

**SPECIAL COURT FOR SIERRA LEONE**  
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**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:**

Tuesday, March 22, 2005

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Salone Times, Tuesday March 2<sup>nd</sup>, 2005.

**SPECIAL COURT WITNESS ON KAMAJOR RULES**

# 'NORMAN DID NOT TELL US TO KILL CIVILIANS'

*By Mohamed Mansaray*

*The 50<sup>th</sup> Special Court Prosecution witness TF2-013 has testified that the former CDF Coordinator and indictee of the court Samuel Hinga Norman did not tell Kamajors to kill innocent civilians.*

The witness was giving evidence during cross-examination by Mr. Norman's defence lawyer, Ibrahim Yillah at the First Trial Chamber, New England in Freetown recently. He recalled that the accused addressed Kamajors at Bo-Waterside in the Pujehun district sometime in 1997 before they launched an attack on Zimmi to dislodge the AFRC forces. "But the attack was not successful," he said. The witness testified that he was also a Kamajor and that he was initiated into Kamajor society by Karmoh Brima in Kenema. He recalled traveling to 130-Waterside with some Kamajor leaders from Kenema to collect what the witness referred to as 'weapons' from Mr. Norman and mentioned the names of Chief Lahai Keikura, Mr. I. Shaka and Chief Orinco among others as leaders with whom he traveled.

"We were received on arrival by Eddie Massaly, a senior Kamajor Commander," the witness testified. He told the court that Mr. Norman visited Bo-Waterside the following day

and addressed them." Mr. Norman was standing on top of a car when he was addressing us," the witness continued and added that so many other Kamajors attended the meeting.

"If anything is to happen, we must first capture Zimmi from the rebels," the witness quoted the accused as saying during the meeting.

The witness who said he does not know his age informed the court that Kamajors formed long queues a day after Mr. Norman's address where weapons like AK 47s, G3s, RPGs, single barrels and mortar bombs were distributed among them for the Zimmi attack.

On Kamajor rules, the witness said: "Kamajors must not eat whatever crawls on its belly, we must not eat an electric-fish, no Kamajor should overthrow a democratically-elected government, we must not kill innocent civilians, we must not loot and rape women."

The witness told the court that he was at Nyawa, Lower Bambara Chiefdom in the Kenema district when President Kabbah's government was overthrown by the AFRC forces in 1997.

The witness gave his testimony in Mende through an interpreter from the witness protection box. He was led in evidence earlier by a prosecution lawyer, Joseph Kamara.

Source: News & Business > News > **News, Most Recent 90 Days (English, Full Text)** ⓘ  
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*Panafrican News Agency (PANA) Daily Newswire March 21, 2005*

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Panafrican News Agency (PANA) Daily Newswire

March 21, 2005

**LENGTH:** 468 words

**HEADLINE:** EU WARNS AGAINST IMPUNITY IN LIBERIA

**BODY:**

Brussels, Belgium (PANA) - The European Union (EU) has warned against tolerating "acts of impunity" in Liberia during its "critical" transition process after more than a decade-long civil war, the EU said in a statement here Monday following a visit by its auditors to Monrovia, the Liberian capital.

According to a report by the EU auditors, the long years of civil war, systematic looting of resources and atrocities against civilians had negatively impacted the stability of the entire Mano River Basin region, comprising **Sierra Leone**, Guinea and Liberia.

Now that peace has been restored and the programmes of demobilisation, disarmament and reinsertion are progressing, the EU insisted, Liberian authorities must do everything to enable their country regain the necessary political, economic and social stability for its development.

This would encourage the war-displaced persons to return to their villages of origin, the statement said.

Under this context, no acts of impunity must be allowed and those who commit them must be prosecuted, irrespective of the nature of the crimes, the EU pointed out.

Saying that stability was crucial for the wellbeing of the population in the region, the European Union also urged Liberian authorities to initiate poverty-reduction programmes.

To surmount the remaining organisational and logistical hitches before the 11 October general elections, the EU urged all Liberian political forces and authorities to co-operate and respect the electoral calendar.

A meeting of the International Contact Group on the Mano River Basin opened in New York Monday to finalise Liberia's DDDR process.

Representatives from the United Nations, European Union, US, African Union and the Economic Community of West African States are attending the meeting.

In Monday's statement, the EU also urged Liberian leaders to assume their responsibility to

ensure the country's resources are devoted to reconstruction and economic development.

The EU expressed serious concern over the high-level corruption contained in the report prepared by its auditors.

It warned that corruption tarnishes the country's image, the ongoing democratisation process and could undermine the organisation and international recognition of the forthcoming elections.


The European Parliament recently adopted a resolution denouncing the impunity enjoyed by certain officials implicated in corruption in Liberia.

In the same resolution, it called for the extradition of former Liberian president Charles Taylor from exile in Nigeria to appear before the UN-back **special court in Sierra Leone** on charges of war crime.

The European Parliament accused Taylor of continuing to manipulate political forces in Liberia from his exile in Calabar State, south-east Nigeria.

**JOURNAL-CODE:** WPNA

**LOAD-DATE:** March 22, 2005

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*The Japan Times March 21, 2005, Monday*

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The Japan Times

March 21, 2005, Monday

**LENGTH:** 812 words

**HEADLINE:** Special court can right Haitian wrongs

**BODY:**

By CESAR CHELALA, Special to The Japan Times

PORT-AU-PRINCE - Known as the "Perle des Antilles" at the time of its independence in 1804, Haiti has gone through several periods of upheaval and terror that have stymied a once promising future. Human rights violations are widespread, and justice is nonexistent in the country today.

In 1804, after a slave revolt against the French, Haiti became the first independent republic in Latin America, and the world's first black republic. In response to the colony's revolt, the French imposed a commercial embargo, and the United States refused to recognize the new republic until 1862. Since independence, France and the U.S. have continued to exert influence on politics in Haiti.

In 2000, Jean Bertrand Aristide was re-elected president and assumed power in 2001. Aristide was unable to establish a working relationship with the opposition. Amid accusations of widespread government corruption and tainted parliamentary elections, the U.S. redirected economic aid from the government to nongovernmental organizations.

Haiti has the worst health-status indicators in the hemisphere, and it is the only country that is considered among the least developed. Life expectancy of Haitians is only 53 years old. Infant mortality is 76 per 1,000 live births, and the maternal mortality rate is 523 per 100,000 live births. The figures compare with 29 and 180, respectively, in the neighboring Dominican Republic. Half the population has no access to potable water and 65 percent live in poverty.

On Feb. 29, Aristide resigned under strong pressure from France and the U.S. He first went to the Central African Republic and then to South Africa, from where he still influences events in his country.

Haiti's present ruler, Gerard Latortue, chosen by a group of U.S.-approved Haitian "wise persons," is a transitional caretaker with almost no power to govern his country or restrain his own police force from carrying out acts of violence.

The situation in Haiti continues to deteriorate as the government intimidates, arrests and kills member of Lavalas, Aristide's party, as revenge for similar killings carried out by Aristide's government.

Last October, the General Hospital in Port-au-Prince called the Ministry of Health demanding emergency vehicles to remove more than 600 corpses that had been deposited there, the

result of killings that had taken place in the previous weeks.

On Oct. 28, the InterAmerican Commission on Human Rights expressed concern over the arbitrary arrests and detentions of former members of Aristide's party, as well as other acts of violence and intimidation carried out against human rights advocates and journalists, including the murder last September of Moleste Lovinsky Bertomieux, the host of a daily program on Radio Caraibe.

Adults are not the only targets of police violence. Child welfare workers say the rate of beatings and killings of street children has increased five times since the ouster of Aristide. These murders are carried out by the police, death squads and the military.

Michael Brewer, director of Haiti Street Kids Inc., has described how groups of men who belong to military patrols in Port-au-Prince kill street children "for sport."

Jocelyn McCalla, executive director of National Coalition for Haitian Rights, indicated to me, "Lack of justice is the most critical issue in Haiti today."


During my stay in Haiti I heard a similar feelings expressed. Haitians are desperate to live in peace and security and to lead normal, productive lives. That is why the main task is to establish the rule of law, including finding a just solution for the more than 1,000 detainees currently awaiting trial.

With the judiciary all but destroyed, a possible solution could be to create a **special court** of justice along the lines of that established in **Sierra Leone**. A Haitian **special court** should develop out of an agreement between the government of Haiti and the United Nations. And, unlike the Rwanda and the former Yugoslavia Tribunals, which are composed exclusively of international judges elected by the U.N. General Assembly, Haiti's **special court** should comprise both international and Haitian judges, prosecutors and staff.

Haiti is a vibrant country cursed by its own political elites and repeated foreign interventions. The establishment of civil justice is a condition for peace in the country, which continues to be ravaged by almost daily acts of violence. Peace must precede efforts to stimulate Haiti's tattered economy. The establishment of a **special court** could bring a measure of accountability in Haiti, and would let the victims of significant human rights abuses and their families know that justice will finally prevail in their country.

Cesar Chelala is an international public health consultant and a writer on human rights issues.

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Covering Burma and Southeast Asia

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## Race Against Time For Khmer Rouge Tribunal

By Tom Fawthrop/Phnom Penh  
February 01, 2003

EMAIL ARTICLE PRINT ARTICLE

If Cambodia's genocide victims are ever going to see their tormentors stand trial, the UN must act quickly.

Cambodians have been waiting 23 long years for a tribunal to deal with mass murders committed under Pol Pot's four-year reign, but negotiations are still mired in bitter controversy and legal debate. Over the years, China, the US and many other countries have all lent a hand in blocking attempts to put the Khmer Rouge on trial.

But a fresh mandate from the UN General Assembly in December last year obliged a reluctant UN Secretariat to revive negotiations and set up a special tribunal in Phnom Penh. It has rekindled hopes of a final chance to drag Khmer Rouge leaders to their day of judgment and be held accountable for acts of genocide.

Pol Pot is already dead. More recently another major suspect in the genocide trial, Ke Pauk, died in the hospital. All surviving Khmer Rouge leaders are old men, looking weary in their seventies. With increasing urgency, many argue the UN and the Cambodian government need to move forward quickly and conduct a tribunal.

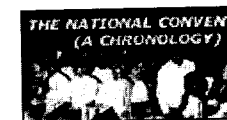
But while many are calling for the process to be hastened, some human rights purists say justice will never be possible in a quasi-Cambodian court, not even with the existing proposal of a mixed tribunal with an international co-prosecutor and judges and alongside Cambodian jurists.

Amnesty International claims the final text of the Khmer Rouge Tribunal law—the product of three years of negotiations with the UN—is still "hopelessly flawed". Their

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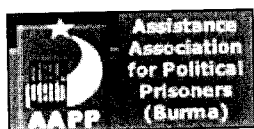
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## INTERVIEWS



recommendation is that the law passed by Cambodia's National Assembly should be entirely scrapped, and negotiations should go back to square one. New York-based Human Rights Watch has taken a similar hardline stance.

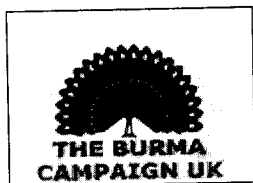
But many Cambodians are tired of the legal wrangling and the monumental delays. "If we wait for the perfect law, then all the Khmer Rouge leaders will be dead, and it won't help Cambodian people at all," said Chea Vannath, director of the Phnom-Penh based Center for Social Development.



The only Khmer Rouge leaders who have been put on trial so far are the three commanders responsible for a 1994 train ambush in the southern province of Kampot, where three western backpackers were taken hostage and then executed. Thirteen Cambodians were also shot dead. In December, former Khmer Rouge General Sam Bith, in charge of Kampot and Takeo provinces, was found guilty of masterminding the ambush and the killings and was sentenced to life imprisonment.



Other genocide victims in the former Yugoslavia and Rwanda, for example, have had the satisfaction of seeing their tormentors being brought to trial. A tribunal in Sierra Leone is also in the wings. But for the survivors of Cambodia's holocaust, that annihilated anywhere up to two million people, there has been no justice.



After Pol Pot was ousted in 1979, many survivors called for an immediate international tribunal. Back then the genocide issue was held hostage to cold war machinations while Washington went so far as to support granting a seat to the Khmer Rouge at the UN, as part of its aggression towards Vietnam which was supporting Phnom Penh's government at the time. In fact, from 1979-1997 there was nothing but deafening silence from the UN on the issue of bringing the Khmer Rouge to trial.



The new mandate calls on the UN Secretary-General "to resume negotiations without delay, to conclude an agreement with the government of Cambodia based on previous negotiations, [and] to establish Extraordinary Chambers" in order to prosecute senior Khmer Rouge leaders.

The new mandate from member states delivered a slap in the legal face to UN lawyers and since then, exploratory talks have resumed in New York with a view to leading to more detailed negotiations in Phnom Penh this February.

So far only two Khmer Rouge leaders have been arrested for the tribunal—Ta Mok and Pol Pot's secret police chief,

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Khaing Khev Iev, alias Duch. Another five of the six major suspects are living quietly in Cambodia and will not be indicted until the tribunal is convened.

Nine months ago, prospects for an internationally credible UN-backed genocide tribunal appeared to have been killed stone dead by a UN walk-out. By aborting the complex negotiations in 2002, the UN effectively added another year to the most procrastinated tribunal of all time. The UN's Legal Counsel, Hans Corell, argued the Khmer Rouge Tribunal Law did not provide sufficient guarantees for an "independent tribunal and international legal standards". Corell was unclear whether the UN or Cambodia would have ultimate control over the judicial process. "The UN does not like to enter things that it can't control," a Phnom Penh-based diplomat commented.

But against Corell's narrow legalism of the human rights purism of Amnesty International are a great many other international jurists who believe that there is only one way forward to a tribunal, and that is by the UN backing the current tribunal law.

Former US Ambassador at large for War Crimes Issues, David Scheffer recently wrote: "The few issues that caused the talks to collapse must not be allowed to derail the process again. Lingering concerns about legal representation, amnesties and the influence of the UN have long been resolvable. Human rights activists' calls for a UN-dominated international criminal tribunal for Cambodia—an approach sought long ago and blocked—and insistence on near perfect justice risk losing the good for the sake of the unattainable."

Pol Pot's number two, Nuon Chea's recent appearance in court—not as a defendant in a genocide tribunal, but perversely as an alibi witness for his subordinate Gen Sam Bith—has once again triggered public disgust with this mockery of justice. Hun Sen's failure to curb the anti-Thai riots and the pathetic performance of his police in not providing full protection for the Thai Embassy, has played into the hands of those in New York who do not want to give the Cambodians any significant role in running the tribunal.

"Many voices in the international human rights community support the idea of completely calling off the tribunal, on the grounds that 'real' justice is not possible under the current Cambodian government," Craig Etcheson, a Khmer Rouge scholar argued. "This would have the result that the Khmer Rouge leadership would die quiet, peaceful deaths in their beds, having successfully defended their impunity for their entire lives."

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Ironically, this position is very welcome to all those who want to obstruct a tribunal for darker motives. "After more than 20 years, senior Khmer Rouge leaders are finally on the verge of standing trial in an open and credible courtroom," Scheffer said. "How tragic it would be if advocates for international justice helped them get off the hook."

Tom Fawthrop is a veteran journalist based in Cambodia and Thailand.

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## RESEARCH MATERIALS

**NGO ADDRESSES UN OVER RESOURCE EXPLOITATION IN LIBERIA AND DRC****March 22, 2005**

On the 31<sup>st</sup> March the mandate for the UN Mission in Congo (MONUC) will be renewed and on the 29<sup>th</sup> March there is the midterm review of Liberia's diamond sanctions, giving the UN Security Council an opportune moment to reflect upon its policies in both Congo and Liberia and look to lessons learned in its efforts to prevent the exploitation of natural resources from fuelling conflict, says non-governmental organization Global Witness.

The Council is cognizant of the historical link between resource exploitation and conflict, and has demonstrated its willingness to act, as seen in the Council's sanctions on natural resources. However, the current lack of a suitably robust or appropriate mandate for UN peacekeeping missions to independently launch investigations, monitor and arrest for illicit exploitation and trafficking of resources, especially in resource-rich Democratic Republic of Congo (DRC), is undermining UN efforts to bring lasting peace. Moreover, even in countries where resource monitoring is part of the peacekeeping mandate, as in Liberia, efforts to fulfil the mandate are stymied by lack of deployment to resource-rich areas and decisions made in New York prevent them from having the authority necessary to be effective. Recent interviews by Global Witness with MONUC staff show a keen willingness to carry out this work.

Understanding and tackling the illegal exploitation of natural resources in conflict-prone and conflict-ridden countries is integral to addressing the root causes of violence and preventing its recurrence. Angola, DRC, Sierra Leone, Cambodia, and Liberia have all suffered from conflicts where natural resources have both provided the funding and logistics for war, as well as served as reasons for perpetuating wars as all sides battled for control of lucrative mineral wealth. The UN has not sufficiently addressed the nexus between the two, and needs to priorities the existence of natural resource experts on all panels working on countries where natural resources lie at the centre of conflict as has been done in the cases of Sierra Lone and Liberia. Furthermore the UNSC should mandate peacekeepers to look into and take action on conflict resources, which sometimes slow and jeopardised the peace process and threaten the safety of UN peacekeepers and war-weary populations.

**Democratic Republic of Congo (DRC)**

The exploitation of DRC's vast natural resources has been fundamental to the struggle to maintain power, and the ensuing conflicts have cost over 3 million deaths since 1998. Diamonds, timber, gold, cassiterite, and coltan are just a few of the precious resources being fought over not just by Congolese factions, but by DRC's neighbours as they too seek to exploit the confusion of war for profit. The recent murder of nine UN peacekeepers by a militia which was funded by natural resource exploitation indicates the need for the mandate of MONUC to be bolstered to include the monitoring and control of areas rich in natural resources. Despite the evidence supplied by Global Witness and the UN's own Panel of Experts regarding the role of natural resources in perpetuating the conflict, the Council has not sought to control DRC's conflict resource trade as a primary move toward bringing peace. While the arms embargo is a highly critical first step, it is equally important to monitor how revenue is being generated through resource extraction to purchase weapons.

To rectify this oversight, a resource expert should be added to the Expert Panel for DRC and MONUC's mandate should be further expanded to include the monitoring and protection of natural resources. The UN peacekeepers should, in the course of their regular duties, report back to their superiors on the scale and specifics of resource exploitation activities. Moreover, MONUC

peacekeepers should have the authority to take action against those operating mines or other extractive industries illegally or using child, slave or otherwise coerced labour. Furthermore efforts to monitor the illegal export of resources and the trafficking of weapons would be greatly enhanced if the UN were to monitor airstrip in eastern and north-eastern DRC where their remains persistent reports of arms smuggling and illegal resource exportation. The UN must lead the way in intensifying cooperation between the African Union, DRC's neighbours and the various UN operations in the Great Lakes region to share information on arms and resource movements, to help end the cross-border trafficking of both.

#### LIBERIA

Global Witness welcomes the Councils inclusion of natural resources in the mandate of the UN Mission in Liberia (UNMIL), however notes that while UNMIL is mandated to help the National Transitional Government of Liberia (NTGL) regain authority over its natural resources, they have not been given the legal authority to act as independently and proactively as they need to effectively seek out and stop illegal timber or diamond operations. UNMIL's ability to fulfil its mandate is further undermined by its lack of deployment in diamond and timber-rich areas, particularly along Liberia's porous border regions with Cote d'Ivoire, Guinea and Sierra Leone. The growing sense of impunity among those involved in the resource trade has led to a resurgence of illegal mining and logging activities. Such a lack of enforcement capacity and information gathering by UNMIL, at the same time as the NTGL exercises little administrative control over its territory outside of Monrovia is jeopardising regional security, the lives of peacekeepers and Liberian citizens. While the NTGL has passed the appropriate laws and regulations to implement and enforce the certification scheme required for acceptance into the Kimberley process, and passed laws and regulations to maintain dissuasive and proportional penalties for transgressions, there is currently no capacity to enforce the laws or prosecute any infringements rendering the laws cosmetic. It is critical that the Security Council maintains diamond sanctions.

As a priority, UNMIL should deploy to the diamond-rich areas of the north of the country, as well as to forested areas known to host ongoing logging activities. Similarly, troops should focus additional attention on investigating and patrolling known and suspected smuggling routes. UN headquarters in New York should also give UNMIL the authority to take a more proactive stance in fulfilling its mandate and helping secure Liberia's natural resources. The Council should support efforts by the UN Special Court in Sierra Leone, to bring to justice those who committed war crimes in Sierra Leone, which was often due to a desire to control diamond-rich areas. An illustration of this would be for the Council to publicly support the extradition of former president Charles Taylor to the UN Special Court.

In an effort to end the impunity that pervades much of the war-torn world, and to make the UN more effective by addressing the battle for lucrative resources that is at the root of many conflicts, Global Witness urges the Council to mainstream into the mandate of all peacekeeping missions a monitoring and reporting component related to natural resource exploitation and the cross-border trafficking of weapons. For example recent developments in the timber industry have increased concern about activities in Cote d'Ivoire. Peacekeeping operations in both Liberia and DRC, and more widely, must also be given the authority to investigate, arrest and enforce the law if local police forces do not have the capacity to do so. Greater coordination of regional peacekeeping operations, and more collaboration with regional groupings like ECOWAS, would help ensure more effective border control, and peacekeeping force commanders should, as a priority, deploy into those areas known for

natural resources and smuggling routes. Such lessons learned from the UN's previous engagement in conflict-prone countries, if implemented, would improve upon the UN's ability to help secure peace, help end the culture of impunity that pervades much of the war-torn world, and create a more effective UN peacekeeping force, saving the lives of millions in the process.

"Natural resource exploitation plays a key role in the current instability in the DRC and the UN's failure to adequately address this seriously undermines their effectiveness and jeopardises the country's chance of peace. The links between natural resources, the smuggling of arms and troop movements has been documented by numerous UN Expert Panel reports yet the Security Council is yet to extend MONUC's mandate to monitor and protect natural resources or put a resource specialist on the panel of experts," says Emily Bild of Global Witness.

"The situation is similarly bleak in Liberia and lifting diamond sanctions would jeopardise Liberia's fragile peace. While the National Transitional Government of Liberia (NTGL) has passed laws and regulations to implement the Kimberley Process Certification Scheme, these are redundant as there is no capacity to enforce the laws, implement essential diamond controls, or prosecute any transgressions." concludes Alex Yearsley of Global Witness.