

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:

Thursday, September 22, 2005

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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Awoko. Thursday September 22nd, 2005.

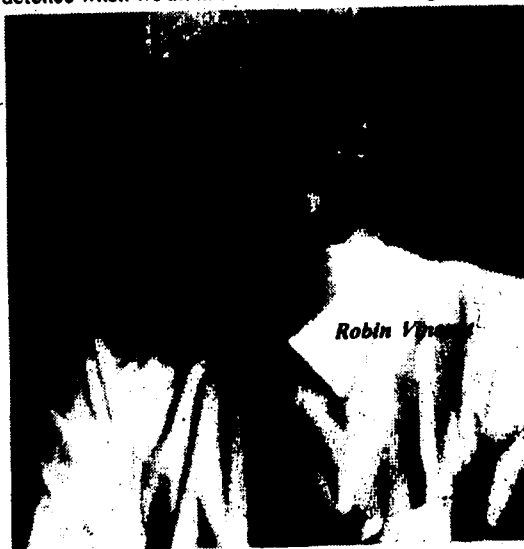
"My saddest moment was when Foday Sankoh died" – Robin Vincent

The outgoing Registrar of the UN backed Special Court for Sierra Leone Robin Vincent has said in Freetown that during his nearly four years in Sierra Leone his saddest moment was when rebel leader Foday Sankoh died. Explaining he said "When people talk about human rights and what rights you are entitled to as a population and also about responsibilities, ... one of the most difficult things that I find in average especially up country that I have had to grapple with is people saying why is the court wasting its time and spending money on giving those people those indictments

good conditions to live in and paying for an expensive defence when we all know

what they did." Robin Vincent says he has never accepted

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My saddest moment was when Foday Sankoh died

From Front Page

that "because I always say one of the prime purposes of the special court being here is as a major part of contributions to the restoration of the rule of law, and if Sierra Leone whether its at government level or population level is going to be proud in the years to come of having had the special court here it is because to have a credible international criminal institution you must have a strong prosecution, a strong chambers, a strong registry and a strong defence. The outgoing Registrar continued "and so when the

international community took its eye off this court and allowed Foday Sankoh not to receive the treatment that would enable him to stand trial and answer for what the many hundreds of thousands of people said he was responsible for, that was a sad day for international criminal justice." He disclosed that he "was sad because on many a night thereafter I did lie awake wondering the extent to which I should share responsibility for that," adding "I have to say my conscience is clean on that because we did everything possible even on

occasion sharing ... a platform with Foday Sankoh's wife pleading to the international community to allow us to take him outside for treatment; not because I had any particular sympathy for him as a man but because I believe it was in the interest of international justice that he should be given the chance to stand trial - that was one of my saddest moments." Registrar Vincent said his saddest moment in the future would be "if Charles Taylor does not come to this court, and I say again if Taylor is allowed not to come to this court it would be nothing short of an international disgrace."

Awoko. Thursday September 22nd, 2005.

AFRC wives Discharged

By Betty Milton

The wives of the three AFRC Special Court indictees who have been standing trial for contempt of court were yesterday discharged. Giving his ruling at about 4:50 pm the Presiding Judge Pierre Boutet said that he has the power to discharge the contempt though he had listened to all three of them through their lawyers apologising and promising not

to repeat the said acts. The judge disclosed that in lieu of the indictment the maximum punishment for an individual is either to be imprisoned for seven (7) years or be fined the sum not exceeding two million leones (Le2,000,000). The Judge maintained "I am satisfied that you have pleaded guilty of the charges without being

forced by your lawyer nor anyone but you have pleaded voluntarily. There will be no imprisonment for you and so therefore I have the power to impose a conditional sentence on four of you. Failing to respond to this condition. I will file a criminal suit on you." He went on "the conditional discharge

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AFRC wives Discharged

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would be to keep the peace and be of good behaviour, you should not reveal the identity of the witness TF1-023 to anybody whatsoever and respect all conditions imposed on the public gallery for a period of one year and this probation period commences to September 2005 till September 2006." The independent Prosecutor Mrs Bintu Tejan-Jalloh in her submission said that the act is a serious violation on the rule of the Court and that their husbands had been standing trial for various crimes against humanity and if found guilty would have a serious effects on their families. She further urged the court to discharge them with conditions, maintaining that there should

be sufficient evidence to show that steps are put in place to stop such acts from occurring. The Principal Defender - Vincent Nmehiella said that rule 100 of the rules of procedure, seeks a way of resolving the matter which will not be too hard and which will ensure that the harmony the families were enjoying may remain. He pleaded that the ladies have cooperated with the Court in making a guilty plea. He therefore called on the Court to temper justice with mercy. The Defence lawyers for the four ladies Mrs. Jallow, Mr. Anadu Koroma, Mrs. Glenna Thompson and Mr. C. Osho Williams pleaded to the judge for mercy saying they are peaceful citizens who have

never been to the Courts of Sierra Leone nor answered to charges at any Police Station. They also stated that their clients were truly repentant of their actions and they were not aware of the consequence of their actions. The ladies the lawyers said are the sole bread winners of their families, since the indictment of their husbands. They again pleaded for mercy. The four Margaret Fomba Brima, wife of Alex Tamba Brima, Fatmata Binta Bah Jalloh wife of Santigie Borbor Kanu, Esther Kamara friend of Alex Tamba Brima and Anifa Kamara have been standing trial for contempt of court, for interfering with the witness TF1-023 who was testifying for the first time and was to continue with her evidence on the 9th of March 2005.

Special Court Interactive Forum praises outgoing Registrar Vincent

The Special Court Interactive Forum has also joined other Civil Society and Human Rights Organizations in Sierra Leone to say farewell to Mr. Robin Vincent,

Registrar of the Special Court for Sierra Leone. Speaking to Awareness Times yesterday, Maria M. Kamara of the Outreach Section of the Special Court for Sierra Leone

who spoke on behalf of the Interactive Forum, stated that during Mr. Vincent's tenure of office, he was able through the support of other personnel to make the

Contd: page 2

Special Court Interactive Forum

From front page

Special Court functional and more robust in indicting 13 persons from the various warring factions as well as successfully directing the operations of the Court and the domestic acceptability of the mandate of the Court in both urban and rural communities. Ms. Kamara stated that this was a herculean task to accomplish considering the ethical, political and regional dimension of the indictments.

In these regard, a special release from the Special Court Interactive Forum stated that the forum and other Civil Society Organizations, and friends of the Court are impressed with the performance of Mr. Vincent in his determined commitment to promote and uphold the rule of law and to break the cycle of violence and impunity through his independent and impartial role in the operations of the Court. "We are hopeful

that this selfless and laudable initiative in the promotion of the rule of law, will be emulated by other countries and institutions especially our local judicial institutions." The release further stated. In a direct reference to Robin Vincent, the release stated that the people of this country will ever remain to remember him in their call to end impunity and holding people and institutions accountable for their action.

Four plead guilty at Special Court

Four accused charged with contempt at the Special Court few months ago Wednesday pleaded guilty before Justice Pierre Boutet.

The four Magarette Fomba Brima, Neneh Binta Jalloh, Ester Kamara and Amier Kamara were charged with contempt in case

number SC/SL-2005-02.

The independent prosecutor submitted that there is no doubt that there has been serious violations of the rules of the court but recommended that such offences should be addressed in a manner that would make it

worthwhile so that it does not affect the peace process.

Defense counsel for the first accused, Magarette Fomba Brima whose husband is in detention at the Special Court, submitted, "in as much as the court requires that every person respects the rules that protect the integrity of the court, the effect of the guilty plea is one of mitigating circumstances and I therefore urge that the court keep with the recommendations of the independent prosecutor."

All defense counsels asked for leniency when it comes to passing verdict as all accused have sought not to waste time in the court's trial by pleading guilty.

"My Lord my client, Ester Kamara has never been convicted before and did not appreciate and understands the consequence of contempt of court or to have interfered with court proceedings but having realized the dire consequence of her actions, she now shows remorse," one of the defense lawyers pleaded adding, that in most national and international proceedings significant weight is given to plea of guilty.

Hearing continues.



For taking the party to court...

SLPP forgives Hinga Norman

Story: Ibrahim Seibueh

Publicity Secretary of the Sierra Leone Peoples Party (SLPP), Hon. Victor Reider Monday told Concord Times that the party has forgiven war crimes indictee, Chief Sam Hinga Norman for taking the party to the Supreme Court.

He says the SLPP is a family and it would not nurture any grudge against its supporters for any wrongdoing.

"We are one family and for the unity and prosperity of the party, we have decided to forgive Chief Norman," Reider states.

He maintained that after the convention they have made moves to talk to all the leadership aspirants who

contested and lost the election.

"We have met with them and the discussions were fruitful for the unity of the party," he explained and adds that the party has enough funds to contest the 2007 presidential and parliamentary elections.

Reider stated that the court ruling did not ask for any cost to be paid to the party by Chief Norman.

It could be recalled that Chief Norman took the SLPP to court recently for constitutional irregularities, but five judges who presided over the matter unanimously struck the case out of court. He had made an undertaking through his solicitor to pay costs.

From Awareness Times Newspaper in Freetown

NEWS

Sierra Leone Special Court Interactive Forum praises outgoing Registrar Robin Vincent

By John Mansaray
Sep 22, 2005, 00:01

The Special Court Interactive Forum has also joined other Civil Society and Human Rights Organizations in Sierra Leone to say farewell to Mr. Robin Vincent, Registrar of the Special Court for Sierra Leone.

Speaking to Awareness Times yesterday, Maria M. Kamara of the Outreach Section of the Special Court for Sierra Leone who spoke on behalf of the Interactive Forum, stated that during Mr. Vincent's tenure of office, he was able through the support of other personnel to make the Special Court functional and more robust in indicting 13 persons from the various warring factions as well as successfully directing the operations of the Court and the domestic acceptability of the mandate of the Court in both urban and rural communities. Ms. Kamara stated that this was a herculean task to accomplish considering the ethnical, political and regional dimension of the indictments.

In these regard, a special release from the Special Court Interactive Forum stated that the forum and other Civil Society Organizations, and friends of the Court are impressed with the performance of Mr. Vincent in his determined commitment to promote and uphold the rule of law and to break the cycle of violence and impunity through his independent and impartial role in the operations of the Court.

"We are hopeful that this selfless and laudable initiative in the promotion of the rule of law, will be emulated by other countries and institutions especially our local judicial institutions." The release further stated.

In a direct reference to Robin Vincent, the release stated that the people of this country will ever remain to remember him in their call to end impunity and holding people and institutions accountable for their action.

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NOW IT IS BACK TO REALITY FOR HINGA NORMAN

Wednesday September 21, 2005

Reality returned to the world of Chief Hinga Norman yesterday as his War crimes trial resumed with oral arguments from his lawyers who have filed a "No Case " submission . Chief Norman has been one of the subjects of a sensational battle for supremacy within the troubled ruling Sierra Leone People's Party .

Chief Norman filed a law suit in the Sierra Leone Supreme Court in a bid to torpedo the just-held SLPP Delegates Convention, lost it and decided to form his own political party to fight the SLPP in the 2007 General Elections. But reality returned yesterday to remind the former Minister of Internal Affairs that he is still an indictee , being tried for alleged war crimes and crimes against humanity by the Special Court for Sierra Leone. READ MORE

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Hinga Norman's Spokesman during his trial and political campaigns, Rev. Alfred Saforay sent in the following report about yesterday's session in court :

Motion for Acquittal

The Defence in the matter of Prosecutor versus Sam Hinga Norman today made a no-case submission along with a motion for acquittal for Chief Hinga Norman. In his submission, Chief Defence Counsel for Mr. Norman, Dr. BuBuakei Jabbi asked the court to dismiss all charges against his client on the grounds that the Prosecution has not provided sufficient grounds to try his client.

Responding, Trial Chamber President, Justice Pierre Boutet, indicated that the case was far too complicated and that the Chamber needed time to consider Jabbi's motion for acquittal. If the court grants Dr. Jabbi's request, it may elect to dismiss any or all charges against Mr. Norman if it decides that the prosecution's evidence is insufficient to convict Mr. Norman.

In addition to Chief Norman, former CDF Director of War, Moinina Fofana and former High Priest and Chief Initiator, Dr. Alieu Kondewa, face eight charges of war crimes and crimes against humanity as well as other serious offences under Protocol II of the Geneva Convention and Additional Protocols. The Prosecution rested its case in July 14, 2005. Following the judges' rulings on Dr. Jabbi's motion for acquittal, the Defence's case will commence, if the judges find that there are sufficient grounds to proceed.

Meanwhile, Mr. Norman continues to maintain that he has never been properly indicted and asked to take a plea of guilty or not guilty. As such, he has no case to attend to before the so-called special court for Sierra Leone. The case proceeds without him as it has since November 2004. Cameroonian jurist, Justice Benjamin Mutanga Itoe, in a separate and dissenting opinion on the issue of consolidated indictment, ruled in Mr. Norman's favour. But Sierra Leonean jurist, Bankole Thompson and Canadian, Pierre Boutet, both ruled against Norman. The Appeals Chamber was vague on the issue but appeared to have agreed with Mr. Norman without giving him the relief he sought ? immediate dismissal of the case.

The motion for acquittal following the Prosecution's case is normally a routine and is generally reviewed and dismissed immediately. The three judge panel this time has postponed the case indefinitely while they consider Jabbi's motion.

It is the second time this month that Jabbi and his client have tied up the judicial system in Sierra Leone. Recently, it was in the matter of Sam Hinga Norman against the SLPP when Norman's case before the Supreme Court of Sierra Leone sent the ruling SLPP into a nose dive forcing them to cancel and then resurrect the party's biennial Delegates' Convention. This time, it is the UN-backed special court which now has to deal with the convoluted arguments by former Prosecutor, David M. Crane that appears to be on the line.

Crane quit the court in June without a single conviction after sparring with Norman for two years. Shortly after Crane, Chief of Defence, Simmone Monssabien, resigned from the court. Last week, another of Norman's nemesis, Registrar and Grand Ayatollah of the court, Robin Vincent, resigned. The charade continues.

Alfred SamForay,
Hinga Norman-CDF Defence Fund
& The Sierra Leone Working Group.

Cocorioko website

http://www.cocorioko.com/more_features_2

HINGA NORMAN: POLITICS OF STRANGE BEDFELLOWS

Thursday September 22, 2005

By Joseph S. Sherman, Washington, DC

The PLP, an offshoot of the AFRC, and the RUFP, a political party born from the notorious RUF. These are not political parties or movements that come to mind when you think of Hinga Norman's Kamajor supporters forming an alliance these political parties. But the Rev. Alfred Sam Foray, spokesman of Hinga Norman has announced their alliance with PLP and the RUFP to fight the ruling SLPP.

Can the Kamajors work with its former enemies in fighting the ruling SLPP? Is the coalition bound to collapse under the weight of past differences? Skeptics say the coalition should not be viewed as a permanent alliance but a camouflage and an apologetic stance on the part of Hinga Norman's supporters to the AFRC and RUF after disappointment received from President Kabbah's government.

Having always fancied African politics, it is no surprise that this unholy alliance is inevitable. In politics, they say all things are possible- politics is the science of deals. Whatever concept Hinga Norman's supporters subscribe to, we are certainly witnessing that all kinds of "deals" are possible in political developments in Sierra Leone with the dramatic emergence of strange political bedfellows.

It is incomprehensible at this time to know that the once hard-line loyalists of the SLPP, who had invested his populism in rhetoric and allegiance is robustly castigating the leadership and policies of the party even to the extent of forming an alliance with former enemies. Sometimes politics can unite groups who would otherwise be at each other's necks; however, the question now remains whether establishing an alliance with former enemies is justifying the alleged crimes and mayhem for which these groups are being tried in the Special Court in Sierra Leone?

While it is true that desperate times do indeed call for desperate measures, it is not a good idea to be desperate about making a decision concerning desperate measures you are contemplating. The desperation of Hinga Norman's supporter at this crucial time calls for deliberate and dispassionate planning if success is to be achieved. In other words, the hasty decision of allowing an unholy alliance with former enemies is letting desperation get the best of the electorates, and unfortunately, the result of the disease of desperation is chronic disappointment.

From Awareness Times Newspaper in Freetown

NOTICES & DOCUMENTS

Sierra Leone Working Group sends Open Letter to Parliamentarians

By SLWG

Sep 21, 2005, 20:45

An Open Letter to Sierra Leone's Parliamentarians

Abdul Karim Bangura, Sami Gandi-Gorgla & Abdul Razak Rahim

The Policy Sciences Research Section of the Sierra Leone Working Group

Dear Honorable Parliamentarians:

Throughout Sierra Leone's history, each generation of leaders has had to respond to the clarion call to do what is right for the country's future. Three years from now, Sierra Leone will celebrate the 110th anniversary of its stance against taxation without representation. When the Hut Tax was imposed in 1898, Bai Bureh, Nyagua and Bai (Beh) Sherbro led the people to resist the illegal colonial imposition. Also, this year marks the 50th anniversary of Marcus Grant leading the people to protest slave-like wages. On February 11-12, 1955, the Artisans and Allied Workers Union and the Transport and General Workers' Union went on strike to demand a wage increase of 10 pence per day when the government's violent response triggered riots. While historians may quibble about the effectiveness of these actions, no one would deny that they gave testimony to the nation's loyalty and character.

Today, the trumpet summons this generation's leaders to do what is right to ensure a safer and better future for Sierra Leone. The call is for the country's parliamentarians to pull out of the United Nations deal that created the Special Court of Sierra Leone, as Parliament is the only body in the country that has the authority to do so. There are at least six reasons that make it imperative for the country's parliamentarians to respond to this call.

First, the Special Court has demonstrated that it is incapable of understanding the world of this specific conflict and has, therefore, attempted to manipulate the process to suit its self-ordained mandate. "No peace without justice" and "No one is above the law" are two phrases popularized by the Special Court. Considering former breakdown in the rule of law in Sierra Leone, these slogans gained ready acceptance. As is the case with slogans, the euphoria they generated diverted attention from their efficacy against the social reality in Sierra Leone. The fact that these slogans came out of the mouths of officials of a quasi-United Nations organization accompanied with a massive architectural monument, they built the expectations that never again will there be injustice in Sierra Leone. It was not significant that there is no inextricable connection between peace and justice, and that claims about positive connections amount to intellectual fraud. It did not matter that the slogans politicized justice and open the possibility of corrupting justice itself. They border on intellectual dishonesty, fraud and deception to deliberately exploit the craving for peace with promise of justice from an institution whose foundation did not respect a basic need for justice—i.e. transparency.

Second, the Special Court is, as is often emphasized, a product of an agreement between the Sierra Leone Government and the United Nations to address serious violations during the Sierra Leone conflict. Sierra Leone, up to the date of the agreement, was not an oligarchy. It had a Constitution and an elected Parliament. The Constitution clearly stipulates conditions to be fulfilled before a treaty or agreement is introduced into the body of law. This is more so the case when the treaty or agreement introduces changes within the Constitution itself. The Special Court agreement changed the judicial system's hierarchical structure and also deleted the clause that protected the Head of State from arrest. Under these conditions, the Constitution stipulates that the agreement be preceded by two Gazette publications separated by nine days, a referendum, and parliamentary debate. These requirements were never followed, amounting to a blatant disrespect of the law of the land. The bill was introduced to Parliament a few days before Parliament was dissolved for elections and no referendum was conducted. Parties entering into a contract have to establish that the other party is qualified and authorized to be a party to the contract. With respect to Sierra Leone, the authority comes from the Constitution. Letters of invitation from the President, negotiation involving the Attorney General, and the President's signature are not enough to subvert the will of the people. It is clearly evident that with respect to the Special Court agreement, parliamentary procedures were not respected; the Sierra Leone Constitution was defiled, and the people were denied their right of having an input into the formulation of laws of their land. The precedence established by the executive branch of government and the United Nations is inimical to establishing justice, upholding respect for the rule of law, and protection of human rights.

Third, characterization of the Sierra Leone war as purely a war for diamonds ties the war to terrorist movements. To many people, this Americanizes the war while at the same time it displays insensitivity to the Sierra Leone experience. The near obsession with the pursuit of Charles Taylor, which is both legal and justified, to a point where the Chief Prosecutor is claimed to have "showed scant respect to the combined goodwill of those (West African) leaders and the peoples they represent" has not helped to diminish the perception. The structure of the Special Court is such that the Chief Prosecutor has the sole discretionary power to define what constitute a crime, the category of people to be indicted, selecting and interpreting incidents and events that will serve as evidence, and prosecute the accused in front of judges. This model is susceptible to deliberate manipulation and it has the tendency of delivering "justice" that is at variance with society's norms and value system. The manipulation aspect could be derived from the Chief Prosecutor's characterization of the war and America's enthusiasm to see the realization of the court and that the prosecuting team is headed by an American. America's open opposition to the International Criminal Court (ICC); and its advocacy for a Special Court like tribunals should be borne in mind in evaluating claims of possible manipulation. Giving judges ample provisions to subject the indictments to an extensive preliminary review is one way to allay this perception. Unfortunately, primarily because of the three-year mandate, "the court's rules have been revised to minimize the judge's preliminary review of the prosecutor's indictments" (*Sierra Leone Faces Significant Obstacles in Establishing Rule of Law, HRSP Concludes, Virginia University Law posting April 12, 2004*). What had been portrayed as a positive point in comparison to other tribunals may also contain elements that subvert justice. In that same posting, the Chief Prosecutor is recorded as saying: "At some level guilt isn't the issue, the issue is who among the many, many people we are going to choose [to indict]." A serious issue we may claim, was reduced to the game of "pinning the tail on a donkey" by the Prosecutor. It is not too clear who the donkey will be in this case. But the Sierra Leone Government and the United Nations both have their credibility on the line over the Special Court issue. There is "no peace without justice," especially when justice is perceived as contrived and polluted.

Fourth, Human Rights Watch (HRW), in a recent report, expressed some serious concern that greatly undermined "the Special Court's ability to uphold fair trial rights." HRW's concern was centered around (1) inadequate logistical support available to defense teams, (2) lump sum payment structure for defense teams, (3) lack of suitable candidates to serve as investigators and delays in their appointment, (4) insufficient training of defense counsel and investigators, and (5) inconsistent translation. HRW officials aptly remarked that based on their belief, "these issues could contribute to a perception that rights of the accused are not protected and equality of arms is not adhered to by the Special Court." All the points of concern highlighted by HRW directly affect the ability of the defense team to mount a formidable defense on behalf of the accused. This in turn enhances the prosecutors' chances of obtaining a conviction.

Fifth, the most troubling aspect of the indictment is the Chief Prosecutor's insidious injection of "tribe" into the trial. The conflict in Sierra Leone contained no hint of "tribal" affiliations. The rebels, the renegade Sierra Leone Army, the loyal Sierra Leone Army, and the government sponsored Civil Defense Force (CDF) each had all the ethnic groups of Sierra Leone among its ranks. The CDF consisted of indigenous Sierra Leoneans, who were recognized for the part they played in stopping the ravages of the rebels and the renegade army. The intrusive path of the rebels and the lack of will and ability of the existing government to repel the rebels forced individuals to organize themselves to protect their lives and properties. Hence, these forces were initially associated, primarily in name, with various localities. At this stage and more so after, it would be presumptuous to claim that these groups were homogeneous with respect to ethnicity. The threat posed by the rebels and renegade soldiers spared no ethnic group. The response from the citizens was also not based on ethnic affiliations. Again, because of the invasion path, some areas were forced to organize at a very early stage under the banner of "Kamajors," the name for local hunters. Journalists, mainly foreign journalists, used the name "Kamajors" synonymously for all local forces that opposed the rebels and renegade soldiers. This synonymic practice continued even when the government decided through an act of parliament to aid these local groups under the CDF umbrella, thereby increasing their range of operation beyond their respective localities. Realistically, credit given the CDF belongs to all the respective groups. In fame and infamy, it will be divisive to highlight only one group. This is precisely what the prosecutors have done. Sidelining other groups has alienated groups to a point wherein people have withheld their moral and material support for the CDF accused. Visiting various Sierra Leone Internet discussion fora, it becomes easily apparent that prosecutors are gaining success in polarizing the country along ethnic lines.

The accused were indicted based on their alleged position within the command structure of their respective organizations. It is hard to determine that Chief Samuel Hinga Norman, Allieu Kondewa, and Moinina Fofana were under indictment for their role within the CDF. The CDF Consolidated Indictment features Kamajors, the Mende local force, more than the CDF. It is hard to imagine that within the CDF, only the Kamajor unit committed all the atrocities and that they were present in areas way outside the region of the original Kamajor. We cannot attribute the selective use of Kamajors in the indictment to the synonymic error of the journalists. It was, assuming the Chief Prosecutor has competent knowledge of war, purposefully designed to "divide and gain conviction."

Finally, The Special Court, by all indications, became part of the Sierra Leone legal system through the instrument of the agreement entered into by the government of Sierra Leone and the United Nations. Since Special Court could enter into agreement, solely through its own initiative, with any other state without any recourse to ratification of such agreement, the Special Court has powers exceeding that of Parliament and the President. These are obviously provisions not within the Constitution and, hence, constitute changes to the Sierra Leone Constitution. The Constitution, for example, in chapter VII Part 1, Section 120, states that "(1) the judicial power of Sierra Leone shall be vested in the Judiciary of which the Chief Justice shall be the Head," and that "(2) The Judiciary shall have jurisdiction in all matters civil and criminal including matters relating to this Constitution, and such other matters in respect of which Parliament may by or under an Act of

Parliament confer jurisdiction on the Judiciary." We might as well forget about these provisions within the Constitution if the Special Court continues to maintain its presence in Sierra Leone.

There is no doubt that the origin of the war could be traced to our unwillingness or inability to act while politicians tamper with the Constitution. RUF/AFRC acted in total disregard for the Constitution. But for the challenge presented by Chief Norman, Fofana, Kondewa and other members of the CDF, the Constitution and liberty would have gone undefended. Although the scope of the Special Court does not include individuals who actually committed heinous crimes, we do agree with its underlying principles. As an instrument of justice that has given itself the added role of establishing permanent peace and justice, however, it must not be premised on total disregard for every instrument that upholds justice which, in this case, is the Sierra Leone Constitution. Abuse of the Constitution by the RUF/AFRC is not featured in the Special Court trials. This oversight does not reflect respect for the values of the people. Without this, the Special Court might have well been convened in the United States or in the United Kingdom. Its presence in Sierra Leone has nothing to do with respect for Sierra Leone's ideals and values.

Indeed, it is quite clear that the Special Court's activities continue to sow the seeds for another civil war in Sierra Leone. The Kamajor did not emerge for the pursuit of short-term and narrow interests. The traditional society has been deeply entrenched in the country's culture for hundreds of years. Its members and their relatives and friends comprise about one-third of the country's population. As a trained traditional hunting society, its duty has always been to defend the community. The perception that its leaders are being made scapegoats for the millions of dollars that have been spent on the court will have serious consequences in the very near future.

To put it succinctly, Honorable Parliamentarians, you are our last hope to get the country out of this looming predicament.

For more information on the Sierra Leone Working Group, please contact:

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**UNMIL Public Information Office Media Summary 19 Sept 2005**

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

International Clips on Liberia**UN extends mandate of Liberia peacekeeping force**

UNITED NATIONS, 19 Sept (Reuters) - The U.N. Security Council extended the U.N. peacekeeping force in Liberia for another six months on Monday, rejecting a recommendation from U.N. Secretary-General Kofi Annan for a one-year extension. A resolution adopted unanimously by the 15-nation council also asked Annan to recommend a timetable for force reductions by March.

International Clips on West Africa**Ivory Coast leader calls for talks on new poll date**

By Peter Murphy

ABIDJAN, 19 Sept (Reuters) - Ivory Coast's President Laurent Gbagbo called on Monday for South Africa to chair talks with rebels and opposition parties to discuss a new date for elections in the West African country.

Local Media – Newspapers**Taylor's Trial May Cause Harm Says Nigerian Leader**

(Liberian Express)

- Addressing the 60th session of the UN General Assembly, Nigerian President Olusegun Obasanjo warned that the time was not right for former President Charles Taylor to be returned from exile in Nigeria to face trial at the Special Court for Sierra Leone or sent back to Liberia, saying the move could mean more harm than the good in the short term. He said the cause of peace in Liberia could be best served if Taylor kept away during the transitional and early period of nation building.

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. Jeddi Armah at armahj@un.org.

Security Council extends UN Mission in Liberia until 31 March 2006, unanimously adopting resolution 1626 (2005)SC/8499

Security Council
5263rd Meeting (PM)

250 UNMIL Troops to Deploy to Sierra Leone to Provide Security for Special Court after UN Mission's Departure

The Security Council today, extending the United Nations Mission in Liberia (UNMIL) until 31 March 2006, authorized the Mission to deploy from November up to 250 United Nations military personnel to Sierra Leone to provide a continuing international security presence for the Special Court there, after the departure of the United Nations Mission in Sierra Leone (UNAMSIL) on 31 December.

Acting under Chapter VII and unanimously adopting resolution 1626 (2005), the Council also authorized a temporary increase in UNMIL's personnel ceiling to a total of 15,250 military personnel, from 15 November to 31 March 2006 to ensure that the support provided to the Court in Sierra Leone did not reduce UNMIL's capabilities in Liberia during its period of political transition.

The Council further authorized UNMIL, subjected along with the above provisions to the consent of troop-contributing countries and the Sierra Leonean Government, to deploy an adequate number of military personnel to Sierra Leone, if and when needed, to evacuate those UNMIL military personnel temporarily deployed to Sierra Leone, as well as officials of the Special Court for Sierra Leone, in the event of a serious security crisis affecting those personnel and the Court.

Further to the text, the Council requested the United Nations Integrated Office in Sierra Leone (UNIOSIL), once established, to provide logistical support for UNMIL's military personnel deployed to that country.

In a related provision, the Council asked the Secretary-General and the Sierra Leonean Government to conclude an agreement regarding the status of military personnel of UNMIL deployed to Sierra Leone, taking into account the relevant existing legal instruments. Pending the conclusion of such an agreement, the model status-of-forces agreement of 9 October 1990 would apply provisionally.

The Council supported the Secretary-General's recommendation to return to the ceiling of United Nations military personnel in UNMIL, as authorized in resolution 1509 (2003), by 31 March 2006.

It encouraged the Missions in the region to continue to enhance inter-mission cooperation, especially with regard to the prevention of cross-border movement of arms, combatants and the illicit exploitation of natural resources and in the implementation of disarmament, demobilization and reintegration programmes.

The meeting began at 12:05 p.m. and was adjourned at 12:08 p.m.

Council Resolution

The full text of resolution 1626 (2005) reads, as follows:

“The Security Council,

“Recalling its previous resolutions and statements by its President concerning the situations in Liberia and Sierra Leone, in particular its resolutions 1509 (2003) of 19 September 2003, 1610 (2005) of 30 June 2005 and 1620 (2005) of 31 August 2005,

“Welcoming the Secretary-General’s report of 1 September 2005 (S/2005/560),

“Welcoming progress made in the preparations for the October presidential and legislative elections,

“Welcoming the further extension of State authority, including progress in the establishment of a new Liberian police service and the appointment of new judges and magistrates,

“Expressing appreciation for the indispensable and continuing contributions to the Liberian peace progress by the Economic Community of West African States (ECOWAS) and the African Union (AU), and for financial and other assistance provided by the international community,

“Welcoming the signing by the National Transitional Government of Liberia (NGTL) and the International Contact Group of Liberia of the Governance and Economic Management Assistance Program (GEMAP) which is designed to ensure prompt implementation of the Comprehensive Peace Agreement and to expedite the lifting of measures imposed by resolution 1521 (2003),

“Reiterating its appreciation for the essential work of the Special Court for Sierra Leone and its vital contributions to the establishment of the rule of law in Sierra Leone and the subregion and encouraging all States to cooperate fully with the Court as it implements its completion strategy,

“Noting that the United Nations Mission in Sierra Leone (UNAMSIL) is scheduled to end its operations on 31 December 2005,

“Recalling the briefing to the Security Council by the President of the Special Court for Sierra Leone on 24 May 2005 in which he stressed the need for a continuing international security presence to provide protection for the Special Court after the departure of UNAMSIL, and welcoming the Secretary-General’s recommendations in this regard,

“Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

“Acting under Chapter VII of the Charter of the United Nations,

“1. Decides that the mandate of the United Nations Mission in Liberia (UNMIL) shall be extended until 31 March 2006;

“2. Calls on all Liberian parties to demonstrate their full commitment to a democratic process of government by ensuring that the upcoming presidential and legislative elections are peaceful, transparent, free and fair;

“3. Calls on the international community to respond to continuing needs for resources for the rehabilitation and reintegration of ex-combatants and for security sector reform;

“4. Looks forward to the implementation of GEMAP by the NTGL and succeeding governments of Liberia in collaboration with their international partners, and requests the Secretary-General to include information on the progress of this implementation in his regular reports on UNMIL;

“5. Authorizes UNMIL, subject to the consent of the troop-contributing countries concerned and the Government of Sierra Leone, to deploy from November 2005 up to 250 United Nations military personnel to Sierra Leone to provide security for the Special Court for Sierra Leone, as recommended in paragraphs 90 to 94 of the Secretary-General’s report of 1 September 2005 (S/2005/560);

“6. Authorizes a temporary increase in UNMIL’s personnel ceiling, to a total of 15,250 United Nations military personnel, for the period from 15 November 2005 to 31 March 2006 in order to ensure that the support provided to the Court does not reduce UNMIL’s capabilities in Liberia during its political transition period;

“7. Further authorizes UNMIL, subject to the consent of troop-contributing countries concerned and of the Government of Sierra Leone, to deploy an adequate number of military personnel to Sierra Leone, if and when needed, to evacuate UNMIL military personnel deployed to Sierra Leone pursuant to paragraph 5 of this resolution and officials of the Special Court for Sierra Leone in the event of a serious security crisis affecting those personnel and the Court;

“8. Requests the United Nations Integrated Office in Sierra Leone (UNIOSIL), once established, to assist in providing logistic support for UNMIL military personnel deployed to Sierra Leone pursuant to this resolution;

“9. Requests the Secretary-General and the Government of Sierra Leone to conclude an agreement regarding the status of military personnel of UNMIL deployed to Sierra Leone pursuant to this resolution, taking into account General Assembly resolution 59/47 on the scope of legal protection under the Convention on the Safety and Security of United

Nations and Associated Personnel, and decides that, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall apply provisionally;

“10. Supports the Secretary-General’s recommendation to return to the ceiling of United Nations military personnel authorized in resolution 1509 (2003) by 31 March 2006;

“11. Encourages the United Nations missions in the region, within their capabilities and areas of deployment and without prejudice to their mandates, to continue their efforts toward enhancing intermission cooperation, especially with regard to the prevention of cross-border movement of arms, combatants and the illicit exploitation of natural resources and in the implementation of disarmament, demobilization and reintegration programmes;

“12. Welcomes the efforts undertaken by UNMIL to implement the Secretary-General’s zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, and requests the Secretary-General to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action, including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure that allegations of sexual exploitation or abuse against their personnel are properly investigated and, if substantiated, punished;

“13. Requests the Secretary-General to provide recommendations on a drawdown plan for UNMIL, including specific benchmarks and a tentative schedule, in his March 2006 report;

“14. Requests the Secretary-General to continue to keep the Council regularly informed on UNMIL’s progress with the implementation of its mandate;

“15. Decides to remain actively seized of the matter.”

Background

For its consideration of the situation in Liberia, the Security Council had before it the eighth progress report of the Secretary-General (document S/2005/560), in which he says that the steady progress in the preparations for the October national elections has been most encouraging. Given the many challenges still facing the peace process, however, he recommends an extension of the United Nations Mission in Liberia (UNMIL) for another year, until 19 September 2006. He also recommends the temporary deployment of a company-size force of up to 250 military personnel from UNMIL to the Special Court in Sierra Leone by 15 November, given that the operations of the United Nations Mission there are scheduled to end on 31 December 2005.

Although Liberia has made great steps in consolidating peace and in implementing the Comprehensive Peace Agreement, the peace process still faces many challenges, the

report notes. The UNMIL is now moving towards a new phase of its operations which will focus on the conduct of free and fair elections in October, as well as the provision of security during elections and in the run-up to the installation of the new Government in January 2006.

According to the report, the Mission will continue to work towards: the rehabilitation and reintegration of ex-combatants; the restoration of State administration nationwide; the strengthening of rule of law institutions and the restructuring of the security sector; and the promotion of recovery and reconstruction.

The Secretary-General, meanwhile, commends the Liberian people for their determination to participate in the polls, as demonstrated by the large numbers who have registered to vote, and also the peaceful manner in which the electoral process has been conducted so far. The National Elections Commission should also be commended for its role in ensuring that the process has remained on track. The technical and material support provided by the international partners has been vital in ensuring the Commission's effective functioning. The political parties, the candidates and their supporters now need to ensure that the campaigns are conducted peaceably and freely in all areas of the country, and that the voters can participate in credible polls conducted without any threat of violence.

He says that the strides made towards reforming the security sector, particularly the training of the new police service, are also encouraging. The Transitional Government has made a significant contribution to this programme by ensuring regular and improved salary payments for the police officers and for approving the new rank structure and uniforms policy. The Government, however, should redouble its efforts to raise the requisite funds for the demobilization of security personnel who are not eligible to join the restructured services and for the decommissioning of the former Armed Forces of Liberia personnel.

The Secretary-General urges donors to give urgent consideration to assisting the Transitional Government to ensure that progress can be made in this very important area. The Government also needs urgent support from its international partners to equip the new police service and to rebuild the police infrastructure in the counties so that progress in strengthening the police force can continue.

The reintegration of former combatants still faces a significant funding shortfall, the report states. The completion of an effective reintegration programme is vital to combat the serious problems of re-recruitment of fighters, illegal exploitation of natural resources and the widespread and high incidence of violent crime. It is also an essential element in ensuring that the vicious cycle of conflict is finally broken so that durable stability can be restored both in Liberia and within the wider West African subregion. The Secretary-General, therefore, appeals to the donor community to assist in closing the funding gap of approximately \$18.5 million for reintegration and also to provide the additional \$7 million needed so that those ex-combatants who have opted for formal education can continue with their schooling for two further academic years.

Improving economic governance is also essential for consolidating peace and ensuring sustainable development in Liberia, the report states. Regrettably, protracted delays have been encountered in the process of consultations between the Transitional Government and international partners on the proposed governance and economic management assistance programme. This document must be finalized as soon as possible, as the programme is an important tool for strengthening Liberia's national sovereignty, ensuring the Government's control over its revenues and expenditures, and as a means to create a long-term revenue-generating base for the country's development. Its effective implementation would greatly contribute to Liberia's national recovery efforts and would help Liberia to meet the requirements for the lifting of the sanctions imposed on it by the Council in resolution 1521 (2003).

Furthermore, improved economic governance would also ensure that the country retains the confidence of donors who have already been generous in their provision of assistance. The Secretary-General, therefore, strongly urges the Transitional Government to work closely with international partners to reach an early agreement on the programme, so that it could be presented for the Council's consideration and put into operation with minimum delay.

The report notes that the transitional process prescribed by the Comprehensive Peace Agreement, signed by the Liberian parties in Accra in August 2003, comes to a conclusion with the inauguration of the newly elected Government in January 2006. Liberians are faced with a unique opportunity to build on the gains made so far during the transition and move towards a new era of sustained stability, national reconstruction and recovery. The success of this process will depend largely on the Liberian people and their leaders. It will also depend on the full and sustained engagement of donors.

From the Los Angeles Times

THE WORLD

Hussein Will Not Be Allowed to Represent Himself at Trial

Hoping to discourage 'political grandstanding' by the ex-dictator, Iraqi legislators enact a rule change that only allows him to choose counsel.

By Henry Weinstein and Richard Boudreaux
Times Staff Writers

September 21, 2005

BAGHDAD — Iraqi legislators have changed the rules for the forthcoming trial of Saddam Hussein, preventing the deposed president from representing himself, according to documents provided to the Los Angeles Times.

Under the original rules for the trial, adopted in December 2003 when U.S. officials were running the country, Hussein was permitted "to defend himself in person or through legal assistance of his own choosing."

But under revised rules, adopted without fanfare by the transitional Iraqi National Assembly on Aug. 11, Hussein only has the right "to procure legal counsel of his choosing." The same change applies to other defendants whose special trials, along with Hussein's, are scheduled to begin in mid-October.

The new rules may alleviate the widespread concern among Iraqi and U.S. officials that Hussein could have used his right of self-representation to grandstand and spout political propaganda.

The National Assembly made the rule changes when it restated the tribunal's statute, a formality designed to legitimize under Iraqi law what had been a U.S. creation.

The assembly's dominant Shiite Muslim bloc managed to push through the revised statute quietly, avoiding debate on a controversial provision that would bar the tribunal from including judges who belonged to Hussein's Sunni-dominated Baath Party.

Nineteen judges on the tribunal are said to have been Baathists, though not leaders of the former ruling party. Iraqi President Jalal Talabani, a Kurd, recently thwarted an effort to purge those justices from the court, but Shiite legislators wanted a legal basis to do so in the future.

Michael P. Scharf, who is director of the International Law Center at Case Western Reserve University School of Law in Cleveland and who has worked to train Iraqi judges

for the tribunal, said he thought the self-representation change was a positive development.

He said it would help alleviate the kind of problems that had arisen in the lengthy war crimes trial of former Yugoslav President Slobodan Milosevic at The Hague. Scharf said that Milosevic's ability to represent himself had enabled him "to transform the trial into a stage for his national propaganda."

Dan Senor, who was spokesman for the U.S.-led Coalition Provisional Authority when it set up the tribunal before turning power over to an Iraqi government last year, agreed.

"When he is asked a question, he cannot just filibuster," Senor said. "There is a mechanism that allows the judge to cut him off and move on immediately to the next set of questions."

However, Richard Dicker, who heads the International Justice Program at Human Rights Watch in New York and has spent considerable time in Iraq investigating human rights violations during Hussein's rule, criticized the changes.

He acknowledged that there were legitimate concerns about "political grandstanding" but said the Iraqi legislature had used inappropriate means to address the problem.

"This is like using a sledgehammer to go after a fly," Dicker said. "The appropriate way to deal with this is for the judges to conduct the proceedings in a way that keeps the trial focused on the charges before the tribunal."

Dicker said he and other Human Rights Watch officials were also disappointed that changes they recommended to make the Iraqi tribunal's procedures "more consistent with basic due process guarantees" had not been adopted by the Iraqi legislature.

The assembly also has renamed the panel the Iraqi High Criminal Court. Scharf said he thought this change was made because the old name, the Iraqi Special Tribunal, "sounded too much like the special security tribunals that Saddam Hussein had implemented to repress opposition."

The decision to deny Hussein the right to self-defense, a right codified in international law, is one of several ways the Iraqi trial will differ from the growing body of protocols in international criminal tribunals.

For example, the International War Crimes Tribunal for the Former Yugoslavia and a similar court for the crimes committed in Rwanda were seated outside the two countries to prevent the trials from causing further political unrest or being influenced by local politics. Those tribunals, along with the Special Court for Sierra Leone, which is located in that country, rely on international human rights law and judges from other countries.

With support and encouragement from the Bush administration, which has provided dozens of American lawyers and forensic experts to assist the prosecution, Iraqi authorities rejected proposals to try Hussein abroad, or in Iraq by a court made up in part of international jurists.

Instead, the U.S. civilian administration, the former Coalition Provisional Authority, helped Iraqis set up their own U.S.-funded court, arguing that Iraqi judges were willing and able to bring the former dictator to justice under a mixture of Iraqi and international law.

Raid Juhi, the tribunal's chief investigative judge, underscored that sentiment in comments to reporters in July when he formally referred the charges against Hussein to a panel of five judges.

"The Iraqi people and the victims of the former regime are looking forward to having the accused stand trial after months of painstaking investigation," the judge declared.

Rejecting the argument that an international tribunal would be more impartial, Juhi said he had amassed a body of "evidence that is consistent with the civilized, international standards that have been set for the tribunal."

The trial scheduled to begin Oct. 19 may be just the first of a dozen or more the former president could face.

Weinstein reported from Los Angeles and Boudreaux from Baghdad.

World Markets Analysis

September 21, 2005

Ivorian President Rejects New Negotiations

Christopher Melville

President Laurent Gbagbo has rejected the possibility of new, regionally mediated negotiations with the northern rebels and unarmed opposition, insisting that the international community must help in efforts to set a new election date as soon as possible.

Global Insight Perspective

Significance

Gbagbo has quashed suggestions that the Economic Community of West African States (ECOWAS) should launch a new peace initiative for Cote d'Ivoire - primarily from fear that the regional body would seek to engineer his resignation and the establishment of a transitional government following the expiry of his mandate on 30 October 2005.

Implications

Amongst international and regional bodies, there is mounting support for such a transition. However, Gbagbo is not sufficiently vulnerable to consider resignation as a viable option; indeed, his position would become considerably more precarious if he were to stand down.

Outlook

Nigerian President Olusegun Obasanjo will bridle at his treatment at the hands of the Ivorian President, but he will struggle to prevent his mediation initiative from being sucked into the deadlock at the heart of the Ivorian peace process.

Aware that time may be running out for his regime, President Laurent Gbagbo has wasted none in announcing his opposition to the proposal by Nigerian President Olusegun Obasanjo (also the current chairman of the African Union/AU) that a new regional peace initiative should be launched for Cote d'Ivoire (see Cote d'Ivoire: 20 September 2005: New Ivorian Peace Summit Scheduled for End-September 2005). Gbagbo's principal concern is that a new round of negotiations with the New Forces and the opposition parties would be driven inexorably by Obasanjo and his mediators towards the creation of a transitional government that would be established following the expiry of the President's mandate on 30 October 2005 and that would exclude Gbagbo himself. The President's anxiety may be well-founded: ECOWAS and Obasanjo in particular have form for this kind of manoeuvre. In mid-2003, they engineered Charles Taylor's resignation and flight from Liberia, erecting in his place a power-sharing administration that paid only lip-service to the incumbent regime.

But whilst at the end Charles Taylor seemed resigned to his fate, Gbagbo is clearly yet to be convinced of the inevitability of his. In a letter sent to the UN on Monday (19 September 2005) and republished on the Ivorian presidency website yesterday, Gbagbo expressed his 'pre-emptive rejection of the engagement of ECOWAS in Cote d'Ivoire because of the direct implication of certain member states in the Ivorian conflict' - referring obliquely to the alleged support offered to the New Forces by neighbouring Burkina Faso and the diplomatic endorsement given by Niger. The unspoken insinuation is that the predominantly Islamic Sahelian states to the north of Cote d'Ivoire are intractably opposed to Gbagbo's presidency and instinctively allied to the largely Islamic parties and rebel movement in northern Cote d'Ivoire. Gbagbo went on to argue that 'any unilateral involvement by ECOWAS would constitute a step backwards and a serious threat to peace and national reconciliation' - appearing to suggest that any initiative by the regional body would serve as a cover for the partisan interests of its member states, in stark contrast to the perceived 'multilateralism' of any AU/UN initiatives. Gbagbo is continuing to cleave closely to the AU-backed initiative of South African President Thabo Mbeki, who in August 2005 described his Ivorian counterpart as having fulfilled all his legislative reform obligations under the various peace agreements in force and held the New Forces responsible for the current deadlock.

In a speech to a rally of loyalist supporters in Abidjan yesterday, Gbagbo echoed this sentiment, arguing that the now-inevitable delay to the presidential election date is 'because of the disarmament', or rather because of the New Forces' refusal to disarm. Although backed by Mbeki, this flies in the face of mainstream opinion, whether at the UN or even AU, where leading figures - including Obasanjo - appear to have become frustrated with Mbeki's failure to keep the New Forces and Group of Seven (G-7) opposition parties on board. Obasanjo's suggestion of a review of AU involvement and his proposal of an ECOWAS initiative clearly undercuts Mbeki's authority - earlier today Mbeki's office was forced to deny reports that he had been asked by the AU to stand down as the official mediator. His position is further undermined by the growing swell of support for the creation of a transitional government following the expiry of Gbagbo's mandate on 30 October 2005. By removing Gbagbo, it is hoped that genuine progress on disarmament and reform can be made and that real preparations for free and fair elections can be carried out.

Outlook and Implications

The promise that Gbagbo would be eligible to stand in any future poll might be thought of as an incentive for the President to accede to the transitional plan. There is a possibility that Gbagbo - like Taylor before him - might finally choose to bow out. However, there are a number of reasons to doubt this and to believe that Gbagbo will cleave to his current tack. For a start, he is in a far less precarious position than Taylor was at this stage: the New Forces are constrained to the north by the UN peacekeeping force and Gbagbo enjoys relatively firm control over the security services and loyalist militias. Indeed, Gbagbo's position would become considerably more precarious were he to stand down: the incentive of another possible run at the presidency would be no compensation for the risk of being charged with war crimes and prosecuted in an international court. It has only

been through the strong intervention of Obasanjo that the exiled Taylor has thus far evaded prosecution by the Special Court for Sierra Leone; Gbagbo would be unlikely to enjoy - or have trust in - the same protection. The Ivorian head of state is also aware that his greatest weapon is his legitimacy - in the eyes of his domestic constituency and international law. With his mandate expiring on 30 October, this long-trusted defence is set to evaporate. However, Gbagbo may be able to prevail on the UN to allow an extension, with the international body understandably reluctant to leap into the constitutional void that opens under a transitional programme. The need to set a new election date will be Gbagbo's constant reprise in the coming weeks. This raises the question of what happens now to Obasanjo's gambit. The Nigerian President will certainly not take kindly to being so firmly contradicted by his Ivorian counterpart and he will bridle at Mbeki's ongoing support for Gbagbo's position. However, the history of mediation in Cote d'Ivoire over the past three years has shown that all interlocutors - however powerful or influential - have been unable to prevent the implosion of their initiatives or to stop themselves from becoming sucked into the deadlock.

**Security Council**

Distr.: General
19 September 2005

Resolution 1626 (2005)**Comment:**

**Adopted by the Security Council at its 5263rd meeting, on
19 September 2005**

The Security Council,

Recalling its previous resolutions and statements by its President concerning the situations in Liberia and Sierra Leone, in particular its resolutions 1509 (2003) of 19 September 2003, 1610 (2005) of 30 June 2005 and 1620 (2005) of 31 August 2005,

Welcoming the Secretary-General's report of 1 September 2005 (S/2005/560),

Welcoming progress made in the preparations for the October presidential and legislative elections,

Welcoming the further extension of State authority, including progress in the establishment of a new Liberian police service and the appointment of new judges and magistrates,

Expressing appreciation for the indispensable and continuing contributions to the Liberian peace process by the Economic Community of West African States (ECOWAS) and the African Union (AU), and for financial and other assistance provided by the international community,

Welcoming the signing by the National Transitional Government of Liberia (NGTL) and the International Contact Group of Liberia of the Governance and Economic Management Assistance Program (GEMAP) which is designed to ensure prompt implementation of the Comprehensive Peace Agreement and to expedite the lifting of measures imposed by resolution 1521 (2003),

Reiterating its appreciation for the essential work of the Special Court for Sierra Leone and its vital contributions to the establishment of the rule of law in Sierra Leone and the subregion and encouraging all States to cooperate fully with the Court as it implements its completion strategy,

Noting that the United Nations Mission in Sierra Leone (UNAMSIL) is scheduled to end its operations on 31 December 2005,

Recalling the briefing to the Security Council by the President of the Special Court for Sierra Leone on 24 May 2005 in which he stressed the need for a continuing international security presence to provide protection for the Special

Court after the departure of UNAMSIL, and *welcoming* the Secretary-General's recommendations in this regard.

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of the United Nations Mission in Liberia (UNMIL) shall be extended until 31 March 2006;

2. *Calls on* all Liberian parties to demonstrate their full commitment to a democratic process of government by ensuring that the upcoming presidential and legislative elections are peaceful, transparent, free and fair;

3. *Calls on* the international community to respond to continuing needs for resources for the rehabilitation and reintegration of ex-combatants and for security sector reform;

4. *Looks forward* to the implementation of GEMAP by the NTGL and succeeding governments of Liberia in collaboration with their international partners, and *requests* the Secretary-General to include information on the progress of this implementation in his regular reports on UNMIL;

5. *Authorizes* UNMIL, subject to the consent of the troop-contributing countries concerned and the Government of Sierra Leone, to deploy from November 2005 up to 250 United Nations military personnel to Sierra Leone to provide security for the Special Court for Sierra Leone, as recommended in paragraphs 90 to 94 of the Secretary-General's report of 1 September 2005 (S/2005/560);

6. *Authorizes* a temporary increase in UNMIL's personnel ceiling, to a total of 15,250 United Nations military personnel, for the period from 15 November 2005 to 31 March 2006 in order to ensure that the support provided to the Court does not reduce UNMIL's capabilities in Liberia during its political transition period;

7. *Further authorizes* UNMIL, subject to the consent of troop-contributing countries concerned and of the Government of Sierra Leone, to deploy an adequate number of military personnel to Sierra Leone, if and when needed, to evacuate UNMIL military personnel deployed to Sierra Leone pursuant to paragraph 5 of this resolution and officials of the Special Court for Sierra Leone in the event of a serious security crisis affecting those personnel and the Court;

8. *Requests* the United Nations Integrated Office in Sierra Leone (UNIOSIL), once established, to assist in providing logistic support for UNMIL military personnel deployed to Sierra Leone pursuant to this resolution;

9. *Requests* the Secretary-General and the Government of Sierra Leone to conclude an agreement regarding the status of military personnel of UNMIL deployed to Sierra Leone pursuant to this resolution, taking into account General Assembly resolution 59/47 on the scope of legal protection under the Convention on the Safety and Security of United Nations and Associated Personnel, and decides that, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall apply provisionally;

10. *Supports* the Secretary-General's recommendation to return to the ceiling of United Nations military personnel authorized in resolution 1509 (2003) by 31 March 2006;

11. *Encourages* the United Nations missions in the region, within their capabilities and areas of deployment and without prejudice to their mandates, to continue their efforts towards enhancing intermission cooperation, especially with regard to the prevention of cross-border movement of arms, combatants and the illicit exploitation of natural resources and in the implementation of disarmament, demobilization and reintegration programmes;

12. *Welcomes* the efforts undertaken by UNMIL to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, and requests the Secretary-General to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action, including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure that allegations of sexual exploitation or abuse against their personnel are properly investigated and, if substantiated, punished;

13. *Requests* the Secretary-General to provide recommendations on a drawdown plan for UNMIL, including specific benchmarks and a tentative schedule, in his March 2006 report;

14. *Requests* the Secretary-General to continue to keep the Council regularly informed on UNMIL's progress with the implementation of its mandate;

15. *Decides* to remain actively seized of the matter.
