

**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

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Press clips are produced Monday through Friday.
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Judgment Day for Bomblast & Others

Judgement in the Contempt Trial of Bangura, et. al. Scheduled for Tuesday, 25 September 2012 Judgement in the trial of three former AFRC members accused of tampering with a prosecution witness who testified at the Special Court is scheduled for Tuesday, 25 September 2012, beginning at 9:30 a.m. GMT (11:30 a.m. Hague time). Justice Teresa Doherty will deliver the Judgement from the STL in The Hague via video link to Freetown and Kigali, Rwanda. Two of the defendants, convicted former AFRC leaders Ibrahim Bazy Kamara and Santigie Borbor Kanu (aka "Five-Five"), will participate from Rwanda where they are serving prison sentences for convictions by the Special Court. Alhassan Papa Bangura (aka "Bomblast") will participate from the Special Court's Courtroom 1 in Freetown. A fourth defendant, Samuel Kargbo

(aka "Sammy Ragga"), pleaded guilty at his initial appearance last year. He subsequently testified for the prosecution. All three each face two counts of interfering with the administration of justice by offering a bribe to a witness to recant his testimony, and by otherwise inducing a witness to recant his testimony. Kamara is charged with an additional count of knowingly revealing the name of a protected witness. All three have pleaded not guilty to the charges.

The judgement is open and the media and public are invited to attend. Journalists planning to attend in The Hague should contact Solomon Moriba at moriba@un.org. The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

150 High Court Cases For 2012/13

By Ayodele Deen-Cole

The Law Officers Department of Sierra Leone Judiciary has reportedly registered a total of 150 cases that will go on trials before the High Court of Sierra Leone for the judiciary year 2012/13 that officially commenced yesterday. During the official opening ceremony, Chief Justice of Sierra Leone, Hon. Umu Hawa Tejan Jalloh disclosed that about 150 cases are there to be prosecuted. She assured Sierra Leoneans of fairness, dedication and effective justice system in the trials. *Continued page 2*

150 High Court Cases For 2012/13

From front page

Honourable Chief Justice Umu Hawa Tejan Jalloh, who is on record as one of the first female Chief Justices in the West African sub-region, expressed hopes about the ongoing projects to transform the Judiciary Sector which she said has been facing several setbacks and challenges over the years.

Over 10 Legal Judges will sit on the 150 trials and will be distributed by the Office of the Honourable Chief Justice. The new 150 High Court cases range from murder, robbery, child abuse, sexual abuse to serious civil charges.

Inside sources confided in this press that most of the accused for sexual and child abuse cases will not be granted bail conditions, as well as accused for violent charges like robbery with aggravation and other felonious offences.

It will be recalled that during the last judiciary year 2011/12, the Law Officers

Department registered a total of 110 cases for trials in the High Court but there has been increase of 40 cases for the new judiciary year 2012/13.

Meanwhile, The Exclusive has gathered that the Sierra Leone Prison Administration has sent a letter of concern to the Law Officers Department about the fate of over 246 detainees who have not been called up for trials.

Sources within the Prisons Department disclosed that the letter of concern called for a speedy process to call up the detainees for trials in order to help reduce the congestion of inmates at Clarkson House in the Pademba Road Maximum Security Prisons.

Among the Legal Judges to sit on the 150 trials include expert Judges from within Africa who are on contract with the Department for International Development (DFID) and the UNDP Justice Sector Development Project in Sierra Leone.

High Court Opens

By Foday Jalloh

The High Court of Sierra Leone will open today for a new judicial calendar after two months vacation.

The official opening ceremony is scheduled to take place at the Law Court building this morning. Chief Justice, Madam Umu Hawa Tejan-Jalloh, Minister of Justice and Attorney General, Frank Kargbo and other dignitaries are all expected to be in attendance.

Speaking to this press, one solicitor's

clerk, Bilal Kamara noted that a new judicial year always witnesses the allocation of new cases at High Court.

According to Master and Registrar of the High Court, Ghanaian born, Sarkordi Mensah fresh mechanisms are being put in place to make sure that cases are allocated and committed in a timely manner.

He called on all clients to be patience and ensure that they follow the due process of the law.

Sierra Express (Online)
 Wednesday, 19 September 2012

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Africa Young Voices

Tuesday, 18 September 2012

Human Rights on Arrest and Detention

HUMAN RIGHTS

*By Bankole Clifford
Ekundayo Morgan*

Distinguished readers, it is my opinion that a write-up on Human Rights and Detention would be of great benefits to all of us. In arresting and detaining an individual or group of individuals, there are human rights standards that state actors should adhere to. According to the human rights standard, every state has the primary responsibility to ensure that fundamental human rights and freedoms of all its citizens and non-citizens are promoted, protected and fulfilled as prescribed by international human rights documents signed by state parties. As human rights activist we must also emphasize the point during our advocacy campaign to the public that human rights go along side with responsibility. For instance, as a Sierra Leonean it is my right to enjoy the rights projected in Chapter iii of the 1991 Constitution of Sierra Leone. But in enjoying these rights I also have the corresponding responsibility to ensure that I enjoy them within the legal framework. Also, for the full enjoyment of human rights, state actors must ensure that they adopt and utilize the rights-based approach in the execution of their duties.

ARREST AND DETENTION AS PART OF LAW ENFORCEMENT IN THE HUMAN RIGHTS CONTEXT

Distinguished readers, it is obvious that one cannot talk about successful monitoring of prisons and other places of detention without having an idea of arrest and detention as components of law enforcement. However, before I proceed on the above topic, let me kindly start by throwing light on what is "Law Enforcement", what is "Human Rights" and the link between the two. "Law Enforcement" could be interpreted as the application of state rules and regulations to its inhabitants; nationals and non-nationals. These rules are sometimes codified in the form of state constitution, acts of parliament and or by-laws.

All of these documents are meant to regulate the behaviour of people. Their application is usually carried out by law enforcement agents like the police, prison, court and other related bodies.

'Human Rights' on the other hand, could be defined as the fundamental rights of a person that should be protected by law, and guaranteed by the state. A right is an entitlement and when we talk about human rights we mean those rights that belong to every individual-(Man or Woman, Girl or Boy, Infant or Elder) simply because he/she is a human being. Human Rights consist of basic standards without which people can not enjoy or realize their inherent dignity. This in essence could be interpreted as the foundation of Freedom, Justice and Peace. The respect and observance of human rights by duty bearers allows individuals and communities to fully develop. These rights include life, liberty and security of the individual, freedom from torture, freedom from slavery, freedom of opinion and expression, right to political participation, freedom of thought, conscience and religion, freedom of assembly and association, right to education, right to health, right to food, right to shelter, right to employment with reasonable pay etc. These rights are inherent, universal, inalienable, indivisible, interdependent and interrelated. They are categorized as Civil and Political Rights and Economic, Social and Cultural Rights. The former are liberty-oriented rights while the latter are security-oriented rights.

THE LINK BETWEEN LAW ENFORCEMENT AND HUMAN RIGHTS

The relationship between Law Enforcement and Human Rights is that of upholding human dignity during the application of state rules. In other words, the laws of any state must, in the first place, be seen to respect and protect the human rights of individuals and law enforcement agents be seen to act towards that direction. Human dignity must be protected at all levels of state operations as enshrined in the International Bill of Human Rights and other relevant international and regional human rights instruments. Alternatively, as human rights activists we must also educate the general public on their rights and responsibilities in society.

Distinguished readers, from my experience in monitoring places of detention, I have come to realize that 'Human Rights on Arrest and Detention' is an area that is directly related to law enforcement agencies, especially the police and prisons. In their exercise of the powers of arrest and detention in the past, I have often experienced a number of complaints of alleged human rights violations committed by some members of the law enforcement agencies. According to human rights documents arbitrary arrest and detention are a deprivation of liberty, which is contrary to Art 9 of the Universal Declaration of Human Rights (UNDHR), which states: "No one shall be subjected to arbitrary arrest, detention or exile".

According to Art 9⁽¹⁾ of the International Covenant on Civil and Political Rights (ICCPR), this states: "Everyone has the right to liberty and the security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds in accordance with such procedure as established by law".

In Sierra Leone, Section 17 of the 1991 Constitution of Sierra Leone says of this as thus:

"No person shall be deprived of his personal liberty except as may be authorized by law".

To qualify the above further, such deprivation of liberty could be done only in accordance with the established laws of the state and in accordance with regional and international human rights documents.

ANY ATTEMPT IN CONTRAVENING THE ABOVE HUMAN RIGHTS DOCUMENTS IS CONSIDERED ILLEGAL AND ARBITRARY

Distinguished readers, any attempt by law enforcement officers to contravene the above existing human rights documents is considered illegal. However, it is important to note that it is a challenge worldwide that some countries or communities are confronted by the practice of arbitrary arrest and detention. In some cases people are sometimes arrested or detained because they have exercised one of their fundamental human rights guaranteed under international treaties, such as the right to freedom of opinion and expression, right to freedom of association, the right to leave or enter one's own country. For instance the Sierra Leone 1965 Public Order Act has within it offences like 'Seditious Libel' and 'Criminal Libel' as high state crimes, this is viewed by some members of the public as a way of protecting highly placed government officials from public criticism. By so doing citizens are being denied their right to freedom of opinion expression and information. Freedom of opinion, expression and information *contribute* towards good governance,

democracy and human rights. Freedom of Information is a key component of transparent and accountable government. It is an essential ingredient that helps to make citizens participate in the day to day running of the state. If the FOI Bill can be urgently pass in Parliament, this will help to bring respect to our human rights record and generally help in the enjoyment of fundamental human rights in our beloved country.

Precious readers, arrest and detention are by themselves not human rights violation, except when done on the basis of the above reason. Yet, international human rights law has set standards under which they must be carried out to prevent such acts from being arbitrary.

WHAT IS AN ARREST AND DETENTION?

Distinguished readers, before we look at the grounds for arresting any individual we need to know meaning of 'arrest' and 'detention'. According to the international document known as "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment", arrest and detention are defined as thus:

'Arrest' means the act of apprehending a person for an alleged commission of an offence or by the action of an authority.

'Detention' means the condition of depriving a person's personal liberty except as a result of conviction for an offence.

Distinguished readers, "Arrest" could also be looked at as an act where the government deprives a person of his/her liberty for the purpose of compelling that person to appear in court to answer a criminal charge. An arrest usually involves taking you into custody and detaining you. Although the government has legitimate authority to see that lawbreakers are punished according to the law.

The normal procedure for making an arrest is for the police to obtain an arrest warrant (official document signed by a judge or magistrate issuing it, bearing the seal of the court, and must identify the offence charged). Arrest warrants are usually issued on the ground that a criminal charge has been made against a person by a public prosecutor or police officer and that a warrant is necessary to make sure the suspect will appear in court to answer the charge. In the area of "Detention", firstly, if a suspect is detained by the Police, the police should explain the reason(s) for his/her detention and his right to a lawyer of his/her choice. The police must give the alleged suspect this information in a language that the suspect understands. Secondly, if the suspect is arrested or detained upon reasonable suspicion of having committed a crime, he must be brought to court as soon as possible but not later than ten days from the time of your arrest in case of capital offences and seventy-two hours in case of other offences

GROUND FOR ARRESTING ANY INDIVIDUAL.

The grounds for arresting any individual are:

1. When one is alleged of committing an offence and a warrant of arrest issued thereto.
2. When one is committing or about to commit and offence.
3. When one is a threat to public safety or public order.

A police officer may arrest a suspect without a court

HUMAN RIGHTS ON ARREST AND DETENTION

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order or arrest warrant if the police has “reasonable cause” to suspect that the person has committed or is about to commit an arrestable offence. To make the arrest, the police cannot use greater force than is necessary to prevent escape. Before using force to arrest a person who is resisting the police must take into account the seriousness of the crime and the manner in which it was committed. Excessive force by the Police in handling public events is personally condemned, unlawful and no longer fashionable. However, the police perform very important functions to prevent and detect crime, apprehend offenders, and maintain public order and the safety of per-

sons and property. The very nature of these functions invariably involves measures that may sometimes limit the rights of individuals, but this must be done with the application of the human rights based approach in the course of their work.

Distinguished readers, from the above it is now clear that arrest, detention and prosecution must be carried out in strict compliance with our constitution, regional and international human rights standards: force must be kept to a minimum. Any person therefore unlawfully arrested, restricted or detained is entitled to compensation from the government according to human rights standard.

Bankole Clifford Ekundayo Morgan has been a promoter and protector of Human Rights for a long time now.

Bloomberg Businessweek

Tuesday, 18 September 2012

UN Says Liberia Security Threats Persist as Troop Numbers Cut

By Pauline Bax

The United Nations will reduce the size of its military operation in Liberia by more than half even as the organization said the West African nation is still facing major security challenges.

The UN peacekeeping operation in Liberia, known as UNMIL, will be cut by four infantry battalions, or about 4,200 troops, to 3,750 soldiers by 2015, the UN Security Council said on its website. The first group of almost 2,000 personnel is to leave within a year, it said.

UNMIL sent about 15,000 troops to the country after President Charles Taylor went into exile in 2003, ending a 14- year civil war that destroyed much of the Liberia's infrastructure. Taylor was found guilty earlier this year with crimes against humanity related to a conflict in neighboring Sierra Leone.

The peacekeepers in Liberia will be sent home gradually as the country "is still far from attaining a steady state of security," the Security council said, citing a report by UN Secretary-General Ban Ki-moon.

"The main security threats are internal, particularly civil unrest, and there is a recurrent tendency for minor incidents to escalate into violent confrontations," Ban said in the report.

The council urged Liberia and neighboring Ivory Coast to strengthen cooperation at the border, and to "stabilize" the area through information sharing, according to the statement. Seven UN peacekeepers deployed in Ivory Coast were killed earlier this year by attackers from Liberia.

Companies including ArcelorMittal (MT), which last year shipped its first iron ore from Liberia, and Chevron Corp. (CVX) are active in the country. Economic growth is estimated at 9 percent this year, according to President Ellen Johnson-Sirleaf.

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International Center for Transitional Justice

Tuesday, 18 September 2012

ICTJ to UN Security Council:

Transitional Justice Fosters Accountability for Crimes Against Children

The United Nations Security Council has invited the International Center for Transitional Justice to provide expert recommendations on how to achieve accountability for violations against children in armed conflict.

New York, NY- Accountability for violations against children in armed conflict is best achieved through a comprehensive approach to justice that addresses the responsibility of perpetrators and the rights of victims within a broader process of social change. This is the key message to be delivered by the International Center for Transitional Justice (ICTJ) on September 19, 2012, during the UN Security Council's Open Debate on Children and Armed Conflict.

"Prosecutions are essential for accountability, as they send a clear message that certain violations will not be tolerated by the society or the international community. However, ICTJ's work over the past decade in over 40 countries has shown that in isolation, prosecutions are not enough," said David Tolbert, president of ICTJ.

In his address to the Security Council, Tolbert will recommend that the full range of transitional justice measures are prioritized in the set of responses available to the Security Council's Working Group on Children and Armed Conflict. ICTJ maintains that transitional justice measures can contribute to efforts to reveal the underlying causes of violations against children, remedy the consequences and prevent their recurrence.

"We need to understand what drives state and non-state actors to criminal acts such as forcible recruitment of child soldiers in order to fully address them. Truth-seeking can help to do that," says Tolbert. "Military, security and other state institutions that engage in such practices must be thoroughly reformed if we are to avoid their recurrence. And the harm done to children must be dealt with through carefully devised reparations programs to allay long-term consequences of the suffering inflicted upon them."

ICTJ will call upon the Security Council to build on the progress made over the past decade and utilize its leverage to support national processes working to address the full range of violations against children.

"The Council should continue to recognize that protection of children and accountability for grave violations against children are part of the Council's role in upholding peace and security," said Tolbert. "With this in mind, the Council should urge donors to support national processes that seek to achieve accountability in a comprehensive manner."

In addition, ICTJ will call for increased focus on accountability within Action Plans the UN has entered with parties to conflict where children were targeted. ICTJ believes that the UN Action Plans to address violations against children are a starting point to achieving accountability for violations against children. "It will also be important to see Actions Plans on the other grave violations against children," says Tolbert.

ICTJ is the only non-governmental organization invited to address the UN Security Council's annual open debate on children in armed conflict this year. The debate will be held on September 19, 2012, at 10:00 am United Nations headquarters in New York. The session may be viewed live on the UN's streaming channel, at www.webtv.un.org. The full text of ICTJ's address will be made available immediately after the address at www.ictj.org.

About ICTJ

ICTJ assists societies confronting massive human rights abuses to promote accountability, pursue truth, provide reparations, and build trustworthy institutions. Committed to the vindication of victims' rights and the promotion of gender justice, we provide expert technical advice, policy analysis, and comparative research on transitional justice measures, including criminal prosecutions, reparations initiatives, truth seeking, memorialization efforts, and institutional reform. For more information, visit www.ictj.org.