

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



Today's judgement in the contempt trial of Bangura, et. al. was delivered from The Hague and streamed by VTC link to the courtrooms in Freetown and Kigali

PRESS CLIPPINGS

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

as at:

Tuesday, 25 September 2012

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

Local News

AFRC Leaders Found Guilty of Contempt.../ <i>OPA Press Release</i>	Pages 3-4
The TRC and The Special Court for Sierra Leone / <i>Standard Times</i>	Pages 5-6
First Peace March / <i>Salone Times</i>	Page 7
Kabwe Mayor Shares How He Was Captured.../ <i>Awoko</i>	Page 8

International News

Special Court Supplement

Contempt Judgement, Bangura et. al., in Freetown / <i>OPA</i>	Pages 9-10
---	------------



Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 25 September 2012

AFRC Leaders Found Guilty of Contempt, Interfering in the Administration of Justice

Three senior members of Sierra Leone’s former Armed Forces Revolutionary Council (AFRC), two of them already serving sentences on convictions by the Special Court, have been found guilty of contempt for tampering with a former prosecution witness.

The judgement was delivered today by Special Court Judge Justice Teresa Doherty from The Hague and streamed to courtrooms in Freetown and Kigali, Rwanda on a three-way VTC video link.

Santigie Borbor Kanu (aka: “Five-Five”) and Hassan Papa Bangura (aka: “Bomblast”) were each found guilty on two counts of interfering with the administration of justice by offering a bribe to a witness, and for otherwise attempting to induce a witness to recant (or to state that he testified falsely) testimony he gave before the Special Court.



Ibrahim Bazy Kamara
File Photo



Santigie Borbor Kanu
File Photo



Hassan Papa Bangura



Samuel Kargbo

Ibrahim Bazy Kamara was convicted for attempting to induce a witness to recant his testimony. He was found not guilty on a second count, of offering a bribe to a witness. Kamara was also convicted on a third count of knowingly violating a court order protecting the identity of a witness who had testified against him in the AFRC trial.

A fourth Accused, Samuel Kargbo (aka: “Sammy Ragga”) pleaded guilty at his initial appearance in July 2011 and was convicted on both counts. He subsequently testified for the prosecution. Kargbo remains free on bail on his own recognizance pending sentencing. He appeared in Court for today’s judgement.

During the trial which opened on 16 June, Justice Doherty heard testimony in both Freetown and Kigali. Kamara and Kanu are currently serving sentences of 45 and 50 years, respectively, at the Mpanga Prison in Rwanda on convictions for war crimes and crimes against humanity. Kamara and Kanu attended the

hearings at the ICTR's courtroom in Kigali, while Bangura and Kargbo participated from the Special Court's courthouse in Freetown. The two courtrooms were connected by VTC video link. Kamara and Bangura each testified in their own defence. Kanu also testified in his own behalf and called one additional defence witness.

Justice Doherty will now schedule sentencing proceedings.

Under Rule 77(G) of the Special Court's Rules of Procedure and Evidence, a person convicted of contempt faces a maximum sentence of seven years in prison, a maximum fine of two million leones (approximately \$500), or both. In May 2012 the maximum fine was increased to twenty million leones, to apply to any future cases.

Convicted persons have the right to appeal both judgement and sentence.

In June, former Revolutionary United Front (RUF) member Eric Koi Senessie was sentenced to a two year prison term after being found guilty of interfering with five prosecution witnesses who testified in the Taylor trial.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

INFORMATION FOR MEDIA - NOT FOR ADVERTISING

Produced by the
Outreach and Public Affairs Office
Special Court for Sierra Leone
Mobile: 232 76 655732
Email: SCSL-pressoffice@un.org

Visit our website at www.sc-sl.org

Standard Times

Monday, 24 September 2012

The TRC and The Special Court for Sierra Leone

Reflection

PART ONE

BY: ISSA B.M. KAMARA

The way I perceived the two approaches was simply that they were complementary. One is for stability and unity within the Country.

The second is that according to international law or inhuman crimes against humanity are punishable. In South Africa it was only the TRC, now in the Ivory Coast we are hearing about the ICC. Atimes in both, we depend highly on hearsay evidence or what victims or perpetrators say. This has been my dilemma to rationalize the two as we had it in Sierra Leone. I have decided to bring back to you what I presented to you some time ago:

“For quite a long time I have been thinking about the validity of hearsay evidence in any court of Law. The more I thought about it the more confused I become. Someone will say why do you have to feel that way? The reason is very simple, because as a professional journalist, someone will give me some news which I may pass out to others though I may not have been at the scene. What would you say about a hearsay evidence tendered in Court and yet well collaborated in Court? Well it appears I have been rescued by some legal mind.

Admissibility of Hearsay Evidence in the Special Court for Sierra Leone.

(Courtesy Angelo Stavrianou...in The Monitor)

I. Introduction

The rule against hearsay is a fundamental rule of evidence applicable in most common law jurisdictions. The adhoc international criminal tribunals and the International Criminal Court are more flexible in the admissibility of evidence.

It is well established that hearsay evidence is admissible in the Special Court for Sierra Leone (Special Court), the International Criminal Court, the International Criminal Tribunal for Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). When determining whether evidence will be admitted these courts and tribunals are concerned with the relevance of a statement, rather than its reliability which is assessed at the end of the trial.

The decision to allow hearsay into evidence has perplexed many international commentators, who argue that this compromises the right of the accused to a fair trial. This paper examines the rule against hearsay, the position taken by the Special Court, and arguments for and against the admissibility of hearsay evidence. It asks the question: Should the court continue to admit hearsay, or limit admissible evidence to direct evidence?

II. THE RULE AGAINST HEARSAY

The rule against hearsay operates as follows:

An assertion other than one made by a witness while testifying in the proceedings is inadmissible as evidence of any fact asserted.

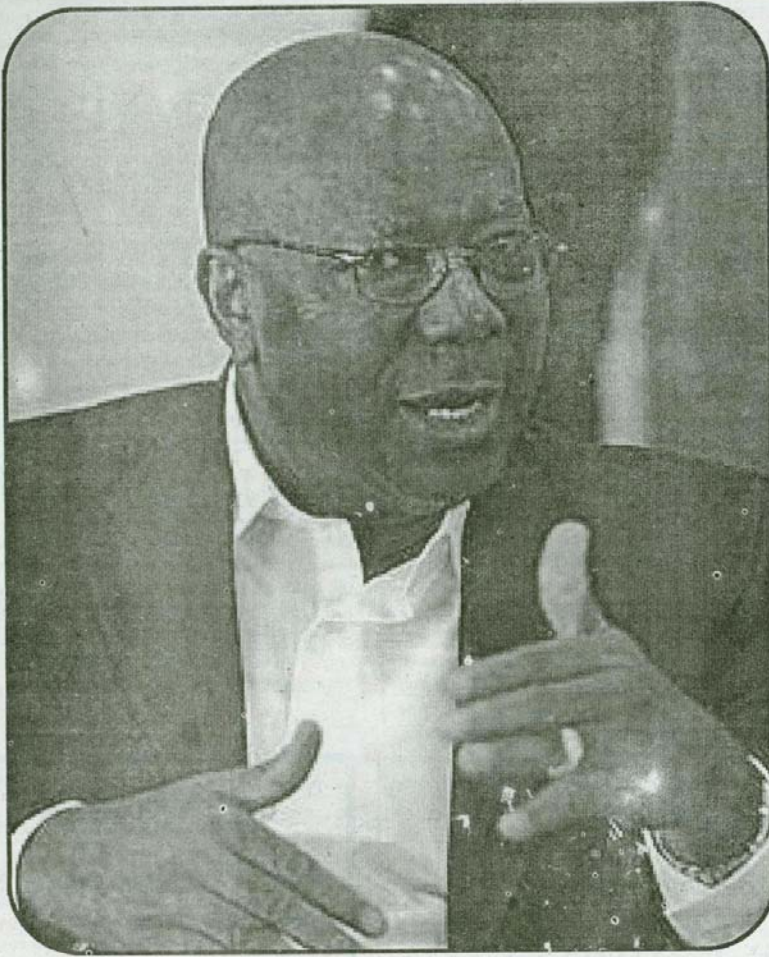
Hearsay encompasses statements made by a witness that are based on what someone else has told them. Such statements are inadmissible if the object of the evidence is to prove the truth of what was said. It is not hearsay and is admissible when the object of the evidence is to establish not the truth of the statement, but the fact that the statement was made.

The effect of the rule is that witnesses are only permitted to testify in relation to what they have personally seen and heard. They are not permitted to testify as to the assertions of others.

III. ADMISSIBILITY OF HEARSAY IN THE SPECIAL COURT

A. Statute

While the Rules of Procedure and Evidence for the Special Court for Sierra Leone (**Special Court Rules**) do not directly address the issue of hearsay, the Trial Chamber has discretion under Rule 89 © to admit any relevant evidence, including hearsay. Similar provisions exist in the



Kabbah

Rules of Procedure and Evidence for the ICTY and ICTR; however they specify that the evidence must also be probative. It was pointed out by the Prosecution in the Fonfana Bail Appeal Decision that while the Rules for the ICTY explicitly refer to the probative value of the evidence, and the Special Court Rules do not, the requirement that the evidence is relevant is essentially the same as the requirement that it be probative.

B. Case Law

The Special Court has consistently decided in favour of admitting hearsay into evidence, finding that relevance is the only condition for the admission of evidence, and that its reliability is considered at a later stage. Hearsay is admitted on the basis that the Trial Chamber consists of professional judges who are capable of evaluating the weight to be given to it.

Determinations on the admissibility of hearsay are considered to be a waste of the court's time.

On the 24 May 2005 the Trial Chamber in the AFRC case handed down a decision on a joint defence motion to exclude the evidence of a witness on the grounds that it was hearsay. The disputed evidence of the witness was that he

was present when a man named Mr. Saj Aliou reported to his uncle that a person referred to as "55" (an alternative name given to the accused) shot a woman.

Defence counsel argued that hearsay evidence should only be admissible where there are difficulties in obtaining first-hand accounts. The Trial Chamber disagreed, stating that it is not necessary for the Prosecution to establish that the other people involved in the conversation are not available to give evidence.

The Trial Chamber decided that this issue goes to the weight, rather than admissibility, of the evidence.

In reaching a decision the Trial Chamber considered the decision of the Appeal Chamber in the *Fonfana Bail Appeal Decision*. In that decision the Appeal Chamber found that the Trial Chamber erred in law in refusing to admit hearsay evidence. The Appeal Chamber interpreted Rule 89 (c) as follows:

Rule 89 © ensures that the administration of justice will not be brought into disrepute by artificial or technical rules, often devised for jury trial, which prevent judges from having access to information which is relevant.

Judges sitting alone can be trusted to give second hand evidence appropriate weight, in the context of the evidence as a whole and according to well understood forensic standards. With this in mind, the Trial Chamber found that the reliability of evidence does not affect its admissibility. The Trial Chamber confirmed that its decision to admit hearsay evidence 'does not imply that it accepts it as reliable and probative. The Trial Chamber will admit evidence on the basis of its relevance, and at the end of the trial it has the responsibility of 'evaluating the evidence as a whole, in light of the context and nature of the evidence itself, including the credibility and reliability of the relevant witness'.

The Trial Chamber ruled that the evidence was relevant and therefore admissible under Rule 89 ©. This decision was consistent with the Fonfana Bail Appeal Decision where the Appeal Chamber remarked that evidence is admissible once it is shown to be relevant; the question of its reliability is determined thereafter, and is not a condition for its admission. These decisions reflect the view taken by the Special Court that the trials are conducted by professional Judges who are capable of determining the weight to be given to hearsay evidence.

IV. ARGUMENTS FOR AGAINST THE ADMISSION OF HEARSAY EVIDENCE

The following section considers the arguments for and against the admission of hearsay evidence.

A. The reliability of hearsay

The rule against hearsay reflects the fact that hearsay evidence is not as reliable as direct evidence. This section examines factors undermining the reliability of hearsay evidence.

1. No opportunity to cross-examine the primary witness

Juries, and in international tribunals, Judges, have the onerous task of evaluating the evidence of each witness. The reliability of their testimony is affected by their honesty, perception, memory and narration. These factors can be tested in cross-examination; however, in the case of hearsay evidence as the primary witness is not coming before the court this is not possible. If a witness providing secondary evidence has misheard or misremembered a statement, or taken it out of context, this is not evident to the court unless the primary source of the statement is cross-examined. Cross-examination gives the court the opportunity to test the reliability of evidence and assess the credibility of a witness by observing their demeanour. The Special Court has ruled that whether or not evidence can be tested by cross-examination goes to the weight of the evidence, not its admissibility.

Hearsay evidence coming before the Special Court is of an even more extraordinary nature as in many cases it is not just second-hand but third and fourth-hand accounts. In countries with a largely rural population, such as Sierra Leone, the majority of information travels by words of mouth.

When a witness testifies it is impossible to test how many individuals a statement they are making has passed through before it reached them. This further compromises the reliability of such a statement.

2. Hearsay evidence is not provided under oath

The reliability of hearsay evidence is further undermined because it is not provided under oath. When evidence is provided under oath a witness is required to testify in the solemn context of proceedings in court, being instructed as to their obligation to tell the truth and the consequences for not doing so. It is common for people to mislead others, particularly when they are not aware of the implications of their statements. It is a lot less likely that someone will make misleading statements before a courtroom, while under oath.

The reliability of hearsay evidence is further undermined because it is not provided under oath. When evidence is provided under oath a witness is required to testify in the solemn context of proceedings in court, being instructed as to their obligation to tell the truth and the consequences for not doing so...

Salone Times
Monday, 24 September 2012

First Peace March ... **Master Peace, OFP, COJA Take The Lead**

By Ibrahim Joenal Sesay

In celebrating the International Day of Peace, three youth organizations -Master Peace Sierra Leone, One Family People and COJA have held the first ever peace march as part of the celebration.

The event which was done in collaboration with the Special Court of Sierra Leone started at the Freetown Cotton Tree and ended at St. John with the theme 'Sustainable Peace for a sustainable future'

The Executive Secretary of COJA Sulaman Jabati described the two days event as a special day in the history of the country.

He called all political leaders to put peace in all their campaigns and rallies for sustainable peace, pointing out that justice should prevail at places of work as well as when dealing with women



and children group.

Director of One Family People Edward Emmanuel said it is important for all to appreciate the International Day of Peace. He encouraged his audience to preach peace in every aspect of their lives through that he said peace will be sustained in the country.

Vice Chair Central ZYC Rugiatu Watta Kandeh in her statement of the role of women in peace said among other things that during the days of the war, women and children are the ones that suffer the most in the country. She pointed out that women stood



firm to ensure that peace be restored in the country because they took the lead. She then called on all women to come forward and take part in decision making.

"This is not the time for us to left behind, no more for us to be at the back yard. It is time for us to take part in decision making. We should advice our husbands and children about the need of sustainable peace in the country," she said.

She went on to say that the 30% quota is a clear manifestation for women to take the lead and stressed that women can do it better than men when it comes to decision making.

President of the National Youth Coalition Al-Sankoh Conteh said if the youths want to maintain the peace they should refrain from taking drugs. He went on to say that Sierra Leone have more reason to celebrate the day, "... if we are enjoying peace today we have to be grateful to all stockholders, the UN, ECOWAS, AU , EU among others for their tremendous supports."

He stressed that the youth are more vulnerable because they lack jobs, pointing out that all of them have a responsibility to play by not allowing themselves to be given drugs.

Country Coordinator Master Peace Sierra Leone Charles S. Boye said their goal is to see that they attain peace. He called on all to use the method of dialogue to attain peace in any community.

The two days celebration climaxed on the 21st September 2012 at the National Youth Commission National Stadium Swimming pool where youths gave their commitment and plan for all political parties to sign a ballot card as agreement for peaceful 2012 elections while One Family People brass band thrilled the audience with their peace songs.

Awoko

Tuesday, 25 September 2012



Zambia has won international accolades for the role the country continues to play in United Nations (UN) peace keeping missions in countries experiencing civil strife. However, these missions have in some cases been life threatening for soldiers on the tour of duty as the case was for Moses Mwansa and over 400 troops from Zambia and other countries that were captured in Sierra Leone by Revolutionary United Front (RUF) in 2000. Mr Mwansa who is now mayor Kabwe shared his experience with CHAMBONGUNI.

THEN a lance corporal in the Zambia Army based at Chindwin Barracks in Kabwe, Moses Mwansa, who is now Kabwe mayor, was among Zambian soldiers who were captured in Makeni, Sierra Leone by RUF rebels of Foday Sankoh. They were in captivity in Yamado for over three weeks.

"If I can recall exactly we were in captivity from April 6 to May 27, 2000. At that place life was rough; our food was mongos, pineapples, guavas and roasted bananas," Mr Mwansa recalled, adding, "It was rough being held by those rebels, sleeping was difficult, our combats were grabbed so we were in shorts and others just in pants and this was a rainy season."

Mr Mwansa who joined the Zambia Army in 1994 at the age of 22 was on April 26, 2000 among Zambian troops from Kabwe who left the country for a UN peace keeping mission in Sierra Leone at the height of the civil strife in that country.

Mr Mwansa, who is now a retired soldier, remembers that the Zambian contingent he was part of arrived at Lungi International Airport in Freetown, Sierra Leone where the headquarters for Zambata was.

Whilst there on April 29, 2000 the heads of the Zambian troops received an order to deploy some troops in Kano but as they were moving to this region another message came that Kenyan peace keepers were under rebel siege in Makeni and there was need to reinforce them.

On May 3 as the Zambian battalion which was being led by a lieutenant colonel was proceeding to Makeni, Mr Mwansa said the RUF rebels blocked the road with logs.

Further ahead the crafty and merciless rebel fighters dug holes on the road, thereby slowing the movement of the Zambian peace keepers.

Mr Mwansa said as the convoy progressed in a rebel infested area, a

group of rebels in army gear and others in civilian attire approached the on-coming convoy of peace keepers demanding to speak to the Zambian commander to know their mission.

Later, they were met by another group of rebels wielding guns in a vehicle, who claimed that their leader wanted to meet to the Zambian commander. Apparently through their intelligence the rebels knew the name of the Zambian commander and how he looked like.

"He (the Zambian commander) agreed to meet him (rebel leader) and six armoured personnel carriers were released for the protection of our commander with six TDIs Land Rovers and two Land Cruisers under the protection of Alpha company," Mr Mwansa recalled.

This encounter was to later lead to the capture of the Zambian troops.

The Kabwe mayor added: "We waited for them, until around 17:00 hours that is how a young boy with a weapon on a motorbike came with a message that the Zambian commander had sent him to call us that we were free to join him." Mr Mwansa said while all this was happening the Zambian peace keepers were trying to communicate with the commander to verify the message but there was no response from him.

"At that time all commands reorganised so that we could join our commander. This is when Zambian soldiers and rebels mixed up and after moving for some time we were about

Kabwe Mayor shares how he was captured in Sierra Leone

to retreat, but the rebels insisted that we don't," Mr Mwansa who was then in the Alpha company second platoon and was section commander said.

He said around 18:00 hours the peace keepers reached Milo only to find Zambian armoured personnel carriers that were used by the commander's team packed and on the other side was a TATA bus which belonged to the Indian battalion. Some of the rebels at Milo under a rebel leader, who later introduced himself as General Mosquito, were dressed in UN-Zambia army attire. Mr Mwansa said Gen Mosquito cautioned the beleaguered Zambian troops against attempting to fire their weapons and assured them that he was taking them to the Zambian commander.

"So we had to move towards Makeni where the Kenyans (peace keepers) fought these rebels (rebels RUF). As we approached Makeni Gen Mosquito ordered that no one was allowed to enter the town of Makeni with any weapon. Then he ordered the platoon commander to keep the weapons of his soldiers, so we asked ourselves why," Mr Mwansa said.

"At this point we sensed that things were not okay and things changed so fast because we were surrounded by rebels with different weapons which included Zambian weapons."

Zambian soldiers realised that they had been captured as they were ordered to surrender their weapons which included ammunition, pistols and tie bombs, Mr Mwansa said. He added: "We were now inside Makeni. At that point, I recalled how I was trained to escape an invasion in such a situation. I had to escape with a view of joining the group which remained. So I escaped." As he freed himself from the rebel dragnet with intentions of heading to the area where the Zambian commander had received a message from the rebel leaders to his disappointment he saw the other batch of armoured personnel carriers falling in the same trap.

He then braced himself to trek back to Portlock but after covering some distance around 02:00 hours on May 4, 2000, he was stopped by rebels who demanded for his identity.

"At that camp the same rebels in Zambia Army combats also arrived in a Land Rover, identified me and then took me back to Makeni and I was taken to a beautiful house. "The owner was called Colonel Rambo. He was the rebel commander in-charge of Makeni," Mr Mwansa said.

Col Rambo quizzed him on why Zambian soldiers were in his country to solve problems leaving Congo DR a neighbouring country where fighting was also going on.

Mr Mwansa says his response to Col Rambo was that peace and reconciliation were cardinal, but he laughed at him questioning the ability of peace keepers to bring peace in West Africa.

Col Rambo went on to say peace in Sierra Leone and other West African countries was elusive because politicians were allegedly selfish people who only wanted to enrich themselves at the expense of other citizens.

Mr Mwansa explained that he was later taken to a rebel police station and inside were pictures of African football stars among them, Zambia soccer icon Kalusha Bwalya, Abedi Pele (Ghana), George Weah (Liberia) and Mark Anthony Fish of South Africa.

The rebels manning the station recalled how Zambia National Team battered Sierra Leone 4-0 during the 1996, 20th edition African Cup of Nations in South Africa and their eulogised Bwalya as and great football player.

"They said we like Zambia, Kalusha Bwalya and KK (Dr Kenneth Kaunda). They even said they liked his (Dr Kaunda) book 'Zambia Shall be Free' and that Sierra Leone was also going to be free," he said.

Mr Mwansa with five other Zambian soldiers were taken to Yamadu where they were among over 70 troops from Zambia, Kenya and Nigeria who were being held by rebels. Mr Mwansa says he cannot forget the rebels' harrowing message: "Zambia, we are waiting for orders to kill you or send you back to Zambia."

Following frantic efforts by the UN officials, the Zambian soldiers were released May 28 and taken to the border between Sierra Leone and Liberia where they were flown to Monrovia.

While in Monrovia the freed troops underwent medical examinations and were later addressed by then Zambia Army commander Geogago Musengule who flew into Monrovia.

Mr Mwansa remembers that during his address Lieutenant-General Musengule encouraged the troops to rise to the occasion and finish their mission.

"He asked us if there was anyone willing to go back to Zambia with the Presidential plane that was waiting but no one volunteered."

The freed soldiers were then flown to Lungi where they joined the other peacekeepers. Mr Mwansa was among troops who served in Lunjiray, Mabomu and later on in Kenema at Meo River. On March 32, 2001 he returned home after their mandate in Sierra Leone. He retired at the rank of sergeant in 2008 at the age of 35.

In 2009 he joined the opposition Patriotic Front and during the September 20, 2011 general elections; he was elected Justine Kabwe ward councillor in Kabwe.

The following month he was elected Kabwe Mayor.

Mr Mwansa a Catholic is married to Ruth and the couple has three children Moses Jr, Evans, and Kena Christine.

"I learnt that being captured; you have to know that you are expendable. You have to know that at any time any moment a soldier should be prepared for anything," Mr Mwansa said.

"Peace is very important and from my experience in Sierra Leone no one should temper with peace or interrupt peace and all of us here in Zambia should do our part to maintain peace and unity," Mr Mwansa said.



Mr Mwansa at Civic Centre with his wife Ruth last year after he was installed as the first PF mayor of Kabwe



LANCE corporal Moses Mwansa on duty in Sierra Leone (of the far right) with some local people

Special Court Supplement
Contempt Judgement, Bangura et. al., in Freetown
Tuesday, 25 September 2012



