

SPECIAL COURT FOR SIERRA LEONE

PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

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

Friday, July 02, 2004

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Trials of three alleged rebel RUF leaders begin Monday in Sierra Leone

1 July 2004 – The Special Court for Sierra Leone (SCSL) will commence trials on Monday of three former members of the Revolutionary United Front (RUF) charged with major crimes in connection with the country's 1991-2002 civil war.

The three defendants, being tried on 18 counts each, are Issa Hassan Sesay, said to have become RUF leader after the death of founder Foday Sankoh, Morris Kallon, allegedly a former RUF commander, and alleged former RUF Chief of Security Augustine Gbao.

The 18-count indictment includes terrorizing the civilian population, unlawful killings, sexual and physical violence, use of child soldiers, abduction and forced labour, looting, burning, attacks on UN peacekeepers and, added on 17 May, forced marriage as an inhumane act.

To bring lasting peace to Sierra Leone, the Lomé Peace Accord of July 1999 authorized a Truth and Reconciliation Commission without the power to grant amnesty. Separately, the UN Security Council authorized a peacekeeping mission, the UN Mission in Sierra Leone (UNAMSIL) in October 1999. The SCSL was set up in 2002 under an agreement between the Government of Sierra Leone and the United Nations.

The court, the second international war crimes tribunal established in Africa, was mandated to try those bearing the greatest responsibility for serious violations of international humanitarian and Sierra Leonean law within Sierra Leone's borders since 30 November 1996.

The war in Sierra Leone started when RUF rebels launched an attack on the government in March 1991. The RUF and the national Armed Forces Revolutionary Council (AFRC) eventually formed a ruling junta, which was toppled in February 1998 by the Economic Commission of West African States' (ECOWAS) Military Observer Group (ECOMOG).

President Ahmed Tejan Kabbah, whose election the RUF had refused to recognize, then returned from nearly a year's exile in neighbouring Guinea.

The trials of people accused of having committed crimes against humanity under the umbrella of the anti-rebel Civil Defence Forces (CDF), comprising the tribal Kamajor fighters, started on 3 June.

Source: [News & Business](#) > [News](#) > [News, Most Recent 90 Days \(English, Full Text\)](#)

Terms: **three former rebel leaders go on trial in sierra leone on monday** ([Edit Search](#))

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Associated Press Worldstream July 1, 2004 Thursday

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HEADLINE: **Three** former **rebel leaders** to go on **trial** in **Sierra Leone** on Monday

DATELINE: UNITED NATIONS

BODY:

Three former **rebel leaders** will go on **trial** Monday at the U.N.-backed war crimes tribunal in **Sierra Leone** on charges ranging from terrorizing civilians to unlawful killing and sexual violence.

Rebel leader Foday Sankoh, who led the Revolutionary United Front which made hacking limbs, lips and ears from civilians' bodies a trademark atrocity, died of natural causes last year while in U.N. custody in **Sierra Leone** awaiting **trial**.

But Issa Sesay, who replaced him as RUF **leader** in mid-2000; Morris Kallon, an RUF commander; and Augustine Gbao, the RUF's former security chief, will go on **trial** Monday at the Special Court for **Sierra Leone**, U.N. associate spokesman Stephane Dujarric said Thursday.

The **three** were initially indicted on 17 counts. An 18th count, a charge of forced marriage, was added in May. The court said the **trial** of the former **rebels** will mark the first time forced marriage will be prosecuted before an international criminal court as a crime against humanity.

The **Sierra Leone** tribunal was created by agreement with the United Nations to try serious human rights violations since Nov. 30, 1996 - when **rebels** and the government signed a peace accord designed to end what was then a five-year-old war.

That peace deal, however, was followed by a military coup and several more years of fighting that ended in 2002. Successful elections were held later that year and with the restoration of peace, what was once the United Nations' largest peacekeeping force anywhere is being reduced.

Unlike the tribunals for Rwanda and the former Yugoslavia, the court is based in the country where the alleged crimes occurred. It is charging only a handful of senior officials and is

drawing on local and international law.

The tribunal began its first **trial** in early June of **three** men who fought on the side of the government during the civil war.

The United States, an opponent of the International Criminal Court at The Hague, the Netherlands, is providing the largest share of funding for the **Sierra Leone** court.

LOAD-DATE: July 2, 2004

Source: [News & Business](#) > [News](#) > [News, Most Recent 90 Days \(English, Full Text\)](#) [i](#)

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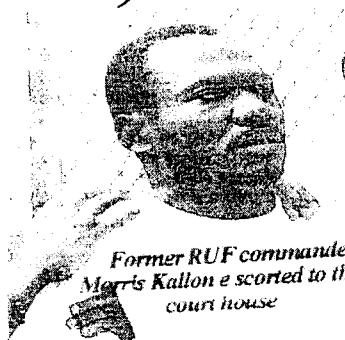
Concord Times

Friday July 02, 2009

Issah Sesay, Gbao, Kallon trial starts Monday

Though they threatened to boycott Special Court sittings until the Supreme Court sits on their motion challenging the legality of the Court to try them, Revolutionary United Front indictees, Issah Sesay, Augustine Gbao and Morris Kallon are however expected to start their trials Monday.

According to a Special Court Press Release issued yesterday, "the three are awaiting trial in the Special Court Detention Facility on an 18 count indictment which includes terrorizing the civilian population, unlawful killings, sexual violence, physical violence, use of child soldiers, abductions and forced labour, looting



*Former RUF commander
Morris Kallon is escorted to the
court house*

and burning and attacks on peacekeepers."



However, the Chief Justice, Dr. Abdulai Timbo recently informed Concord Times that a panel has already been set up to look into the matter.

Norman's Opening Statement at the Special Court

I am Samuel Hinga Norman. The facts about me are that I joined the army at the age of 14 and a half years and during the

interview before the General Officer Commanding in Chief, West Africa, I said this, that I was joining the army to defend Her Majesty's Empire, and I was asked, "At this age what can you do? I said I will grow up and I would do a lot of things. I'm in the process of doing those things.

I have been under tremendous stress like I was when I decided to take up the battle against my colleagues, the soldiers, and against my brothers and sister, the RUF, for the honour of Sierra Leone. In the process, I am standing here again in that same way, taking up to defend myself in response to what is facing Sierra Leone.

I cannot, I should not, and I will not respond to anything the Prosecution may have said here before this Court as constituted, and before Your Lordships sitting as a Trial Chamber of the Special Court for Sierra Leone under the presidency of your Honour, Justice Itoe and Your Honours Justice Bankole Thompson and Justice Boutet, as members of the Trial Chamber for the following reasons.

There is or are no charge legally placed before this Chamber against me. If there is or are charges against me before this Chamber, then I submit that by law I have not taken any plea before this Chamber or any indictment against me before your Honours. I will state the reasons when I hear the response from Your Lordships.

Two, this Court, operating as a Trial Chamber of the Special Court for Sierra Leone, does not have the constitutional authority to try me and, indeed, any Sierra Leonean, pursuant to Article 8 of the Statute of the Special Court for Sierra Leone which Statute place the Special Court for Sierra Leone over all the courts of Sierra Leone, which in effect, has taken away the constitutional powers of the Chief Justice of Sierra Leone, which, is entrenched in the Constitution and cannot, I repeat, cannot be taken by any other means except the means provided

for in the Constitution of Sierra Leone.

Three, whatever took place in Sierra Leone as an incident since 1991 to the date under review, has not been defined whether it is war or conflict. If it is war, what type of war, conventional or civil? If it is conflict what type of conflict: international or national?

This, as much I know, as a soldier well trained in the British Army and as a Minister of Internal Affairs in Sierra Leone, having privilege to documents, that Sierra Leone acceded to the Geneva Convention in 1986.

And in that Convention under Protocol I, the conflict in Sierra Leone would well be described as international and so if it is international, then the Geneva Convention stipulates that Article 9 conclusion of Protocol I should be applied, and that a Commission of Inquiry should be instituted in Sierra Leone to investigate the happenings in Sierra Leone and submit a conclusion with a recommendation for all those who did what and to what extent and what grave level. For parties to the conflict, to compensate Sierra Leoneans who may have lost lives, limbs, blood, property, dignity and opportunity, and those parties to the conflict are governments that send their agents, the armies that dealt with the situation in excess of the firepower that was required. Any other way of doing it will be a cynical manipulation of the process of law in Sierra Leone.

And for this reason I have chosen to defend myself, that in the area of Defence there is no time limitation whether you should start it or you should apply defence in the middle or in the end; and there is no age, whether you are a baby or an old person or a young one; there is no qualification whether you are educated or not.

These are my reasons for not responding to whatever grammatical thesis that the Prosecution have proffered here before Your Lordships and this Court to incite your sentiment on issues that they are sure, as I am, that they do not have nay reason to hold against Hinga Norman

Concord Times

Friday July 02, 2004

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Legal action against Taylor by Nigerians unconstitutional * FG tells court

By IseOluwa Ige
Friday, July 02, 2004

ABUJA— The Federal Government yesterday said that legal moves by two Nigerians to extradite former Liberian President, Charles Taylor on account of his alleged role in war crimes in a neighbouring country of Seirra Leone is unconstitutional.

It said Taylor had not breached the fundamental human rights of the two Nigerians seeking to extradite him, even as it insisted that it would not surrender Charles Taylor for any reason.

According to the Federal Government, he (Taylor) “played no role whatsoever in the civil war in the neighbouring country of Seirra Leone, after all.”

Instead, the Federal Government added that he “was rather busy at the material time containing the insurgents in his own country while at the same time coping with the influx of refugees from Sierra Leone into Liberia.

It would be recalled that Messrs David and Emmanuel filed two separate suits before Justice Jonah Adah of the Federal high court, Abuja early this year.

In the suits, they were seeking for a declaration that the offer of political asylum granted Charles Taylor amounts to an unlawful usurpation and or delegation of the powers and functions of the Federal Commissioner for Refugees and the Eligibility Committee for Refugees.

They also want an order of certiorari quashing the recommendation and offer of political asylum to Taylor in Nigeria.

On the request of the applicants, the judge had granted an order directing Governor of Cross River to serve all necessary court processes in the case on Charles Taylor.

But the state governor refused to serve as a link to the former Liberian warlord. He was represented in court yesterday by the state solicitor-general to explain why he would not collect court processes for service on Taylor.

The Solicitor-General, Mr E. T. Ebuta told the court yesterday that Section 308 of the 1999 Constitution precludes the governor from being served court processes and as such would not collect such processes for onward transfer to Charles Taylor who resides in the state.

Counsel to the plaintiffs, Mr Babatunde Fagbohunlu though disagreed with the Governor of Cross River State but said that he would not want to enter into any legal battle on the constitutional validity of the claim of the governor. On agreement, the earlier order of the court to serve all court processes in the case was reversed by the presiding judge yesterday.

The reversal made Mr Fagbohunlu representing the two Nigerians in the case to make an oral application to the court to serve court processes on Charles Taylor through the office of the National Commission for Refugees. But the request was opposed by the Federal Government yesterday on the grounds that if for any reason the office would be used to serve Taylor, it (the office) ought to be formally informed before such request was made to the court.

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Nigerian govt. defends protection granted to Liberia's Taylor

www.chinaview.cn 2004-07-02 04:41:28

ABUJA, July 1 (Xinhuanet) -- The Nigerian government on Thursday defended its protection granted to ousted Liberian leader Charles Taylor, saying that he has not breached the fundamental right of any Nigerian.

This position was contained in an affidavit attached to the objection it filed to the petition by two Nigerian businessmen who were brutally amputated in 1999 by Sierra Leonean rebels.

Taylor, who went into exile in Nigeria last August as rebels besieged the Liberian capital of Monrovia, was accused by the UN-backed special court in Sierra Leone of main backer of the Sierra Leonean rebels.

However, the affidavit read: "The first respondent (Taylor) played no role whatsoever in the civil war in the neighboring country of Sierra Leone."

"He was at the material time busy containing the insurgents in his own country while at the same time coping with the influx of refugees from Sierra Leone and Liberia," it added.

Taylor, whose step-down paved the way for peace progress in his war-torn homeland, has since lived in Calabar, the capital of Nigeria's southern state of Cross River.

Nigerian President Olusegun Obasanjo has ensured that his country would not succumb to pressure to hand him over for trial although the United States had offered a reward of two million US dollars for his capture.

But the petitioners, Emmanuel Egbuna and David Anyaele, alleged Monday that Sierra Leone's 10-year civil war was "largely engineered and financed by Taylor."

They indicted Taylor for war crimes and several other serious violations of humanitarian law and launched a court battle on June 14 to seek an order quashing the refugee status granted to Taylor, contending the asylum had precluded his trial before the UN-backed special court.

The Federal High Court in Abuja has directed substituted service of the petition to Taylor through Cross River Governor Donald Duke.

At the resumed hearing of the petition Thursday, Cross Rivers' Solicitor General E.T. Ebota, asked for the order to be vacated, contending that the governor was immune from any civil litigation by virtue of the 1999 constitution.

Counsel to the petitioners Babatunde Fagbohunlu, thereafter orally applied for the service of the petition on Taylor through the Federal Commissioner for Refugees. Responding counsel to the Nigerian government Bola Odugbesan objected on the ground that such application should be in a filed motion supported with an affidavit.

Justice Stephen Adah consequently adjourned till July 13, for the petitioners to file and move their motion for substituted service. Enditem

Nigerian court adjourns case against Taylor's asylum

Source: Agence France-Presse English Wire Date: July 01, 2004

ABUJA, July 1 (AFP) - A court here on Thursday adjourned till July 13 a case taken by two Nigerian amputees who want to force their government to hand former Liberian leader Charles Taylor over to international justice.

Emmanuel Egbuna and David Anyaele, both of whom had their arms cut off by Sierra Leonean rebels, allege that Taylor played a role in their ordeal and have asked for a judicial review of his asylum in Nigeria.

Taylor fled to Nigeria last August as enemy fighters closed in on the Liberian capital Monrovia. He was granted asylum by Nigerian President Olusegun Obasanjo in exchange for not interfering in Liberia's peace process.

The Abuja federal high court adjourned the case following a request by the plaintiffs' lawyers who complained of difficulties in locating Taylor's address for the purpose of effecting the service of the court orders.

At the hearing, government lawyers objected to an earlier order that Taylor could be served with the court papers through either the governor of Cross River State, where he lives in the town of Calabar, or through the National Commission for Refugees. The lawyers for the two Nigerians, who formerly lived in Sierra Leone, launched the court battle on June 14 to force the government to hand Taylor over to international justice.

Taylor has been accused by international prosecutors at a UN-backed special tribunal in Liberia's neighbour Sierra Leone of backing the rebel Revolutionary United Front (RUF) during that country's own bloody civil war.

A Libyan-trained guerrilla, Taylor fought his way to power at the head of a brutal rebel army, then fought the latest in his country's long line of civil wars before seeing himself confirmed as Liberia's elected president in 1997.

Soon afterwards Liberia was plunged back into anarchy by a new rebellion. Taylor, meanwhile, stands accused of backing the RUF between 1991 and 2001 in exchange for a share in Sierra Leone's trade in so-called "blood diamonds".

He was forced out of power by a combination of international pressure and the advance of a rebel army on his capital in August last year, and has since been living in comfortable but increasingly isolated exile in Nigeria.

Nigerians seek Taylor extradition

By Anna Borzello
BBC, Nigeria

Two Nigerians have gone to court, seeking the extradition of former Liberian leader Charles Taylor, so he can face war crimes charges.



Taylor allegedly supported the RUF in exchange for diamonds

A UN-backed court in Sierra Leone has issued an international warrant for his arrest for allegedly backing Sierra Leone's RUF rebels.

Mr Taylor has been in exile in Nigeria since August last year after being granted asylum by the government.

The two businessmen say they were mutilated by RUF fighters.

The hearing was postponed until 13 July because legal papers have not been served on Mr Taylor.

Emmanuel Egbuna had both his hands chopped off at the wrist, while David Anyaele lost his arms, when travelling in Sierra Leone in the 1980s.

The men claim the rebels were acting on Mr Taylor's orders.

Impunity

Mr Taylor is accused of backing the RUF in exchange for diamonds.

The men are being supported by the Nigerian coalition on the international criminal court, which represents about 50 civil society organisations.

Maxwell Kadiri, a lawyer with the group, told the BBC the prosecution hope to have Mr Taylor's immunity lifted so that he can face charges at the Sierra Leone war crimes tribunal which began hearings last month.



RUF fighters hacked the limbs of thousands of civilians

Mr Taylor has been living in exile in the peaceful south-eastern Nigerian town of Calabar since the middle of last year and the Nigerian government have so far resisted all attempts to have him handed over to the court.

Mr Kadiri said he felt the case was worth taking on because it was important that impunity should not be condoned



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Nigerian government absolves Taylor of rights abuse

Abuja (dpa) - The Nigerian government declared in Abuja Thursday that former Liberian President Charles Taylor did not breach the rights of any Nigerian to warrant a review of the asylum granted to him last August.

The declaration was in a counter-affidavit filed before a Federal High Court hearing a petition filed against Taylor by two Nigerians who wanted his asylum revoked on grounds of alleged brutality against them in **Sierra Leone**.

Businessmen Emmanuel Egbunna and David Anyaele went to court claiming that Taylor facilitated the civil war in **Sierra Leone** where they were brutally amputated by rebel forces.

They claimed that many other Nigerians were either subjected to amputatation or killed brutally by Sierra Leonean rebels who were funded by Taylor.

` ` Taylor played no role whatsoever in the Sierra Leonean civil war. He was at that time in his country battling with the influx of refugees from **Sierra Leone**, the Nigerian affidavit stated.

Meanwhile, the court discharged its earlier order of June 14 asking the governor of Cross River, Donald Duke, to serve Taylor with court summons. Taylor lives in Cross River State in the Niger Delta.

Discharging the order, the court said it took cognizance of the immunity from civil litigations conferred on serving Nigerian presidents and governors by the countrys constitution. dpa ah sc

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Friday July 02, 2009

S Congress Examines War Crimes In Africa ***Special Court praised: Taylor's handover demanded***

The U.S Congress has begun a serious debate on the issue of 'war-crimes in Africa'.

To seek the chairman of the House of Representatives sub-committee on Africa, Congressman Ed Royce, called on the U.S government to take a more active role in establishing what he called 'legal accountability in Africa.



Taylor: wanted man
impunity... which frustrates
the establishment of the rule

of law... (Africa) deserves better' he noted.

Royce called on the U.S administration to press Nigeria to hand over former Liberian leader Charles Taylor and to seek an official U.N investigation into crimes against humanity in the Sudanese region of Darfur.

He said he supported a U.N peacekeeping force for Darfur to protect civilians and humanitarian aid delivery.

praise

Congressman Royce praised the work of the Special Court in Sierra Leone and the International Criminal Tribunal for Rwanda and said the U.S should no longer support fake 'peace deals' like the 1999 Lome Peace Accord which "validate violence as legitimate political means".

"To date, the norm has been that Africa leaders, regardless of their crimes, can find a posh exile if needed".

Congressman Royce denounced the 'pattern of

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Former judge of UN war crimes tribunal dies at 65

1 July 2004 – Sir Richard May of the United Kingdom, a judge who served on the United Nations war crimes tribunal for the former Yugoslavia for almost seven years, died this morning at the age of 65.

Judge May's death in his hometown of Oxford came four months after he resigned from the International Criminal Tribunal for the former Yugoslavia (ICTY) for health reasons.

The judge presided over the genocide trial of the former Yugoslav President Slobodan Milošević for two years until his retirement.

In New York a UN spokesman said Secretary-General Kofi Annan was saddened to learn of Judge May's death. "Both through his work in the courtroom - most famously as presiding judge in the trial of Slobodan Milošević - as well as through his work behind the scenes as Chair of the tribunal's rules committee, Sir Richard played a major role in helping to ensure that the International Tribunal developed from a simple idea in a Security Council resolution into a fully functioning and effective criminal court," Stephane Dujarric said in a statement.

"Sir Richard leaves behind him a fond memory among all who knew him. But he has also left us something more: a gift of hope that those whose deeds offend the conscience of humankind may no more go unpunished and that, in the affairs of men and women of all nations, the rule of law may ultimately prevail," the statement added.

In the Hague where the court is based, ICTY President Judge Theodor Meron described Sir Richard as one of the Tribunal's "shining lights" since he began work there in November 1997, citing his intellect, dedication, charm and humour.

"Sir Richard was always careful to strike the necessary balance between expeditious and efficient trials and the requirements of fairness, notably leading the Milošević case through a major part of the trial with the patience and creativity that the case requires," he said.

Judge Meron added that Judge May, by reforming the procedures and conduct of cases at the ICTY, had made a major contribution to the evolution of international criminal law.



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Development Zones

US withdraws peacekeepers over war crimes tribunal

www.chinaview.cn 2004-07-02 09:36:33

WASHINGTON, July 1 (Xinhuanet) -- The United States is withdrawing a small number of troops from two UN peacekeeping operations as they are no longer exempt from prosecution at the International Criminal Court, a Pentagon spokesman said on Thursday.

Seven servicemen will be removed from a UN mission which is mandated to keep peace between the African nations of Eritrea and Ethiopia, and two liaison officers will be withdrawn from the UN mission in Kosovo, spokesman Lawrence Di Rita told a news briefing.

"In these two particular cases it was determined on an interagency basis that the risk was not appropriate to our forces, and so they were withdrawn," he said.

The spokesman added that the United States will review all UN peacekeeping missions with a US presence. "We'll continue to evaluate these missions going forward and additional UN missions," he said.

Four Americans in the Ethiopia-Eritrea mission will leave immediately and three others in senior positions will leave once replacements are found, Di Rita said.

The move followed the Bush administration's failure to get a new exemption for US servicemen from prosecutions at the International Criminal Court, which started operating last year.

The court, based in The Hague, the Netherlands, is the first permanent world tribunal set up to prosecute individuals for war crimes, genocide and other gross human rights violations. Ninety-four countries to date have ratified a 1998 treaty creating the court, of which the United States is not a member.

The United States has signed 90 bilateral agreements that bar prosecution of US troops by the court for war crimes, but that does not include the areas the nine people will be leaving. Enditem

Related Story



Tribunal faces huge obstacles in trying Saddam

July 2, 2004 - 10:29AM

The rules of evidence are still being written. There's no witness protection program.

Forget impartial judges - the violent insurgency in Iraq has made it difficult to find them at all. And those who have been recruited are so fearful of retribution that their identities are being shielded.

The fledgling Iraqi Special Tribunal is facing an uphill climb as it prepares to try and convict Saddam Hussein of war crimes and genocide from his more than two decades in power.

"There are enormous obstacles confronting this tribunal," said Richard Dicker, the head of the International Justice Program for the New York-based Human Rights Watch.

"This is a country that's really never had an independent judiciary and we're asking them to go from zero to 60 in a second," Dicker said. "You can't just run a few training sessions and expect them to be able to handle a case of this magnitude and complexity."

By comparison, the war crimes trial in The Hague against former Yugoslav President Slobodan Milosevic has been under way for more than two years and has involved mountains of evidence and a crack team of prosecutors.

But Ruth Wedgwood, of the Johns Hopkins School for Advanced International Studies, said that trial has dragged on largely because Milosevic has been allowed to act as his own attorney and has turned his prosecution into a political showcase.

"The same could happen with Saddam," Wedgwood said. "They have to be careful of turning this into a circus ... and allowing him to use his trial to rally his supporters and intimidate witnesses."

The Iraqi tribunal is unique in that it'll be run by Iraqi judges who are relying heavily on American lawyers' expertise and on investigators training them in such basics as forensics and case preparation.

Most tribunals that have been assembled in recent years to deal with human rights abuses in troubled corners of the world, such as Bosnia, Rwanda and Sierra Leone, have either been handled by the United Nations' International War Crimes Tribunal in The Hague or have relied heavily on the United Nations or international judges for help.

Human rights groups worry that the Iraqi tribunal may fail to adhere to international standards of fairness. They point to Saddam's first court appearance today without a lawyer at his side.

And US involvement could effectively taint the outcome in the eyes of the Arab world, making the tribunal appear to be little more than a puppet for Americans, legal experts warned.

Saddam laid out a coherent legal defence at his court appearance today, arguing that he had immunity from prosecution because he was the leader of a sovereign state. Such a tactic had been tried and rejected over the years, legal experts said.

Since the Nuremberg trials after World War II, leaders have been held responsible for atrocities they committed as heads of state.

"When you're talking about mass murder and the forced disappearance of hundreds of thousands of people, one's status as a head of state becomes legally irrelevant," Dicker said.

Recent "command and control" changes to international law make it unnecessary to prove that Saddam specifically issued an order to gas the Kurds, for instance. Prosecutors must now prove that either he knew or should have known about such activities by his subordinates and that he did nothing to stop them, international lawyers said.

"These cases are not so hard to prove as some think," Wedgwood said.

Still, the cases often move at a glacial pace.

General Augusto Pinochet was accused of mass murders when he ruled Chile for 17 years starting in the 1970s. Pinochet argued that his status as the nation's former leader made him immune to prosecution. An appeals court in Chile last month stripped Pinochet of immunity, setting the stage for the 88-year-old retired general to possibly face trial more than three decades after he came to power in a bloody coup.

In Iraq, the stakes are high.

"People are anxious to see if the new Iraq is different than the old Iraq," said Fiona McKay, the director of the international justice program at Human Rights First. "This will send many people a strong signal one way or the other."

AP

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What Are War Crimes?

July 1, 2004

Saddam Hussein and 11 of his former lieutenants face charges of genocide, crimes against humanity and war crimes — terms heard in cases ranging from Nazi Germany, to Rwanda, to the Balkans wars.

The following definitions of these crimes were taken from the Rome Statute of the International Criminal Court:

Genocide

This crime occurs when "the perpetrator killed one or more persons" who "belonged to a particular national, ethnical, racial or religious group," if the perpetrator "intended to destroy, in whole or in part, that national, ethnical, racial or religious group."

Genocide can involve any of the following acts: killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about physical destruction, imposing measures intended to prevent births, by forcibly transferring children.

Crime Against Humanity

This crime involves conduct that "was committed as part of a widespread or systematic attack directed against a civilian population." The possible elements of crimes against humanity are:

- apartheid
- deportation or forcible transfer of population
- enforced disappearance of persons
- enforced sterilization
- enslavement
- extermination
- forced pregnancy
- imprisonment or other severe deprivation of physical liberty
- murder
- persecution
- rape
- sexual slavery or enforced prostitution
- sexual violence
- torture

War Crimes

War crimes cover offenses against soldiers as well as civilians that take place in the context of armed conflict. In addition to the elements listed under crimes against humanity, the possible elements of war crimes are:

- attacking civilian objects
- attacking civilians
- attacking civilians
- attacking objects or persons using the distinctive emblems of the Geneva Conventions
- attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission
- attacking protected objects
- attacking undefended places
- biological experiments
- compelling participation in military operations
- compelling service in hostile forces
- cruel treatment

- denying a fair trial
- denying quarter
- depriving the nationals of the hostile power of rights or actions
- destroying or seizing the enemy's property
- destroying or seizing the enemy's property
- destruction and appropriation of property
- displacing civilians
- employing poison or poisoned weapons
- employing prohibited bullets
- employing prohibited gases, liquids, materials or devices
- employing weapons, projectiles or materials or methods of warfare listed in the Annex to the Statute
- excessive incidental death, injury, or damage
- improper use of a flag of truce
- improper use of a flag, insignia or uniform of the United Nations
- improper use of a flag, insignia or uniform of the hostile party
- inhuman treatment
- killing or wounding a person hors de combat
- medical or scientific experiments
- murder
- mutilation
- outrages upon personal dignity
- pillaging
- sentencing or execution without due process
- starvation as a method of warfare
- taking hostages
- treacherously killing or wounding
- unlawful confinement
- unlawful deportation and transfer
- using protected persons as shields
- using, conscripting and enlisting children
- willfully causing great suffering
- willful killing

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Subject: S/L Special Court Forensic Experts Examine Bodies from Copter Crash

02/07/2004 07:24

07/01/2004 10:06:24

Forensic experts examine bodies from Sierra Leone helicopter crash

Source: Agence France-Presse English Wire Date: July 01, 2004

FREETOWN, July 1 (AFP) - Forensic experts from the UN-backed war crimes court in **Sierra Leone** began Thursday examining bodies from a helicopter crash this week in the east of the country that killed all 24 people on board.

A UN-operated Russian Mi8-MTV slammed into a hillside Tuesday morning just minutes before it was to land in Yengema, 220 kilometers (130 miles) east of the capital Freetown.

Fourteen Pakistanis, including six officers, a Bangladeshi military officer, three Russian crew members, two African UN personnel and four aid workers were killed in the crash.

The charred bodies of the 21 passengers and three crewmembers were transported to Freetown for identification before they are returned home for burial, UN spokeswoman Sheila Dallas told AFP.

The forensic team is on loan from the war crimes court that is judging those who bear the "greatest responsibility" for atrocities committed during **Sierra Leone's** decade of war.

Investigations into the crash began Wednesday by the UN mission in the west African state (UNAMSIL) as well as officials from UT Air, the charter company that services UN troops in the region.

Eleven other Mi8 helicopters were grounded Wednesday to ensure there were no mechanical problems but were released for flight on Thursday, Dallas said.

Few clues have emerged as to how the chopper crashed. Witnesses said it flew through a jungle thicket before hitting a hillside, sending up massive plumes of thick dark smoke and felling trees as it hit the ground.

Condolences have poured in since the accident, the second fatal crash of a UN helicopter since peacekeepers arrived in **Sierra Leone** in 1999 to help restore peace.

Seven people were killed in November 2001 when a helicopter bound for Lungi International Airport crashed into the sea shortly after takeoff.

The Economic Community of West African States (ECOWAS) said in a statement from its headquarters in Lagos on Thursday that it received the news of the crash "with a mixture of shock, disbelief and sadness."

"We are particularly saddened by the death of UN peacekeeping personnel who have assisted the region in the restoration of much cherished peace and stability to that

country after many years of civil war," it added.

Pakistani Defense Minister Rao Sikandar Iqbal expressed "deep shock and grief" over the tragedy, while UN Secretary General Kofi Annan payed tribute to "the men and women who have lost their lives in the name of peace in this and other important peacekeeping operations."

Helicopters are the most effective way to shuttle supplies, equipment and personnel around **Sierra Leone** as roads in the war-torn country are virtually impassable, particularly during the rainy season that lasts through July.

rmj-lg/kdz

SLeone-crash

AFP 011329 GMT 07 04

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THE
CHRISTIAN
SCIENCE
MONITOR

Tubmanburg No More Rebel Territory Ex-Commander Tells Ex-Combatants

The NEWS (Monrovia)

NEWS

July 1, 2004

Posted to the web July 1, 2004

By Stanley McGill
Monrovia

Tubmanburg, Bomi County has been totally relinquished to the Transitional Government and the United Nations Mission in Liberia (UNMIL).

This was done Wednesday when former rebels of the Liberians United for Reconciliation and Democracy (LURD) turned over the police station there to the Liberian National Police.

The occasion was attended by Military and Civil authorities of UNMIL, Government officials and former commanders of LURD. Tubmanburg had been the former rebel group's stronghold since June 2003.

Many of the ex-combatants who had turned in their weapons to the international peacekeepers were also at hand to witness the "flag-handover" ceremony which was marred by traditional songs by elderly women hailing from that county.

Ordinary citizens who were just returning from displaced and refugee camps also gathered at the site where the ceremony was held to catch a glimpse at the soul-touching occasion.

Former rebel Commander Abu Donzo, the most senior LURD representative at the occasion, told his men to consider themselves civilians and not as soldiers any more.

Donzo told the former fighters that this was a "straight instruction" from their leader, Sekou Damate Konneh, and that they should submit themselves to civil authority and UNMIL.

He acknowledged that there have been lots of reports of harassment of returning citizens by the former fighters, but he said thank God that nothing last forever.

Another former senior LURD commander, Col. Savana, said prior to the Wednesday ceremony, his men had curbed harassment and banditry in the area and that they were happy to turn the place over to the Liberia National Police who will now take control of combating crimes in the city.

Both commanders told their men to abandon factional loyalty, and take advantage of the ongoing recruitment exercise with the Liberia Police Service.

Earlier, Pakistani Commanding Officer Lt. Col. Javid Iqbal told Liberians to see the occasion as the beginning of sanity and stability following years of fighting.

Col. Iqbal, Commanding Officer of Pakistani 1st Battalion in the region, assured that his country will remain committed to the attainment of peace not only in Liberia, but the entire world where there is conflict.

Internal Affairs Minister H. Dan Morias represented Head of State Charles Gyude Bryant at the ceremony.

Minister Morias told the former LURD fighters that they had their reason for taking up arms, but that it was now time to forget the past and rebuild the country.

He said he was happy to witness an occasion where the former rebel group could be handing over its territory to the National Police.

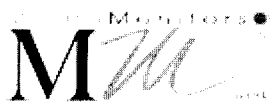
He told them that they have demonstrated that they were prepared to form a part of the Government.

He also said gone are the days when they used to receive instructions to go "capture or clear the area."

Liberia National Police Deputy Director Asumana Kromah, welcomed the move, and assured that his men would be deployed immediately to take control of the region.

He assured the citizens that the police will make a difference in ensuring that the rule of law is applied.

The ceremony took place at the main offices of the Police in Tubmanburg. The building was partly renovated but needs office equipment and logistics to make it functional.



Mirza A. Beg, a free-lance writer, contributed this article to Media Monitors Network (MMN) from Alabama, USA.

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Bosnia, Rwanda, Liberia and now Darfur, time for a UN force

by Mirza A. Beg
(Thursday 01 July 2004)

"It is time for a task force under the command of the United Nations to attend to these crises in early stages."

Darfur is the latest addition to our geographic knowledge for the most hideous of the reasons. This is a terrible way to learn of places. No place is far any more, in this small world. In the last fifty years we came to know many names as signposts of human depravity. Some have faded from memory others still haunt those with conscience.

The end of the 2nd world war brought on the end of the era of European colonialism, ushering fresh breeze of freedom to the billions in the world. There were high hopes that the people who had chafed under the yoke of racism would not let racism or other prejudices stand in the way of emancipation of toiling and suffering fellow humans. The world appeared young and beautiful.

That breeze has turned stale and deadly, leaden with racial hatred.

In first couple of decades the internal problems were explained away as growing pains and after effects of the colonial legacy. Within a few short years most of the independent countries had deteriorated into pseudo-socialist dictatorships or religious tyrannies. With no check on the power of the governments, the rulers got filthy rich with inane slogans for the toiling exploited masses.

The former colonial masters, smarting from the end of the grand era of colonialism, afraid of the spread of communism and opportunity to gain concessions from the dictators or kings, turned a blind eye to the corrupt dictators and controlled them with bribes, loans and arms aid.

By mid seventies many of the newly independent countries had failed and were spiraling down into utter chaos. Many individuals and organizations have been in the forefront of helping the helpless and nudging the conscience of the rest of us. They can and do help in the early stages of a building crisis, but they are not equipped to contain the torrent. The powers that can help; ignore or are involved in some other crises, usually of their own making.

The thresh-hold for the world governments to take notice seems to be, tens of thousands massacred and hundreds of thousands displaced. These crises come with the regularity of seasons. They happen even in Europe, such as Bosnia and Kosovo. But they happen with greater severity in Africa and the world takes a longer time to react to it.

In case of Darfur, it is a shame that the Organization of Islamic Countries as well as the Organization of African Countries have utterly failed. One of the reasons is that they can not chastise others, for what to various degrees they are doing within their own borders.

Through out the human history racial and color prejudice has proven to be a more potent evil than any other prejudice. Time and again religion has either been ignored or more often used as a handmaiden of racial

begets.

All the excuses and explanations harking back to colonial and neo-colonial exploitation fall woefully short. They can not wash away the sins, spiritual and temporal, of those involved in this genocide. After initial neglect, a few survivors are helped and very few of the guilty are punished. It infects all of us as a plague. Each of us should do what ever we can and speak out against it in robust voices.

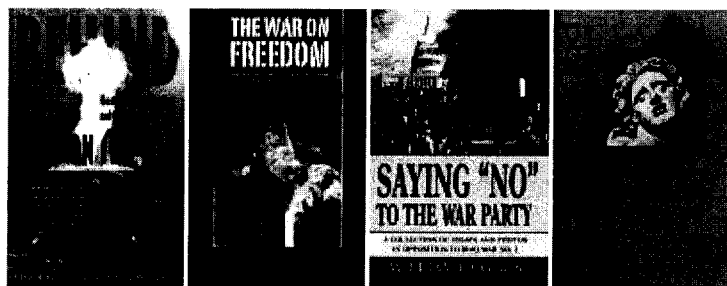
It seems that Liberia crisis happened yesterday, Rwanda the day before, Mauritania, Chechnya, Bosnia, Somalia, one can go on and on. It is time for a task force under the command of the United Nations to attend to these crises in early stages.

This was proposed after the Bosnia crisis, but was ignored. Member countries should pledge a contingent to be activated under the aegis of the UN to be used after a Security Council resolution. It requires thoughtful discussion. It is time to consider it seriously. Had such a force existed, even the Iraq crises could have been avoided.

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July 1, 2004

Saddam case carries risk and reward

**By Somini Sengupta
and John Burns
The New York Times**

BAGHDAD, Iraq - When Saddam Hussein is charged with crimes against humanity in an Iraqi court today, much more will be at stake than his own fate.

For the people of this country, the Iraqi Special Tribunal could open the door for a thorough accounting of the crimes committed by his repressive regime.

For the fledgling Iraqi government, it could offer an opportunity to shore up confidence among a weary citizenry.

For the Bush administration, known for its dislike of international criminal tribunals, it could mean a chance to establish a war crimes court it can hold up as a model.

Saddam appeared before an Iraqi court on Wednesday, after being held in U.S. custody for seven months, but his formal trial is unlikely to begin before next year, Iraqi officials said.

With so much at stake, the proceedings carry as much promise as peril.

Already, questions have come up about whether the Iraqi Special Tribunal, relying on Iraqi law and American legal expertise, can produce credible, transparent proceedings or whether the end product will amount to little more than victor's justice - or victim's vengeance.

On the one hand, the trial of the former dictator could deliver a degree of empowerment to a country still reeling from the excess of Saddam's rule. On the other, it could present the defendant with a political platform of his own.

Compared with war crimes courts from Nuremberg to Sierra Leone, the Iraqi Special Tribunal is unique in that it is not an independent international judiciary from the start.

The Iraqi government has insisted on trying Saddam in the

country, under Iraqi law and by Iraqi judges. American lawyers and law enforcement agents have been dispatched to sift through the evidence against Saddam, dig up mass graves for forensic proof of his crimes and develop the prosecution strategy.

Critics say they wonder whether an Iraqi judiciary, crippled from years of isolation and repression, is up to the task of carrying out such a complex war crimes case. They also question the degree of U.S. influence over the entire enterprise.

The FBI is leading the investigation, along with the Bureau of Alcohol, Tobacco, Firearms and Explosives and agents from the Justice Department. The U.S. military is guarding Saddam, even as he is transferred to the legal custody of the Iraqis. Washington is financing the court.

``The tribunal, the statute, can be seen as a microcosm of the larger undertaking," said Richard Dicker, head of transitional justice for the New York-based Human Rights Watch. ``It's an occupation-supported effort with Iraqi judges and lawyers."

Americans guiding the process say they are taking pains to preserve independence and credibility.

American expertise is needed now to rebuild a judiciary eroded by the Saddam regime, they say. But with time and training, they say, Iraqis will be in full control.

One American legal expert working on the tribunal said that all key decisions, including the people to be investigated, the charges to be brought and the evidence to be heard, would be made by the Iraqi judges who will sit as a panel at each trial.

Eventually, the legal expert said, the Iraqi judges would probably ask the Americans to step aside.

``There clearly will be a certain time and place when the Iraqi Special Tribunal will say, 'We're up to speed, we don't need any more help,' and that will be it, we'll be on our way," he said.

The charges against Saddam are likely to include a range of crimes against humanity, including genocide, in connection with roughly a dozen specific incidents, from the quelling of the 1991 Shiite uprising after the Persian Gulf War to the 1988 poison gas attacks that killed 5,000 people in the Kurdish village of Halabja.

According to the statute that established the tribunal last December, any crimes committed between July 1968 and May 2003 fall under the court's purview.

The Iraqi experiment distinguishes itself from the growing body of protocols on international criminal tribunals in important ways.

Both the International War Crimes Tribunal for Yugoslavia and Rwanda are seated outside the two countries, in an attempt to keep the trials from stirring further unrest.

The Special Court for Sierra Leone, while taking place inside that country, relies on international human rights law and is made up of judges and lawyers from Sierra Leone and outside the country. There is no prohibition, as there is in Iraq, on trying a citizen of another country.

The Iraqi Special Tribunal will rely on a mixture of international and domestic laws.

``We try to meet as many international standards as we can, while keeping it a domestic tribunal," said Salem Chalabi, the administrator of the court and a nephew of the once-vital U.S. ally, Ahmad Chalabi.

``I don't want to be accused by the international community that we are running roughshod over rights," he said.

International advisers are permitted. According to the statute, so too are foreign judges, but this, Salem Chalabi said, remains a sensitive matter, for fear that ``internationals will come and start imposing international moral standards on the whole process."

What the Iraqis say they do not want is for Saddam to use the process to advance his own political platform, as Slobodan Milosevic of Yugoslavia has been able to do in the tribunal in The Hague, and as Sam Hinga Norman, a former government official on trial now in Sierra Leone, is poised to do now in that country's war crimes court.

``Our courts will try to get a ruling as soon as possible," said Nor al-Din, an Iraqi judge who was imprisoned by Saddam's regime and will, therefore, not serve on the tribunal bench.

``Maybe in a month or two, it is possible to prove him guilty."

ANALYSIS

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Associated Press Worldstream July 1, 2004 Thursday

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July 1, 2004 Thursday

SECTION: INTERNATIONAL NEWS

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HEADLINE: **U.N. shouldn't shy** away of taking action to **avert conflict** in **West Africa**,
U.N. envoy says

BYLINE: EDITH M. LEDERER; Associated Press Writer

DATELINE: UNITED NATIONS

BODY:

The **United Nations** should not **shy** away from taking action to **avert conflict** in **West Africa** and should hold accountable anyone obstructing a peace deal in Ivory Coast, the head of a **U.N.** Security Council mission to the region said.

Britain's **U.N.** Ambassador Emyr Jones Parry told the council Wednesday, after visiting seven West African countries in eight days, that the **United Nations** "has to stay the course in **West Africa**" because it cannot risk failed states or failures in parts of states.

The council ambassadors delivered their toughest message in Ivory Coast where a stubborn two-year **conflict** threatens the region's stability. The government and rebels have suspended participation in a power-sharing government forged under a January 2003 peace deal.

"We expressed concern at the present political impasse and the nonfunctioning of the government, and delivered tough messages to all the parties," Jones Parry told the council.

He said the goal in Ivory Coast is clear - to proceed peacefully to elections in 2005 under the peace agreement. The council will be monitoring commitments it received "and hold accountable anyone who is obstructive," he said.

The British envoy said a regional approach "is absolutely essential" in **West Africa** because the countries and issues are so entwined.

Building peace, holding free elections and developing the rule of law "are much more difficult to achieve than stopping **conflict**," Jones Parry said.

"The risk of slipping back into **conflict** is always greatest in the first two years or so after the end of **conflict**. So vigilance and sustained commitment by the **U.N.** ... and all the other elements of the international community remain essential," he said.

The **United Nations** should be prepared to take preventive action to **avert conflict**, which is "better value and more effective use of funding in the long run than peacekeeping," he said.

Both Jones Parry and France's **U.N.** Ambassador Jean-Marc de La Sabliere cited the proliferation of small arms in **West Africa** as a major problem.

"More people are killed by small arms in Africa than by any other weapons," the British ambassador said. "The present moratorium needs to evolve into a more aggressive attack on all aspects of this trade."

De La Sabliere said the moratorium "is not enough" and the Security Council and the **U.N.** Economic and Social Council "will have to come back to this issue."

Diplomats from 14 of the 15 council nations visited Ghana, Ivory Coast, Liberia, Sierra Leone, Guinea, Nigeria and Guinea-Bissau.

Jones Parry called Liberia "a country starting afresh and picking itself up from the devastation wreaked" by exiled former President Charles Taylor.

Council members were impressed by the commitment of the interim government and the improved security situation "but progress will be a big challenge," he said.

In Sierra Leone, Jones Parry said, "there has been much progress" and the **United Nations** appears to be on course to scale down the **U.N.** peacekeeping mission, but "the state is fragile."

Both Jones Parry and de La Sabliere said ensuring economic growth after the **United Nations** leaves will be very difficult, because the country's economy is so dependent on **U.N.** money.

Guinea Bissau "is starting from the bottom having emerged from turmoil, and the government has only been in office some 50 days," Jones Parry said, "but there were encouraging signs, with a president and government committed to progress."

Angola's **U.N.** Ambassador Ismael Gaspar Martins said "there has been clear progress" in Guinea Bissau since last year and "there is a clear effort to improve the governance of the country."

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