

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



NP petrol station at Waterloo

PRESS CLIPPINGS

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

as at:

Monday, 21 May 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

Local News

Special Court Judgement for AFRC-RUF Indictees Next Month / <i>For di People</i>	Page 3
Fate of AFRC Indictees Next Month / <i>Awareness Times</i>	Page 4
ECOWAS Court Sells Its Ideals / <i>New Storm</i>	Page 5
There Should Be Access To Justice Ands Fair Treatment To All / <i>Standard Times</i>	Page 6
This Yenga Thing / <i>African Standard</i>	Page 7

International News

UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 8-9
Sierra Leone Special Court; Hague Training for Macedonian Judicial... / <i>IWPR</i>	Page 10
No Sealed Indictment / <i>The Analyst (Monrovia)</i>	Pages 11-15
Holding Mugabe to Account / <i>Democracy Arsenal</i>	Pages 16-17
Ivorian Militants Start To Disarm / <i>BBC Online</i>	Page 18

For di People
Monday, 21 May 2007

SPECIAL COURT JUDGEMENT FOR AFRC-RUF INDICTEES NEXT MONTH

PRESIDENT OF the Special Court for Sierra Leone, Justice George Gelaga-King said in Freetown that judgement on the Civil defence Forces and AFRC war indictees would be delivered next month.

by
ALUSINE SESAY
Justice Gelaga-King who was speaking to the ECOWAS Community Court of Justice Delegation said the trial of RUF war indictees has almost ended as the prosecution has closed its case with the defence now

presenting their case. He said trial of the RUF indictees will be finished this year.

He said the United Nations backed court in Sierra Leone is working very hard to fulfill its mandate in bringing to justice those who bear the greatest responsibility during the 10 years civil war in Sierra Leone.

The president said the highest profile case currently ad-

ressed by the Court has to do with the former president of Liberia and war indictee, Charles Taylor.

He said Taylor is to be tried by judges in the Trial Chamber II at the Hague in the Netherlands. He said the transfer of the trial to the International Court was for security reasons and that this was supported by the United Nations Security

Council Resolution 1688. Justice Gelaga-king said that one of the AFRC indictees, retired major Johnny Paul Koroma is still at large and that the Special Court has established a legacy unit to track down fugitive war indictees and expressed the hope that the Ecovas Community Court of Justice will play significant role in that area, as it is the top most priority of the Appeal Chamber of the Special Court for Sierra Leone.

The president of the Ecovas

Community Court of Justice, Justice Aminata Malle Sanogo told the president and staff of Special court that they were in the Court to brief judges of the Special Court about the operations, functions, role and importance of Ecovas Court of Justice. She said before now access was not granted to individuals and corporate institutions to present their case in the Ecovas Tribunal.

She said with revised treaties and protocols, access has been

granted to individuals and corporate institutions. She said the primary reason for the setting up of the Court is to protect the rights of citizens and member states.

Justice Sanogo said the Court also aims at promoting regional integration among member states and ensure the free movement of people and goods in the sub region.

Awareness Times
Monday, 21 May 2007

Fate of AFRC indictees to be decided

After lengthy court sessions, the Special Court for Sierra Leone has revealed that judgment will be passed over the three former Armed Forces Revolutionary council (AFRC) indictees; Ibrahim Bazy Kamara, Alex Tamba Brima and Santigie Kanu, aka 5-5. Peter Anderson of the court's Public Affairs disclosed that on 20th June, at 11 o'clock, the said judgment will be passed the three accused persons. Sweden has agreed to host the indictees if they are found guilty.

New Storm
Monday, 21 May 2007

ECOWAS Court Sells Its Ideas

By Allieu V Kai-Samba

A high-powered delegation of the Economic Community of West African States (ECOWAS) court of Justice, over the weekend breezed in to sensitise Sierra Leoneans on the establishment, functions, jurisdiction, powers and its accessibility by nationals of member states.

The delegation constitutes the president of the court, Honourable Justice Aminata Malle Sanogo, Vice President, Justice Anthony Benin, Honourable Justice El Mansour Tall, Chief Registrar of the Court. Tony Anene - Maidoh, Principal Research Officer, Franca Ofor and others. They have held fruitful discussions with stakeholders including the Attorney General and Minister of Justice, Fred Carew, members of the Sierra Leone Bar Association (SLBA), the Speaker of the House Justice Edmond Cowan, Parliamentarians, the Minister of Internal Affairs, Pascal Egbenda, Inspector General of

Cont. page 2

ECOWAS Court Sells Its Ideas

From front page

Police Brima Acha Kamara, Principal Immigration Officer (PIO) Miss Alice Kamara, National Revenue Authority (NRA), the media, members of Chambers of Commerce, officials of the Special Court of Sierra Leone and the general public.

The President of the Court, Hon Justice Sanogo in her sensitization exercise on to date explained that the court of Justice of the Economic Community of West Africa States was created by virtue of the provisions of Article 6 and 15 of the Revised Treaty, Protocol A/P/1/7/91, and completed by the supplementary protocol A/SP.1/01/05 and A/SP2/06/06 of June 2006. The Hon Justice also informed her audience that, the court was put in place during the twenty-fourth session of the Authority of Heads of State and Government of ECOWAS, held in Bamako, 2000 adding that it is composed of seven (7) Judges drawn from Burkina Faso, Ghana, Mali, Niger, Nigeria, Senegal and Togo. She noted

that the term of office of the judges was initially five years, renewable only once for a period of five years. She adds that supplementary protocol signed in 2006 has brought the term of the judges to four years non-renewable. She assured her audience that other member states would be employed to serve in the court.

According to the President, the Court shall settle disputes that may arise between member states and the institutions of the community in the interpretation and application of the provision of the treaty as well as any dispute that may be referred to it, in accordance with the provisions of Article 76 of the said treaty.

On the access of the court, the President said that the avert of the supplementary Protocol offers the frame work

for enabling the court to play its full role of ensuring the observance of the fundamental human rights and freedom of the ECOWAS citizen. She further noted that the competence of the court deals with controlling the legality of acts of the community, cases of violations of human rights, disputes between the

community and its officials, extra contractual liability of the community and referral for issues for determination on preliminary grounds. The President also stressed that the court serves as an advisory body for member states and given out legal opinions on questions of the Treaty. The President was quick to inform her

audience that matters pending in national courts are not dealt with by the court.

On the question of implementation of judgement, Hon. Justice Sanogo said, the court will rely on the cooperation of national courts to do it. She as well emphasized that severe punishment such as sanctions and suspensions will

be levied against defaulters.

Hon. Justice Sanogo in conclusion appealed to member states to embrace the court in the interest of Justice, integration and economic development in the sub region. Other delegates including the Vice President of the court Justice Benin, Justice Tall, Mr. Anene and others have made meaningful contributions in the on going sensitisation and awareness exercise.

Several crucial issues were raised stakeholders torching on the independence of the court, implementation of judgement, financing of the court, neutrality of the court among others.

The awareness campaign will continue today with the visit of the delegation to the special Court. The delegation is also set to meet civil society members tomorrow at the Victoria Park. They will return home on Sunday.



Extreme (l) Honourable Justice Aminata Malle Sanogo

There Should Be Access To Justice And Fair Treatment To All

For any democratic government to function effectively the judiciary should be independent in the dispensation of justice and all individuals whether they are poor or rich should have access to justice and fair treatment.

Apparently, the decade old civil conflict in Sierra Leone was as a result of failure in governance, marginalization, corruption, greed and other vices.

Even though the country is peaceful, reports indicate that certain individuals were and still don't have access to justice as their rights have been denied in matters stocked piled on shelves in the courts.

The Geneva Convention of the United Nations on International instrument states that "victims should be treated with compassion and respect for their dignity and that they should be entitled to access the mechanisms of justice and to promptly redress, as providing for by national legislation, for the harm that they have suffered".

This is not the case in Sierra Leone as victims had been suspected to all forms of inhuman treatment.

Even when they cannot afford to hire the service of solicitor, the state has also ignored and deprived them of these services over the years. Consequently there was malcontent and hatred for authorities mistakenly regarded as responsible for their predicament leaving many people in a state of dilemma as the magnitude of crime committed by

them is less significant.

The right to equality before the law and the protection of all is fundamental to any democracy and individual whether that society or person is poor or rich.

One of the conditions the rule of law indicates is that: "an accused should be able to call on the services of a lawyer or if he or she is too poor, the state should provide him with one". It is this obtaining in Sierra Leone today? The answer is definitely a big NO.

This is because many people as a result of financial constraint to hire the

Persons alleged of committing certain or all crimes should not be held for protracted periods of time without trial and judgment

service of lawyers to represent them have suffered injustice.

Even though the rule of law states that "Justice must not only be done, but must be seen to be done" many people ask today.

The case of Magistrate Komba Kamanda of the Freetown Magistrate Court No.2 is an eyesore to this writer and the general public by giving order to a matter that has been judged and thrown out of court only to be revisited in a very obnoxious manner.

Despite the fact that the Justice Sector Development Programme is trying hard to improve the justice sector in the country, circumstances that stood on its way such as double diplomacy in the Judiciary are making it difficult to be achieved.

Research indicates that the judiciary of Sierra Leone is not independent as judges don't have security of tenure of office and their decisions always favour the ruling government while a few puffed up wig wearers who cannot

sometimes takes precedence. The case of the former spokesman and legal adviser of ex-Revolutionary United Front (RUF) Mr. Michael Omrie Golley, held by the Sierra Leone government at the maximum security prisons, Pademba Road in Freetown, who now languishes in detention is a case of human rights violation against his person without any trial and judgment accorded him.

In the opinion of many human rights activists, therefore, the government should speedily expedite his matter on the golden argument that "justice delayed is justice denied". Like any other Sierra Leonean, Omrie Golley has a right to a fair and speedy trial on charges levied against him to prove his innocence and not held incommunicado.

Yes it is clear that states have powers to maintain orders and punish those who break the law but the rule of law indicates that "the rule and procedures by which the state enforces its laws must not be subject to political manipulation by the state".

Persons alleged of committing certain or all crimes should not be held for protracted periods of time without trial and judgment. They are entitled to a speedily and fair trial to confront and even question their accusers.

The police too are responsible for most of the cases they prosecute against people. Some of these are politically motivated. In most cases, they have failed to prosecute their matters effectively and competently while others have dragged on for long.

dance to their tunes, suffered manipulations and are transferred elsewhere.

Judges' appointment in Sierra Leone is based on political consideration of the president rather than the judicial service commission.

According to a constitutional law expert John P.L. Frank, he states that "under no circumstances should the state impose additional inequalities; it should be required to deal evenly and equally with all of its people". In Sierra Leone today, this is contrary as justice is only for those who have the financial power to hire solicitors and ready to bribe.

In the name of the state and poverty, individuals have been imprisoned and their properties seized over the years except for a few cases where the law

OFF THE BEAT

BY IBRAHIM KARIM-SEI

"This Yenga thing again!"

This was an exclamation from a 50-year old business woman who in those pre-rebel war years used to trade between Freetown and Koindu in the Kailahun district.

The lady runs a small shop along Kroo Town Road in Freetown. She deals mainly in women apparels including cosmetics and jewelries. Sometimes, in her quiet moments she will recall those days when she traveled to Koindu to buy goods at the famous Koindu market, goods that were brought mostly from Abidjan, Monrovia and other countries in the Middle East and bought at much cheaper rates.

Today, the situation has been reversed. The war had disrupted what for her used to be a lucrative business. Now she has to travel to Guinea or Banjul to buy goods for her shop, goods she could have bought from Koindu in those days.

Whenever she recalled her Koindu trips in those pre-war years (even with the tedious journey to Kailahun and the bad roads) she will not compare that with the troubles, the discomfort and cost involved each time she travels to neighbouring countries to buy her wares.

The last time Aunt Marie went to Conakry she did not only suffer humiliation especially in the hands of Guinean security forces, she also lost a great deal of money. She had just landed in Conakry when the labour strikes started. The borders were closed and there was no way she could return to Freetown. She had to wait until the unrest was quelled down and vehicles resumed their border crossing.

This was the moment she will remember her Koindu days. But today Koindu has been paralyzed by the

This Yenga Thing!

presence of Guinean troops in Yenga. She can no longer venture to Koindu even after the cross border trading had resumed in earnest.

As she sat in her shop talking with customers she over heard a radio discussion on Yenga. She grinned, wondering why this Yenga issue keep coming and going like a shadow.

At one point some one would tell her that the Yenga issued has been resolved between the two leaders of Guinea and Sierra Leone. The next day she will hear that a meeting of Manu River Union leaders had taken place in Conakry or elsewhere and that a diplomatic solution has been reached on Yenga.

Now she was hearing that the disputed Yenga would go to an ECOWAS court.

Why an ECOWAS court? The lady remained baffled.

Yes, like Aunt Marie, many other Sierra Leonean remained baffled over the Yenga border dispute with Guinea.

We have always been informed in diplomatic circles that Guinea has never laid claim on Yenga as part of its territory, and our leaders seem to have bought the deception and have remained complacent. But ordinary Sierra Leoneans are worried, worried by the permanent presence of Guineans in Yenga and the attendant discomfort they create for our people there.

At one stage we were told that Guinea occupation of Yenga is strategic, strategic for a security purpose. Security for whom, we may ask?

For all we know, the rebel war, the reason for which Guinea occupied Yenga, had ended more than five years ago. What other security interest are the Guineans serving in Sierra Leone that they should permanently occupy our land?

We are quite aware that Guinea is volatile, anything could spark off a violent crisis there, like it happened

recently, and we also know the ramification of such crisis. But for God's sake, won't they leave our land now and give our people there the chance to live in peace?

It is unfortunate that President Kabbah is leaving office without resolving the Yenga dispute. Even though we appreciate his selfless effort to end Guinea's occupation of our territory, the fact that he is leaving the problem looming over the brotherly relationship between the two countries is an indictment on his leadership.

After all, we Sierra Leoneans had the feeling that with the socio-cultural ties between Guinea and Sierra Leone Yenga should not have posed a problem.

It is for this reason that ordinary Sierra Leoneans remain more concerned now that President Kabbah is leaving the political scene, a man many considered to be a close friend of President Conte.

We are concerned because we do not wish for a confrontation with our Guinean brothers over Yenga. But the fact of the matter is that our authorities here are downplaying the Yenga issue as if nothing is happening to our people living in that part of the borders, and while we remain helpless in the matter, we seem to be slowly losing our sovereignty whilst Guinea continues to occupy part of our territory.

And suddenly there is this talk of Yenga going to an ECOWAS arbitration court. The question I posed myself when I heard about it is whether Guinea will respect any decision by the court. Secondly, if Guinea has no legitimate claim over Yenga, as our leaders want us to believe, why go to court?

Fellow Sierra Leoneans, lets pray for divine intervention, because we are beginning to lose our patience.

UNMIL Public Information Office Media Summary 18 May 2007

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

International Clips on Liberia

VOA 18 May 2007

Pres Sirleaf Did Not Endorse Sen Clinton, Minister Clarifies

By James Butty, Washington, D.C.

Liberian President Ellen Johnson Sirleaf continues her latest visit to the United States. On Sunday, she will speak at the graduation of the prestigious Spellman College, the historically black college for women located in the southern U.S. state of Georgia. Lawrence Bropleh is Liberia's minister of information.

U.N. urges Liberia to outlaw trials by ordeal

MONROVIA, May 17 (Reuters) - Trial by ordeal and ritual killings persist in **Liberia** and are undermining efforts to improve human rights in the wake of a 1989-2003 civil war, a U.N. report said on Thursday.

International Clips on West Africa

Sierra Leone may ask regional court to settle border row with Guinea

FREETOWN, May 17, 2007 (AFP) - **Sierra Leone** may turn to a regional West African court to end a dragging border feud with Guinea over the diamond-rich Yenga region, the speaker of parliament said Thursday.

Ivory Coast pro-Gov't militia groups begin to disarm

By Ange Aboa

ABIDJAN, May 17 (Reuters) - Militias which backed Ivory Coast's government in a 2002-2003 civil war have begun to disarm, participants said on Thursday, in a major success for a home-grown peace deal to reunite the West African country.

Local Media – Newspaper

Police Round-Up Criminals in Raids

(The Inquirer, Heritage, The Forum and New Democrat)

- The Inspector-General of the Liberia National Police Beatrice Munnah Sieh told a news conference that the Police have conducted successive raids of hideouts of harden-criminals and arrested thousands of them.

Justice Minister Unveils Plot to Topple Government

(The Liberian Diaspora, The News and National Chronicle)

- Addressing a gathering of security officers to mark an anniversary of the Liberia National Law Enforcement Association in Monrovia, Justice Minister Frances Johnson-

Morris announced that some persons including deactivated and retired security officers were gearing up to topple the Liberian government.

- She attributed the plot to unhappiness over benefits, among retrenched soldiers, and contended that the current Government should not be held responsible because the entire exercise was initiated in compliance with the Comprehensive Peace Agreement signed by stakeholders in 2003.

Fiscal Budget Goes to National Legislature

(National Chronicle and Heritage)

- The Executive Mansion has presented the 2007/2008 Draft Fiscal Budget to the Legislature for debate and possible approval. The US\$ 182.5 million draft budget is backed by a base revenue of US\$179.5 million.
- In a Budget Message, President Ellen Johnson-Sirleaf said the least civil servant salary would be increased to fifty U.S. dollars which represents an addition of twenty dollars to the current salary of the least civil servant.

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

Executive Submits Fiscal Budget to National Legislature

(Also reported on ELBS and Star Radio)

Government Reports Conspiracy to Undermine Security

(Also reported on ELBS and Star Radio)

Committee to Probe WAEC Exam Fraud Set up

- The five-man committee set up to investigate the leakage of the 2006/2007 12th grade West African Examinations says it will present its findings and recommendations next Tuesday.

Panel to Investigate Allegations of Police Brutality Set Up

- The Justice Ministry has set up a panel of investigators to probe police brutality in the recent demonstration and strike action in Gardnersville and the Firestone Rubber Plantations Company.

Star Radio *(News monitored today at 8:35 am)*

A Circuit Court Judge Debunks Claims of Corruption in the Judiciary

- Speaking in an interview, Circuit Court Judge, Counsellor James Zota dismissed allegations that Liberian judges are corrupt and incompetent and said people making such claims are ignorant of the laws and the workings of the Judicial System.

Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpeh at karpeh@un.org.

Institute for war and Peace Reporting

Friday, 18 May 2007

Sierra Leone special court; Hague training for Macedonian judicial officials

By IWPR reporters in The Hague (TU No 502, 18-May-07)

Justice George Gelaga King of Sierra Leone has been unanimously re-elected presiding judge of the appeals chamber of the Special Court of Sierra Leone.

He has been the presiding judge at the court since December 2002. His re-election means that he will continue in the post for another year.

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 November 30, 1996.

To date, the prosecutor has indicted eleven persons on various charges of war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The Hague tribunal is hosting a group of Macedonian judges and prosecutors as part of a six-week training programme in international humanitarian law.

During this study visit, the judges and prosecutors will take part in lectures focusing on various aspects of the work of the tribunal.

The programme began in Skopje on March 31, with a course in international humanitarian law.

A second group of judges and prosecutors are expected in The Hague in early June. The programme is supported by the OSCE Spillover Mission to Skopje, the US Department of State, the Ministry of Justice of Macedonia and the Academy of Judicial Training in Skopje.

The Analyst (Monrovia)

Friday, 18 May 2007

No Sealed Indictment

Mr. Charles Taylor's trial had generated a number of rumors amongst Liberians. For some, the court has a secret list of other Liberians indicted along with Taylor. For others, the court is secretly recruiting witnesses against Taylor.

And still for others, the court is not allowing the family of Mr. Taylor to visit him so that they will poison him as they did to Milosevic in The Hague and to Foday Sankoh and Hinga Norma in Freetown.

Recently, a high-powered Special Court delegation was in Liberia to address just these questions and to acquaint the Liberian people with the activities of the court.

The Sierra Leone Special Court which is trying Charles Taylor says it has no sealed list of indictees, let alone to abduct witnesses or prevent members of Taylor's family from visiting him in The Hague.

The clarifications were made recently when the team addressed the media on the purpose of its visit and answered journalists' questions on prevailing rumors about the Special Court's activities in Sierra Leone.

According to the leader of the team, Acting Court Registrar Herman von Hebel, the visit lies in Security Council Resolution 1688 which provided the legal basis for the transfer of Charles Taylor to The Hague and made it mandatory to make the trial against Charles Taylor as accessible as possible to the public in Sierra Leone, in the region, and to Liberians.

He said while in Liberia, the court met with a variety of people from UNMIL, the Legislature, the President of Liberia, and the civil society, including the media, and briefed them on the mandate, programs, and activities of the Special Court.

For sometime now, it had been rumored in Liberia that the Special Court was not only going to try Charles Taylor for the war in Sierra Leone and Liberia but that the court has a sealed indictment for a number of Liberian warlords and their political supporters.

The rumors held widely that Prince Johnson, Alhaji Kromah, and other perpetrators of the Liberian civil war were being listed for trial. According to the rumors, these would be called up for trial once Taylor's trial commenced in The Hague.

But the Chief Prosecutor of the Special Court, Stephen Rapp, said that was unlikely, adding that the Special Court was not established to try individuals not adjudged bearing the greatest responsibility for the crimes committed against humanity in Sierra Leone.

"The Court has a limited mandate; we have a completion strategy that basically requires us to conclude all of our trials and all of our appeals by the end of 2009.

So our capacity to pursue further cases at this point is very limited. And indeed, we've developed a budget for the people that we have in custody that we need to try. So no sealed indictments, no other Liberians to be charged," Prosecutor Rapp said.

He indicated that while it was true that the trial of Mr. Taylor would take place in The Hague, Taylor was not under the jurisdiction of the International Criminal Court (ICC).

"Mr. Taylor is in the exclusive jurisdiction of the Special Court for Sierra Leone, and the proceedings there will also be exclusively in conformity with our own proceedings. It is merely the building that is being provided by the ICC in order to make the trial possible in The Hague," he said.

Shortly before the court made its first official visit to Liberia last month, there were allegations by Sarnoh Johnson that representatives of the court came to Liberia to secretly abduct individuals and brainwash them to testify against Mr. Taylor.

"They even contacted me and offered me money and relocation. But I resisted them and threatened to expose them. That's how they let me go. They wanted to force me into a jeep," Mr. Johnson said.

But the court's chief prosecutor said the allegation was unfounded. He said not only was the court ready to prosecute Mr. Taylor, but that also, it is prepared to protect his and the rights of all individuals involved with the prosecution whether as witnesses, defense, or prosecution.

"Now we don't want anyone to be a witness who is compelled to do so. We're not getting subpoenas or compulsion against anyone. We're not kidnapping anyone. We're not putting them into any kind of situation where they're intimidated or forced to testify.

"Anything that's done is done in order to maintain their protection, and that can involve them being relocated before their testimony and before their identities are disclosed. It may involve them being relocated in the future because of the dangers they might have after they testify.

The worst thing that can happen to a trial, and to a process of justice, is for the witnesses, on whom the Judges rely to make their decision, to be in danger or for someone to be injured. And so that's what's being done in this regard," the Chief Prosecutor Rapp noted.

He said what needed to be understood by the public and individuals who are suspicious of the witness selection process was that the prosecution has already listed 139 witnesses to testify to facts, and eleven who will be expert witnesses. This, he said, was not done clandestinely or against the interest of anyone.

"Now they are listed at this point under pseudonyms because they are protected witnesses. We've also listed backup witnesses who could be called if those witnesses were not available.

So at this point we're not adding to our witness list. We're here on an Outreach mission to explain how the Court is operating and what this trial is going to entail," he said.

He said there was no need for anyone to be suspicious or threatened because the records were available for the public to see.

"Another concern is the well-being and safety of our witnesses. All efforts that are needed to be made have been made, are being made, and will be made to protect the security and the identity of all prosecution witnesses.

Our efforts are supported by the protective measures for witnesses put in place by the judges of the Special Court. No person has been or will be threatened or pressured into assisting or testifying for the prosecution.

And let me emphasize - no witness should be intimidated by attempts by some to prevent or discourage people from coming forward and telling the truth," he said.

He the witnesses issue aside, the court was enduring to ensure that court proceedings were not only open to both Liberians and Sierra Leoneans, but that also journalists of both countries will be given the opportunity to witness the trial and report back to their respective countries.

This, he said, was necessary to ensure transparency and justice which is the focus of the trial and not vindictiveness as some individuals believe.

He said the court is keen to show, and that is also its mandate for bringing the accessibility of the proceedings to Sierra Leone and Liberia to show to everyone that the proceedings were up to the highest standards, and that that the court wants to discuss and show the quality of its work to the population of Sierra Leone and of Liberia.

"In the first place, the proceedings of the trial in The Hague will be broadcast to our Court facilities in Freetown, so that the people in Sierra Leone, the people in Freetown, can come and see every day the proceedings as they are undergoing in The Hague," he noted.

Mr. Rapp said there was no need for the court to engage in extra-legal activities to convict Taylor or turn the table against his interest because there was no doubt that the indictment is well researched and attested to by the victims of Taylor's activities in Sierra Leone.

"The evidence against Taylor shows that no one is more responsible for the suffering caused. Taylor's indictment was strongly supported by governments and non-governmental organizations alike throughout the world.

The charges against him allege involvement in some of the most horrible and vicious things human beings can do to one another, including: mass murder, mutilation, rape, sexual slavery, the burning of villages and the use of child soldiers," he reiterated.

On allegations that the Special Court was preventing the relatives of Taylor from visiting him in prison, the Acting Registrar of the Special Court, Herman von Hebel, said while it is the plan of the court to avail Taylor to his relatives, it does not have the power to influence the Dutch immigration laws and regulations that required that only one family member can visit Taylor at the time.

"We have elaborated a procedure with the Dutch authorities, and family members can simply apply for a visa and visit Mr. Taylor as much as they want. There have been I, think, about five or six requests so far of family members coming from this region.

"Those visas have been processed and they have been able to visit Mr. Taylor. In relation to those family members who may live under a travel ban, that of course is an issue that we as Special Court cannot deal with.

The travel ban has been organized by the Security Council, has been imposed by the Security Council. It's not for the Special Court to undermine or to change those travel bans. It may be for the Security Council to change that, but that is not something that we can do.

So that is hopefully in response to your question, and I leave it for the Prosecutor to deal with the second part. Also, we do not anticipate prosecuting other Liberians before the Special Court," he said.

He then described the trial as "a concrete example and a symbol of a turning point for the region. "For many years, there was chaos, now there is order. Where once there was volatility and violence, now there is peace.

Where once powerful men shattered many thousands of lives without fear of prosecution, now impunity no longer reigns. The Taylor trial is certainly not the only part of this turning point, but it is indeed a crucial component."

Notwithstanding what anybody can say, he said, one of the Special Court's primary concerns is to see a fair trial carried out at the highest standards of international justice.

"The Defendant does and must have the full opportunity to test the evidence presented against him, with the benefit of proper representation. As should be expected of an international tribunal like the Special Court, the rights of the accused are a foremost consideration.

It is our position that the prosecutor wins his case when justice is done," Registrar von Hebel said. He said it was in pursuance of justice and fairness that the court established the Office of the Principal Defender now headed by Vincent Nmehielle.

The office of principal defender is mandated to represent the accused in case he or she is indigent, to ensure that as one of those minimum guarantees the accused is given the right to legal assistance at no charge to enable him or her acquire the necessary legal defence especially where it is proven that the accused has no means to do it.

In the case of Taylor, he said, it is the court's view that for the interests of justice and under the prevailing circumstances, he be entitled to legal defence under the legal aid mechanism that the court provides.

"But again, it is the work of the Defence to ensure that the Prosecution does not have an easy task in the process of trying to establish the guilt of the accused.

The Defence is determined to do everything necessary within the bounds of law to defend the rights of the accused. And the Office of the Principal Defender does that by constituting a legal team, by appointing a team to defend the accused on a day-to-day basis.

And on that basis, I have appointed and assigned a team of Defence lawyers to Mr. Taylor under the regulatory instruments of the Special Court," Nmehielle said. He said it is also the duty of his office to ensure that those testifying for Mr. Taylor get adequate protection.

"Keep in mind there is an ongoing issue always of witness protection. And so we're always working with everyone that can assist us to make sure that witnesses can be protected, both before and during and after their testimony.

But that's done in a manner under the Rules of the Court, and by a neutral body, the Witness and Victims Section, that provides the services and the protection to both Prosecution and Defence witnesses," he noted further.

Meanwhile, the team said Mr. Taylor's concerns about Taylor food were no longer grounded as the court has done everything to improve on the issue.

"We've adjusted the food to a certain extent. I think we've to stress that he... buys food from a long list...that basically can be shopped for him, and I think the shopping list is a very extensive one, and he has all the facilities of...no problem with the conditions of detention, including the food situation, etc.

"And whenever there is an issue that the accused or his Defence counsel wants to raise in relation to detention, we're always willing to listen to that and see whether there's any need for improvement.

But so far we have been able to make sure that the detention is up to the maximum standards that we feel obliged to implement for," von Hebel said. Still on the importance of the trial, Rapp said the court sees it as very important for the rule of law internationally.

"That basically it will send a signal that a person no matter in what position, no matter how high, no matter how powerful, is subject to justice.

And in the past in the world, if you killed one person you would certainly face justice, but if you killed tens of thousands you often escape justice.

And that I think led to the perception that people could carry on as they did in this civil war in Liberia and in Sierra Leone, and the result was with the deaths of thousands and the injury to hundreds of thousands.

"And we think that this kind of trial at the end of the day will help send a message that people can't do this in the future, and if they do they'll face justice. And as a result people will live and prosper that otherwise would live in poverty and die.

So that's what we hope to accomplish, and we want to of course make sure that that message gets out and that we do it in a way that's done at the highest standard possible, both through the respect for the victims and respect for the rights of the accused," the Special Court's Chief Prosecutor noted.

Democracy Arsenal

Sunday, 20 May 2007

http://www.democracyarsenal.org/2007/05/holding_mugabe_.html

Holding Mugabe to Account

Posted by Suzanne Nossel

This is a piece I published at TNR.com on whether Zimbabwe's Robert Mugabe ought to be offered immunity in exchange for a swifter exit. Its the old "peace versus justice" dilemma, with the new wrinkle being that the culture of impunity in Africa has finally showed some signs of fading, meaning that now is not the time to put aside principle and revert back to old ways. One depressing aspect is that some of my earliest pieces for Democracy Arsenal more than two years ago (like here and here) were about Zimbabwe, and since then things have changed only for the worse. Its almost enough to make you want to do a deal, any deal, to get rid of Mugabe . . .

At long last, we seem to be approaching--fitfully--global agreement that Robert Mugabe, Zimbabwe's elected dictator, must go. He is presiding over 80 percent unemployment, an inflation rate of 1,700 percent, and shortages of nearly all basic goods. In response to his troubles, Mugabe has attacked and injured opposition leaders, opened fire on protestors, and beaten those who resist arrest. In a comparison that is as harsh as it gets in southern Africa, clerics have equated his tyrannical tactics to the worst of Pretoria's apartheid regime.

And, since many of his critics now believe that toppling his regime--and getting a fresh start for Zimbabwe--is more important than holding him to account, there are increasing calls for Mugabe to be forgiven. Zimbabwe's opposition leader, Morgan Tsvangirai--whose skull was cracked open in police custody last month--has hinted that Mugabe should be offered immunity if he agrees to step down. The International Crisis Group, in a March report, likewise assumed that immunity would be part of the solution. It is widely surmised that, if current efforts by South African President Thabo Mbeki help end to Mugabe's rule, protection from prosecution may be part of the deal.

But, while immunity may seem a tempting solution--no worse than the way many other tyrants have left office--offering it to Mugabe now would represent a big step backward.

As African countries struggle to crack down on corruption and clean up messes in their own neighborhood, allowing one of the continent's notorious strongmen to walk free--without ever holding him to account--would simply enable future despots. Mugabe missed his chance to take advantage of a long era of impunity for brutal heads of state--and, now, it's too late to make an exception.

An immunity offer has obvious appeal: If Mugabe can be coaxed to leave Harare voluntarily, he could obviate the need for either an internal coup or aggressive international action (by either South Africa's neighbors or the international community). Allowing Mugabe to while away the rest of his days (and, remember, he is already 83) on a beachfront may seem like a small price to pay for the return of stability in Zimbabwe. It may be of particular appeal to Mugabe's neighbors, who wish to resolve the region's crisis without turning on a longtime friend. (Solidarity with Mugabe, who helped throw off the colonial yoke of white-minority rule in Rhodesia, has stood in the way regional pressure.)

But while a temporary exile may be needed to get Mugabe to step aside, it should not be accompanied by permanent impunity for his crimes. Mugabe has orchestrated state-sponsored assassination, uprooted entire populations, and starved political opponents. The victims of these high crimes deserve justice, either by a domestic court or--failing that--an international one. Human rights violations like Mugabe's cannot simply be overlooked without threatening respect for human rights worldwide. If powerful human rights violators are above the law, other tyrants will continue their misery making, safe in the knowledge that they risk, at most, their authority, not their hides.

In fact, Mugabe's self-assuredness over the years owes in part to the comfortable exiles won by Marcos of the Philippines, Duvalier of Haiti, Mengistu of Ethiopia, Amin of Uganda, Stroessner of Paraguay, Mobutu of then-Zaire, the Shah of Iran, and Liberia's Charles Taylor. In most of these cases, exile meant de facto immunity, since no international courts were available to try the dictators' crimes.

Most of those countries were better off when those men left, but the mere fact of their departure isn't a good enough reason to insulate them from punishment. And this sentiment is gaining in popularity. That's why Taylor's story ended differently: After a few years spent lying low in Calabar, Nigeria's president finally succumbed to international pressure and turned him over to the U.N.-backed Special Court for Sierra Leone. By detailing Taylor's horrific crimes, proponents of accountability overcame Nigeria's promises to protect the fallen dictator.

Of course, this bodes well for justice, but poorly for precedent. By some accounts, Taylor's saga has complicated Mbeki's approach toward Mugabe: What good is exile if it is not accompanied by immunity? What use is an immunity offer if it can be unilaterally rescinded?

The answer is not much--and that's how it should be. But by taking a stand for accountability in Zimbabwe, instead of letting Mugabe skulk away, Mbeki and others could signal a new era for Africa--one that rejects corrupt and brutal leaders, no matter their revolutionary pedigree. Considerations of pan-African solidarity are too often allowed to trump both the fundamental values of Africa's democracies and the interests of its often defenseless populations. This pattern has helped prolong the crisis in Darfur and the strife in Congo. And the message is equally important for Zimbabwe's opposition: The regime that replaces Mugabe must mark a sharp break from the past--including true legal accountability.

Rejecting an immunity deal would also reflect the sea-change in international justice that has taken place in recent decades. The creation of the U.N.'s special tribunals for the former Yugoslavia, Rwanda, and Sierra Leone--as well as the creation of the International Criminal Court in 1998--have made justice available for perpetrators of some of the world's most notorious crimes. These courts are beyond the reach of tyrants, threats, and violence. At the same time, these bodies are beginning to reshape public expectations so that the idea of brutal thugs retiring in safe splendor is less accepted than it used to be. People have tasted international criminal justice, and they are asking for more.

Africa is at an inflection point when it comes to holding leaders responsible for corruption, incompetence, and human rights abuses. With the arrest of Charles Taylor, the continent shifted from willingness to let bygones be bygones (as the governments of Mozambique, Botswana, and Angola once avowed) to the beginnings of accountability. Having made these first steps, Africa should not let the likes of Mugabe drag it backward again.

BBC Online

Saturday, 19 May 2007

Ivorian militias start to disarm

By James Copnall
BBC, Ivory Coast

Militia groups have started to disarm in Ivory Coast, in accordance with the terms of the country's peace deal.

The militias, which support President Laurent Gbagbo, are due to be disbanded under the agreement.

Ivory Coast has been split in half by civil war since September, 2002, but there is renewed optimism in the country that the crisis may be ending.

More than 1,000 weapons were symbolically handed over in a ceremony attended by President Gbagbo.

The militia groups supported the president against the New Forces rebels, often fighting alongside the regular army.

UN peacekeepers will look after the weapons the militiamen turned in - many of which were extremely old.

Doubts remain

Disbanding the militias has been one of the major concerns in Ivory Coast in the last few years. The process has started several times, only to flounder.

The militias claim to have large numbers of fighters who should each receive money for giving up their arms. The exact number of militiamen is difficult to establish.

Many observers doubt whether all the fighters will give up their weapons this time round, but getting rid of the militias is a key step in the peace process.

Last month a UN-patrolled barrier zone between President Gbagbo's troops and the New Forces rebels was removed.

The rebel chief Guillaume Soro was also named prime minister, something that would have been inconceivable just six months ago.

But many Ivorians doubt whether the old enemies, President Gbagbo and Mr Soro, are really the men to unite the country.



Laurent Gbagbo oversaw a disarmament ceremony