

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



PRESS CLIPPINGS

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

Wednesday, 17 October 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Local News

Special Court Faces Financial Crisis / <i>Awareness Times</i>	Page 3
Special Court May Go Bankrupt / <i>Concord Times</i>	Page 4
Special Court: Justice Itoe Calls for National Reconciliation / <i>Independent Observer</i>	Page 5
The Role of the Attorney-General and Minister of Justice... / <i>Standard Times</i>	Page 6

International News

Sierra Leone's New President on Moving Nation Forward / <i>NPR</i>	Page 7
UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 8-9
UN War Crimes Tribunal Upholds Acquittal of Bosnian General / <i>DPA</i>	Page 10
Serbia Not Fully Cooperating With UN Warcrimes Court: Prosecutor / <i>AFP</i>	Page 11

Awareness Times

Wednesday, 17 October 2007

Special Court faces Financial Crisis

Reports monitored by this press indicate that the hybrid international tribunal, the United Nations backed Special Court for Sierra Leone is grappling to raise some additional US\$60 million if it were to complete its work by 2009.

Funds available in the tribunal's coffer could only sustain its activities up to the end of November 2007.

Apparently, the Court is now begging the appropriate authorities to help raise the said amount lest the progress of pending hearings would be seriously affected. This fact has been re-echoed by the President of

the Court, Justice George Gelaga King who is on record to have tasked member states to expedite the fundraising exercise and address the debilitating shortfall:

Earlier, the UN Secretary General estimated that the budgetary requirements for the Court for 2008 was US\$33 million and will still need some US\$20 million for 2009.

"The Special Court is entirely dependent on voluntary contributions and presently, the court has insufficient funds to allow it to continue its operations beyond October 2007," Ban Ki Moon said.

Concord Times
Wednesday, 17 October 2007

Special Court may go bankrupt

By Rachel Horner

The UN backed Special Court for Sierra Leone is currently said to be facing serious financial constraints; a situation that could leave the Court completely bankrupt by end of November 2007.

While the Court now appeals for an additional US\$60 million to complete its work by 2009, President of the international hybrid tribunal, Justice George Gelaga King has intensified efforts to get member states

to urgently address the funding shortfall.

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Contd. page 3

Special Court may go bankrupt

From page 1

2007," Ban said.

Member states were expected to have responded to the call by October 15.

The Court was established in January 2002 by an agreement

between the Sierra Leone government and the UN with a mandate to try those who bear the greatest responsibility for war crimes and crimes against humanity in the country after November 30, 1996.

Independent Observer
Wednesday, 17 October 2007

Special Court: Justice Itoe calls for national reconciliation

The following statement was read out by Justice Itoe on Tuesday 9 October 2007 prior to his delivering the sentencing judgment on former CDF leaders Moinina Fofana and Allieu Kondewa.

"To the Sierra Leonean Community, my appeal is that after the finding of guilt and the sentencing today of the two Accused Persons to various terms of imprisonment, it is now, more than ever before, the time for all of you to bury the hatchet of war, to bury the hatchet of conflict, and to be reconciled with one another in the interests of peace, order and mutual existence with each other and with everyone.

"Let me say here that all those who have assumed respective roles, either as Prosecutors or Defence Counsel, were only performing their duty and no more than



the duty they were hired to perform. The Prosecutors should, therefore, not be viewed or considered as enemies to the Accused Persons or to their relatives or dependants, nor should the Defence Counsel be perceived as having been unsympathetic to the victims or their relatives or even supportive of the crimes for which the Court has convicted and sentencing the two Accused Persons today.

"Having done their respective jobs, it is now time for reconciliation and forgiveness, time to forget the past. For all those who have been negatively affected by this conflict, the call to forgive the Accused Persons is directed to you. They, the Accused Persons, have openly expressed their remorse and their regrets and presented their excuses and sympathies to the families that were afflicted by the events and acts for which they have been convicted.

"For you, Mr. Moinina Fofana and Mr. Allieu Kondewa, your apologies and expression of remorse, amongst other factors, has been taken very seriously into consideration in mitigating your sentence.

"It is now for you to respect your word and engagement. It is now for you to restrain yourselves and to call on your supporters to equally restrain themselves, and to desist from any acts of revenge or recrimination against those who, in order to ensure that the facts are known for us to do justice in this Case, have testified against you in these proceedings.

"You would have broken your social pact that you signed with all Sierra Leoneans, particularly, and including those you may have been considering as your adversaries or enemies, if you do not live up to your words of regret and expression of remorse, which, as the Court has found, is sincere.

"May peace and reconciliation be the watchword for all so as to put this great and talented Country, irrevocably, on the path of peace, economic progress, and prosperity".

In his statement, Justice Itoe thanked the people of Sierra Leone for "their legendary hospitality".

Standard Times

Wednesday, 17 October 2007

Opinion

The Role of the Attorney-General and Minister of Justice: Is it the Case of the Office or the Occupant?

JOSEPH F. KAMARA, ESO.

The role of the Attorney-General is a complex one which has evolved over the centuries and comprises a broad and varied range of functions that are fundamental in upholding the rule of law. However, conditions of recent past have witnessed rising tensions between the political and legal elements of the role of the Attorney General. The tension is focused on two basic areas:

" Tension between being a Minister and a member of the Government, and being an independent guardian of the public interest performing superintendence functions (e.g. on decisions relating to sensitive prosecutions);

" Tension between being a party politician and a member of the Government, and also the giving of independent and impartial legal advice.

Clearly, there has been glaring confusion about the overlap between the ministerial aspects of the role, relating to criminal justice policy, and superintending the prosecution services. The responsibility for prosecutions has emerged as one of the most problematic aspects of the role.

In the UK, recent controversies over the ending of the BAE Systems fraud investigations and the Attorney-General's potential deciding role in the 'cash-for-Peerages' investigation have compromised or appeared to have compromised the position of the Attorney-General. This has raised serious concerns about how independence and impartiality in the role can be guaranteed. ??

In Nigeria, Attorney-General Michael Aondoakaa's letter to the UK authorities in support of lifting a Court's Order freezing the \$35m assets of former Governor James Iborin has further deepened the crisis surrounding the role of the Attorney-General. Thankfully, the London Courts have refrozen the said assets. The question now being asked, is this: "Is the Attorney-General fighting for the Rule of Law or for special interests?"

Similar concerns are evident in the Sierra Leone domain, in regard to the 'suspect' role of an Attorney-General, particularly in the apparent lack of enthusiasm to prosecute cases forwarded by the Anti-Corruption Commission or the attitudinal indifference to cases with political clout such as that of Omrie Golley.

There are four pre-eminent roles identified by Section 64 of the 1991 Constitution of Sierra Leone. These include but are not limited to the role of the Principal legal adviser to the Government; secondly, having a seat in the cabinet; thirdly, that all offences prosecuted shall be at the suit of the Attorney-General and fourthly, have audience in all Courts in Sierra Leone except local Courts. The usually shadowed function which in my own opinion is the most important is that of upholding the Rule of Law.

The heart of the problem of the Attorney-General's role at present is the need for real and perceived independence in giving legal advice to Government and making decisions about sensitive prosecutions that may involve Government,

while at the same time sitting in that Government as a cabinet minister appointed by the President.

Successive holders of the office attempted the upholding of the rule of law and the administration of justice, but regrettably, have been unable to maintain an impartial balance between being the Principal legal adviser to the Government and being the independent guardian of the public interest. One must however concede to the delicateness and difficulty involved in upholding the scale of balance. However, the likes of the late Bertha Macaulay, QC, and L. A. M. Brewah, have maintained such a balance with exemplary professionalism. It is therefore no excuse for others to have failed to maintain that critical balance. A successful holder of the Office of the Attorney-General requires manifest integrity, professionalism self-confidence, and patriotism. Without gainsay, it appears to me that the occupant of the office of Attorney-General and Minister of Justice is the one to make a difference if that office is to be efficient and effective.

President Ernest Bai Koroma in his

without undue and unnecessary overlaps.

Let us take a quick look at how other countries have handled this difficulty. In Israel, the Attorney-General (a civil servant) is appointed by the Government on the recommendation of the Minister for Justice. The Attorney General becomes the Government's Chief legal adviser, in which capacity he is entitled to attend government meetings, has the legal authority to decide whether prosecutions should be brought, represents the state in civil and criminal proceedings and also advises the Ministry of Justice on legislation.

In Ireland, the Attorney-General is appointed by the President, but under the Constitution he cannot be a member of the Government, although he attends cabinet meetings to advise on matters of law. Responsibility for Prosecutions largely rests with the Director of Public Prosecutions (DPP), although the Attorney retains some prosecutorial powers.

Coming closer to home, in South Africa, there are two institutions responsible for the administration of justice: the National Prosecuting Authority and the

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maiden address to Parliament, (paragraph 33) pronounced that his Government will separate the Office of the Attorney-General from the Ministry of Justice. Such a proposal will definitely need legislative reform. It is envisaged that this separation will see the Office of Attorney-General take a more professional and independent outlook. At the same time, the executive and the judiciary powers will be more distinct pursuant to the theory of separation of powers.

It is noteworthy to mention that in a budding democracy such as ours, where the pillars are still wet with mortar, a mere separation between the Attorney-General and the Minister of Justice could hardly make a difference, especially where the occupants of those offices are party adherents or over zealous individuals too eager to please the Government of the day.

In any event, if separation is the acknowledged way forward, the crucial issue therefore will be the balancing act of managing the two positions distinctly

Ministry of Justice. Both bodies operate within the Department of Justice and Constitutional Development. The head of the National Prosecuting Authority is non-political, independent, not a member of Government and works only on behalf of the Republic of South Africa, subject to the South African Constitution. The Minister of Justice is a politician and fulfils the role of Government advisor. The South African model looks particularly attractive as it identifies the need for the legislators and the general public to be clear about the source and basis upon which legal decisions are taken.

Thus in Sierra Leone, the purely legal functions of the Attorney General could be carried out by a career lawyer, not a political appointee, a politician or member of Government. The Ministerial functions would be carried out by a Minister in the new Ministry of Justice. There are nonetheless possibilities for reform of the role of the Attorney-General. Options may include the following:

" Abolish the practice whereby the



Omrie Golley

Attorney-General attends cabinet meetings as of right. Attendance should be based upon invitation and in the capacity of chief legal adviser to the Government e.g. when legal matters are being discussed or legal input is deemed necessary;

" The Attorney-General's duty is to uphold the Rule of Law and the public interest, rather than the interests of the Government of the day or party in power, thus he should subscribe to an Oath similar to the Promissory Oaths Act 1868 which requires the Lord Chancellor to swear to 'respect the rule of law'.

" Routine publication of the Attorney-General's advice on the grounds that Parliament and the people should be informed of the legal basis on which Government is acting. Subject to the proviso of non disclosure of national security matters, individual privacy, commercial confidentiality or other key interests.

" Provision should be made for Parliament to have specialized legal advisors when it is being asked to take key decisions so it can better scrutinise the basis for the Government's decision.

" The existing function of the Attorney-General to give his consent to prosecutions should (if not abolished altogether) be transferred to the DPP (and the Commissioner of the ACC for corruption cases) except where the offence involved national security or had some international element.

" The power to enter a nolle prosequi (to halt trials on indictment) could be abolished.

Whichever model is adopted, it would be important to ensure that the Chief legal adviser to the Government should be the Attorney-General. Any such advice would need to reflect a proper understanding of the wider political and policy context and the realities of Government, whilst of course being wholly professional, independent and impartial. The role would need to be performed by someone capable of taking an overview of Government legal issues and litigation in order to ensure a consistent and coherent approach.

National Public Radio (U.S.)

Monday, 15 October 2007

Sierra Leone's New President on Moving Nation Forward (Excerpt)

-SNIP-

Mr. President, you're not the only country in the region dealing with these issues. Liberia, for example, is trying to rebuild a democratic government, also. But the former leader of that country, Charles Taylor, as you know, is currently being tried before a U.N.-backed special court. Are you at all concerned about this trial? Are you concerned that if he is found guilty, that there will be repercussions in your country? Are you concerned if he's acquitted, that there will be repercussions?

Pres. KOROMA: No, I believe that the trial in itself sends a clear signal of putting an end to this cycle of impunity. And I believe that it will serve as a deterrent to other people. Now, whether at the end of the day the court decides to judge him and he's convicted, I think it will complete the cycle. If he's acquitted, I mean, at least there would have been a clear sign that nobody can do what he did and end up as a free man. I mean, you - I think it will bring to an end this cycle of military coups and warlords shooting their way into power.

MARTIN: And many Americans are familiar with the concept of blood diamonds. It is known now that a lot of the money made from diamond mining in Sierra Leone was used to fund the war. Is this a source of wealth now that can help rebuild your country? And I also wanted to ask, what is your message for Americans, many of whom may have avoided buying diamonds in recent years because they're concerned that these purchases are helping to further destabilize the country?

Pres. KOROMA: Well, I think, the issue of the blood diamonds, I think is an issue of the past. We now have a government diamond office through which all the diamonds are exported. And I am even going to introduce a diamond-coating and polishing process in the country to improve product and provide employment facilities and also to add value on the diamonds.

Investing or participating in the procurement of diamonds is not helping anybody to fuel war. But, I mean, if you do so now, you will be assisting the Sierra Leone economy. You will be helping to fuel employment, and I think it is a positive participation. It is no longer negative as in the past.

-SNIP-

UNMIL Public Information Office Media Summary 16 October 2007

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

International Clips on Liberia

There were no relevant stories on Liberia in the international media today.

International Clips on West Africa

Ecowas, EU Endorse FG's Electoral Reform Process

By Ndubuisi Ugah

Lagos, Oct 15, 2007 (This Day/All Africa Global Media via COMTEX) -- Economic Community of West African States (ECOWAS) and the European Union (EU), yesterday commended President Umaru Yar'Adua's initiative to address shortcomings of the April general elections. The two bodies noted that Yar'Adua's desire to address the shortcomings was a welcome development, as it would help to deepen democracy, good governance and the rule of law, particularly with the initial decisions of setting up an Electoral Reform Committee.

Local Media – Newspaper

Journalists Group to Punish Media Entities

(The Inquirer, Heritage and The Analyst)

- According to a press release, the Press Union of Liberia warned that it would institute a harsh action against the Truth FM and the *Public Agenda* newspaper if they fail to end the ongoing "media war" between them. The Union thought the two institutions were misusing the journalism profession with gross disregard for public trust.
- The PUL said that it is saddened that its award winning institutions would engage in negative journalism with the trading of insults and personal attacks on their pages and airwave adding that inquiries and intrusion into an individual's life can only be justified when done in the public interest and not to settle scores.

Government Introduces the use of Motorbikes as Ambulance

(Heritage)

- Ministry of Health authorities said that for the first time in Liberia, the Government has introduced a motorbike ambulance service in Lofa County to transport patients to major referral hospitals in the County.
- According to Health Minister Walter Gwenigale, the motorbike ambulance service was introduced amidst the deplorable road conditions in the Country but denied report that people were dying in Foyah due to the lack of clinics as all of the major hospitals and health centers in Lofa are now functional.

Child Rights Group Frown at Miscarrying Justice

(The Inquirer, The News and Heritage)

- In a release, the National Child Rights Observatory Group (NACROGS), child rights advocacy group frowned at what it calls "miscarriage of juvenile justice" by some judicial personnel, noting that certain judges were hearing cases and illegally confining juveniles along with adults who are hardened criminals at the Monrovia Central Prison.

US Navy Ship Tours Liberia

(New Democrat)

- *New Democrat* newspaper quoting a website report said that a US Navy Ship, Fort McHenry will visit Liberia as part of its tour of West African countries including Liberia, Senegal, Ghana, Cameroon, Gabon and Sao Tome & Principe. The ship's visit is in furtherance of ensuring security in the maritime field.

Liberia National Police Drops Officers for Fuel Theft

(New Democrat and The Analyst)

- Sources said that Liberia National Police Officers G. Sackie Morris, Joseph Konneh and J. Mix Williams have been suspended for allegedly stealing fuel from trucks of the Buchanan Renewable Energies, a biomass company which is assembling its equipments to commence operation in Grand Bassa County. Angry mob chased the Police with stones and sticks as news of the missing fuel spread knowing that Police officers in the area were reportedly charged to watch over the trucks containing the fuel.
- Meanwhile, a release issued by the Ministry of Justice quoted Justice Minister Philip Banks as warning the public against assaulting the Police considering that they are responsible to protect lives and property and that violence and lawlessness targeting security officers and installations were capable of undermining the Government's fight against crime.

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

Press Union Warns of Harsh Action against Media Entities

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

Motorbike Ambulance Service Introduced in Medical Field in Liberia

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

Liberia Observes World Food Day

- Correspondents said that Liberia will today, 16 October join other countries in observing World Food Day, set aside by the United Nations to create public awareness about the need to take measure nationally and globally to ensure food security.
- Vice President Joseph Boakai will deliver the keynote speech at an official program marking the 27th World Food Day in Bentol, Montserrado County.
- In continuation of the celebration, a national agriculture fair will be held in Tubmanburg, Bomi County at which time the Ministry of Agriculture will award prizes to hardworking farmers. Appearing on radio talk show yesterday, the Food and Agriculture Organization Representative Dr. Winfred Harmon said that a seven-step food security strategy focusing on identifying those who are food in secured and formulating an agriculture policy among others has been formulated.

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

Child Rights Group Frown at Miscarrying Justice

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- The group contended that for offences like aggravated assault, simple assault, theft of property and disorderly conduct, juveniles were languishing behind bars outside the legal framework.

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

Deutsche Presse-Agentur (German News Agency)

Tuesday, 16 October 2007

UN war crimes tribunal upholds acquittal of Bosnian general

Amsterdam - The UN war crimes court for the former Yugoslavia on Tuesday upheld the acquittal of a former Bosnian general saying his involvement in a military operation in Mostar during which troops murdered Croat civilians could not be proven. The Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) upheld the 2005 acquittal by the lower court of 55-year-old Sefer Halilovic.

The charges concerned particularly his alleged involvement in the so-called Operation Neretva in the villages of Grabovica and Uzdo in September 1993, during which Bosnian troops killed at least 38 unarmed civilians.

Halilovic, who cooperated voluntarily with the ICTY, was commander of the predominantly Muslim Bosnian government army at that time.

ICTY Chief Prosecutor Carla del Ponte indicted him in 2001 for his role in military operations in Bosnia-Herzegovina and alleged involvement in the killings of civilians.

A total of nine people have been acquitted to date by the court, based in The Hague.

Agence France-Presse

Monday, 15 October 2007

Serbia not fully cooperating with UN warcrimes court: prosecutor

LUXEMBOURG (AFP) — Serbia is still not fully cooperating with the UN war crimes tribunal and must arrest former Bosnian Serb army chief Ratko Mladic to prove it is doing so, chief prosecutor Carla Del Ponte said Monday.

Del Ponte urged European Union foreign ministers, meeting in Luxembourg, to wait until she visits the Balkans state again on October 25-26 before moving forward on an agreement between Brussels and Belgrade on closer ties.

"Cooperation with Serbia -- yes, it has improved but it's not enough. It's slow, it's without results, it's irresolute," she told reporters after laying out her case to the ministers.

"Mladic is within the reach of Belgrade and it is a question of political will to have Mladic in The Hague," she said.

"The fact that Mladic and (former Bosnian Serb leader Radovan) Karadzic are still on the run is really scandalous. It's something that the international community cannot accept."

Mladic and Karadzic have been indicted by the UN warcrimes court for the former Yugoslavia on charges including genocide over the 1995 massacre of some 8,000 Muslim men and boys at Srebrenica.

Mladic is believed to be in hiding in Serbia while Karadzic is suspected of finding sanctuary among sympathisers in Bosnia and Montenegro.

Last week, Serbia offered a one-million-euro (1.4 million-dollar) reward for information leading to Mladic's capture, which Del Ponte described as an "encouraging sign."

But she told the ministers: "I cannot give a positive assessment of full cooperation until Ratko Mladic is arrested and transferred to The Hague," where the International Criminal Tribunal for the former Yugoslavia is based.

Del Ponte's assessment has long been the gauge by which the EU has conditioned progress on the rapprochement accord with Serbia, a so-called Stabilisation and Association Accord.

The European Commission wants to initial the agreement -- a first step for Balkans nations to join the EU - - soon, but Enlargement Commissioner Olli Rehn said he would wait until Del Ponte reports back late this month.

"Her findings will be strongly taken into account when we effect the initialling of the Stabilisation and Association Agreement with Serbia," he told reporters.

But he remained upbeat, saying: "Serbia's cooperation is now at a level which can be described as now half full, rather than half empty, but it is essential that Serbia intensify its work."

Initialling the SAA would mean nothing in legal terms but it would be a political gesture toward Serbia that could prove useful amid an international dispute over the future of its southern province of Kosovo.