

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



PRESS CLIPPINGS

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

as at:

Monday, 19 April 2010

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

Friday, 16 April 2010

SPECIAL COURT NEEDS 144 BILLION LEONES MORE!

The Special Court needs another \$26.4 million to wind down its operations, senior officials at the tribunal have told Peep.

“Registrar of the Special Court for Sierra Leone (SCSL) on Thursday, April 1 told members of the diplomatic community in The Hague that the court needs another USD2.4 million (Twenty-Six Million, Four Hundred Thousand United States Dollars) to cover its operations from January 2010 to June 2011. And other additional funds are required to fund the enforcement of sentences in Rwanda.

Although its domestic agenda has largely been concluded and six AFRC, Ruf and CDF indictees have been transferred to serve out their sentences in Rwanda, we are informed that the court will continue operations until at least May 2011.

Sentencing in the Charles Taylor trial is expected by November and any appeals are expected to be tackled by April 2011.

The Court has already begun to shed employees. By year end it is thought at least half of current staff strength of 200 will be cut.



A skeleton staff will run operations in 2011. It is believed the Dutch government has made a \$1 million contribution to Special Court budget.

The Exclusive
Monday, 19 April 2010

RUF Not Terrorist Organization Says Defence Witness

A Former Spokesman of the Sierra Leone Revolutionary United Front, the RUF, Musa Fayia, popularly known in Sierra Leone as Fayia, Musa has told the Special Court in The Hague that the marriage between Charles Taylor's National Patriotic Front of Liberia and the RUF ended in blood letting in 1992. The witness also denied that the RUF was a terrorist organization. John Kollie reports for the BBC World Service Trust on the trial of former Liberian President Charles Taylor.....

Mr. Fayia, Musa has testified that the relationship between the RUF and the NPFL ended in a bloody clash in 1992.

He said the fighting between the RUF and the NPFL inside Sierra Leone ended in the deaths of several fighters from both sides.

Fayia Musa, the Defence Witness told the court this fighting terminated the cordial relationship between Mr. Charles Taylor and Mr. Foday Sankoh.

Mr. Charles Taylor is accused of supporting the RUF

Rebels which terrorized the civilian population of Sierra Leone during the civil war. But the Former Spokesman of the RUF, Fayia Musa testifying in Mr. Taylor's defence denied that the RUF terrorized civilians.

Mr. Fayia Musa also denied that the RUF was opposed to the United States and Great Britain.

He said from the early stage of the war, the RUF urged Great Britain and the United States to use their influence in the United Nations to bring the Sierra Leone conflict to a peaceful end.

EX-SPECIAL COURT PROSECUTOR RAPS USA

School of Law selects speaker

Stephen Rapp, active figure in international law, has prosecuted crimes against humanity in Africa

By Kavitha Subramanian

Students graduating from the UCLA School of Law will hear one last bit of legal advice, before embarking on their own careers, from one of the most prominent lawyers in the field of international law.

Stephen Rapp, the U.S. State Department's ambassador-at-large for war crimes issues, was chosen to deliver the commencement address for UCLA's 2010 law school graduates.

The ceremony will take place on May 7 in Dickson Court North at 3:30 p.m.

"(Rapp) is a terrific fit for our school," said Stephen Yeazell, interim dean of UCLA School of Law. "We have a lot of students interested in international law, and he's our country's foremost lead figure when it comes to it."

Rapp has an extensive background in law, having served as a United States district attorney in Iowa and the chief prosecutor of the Special Court for Sierra Leone.

Before assuming the position of ambassador-at-large, Rapp was responsible for convicting those involved in the genocides and sex slave trades of Rwanda and Sierra Leone.

He also led the prosecution against Charles Taylor, the former Liberian president accused of crimes against humanity.

In September 2009, President Obama appointed Rapp to the position of

ambassador-at-large for war crimes issues.

Although Rapp's work does revolve around war crimes in volatile regions of the world, students will still be able to relate to his experiences, said David Kaye, executive director of the UCLA International Human Rights Program.

"In a lot of ways, (Rapp) is a perfect commencement speaker because of the work he has done over the years," Kaye said. "What he does is very much in the mainstream of what lawyers do, but he is also very public interest oriented, which is what (the UCLA School of Law) is all about."

Several students said they were pleased with the selection for this year's commencement address.

"Rapp seems to be doing a lot of important work right now, and we (students) need that type of person to give us encouragement and broaden our legal horizons," said Jarin Jackson, a third-year law student.

According to Kaye, much of Rapp's job involves thinking from a global perspective.

"Rapp prosecuted those who were accused of genocide," Kaye said. "He is the one in charge of thinking about questions like, 'How does the U.S. assist in bringing justice to Sudan?'"

Rapp's stories will be a valuable asset, Kaye said, especially for graduating students who have an interest in international law.

"Having somebody like Ambassador Rapp come here is really a capstone for those students who care about international justice," he said.

The Exclusive

Monday, 19 April 2010

LAWCLA Appoints New Director

Following a call for applications and extensive interviews for the position of Director, the Board of Trustees of the Lawyers Centre for Legal Assistance Trust has appointed a female Legal Practitioner and Women's Rights Advocate, Ms. Fracness Comfort Kadie Issa as Director of the Lawyers Centre for Legal Assistance (LAWCLA).

Ms. Fracness Issa hails from Kono District in the Eastern Province of the Republic of Sierra Leone.

She holds a Masters Degree in International Human Rights Law (LL.M) from the University of Notre Damn in the United States of America; a Bachelors Degree in Law with Honours (LL.B (Hons)) from Fourah Bah College, University of Sierra Leone and a Barrister-at-Law Degree (B.L.) from the Sierra Leone Law School.

Prior to her appointment as Director, Ms. Fracness Issa worked as Legal Consultant and Law Fellow for Global Justice Centre in New York, United States of America; Research Assistant for the Centre for Civil and Human Rights, University of Notre Damn Law School, Indiana, United States of America; Legal

Assistant for the Kallon Defence Team at the Special Court for Sierra Leone and Pupil Barrister in the Law Firm of Marcus Jones and Co in Freetown.

Ms. Fracness Issa officially

takes office on the 1st of May 2010.

David Tam-Baryoh
Chairman

Board of Trustees
Lawyers Centre for Legal Assistance Trust



Melron Nicol-Wilson, Former Director



Ms. Fracness Comfort Kadie Issa

Weekly Summary

Sierra Leonean Rebels Were Responsible For Atrocities Committed In Sierra Leone, Former RUF Members Testify

By Alpha Sesay

Two former members of the Sierra Leonean rebel group which wreaked havoc during the country's brutal 11-year civil war told judges this week that they had only themselves to blame for the atrocities committed during the conflict – Charles Taylor had no responsibility for the crimes.

Mr. Taylor is on trial for allegedly supporting and controlling the Sierra Leonean rebel group, the Revolutionary United Front (RUF), while he was leader of the National Patriotic Front of Liberia (NPFL) rebel group as well as when he became president of Liberia in 1997. Mr. Taylor has denied all allegations against him. This week during his defense case, two Sierra Leonean nationals and former RUF members, Charles Ngebeh and Fayia Musa, told Special Court for Sierra Leone judges that the allegations against Mr. Taylor are false.

On Monday, Mr. Ngebeh said the only time Mr. Taylor supported the RUF was in 1991 when the conflict started in Sierra Leone. Mr. Taylor himself has admitted to providing support for the RUF in 1991. The former president told the court that his support to the RUF was needed to fend off attacks on his positions in Liberia from United Liberation Movement of Liberia for Democracy (ULIMO) rebels. ULIMO was being assisted by the Sierra Leonean government – it made sense, Mr. Taylor had testified, to support the RUF rebels who were fighting to dislodge the Sierra Leonean government. This support stopped in 1992, according to Mr. Taylor, after the Liberian rebels fell out with their RUF counterparts. Corroborating Mr. Taylor's evidence, Mr. Ngebeh has testified that Liberian rebels in Sierra Leone indeed returned to Liberia after falling out with the RUF in an operation titled "Top 20, Top 40, and Top Final."

As he responded to questions from prosecutors under cross-examination on Monday, Mr. Ngebeh said that the Sierra Leonean rebels themselves were responsible for atrocities committed in Sierra Leone from 1992 to 1996. He said that Mr. Taylor's forces had nothing to do with the atrocities committed in Sierra Leone.

"From 92-96 the atrocities that were going on were terrible, caused by us the Sierra Leoneans, let's forget about Mr. Taylor's issue. That was terrible. You won't compare that at the time that Mr. Taylor was assisting the RUF in 1991. Mr. Taylor's NPFL was not killing, the killing that was going on was caused by us the Sierra Leoneans," Mr. Ngebeh told the court.

Mr. Taylor's indictment covers crimes committed by the RUF in Sierra Leone from 1996 to the end of the conflict in 2002. Prosecutors have led evidence to establish that in addition to supporting the RUF within the period covered by the indictment, Mr. Taylor also supported the RUF prior to 1996. This, prosecutors hope, will convince the judges that the Joint Criminal Enterprise (JCE) in which Mr. Taylor and the RUF were allegedly involved, was a continuous process, spanning a period from the early days of the conflict to its conclusion in 2002. Mr. Taylor has denied these allegations. Now in his defense, the former president's witnesses — such as Mr. Ngebeh — are telling the judges that apart from 1991, Mr. Taylor did not have any relationship with the RUF, even prior to 1996 as alleged by prosecutors. It is in this light that Mr. Ngebeh on Monday sought to exonerate the former president from crimes committed in Sierra Leone from 1992 to 1996. These crimes, the witness said were committed by Sierra Leonean rebels.

Also in his testimony on Monday, Mr. Ngebeh refuted prosecution assertions that the RUF were involved in organized mining activities in Sierra Leone's diamond rich towns. The witness explained that mining activities in RUF controlled territory were undertaken mainly by individual RUF members and that the individuals only handed very big diamonds to the RUF as a government since those were hard to carry.

“After the coup [1997 coup in Sierra Leone], diamonds no longer were government property. Everybody took his. In spite of the fact that we had centralized areas where we mined for different authorities, but it was not a government property. Everybody had rights to carry it, except if you take a big one that you were not able to be in control of, you would handover that to the government [RUF],” the witness said.

Prosecutors have alleged that the RUF were involved in organized mining in Sierra Leone propelled by forced civilian labor. They have also alleged that all diamonds mined in the RUF mines were taken to Mr. Taylor in Liberia. The former president, it is alleged, supplied the RUF with arms and ammunition in return. Mr. Taylor has denied these allegations. Mr. Ngebeh’s testimony appears to suggest that the mining activities in RUF controlled territory were not as organized as prosecutors say.

On Tuesday, Mr. Ngebeh re-echoed his position that the atrocities committed in Sierra Leone during the war should not be attributed to Charles Taylor as he had no role to play in them.

“All the atrocities committed by the RUF are not the concerns of Mr. Taylor. They did happen but it doesn’t concern Mr. Taylor. Mr. Taylor has no hands in it,” the witness said.

As he responded to questions under cross-examination from lead prosecutor Brenda Hollis, Mr. Ngebeh told the court that those who were responsible for crimes committed by the RUF in Sierra Leone have already been punished by the Special Court for Sierra Leone in Freetown.

In his words, “all the atrocities you have explained about, is the cause why Issa and others are in prison today but Taylor is not responsible for that. Mr. Taylor is not responsible for it.”

In 2009, three RUF commanders, Issa Sesay, Morris Kallon and Augustine Gbao were sentenced to terms of imprisonment by the Special Court for Sierra Leone in Freetown after being convicted for war crimes, crimes against humanity and other serious violations of international humanitarian law committed by them in their individual capacities as well as those committed by their subordinates under the doctrine of command responsibility. Prosecutors now say that these RUF commanders took their own orders from Mr. Taylor. Like Mr. Taylor, all defense witnesses have said that these charges are false.

As Mr. Ngebeh concluded his testimony on Tuesday, the other Sierra Leonean witness Mr. Musa who served as Agricultural Officer and then Spokesperson for the RUF started his testimony in Mr. Taylor’s defense. Mr. Musa, who is recorded in the report of Sierra Leone’s Truth and Reconciliation Commission (TRC) as being one of the original founders of the RUF, testified about the circumstances surrounding the start of the conflict in Sierra Leone, Mr. Sankoh’s leadership in the RUF and his arrest in Nigeria in 1997, thus paving the way for Sam Bockarie (alias Mosquito) to become the RUF’s interim leader. He explained that as leader of the RUF, Mr. Bockarie, whom he termed “the devil” because of his actions, issued all orders to the RUF. He denied suggestions that it was Mr. Taylor who issued orders to the RUF.

On Wednesday, Mr. Musa corroborated earlier defense accounts that Mr. Taylor’s NPFL and the RUF rebels in Sierra Leone had permanent fallout in 2002 after the RUF had received some support from Mr. Taylor in 1991. He explained that the fall-out involved a bloody battle between the two groups which ended in the deaths of several fighters on both sides. He said that the cordial relationship which existed between Mr. Taylor and Mr. Sankoh was completely terminated after this battle. Mr. Sankoh, the witness said, vowed never to go to Liberia again.

“Foday Sankoh vowed never to go to Liberia again, according to him because he felt disappointed by everything he told us. According to him, he had relied a lot on Charles Taylor for support, but that support did not come, then Liberians were coming again to disturb us,” Mr. Musa told the court on Wednesday.

“So he said he’ll never, never go to Liberia again. When he told us we should use our own resources to run the campaign, he is appealing to all the Sierra Leoneans on the ground to make sure that we, we abide by that,” he said.

Mr. Musa also denied allegations that the RUF intended to terrorize the civilian population of Sierra Leone (One of the counts in the indictment against Mr. Taylor is that he actively supported, or failed to stop, the RUF’s activities designed to terrorize the civilian population of Sierra Leone. Three RUF commanders have already been convicted on this charge in a previous trial by Special Court for Sierra Leone.) Mr. Taylor has denied helping the RUF in any

way. The former president's defense counsel, Courtenay Griffiths, sought to get the witness's response to allegations of the RUF terrorizing the civilian population.

"Now, was it the intention of the RUF to terrorize the civilian population of Sierra Leone," Mr. Griffiths asked the witness.

As the witness laughed, Mr. Griffiths added that "that's the allegation in this case. It is suggested that the RUF is a terrorist organization, so help me, was that your intention?"

"It was not the intention of the RUF at all to terrorize any Sierra Leonean," Mr. Musa responded. "The intention of the RUF, we who were in it, the intention of the RUF was to create a liberation, total liberation from poverty, illiteracy and disease, as it is in other parts of the world."

"The management of the war itself may have been poor, a lot of mistakes were made, but that was not the intention of the RUF," he added.

On Thursday, Mr. Musa testified that the conflict in Sierra Leone was prolonged because RUF leader Mr. Sankoh was stubborn and he did not want peace in the West African country. This, he said, caused West African leaders to turn their backs on him. Mr. Musa explained that after the RUF signed a peace agreement with the government of Sierra Leone in November 1996 (dubbed the Abidjan Peace Accord), members of the international community prevailed upon Mr. Sankoh to respect the terms of the peace agreement but he refused. Because of his intransigence, West African leaders — specifically in Ivory Coast and Nigeria — became frustrated with him, the witness said.

Responding to questions about how West African leaders responded to Mr. Sankoh's sincerity towards the peace process in Sierra Leone, Mr. Musa said that "In fact that is why the Ivorians decided to abandon him because they had known that, they had known very clearly that he was not prepared to respect the accord at all,"

"As for Abacha, he knew that he [Mr. Sankoh] had embarrassed him. He saw that as an embarrassment because he gave his word to him for support, he saw it as foolishness to have encouraged him and politically dangerous also," he added.

As Mr. Taylor's defense lawyers concluded Mr. Musa's direct-examination on Friday, prosecutors made an application to the judges that the witness's cross-examination be postponed, citing reasons that Mr. Musa had testified about events which were not contained in his written statements disclosed by defense lawyers. Prosecution counsel, Nicholas Koumjian, told the judges that the prosecution will suffer undue and irreparable damage if the cross-examination of the witness was not postponed. The defense objected to the prosecution's application.

After hearing arguments from both sides, the presiding judge of the Special Court for Sierra Leone's Chamber, Justice Julia Sebutinde, ruled that while the witness summary disclosed by the defense to the prosecution was insufficient, such insufficiency was not gross. Justice Sebutinde also stated that prosecutors had not demonstrated any undue or irreparable prejudice that they would suffer if the defense did not disclose additional information or statements about the witness's testimony.

Reading the ruling of the Chamber, Justice Sebutinde said that "the prosecution motion for disclosure of the witness statement is therefore denied."

She added that "However the Trial Chamber does agree with the prosecution that the witness's evidence-in-chief did span over areas not specifically mentioned in the summary and to this extent, the summary could be considered as insufficient although not grossly so. As mentioned in our prior rulings, the proper remedy in that case is to allow the prosecution some time to prepare its cross-examination in relation to those areas not contained in the summary."

The witness' cross-examination will start on Monday.

Charlestaylortrial.org (The Hague)

Wednesday, 14 April 2010

Liberia: Relationship Between The RUF and Charles Taylor's NPFL Ended In A Bloody Battle in 1992, Defense Witness Says

By Alpha Sesay

The relationship between Sierra Leonean rebels and Liberian rebels loyal to Charles Taylor ended in a bloody battle in 1992, a defense witness for the former Liberian president told Special Court for Sierra Leone judges today in The Hague.

Fayia Musa, a Sierra Leonean national and former spokesperson for the country's rebel group, the Revolutionary United Front (RUF), today explained the circumstances surrounding the fallout between the RUF and Mr. Taylor's National Patriotic Front of Liberia (NPFL) rebel group in 1992. Mr. Taylor had previously told the court that when his NPFL forces came under attack from United Liberation Movement for Democracy in Liberia (ULIMO) rebels with support from the Sierra Leone government, he established ties with RUF rebels in Sierra Leone because they both had a common enemy. The NPFL wanted to fight ULIMO in Sierra Leone so as to prevent fighting them in Liberia, Mr. Taylor had said. After the fallout between his NPFL rebels and the RUF in Sierra Leone, Mr. Taylor said he severed his relationship with the RUF and its leader, Foday Sankoh. Defense witnesses, as well as prosecution witnesses, have corroborated the account that there was a fallout between the two rebel groups in 1992 in operations called Top 20, Top 40 and Top Final. The point of disagreement has been the duration of the fallout: Mr. Taylor insists it was permanent — prosecutors say that it was very temporary.

Today, Mr. Musa testified that the two groups had a permanent fall-out in 1992. He explained that the fall-out involved a bloody battle between the two groups which ended in the deaths of several fighters on both sides. He said that the cordial relationship which existed between Mr. Taylor and Mr. Sankoh was completely terminated after this battle. Mr. Sankoh, the witness said, vowed never to go to Liberia again.

"Foday Sankoh vowed never to go to Liberia again, according to him because he felt disappointed by everything he told us. According to him, he had relied a lot on Charles Taylor for support, but that support did not come, then Liberians were coming again to disturb us," Mr. Musa told the court today.

"So he said he'll never, never go to Liberia again. When he told us we should use our own resources to run the campaign, he is appealing to all the Sierra Leoneans on the ground to make sure that we, we abide by that," he said.

Mr. Musa also denied allegations that the RUF intended to terrorize the civilian population of Sierra Leone (One of the counts in the indictment against Mr. Taylor is that he actively supported or failed to stop the RUF's activities designed to terrorize the civilian population of Sierra Leone. Three RUF commanders have already been convicted on this charge in a previous trial by Special Court for Sierra Leone.) Mr. Taylor has denied helping the RUF in any way. The former president's defense counsel, Courtenay Griffiths, today sought to get the witness's response to allegations of the RUF terrorizing the civilian population.

"Now, was it the intention of the RUF to terrorize the civilian population of Sierra Leone," Mr. Griffiths asked the witness.

As the witness laughed, Mr. Griffiths added that "that's the allegation in this case. It is suggested that the RUF is a terrorist organization, so help me, was that your intention?"

"It was not the intention of the RUF at all to terrorize any Sierra Leonean," Mr. Musa responded. "The intention of the RUF, we who were in it, the intention of the RUF was to create a liberation, total liberation from poverty, illiteracy and disease, as it is in other parts of the world."

"The management of the war itself may have been poor, a lot of mistakes were made, but that was not the intention of the RUF," he added.

Mr. Musa also told the court that at the early stages of the war in Sierra Leone, the RUF contacted the United States and Great Britain to help bring the conflict to a peaceful conclusion. He refuted suggestions that the RUF was opposed to the two western powers.

Mr. Musa's testimony continues tomorrow.

Daily Summary

Judges Deny Prosecution Request For Defense Witness Statements

By Alpha Sesay

Despite prosecution fears that their case will be “irreparably prejudiced” if they do not gain access to important background statements by Charles Taylor’s current defense witness, judges today disagreed, and ordered cross-examination to start on Monday.

Fayia Musa, a Sierra Leonean national and former spokesperson for Sierra Leone’s Revolutionary United Front (RUF) rebel group has this week been testifying for Mr. Taylor, who is on trial for allegedly providing support to the Sierra Leonean rebels as they committed crimes during the country’s 11-year conflict. Mr. Musa, who was an RUF insider, has denied prosecution claims that the former Liberian president had control over RUF rebels, telling the judges that Mr. Taylor severed all relationships with the RUF as far back as 1992.

As the witness concluded his direct-examination today, prosecutors made an application to the judges that the witness’s cross-examination be postponed, citing reasons that Mr. Musa had testified about events which were not contained in his written statements disclosed by defense lawyers. Prosecution counsel, Nicholas Koumjian, told the judges that the prosecution will suffer undue and irreparable damage if the cross-examination of the witness was not postponed.

“This summary indicates that this witness only had one relevant topic to provide evidence on and that is the trips around the sub-region for fund raising. Now he’s testified about many other facts including personal interactions with Charles Taylor. Are these recent inventions? The prosecution can only know that if we see the witness statement and the original statements that this witness gave,” Mr. Koumjian said.

He added that “So we are irreparably prejudiced if we don’t get the statement to see if all these interactions with Charles Taylor that this witness testified to that are not in the summary. So the witness summary is patently insufficient.”

Mr. Koumjian asked for the witness’ previous statements to the defense, and for a short postponement before cross-examination starts.

Defense counsel for Mr. Taylor, Courtenay Griffiths, opposed the defense application, arguing that the witness’s statement had sufficient information to assist the prosecution in their cross-examination of the witness and that the prosecution had enough time to research any necessary information about the witness. He asked the judges to deny the prosecution’s request for additional statements of the witness to be disclosed as well as the request to postpone the witness’s cross-examination.

“How is he now unable to cross-examine given that all of the material disclosed by this witness has been in the public arena for a very long time indeed?” Mr. Griffiths asked.

He went on that “it would seem to us that the prosecution has failed miserably to place before this court any evidence that they have in fact been prejudiced, that’s the important word, irreparably prejudiced by the so-called paucity of the content of the summary.”

“In our submission, they have neither shown nor sought to show why they are unable to commence their cross-examination now. So in summary, we would submit that both of the applications [disclosure of more witness statements and postponement of the cross-examination of the witness] made by Mr. Koumjian should be refused,” Mr. Griffiths concluded.

After hearing arguments from both parties, the presiding judge of the Special Court for Sierra Leone’s Chamber, Justice Julia Sebutinde, ruled that while the witness summary disclosed by the defense to the prosecution was insufficient, such insufficiency was not gross. Justice Sebutinde also stated that prosecutors had not demonstrated any undue or irreparable prejudice that they would suffer if the defense did not disclose additional information or statements about the witness’s testimony.

Reading the ruling of the Chamber, Justice Sebutinde said that “the prosecution motion for disclosure of the witness statement is therefore denied.”

She added that “However the Trial Chamber does agree with the prosecution that the witness’s evidence-in-chief did span over areas not specifically mentioned in the summary and to this extent, the summary could be considered as insufficient although not grossly so. As mentioned in our prior rulings, the proper remedy in that case is to allow the prosecution sometime to prepare its cross-examination in relation to those areas not contained in the summary.”

The witness’ cross-examination will start on Monday.

Charlestaylortrial.org (The Hague)

Thursday, 15 April 2010

Liberia: RUF Leader Foday Sankoh's Intransigence Caused A Delay In Ending The Sierra Leone Conflict, Defense Witness Says

By Alpha Sesay

The conflict in Sierra Leone was prolonged because of the intransigence of the country's rebel leader who did not want a peaceful end to the conflict, a defense witness for Charles Taylor told Special Court for Sierra Leone judges today in The Hague.

Fayia Musa, a Sierra Leonean national and former spokesperson for the country's Revolutionary United Front (RUF) rebel group today testified that the conflict in Sierra Leone was prolonged because RUF leader Foday Sankoh was stubborn and he did not want peace in the West African Country. This, he said, caused West African leaders to turn their backs on him. Mr. Musa explained that after the RUF signed a peace agreement with the government of Sierra Leone in November 1996 (dubbed the Abidjan Peace Accord), members of the international community prevailed on RUF leader Mr. Sankoh to respect the terms of the peace agreement but he refused. Because of his intransigence, West African leaders — specifically in Ivory Coast and Nigeria — became frustrated with him, the witness said.

In eliciting testimony about who was responsible for the failure of the peace process after the signing of the Abidjan Peace Accord, lead defense counsel, Courtenay Griffiths, asked the witness about the response of West African leaders regarding Mr. Sankoh's commitment to the peace agreement.

"What was your assessment of the feeling of the president of the Ivory Coast, and the president of Nigeria, Sani Abacha, about Sankoh's sincerity about the peace accord?" Mr. Griffiths asked.

"In fact that is why the Ivorians decided to abandon him because they had known that, they had known very clearly that he was not prepared to respect the accord at all," Mr. Musa responded. "As for Abacha, he knew that he [Mr. Sankoh] had embarrassed him. He saw that as an embarrassment because he gave his word to him for support, he saw it as foolishness to have encouraged him and politically dangerous also."

Prosecutors allege that Mr. Taylor provided support to RUF rebels through the supply of arms and ammunition in return for the country's blood diamonds. They say Mr. Taylor used his influence over the rebels to convince them not to respect the peace agreements that were signed to bring the conflict in Sierra Leone to an end. Mr. Taylor has denied these allegations. Mr. Musa today supported Mr. Taylor's assertion that this was not the case.

After the signing of the Abidjan Peace Agreement in 1996, Mr. Sankoh travelled to Nigeria where he was arrested and incarcerated. He was only released in 1999. In his absence, the leadership of the RUF was in the hands of Sam Bockarie, alias Mosquito, whom prosecutors say had close ties with Mr. Taylor. It has been suggested that it was Mr. Taylor who influenced the decision to appoint Mr. Bockarie as interim leader of the RUF. Mr. Taylor says this is false.

In his testimony today, Mr. Musa told the court that the change of leadership in the RUF was first effected by the RUF delegation to the Abidjan Peace Accord, of which he was a member, after Mr. Sankoh's arrest in Nigeria in 1997.

Relevant Links

"We felt that at that point that then, there and then that the peace process had collapsed, it was time for us to say goodbye to Foday Sankoh in whatever way. We met and we concluded that he should be stripped of his leadership role in the RUF and that I went to Danane and informed Palmer about it, saying since you were military personnel, we can use you to talk to Mosquito and others on the ground to have change of leadership effected," Mr. Musa explained.

When the RUF delegation returned to RUF territory in Sierra Leone, they were all arrested on the instructions of Mr. Sankoh. The arrest was effected by Mr. Bockarie. It was alleged that the delegation had received a bribe of 100,000 United States dollars to betray Mr. Sankoh, the witness said. All these issues in the RUF, according to the witness, happened without Mr. Taylor's involvement.

Mr. Musa's testimony continues tomorrow.

Cocorioko

Friday, 16 April 2010

Sierra Leone war film to play at Boston Independent Film Festival

Written by Harvard Law School

"War Don Don," a film directed Rebecca Richman Cohen '07, will be shown at this year's Independent Film Festival in Boston on April 24 at 2:30 p.m. at the Somerville Theater. The film examines the aftermath of the civil war in Sierra Leone and how the international justice system tries to address the atrocities that were committed, documenting the trial of Issa Sesay, a former rebel leader who eventually played a role in the peace negotiations.

The film's title translates from the Krio to "War is Over." The cessation of a decade's atrocities by the Revolutionary United Front (RUF), which devastated Sierra Leone in the 1990s, is only the beginning of Cohen's look at the international justice system, however. In 2004, a "hybrid tribunal," created jointly by the United Nations and Sierra Leone's government, began accusing RUF officials of crimes against humanity. As Cohen shows in the film, those accusations are not always truthful, as witness accounts vary widely. The film questions whether simple facts are even possible to define in the aftermath of an unspeakably ghastly civil war.

Cohen worked as an investigator at the Bronx Defenders during law school and continued to do investigative work at the Special Court for Sierra Leone during her 2L year. "War Don Don" came from her experience working on a legal defense team for Alex Tamba Brima, the leader of the Armed Forces Revolutionary Council, the group opposing the RUF.

"In the summer of 2006 I sat behind bulletproof glass in the observer gallery of the Special Court for Sierra Leone," says Cohen of the inspiration for the film. "At the time I was working not as a filmmaker, but as a law student and legal intern for a defense team. From my seat in the gallery of the...trial, I first observed Issa Sesay, a former rebel leader accused of crimes against humanity and a key player in the peace negotiations – and I was fascinated by the range of roles that one man could assume amidst the intensity of such a brutal conflict."

The film has received critical acclaim, including the Special Jury Prize at the SXSW Film Festival. Between trips to West Africa, she has since been an adjunct faculty member at the Rhode Island School of Design, where she taught an undergraduate seminar entitled "Human Rights, Mass Atrocity, and Documentary Film" and at American University's Human Rights Institute. Cohen has worked on several films, including Michael Moore's "Fahrenheit 9/11."

Friday, 16 April 2010

John Kollie

NEWS ITEM

The Judges of the Special Court in The Hague on Friday denied a Prosecution request to postpone the cross-examination of Defence Witness, Fayia Musa. The Prosecution cited insufficiency of the witness statement supplied to them by the Defence as the basis of their unpreparedness. But the Judges disagreed. John Kollie transcribes reports from the trial in The Hague of former Liberian President Charles Taylor...

The Judges sent the Defence Witness out of the courtroom and allowed legal arguments that lasted for more than one hour between the Prosecution and the Defence.

The Prosecution argued that on direct examination Mr. Fayia Musa testified to several things that were not contained in the witness summary provided to them by the Defence.

Prosecuting Attorney, Nicholas Kumjian told the Judges the Prosecution would suffer what he called undue or irreparable prejudice if the cross-examination was not postponed.

Mr. Kumjian said the witness summary did provide sufficient information to enable him carry out the cross-examination of the witness.

But Defence Lawyer, Courtenay Griffiths called on the court to deny the Prosecution request for the postponement of the cross-examination.

Mr. Griffiths said the Prosecution had sufficient time to research information about the witness Fayia Musa.

He further argued that the witness summary disclosed to the Prosecution about the Defence Witness contains sufficient information to put the Prosecution on notice about their cross-examination.

Having listened to the parties, Presiding Judge Julia Sebutinde ruled that the witness summary provided by the Defence to Prosecution was brief but not necessarily insufficient.

Justice Sebutinde also said the Prosecution has not demonstrated undue or irreparable prejudice that they would suffer if additional information is not disclosed to them about Mr. Fayia.

In accordance with the Judges' ruling the cross-examination of Defence witness Fayia Musa begins on Monday.

Wednesday, 14 April 2010

By John Kollie

NEWS ITEM

A Former Spokesman of the Sierra Leone Revolutionary United Front, the RUF, Musa Fayia popularly known in Sierra Leone as Fayia, Musa has told the Special Court in The Hague that the marriage between Charles Taylor's National Patriotic Front of Liberia and the RUF ended in blood letting in 1992. The witness also denied that the RUF was a terrorist organization. John Kollie reports for the BBC World Service Trust on the trial of former Liberian President Charles Taylor.....

Mr. Fayia, Musa has testified that the relationship between the RUF and the NPFL ended in a bloody clash in 1992.

He said the fighting between the RUF and the NPFL inside Sierra Leone ended in the deaths of several fighters from both sides.

Fayia Musa, the Defence Witness told the court this fighting terminated the cordial relationship between Mr. Charles Taylor and Mr. Foday Sankoh.

Mr. Charles Taylor is accused of supporting the RUF Rebels which terrorized the civilian population of Sierra Leone during the civil war. But the Former Spokesman of the RUF, Fayia Musa testifying in Mr. Taylor's defence denied that the RUF terrorized civilians.

Mr. Fayia Musa also denied that the RUF was opposed to the United States and Great Britain. He said from the early stage of the war, the RUF urged Great Britain and the United States to use their influence in the United Nations to bring the Sierra Leone conflict to a peaceful end.

United Nations  **Nations Unies**

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary
16 April 2010

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

UN News in Liberia

UNMIL

UNMIL TO Rehabilitate Gbarma Road

[Liberia Journal]

- The United Nations Mission in Liberia (UNMIL) has agreed to rehabilitate the road leading to Gbarma District, Gbarpolu County.
- Gbarpolu Superintendent Gertrude Lamin said the commitment of UNMIL followed an appeal due to the inaccessibility of the county.
- Ms. Lamin said UNMIL commitment to assist the people of Gbarpolu County will buttress the government road rehabilitation process.
- She disclosed that government will rehabilitate other deplorable roads in the county.

Local News on Liberian issues

High-Level Liberia Summit Tackles Effectiveness of Managing Donor Money

[Front Page Africa, The Informer]

- President Ellen Johnson Sirleaf says eliminating poverty in post war Liberia is one of the greatest challenges facing her government.
- In a statement delivered on her behalf Thursday by Foreign Minister Olubanke King Akerele, President Sirleaf said through the Poverty Reduction Strategy (PRS) introduced by her government, a great deal of work has been done but admitted there is still much work ahead.
- “The elimination of poverty” is one of the greatest challenges facing the Government of Liberia, she said.
- Through the PRS, we have accomplished a great deal in the war against poverty but there is still much work to do in order to ensure that all Liberians lead prosperous lives, free of the burden of poverty”, the Liberian leader stated.
- At the opening of a two-day summit on aid effectiveness and Non-governmental Organizations (NGOs) Coordination in Liberia, President Sirleaf observed six years ago, most aid to Liberia came in the form of emergency humanitarian assistance in response to the immediate need of the country but noted that today the country is on an ambitious path to long term sustainable development.
- The aid summit is being held under the theme: “maximizing High quality aid for growth and development” at the Monrovia City hall.

President Sirleaf Consoles China For 500 Deaths

[Public Agenda, New Vision, The News]

- President Ellen Johnson Sirleaf has disclosed that the Government and People of Liberia stand in solidarity with the President of the People's Republic of China, Mr. Hu Jintao, and the Chinese People, as China mourns over 600 deaths.
- According to a Foreign Ministry release, President Sirleaf said her government and people received with deep sorrow the news of the earthquake which occurred in Qinghai Province, south western China, resulting to the death, and injury of thousands others.
- The Liberian leader said her country remains confident that the tragedy will not halt China's sustainable development and progress under the inspiring leadership of President Hu.

Judges, Jurors Still Receiving Bribes, President Sirleaf Alleges

[The News]

- President Ellen Johnson Sirleaf says judges and jurors are still being bribed which she thinks is harmful to the justice system.
- President Sirleaf said though government is providing support to the Judiciary to make it viable, there were still the issue of corruption associated with the justice system.
- The Liberian leader said she expects the judiciary to dispense justice void of interferences, noting that government looks to the time when the judiciary will be come fully independent.
- The President spoke Thursday at the opening of a three-day national conference on enhancing access to justice in Gbarnga, Bong County.
- She said bribery is not just an issue amongst judges and jurors, but associated with private lawyers who go for big money and don't put the interest of the country first.

Top Guinean Politician Visits Liberia Today

[The Inquirer]

- One of Guinea's well-known politicians Cellou Diallo arrived in Liberia today on a three-day working visit.
- He is among the country's forerunners in the up-coming Presidential elections slated for June 27 this year.
- Mr. Diallo, an experienced bank and public servant is at the head of a ten-member delegation.
- While in the Country, the Union de Force de Democratic de Guinea (UFDG) Party leader is expected to meet with members of the Guinean community and discuss issues relative to the upcoming Presidential poll in Guinea.

Public Property Privatized, GAC Alleges

[New Democrat]

- Finance Ministry's officials are reportedly transferring government's property including vehicles into private property in violation of relevant laws, the General Auditing Commission (GAC) has reported.
- The GAC report indicated that authorities at the Ministry are giving vehicles to employees under the pretext that they were damaged vehicles.
- Under this scheme, 15 vehicles were turned over to unnamed employees without the knowledge of the General Services Agency coupled with the lack of documentation to establish that the cars were truly obsolete.
- The GAC has asked the Ministry's officials to retrieve those public assets and present them to the GSA for auctioning or proper disposal.
- Official of the Ministry have admitted that they acted wrong and indicated corrective measures have been taken.

Chief Medical Officer Wants Increment In JFK Budget

[The Informer]

- The Chief Medical Officer designate of the John F. Kennedy Medical Hospital, Dr. Billy Johnson has called on the National Legislature to increase the budget of the hospital with a substantial amount that will enable the hospital meet present day medical realities.
- Dr. Johnson said the US\$6 million allotted to the hospital cannot enable it provide services the Liberian people need.
- He added that the hospital was destroyed during the civil war and the only way it will be rebuilt is when its budget is increased.
- Speaking Thursday during his confirmation hearing at the capitol Building, Dr. Johnson said it will take five years to get the hospital to meet the medical needs of people.
- According to the Chief Medical Officer designate, the hospital needs US\$500,000 to renovate the mortuary at the hospital and make it more functional.

Hans, Fiancée In Supreme Court Hands

[New Democrat]

- The Supreme Court in its October term is expected to decide the fate of Hans Williams and fiancée Mardia Paykue who were convicted last month in Criminal Court B, for the murder of 13-year old Angel Togba and subsequently sentenced to death by hanging.

- This follows a Bill of Exception filed by defense lawyers with the Supreme Court appealing for it to squash the lower court's guilty verdict.
- Their 10-page Bill of Exception pinpointed "45 errors" in Judge Blamo Dixon's March 19, 2010 ruling which adjudged their clients guilty of murder.
- The defense lawyers claimed the judge's ruling was replete with errors in order to convict their clients, and therefore were seeking redress from the country's highest court.

Liberian Journalist Accuses NEC Of Discrimination

[Public Agenda]

- A Liberian journalist, Mr. Bill Jarkloh, has criticized the National Elections Commission (NEC) for discriminating amongst the media in its collaboration plan with media editors.
- The editor of the New Vision newspaper made specific reference to the recent collaborative meeting NEC convened with media editors for a successful 2011 elections.
- Mr. Jarkloh questions the sincerity and motive of a meeting of democratic institution like the NEC which has chosen some media editors and excluded others.
- He said media collaboration with NEC should embrace all media institutions, but not limited to a handpicked group.
- The journalist said last week's meeting of NEC with media editors sets a bad precedence and is a recipe for a divide and rule engagement by the Commission for the media during the ensuing 2011 national elections.

Another Nimba Citizen Wants To Be President Of Liberia

[The Inquirer]

- Another son of Nimba County has declared his intention to contest the Liberian Presidency in the 2011 elections.
- Reverend Hananiah Zoe told a new conference Thursday, his decision is intended to rescue Liberia from what he called corruption and suffering.
- Reverend Zoe declared he has a vision for Liberia similar to that of the American Dream.
- According to him, several consultations were held across the country where he was petitioned to contest the Liberian Presidency.
- Senator Prince Johnson of Nimba County has since declared his intention to stand in the 2011 Presidential polls.

Star Radio *(News monitored today at 09:00 am)*

Grand Bassa Superintendent Warns of "Tsunami" If...

- The Superintendent of Grand Bassa County says Buchanan is destined for a major Tsunami if nothing is done to stop the current sea erosion in the city.
- Mrs. Julia Duncan Cassel said there were two major routes leading to the port city but the sea has wept away the one passing through Big Fanti Town.
- Mrs. Cassel said she has been in constant conversation with relevant government functionaries but no effort has been made to stop the sea erosion.
- According to her, Buchanan Renewable and Acelor Mittal are willing to assist with machines and heavy rocks but were waiting for government to take the lead.
- The Grand Bassa Superintendent revealed that United Nations Development Programme has also raised some money from international partners but bureaucracy in government remains an obstacle.

Top Guinean Politician Visits Liberia Today

LACC Discloses 23 Cases On Its Docket

- The Chairperson of the Liberia Anti-Corruption Commission (LACC), Cllr. Frances Johnson Morris says the media continues to play a vital role in making the work of the Commission easier.
- Cllr. Morris said publication and broadcast of corruption articles have opened avenues for the Commission to take cue and make informed decisions.
- She said the media has performed exceptionally well in exposing corruption in Liberia which has immensely helped the work of the Commission.
- Cllr. Morris speaking Thursday at the start of a three-day communication strategy workshop organized by the LACC said the Commission intends to place more emphasis on corruption prevention rather than prosecution.
- The LACC boss disclosed the Commission presently has 23 cases on its docket including the Liberia Telecommunications Authority case involving Mr. Albert Bropleh and has so far investigated and completed five cases.

GOL, USAID Open One-Stop Customs Border Post In Ganta

- The Finance Ministry with support from the US Agency for International Development (USAID) has completed the construction of a one-stop customs border post valued at US\$200,000.
- The border post which was formally opened Thursday in Ganta, Nimba County is intended to improve cross border trade between Liberia and Guinea.
- Finance Minister Augustine Ngafuan commended the US Government for its contribution to Liberia's economic and overall recovery process.
- Minister Ngafuan warned customs officers not to compromise government's revenue collection in the discharge of their duties at the border post.
- USAID Economic Growth Team leader, McDonald Homer said the construction of the one-stop shop was his entity's way of enhancing Liberia's Poverty Reduction Strategy.
- He assured USAID will continue to help Liberia develop its infrastructure as it is essential to economic growth.

Land Commission Launches In 15 Counties

- A consultation campaign launched by the Land Commission in the 15 political sub-divisions of the country over the weekend held its first hearings in Gbarpolu, Bomi and Grand Cape Mount Counties.
- The consultation brought together County Legislators, District Commissioners, Paramount and Clan Chiefs, women and youth organizations as well as Land Commissioners and resident surveyors from each of the three counties.
- The gathering deliberated on a number of issues relating to land use, land tenure, security and development among others.
- During the deliberation, Land Commissioner Eddington Varmah gave an overview of the work of the Commission including its mandate and objectives.
- Cllr. Varmah clarified that the Land Commission does not have the adjudicatory power to prosecute people caught in illegal land sale but said palava hut and round table approaches would be used to resolve problems arising from land conflict.

Another Nimba Citizen Wants To Be President Of Liberia

(Also reported Radio Veritas, Sky FM, and ELBC)

Truth FM (News monitored today at 10:00 am)

US Diplomat Lauds Liberian Government

- The Deputy Chief of Mission of the US Embassy in Liberia has lauded the efforts of government for taking the lead in seeking high quality aid in the reconstruction of Liberia.
- Speaking Thursday at the start of a two-day high level summit on aid effectiveness, Ms. Brooks Robinson disclosed that the US Government has done extremely well in assisting the government and people of Liberia with high quality aid.
- Ms. Robinson said the US Government remains committed in rendering more assistance to Liberia in its reconstruction drive.
- She said the American government has targeted its assistance around the Poverty Reduction Strategy.
- Also speaking, Planning Minister Amara Konneh said the need for high quality aid to Liberia cannot be over emphasized.

International Clips on Liberia

UN Police Commissioner extols community-police relations, hands over three new police stations to Liberia National Police

African Press Organization (APO)/ — The United Nations Mission in Liberia (UNMIL) through its Police Commissioner, Mr. Gautam Sawang, yesterday handed over three newly constructed police stations to the Liberia National Police (LNP) to help it fight and prevent crime. UNMIL Quick Impact Projects programme provided funding for the police stations which are located in Monrovia suburbs of Pipeline, Caldwell and part of central Monrovia. UN Police Commissioner Sawang praised efforts being exerted by both the LNP and communities aimed at joining hands to providing security. "I am very happy to know from community leaders that the LNP has been serving the people and the communities accepting and supporting the Police in its work". This, he noted was demonstrated by the provision of land for the construction of the police stations, thus enabling the LNP to serve the communities. He expressed happiness that Liberia is progressing on the right path. "It is only with the assistance and help of the communities that the Police can do its job. So I want to urge the communities to come forward and help the Police to help them", the UN Police Commissioner emphasized.

Re-entering the Water: Liberia's New Coast Guard

By Nicole Dalrymple, US AFRICOM Public Affairs

<http://www.africom.mil/getArticle.asp?art=4294>

A small team from the newly formed Liberian Coast Guard successfully launched, for the first time, a Zodiac boat off of Bushrod Island, the historic home of the Liberian maritime forces, March 25, 2010. The event was historic for the unit of 49 men and one woman, which was activated just more than a month earlier at Liberia's 53rd Annual Armed Forces Day in Monrovia. At the activation ceremony, coast guard members marched in formation onto Monrovia's Barclay Training Centre parade field. Standing at attention in their new white uniforms, a strong contrast to the sea of green fatigues worn by soldiers of the Armed Forces of Liberia (AFL), the coast guard received its charge from Liberian President Ellen Johnson Sirleaf and its guidon. After a decade's long absence from the water, the coast guard's activation signalled Liberia's commitment to re-establish its presence on its territorial waters. "What is especially significant this Armed Forces Day is the reactivation of the Liberian National Coast Guard..." Sirleaf said during the ceremony. "Under the 2008 National Defense Act, we are obliged to develop and re-establish our capacity to man our territorial waters. The coast guard has a mandate to improve the security of our coastline and control smuggling and illegal fishing. I congratulate you, the members of the coast guard, who have pledged to safeguard Liberia's territorial waters." Watching from the stands that day, and also looking on with pride the day of the boat launch, was U.S. Coast Guard Commander Jennifer Ketchum, who works out of U.S. Africa Command's (AFRICOM) Monrovia Office of Security Cooperation, responsible for coordinating all security cooperation engagements between the U.S. and Liberia.

International Clips on West Africa

Ivory Coast

Police fire tear gas as Ivorian strike widens

<http://af.reuters.com/article/topNews/idAFJOE63F0DX20100416?feedType=RSS&feedName=topNews>

ABIDJAN (Reuters) - Police in Ivory Coast fired tear gas at striking transport workers who gathered in port city San Pedro, a cocoa executive there said on Friday, as truck drivers began to join the standstill. A strike which began on Monday over high fuel prices has brought taxis and buses to a standstill and poses a threat to cocoa exports from the top grower nation as beans are routinely trucked in from plantations to port for shipment. "There's no (transport) activity here. There are no trucks driving, and everything has stopped," said Ali Lakiss, managing director of cocoa exporting firm SAF-CACAO in San Pedro. "This morning, police fired tear gas to disperse strikers who had gathered in the city centre." Strikes and protests over fuel and other living costs often flare in volatile West Africa. Crude oil is hovering just below 18-month highs and rising fuel prices are heating tensions in neighbouring Guinea too. "The strike is continuing ... there is no agreement with the government," said Loceni Diabate, president of the national federation of drivers told Reuters. Taxes account for the greater part of Ivorian fuel prices.

Guinea

New Guinea constitution to see radical changes

(PANA) Conakry, Guinea - The body writing a new constitution for Guinea is pro posing radical changes to the term of a president that prevents a president for life. According to the Constitutional Committee of the National Transition Council (CNT) the term of office of a president will be five years, renewable once. This is a far cry from the previous situation approved in a 2001 referendum boycotted by the opposition where the president's mandate was fixed at seven years and without limit. The draft document states that all candidates for president should be in a state of good health certified by a college of sworn doctors appointed by the Constitutional Court and should be aged at least 35 years. The old Constitution fixed the minimum age at 40 years. It said once elected, the president shall declare his assets. The draft constitution also contains provisions preventing the president and the family from purchasing or leasing property belonging to the State. The same rules apply to ministers, the chairperson of the National Assembly and all those who run republican institutions. The position of prime minister, head of government will also be entrenched. The Prime Minister will be appointed by the President of the Republic and will be in charge of leading, controlling and giving impetus to government-led action.

Daily Naation (Kenya)

Monday, April 19, 2010

It's time of reckoning for those in whose name Kenyans died

Opinion

By NDUNG'U WAINAINA

The decision of the International Criminal Court regarding Kenya's post-election violence proves that the court remains a credible, impartial and efficient institution.

Founded in 2002, the ICC implements fundamental values. It brings perpetrators of atrocities to account, including national leaders. The court's success so far can be measured by the number of those indicted.

Impunity remains a serious threat to peace and security. Impunity of perpetrators of domestic and international atrocities provides a fertile ground for the commission of new horrendous crimes and leads to the escalation of internal or international conflicts. As such, it must be addressed from a global standpoint without blinking.

NATIONAL AUTHORITIES MUST BE held accountable whenever they fail to genuinely investigate and prosecute serious crimes committed within their territorial jurisdiction.

The United Nations owes global citizens a debt for failing to take appropriate measures against countries that renege on obtaining justice for victims of gross human rights violations. Those countries exercising veto vote in the Security Council but block accountability, demonstrate double-speak and side with impunity.

Countries like the US, China and Russia have found themselves in an unsustainable position by strongly endorsing actions that the ICC takes while evading any commitment to support or participate in it as an institution. These countries should review their policy.

We all have to support the ICC in bringing justice to the people whose human dignity and integrity have been violated. It is our political, moral and legal duty and responsibility. We owe these victims a huge debt.

Kenya, is an example of a violator of this duty. Its leaders have cost citizens dearly in terms of the country's image, credibility as well as investment. But they can redeem themselves by at least supporting the enactment of a special tribunal to try the bulk of the suspects outside ICC orbit. But we must guard against them using the tribunal to undermine the ICC process.

People invest where there is rule of law and effective criminal justice system. Kenya, by virtue of finding herself a candidate of ICC, indicts its political leadership as a failure and brings forth the efficacy of its institutions. It is condemnation to the category of a failing state.

The treaty establishing the court requires that the ICC does not supersede or interfere with the functioning of national judicial systems; that is, the ICC prosecutor is authorised to take action against a suspect only if the country of nationality is unwilling or unable to investigate allegations of crimes by their citizen. The Government of Kenya has shown ambivalence and unwillingness to investigate and prosecute those behind the post-election violence.

So the ICC judges' authorisation is a major win for the Kenyan public, specifically the victims of impunity. The support for ICC among Kenyans is expected to increase.

Kenya may attempt to appeal or seek deferral; behind the scenes machinations may make it attempt to quickly establish a local tribunal; there will be a tug-of-war in government, some wanting the implicated to go to The Hague, and the implicated fighting back. As the ICC conducts its investigation, it is likely to cause panic.

FURTHER, DUE TO FIGHTING BACK tactics, the level of insecurity will rise and people's lives will be in danger, particularly the people who want to see justice done. Still, the ICC ruling will drastically affect the political landscape in Kenya.

If the ICC judges had not authorised Prosecutor Luis Moreno-Ocampo to go ahead with investigations, impunity would have prevailed. Political stability and the ability of the coalition government to tackle impunity would have been adversely affected. Most likely, the reform agenda and the reconciliation process would have gone off course. Kenya would have remained volatile.

It is said some politicians supported ICC to get their 2012 opponents out of their way. Others thought ICC would never materialise. They must now live with the reality.

The writer is executive director, International Centre for Policy and Conflict (nwainaina@icpcafrica.org)

Naharnet

Sunday, 18 April 2010

Presidency Denies Report on Fears over Repercussions of Tribunal's Decisions

The presidency has denied a media report that presidential circles have told French foreign ministry officials the best way to avoid unrest in Lebanon was to stop the funding of donor countries for the Special Tribunal for Lebanon.

The presidency's media office said: "The report is completely untrue."

On Saturday, pan-Arab daily al-Hayat quoted informed French sources as saying that the presidency's circles have expressed fears to a foreign ministry delegation visiting Beirut over the repercussions of the tribunal's effects on Lebanon.

The newspaper said the circles told the delegation that it would be better for donor countries to stop funding the court in order to avoid political instability in Lebanon.

Meanwhile, the Acting Registrar of the STL, Herman Von Hebel, stressed that the investigation into the 2005 murder of ex-Premier Rafik Hariri is making steady and positive progress.

He told the Associated Press after a 5-day visit to Lebanon, that the tribunal is determined to achieve justice in spite of fears that the indictments may spark violent repercussions.

In the long run, there can be no stability without justice, he said.