to use domestic courts for justice.

All of these different programs can be found on our web site, which is www.committeeonconscience.org.

As I'm sure this audience knows, in the early to mid-'90s, we saw the establishment by the United Nations of two strictly international tribunals to deal with genocide and crimes against humanity in the former Yugoslavia and Rwanda.

There was also an effort to create a permanent international criminal court, which came to fruition with the adoption of a treaty in 1998, which went into effect last year, which has been very controversial in the United States. It has not received the support of the United States government.

The Court in Sierra Leone represents a different model, an international-domestic hybrid, and in that sense, is an innovative approach to dealing with the issue of providing justice in a situation where domestic courts have essentially been destroyed and where the ability to have a tribunal is in question.

We're very privileged today to have the chief prosecutor of the Special Court for Sierra Leone, David Crane. David is an American, has a long and distinguished career with the United States government, over 30 years with the federal government, mostly in the Department of Defense. He was appointed as the chief prosecutor by Secretary General Kofi Annan in April of last year, so has just celebrated his first anniversary.

David Crane:

It is amazing how quickly it has gone.

Jerry Fowler:

You carry the rank of under secretary general of the United Nations. Before he went to the Special Court, his career in the federal government included being director of the Office of Intelligence Review, assistant general counsel of the Defense Intelligence Agency, and the Waldemar A. Solf Professor of

International Law at the United States Army's Judge Advocate's General School in Charlottesville.

When he is not in Freetown, he is a resident of Washington, D.C., so welcome home.

David Crane:

Thanks. It's good to be home.

Jerry Fowler:

Thank you very much for coming to the Museum today. We look forward to hearing about your efforts.

David Crane:

It's a real pleasure. On behalf of my client, the 4.5 million people of Sierra Leone, I bring you greetings. Or as we say in Sierra Leone, "how de body?" which means "how are you?" If you're having a bad day or not such a good day, you say "small-small" or "de work fine." So they speak Krio, which I'm learning. I can understand it more than I can speak it.

It is a real pleasure to be in such a place as the Holocaust Museum. I have been speaking all week in various places, but I have particularly been looking forward to speaking about the small -- and I would say successful -- effort, we've got going of trying those who bear the greatest responsibility for war crimes, crimes against humanity, and violations of international humanitarian law.

I have some prepared remarks so I can make sure I cover the things I think you might be interested in, then I'd very much like to have a good dialogue with lots of questions and answers. There is a lot going on in West Africa right now. We are pushing a certain individual in the country next to us, and that's intentional. We've had some rather interesting results based on this; some of it anticipated, some of it not. I would be glad to discuss that a little bit more.


Yesterday, I branded him a terrorist and a harbinger of various organizations. That is not why I'm in West Africa, but when you put an international war crimes tribunal in the middle of the region of the world that has not known the rule of law ever during its independence, you run into all kinds of things.

Where do the terrorists go when they are not doing the terrible things they do? We have started to find that they go to West Africa because that is the safest place to go, because there is nothing there to keep them in check. Douglas Farah's article yesterday in the Washington Post is exactly correct.

We are not actually investigating those individuals, because we're here to try those who bear the greatest responsibility.

"... the devil is alive and he lives in West Africa."

-- David Crane



We have plenty to do, but we in fact are starting to unravel all kinds of crimes, cabals, and conspiracies. And there are a lot of evil people. I was just testifying before the House International Relations Committee on Wednesday. In response to a question by Chairman Hyde, I told him, Mr. Chairman, the devil is alive and he lives in West Africa. I mean that sincerely. This is truly a place, for a lot of reasons, what I would call Hell on Earth. We can talk more about that later.

I am pleased and honored to be here. I want to thank the Committee on Conscience, particularly Jerry here, for giving me the opportunity to speak. I'm particularly pleased to be here in the Holocaust Museum. Our generation owes a debt to those who fought World War II, and who, in its aftermath, had the courage to frame the principles of international humanitarian law.

We have a responsibility to defeat the demons of genocide and its companion in evil, crimes against humanity. We must bring to justice those who perpetrate such heinous acts.

I can remember when I was a young man, and my dad was stationed in Germany. This was in 1962, and we lived in Munich. Just outside of Munich was a place called Dachau. In 1962, Dachau was still as it was when it was liberated in 1945.

I remember going there to visit with my parents. It was on a day just like this, a bleak, gray day. I guess this is where I found my drive to study international humanitarian law, because the death of the place still lingered.

They have trimmed Dachau back, but I first went it was still all of Dachau, with all its horrors even after the many years that it had been liberated. I remember looking at row upon row of graves. We went into the crematorium and you could still smell the death in the place. It affected me in more ways than I realized, because I have devoted my life to practicing and studying the law of war, the rule of law in places that need the rule of law.

World War II is important in the sense that it began a very important drive throughout the international community to try to rein-in the worst acts of impunity. International criminal law has become one of the most powerful forces in shaping globalization and has attempted to address at least some of the most egregious acts that have dominated the 21st Century.

A survey of today's headlines shows that these atrocities are all too frequent in modern conflict and internal power struggles. The absence of justice is too often the norm, rather than the exception in lands where atrocities proliferate. Combatants know nothing about the laws of war. Typical among the victims are women, often in the thousands, raped and slaughtered for their mere existence. Typical among the perpetrators are children, often as young as the age of six, abducted and forced to commit unspeakable acts of barbarity. I am here today to tell you about one relatively modest effort to respond to this assault on humanity.

For the past year, I have served as the chief prosecutor for the Special

Court for Sierra Leone. I was appointed to that position in April 2002, by the United Nations Secretary General Kofi Annan.

I have been in Sierra Leone working with a talented team of international and, more importantly, national professionals to bring those who bear the greatest responsibility for the atrocities during the country's civil war to justice.

The Special Court is a groundbreaking, bold new experiment to combat impunity and to construct justice in a devastated society recovering from a decade of war. In over 30 years of public service, I have never witnessed such pure evil, and yet I have never before served on a more noble and important mission.

I arrived in Sierra Leone in early August of 2002. Criminal investigations literally began two weeks later. On March 3 of this year, I signed eight indictments. These indictments were confirmed by a trial chamber on March 7. Eight are public, and one remains sealed.

At noon on Monday, March 10, just seven months after our arrival, members of my investigating team, along with the Sierra Leonean police, launched Operation Justice, simultaneously taking down all the indictees who were in Sierra Leone, including the minister of interior, Samuel Hinga Norman.

Two indictees are outside of Sierra Leone, with outstanding international warrants for their arrests. I still say two because we have not confirmed that Sam "the Mosquito" Bockarie is dead. We will not confirm that death until, frankly, I say he is dead. We are ready to receive the body to confirm whether it is Sam Bockarie. Until that time, he is still alive and indicted.

The six indictees arrested are in a temporary detention facility outside of Freetown awaiting trial this summer. Investigations are ongoing and further indictments most assuredly will follow.

I have been encouraged by the response to the indictments by the people of Sierra Leone. The peace has held and many have spoken out in support of our work. According to a recent poll, over two-thirds of the population believe the Special Court is necessary, with another two-thirds believing it will deter future conflict.

Sierra Leone is one of the most horrific and challenging crime scenes in the world. Thousands of civilians have been murdered, raped, hideously mutilated or terrorized. The magnitude of the massacres, the mutilations, the torture and destruction of civilian property is so great that its full extent is still unknown. I have personally seen children whose limbs have been chopped off by drug-crazed child soldiers under the command of greedy individuals. I've walked through the mass gravesites that litter the country's hauntingly beautiful landscape.

It has been an incredible personal journey for me, as someone who has been committed to practicing, studying and teaching international humanitarian law for most of my professional life.

The character of the Sierra Leone conflict is indicative of what will likely confront the international community in the future. An undisciplined force of child soldiers led by rebels and former government soldiers who exercise no restraint whatsoever in the prosecution of their campaign for power; where funding is derived from the control of a natural resource, such as diamonds; foreign governments collaborate with war criminals; and a humanitarian crisis is wrought by such criminal behavior. How we choose to respond to the Sierra Leones of the world is telling of the international community's commitment to justice and the rule of law.

A special court is an innovative step in the evolution of international war crimes tribunals designed to prevent future atrocities. Even with the establishment of the International Criminal Court, I believe it is a model that can work to combat impunity in troubled areas of the world.

The Court is a new kind of hybrid tribunal that is independent of the United Nations and any state. Established through an agreement between the United Nations and the government of Sierra Leone in January of 2002, the Court is both international and national. The signing of the treaty was the culmination of a year and a half of discussions started in August of 2000, followed by a United Nations Security Council resolution directing that the Secretary General enter into negotiations to create the Court. The national parliament of Sierra Leone passed a law to implement that treaty in March of 2002.

The Court's registrar, Robin Vincent, from the United Kingdom, and I were appointed by the United Nation's Secretary General last year. My deputy prosecutor was appointed by the government of Sierra Leone. The trial chamber and the appellate chamber are a combination of five international and three national judges. All eight judges were sworn into office in early December of 2002. Jeff Robertson, a distinguished human rights advocate from the United Kingdom, was elected the president of the Court.

Our mandate is to try those who bear the greatest responsibility for serious violations of international humanitarian law, including the laws of war, crimes against humanity, which include widespread systematic murder, enslavement, rape, sexual slavery, and other forms of sexual violence, torture and other inhumane acts, and certain crimes under Sierra Leonean law.

Cases can be brought against anyone who committed crimes or was responsible for crimes committed in the territory of Sierra Leone since 30 November 1996. Our mandate is very specific and we have three years to finish it. With a proper plan and strategy, we are accomplishing that.

Unlike the two existing ad hoc international criminal tribunals, the Court's budget is drawn entirely from voluntary contributions rather than assessments from U.N. member states. The entire three-year budget of the Court, including the construction of a permanent court site, is approximately \$57 million. Thus far, over 30 countries have generously provided financial and/or in-kind contributions. With the annual budget of only \$15 million a year, a tenth of what the other tribunals spend each year, the Court must be more efficient and operate with a leaner staff with fewer resources.

Most importantly, the Special Court will sit in the country where the violations occurred. That is a very key point. The success of future tribunals has got to be the fact that it is sitting where the crimes took place. I believe that is exactly the right place for the Court to be, in the heart of Sierra Leone, delivering justice directly for the people who suffered during the civil war. Our courtroom will be open to the public, and proceedings will be broadcast live over radio.

An ambitious outreach and public information program is already in place to keep Sierra Leoneans informed about and engaged in the work of the Court. This is first and foremost their court.

The Court hopes to make a lasting contribution to promoting accountability and the rule of law long after its work is finished. Thus, capacity building and legacy activities constitute an important part of our work. Courtroom facilities are currently being constructed and will be turned over to the people of Sierra Leone at the conclusion of the trials. In addition, we have hired a high percentage of Sierra Leonean professionals; my office employs more Sierra Leoneans than any other nationality.

"The Court hopes to make a lasting contribution to promoting accountability and the rule of law long after its work is finished."

— David Crane

We have reached out to the local legal community to design initiatives to bolster legal reform in the country. These include facilitating scholarships, opportunities, training programs in international humanitarian law, as well as a fruitful partnership relationship with the local law school. Trials may end, but the Special Court truly will never leave Sierra Leone.

I want to take a moment to highlight three facets that distinguish Sierra Leone from other atrocity zones in the world.

First, suffering during the conflict in Sierra Leone was disproportionately borne by women and children. While gender crimes were replete in the former Yugoslavia and Rwanda, the character of the crimes committed in Sierra Leone took place on a much larger and more twisted scale. Throughout the conflict, thousands of women and girls of all ages were subjected to widespread systematic sexual violence, including individual and gang rape by all sides of the conflict.

Many victims did not survive these crimes, while others still suffer from lifelong health problems. Thousands of women and girls were abducted by rebels and subjected to sexual slavery. Many survivors were kept with the rebel forces for long periods of time and forcibly conscripted into the fighting forces. Aside from sexual violence, life with the rebels included being made to perform forced labor, such as cooking, washing, carrying ammunition and other looted items.

Rebels made escape more difficult by deliberately, *deliberately*, carving the

name of their faction into the chests of the abducted women and girls. If these marked women and girls were caught by pro-government forces, they would be suspected of being rebels and often killed. Even today, an unknown number of women and girls still remain with their rebel "husbands."

From the start, we included gender crimes in our prosecutorial strategy. They have been thoroughly and actively investigated, and our indictments include them as core charges against those who bear the greatest responsibility. Our work will build on the jurisprudence already developed by the ICTY and ICTR and set precedents for the work of the International Criminal Court.

A whole generation of Sierra Leonean boys and girls has been lost due to this war. Children were particularly victimized during the civil war. According to the United Nations, over 10,000 children were abducted and forcibly conscripted into the armed forces. Most of the children have more combat experience than the men and women in our modern armed forces today. Thousands were separated from their families and suffered from displacement, sexual exploitation and physical abuse. Many were used as forced labor in the extraction of natural resources.

As an aside, a typical methodology for the Revolutionary United Front was to move into a village, have the children kill their parents, and then move off into the bush, where these children were in combat for three, four and five years. So you can imagine the trauma that still exists in that country.

When I first arrived in Sierra Leone, many in civil society and the child protection business were concerned that I would prosecute children before the Special Court. The Court's statute grants me the power to prosecute anyone over the age of 15 at the time of the crime. After careful deliberations with my investigators and prosecutors, I decided that no child, *no child*, bears the greatest responsibility for the atrocities that have taken place. While their actions cannot be condoned, no child will be prosecuted by me.

However, I do intend to send a clear message to the world that the international community will not tolerate the recruitment and enslavement of children. The Special Court will really break new ground. For the first time in history, child abduction and recruitment will be prosecuted as a war crime. This crime has been alleged in all eight of our indictments.

Second, we will focus on the role of illicit resources in fueling this conflict. The war in Sierra Leone was a civil war, but it was equally a regional and international conflict. The international community has too often misunderstood or underestimated the regional dimensions of conflicts in Africa. But the recent attention on conflict diamonds and shifting locations of ongoing tensions in West Africa makes it impossible to ignore. All too often massive civilian carnage has been associated with those conflicts. Consider for a moment thousands upon thousands of maimed civilians in Sierra Leone who have paid for that conflict with their limbs.

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-- David Crane

we need to be willing to take on difficult issues such as the linkage between illicit diamond trading and atrocities. While the international community is trying to devise a new regime to distinguish between diamonds that are clean and those that are bloodied, the Court will expose the truth behind the diamond industry. We owe it

to the victims and the survivors of this conflict. The diamond trade is attractive to rebels and foreigners alike.

The role of Liberia and other African states in supporting the rebels also requires continued attention and response. Without foreign support, including gunrunners and other criminal organizations, the rebels would have been a much weaker force. I have publicly stated that the case I am investigating is local, it's regional and it's international in scope.

Justice Jackson, chief prosecutor at the Nuremberg trials, said in his opening statement in 1945: "We want to reach the planners and designers, the inciters and leaders, without whose evil architecture the world would not have been for so long scourged with the violence and lawlessness and racked with the agonies and convulsions of this terrible war."

Jackson's words continue to guide my investigations. Those found to be involved in this joint criminal enterprise will be brought to justice.

Third, the Special Court tells only a part of the story of how Sierra Leone is dealing with its dark past. Another institution, the Truth and Reconciliation Commission [TRC], is embarking on a journey to help heal this nation. Many believe that it seems strange to pursue a reconciliation and justice at the same time. But complex problems require complex solutions. The TRC and the Special Court, at their core, are both designed to reduce the chance of future violence in Sierra Leone.

For the tens of thousands involved in atrocities, there must be a path of reintegration, reconciliation and forgiveness. That path begins with the Truth and Reconciliation Commission.

However, some individuals should not be forgiven. The commanders, the politicians and financiers who bear the greatest responsibility for these atrocities will be held accountable.

The TRC and the Special Court are two key pillars to stabilize the peace in Sierra Leone, and both must succeed. To this end, I have publicly stated that those who testified before the TRC should do so without fear that the prosecutor will demand their statements. Victims, perpetrators and witnesses who testified before the TRC may do so without fear of having their statements subpoenaed by my office. My team of investigators and prosecutors are hard at work putting together cases against key individuals

responsible for serious violations of international humanitarian law. We are doing this separately from the work of the TRC.

I have encouraged the people of Sierra Leone to come forward to share their experiences. Without the truth, there can be no forgiveness or healing. Together, both institutions, the TRC and the Special Court, will work to eliminate the culture of impunity that undermines all efforts to bring a just and sustainable peace to this country.

I believe the Special Court model will succeed, but much hard work lies ahead. Over the past several months, I have traveled throughout the country to meet my client, the people of Sierra Leone. In town hall meetings similar to the one that we're having right now, I have listened to the concerns and thoughts on how I should approach my mandate of prosecuting those who bear the greatest responsibility for the terrible atrocities committed in this country.

Victims, perpetrators and witnesses have overwhelmed me with stories from the war. The stories fit a familiar pattern: The rebels burn down entire neighborhoods, line up men, women and children, and one by one, chop off arms, feet or other body parts. Some were spared mutilation, at least for a while, and abducted to serve as slave labor to the rebels and soldiers themselves. Large numbers of young girls and women were raped and kept in sexual slavery until killed.

I met one young woman without an arm. Her three-year-old son was missing his leg. I will never forget their stories. They remind me that the international justice agenda is more than abstract theories of law. It's about real people who are real victims of real war criminals.

At a recent meeting, a poor market woman stood before me and announced what she hoped the Special Court would bring to Sierra Leone. She said that today when the world thinks about Sierra Leone, they think about amputations and other tragedies. She hoped that the country would instead become associated more closely with the Special Court. And the eyes of the world would look on Sierra Leone not out of sympathy, but out of a desire to learn from its leadership and courage.

Providing the world with a new, innovative, efficient and effective model for international justice could make this woman's dream a reality. Sierra Leone desperately needs to eliminate the culture of impunity that undermines all efforts to bring peace, stability and reconciliation to that tortured land. Accountability forms the cornerstone of any just and sustainable peace. And in Sierra Leone, we have just now begun our long march towards accountability. This country remains a turbulent place, and none of this will be easy.

I hope I have given you some idea today of the challenges that are confronting us and the tragedy that has taken place in West Africa. I am really looking forward to your questions and comments this afternoon.

So with that, I will conclude my opening remarks.

Questions and Answers:

Jerry Fowler:

Thank you very much, David. That was very informative, and I'm sure there are a lot of questions. But I'm actually going to seize the prerogative of the first one and invite you to connect some of the dots that were laid out in *The Washington Post* article yesterday and what you said today, and just ask you point-blank, what are the chances that Charles Taylor is indictable for crimes within the jurisdiction of your court?

Related to that, when we talk about the cornerstone of peace and having peace in the area, can there really ever be any peace unless somebody indicts him and brings him to accountability?

David Crane:

Yes, Charles Taylor's name keeps coming up. I don't understand why. As you know, the Special Court for Sierra Leone is not a geographically limited war crimes tribunal. It is truly an international war crimes tribunal, to the same ilk as Rwanda and Yugoslavia.

"We will in fact indict whomever it is necessary for the atrocities that took place. That includes, and it's clearly stated in the statute, heads of state."

— David Crane

I can go anywhere in the world to try those who bear the greatest responsibility for the war crimes that took place in Sierra Leone. The statute and the treaty make that very clear, and so we are following the evidence wherever it may lead. We will in fact indict whomever it is necessary for the atrocities that took place. That includes, and it's clearly stated in the statute, heads of state.

We are not shying away from continuing our investigation, and we will do so until we logically come to an appropriate end. The person who makes that final decision as to who bears the greatest responsibility is mine and mine alone.

Jerry Fowler:

The second part of the question, if for whatever reason you don't indict him and bring him to trial, can there be peace in Sierra Leone and in the region without someone putting an end to his reign?

David Crane:

There can be no peace while Charles Taylor remains head of Liberia. He's a terrorist. He is harboring terrorists. He has been a regional warlord for too long, and he needs to appropriately and justly leave the world stage.

I hope I've not been unequivocal on that.

Jerry Fowler:

I think you were pretty clear. Yes, ma'am?

Question:

I wanted to know, if he would be indicted, how would you see him being brought to Sierra Leone; how would that play out?

David Crane:

There are various legal methodologies by which we can deliver him to the Special Court, and we are aware of those.

Question:

Do you see any particular legal obstacles to actually drawing the line of responsibility from crimes occurring within the rebel forces to the leadership?

David Crane:

No.

Question:

Is there a paper trail in this kind of thing?

David Crane:

Well, unfortunately, it's not like the Nuremberg trials; we don't have boxes and actually boxcar loads of paper. This is largely a witness case. We don't have any smoking guns as far as paper.

But this case is being investigated and it will be prosecuted very similar to the way we would prosecute the Cali drug cartel in Colombia, because it truly is a cartel. The commodity is not cocaine; it's diamonds.

We have a huge joint criminal enterprise throughout West Africa that involves multiple layers of individuals. In order to go after the big guy, you have got to turn to the inner circle. We have done so almost completely, and so we are now in the very dangerous dance with death of protecting witnesses who if found, will die, with their families. We're protecting those people and moving them throughout the world to make sure that they survive to the trial, and afterwards, as importantly. So we are definitely in a death struggle with some of the worst actors this world has ever seen, and we're willing to step forward and do that, and getting ready to go to trial this fall.

Question:

Just in terms of the Special Court and the justice system in general, are there (inaudible)?

David Crane:

Believe it not, we don't have a lot of challenges. My challenge is more taking care of my people and keeping them healthy and keeping -- both mentally and physically. It's a tough place to live and work. Some of us have been there and fully understand the challenges related to that.

You know, money is always an issue because we're doing this on the cheap. I mean, let's be honest, \$16 million is a lot of money, but \$16 million to deliver in seven months almost 10 indictments, already trial-ready -- the standard was beyond a reasonable doubt; so the indictments are provable, each and every element of each and every charge, with the appropriate amount of evidence before I signed the indictments, which took place on

the 3rd of March.

We're ready to go to trial. Of course, we have polishing to do and getting ready with all the demonstrative stuff and keeping our witnesses focused and protected. But, of course, we also want to make sure that the indictees have proper defense counsel, and so we have a very innovative public defender program that our registrar has put together, along with the president of the Court.

Of course, I can't be involved; I'm the prosecutor. But we are making some really innovative efforts to keep the cost of defense down. As you know, in Rwanda, it cost about \$1 million per defendant, which that would break this court in about three months.

Our public defender system is very similar to the one we have in the United States and we are getting good defense counsel from all over the world in Sierra Leone to represent the indigent clients that we have in custody. Some of them have, of course, chosen their own lawyers, and that's their right to do if they can afford that lawyer.

Yes, sir?

Question:

(Inaudible) pursue education as a means of (inaudible) behind that?

David Crane:

This conflict was started for economic reasons. The war started with the control of a commodity, and that commodity was diamonds. They were going to move into eastern Sierra Leone and then take over the rest of Sierra Leone so that they could use Sierra Leone as a refinancing base for other rebellions in support of other terrorist activities. That was largely the reason why they started this war.

If you're a student of guerilla warfare, in order to have a successful guerilla effort, you have to have the support of the population by which you operate. There wasn't one human being in the country that supported the rebel forces.

So how in fact do you keep an entire country locked down for 10 years? You do it by terror and the resources, trading resources, diamonds for cash so that you can buy weapons. That's how this combat was sustained for 10 years. There's your answer. It all boils down largely -- you know, it's not completely black-and-white -- but largely due to the control of a commodity.

For the first time in this area, since Nuremberg, we have an economic basis for war crimes. Isn't that interesting? So we're pursuing that as a point of liability.

Question:

(inaudible)

David Crane:

I'm sorry, I got off the track here. I'm sorry. Amputation was done as terror, to keep the population in check, and also just because they could.

There was no law. There has been no law, and so in some instances, just out of sheer boredom, they would line people up and do all kinds of things.

The hacking off of limbs was just part of it, which I will not go into in this forum. It's beyond belief, and I thought I'd seen it all. Every time I turn the page, I've seen something else.

Yes? I'll get to your --

Question:

You mentioned turning the inner circle to get at Charles Taylor and the witnesses.

David Crane:

I didn't mention Charles Taylor, did I? I just said that there's an inner circle. I said Kingpin, didn't I? You guys keep leaping forward on me here?

Question:

I'm wondering if you could comment just a little bit on protection of these witnesses, whether you can talk about whether you've brought individuals out of Liberia, what you're doing with them. Have you brought them into the United States?

David Crane:

Well, I can't be too specific because I'm protecting them. But suffice it to say, I have the full scope of methodologies available to me, like any prosecutor, to protect my witnesses.

We have moved people throughout the world to protect them, and their families, because they don't just kill the witness; they kill everybody that is associated with the family. As you've seen with the alleged death of Samuel Bockarie, and two days ago, Charles Taylor killed also his family, his wife, his mother, and their children.

Question:

Can you comment whether they have been brought to the United States?

David Crane:

I can't. Yes?

Question:

Have there been any attempts on the witnesses since the indictments were issued?

David Crane:

We had a key witness. One of our assets tipped us off that an assassination squad was coming in from Liberia to another West African country. We launched an aircraft within two hours to go get the witness and his family. As they were wheels-up, they were coming through the front door of the airplane -- or the airport.

Question:

But this isn't since the official indictments?

David Crane:

No, no, no, not at all. I'm sorry, I missed your question. But I just want to emphasize the fact that we are definitely dancing with the devil in West

Africa. Yes, sir?

Question:

What (inaudible) are the risks or the (inaudible) Sierra Leone as opposed to international war crimes tribunal (inaudible)?

David Crane:

Well, I don't make a lot of comparing or contrasting as far as whether we're good or better or not as good, whatever, of our sister tribunals in Rwanda and Yugoslavia. You have got to remember, they were created at a different time under different circumstances.

The Special Court is, like I like to say, using the Star Trek term, the next generation of war crimes tribunals. The important aspect of setting up future war crimes tribunals is, one, keep it out of the U.N., but not in the U.N., because I am not bound by the incredible staffing rules that come with being a part of the U.N. If I want to hire you, if you're qualified and I run it by a board, you are hired and working in my office within four weeks of the time that I need for you to come -- I mean, that I hired you. So I can immediately hire a staff, get moving and get things going.

As you well know, that's always a challenge under the U.N. system. In talking to my colleague and friend, Carla DePonte, you know, she's still waiting for people that she's hired nine months ago to come on-board. How do you run something like that? I have three years. Can you imagine me trying to -- I couldn't do it. So I think that's inherently a smart move.

I think also, getting the consent of the country by which you are operating is crucial. You know, we don't have Chapter 7 authority, and that's not a problem. We can do our job without it. But why did they have Chapter 7 authority in Rwanda and Yugoslavia? It's because they jammed it down the countries' throats in the area by which they were going into, because they didn't have the consent of Rwanda or the former Yugoslavia.

The Security Council had to invoke their Chapter 7 authority of maintaining peace, international peace and security and made it happen. In this situation, the country in which we were going to operate asked for us and consented and gave up a large part of their sovereignty so that we could in fact operate.

So Chapter 7 wasn't necessary. My point there is that just because a court does not have Chapter 7 authority does not make it a lesser court or less important than the others. It's for a practical reason.

Another really important part of the Special Court is that it's exactly where it should be, and that is right in the place -- and I've already alluded to this -- it's in Freetown, Sierra Leone. It's right in the middle of the crime scene. The people, the victims, whom this is largely for, isn't it? You know, we tend to forget that, don't we? Oh yeah, we're here to actually seek justice on behalf of the dead, the missing, the maimed, the mutilated. They can see us begin, they can see us start, they can see us try, and they can see us finish this right in front of their eyes. That, in and of itself, to me, is justice.

It allows me inherently to hire a staff, but not based on ratios. In other words, I have to hire 25 percent of these people from this region. Whether they're good or not, I have to hire them, or what have you. What I do is I go out and hire the best and the brightest to get the job done. So my staff is made of 50 percent Africans. Thirty-eight percent of that 50 percent is from Sierra Leone, as it should be. I'm talking about professional staff, prosecutors, investigators and paralegals. Twenty-three percent of it is from the United States, 20 percent is from Canada, and then whatever the rest of the math is. If I had been better at math, I would have been a doctor, not a lawyer.

But the point is that we have a broad-based international staff doing wonderful things. But we created that staff, not based on what I was told to do, but based on the strategy of my prosecution plan.

I molded the staff around my plan. I only have 45 people to do this. That's fine. We can do it with just 45 people, because you build a staff around the plan, and that way, as you move along, we have a thing called a plug-and-play concept, where if I need a particular individual to do something, I hire them on a short-term contract; for example, a forensic anthropologist to cut down on a mass grave site and give us a sense of the cause, manner of death of the individuals that are layered there.

I don't need him full-time all the time. We bring him in for three months; he does his wonderful work --- by the way, it's Bill Haglund from Physicians for Human Rights, a good friend -- and then he goes. He's done a great work for us, but then I don't have to keep him on the payroll. When I need him again, I bring him back on.

I do this with all kinds of people, court reporters, stenographers, whatever. I have a core staff of 45 investigators, prosecutors and paralegals. I have some other minor support staff. Then we just keep trucking and keep moving on. We can do this for a very low amount of money, but yet we get the same results quickly and much more efficiently.

This country cannot stand a tribunal to last for 10 or 15 years. The country and the region would literally melt away from the tribunal. There wouldn't be anything left, because they couldn't stand the trauma of a day to day, month to month, year after year of these trials grinding out these facts.

We want to get in quickly, efficiently, get it done so the country and the region can rejoin the family of nations in a positive way. I think that's another beauty of a special court concept, which can exist in an ICC world. A special court -- as you know, the ICC is kind of a court of last resort. If a signatory cannot or is unwilling to prosecute a situation, the ICC can step in.

(Interruption in tape)

The special -- size, the scope, the mandate, the structure of the Court based on the circumstance of the region and the conflict. I very firmly believe that in the ICC model and paradigm, you can still have special courts doing their work throughout the world. I have to tell you, there will be plenty of opportunities for special courts in the future.

Mankind is going to continue to have these problems, and the special courts can quickly get in, efficiently deal with the issue and pull out and move on. As you know, justice delayed is justice denied. We have to get in and show that international criminal justice can work efficiently, quickly and efficiently and that the victims can walk away going, I feel better for this, I have justice.

Yes?

Question:

Economic basis for war crimes, to compare it to say, a colleague (inaudible) what legal basis will you be doing that with? It's not any more humanitarian law, it's -- you're looking at legal or economic activity as a cause of some sort of (inaudible) atrocity, so is there -- are there means within IHL to do that, to look at the economic causes, economic origins or economic motives?

David Crane:

Under legal theory, it is possible. A corporation has a corpus, just like a human being, and if the corpus commits a crime, a war crime or a crime against humanity, that theoretically, that corpus can be prosecuted. In fact, you're already starting to see some interesting developments in the civil side, where victims of corporations' inhumanity in various parts of the world, one of which is in Burma, and the other one I think was in Somalia, where they're suing in federal court for -- basically war crimes and crimes against humanity, perpetrated and caused by these corporations.

Theoretically, it is possible. I don't think it's ever been done, but the question is, can you indict a corporation for violations of international humanitarian law? I believe it can be done. It's never been done. I'm not sure that it's going to happen under my watch, under my jurisdiction. I'm not sure that it rises to that level. But it deals with a factual basis of planning, sustaining and development of a joint criminal enterprise which allowed a rebellion that was killing people by the thousands every day. One could theoretically go into court and prove that as an actual individual criminal responsibility. So it's an interesting theory.

I'm not sure it's going to happen under the West African court that we have going here, but we're close. I think we need to put the corporate world on notice that they just cannot move about the world, rape, pillage and plunder and then walk away from something just because they are for-profit or for other ulterior motives just because they can.

I think we should still continue to be looking at that as a legal theory. Yes?

Question:

As you've been going around talking with people, what are their expectations for the Court (inaudible) TRC, so the Court, their mandate is supposed to be punishment but also reconciliation (inaudible) mandate? Who the Court (inaudible) Court (inaudible) punishment or can you fulfill that expectation (inaudible)?

David Crane:

No. No, we have not. That's a good example of my point, is that's a

different model for a different circumstance, for different crimes, and they're shaping and molding something that in the opinion of whoever is doing it would seem to work for them.

The Sierra Leonean model is more international than national. It appears that the Cambodian model is more national than international. That's fine. If that's what works to bring justice, whether we'd like it exactly or not, something has to be done about Cambodia, and it's better to do something than nothing. We've got to do it soon, because we've got an actuarial problem, don't we? These perpetrators are almost -- it's almost getting to the point where they're just too old, and so we have to be careful.

Now, the TRC and the Special Court -- you know, if you remember your history, the prosecutors of the Yugoslavia tribunals have fought and defeated attempts to have truth and reconciliation commissions, thinking that that would mess up their cases. I believe absolutely to the contrary, and immediately announced after listening to some rather interesting dialogue, for two years actually, of academic debate back and forth, that a truth and reconciliation commission in a war crimes tribunal cannot work.

I'm telling you, it's working fine, and it's delivering reconciliation, justice and a sense of -- across the board, forgiveness, but yet punishing those who really caused this to happen. You need to understand that the victims are not going to go before the Special Court.

Most people, in fact, almost all of them, will never see the Special Court as the victims to testify. Because I have elements -- this is a complex international case and I have very specific elements to prove. So I will use those specifically.

Where do these people go to tell the world what happened to them and their families? When I was going throughout the country, literally, people would come up and pull on my sleeve and go, let me tell you what happened to me. You know, when I was holding town hall meetings, they would stand up and they would say, I want to tell you what happened to me. The answer was, please do, if you would like. I saw my husband and my four children killed in front of me, and I wanted you to know that. And then sat down.

The Truth and Reconciliation Commission allows them to come forward in a way that they want to, either confidentially or publicly, or in writing, just to let somebody know that I am just a small human being, somewhere way up country, and I lost my entire family and I just want someone to know that. And I can get on with my life now because I let somebody officially know.

I think that's powerful in and of itself. Because we can't prosecute everybody; we would be there forever. We have to go in, do it right, do it quickly, allow people to reconcile, to get the truth out, let there be some kind of record of the tragedy, and I know this, because they just want to get on with their lives. They want to put this behind them. The tribunal that would be sitting there for decades, the country would implode long before we were done. That's not justice in my mind.

Question:

I'm (inaudible) human rights model, and I wondered what the range of sentences would be in these cases? What are you looking at in the best-case scenario?

David Crane:

If I do my job and prove my cases beyond a reasonable doubt, it's up to the trial chamber of three, who are now sitting -- they are now all officially in and working and hearing motions. We are in pre-trial now and we're in discovery. Like I said, we're going to be in trial in the fall.

But the punishments, should I do my job, can range from a minor term of years to what would be equivalent to life imprisonment. But there is no death penalty. These individuals will be sentenced and they will not serve their sentences in Sierra Leone. They can't, because we need to make sure that they survive the event or -- the tragedy would be is if someone 10 years or 15 years from now, when we're not quite as focused on West Africa anymore and it's just another problematic part of the world, and someone breaks into the detention facility and lets them go and they're out in the bush again. Because a lot of these guys are young. You know, they're 35 years old, so they've got many years of Hell to raise.

If they get back out in the bush, we're back to square one. But we're also back to square one if they break in and they kill them, because the rule of law just went out the window. In order to make sure that this thing sticks, until this generation's worth of recovery -- I mean, it's going to take a generation before Sierra Leone and West Africa is a place that it once was - - we've got to get them out. We got to get them somewhere else.

Jerry Fowler:

The indictees that you have in custody, who actually has them in custody? Is it the international force?

David Crane:

Well, as you know, the Registry is responsible for the detention and protection of the detainees. That's his job, and we have an international police force along with some locally hired guards, but they're not Sierra Leonean police or military. They work entirely for the Special Court.

They're under our protection and under the area of protection of the peacekeepers -- you know, the largest peacekeeping force in the world is in Sierra Leone. There are still 16,000 soldiers there. Yes, ma'am?

Question:

(inaudible)

David Crane:

Well, what you do is you can -- she can e-mail me and I'll forward it right to the TRC. Okay, I'll be glad to do that. That's easily done.

Question:

How is this --

David Crane:

Please give her my regards, okay. We hear her. She is not alone, okay? Yes?

Question:

How (inaudible) going after (inaudible) the TRC, then how do you go forward to the (inaudible) society in a way that there is (inaudible)?

David Crane:

Sure, that's a good question. We have a very specific legacy program which we started about a month after we got there and an outreach program. So we're building institutions already to sustain the movement forward after we leave, to include training of law students, of attorneys.

We have, like I said, a solid core of professionals in my office who will remain, who will continue the cause, so to speak. We're acting as a facilitator to bring in other organizations to provide assistance, such as the American Bar Association, International Bar Association, et cetera, so that we can begin to train the next generation of lawyers or the current judiciary.

We're doing a judicial reform initiative where we're going to assist in the redrafting of the criminal code of Sierra Leone, et cetera, so that there will be something left. Of course, then there will just be the physical aspect of the Special Court for Sierra Leone, the court complex, which is currently being built right now as we speak. It will be a beautiful campus and it will be left for the people of Sierra Leone. When I leave Sierra Leone, I will literally take my personal effects out of my drawer, walk away. The chairs, the desk, the computers, everything will be left to the people of Sierra Leone to continue and use this as whatever kind of campus they would like to use it for.

To answer your question, we take legacy very seriously, because you're right, we just can't walk away from this after three years. We have to sustain the effort, absolutely.

Yes, ma'am?

Question:

I'm intrigued by the economic aspects of this history. There is more (inaudible) history of the Holocaust (inaudible) war with the assumption that (inaudible) war crimes case (inaudible) I don't know if (inaudible) fill that out.

But when you talk about the economic basis of this, then immediately, in my mind, it goes so much more beyond (inaudible) internationally. So both from the standpoint of, you know, the layers of culpability as well as the standpoint of reconstruction.

What do you see, you know, international community, both corporations as well as (inaudible) how do you see them coming to (inaudible) during or after?

David Crane:

I'm not sure how to answer the question other than to just point out that there needs to be oversight mechanisms in various industries to ensure that corporate greed and the desire for profit does not overshadow also the corporate responsibility that goes with being a legal entity within the world community.

We tend to not look at corporations as corpuses that can commit crimes. We have seen the Enrons and the frauds and the stock stuff. But to physically cause the deaths of human beings specifically for the purposes of whatever the corporate objective may be, we're seeing that. It's already happened; it's just a function that the international criminal justice community hasn't focused a great deal on that because we're looking more at the human beings involved.

But in this situation, we have come smack in the middle of -- the direct cause of this conflict is diamonds, and so we have to deal with that. That's just a fact.

There are peripheral issues related to the unchecked movement of uncut diamonds by illegal entities throughout the world, and these uncut diamonds find their way into the legitimate diamond business far more than the four percent that they say, and are marketed in mainly the United States, which is the largest market for diamonds. I believe it's 70 percent of all the world's diamonds are bought in the United States.

Jerry Fowler:

I wanted to ask -- I'm sure you have a stock answer to this question, because it's one that's come up. But the international criminal tribunal's jurisdiction is grounded in the authority of the Security Council to create them.

The Security Council didn't create your court, and presumably, it can get its jurisdiction from the government of Sierra Leone as an exercise of Sierra Leone sovereignty. But the government of Sierra Leone signed the Lomé Accord, which I understand, gave amnesty for to the RUF for crimes. So that kind of compromises their jurisdiction, or does it compromise their jurisdiction?

So my question is, what's the basis of your jurisdiction to try the people? If it's not the Security Council and it may not be able to be the government of Sierra Leone, where does your authority come from?

David Crane:

Boy, that sounds like a bar exam question, doesn't it? Wow. Well, the amnesty --

Jerry Fowler:

I'm a lawyer by training.

David Crane:

It's a very important question. The amnesty provision related to the Lomé Accords does not apply to any other crimes which we're prosecuting. It was very specifically reserved by the United States representative. As she signed it, they said, this does not include war crimes, crimes against humanity and violations of international humanitarian law.

The statute that was negotiated by the United Nations on behalf of the international community, giving the authority of the Special Court to do certain things related to various crimes, both in personam and subject matter jurisdiction and temporally, gives it the jurisdiction that it requires to

do its job.

Therefore, the United Nations can in fact -- as its job is to do -- act on behalf of the international community. It can in fact create a treaty-based tribunal for which it is specifically given specific jurisdictional parameters to do its job.

Sierra Leone, in turn, as a sovereign entity, also agreed to that and then gave up some of its individual sovereignty and consented to turn over that jurisdiction as well to the Special Court. So this is going to be a fascinating legal argument that we're going to litigate next month in court. It will be the first major motion filed as we anticipate.

We don't know how it's going to be approached, but right now we're in our particular procedure. Once we finish our discovery, the defense has 21 days by which to file initial motions. In our procedures, one of them is jurisdiction. So we fully expect that the competency and jurisdiction of the Special Court to even exist can be litigated, and we're prepared for that in June.

I don't want to get too much into the argument, but the point is that we clearly believe we have the competence and the jurisdiction to prosecute those who bear the greatest responsibility. But that will be something that will have to be decided by the trial chamber.

Of course, whichever side loses is going to appeal that to the appeals chamber. The appeals chamber by the way, has the final decision. There is nothing after the appeals chamber. Whenever that is done, I'll either be doing one of two things, going to trial, or I'll be coming home a little earlier than I thought.

Jerry Fowler:

Do you expect the whole process -- those issues, because they're dispositive, to be resolved by the appeals chamber in time to start the trial in the fall?

David Crane:

That's something that's totally out of my control. It depends on how fast they decide. It will be what it is. We could start potentially in January. It also depends on what the trial chamber wants to do as to how it relates to the rest of the story. Do we want to continue to move forward, or do we wait for jurisdiction?

Again, that is a decision entirely up to the judges, of which I have no control over. But technically, it is very possible that we could be in trial in the fall, but it could spill over to the beginning of next year. But it doesn't matter, because we'll continue to move forward expeditiously. A lot of the trials will be joint trials, very similar to the Nuremberg model.

Yes?

Question:

What do you think (inaudible) what do you think (inaudible)?

David Crane:

Well, the reaction was one of stunned silence when he walked in and arrested them all in 55 minutes all across the country. The reaction so far has been that they are appropriately defended by their counsel and we fully expect their counsel to file motions questioning our jurisdiction.

Once that is done, they have an absolute right to defend themselves. They are -- you know, obviously they are innocent until proven guilty. However, I'm sure that once we get through the initial stages of the more important motions, I'm sure that a few of them will realize that there's a good chance that they are not going to see the light of a free day again. They may want to approach the prosecutor for a possibility of discussions of a plea bargain. This is a common law court. It's a form of British court. The rules are very similar to both England and the United States.

All of the judges, all of the prosecutors and the defense are all common law lawyers; they're not civil law. So within our legal tradition of jurisprudence, you are allowed to basically deal, which I will do so in order to achieve a just and expeditious result.

Question:

What level of (inaudible)?

David Crane:

Well again, it's greatest responsibility. There was a great deal of discussion and the decision was not those responsible, those most responsible, but those who bear the greatest responsibility. So we're looking at less than two dozen people who will be prosecuted, because the ones that actually thought it out, created it, sat down in a roundtable and said, how are we going to do this, and then sat down throughout the period of the 10 years and said, okay, how are we doing, what do we need to adjust, you know, those are the ones.

It's not just the military guys. It's the politicians and it's the financiers as well.

Jerry Fowler:

Along those lines, are crimes committed by ECOMOG soldiers or forces off the table?

David Crane:

I'm not saying anything's off the table right now because we're just not done. It's a worldwide criminal investigation going on.

Question:

(Inaudible) power (inaudible) can you discuss (inaudible) politicians or would this just be out of the blue one day?

David Crane:

It's a sealed indictment. That means --

Question:

Totally sealed?

David Crane:

Its existence and its contents are legally not open to the public.

Jerry Fowler:

But I think what she's -- I don't want to put words in your mouth. But if you had a sealed indictment of whomever, would you share that with other governments, for example, who might help you in effecting the arrest of the individual who was named in it?

I mean, can you share the contents of the sealed indictment with people outside the court, such as another government?

David Crane:

Yes.

Question:

I have a question about the TRC and the role of perpetrators (inaudible) perpetrators (inaudible) come before the TRC (inaudible)?

David Crane:

Again, I have encouraged them -- anybody to go before the TRC, because I'm not going to use anything that they say in any shape or form as far as what they say to the TRC. Of course, there's no immunity given for testifying before the TRC. The motives are pure, I want to get it off my chest -- kind of I want the world to know what happened here. I believe that they have taken over 6,000 statements. They're currently taking public testimony.

It's horrific. We kind of knew about it because we were investigating it, but the public now is beginning to realize the horror of it all. Again, that's for just the sole purpose of -- I just want to tell the world what happened to me and my family and my village.

Question:

Have you seen some perpetrators coming forward, too?

David Crane:

Yeah, there are perpetrators who are in fact coming forward and confessing and asking for forgiveness, and I think that's wonderful, because we're not going to be able to go after everybody.

The Sierra Leonean people don't want to do that either. They truly have started to come to accept that those who caused this to happen will be prosecuted, and they're willing to accept that, and actually willing to forgive a lot of the minor players, even though they did acts that were -- in our country, would be -- well, they're still unspeakable, but certainly we would not step away from it.

But when you have a situation like in Sierra Leone, you've got to deal with reality, not what you wish you could do.

Question:

What about (inaudible) of violations? Is there any method (inaudible) going before the TRC?

David Crane:

It doesn't matter, because let's say for example one of my future indictees decides to go before the TRC. I do not intend to use that statement against him in any way, shape or form. I've got plenty of evidence against him. All

he's doing is reaffirming what I've believed all along. Although, if I was his attorney, I would probably would not want to him to go before the TRC.

Jerry Fowler:

As you said, there is no legal immunity attached to the TRC testimony, so you don't have the problem -- you know, Lawrence Welsh having prosecuting Oliver North. He had to show that the information he had was not derived from (inaudible).

David Crane:

Sure. Sure, exactly. Well, I enjoyed this. I enjoyed your questions, and I hope you've learned a little bit about a little minor success story going down in West Africa. Stay tuned; there's more to follow.

Jerry Fowler:

Thank you very much for coming.

media and links:

The Special Court for Sierra Leone

International Crisis Group report: "The Special Court for Sierra Leone: Promises and Pitfalls of a 'New Model'"



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CONSCIENCE

"You are all aware of the dangers of a lack of things to do for young people, and of a sense on their part, not only that their personal futures are uncertain, but most dangerously that others in society continue to profit from corrupt behaviour" - UK Development Minister

JOIN THE FIGHT FOR THE RIGHTS OF THE DOWNTRODDEN IN SIERRA LEONE

STAND UP FOR YOUR RIGHTS AND DEMAND ACCOUNTABILITY FROM

TRUTH

Time to account to the people...they have the power

JUSTICE



RECONCILIATION

To the people....what is rightfully theirs in their own land...

VOLUME 6 NUMBER 3

Editor: Victor Sylver

MAY 15, 2004

AS THE DAY OF RECKONING BECKONS, JUSTICE MUST BE SEEN TO BE DONE IN MATTERS BEFORE THE SPECIAL COURT

HOME

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The recent announcement by the Special Court in Sierra Leone set up to try the ring leaders of the groups that rained terror, death and destruction on Sierra Leoneans, that on Thursday June 3, it would start the trial proper has been welcomed by many. The announcement that Chief Sam Hinga Norman, Moinina Fofana and Allieu Kondewa all of the disbanded Kamajor militia is to been in the light of grouping the accused with similar allegations with a view to ensuring a speedy and yet fait trial and should also be seen as somehow making the task of the prosecution and defence easier.

Reminders



The Editorial



The eight counts on which the three men have been charged are serious enough to warrant that emotions be kept in check and that supporters of the defendants, especially those of Chief Hinga Norman display the sense of purpose and maturity that is expected of them.

Who hounded the late SLENA boss?

It is worth noting too, that:

Sam Hinga Norman was indicted on 7 March 2003 on 8 counts of crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other serious violations of international humanitarian law.

LINKS

INASLA

S.L. Web

Supporters of the accused have been agonising over the long wait after their arrests and when the charges were made public were subjected to further waiting while the necessary legal arguments were heard and decided upon.

BBC African Service



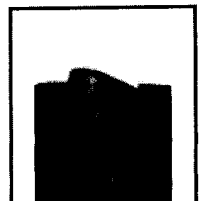
Is the President able and willing to tackle corruption?



When will ministers like Dr Prince Harding account to the people?



How did this man get into the Special Court?



AllAfrica.com	The waiting period also witnessed a number of controversial decisions.	When will Kanji Daramy face the ACC and the courts for his SALPOST corruption?
African Trade News	At one point Chief Sam Hinga Norman had his privilege to telephone conversations halted because of alleged fears that he could have been using such a channel to send coded messages that would have jeopardised the work of the Special Court as well as that of the security of the state.	
PEN	At another point, his bank accounts were ordered frozen thereby limiting his ability to run personal and family matters. Thankfully, all these restrictions have now been lifted and the business of the court proper will now start come June 3.	Nailing one of the many lies of Expo Times editor Ibrahim Seaga Shaw
	The Sierra Herald also received a "note" from the Special Court warning against the publication of interviews conducted with Chief Hinga Norman, something that was considered to be unwholesome as the Sierra Herald believed that the accused man had a right of reply to statements made by President Tejan Kabbah in interviews with the BBC.	Smashing the Expo Times web of deceit, lies and outright dishonesty
	The Sierra Herald believes that Chief Hinga Norman had a right of reply and that President Kabbah should also be guarded and guided on what he says in public on matters that are before the court.	
	The Sierra Herald has and will continue to support the ideals of the Special Court for Sierra Leone because of the view that such an organisation is necessary if impunity is to be punished and in bringing to book all those who were the key players in the mayhem that wracked and wrecked the country.	A plaintive cry for justice and the truth for the people of Mabaylla over the September 3/4 1997 acts of murder
	The Sierra Herald is still of the considered view that had Chief Hinga Norman not being in the custody of the court, he would have continued to be a part of the corruption mafia headed by President Kabbah.	
	The Sierra Herald strongly believes that it is left with his tormentors to prove without doubt that the charges levied against him are true as far as could be ascertained in a court of law.	
	The Sierra Herald is of the conviction that an indictment and arrest do not necessarily presume guilt and that the due	

process of the law, unfettered and uninhibited, nor influenced in any way, should satisfy observers as well as those involved that justice is seen to be done and will be done in Sierra Leone.

Let the battle proper begin - at least this time round, no blood will run and not a single bullet fired in anger.

Let the battle commence!!!!!!

Published fortnightly with updates between issues as necessary

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17/05/2004

WE ARE NOT BLIND SUPPORTERS OF SIERRA LEONE SPECIAL COURT

Those genuine and sincere Hinga Norman supporters agitating the release of the Chief must be very cautious that they do not align their views with those of Professor Abdul Karim Bangura, who is one of the bitter attackers of the Sierra Leone Special Court. People have threatened me and asked me why I continue to publish what they describe as the divisive views of the Kamajor Spokesman, Rev. Alfred SamForay. I will explain why.

One may disagree with what SamForay says, but the fact is that he has a genuine reason for fighting for Chief Hinga Norman. Firstly, it must be borne in mind that SamForay worked with Norman during his incumbency as Co-ordinator of the Civil Defence Force (CDF). Both men shared a morbid hatred for the RUF rebels and the AFRC renegade soldiers whom they perceived as having devillish aims not only to seize power violently in Sierra Leone, but continue the state of terror and unease that some parts of the South/East suffered during the APC rule. Both men had a moral right to fight for the redemption of their people.

Whatever mistakes may have been made today, the fact is clear that the CDF and Hinga Norman fought with a credible intention to stop Sierra Leone from falling into the hands of anarchists. And they performed a great job. For this reason, even while members of the militia are on trial, it is but morally prudent to publish the views of people who are genuinely advocating on behalf of the CDF. Though our lives are being threatened for doing that, we will continue to publish the views of SamForay and other serious members of the CDF until evidence is produced beyond a reasonable doubt in court that Norman is indeed a war criminal.

For all our detractors know, this is an independent newspaper. We do not owe allegiance to any party, government, President or force. Our allegiance is to the people of Sierra Leone and our readers. We will therefore publish the views of any party of force that sends them to us for publication. Only recently, we published in full the views of the Chairman of the UK and Ireland Branch of the SLPP, Mr. Samuel Jonjo, who lavished gratuitous praises on President Tejan Kabbah. If the APC send their views to us, we will publish them.

We have suffered lots of undue threats and accusations since we started publishing the releases of Kamajor Spokesman, Rev. Sam Foray. We do not make any big deal out of these threats because we are not easily intimidated. We know that once we do not compromise the truth, those who would want us to tout only their own perspectives will try to make our job difficult. We have always produced the views of the CDF and the Special Court on an equal basis. This is because we are independent and middle-of-the road.

However, there are those of our detractors whose true motives need to be put in their true perspectives. When a man like Marda Mustapha criticises this Editor at Leonenet or any forum, it does not surprise anybody anymore. Everybody knows the malice and envy that breeds in the heart of this Mustapha chap for anything that is Kabs Kanu. It reached a point where he was rebuked by one of Leonenet's most erudite intellectuals and infrequent participant, Dr. Kayode who advised him to be allowing words from my mouth to at least drop to the ground.

Such is Marda's envy that he disputed this Journalist's every posting on the past glories of Sierra Leone football, notwithstanding the fact that at the time of the events being recounted, he was in his village upcountry growing up. . When Marda is not launching cowardly attacks at this Editor at Leonenet, he is concocting wicked lies and malicious falsehoods against him in private mails.

This Journalist therefore is not surprised at Marda's present false accusation that Kabs-Kanu is lifting David Crane up to the level of a hero and will not pay heed to such idle banter. . If that is so, I have no regrets for indeed Crane is a hero. He is a Daniel come to Judgement. However, it must be noted that this newspaper is not a blind supporter of the Special Court or anybody for that matter. Our support is rooted in strong reasons which are obvious when it involves such a court which has come to bring justice to a nation steeped in every imaginable evil.

What is bothersome, though, is when people like Dr. Abdul Karim Bangura, from whom so much is expected, repeatedly runs his mouth unadvisedly and unfairly on matters raised by detractors of this newspaper or Editor . Ofcourse, nobody expects AKB to support a noble institution like the Special Court, for it no secret at Leonenet that he is an RUF/AFRC symapathiser.

This was why I warned in my introduction that genuine Hinga Norman supporters should not be fooled into considering his support for the anti-Special Court lobby or attacks on this Editor as born of good motives . His opposition of the Special Court is not based on any high-minded ideals or sympathy for Norman, whom he labels Hinga "The Bandit" Norman. Indeed, Bangura will not support a pacifist or pro-people freedom - fighter . He is not a lover of peace or social order as he has demonstrated .A convincing proof is that he has littered Leonenet with credible evidence that he is an anarchist who continuously advocates the violent overthrow of the SLPP government, as we are about to demonstrate from his own writings.

CONTINUE ON PLAYING HARD BALL PAGE



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15/05/2004 08:51

Blood Diamonds:What the world must learn from Sierra Leone war — Kargbo

*By Fred Iwenjora
Saturday, May 15, 2004*

Barrister Sam Kargbo is a legal practitioner with hands on several pies of life. Apart from running a flourishing legal career, Sam is also a lecturer in international economic law and also a social commentator who is a member of the editorial board of the Daily Independent newspaper.

The past few months, has seen his dream of producing a movie, a real quality one at that see the light when he brought together some Nigerian and Sierra Leonean actors under the directorial tutelage of one of Nigeria's notably gifted film directors, Teco Benson to do what many now consider a major block buster movie titled Blood Diamonds.

Kargbo took time off to speak to Home Video People at the media premiere of the movie gearing up for a grand premier soon.

"We have decided to Premiere Blood Diamonds at the Lagoon restaurant come 27th May 2004 and the plan is all the way on.

In addition to showing the movie, we will have live music, fashion show etc, it is going to be a nite of fun for a all because for every movie, you have everything, fun, glamour, you have music, story and all the things that make up entertainment. So on that night, all the musicians who featured in the movie in area of sound tracks like Safari, X- appeal, Chuks, will be there. Baba Fryo, Lt Shotgun etc will be there. It is actually going to be fun all for Blood Diamonds. The whole idea is to create more awareness for the movie. We are also happy that Wrangler is supporting us wholesomely. Release Date

We are releasing the movie about the same time because there is no reason to wait and create unnecessary gaps.

An up and coming marketer Gold Pictures is marketing the movie. He is a youngman who is a friend of mine and I believe in giving opportunities for the young to grow. Some people have said that we should have given a movie of that standard to a big marketer but I don't believe in that. I believe in giving the great opportunity to the young to grow. If he does well, he moves on from there into the big league. So I have no doubt about choosing him as the marketer of Blood Diamonds.

Premiere in Sierra Leone When we went to Sierra Leone, the President Dr Tejan Kabaah said he would be at the premiere. I thought it was another political statement and that he didn't mean it but when he arrived at 7.45 p.m rather than 8.15 p.m protocol time, I was shocked happily. The audience was positively disposed that we couldn't contain them. If we had set for three shows, it would have all sold out. Sierra Leoneans were happy and they expressed it that for the very first time, a movie of that kind is being associated with the country. People who have watched it know that it is one of the movies to change the face of the industry.

People will soon realise that if enough money is put into the industry, you would realise great picture quality. I must say that this is an expose on Teco Benson's directorial ability and I strongly believe that he is very happy. I must also say that this is not his best because it is yet to come. President Kabah gave him special attention like all Sierra Leoneans who were present and thankful to him for a job well done.

The president was the first to stand up for the standing ovation. I think it is a motivation for him because having come this far, I know him, he would never want to go below that standard. I have a friend, an international actor based in the U.K. named Wale Ojo who hitherto, didn't believe in the home video. But when he watched Blood Diamonds he became converted and he is ready to collaborate with us in the sequel to Blood Diamonds. If more money is pumped into the industry, people will take the industry serious, Wale and Co spent four million pounds to do Rage. Believe me, if Teco had that kind of money, it would have to be the moon that we are chasing not the sky.

Marketing in Sierra Leone

We are already discussing that, the head of video marketers in Sierra Leone is an Igbo chap and we have been talking. He even was part of the movie. They will organise the chain of marketers on Sierra Leone to spread the message. With the reports we receive daily, with the success of the premiere and the realisation that this is a Sierra Leone story, we are very hope full as well. I have always said that with what I put into Blood Diamonds, if I sold anything short of a million copies, then I would have been disappointed.

Premiere all over the world

We had talked about that but we must get the logistics right first. We must begin to release and prepare for festivals. The movie was shot in the last months of last year. We also edited painstakingly. Teco tried his best and as you know he is very meticulous and perfection he must seek. He did his best I must say. The premiere for other countries must be done in due course because we are discussing with people both in the

UK and the US all in the bid to give the movie the greatest exposure it deserves. The story is enough to generate popular world interest because it borders on issues behind one of the most atrocious civil wars in history.

Government involvement

I feel bold to call on the government of African countries to get involved with this greatest export of the land. All over the world, the African home video is the issue of discussion and wealthy people and corporate organisations should get involved.

Blood Diamonds

The Nigerian film industry is witnessing a surge of quality movies, featuring topical issues that affect the cause of humanity. In our own little contribution towards the growth of the industry, we decided to focus on a unique storyline, the remote and immediate causes of war in the West African sub-region in particular and Africa in general. The film was shot in Sierra Leone using some of the best and accomplished artistes in Nigeria. The Sierra Leonean cast included a minister, lecturers from the Fourah Bay College, TV broadcasters, sports people and models. Shot with a US\$200,000, BloodDiamonds is the biggest and most ambitious movie project ever accomplished in Nigeria.

The eleven-year civil war in Sierra Leone was recorded as the most atrocious civil war ever witnessed by humanity. Propelled by greed and avarice a group of Sierra Leoneans and Liberians under the leadership of the late Rebel Foday Sankoh's Revolutionary United Front (RUF) and the active support of Charles Taylor, the former Liberian war lord turned president, invaded Sierra Leone in 1991 and seized all the mining areas in Sierra Leone with total control .

Nigeria virtually bore the entire burden of the war. Foday Sankoh was later arrested and died in prison while facing trial. It is widely believed that he left behind diamonds worth several hundreds of millions of US dollars even though no one knows who has custody of the treasure. The war ended in 2001 and Charles Taylor is said to be enjoying the wealth he got from the deal as he lives in exile in Nigeria.

Blood Diamond is a story that tries to capture all of these and proffer a solution to the prevention of such a national set back . The story as told talks about Charles Taylor sending a group of mercenaries to Sierra Leone to recover from One Don Carlos the diamonds left behind by the late Foday Sankoh. . Don Carlos wants the diamonds for himself and releases a set of killers against Charles Taylor's mercenaries.

Meanwhile the government of Nigeria had alerted the Sierra Leone Government about the Charles Taylor's plot. The Sierra Leone

government also sets up a crack team of military and police officers to hunt both the mercenaries and Don Carlos. It is a race against time for all the three parties and its is a fight to finish.

The movie features top Nigerian actors and actresses, including Hank Anuku, Emeka Okoro, Shan George. Others are Rita Dominic Lanre Balogun, Zulu Adigwe T.J Cole and a host of others.

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HEADLINE: **International Criminal Court facing tough choices ahead** of first investigation

BYLINE: ANTHONY DEUTSCH; Associated Press Writer

DATELINE: THE HAGUE, Netherlands

BODY:

From jungle warlords and cult leaders to bankers and presidents, prosecutors are lining up their targets for the first cases by the new permanent war crimes court.

But nearly two years after the court's creation, it has yet to launch its first full **investigation**, and already it is running into a dilemma that goes to the core of its independence: when does political support for the court erode impartiality?

Nearly 800 complaints of war crimes and crimes against humanity have flooded into the makeshift offices of the **International Criminal Court**, or ICC, temporarily set up in a former telecoms building in a suburb of The Hague.

They present a grim litany of mass murder, systematic rape, child abductions and persecution.

Most complaints are disqualified by the court's rigid jurisdiction limits. Unless the U.N. Security Council intervenes, only people from countries that have signed the court's founding treaty - 94 so far - can be prosecuted. That means citizens of the United States, Russia, China Israel, Iraq and all other Arab countries except Jordan are beyond the court's reach.

It would have no jurisdiction to try either ousted Iraqi President Saddam Hussein or the U.S. soldiers accused of abusing, or some cases murdering, Iraqi prisoners.

In the 94 so-called state parties, ICC prosecutors can initiate **investigations** if they see war crimes going unpunished, or a government may ask the court to prosecute its own citizens when its domestic court system fails.

Uganda made such a request. In January, President Yoweri Museveni referred jurisdiction to the ICC to prosecute leaders of the Lord's Resistance Army, a ruthless rebel group known for kidnapping children to use as fighters or sex slaves. It is led by Joseph Kony, a cult figure who shrouds himself in the Bible and magic powers.

Museveni's appeal to the ICC to investigate Kony's group was a coup for Chief Prosecutor Luis Moreno-Ocampo, enhancing the court's legitimacy and proving the system can work.

But human rights organizations say Museveni, who seized power in 1986, also should be investigated for alleged abuses by government forces.

Moreno-Ocampo was criticized for appearing with Museveni at a London news conference in February to announce the impending **investigation** against the rebels. He made no reference to excesses by the Uganda military during that session.

If prosecutors investigate the government and military, Uganda could end its cooperation. But a failure to investigate both sides of the conflict risks appearing biased.

Museveni reportedly has promised to cooperate with prosecutors should he be investigated.

Michail Wladimiroff, a Dutch lawyer who defended the first suspect at the Yugoslav war crimes tribunal, warned the court against wading into politics.

"They can't escape negotiating with governments, but he (Moreno-Ocampo) wasn't as tactful as he could have been. He has to avoid appearing brotherly" with potential suspects, Wladimiroff said in an interview.

James Goldston, a professor of human rights law at Budapest University, said Moreno-Ocampo needs to be sensitive to political, as well as legal, aspects of his cases.

"The prosecutor's office is aware of the need to maintain its independence and perception of independence," Goldston told The Associated Press.

Last month, Congo became the second country to hand over jurisdiction to the court, to investigate crimes in its war-wracked Ituri province, a move hailed as another vote of confidence. Moreno-Ocampo has said such an **investigation** would probe financiers of the tribal warfare and businessmen who stoke tribal fires to exploit illicit trade in gold or diamonds.

Moreno-Ocampo, an Argentine, earned his reputation prosecuting members of the former military regime responsible for thousands of "disappearances" during the country's so-called dirty war 25 years ago.

He is assembling a team of experienced prosecutors from around the world. Christine Chung, a veteran of the Manhattan district attorney's office, will handle the Uganda case. Deputy Chief Prosecutor Serge Brammertz, a Belgian, will head up the Congo **investigation**.

About 30 prosecutors have been recruited, many lured from the U.N. war crimes tribunal for the former Yugoslavia. They are among nearly 200 full-time employees from 35 countries working for the court, sifting through complaints and preparing **investigations**.

But the court's first trial could be years away.

By comparison, the Yugoslav tribunal issued its first indictment within a year after its creation in 1993 and is now trying former President Slobodan Milosevic.

But legal experts say the comparison isn't fair because the new **criminal court** faces greater challenges, especially the fierce opposition of the U.S. government.

"The Yugoslavia tribunal was established by the U.N. Security Council and had superior authority to try crimes in Yugoslavia. It could impose its will upon the Yugoslav states," said Wladimiroff, who now represents ex-president Charles Taylor of Liberia.

"The ICC can only work with the cooperation of the country. It would be unreasonable to expect the ICC to have a case in no time."

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New Role for International Justice

Concerns have arisen about the way the prosecutor has interpreted Sierra Leone's conflict in various statements, the procedures surrounding some indictments, and the perceived Americanisation of the Court ...

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According to the International Crisis Group (ICG), the events of recent months have raised confidence in the international community that Sierra Leone has finally emerged from its decade-long civil war, but there is still a risk of renewed conflict as a result of the instability in neighbouring Liberia.

ICG opines that the Court needs to be careful not to appear to be subject to outside influence if it wants to fulfil its mandate with impartiality and provide a "new model" for international justice.

"subtle links alleged on several occasions by Prosecutor Crane between diamonds and al-Qaeda terrorist networks can be interpreted as an attempt to increase United States interest "

ICG states that while the international community has made great strides in improving the security situation in Sierra Leone, Liberia remains a wellspring for continued conflict stretching across Liberia, Sierra Leone and Guinea. Liberia's internal situation has been the dynamic that has provided fuel for the broader war, and no peace in the region will be viable until it is dealt with more forcefully.

In its status report on the Special Court for Sierra Leone, which was created in January 2002 and officially started to function on 1 July 2002, ICG states that concerns have arisen about the way the prosecutor has interpreted Sierra Leone's conflict in various statements, the procedures surrounding some indictments, and in particular, the perceived Americanisation of the Court.

International Crisis Group

According to the ICG, the U.S. government, its main donor, wishes the Special Court to succeed at least in part in the expectation that a demonstration of how such an ad hoc tribunal can handle the gravest of war crimes and crimes against humanity will reduce the widely perceived need for the new International Criminal Court that the Bush administration strongly opposes.

ICG provides further that **"...subtle links alleged on several occasions by Prosecutor Crane between diamonds and al-Qaeda terrorist networks can be interpreted as an attempt to increase United States interest, they are also seen by many in Sierra Leone as examples of the Court being used to promote U.S. foreign policy interests...."**

ICG opines that the Court needs to be careful not to appear to be subject to outside influence if it wants to fulfil its mandate with impartiality and provide a "new model" for international justice.

In Liberia, reports are that rebel and government fighters have crossed the front line to embrace each other in the capital, Monrovia saying they want peace following the arrival of

the West African peacekeeping force.

President George W Bush has ordered three warships to head for the Liberian coast but not to send any troops onto land until a ceasefire was in place.

President Olusegun Obasanjo of Nigeria told the BBC that this was like sending a fire engine to the scene of a fire but only promising to help once the fire was out

Liberia's President Charles Taylor is expected to leave Liberia for Nigeria within a day of standing down on 11 August 2003. President Taylor said he would stand down in favour of his Vice-President Mr. Moses Blah.

Liberia has already lodged an official complaint with the International Court of Justice at the Hague against the international warrant for President Taylor's arrest issued by the Special Court in Sierra Leone for his alleged role in the civil war in that country.

ICG states that it is far too early to declare the danger over.

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

amnesty international

Liberia

The promises of peace for 21,000 child soldiers

17 May 2004

Summary

AI Index: AFR 34/006/2004

The lives of Liberia's children have been devastated by years of internal armed conflict. They have been killed, made orphans, maimed, abducted, deprived of education and health care – and recruited and used as child soldiers.

There are an estimated 21,000 child soldiers – both boys and girls – in Liberia. They include not only children who have been given guns and forced to fight or to carry arms and ammunition, but also girls who have been abducted, raped and forced to become the sexual partners of their abductors. With little or no training, children have been sent directly to the front line where many were killed or wounded. Those resisting recruitment or refusing to comply with their commanders' orders risked being beaten or killed.

All parties to the conflict – the former government of Liberia and the two armed opposition groups, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) – have used child soldiers. A peace agreement in August 2003 and the decision by the United Nations (UN) Security Council the following month to deploy a large UN peace-keeping operation opened the way for finally ending the conflict.

Many challenges remain, however, and one of the most urgent is meeting the needs of former child soldiers. Priority must be given to their swift disarmament, demobilization, rehabilitation and reintegration (DDRR). Aborted almost immediately after it began in December 2003, the DDRR process only began to get underway from mid-April 2004.

The needs of former child soldiers – health, social, psychological, educational and material – are specific and require a dedicated and sustained response. The DDRR program devised by the UN and other agencies aims to ensure health care, education, skills training, family-tracing and reunification, and to respond to the particular needs of girls, many of whom struggle with the psychological, physical and social consequences of sexual and other forms of physical abuse, forced “marriage”, pregnancy and childbirth.

While immediate disarmament and demobilization are a priority, the needs of former child soldiers, their families and communities do not end there; rehabilitation and

reintegration are complex and long-term and require sustained funding and support. Getting children back into school is crucial.

The urgency of responding to the needs of Liberia's child soldiers was highlighted by participants, including the UN Secretary-General, at the International Reconstruction Conference on Liberia held in New York in February 2004. The commitments made by donor governments must be met fully and speedily, including by providing sufficient resources for the effective DDRR of child soldiers in the immediate, medium and long term.

An urgent and adequate response to child soldiers in Liberia is necessary not only to reinforce Liberia's peace process but also, in a conflict which has had wide ramifications on peace and stability in neighbouring Côte d'Ivoire, Guinea and Sierra Leone, to contribute to ending years of insecurity and conflict in West Africa.

In May 2004, the UN Committee on the Rights of the Child considers implementation by Liberia of its obligations under the Convention on the Rights of the Child. This is an important opportunity to highlight the plight of Liberia's children, to urge the National Transitional Government of Liberia (NTGL) to take concrete measures to improve children's lives and to encourage the international community to support the NTGL's efforts to meet its commitments.

Recruitment and use of child soldiers violates children's rights and is a war crime. The international community and the NTGL have, however, shown little political will to bring to justice the perpetrators of crimes against humanity, war crimes and other serious violations of international law committed during the conflict, including the recruitment and use of child soldiers. Lasting peace will remain elusive unless those responsible for these crimes are held accountable.

This report makes a series of recommendations to the NTGL, leading representatives of former government forces, the LURD and MODEL, the UN Mission in Liberia (UNMIL) and the international community, including the UN Security Council and donor countries, to ensure that the practice of recruiting and using child soldiers finally comes to an end and that the needs of former child soldiers are fully met.

This report summarizes a 37-page document (14,355 words) *Liberia: The promises of peace for 21,000 child soldiers* (AI Index: AFR 34/006/2004), issued by Amnesty International on 17 May 2004. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

<http://web.amnesty.org/ai.nsf/news>

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Liberia

The promises of peace for 21,000 child soldiers

"Children continue to be the main victims of conflicts. Their suffering takes many forms. Children are killed, made orphans, maimed, abducted, deprived of education and health care, and left with deep emotional scars and trauma. Forced to flee from their homes, refugees and internally displaced children are especially vulnerable to violence, recruitment, sexual exploitation, disease, malnutrition and death. Children are being recruited and used as child soldiers on a massive scale. Girls face additional risks, particularly sexual violence. These egregious violations of children's rights take place in a pervasive climate of impunity."(1)

Unsteady steps towards peace

The children of Liberia have suffered to a devastating degree the deprivations enumerated by the United Nations (UN) Secretary-General, Kofi Annan, in his most recent report to the UN Security Council on children and armed conflict. One of the most urgent challenges as Liberia emerges – still only shakily – from protracted internal armed conflict is to respond adequately to the needs of the very large number of children under the age of 18 years who have had their young lives blighted by the violence and destruction which has racked Liberia almost continuously since late 1989. They have been denied their most fundamental rights, including their rights to family life, food, health and education.

The conflict in Liberia has been characterized by crimes against humanity, war crimes and other serious violations of international law. Prominent among those crimes has been the recruitment and use of tens of thousands of girls and boys as child soldiers.

An emergency report on Liberia issued by the Acting UN High Commissioner for Human Rights, Bertrand Ramcharan, on 8 August 2003, as the capital, Monrovia, was engulfed by violence and an unprecedented humanitarian disaster, stated that: *"One out of every 10 Liberian children may have been recruited into the war effort. Liberian children have suffered all kinds of atrocities, sexual violence, disruption of schooling and forced displacement".(2)*

A Comprehensive Peace Agreement was signed by the former government of Liberia, both armed opposition groups, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), together with political parties, in Accra, Ghana, on 18 August 2003. On 19 September 2003 the UN Security Council decided in Resolution 1509 (2003) to deploy a large UN peace-keeping operation: the UN

Mission in Liberia (UNMIL). It has a mandate, under Chapter VII of the UN Charter, to support implementation of the cease-fire and peace agreement, to protect civilians, to facilitate humanitarian assistance, to contribute to the protection and promotion of human rights, and to assist the restructuring and training of the Liberian security forces.(3)

These developments provided hope of finally ending a conflict which has devastated the country and the lives of its people. Many challenges remain, however.

Implementation of the peace agreement has started fitfully: civilians have continued to be killed, raped, beaten, used as forced labour and driven from their homes, their property looted; the cease-fire has been repeatedly violated and fighting has continued in some parts of the country; commitment to implementation of the peace agreement by some of its signatories has been questionable; the power-sharing transitional government is undermined by continuing political tensions both within and between the parties to the conflict; deployment of the full complement of 15,000 UN peace-keeping troops has been slow and has yet to reach all parts of the country; and the disarmament, demobilization, rehabilitation and reintegration (DDRR) process is only now beginning to get under way after being aborted almost as soon as it started in December 2003.(4)

The delay in deployment of peace-keeping troops throughout the country has prevented UNMIL from effectively implementing its mandate to protect civilians and also from moving ahead rapidly with disarmament and demobilization of combatants, including child soldiers.

There are an estimated 21,000 child soldiers in Liberia. While many left their commanders and units after the peace agreement and the deployment of UNMIL, an unknown number remained in areas either only recently or not yet reached by UNMIL forces.

As the National Transitional Government of Liberia (NTGL), which came to power on 14 October 2003, and the international community advance – albeit hindered by numerous obstacles – towards consolidating peace and rebuilding Liberia, priority must be given to the swift DDRR of these children. Their needs – health, social, psychological, educational and material – are specific and

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Liberian Rebels Suspend Cooperation with Govt

Fri May 14, 2004 07:27 PM ET

MONROVIA (Reuters) - Liberia's biggest rebel faction said late on Friday it would stop cooperating with the government because of a spat over a key ministerial position, casting a pall over the country's revamped disarmament process.

Liberians United for Reconciliation and Democracy (LURD) said they had given interim leader Gyude Bryant 24 hours to sack the country's finance minister, whom they accuse of sidelining them in political decisions, but he had failed to do so.

"After the 24-hour ultimatum ended we today received a letter from Chairman Bryant informing us that he cannot honor our request," LURD spokesman Charles Bennie told reporters.

"As of now we are going to suspend all forms of cooperation with this government until Bryant is prepared to listen to us."

The rebels, who joined a coalition government after an August peace accord meant to draw a line under 14 years of civil war, have long complained about certain key appointments in Bryant's administration.

They demanded Bryant's own departure in October, only days after he was sworn in, but then rowed back after he pledged to reconsider some rebel nominees to senior government positions.

Liberia's civil war killed more than 200,000 people and spilled chaos across the region.

After a checkered start last year, a revamped scheme to disarm combatants was launched in April backed by the United Nations, which says it has so far disarmed about 19,000 fighters.

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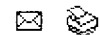
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Sierra Leone to Hold Local Elections Next Week

*Nico Colombant**Abidjan**14 May 2004, 16:20 UTC*

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For the first time in three decades, Sierra Leone is preparing to hold local elections next week. There is little or no competition in more than half of the districts.

About 2.5 million people have registered to vote in the elections on May 22 to fill offices in more than 390 regional and municipal districts.

But for more than 80 of these districts, there are no candidates. In over 80 others, there was only one candidate, so no voting will take place there either, and the sole candidate has already been declared the winner.

The ruling Sierra Leone People's Party has already been awarded 77 seats, and the main opposition party, the All People's Congress, has obtained six seats. In other districts, where there will be competition, the opposition has accused tribal chiefs of taking bribes to favor the ruling party. The chiefs deny the accusations.

The opposition is also complaining it was promised more money from international donors and civil society groups to ensure democracy takes hold in Sierra Leone.

The country has recently come out of a decade-long civil war, which followed years of military and corrupt government rule.

A peace negotiator during the civil war that left 200,000 dead and thousands of others maimed, Omrie Golley, says the lack of strong opposition could jeopardize Sierra Leone's transition to democratic rule.

"The process has been haphazard, in my view, and, obviously, decentralization of government and grass roots local politics is extremely important after the war and developing through that," he said. "But it has been very haphazard in the way that it has been organized, the inclusion process, to possibly not make it as effective, in terms of its results and what we all want."

One of the parties not fielding candidates in the local elections is the former

rebels' Revolutionary United Front. Its members say their party's constitution requires that funding for any election be provided by their leader.


But the RUF says it has yet to replace the former leader, the late Foday Sankoh. He died last year while in the custody of a special U.N. war crimes court for Sierra Leone.


The European Union is footing about a third of the \$8.00-million bill to cover logistical costs of the elections. It had decided earlier to withhold funds because of allegations of corruption within Sierra Leone's National Electoral Commission, but reversed its decision when the allegations were cleared up.

Several hundred local observers will be monitoring the vote.

Presidential and parliamentary elections, which were held in 2002, were declared free and fair by international monitors, but members of the electoral commission allegedly stole some of the international aid money intended to cover election costs.

A complete overhaul of this commission was one of the changes the European Union demanded as a condition for releasing new funds.

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Concord Times

Monday May 17, 2004

without any seeming break...

Amputation made our war unique

...*Oswald Hanciles*

By Joseph Kamanda

The amputation of people during the decade long civil conflict made the war in Sierra Leone so unique that people have been using the images of amputees to extract funds from donor agencies in the worldwide to secure their personal interest and not the war victims, disclosed Oswald Hanciles while chairing a programme during the inauguration ceremony of the Sierra Leone Amputees and War Wounded Union (SLAWW) at Stop Press Restaurant George Street, last Thursday.

Chairman of SLAWW, Alhaji Lamin Jusu Jaka said that million of dollars have been spent on ex-combatants through the NCDDR programme while little or no attention was paid to their plight noting that they formed the union to protect the

interest of amputees.

"We formed the union so that we could not be forgotten," and added, " we would never be the same again to function as normal human beings as some of us are still suffering from bullet wounds on our back, legs, head, arms and other parts of our bodies," he said in tears.

National Chairman of the Truth and Reconciliation Working Group, John Caulker assured the amputees that the TRC report would address the problems facing them and salvage their situation once and for all.

He also highlighted the different types of reparation and how payment could help in changing the lives of the victims.

Meanwhile amputees all over the country have formed a union that will look into their welfare nationwide.

26,000 fighters disarmed in Liberia

The United Nations Mission in Liberia (UNMIL) said on Wednesday said nearly 26,000 fighters had been disarmed so far by international peacekeepers, but with the disarmament programme yet to extend into rural areas, the total number likely to come forward was still unknown. Major General Joseph Owonibi, the deputy commander of UNMIL,

UNMIL Commander
Gen. Daniel Opande



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26,000 fighters disarmed in Liberia

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said no target had been set for the number of fighters that the UN was aiming to disarm in Liberia. "The only time we will be able to give a figure is at the end of the disarmament," he said. UNMIL estimated late last year that Liberia's three armed factions had a total of 38,000 combatants, but subsequent official estimates have fluctuated up to 60,000. Clive Jacknik, the head of the UN disarmament programme, told a news conference in Monrovia that

since a false start to the exercise in December, a total of 25,961 combatants from the country's three warring groups had been disarmed. The disarmament programme was re-launched on a more organised footing in mid-April. "So far, as of yesterday [Tuesday] which was operational day 27 since the 15 of April, 12,385 combatants were disarmed in Liberia during the second phase of the DDR (disarmament, demobilisation and rehabilitation) programme.

Taking the previous case of December, that brings the number to 25,961," Jacknik said. UNMIL tried unsuccessfully to launch a disarmament exercise in the capital Monrovia in December. However, rioting by former government soldiers demanding cash up front for handing in their weapons and the failure of the single cantonment centre created at the time to cope with demand, forced the United Nations to put DDR on hold for four months. Four cantonment sites are

now operational, but well-informed Liberians in Monrovia have told IRIN that some non-combatants are colluding with former fighters to take part in the DDR programme in order to claim the US\$300 resettlement grant payable to all those who demobilise. Genuine fighters have been giving these non-combatants weapons and ammunition to hand in as they register themselves at the cantonment sites, they said. Despite Owonibi's reluctance to estimate the true number of former combatants, Moses Jarbo, the head of Liberia's disarmament and demobilisation commission, said there could be up to 60,000. "The commission, along with the political leadership of the former warring factions

unanimously believe that the figure being represented by the UN is under-estimated. As the disarmament progresses, we would suggest working around a figure of between 55,000-60,000 ex-fighters," he told IRIN. Jacknik said that of the 12,385 disarmed by UN peacekeepers since 15 April, 3,710 had already been discharged from the four cantonment sites for reintegration into local communities. He also reiterated that plans were underway to create additional disarmament centres in remote parts of rural Liberia where there are believed to be more fighters waiting to disarm. "We have plans for new sites in Liberia in order to cater to more outland areas where there is ease of access of former warring factions

members who wish to come into the DDR process," Jacknik said. General Owonibi said the number of peacekeeping soldiers on the ground was moving to closer to the authorised strength of 15,000 and the force would soon be deploying into as yet unsecured areas near the south-eastern border with Cote d'Ivoire. "Our ceiling is 15,000 troops, so far we have been able to reach a figure of 14,127 troops. We are still looking at doing further deployments in Harper and some parts of Nimba County," Owonibi said. Nimba County and Harper, the provincial headquarters of Maryland County, both contain large numbers of fighters who have yet to be disarmed. Nimba was formerly a stronghold of forces loyal to the former government of Charles Taylor, while Harper is a key base of the Movement for Democracy in Liberia (MODEL) rebel group.

Awoko
Monday May 17, 2004

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Nigeria CDS Visits Sa. Lone

The Chief of Defence Staff, Nigerian Armed Forces. General Alexandra Ogunmodia, has said the Nigerian Armed Forces will continue to lead support to the Republic of Sierra Leone Armed Forces, particularly through training courses to ensure that a standard and accountable Armed Forces is achieved.

The General, who was speaking during a visit to the Ministry of Defence, expressed appreciation to the Deputy Defence Minister for the warm welcome accorded his delegation, adding that, Nigeria will always stand beside Sierra Leone and the Sub-Region to ensure that peace prevail.

He commended the government and people of Sierra Leone, for achieving peace through a collective agreement from all parties, which he said is the best methods of solving crises.

The present problem within the Sub-Region, General Ogunmodia said, is inter-woven and there for a collective solution from all parties and governments concerned, must work with one objective to maintain peace and stability within not only in the Sub-Region, but Africa, as a whole.

The Nigerian Chief of Defence Staff, expressed appreciation for the commendation



Hon. Joe Blell defence

expressed by the Deputy Defence Minister on behalf of the Nigerian Contingents in UNAMSIL, which he said is commendable.

Deputy Defence Minister, Joe Blell, who described the visit as timely said he was excited particularly so to receive such a high powered military delegation from a country that has done so much in bringing peace to Sierra Leone.

The relationship between the two countries, the Deputy Defence Minister said, is historical and such relations, he added, continues to grow from strength to strength.

He appreciated the support and assistance received from the Nigerian Government during the trying period of this country, while trying to achieve peace and also the training of Cadet Officers to ensure that the Force is equipped with well trained Officers.

Republic of Sierra Leone Armed Forces Chief of Defence Staff, Major General Sam M'boma, said the military delega-



Sam M'boma: CDS tion would not have come at a better time than now when the RSLAF and the MOD is been restructured to ensure standards, professionalism and accountability.

He appealed to the Nigerian General, for more training slots to be allocated to the RSLAF particularly at the level of Staff Courses to enable Officers to be in line with modern military techniques in terms of administration and operations.

The Deputy Chief of Defence Staff, Brigadier Alfred Nelson Williams gave a brief background of activities undertaken by the RSLAF within the restructuring framework and an update of the security situation at present.

A one minute silence was observed in honour of late Brigadier General Maxwell Khobe and other Nigerian soldiers who lost their lives, while trying to bring peace and stability to Sierra Leone.

Reflections

Sierra Leone stories from the fields

Retired Canadian Lieutenant-General Roméo Dallaire travelled to Sierra Leone and Guinea on a fact-finding mission for CIDA December 1-7, 2001. As part of his mandate, he looked at the reintegration of war-affected children into Sierra Leonean society, the impact of current Canadian-supported programs and possible future needs. This article is an excerpt from his report.

Many factors have combined to nudge Sierra Leone along a difficult path to peace: strong military and diplomatic action taken by the British government and its commitment to build up the Sierra Leone Army and police force, the strengthening of the UN Mission in Sierra Leone, the military defeat of the Revolutionary United Front (RUF) forces following its attack on Guinea, and the increasingly effective international pressure on diamond smuggling through Liberia, in which diamond deposits have enabled the RUF to acquire weapons and support from that country.

While there seemed to be general optimism about the new developments in Sierra Leone, there is widespread concern about the future. Parents, and even youths themselves, were very concerned about the fate of adolescent children. I share this concern.

The UN High Commissioner for Refugees lists 111,000 Sierra Leonean refugees living in Guinea. In the Kissidougou area camps that I visited, a small number of former combatant children were in the first steps of rehabilitation. I met a group of 10 former child soldiers in psychosocial therapy. I was impressed with the capacity of their informal caregivers, who were Sierra Leonean, to establish empathetic connections with these children.

The children, some as young as nine, had been captured, forcibly addicted to drugs, and then kept under control by a perverted budav system in which each was assigned a watcher and given responsibility to watch another for signs of escape.

One older child explained how, after years in the bush, logistical problems with the drug supply had allowed his head to clear. Previously, he had risen to command a Small Boy Unit, playing a leadership role in abusing other children and killing adults. He now seems keen to get an education that would allow him to rejoin the wider society.

Many of these children have been dehumanized by their experiences. Therapy aims to help them through the introduction of mutual respect, storytelling, and opportunities to talk about their experiences, as well as dancing and singing.

When accompanied by decent food, medical care and security, this seems to be working for most of the children; but they are still a long way from returning to a "normal" life.

During the war, the Revolutionary United Front (RUF) would abduct young girls, forcing them into "marriage."

These child mothers, or "bush wives," present a special challenge for

reintegration into the community. Some of them are so emotionally scarred that it is difficult for them to love and care for their own children.

In addition, most of these girls—some as young as 14 years old—have essentially acquired the status of wives to the RUF commanders; they actually feel safer with them than with other people in the community. It doesn't help that communities find it difficult to accept these unwed child mothers.

During my visit to CIDA-funded World Vision projects at Koribondo and Bo in Sierra Leone, I saw training activities for former combatants and single mothers, and a foster parents association that targets child rape victims. Training is difficult in a subsistence farming economy where there is very small demand for services; however, the activities seem to be therapeutic in their own right and may give a number of young people a chance to make a modest improvement to their lives.

In Freetown, I met with the Hon. Shirley Gbujama, Minister for Social Welfare, Gender and Children's Affairs. She stressed that the key to the mid- to long-term care for war-affected children lies with the Child Protection Commission and its leader. The new commission needs to be vigorously supported.

I also visited a child advocacy and rehabilitation project in Freetown run by the International Federation of the Red Cross. It was led by a Canadian: Christine Tokar of Vancouver, BC. This project is a model of intelligent caring and rehabilitation. Essentially, it combines skills training, group projects and individual counselling to rehabilitate traumatized youths and child mothers.

The project had hard evidence that the six-week interim care standard is insufficient: it can take up to three and a half months to get the girls, in particular, to come out of their shell of shame and loss of confidence. Only then are they receptive to any skills training as serious rehabilitation.

There is a saying in Sierra Leone that it takes a community to raise a child. This is the core precept around which the reintegration of child combatants must be organized.

Parents in this country see education as hope for the future. They are willing to suffer the difficulties of economic and political turmoil if they can find in it some hope for their children. While educational opportunities are not, of themselves, a sufficient condition of peace, they are a necessary condition for lasting peace that we ignore at our peril.

André Clavet of St-Basile, N.B., can't resist a challenge. Ever since his graduation from Edmundston Nursing School in 1987, with specializations in emergency and pediatric care, he's taken the road less travelled.

His Canadian base is the remote northern community of Salluit, Quebec, where he works at a nursing station. But over the years, he's served in the U.S., Europe and Africa.

His latest mission—and his second with Médecins Sans Frontières (MSF) (Doctors Without Borders)—was to help

rebuild medical facilities and services in Makeni, Sierra Leone.

MSF is an international humanitarian aid organization that provides emergency medical assistance to populations in danger in more than 80 countries around the world. Approximately 2,500 medical personnel—doctors, nurses, anesthetists and other medical specialists and administrators—volunteer to serve for three- or six-month missions. They are paid a small stipend for their services. André Clavet first served with MSF from April to June 2001, when he went to Nigeria to help curb a measles epidemic.

In September 2001, when André arrived in Sierra Leone, the situation was tense. After 10 years of brutal civil war, the rebels no longer controlled the northern areas where Makeni is located, but there were still pockets of resistance in the countryside. Security was tight, and signs of the conflict were everywhere.

"The country was so in need: everything was destroyed," says André. "Sometimes when I travelled around, I thought to myself, 'I'm not in 2001; I'm in 1850.' There were no clinics, no medicines, no equipment, no health care workers in the villages. People were using oil lamps instead of electricity. Everything had regressed, and they had to start all over again. Their number one concern was health."

In October 2001, a disarmament program gave the people of Makeni a new lease on life and the opportunity to rebuild: "People were starting to come back from Freetown," André recalls. "There was music playing, kids were playing soccer, carpenters were working again. They knew it wasn't really over yet, but they were hopeful about the future."

André and his colleagues, another nurse from Australia and a doctor from Sweden, were based at the Makeni Government Hospital, a small one-storey building with three wards—men's, women's and children's—a pharmacy and an operating room. The hospital treated 200-250 out-patients a day and maintained 34 in-patient beds.

"Patients would wait for a whole day to get to us," says André. "For some, it was too late; but we helped many of them."

We treated malaria and respiratory tract infections, and dealt with complicated births. We would do small amputations, minor operations,

orthopedic care, blood transfusions. There was terrible poverty and malnutrition. As many as one in three kids were anemic, and I had never seen so much high blood pressure, strokes and gastric ulcers in people in their thirties and early forties.

"Each weekday, we would visit one of the five clinics in the area," he recalls. "We'd always come back with the vehicle full of in-patients. I did a lot of training - one-on-one with midwives, nursing aides, and volunteers. They learned fast and did very well. Every day was a different experience."

Travelling to nearby clinics was a formidable challenge. Although he was never afraid, André knew that despite curfews, checkpoints and heavy security, things were still in flux and highly unpredictable. "The soldiers were really children with guns," he says. "You never knew what they were going to do. If they decided that they wanted the truck or the medicine or money, you gave it to them!"

As part of the disarmament program, André also screened child soldiers to determine who needed treatment or counselling.

"Many had been abused by their commanders, given drugs, and been brainwashed," he says. "These kids had been soldiers since they were 10 or 11. It was very sad." A local volunteer organization referred those needing treatment to Freetown, and when André went down for a couple of days' rest and recreation, he visited them. "They were at a hostel near the beach," he remembers. "I spoke to many of them. They were very open about what they had done. They looked like any normal group of kids, playing ball and swimming."

"It changes you inside," André says of his time in Sierra Leone. "It's a beautiful country, and the people are very friendly."

One of the things I'll remember the most—it was just like in the movies—[was] going into a small village, all the kids running alongside the truck, just wanting to greet you, to touch you.

The adults stopped their work and waved. They trusted us. They knew we were trying to help them. That meant a lot.

"I was only there for three months, but they were the most challenging three months of my life. I made some really good friends. I'll go back, some day, somehow. I know it—no question."

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