

SPECIAL COURT FOR SIERRA LEONE

PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

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

Friday, September 24, 2004

The press clips are produced Monday to Friday.
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The OSWALD HANCILES Column

Suicide of Anti-Kamajor Propaganda By Special Court

There is an implicitly grotesque message in the Special Court's trial of Kamajor leaders like Chief Hingu Norman because they provided leadership for a people forced to endure some of the most sordid brutality in human history in the hands of Liberia's President Charles Taylor-led RUF (with Foday Sankoh as the semi-literate outward leader of the RUF). That message is that: even if you see your people being massacred, your pregnant mothers and sisters having their stomachs ripped open with dull knives, your babies being thrown into boiling pots of palm oil... you should not provide leadership for your people. Not again!! Not in Africa!!! Not by Africans!!! Because you should always fear that if you mobilize your people, and they commit atrocities when they are defending themselves, it is you the leader who would be tried for War Crimes. Your best option would be to run away to a foreign country, and lobby the international community for seven years... crying all over Europe and America at how your people are being massacred. And when it pleases the international community - like it was in Rwanda in 1994; and in Sudan today - they would step in, and try to... shed crocodile tears for your mutilated corpses. It is only in Sierra Leone that those who were the victors in war, those who should be treated as war heroes, are being tried as War Criminals. Read some excerpts from Second World War archives about war crimes committed by 'victorious' Allied Powers of Germany, Russia, Britain - but with only the losing Germans being tried for war crimes.

"ITALY Just before World War II started in Europe, Italy invaded the almost defenceless country of Ethiopia (Abyssinia) in October 1935. It was a brutal and ruthless invasion in which mustard gas was used for the first time since the Great War of 1914-1918. During the Italian invasion around 275,000 Ethiopians were killed.... For this and other atrocities committed by fascist troops in Africa and the Balkans, no Italian was ever prosecuted for war crimes. As one author states "There was no Nuremberg for Italian war criminals".... The power station at Bretto,

near Udine, in Northern Italy, was guarded by a unit of the Italian Carabinieri consisting of twelve men commanded by Sergeant Dino Perpignano. While returning to his barracks, Sgt. Perpignano was captured by a gang of Italian.... Threatened with torture, Sgt. Perpignano was forced to reveal the unit's password, thus allowing the partisan gang to enter the barracks and overpower the Carabinieri, some of whom were already asleep. After having ransacked the barracks, the partisans herded their prisoners into an upstairs room and after a while were given food which contained a mixture of caustic soda and black salt. As they started feeling sick they realized they had been poisoned. In severe pain, crying and begging for their lives, they were forced marched to an alpine refuge in the mountains, there to face a terrible death. The Carabinieri were then stripped, tied up and brutally murdered by pickaxes and kicks to the body. Some had their genitalia amputated and stuck in their mouths, eyes were gouged out. One had a photo of his five sons stuck into his heart....

"STARVATION AT REMAGEN: After the capture of the Remagen Bridge, the US Army hastily erected dozens of 'Prisoner of War' cages around the bridge-head. The camps were simply open fields surrounded by concertina wire.... The German prisoners were hopeful of good treatment from the GIs but in this they were sadly disappointed. Herded into the open spaces like cattle, some were beaten and mistreated. No tents or toilets were supplied. The camps became huge latrines, a sea of urine from one end to the other. They had to sleep in holes in the ground which they dug with their bare hands. In the Bad Kreuznach cage, 560,000 men were interned in an area that could only comfortably hold 45,000. Denied enough food and water, they were forced to eat the grass under their feet and the camps soon became a sea of mud.... when the camps were under American control, a total of 18,100 prisoners died from malnutrition, disease and exposure. This extremely harsh treatment at the hands of the Americans resulted in the

deaths of over 50,000 German prisoners of war in the Rhine Meadows camps alone in the months just before and after the war ended.

"GANG RAPE IN NEMMERSDORF Just inside the east German border with Czechoslovakia, the town of Nemmersdorf was the first to fall into the hands of the victorious Red Army. Overrun by General Gatlitsky's 11th Guards Army, his soldiers, crazy with bloodlust, set about raping, looting and killing with such ferocity that eventually discipline had to be restored to force the soldiers back to fighting the war. From buildings, Russian signs were hung which read 'Soldiers! Majdanek does not forgive. Take revenge without mercy!'. When the Soviet 4th Army took over the town five days later, hardly a single inhabitant remained alive. Women were found nailed to barn doors after being stripped naked and gang raped, their bodies then used for target practice. Many women, and girls as young as eight years old, were raped so often and brutally that they died from this abuse alone. Children were shot indiscriminately and all those trying to flee were crushed to death under the treads of the Soviet tanks. Forty French prisoners-of-war were shot on the spot as spies after welcoming the Red Army as liberators. Seventy one women and one man were found in houses, all dead. All the women, including girls aged from eight to twelve, had been raped...."

World War II archives

May Sierra Leoneans cure themselves of their slavish mentality as the Special Court re-writes history for them. The atrocities allegedly committed by the Kamajors were unpardonable - to be pardoned only by the harsh realities of war which transmute normal men into beasts; by the fact that the Kamajors were defending their bodies, and very soul, and they succeeded in keeping the rebel monsters at bay in their traditional lands, and when compared to the rebels, the Kamajors were veritable boy scouts; be pardoned by the reality that it is the prerogative of victors to pardon themselves. If we allow the charade of trying the Kamajor leaders in the Special Court to go unchallenged, we would be sowing the seeds for collective suicide in the future...

The OSWALD HANCILES Column

"Capitulation of Justice..." (?) Vs Decapitation of Justice!!!

"The three CDF indicies of the Special Court for Sierra Leone yesterday refused to attend afternoon sessions. Samuel Hinga Norman, Moinina Fofana and Allieu Kondowa were indicted for war crime offences committed by Kamajor fighters against civilians in Sierra Leone between 1996 and 2000... Norman threatened that he would boycott subsequent sittings unless witnesses testifying in court do so openly.... Prosecution counsel, Mohamed Bangura, said that they would not want to be drawn into making statement regarding the merits or demerits of the cause to witness protection... Justice Bankole Thompson reacted that it will not be proper for the court to review the clause relating to witness protection on its own motion... The judge said that such a move would be tantamount to what he described as 'judicial capitulation'... Judge Benjamin Iloe said... 'We cannot depart from the responsibility given to us by the UN Secretary General Kofi Annan...'"

— "KAMAJOR INDICTEES IN BOYCOTT", Salone Times, September 21st, 2004

The learned Special Court Judge, Bankole Thompson (is he of Sierra Leonean heritage?) who I quote above spoke of "capitulation of justice". Justice Thompson could have been confusing "legality" with "justice". Justice Thompson was insisting on some "law" concerning witness protection that has been imposed by the amorphous body of the "United Nations" to justify his stance on "justice". Apparently, Kamajor leaders Hinga Norman and co. are repulsed by the injustice of by being prosecuted by faceless prosecution witness who are apparently on the payroll of the Special Court. Who has law on his side? Who has "justice" on his side?

What is this thing about "witness protection" which the Special Court is using. Let me pass on to you information from a far-off country, Phillipines.

"What is the Witness Protection Program?"It is a program established under Republic Act No. 6981, 'The Witness Protection, Security and Benefit Act', which seeks to encourage a person who has witnessed or has knowledge of the commission of a crime to testify before a court or quasi-judicial body, or before an investigating authority, by protecting him from reprisals and from economic dislocation....

What benefits may a witness under the Program receive?

...The benefits include the following: Security protection and

escort services... Immunity from criminal prosecution and not to be subjected to any penalty or forfeiture for any transaction, matter or thing concerning his compelled testimony or books, documents or writings produced... Secure housing facility... Assistance in obtaining a means of livelihood... Reasonable traveling expenses and subsistence allowance while acting as a witness... Free medical treatment, hospitalization and medicine for any injury or illness incurred or suffered while acting as a witness... Free education from primary to college level for the minor or dependent children of a witness who dies or is permanently incapacitated. ..."

—Department of Justice, Phillipines

In the thousands of novels I read as a youth, I learned of witness protection being necessary for those who were courageous enough to serve as prosecution witness against the criminal Mafia families in the United States. In those tension-filled novels, no matter how much the mighty U.S. legal system would strive to protect these witnesses, the Mafia would almost always get to them, and murder them... before they would testify against the Mafia in court. I don't know whether the US has now passed a law that would enable witnesses against the Mafia to hide their identity completely (to be identified only by numbers, like in the Special Court) when testifying in court. It does seem a bizarre way to prosecute someone in a system that touts "justice".

In this case of Hinga Norman and co., it would be relatively easy to lure poor old men to say anything if it would mean a few hundred dollars in their pockets. This would be made easier if these old men know they would not have to face the approbrium of their society for the rest of their lives. They would not need to fear for their lives, because being made a pariah in a village setting for TREACHERY is worse than death. Thus made faceless, Special Court witnesses against the Kamajor leaders would lie with impunity. I wonder whether Justice Bankole Thompson knows the "justice system" of the Mende-speaking Kamajor leaders and prosecution witnesses as regards lying...; being a false witness?

What sane witness would stand up in his society in the South and East of Sierra Leone and prosecute Kamajor leaders like Hinga Norman knowing fully well... The Truth!! The truth of the formal Sierra Leonean army collaborating with rebels

by 1994/1995 to mutilate, murder, loot, and rape hundreds of villages in the South East. The truth of the people rejecting this formal army, and embarking on mass mobilization into the Kamajor movement of nearly every male in some societies. The truth of the Kamajors succeeding in putting the 'fear of Kamajors' into rebels-sobels (you hear sobels-rebels swearing, 'If a do am, nar ar go Bol!' - and face the formidable Kamajors) and succeeding in driving out, and keeping out, the loathsome rebels-sobels. The truth of the Kamajors preventing the AFRC from laying claim to being in control of the entire country when they held on to power in 1997 - with the SLPP government-in-exile avidly supporting the Kamajor. *No human society succeeds without leadership; and leadership is more vital in times of war. All the Kamajor feats were possible because of the leadership of Hinga Norman and co.* A leadership that mean sheer salvation for about two million Sierra Leoneans, and inspired traditional civil defence forces all over the country (why are the "tamaborrohs... Donsos... Gbettis..." not being mentioned in the Special Court).

When Justice Bankole Thompson speaks about "capitulation of Justice" in trying War Heroes like Hinga Norman, he really means that the Special Court is engaged in using laws in the decapitation of justice. This is reprehensible - especially as Justice Iloe invokes the name of the Secretary of the "United Nations" in this act of injustice which runs parallel - in the realm of the civilized - to the very crimes which they are supposed to be trying. Where was the "United Nations"...and especially the person of Kofi Annan when the RUF was daily ambushing people on our roads for YEARS? Where was the "United Nations" when Kondowa mobilized people in Bonthe after the RUF had burned down hundreds of people within their huts? What sort of "justice" is this that arraigns in a court the leaders of those who rose up to defend and protect their people from some form of - that Colin Powell 'nasty word' - "Genocide"!!!! It was the president that preceded Charles Taylor in Liberia in 1990, Master-Sergeant Samuel Kanyan Doe, who used a 'deterrent strategy' of decapitating his tribal 'enemies' when the war started in Liberia. A bit of that from Charles Taylor. The RUF 'nicely' chopped off hands indiscriminately - not axe... off heads. Could we talk about RUFistic or Doe-istic Special Court Judges? Judges who decapitate Justice? How nauseous...!!!!

town of Magburaka

Salone News... Salone News... Salone News...**SPECIAL COURT DEFENCE
LAWYERS' STATUS CHANGED****By Mohamed Mansaray**

The three CDF indictees of the Special Court for Sierra Leone, were absent in court when session resumed recently.

The presiding judge Benjamin Itoe announced that the status of defence lawyers assigned to the first and second accused, Samuel Hinga Norman and Moinina Fofana has been reviewed by the Chamber. The judge said that lawyers for the two accused persons would now be called court-appointed-counsels who are answerable to the court in the conduct of the trials. "But the Chamber might revisit the ruling if the need arises," Judge Itoe said.

The ruling came barely a day after Mr. Norman addressed a letter to the court informing them that he (Norman) does not allow any lawyer to represent him in court.

"We indicated on Monday when the accused refused to attend the afternoon sessions that the defendants have forfeited their right to representation and that we are going to proceed with the trials under Rule 60 of

the Rules of Procedures and Evidence of the Special Court," the Presiding Judge said.

Justice Itoe said however that the Chamber has no comment to make on the third accused Alieu Kondewa who according to the Judge was present in court on Monday. Counsel for Kondewa, Arrow Bockarie informed the court that his client was indisposed and that they are still waiting for the doctor to determine whether his client was fit to attend court.

Counsel for Mr. Fofana, Charles Margai also informed the court that his client has had a change of mind to attend court and that he needed to see a doctor. Justice Bankole Thompson on his part described the conduct of certain accused persons as "disrespectful for the Rule of Law," and regretted that the court has wasted a lot of time on the issue of representation. That view was re-echoed by Justice Pierre Boutet.

Mr. Norman had told the court this Monday that he would only attend sessions if witnesses are made to testify openly.

THE EXCLUSIVE

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Friday September 24, 2004

Le500

Security

...Special Court Witness Expresses Concern

By Joseph Turay

Prosecution witness TF 2-151 has expressed concern

over his protection from the public gallery. The witness observed that since his identity has already been made

known by counsel for the 1st accused Sam Hinga Norman, he would continue to testify by mentioning certain names

provided the judges could give him protection. This security concern raised

by the witness came during the process of cross-examination by the learned counsel for the defence, Dr. Bu-

Buakie Jabbie.

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Security

From front page

According to the witness, since he had started giving names and addresses of certain individuals, his identity would be disclosed to the public gallery because, according to him, everyone in his neighbourhood in Keneba knows him.

The counsel for the prosecution, Mohamed Bangura, objected that the

defence counsel should not continue to ask the witness about certain individuals and their addresses since this would reveal the witness's identity.

The counsel for the prosecution therefore suggested that if the trial should continue, they should go into closed session in order to protect the witness's identity.

The defence counsel, Yada Williams, did not object to

the prosecution's application but said that the evidence that would be given by the witness must be made available to the public in written form.

The judges however ruled that they considered the submission made by the defence but said that they would prefer the application of the prosecution to let the trial go into closed session.

Witness Testifies Kamajor Atrocities

PROSECUTION WITNESS at the UN Special Court TF2-151, born of Mattru-Jong, a tailor by profession, explained how he was brutalized and others killed by the Kamajors. He told the court that when AFRC known as junta took control of Kenema in 1998, he was afraid and fled the town.

by
SU THORONKA

According to him, when he returned later he found the situation different. He took a walk around the town and just opposite the SLPP office, where he saw some young men playing scrabble game.

One Kamajor invited him to the CDF office which was situated at the Kaisamba Terrace junction. On their way to the CDF office, the witness said he saw a man being chased by some Kamajors with cutlasses in their hands.

This man who the Kamajors identified as a junta collaborator was eventually hacked to death and his corpse burnt down using petrol and tyre. The witness said on arrival at the CDF compound he was escorted into an office upstairs where he was stripped naked and subjected

to some form of inhuman treatment.

He was released through the intervention of one Kaisamba. On another occasion the witness said a Kamajor who drove a jeep parked right in front of his tailor shop and told him that the Pa would like to see him in the jeep.

The witness said one Fefegula who was in the jeep told him to get onboard and the driver drove off to a spare parts shop.

"Immediately the man in the jeep saw me, he pointed his finger at me, saying this is the man accusing me of collaborating with the junta," the witness continued. The driver then finally drove off to the CDF office.

On arrival at the CDF office, the witness said he was mercilessly beaten and Fefegula instructed the Kamajors to take him upstairs where he was locked in a cell for the whole night. On the following morning,

he was again taken to Fefegula who told him that he (Fefegula) signed the death warrant of the man that was hacked to death and that if he does not answer questions put to him accordingly, he will be killed.

The witness said when Fefegula realized that he was a tailor, Fefegula concluded that he used to sew for both Colonel Sesay and Sam Bockarie (Maskita), and therefore, declared him a junta collaborator and ordered the Kamajors to beat him and he was later tied up for about three hours.

The witness told the court that when he was finally untied after three hours, he experienced a complete nervous breakdown of the upper limbs which he could not use effectively up to date.

He said he was again locked up in the same cell as before for four days and was only released when his father paid a ransom of about 432,000-434,000 leones to Fefegula.

"I was going to town one day to see a doctor after my release from detention when I caught up with a police friend who sympathised with my horrible plight.

Not too long, the witness continued, he saw a black mercedes benz car that parked right in front of where he stood and one Kamajor by the name of Magona told him to get onboard and he said to him that he could not use his hands.

One of the occupants in the car opened the door for him and the driver drove off to Foniker. At Foniker, the witness said

CDF office he said Magona ordered the Kamajors to take possession of his radio, money and his apparels including footwear.

He said Magona took out a pen and piece of paper and told him to sign his death warrant but the witness told him that he could not use his hands effectively.

In concluding his testimony, the witness told the court that he was walking along Sumaila Street when he saw a large crowd of onlookers at KDC School Field. He said he saw one Kamajor with a transparent plastic bag with meat inside, the Kamajor that he saw had blood on his hands. The witness told the court that when he enquired, he was told that



NORMAN: on trial for crimes against humanity a man had been killed by the Kamajors his heart and liver put in a plastic bag whilst the whole body was dumped in a hole.

Kabbah For Third Term

From Front Page

for the party convention since any victory besides Berewa, could create difficult circumstances for an unpopular president, whose policies have stepped up the economic problems and created political divide, instead of being a unifying force for the country.

The scandals shrouding most of the party's ongoing district elections have seen open confrontations and counter-accusations of high-handedness on the part of Kabbah and party chairman Dr Sama Banya and of vote-rigging, which to all intents and purposes is a widening of the political gap within the party as the time draws near to choose a Kabbah successor.

"I think Kabbah's hopes will be shattered over Berewa because he has been doing things all along with him and does not trust the others who might be unpredictable in ensuring a safe retirement for president Kabbah. There is too much dirty work.

Be that as it may, a shock defeat for Kabbah might also signal the political doom for Berewa who still needs to impress his opponents and the general

For Di People

Friday September 24th 2004

SPECIAL COURT...

Witness express fear for life

BY THEOPHILUS S. GBENDA

As the ongoing trials at the Special Court for Sierra Leone continue to face challenges, with the 1st and 2nd accused persons Chief Sam Hinga

Norman and Moinina Fofanah effectively boycotting proceedings, prosecution witness TF2-151 has raised concern for his personal security.

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Witness express fear for life

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arguing that the evidence he is giving in court is sufficient to disclose his identity, especially so when he is a popular man in the Kenema community.

Led in evidence by prosecution counsel, Mohamed Bangura, the witness testified that he was in the Kenema township when elements of the AFRC junta regime occupied it in May 1997 until two days before government forces recaptured it in February 1998.

A short while after the town fell to government forces including the Kamajors, he deemed it fit to return.

According to him, he was busy watching some boys playing scrabble, when he was called by one Kamajor and escorted to the CDF headquarters in Kenema, accused of being a junta.

After some interrogation and harassment he was ultimately released on the inter-

vention of a particular man named Foday Kai-Samba.

A few months later, the witness recalled that he was sitting in his tailoring shop when a jeep halted in front of him and invited him to enter.

On entering the jeep, the witness noted that he was taken to a spare parts shop where the owner, Mr. Brima Kpaka identified him as a junta.

The witness was about to comment on the ordeal he suffered afterwards when the prosecution counsel, Mohamed Bangura, raised fears that the witness may end up disclosing his identity if the testimony is not treated with caution.

Owing to the seriousness of the witness's concerns, the trial chamber temporarily adjourned the matter and invited both parties into the chamber for consultation, and later ruled in favour of the prosecution and the session was held behind close door.

Carroll Times

Friday September 24th 2004

SPECIAL COURT WITNESS' LIFE IN DANGER?

By Mohamed Mansaray

A prosecution witness in the on-going trial of CDF indictees of the Special Court, TF2-151 (name withheld) has expressed fears for his life.

The witness raised this fears whilst he was being cross-examined by court-appointed counsel to Mr. Norman, Dr Bu-Buakei Jabbi at Court Room No. 1, New England in Freetown yesterday.

The witness informed court that his identity has been revealed on the basis of the testimony he gave in court. He told the court that the office of the Prosecution had assured him that all witnesses would be protected from being identified by members of

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Witness Afraid Of Being Killed

the public but regretted that the opposite is exactly the case with respect his testimony. "Every youth as well as middle-aged people in Kenema know me very well and those in the public gallery who came from Kenema can easily identify me," he said.

Similar fears for the witness' identity were also expressed by the prosecution lawyer who led the witness in evidence, Mohamed Bangura who requested that the trial be made to continue in close session. The witness was testifying about Kamajor activities in Kenema.

Reacting to the fears raised by Mr. Bangura and the witness over the latter's identity, Dr. Jabbi replied that the witness was led in evidence by the prosecution lawyer and would not understand why the defence should not be accorded the opportunity to cross-examine the witness in open sessions. "It would be prejudicial to the defence if we do not continue this trial in open sessions", counsel emphasised.

Earlier in his testimony, the witness recalled sometime in 1998 when Kamajors took over Kenema from AFRC/ RUF forces. The witness told the court that he received a lot of inhuman treatments from Kamajors during their brief occupation of the town. He told the court that Kamajors tied him with "FM" rope and that he lost the use of his hands for seven months when he was released. "Mr father told me that he paid about Le432,000 to Mr. Fefegula CDF Transport commander to secure my release", he said.

The witness further testified that he witnessed the killing and burning of a man identified by Kamajors as a junta collaborator, at a certain round-about in the town. He testified that he also saw a Kamajor at KDEC school field by Sumaila Street with a transparent plastic bag, containing what the witness described as 'human livers and hearts with blood oozing from the bag. The witness also recalled an encounter with Brima Kpaka, owner of a spare parts shop along Hanga Road when the latter identified him as a junta member in the presence of Mr. Fefegula and other Kamajor.

Asked by Dr. Jabbi why he thought Mr. Kpaka identified him as a junta member, the witness gave three reasons for the action of Mr Kpaka. He told the court that Mr. Kpaka was afraid of his shadow because of his dubious activities during the junta rule which the witness said he was fully aware of and secondly, that Mr. Kpaka did not like the friendship that existed between him and Mr. Kpaka's son Mohamed Kpaka whom the witness described as his best friend. The witness said that Mr. Kpaka was also aggrieved because he (the witness) served for RUF commanders Mosquito and Col. Issa.

The witness testified in Krio though an interpreter in English.

Salone Times
Friday September 24th 2004

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Rights Group Asks Nigeria to End Asylum for Taylor

VOA News

22 Sep 2004, 15:39 UTC



A human rights group says Nigeria's High Court should consider revoking the asylum status of former Liberian leader Charles Taylor over charges he took part in war crimes in Sierra Leone.

In a statement Wednesday, Amnesty International says it has asked the court to accept a legal brief explaining the group's position.

The Nigerian court is currently reviewing a case against Mr. Taylor which was filed by two businessmen. They say they were maimed in Sierra Leone by rebels allegedly supported by Mr. Taylor during the war.

Mr. Taylor has been indicted by a special tribunal in Sierra Leone for war crimes and crimes against humanity in the west African nation's civil war.

Amnesty says Nigeria's decision to grant asylum to Mr. Taylor is a violation of the country's obligations under international law.

The group says Nigeria should hand over Mr. Taylor to the tribunal in Sierra Leone or consider launching a national probe into Mr. Taylor's role in the war.



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Nigeria: Amnesty International seeks to intervene in case reviewing asylum granted to former Liberian President Charles Taylor

press release, 22/09/2004

Amnesty International today applied to the Nigerian Federal High Court to submit an *amicus curiae* brief demonstrating that the decision by the Nigerian government to grant refugee status to Charles Taylor with apparent guarantees to protect him from prosecution for crimes against humanity and war crimes violates Nigeria's obligations under international law.

On 31 May 2004, the Federal High Court decided to review the asylum granted to Charles Taylor. Hearings are currently taking place. The court is expected to consider Amnesty International's application on 13 October 2004.

"Charles Taylor has been indicted by the Special Court for Sierra Leone for crimes against humanity and war crimes. In accordance with international and African conventions on refugees which Nigeria has ratified, he should, therefore, be excluded from refugee protection," Amnesty International said summarizing the conclusions of the brief.

"This rule of international law seeks to ensure that states refrain from offering international protection to individuals who are accused of heinous crimes who are trying to evade justice."

In the brief, Amnesty International argues that Nigeria must either surrender Charles Taylor to the Special Court to face a trial to determine his guilt or innocence or open a national investigation with a view to determining whether to pursue criminal or extradition proceedings in Nigerian courts.

Background

In March 2003, Charles Taylor was indicted for "bearing the greatest responsibility" for crimes against humanity, war crimes and other serious violations of international humanitarian law falling within the Special Court's jurisdiction. These crimes include killings, mutilations, rape and other forms of sexual violence, sexual slavery, conscription of children, abduction and forced labour perpetrated by Sierra Leone armed opposition forces, which Charles Taylor actively supported.

The brief submitted by Amnesty International to the Federal High Court is an *amicus curiae* (friend of the court) brief, in which the organization sets out a legal analysis of issues of international law relevant to the case. It is submitted to assist the Federal High Court in its review of the challenge to the grant of asylum to the former President of Liberia, Charles Taylor.

The brief has also been signed by Professor Guy Goodwin Gill, a leading international expert on international refugee law. He is a Senior Research Fellow of All Souls College, Oxford, and formerly Professor of International Refugee Law at Oxford, Professor of Asylum Law, University of Amsterdam, and Editor-in-Chief of the *International Journal of Refugee Law*. He is the author of *The Refugee in International Law*, Oxford: Clarendon Press, second edition, 1996, among many publications. Professor Goodwin-Gill is also a Member of the Bar of England and Wales and practices from Blackstone Chambers, London.

On 31 May 2004 the Special Court rejected a challenge by Charles Taylor to the indictment in which he claimed that it was prohibited under international law since he was the head of state of Liberia at the time of the indictment (see: <http://www.sc-sl.org/SCSL-03-01-I-059.pdf>)

The full text of the *amicus curiae* brief will shortly be available on Amnesty International's website: <http://www.amnesty.org>.

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War Court Zeros in On Taylor

The Analyst (Monrovia)

NEWS

September 23, 2004

Posted to the web September 23, 2004

Believes Federal Protective Armor Is Cracking, But Will Nigeria Let Go The "Sacred Cow"?

Former President Charles Taylor flew into exile supposedly under a secret international covenant, last year, under the escort of ECOWAS and AU countries as part of the Liberian peace process. This was done in spite of Taylor's 17-count indictment by the War Crime Court in Sierra Leone for his role in RUF's decade-long devastation of Sierra Leone.

While his departure, which many consider unceremonious and constitutional, helped solve the problem of continuous mayhem and killings on all sides by belligerent armed factions in the Liberian conflict, it opened another window of controversy vis-à-vis his repatriation for trial in Freetown. The Freetown court wants him, but Nigeria has been holding on for close to a year now on account of the so-called pact. Now for the first time, the Special Court has disclosed Nigeria's willingness to end the controversy by repatriating Taylor for trial. The Analyst Staff Writer has been looking at a dispatch from the office of the chief prosecutor.

"Nigeria has shown consistent interest in supporting the Liberian peace process, beginning with the Nigerian government's leadership in removing Charles Taylor from Liberia in August 2003. As evidence mounts that Taylor is an obstacle to lasting peace in Liberia, I am optimistic that Nigeria will continue to support the Liberian peace process by transferring Charles Taylor to the Special Court for Sierra Leone." These were the words of the Chief Prosecutor of the Special War Crime Court in Sierra Leone, David M. Crane, as contained in the court's September 20 press dispatch.

Prosecutor Crane's optimism came against the milieu of a statement made last week by UNMIL's head and SRSG Jacques Paul Klein at the UN when he alluded to Taylor's continued negative influence on the peace process in Liberia by saying, "Charles Taylor's shadow still looms over Liberia."

"We have specific information that Charles Taylor continues to interfere in Liberian affairs and we share Mr. Klein's concerns. There can be no true peace in the region until Charles Taylor is brought to the Special Court for Sierra Leone for a fair and open trial," Mr. Crane said as he welcomed SRSG Klein's statement which he noted would serve as a catalyst in softening Nigeria's resolve to give Mr. Taylor a protective asylum in Calabar at any cost.

Klein's support aside, Mr. Crane expressed optimism that Nigeria would eventually transfer Taylor for trial at the Special Court for Sierra Leone because of Nigeria's place in preserving international peace.

According to him, Nigeria has a strong record of support for the Special Court.

"Nigeria sits on the Special Court's Management Committee at UN headquarters in New York; Nigeria is the largest African donor to the Special Court; and from its beginning, the Court has been guarded by the Nigerian contingent of the United Nations Mission in Sierra Leone (UNAMSIL)," Mr. Crane was quoted by the dispatch as saying.

The fact that Mr. Klein's statement at the Security Council is supportive of what the UN-backed special court claimed it has discovered all along, plus Nigeria's continued commitment to that court's existence, according to Chief Prosecutor Crane, indicated that the court was zeroing in on Mr. Taylor and that it was only a matter of time before he was arraigned before the special court.

Whether Nigeria's stance on the Charles Taylor's repatriation issue has anything to do with its commitment to the special court or not, Mr. Crane neglected to say, forcing analysts to believe that his optimism may hinge on sheer conjecture.

"While it is true that Nigerian UNAMSIL troops guarded the Special Court from the beginning and that Nigeria sits on the Special Court's Management Committee at UN headquarters, it does not follow that Nigeria is prepared to abandon Taylor," argued one political analyst who suggested that Taylor may have paid luxuriously for his asylum in Calabar.

According to him Mr. Crane's bases for optimism were not new factors as Nigeria refused to release Mr. Taylor in spite of them.

"Nigeria's argument is she has to protect her reputation as a respecter of international understanding and covenants and Nigeria has consistently pushed this line without mincing words," noted another analyst who noted that it would require the full pressure of the international community, headed by the UN and US, to get Nigeria to let go her "sacred cow" - Taylor.

Where that pressure will leave Nigeria's second argument that Taylor's asylum is part of the peace since it helps to contain him is not known, but observers say the benefit of

repatriating Taylor must be scrupulously weighed against his continued shielding from the law by Nigeria.

Charles Taylor faces a 17-count indictment for war crimes and crimes against humanity committed during the conflict in Sierra Leone.

The charges include terrorizing the civilian population, unlawful killings, sexual violence, physical violence, forced conscription of child soldiers, abductions, forced labor, looting and burning, and attacks on UN peacekeeping personnel.


During preliminary hearings late last year, Mr. Taylor's counsels lost the bid to force the court to abandon the case on grounds of lack of jurisdiction over a sitting president of a neighboring country.

Some legal minds have since argued that Nigeria has committed blunder when she allowed Taylor's counsels to file returns to the special court in the first place only to argue that his trial would jeopardize the Liberian peace process after he lost arguments that the court has no jurisdiction over him.


Whether Nigeria minds her critics on the legal blunder or not is not clear, but what is clear is that Nigeria is ready to stand between Taylor and trial in Sierra Leone as she has done despite international pressure and civic and legal actions from her own citizens against Taylor's continued stay in Nigeria.

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NATIONAL

SIERRA LEONE SEX ASSAULT CASE OPENS

24.9.2004. 12:30:37

Prosecutors have opened their sexual-assault case against an Australian police officer in Sierra Leone charged with four counts of sex crimes involving a 13-year-old girl.

Peter Halloran, a 56-year-old Victorian police officer working with the United Nations war-crimes court in the West African country, denies the accusations.

His housemate and colleague, Mandy Cordwell, first filed the complaint against Mr Halloran.

She has told the court Mr Halloran told her he had employed the girl as a nanny for his girlfriend's toddler but, soon after, she saw the girl sitting on his bed eating rice.

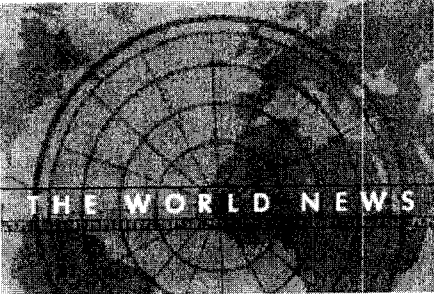
She says the girl told her she had been there for two days.

Ms Cordwell says later found a pair of black shoes, a school uniform and blue jeans from Mr Halloran's room.

The war-crimes tribunal has investigated the matter and found Mr Halloran did nothing wrong.

SOURCE: Radio News

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24/09/2004



ABC Online

Sierra Leone trial begins for Australian policeman. 24/09/2004. ABC News Online

[This is the print version of story <http://www.abc.net.au/news/newsitems/200409/sl205983.htm>]

Last Update: Friday, September 24, 2004. 7:00am (AEST)

Sierra Leone trial begins for Australian policeman

Prosecutors have opened a High Court sexual assault case against a senior Australian police officer employed by the UN-backed war crimes court for Sierra Leone.

Peter Halloran, 56, a senior officer with the Victorian police, has been indicted on four counts of sex crimes for an illegal sexual relationship he allegedly had with a 13-year-old Freetown schoolgirl.

His Australian housemate and colleague Mandy Cordwell first filed the complaint against Halloran and was the first witness called by the prosecution.

She told the court she first saw the young girl on May 31, and learned from Halloran that he had engaged her to work as a nanny for his girlfriend's toddler, who was to arrive in coming months on a visit.

Three days later she saw the girl in Halloran's room, sitting on the bed eating a bowl of rice.

"I asked the girl how long she had been there and she replied two days," Ms Cordwell testified, adding that she had broached the subject with one of the other court employees who also shared the house.

"I was concerned that the girl was still in the room on June 3 so I went upstairs and found her making the bed. I later collected a pair of black shoes, a blue school uniform and blue jeans from Halloran's room."

Ms Cordwell said she presented her concerns to the Special Court's chief of investigations Allan White.

Court spokesman Peter Andersen told AFP in August that the war crimes tribunal had investigated the matter and found no evidence of wrongdoing.

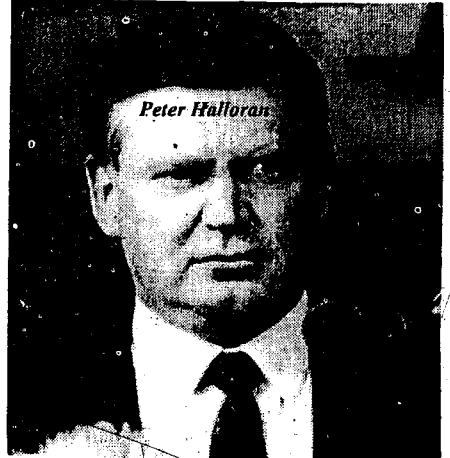
Halloran is on a year-long UN contract serving as a prosecution investigator for the tribunal charged with trying those who bear the "greatest responsibility" for atrocities committed during the west African state's decade of civil war that ended in 2001.

In custody at Freetown's maximum security prison since last month, Halloran has consistently denied any wrongdoing.

The girl's two brothers also face charges of procurement, according to the indictment.

--AFP

CO-AUSSIE TESTIFIES AGAINST PETER HALLORAN!



Peter Halloran

Mrs Mandi Cordwell Harbours No Vendetta Against Him!

AUSSIE-BORN Mrs Mandi Cordwell, has denied any personal vendetta against her colleague in the Special Court, Peter Halloran, when she appeared as prosecution witness to testify against him for alleged sex with an under-aged girl, during yesterday's trial at the High Court presided by Justice Samuel Ademosu.

by

HH YANSANEH

Mrs Cordwell who is also a special court associate criminal investigator, also a former Australian police like Halloran, denied that she just wanted to get Halloran into trouble by testifying against him in

court, nor did she advise the Sierra Leone Police to impound the accused's passport because he wanted to run away from jurisdiction.

The witness also conceded that she had been warned by her office to desist from publicizing the matter further, other than testifying in court, but that she had told one Inspector

Peter De Santo in Australia about Halloran's arrest in Sierra Leone. She denied further informing one Supt Fontana in Australia about the issue in an effort to blacken Halloran's image in Australia.

Earlier in her testimony before the court cross-examined by defence lawyer Nicholas Browne-Marke, Mrs Cordwell said she first

met the first accused in March this year in Australia, where they were both recruited to work for the UN-backed Special Court for Sierra Leone.

She said they both arrived in Sierra Leone together where the accused became an investigations commander.

In Sierra Leone, the witness said they both share the same 6 Wilberforce Valley residence with accused and other Special Court employees such as Ralph Lapierre and Sharon Holt.

HALLORAN: unexpected twist of events in Salone

Led in evidence by prosecuting counsel O.V. Robin Mason, the witness recalled Monday, May 31, this year. She said she was about to leave for work by 8am together with the accused, Miss Holt and one Michael Gonhalpes.

"As we left the resident and boarded the vehicle, I saw a young girl walked from the rear of the house entering the door which we had just exited.

"Upon seeing the girl do that, I asked the first accused who is the girl, and he replied that she was Sheka's mother's sister, "Mrs Cordwell said.

She said Halloran further told her that he had employed the young girl as a nanny and that the girl was at the house so that he could teach her sign language.

"We then continued to work," she said.

The witness further recalled that June 2 this year, she had returned home by 6:30 pm that day and was asked by the ground staff to check

For D. People

Friday September 24th 2004

HALLORAN &

DEAR MANDI!

Two Aussies Do Battle In Court!

From Back Page

house as there was a blockage affecting the supply of water.

She said she had gone upstairs where the five bedrooms were located and opened Halloran's door which was closed but unlocked.

"As I entered the room, I was surprised to see the second accused. Sheka Fofanah's sister, seated beside the bed of the first accused (Halloran), eating from a plate of white rice and cassava leaves.

"I said hello to the girl and told her I was going to check the pump at the bathroom."

She further said before she left the room, she asked the girl how long she had been at the accused's place. The girl, Cordwell testified, had told her that she had been at the accused's place, since Monday.

Later that evening, she said Halloran returned home and saw him entered his bedroom immediately and later went downstairs to collect his dinner from the kitchen.

"The first accused returned to his bedroom once or twice during the evening before finally retiring to bed between 8 pm to 8:30 pm," she testified.

She said she was sitting in the living room by the time the first accused retired and that from the point she sat, she could observe the stairs which she said are the only exit and saw the young girl climbed the stairs.

Cordwell said she also observed later that Halloran's bedroom was in darkness. Recalling the next day, June 3, Cordwell said by 7 am, she saw Halloran came down the stairs to prepare breakfast with Ralph.

"At that point, I was concerned that the girl was still in the bedroom of the first accused. I went straight to the bedroom of the first accused and opened the door which closed but unlocked.

"I then placed my head just inside the door and I observed the young girl making the bed of the first accused. When I saw the girl, I then closed the door and returned downstairs and informed Ralph of my observation," Cordwell said.

The witness said she went to work with Ralph by 8 am but later returned with Ralph 30 minutes later where they met second accused Sheka Fofanah, standing at the foot of the stairs. Fofanah, she said, quickly told them her sister was present in the house because Halloran had said

saw the young girl standing in the kitchen, and the second accused introduced me to the girl and said her name was Kadie," Cordwell told the court.

She went further to say that she had asked Kadie if she could go with her upstairs for a chat and to which she said the second accused agreed. She said she took Kadie to her bedroom where she had a discussion with her and that she had told her about herself and some behavior with Halloran.

"As a result of what I was told by Kadie, I returned downstairs with her and then had discussion with Ralph. And as a result of that discussion, a short time later, myself, Ralph and Kadie left the house for the Country Lodge at Hill Station and later joined by SLP Woman Sgt Janet Tommy, (attached at the Special Court)," she said.

She added that they later went to Sea View at Spur Road where Sgt Tommy had a discussion with Kadie. She said by 11:35 am that same day, she went into Halloran's bedroom and collected a pair of female black shoes, a pair of blue school uniform and a pair of blue jeans.

The witness said later that day, she had a discussion with the Chief of Investigations at the Special Court, Dr Allan White and told him about Kadie's allegations against Halloran, while Kadie was still at Sea View with Sgt Tommy.

She said she had instructions from Dr White to write the 4 Lombard Street residence of Kadie and check her welfare.

"We saw Kadie, spoke to her and she gave further information, and that was the last time I saw Kadie," Cordwell concluded.

For Dr. Pleville
Friday September 24th 2004

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Vic policeman's sex trial opens

From correspondents in Freetown, Sierra Leone

September 24, 2004

AN AUSTRALIAN policewoman has been called as a witness to open the prosecution case against a senior Victorian police officer facing child sex charges in the African nation of Sierra Leone.

Superintendent Peter Halloran, a former head of Victoria's homicide squad working in Africa as a UN war crimes investigator, has been indicted on four counts of sex crimes involving a 13-year-old schoolgirl hired to work in his home.

Prosecutors in the High Court in Sierra Leone's capital Freetown opened their sexual assault case against Halloran by calling Tasmanian police officer Mandy Cordwell as their first witness.

Ms Cordwell was working under Halloran as a war crimes investigator and together with her husband shared a house with the Victorian in Freetown. She first filed the complaint against Halloran, 56.

She told the court that she first saw the teenager on May 31, and learned from Halloran that he had engaged the girl to work as a nanny for his girlfriend's toddler, who was to arrive in coming months on a visit.

Three days later she saw the girl in Halloran's room, sitting on the bed eating a bowl of rice.

"I asked the girl how long she had been there and she replied two days," Ms Cordwell testified, adding that she had broached the subject with one of the other court employees who also shared the house.

"I was concerned that the girl was still in the room on June 3 so I went upstairs and found her making the bed. I later collected a pair of black shoes, a blue school uniform and blue jeans from Halloran's room."

Ms Cordwell, 37, a detective sergeant in Tasmania before resigning to work in Sierra Leone, said she presented her concerns to the Special Court's chief of investigations Allan White.

Court spokesman Peter Andersen said in August that the war crimes tribunal had investigated the matter and found no evidence of wrongdoing.

Halloran has been charged with unlawful carnal knowledge, indecent assault and procuring a girl under 14 years.

The Victorian, in custody at Freetown's maximum security prison since last month, has consistently denied any wrongdoing. The girl's two brothers also face charges of procurement, according to the indictment.

Halloran's lawyer has said he faces two years in prison if found guilty, but other reports have said he could be sentenced to up to 15 years in jail.

Halloran is on one-year UN contract serving as a prosecution investigator for the tribunal

charged with trying those who bear the "greatest responsibility" for atrocities committed during the west African state's decade of civil war that ended in 2001.

With AAP and Agence France-Presse

This report appears on NEWS.com.au.

09/23/2004 15:06:57

UN pullback in Sierra Leone moves to security handover in capital

FREETOWN, Sept 23 (AFP) - UN peacekeepers on Thursday handed over responsibility for security for Freetown to Sierra Leone's nascent police and armed forces, the latest step in a staggered withdrawal after a five-year mission to restore calm to the west African state.

At a colorful ceremony on the steps of the State House, Vice President Solomon Berewa stood solemnly next to top UN military and police commanders as the country prepared to assume responsibility for its own security.

"We are confident in their abilities, we have tested them and seen what they are able to do and we know how to help them improve on their weaknesses," Hudson Benzu, the UN civilian police commissioner, told AFP.

"We are not going away, though -- we will be hanging around to continue to help them, to continue to train them and to reassure the public that they are ready."

At its peak, the UN mission in Sierra Leone (UNAMSIL) following a decade of savage conflict was the world's largest, involving more than 17,000 peacekeepers in the disarmament and stabilization of the country no bigger than Scotland.

But five years and hundreds of millions of dollars later, the mission is winding up its peacekeeping operations, though it will maintain a presence at least through June 2005.

Some 7,800 police officers have been trained by a cadre of international police to take over internal security responsibilities, including manning checkpoints around the diamond-rich country.

Another 410-strong class of police cadets at the Hastings police academy, including 109 women, is expected to be out in the field within weeks, Banzu said.

"Our forces are ready to enhance their capacity to coordinate actions and activities to provide national security countrywide," said national security coordinator Brigadier Kellie Conteh.

"It is good we are taking over now while UNAMSIL is here so they would see where there are lapses and we shall benefit from their experiences."

National police chief Brima Acha Kamara has begun deploying his forces nationwide, sending a squadron in August to the eastern Tongo Fields area to fill a vacuum left by the departure of a battalion of Zambian soldiers.

Their training includes basic computer skills, fingerprinting, human rights and community policing. Other more experienced officers have undergone courses to qualify as police trainers and mentors.

UNAMSIL troops have pulled back from the north, south and east of Sierra Leone since May, to leave 8,851 troops in country as of September 7 according to a new report by UN Secretary General Kofi Annan.

"As planned, by the end of December, the strength of the mission will be reduced to fewer than 5,000 troops," Annan said in his report to the UN Security Council.

"By the end of February 2005, it is expected that the force strength will be 3,250 troops... accompanied by a concomitant reduction of civilian staff."

The withdrawal of UN troops has been met with mixed views around Sierra Leone from civilians worried that their own security forces are ill-equipped to handle the potential conflicts that may arise among a population crippled by unemployment and rising prices on staple goods.

"It is the right time for the security forces to take over their responsibilities as after all they are being paid with taxpayer money," noted Yenor Senessie, who watched the ceremony at the state house.

Fears of weapons passing over the porous borders with neighbors Guinea and **Liberia**, itself emerging from 14 years of nearly-uninterrupted war, are also breeding a lack of confidence.

"Oh, what a blunder. UNAMSIL should have waited a little longer," Freetown pensioner Alimamy Kabia said.