

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



CONGRATULATIONS to Outreach Field Officer Maxwell Vawah Kemokai, who married Miss Agnes Baby Tewoh Roberts in Bo on Saturday, 22 April 2006. The couple is pictured here with Outreach officers who attended from across the country.

PRESS CLIPPINGS

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

Wednesday, 26 April 2006

Press clips are produced Monday through Friday.
Any omission, comment or suggestion please contact
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Concord Times
Wednesday, 26 April 2006

SLPP lawyer insists Norman's case the same

Story: Regina Pratt

Eke Halloway leading defense counsel in the matter Chief Sam Hinga Norman vs Alhaji U.N.S. Jah Chairman SLPP, J.J. Saffa Secretary General SLPP, Attorney General and the SLPP Tuesday submitted that the cases filed by the plaintiff are the same.

Halloway maintained both the

cases in 2005 are one and the same.

He said in his clarifications to the questions posed by the court, he relied and supports the affidavit of notice of motion of 10th November 2005 under SC No 2/2005 citing paragraph 1 a and b of the notice of motion SC 3/2005 of

Cont. page 3

SLPP lawyer insists Norman's case the same

From page 1

27th October 2005.

Halloway stated that the cause of action, issues and belief are the same as that in 2005 in which the ruling given by the court was that the plaintiff has no locust standi, urging the court not to depart from that motion. "It is a logical matter," he said and adds the matter had been dealt with exhaustively before this court.

The defense counsel cited section 122 (2) of the 1991 constitution that the issues and belief are the same, noting that the decision given by the Supreme Court was, they had no locust standi to stop the defendants from holding a convention

Halloway submitted that the Supreme Court is generally bound by its decision unless otherwise

overruled it.

He also submitted that, "this is not a proper case in respect of which section 122 (2) of 1991 be evoked to make it right for the court to exercise its discretion to depart from the case SC 3/2005 of 27th October 2005.

Counsel for the 4th defendant the SLPP, Lawyer Farma told the court that he adopted the submission filed in for the 1st, 2nd and 3rd defendants.

Counsel for the plaintiff, Dr. Bu Buake Jabbie said the plaintiff relies entirely on the submission filed as statement of the plaintiff's case in its fraternity with the clearly specified paragraph in respect of the various items or issues as outlined in pages 2 of the affidavit in opposition sworn on 23rd November 2005.

He maintained the plaintiff relied on, the entire

contents and exhibits, plaintiff's preliminary submission of law dated 14th December 2005 and forthwith, further clarifications and submission filed January 24 2006.

Jabbie said on behalf of the plaintiff those questions and orders were responded to by the plaintiff's preliminary submission of 14th December 2005.

He said one of the main issues of the questions is the locust standi, adding that the court was not unanimous in the issue of that standi.

Jabbie submitted that the plaintiff answered to the questions posed as formulated in paragraph 29 of the submission of 24th January 2006.

Hinga Norman sued the SLPP to court last year, but the case was thrown out.

Democrat
26 April 2006

Charles Taylor's Lawyers Face Tough Task

THE Head of Press and Public Affairs of the UN-Backed Special Court for Sierra Leone, Peter Anderson has said that the motion filed by the defence counsel of war crimes indictee and former president of Liberian Charles Taylor will itself not stop the Court from taking him to the Hague.

Taylor's counsel, on page motion to the Court
April 6, filed an eight- for an order that no

change of venue from the seat of the Court in Freetown be ordered, arguing that the proximity to the place where the crimes were committed and easy access to the victims, witnesses and accused were very essential in determining the venue for the trial.

They further argued that it has not been judicially determined whether such a change of venue is necessary in the interest of justice.

Anderson, in an exclusive interview Monday maintained that once the legal framework for the trial to be transferred to the Hague has been worked out, the motion will not stop the Court from doing so. He added that in the meantime the Court is still

searching for a third country that is willing to take Taylor as a prisoner if he is found guilty at the end of the trial, or grant him asylum if he walks out a free man.

The former Liberian president, who was initially indicted on 17 count charges, now faces a new eleven count charge of war crimes and crimes



against humanity.

The Chief Prosecutor of the Court Desmond De Silva notes that the new eleven count charges will, in his words, "ensure

a more focused and speedier trial." The gravity of the original 17 counts, he said, is reflected in the amended indictment.

Exclusive
26 April 2006

Norman Vs SLPP

*Ruling Postponed

By Mohamed Kai
Five presiding Judges
Chief Justice Ade Renner
Thomas, Justice Show-

ers, Justice Akik Akiza,
Justice Tholla Thompson
and Justice Ademusu of
the Supreme Court, yes-

terday postponed ruling
in the case between the
Sierra Leone People's
Contd. page 2



Kamajos securing a bridge

Norman Vs SLPP

From front page

Party (SLPP)'s the National Chairman and Secretary General Jacob Jusu Saffa and others vs Special Court indictee, Sam Hinga Norman.

In an application for declaration and mandamus, lead counsel for Sam Hinga Norman, Dr. Bu-buakie Jabbie, said that the judges of the Supreme Court have the full right to depart from previous court judgment in 2005 in which the court ruled in favour of the defendants.

Dr. Jabbie told the bench that the matter before the court and is-

sues contained therein, are totally different from the previous matter but to extend it, has some basis for comparison and that the matter should be treated purely in its own merit.

Responding, lead counsel for the defendants, Eke Halloway explained that this is not a case in which the court should depart from its decision in 2005.

Lawyer Halloway said that Dr. Jabbie has failed to cite the relevant legal authority to convince the court as to why the court should depart from its previous decision.

He further submitted

that the inclusion of the Attorney General and Minister of Justice, Fred Carew, is a red herring and a deliberate attempt to get from the back door, what he could not get in the first case through the front door.

According to him, such submissions are tantamount to the abuse of the law and which will be prawn upon and indemnified.

At this juncture, the chief Justice Ade Renner Thomas called for an adjournment and informed the two parties that notices will be sent to them for ruling on the matter.

Associated Press
Tuesday, 25 April 2006

Denmark Nixes U.N. Request to Take Taylor

By JAN M. OLSEN Associated Press Writer

COPENHAGEN, Denmark — Denmark said Tuesday it will reject a request to imprison former Liberian President Charles Taylor if he is convicted of war crimes, dealing another blow to efforts to move the trial to the U.N.-backed court at The Hague.

Foreign Minister Per Stig Moeller said Denmark would follow Austria and Sweden in rejecting a U.N. request to accept Taylor after his trial ends.

"We are telling the U.N. to try to look elsewhere," Moeller told reporters after a meeting in Parliament's Foreign Affairs Committee. "There are other countries in the world besides the three of us."

Taylor faces 11 counts of war crimes and crimes against humanity stemming from his alleged backing of Sierra Leonean rebels who terrorized victims by chopping off their arms, legs, ears and lips.

The Special Court trying those allegedly bearing most responsibility for the atrocities of Sierra Leone's civil war has requested that Taylor's trial be moved from Sierra Leone to The Hague for fear the former warlord could spark unrest in West Africa. The Sierra Leone-based Special Court would still conduct the trial, but The Hague would provide a courtroom and a jail cell.

The Netherlands has agreed _ but only if the arrangement is endorsed by a U.N. Security Council resolution, the Hague-based International Criminal Court agrees to provide the venue and Taylor leaves immediately after the trial, even if he is acquitted.

Denmark was formally asked Sunday whether it would consider accepting Taylor, Moeller said.

The statute creating the Sierra Leone court says if convicts cannot be imprisoned in that country, they can go to countries that have so-called "enforcement of sentences" agreements with the U.N.-backed courts for Rwanda and Yugoslavia.

Countries with those agreements include at least nine European countries: Austria, Denmark, Finland, France, Germany, Italy, Norway, Spain, and Sweden. The African nations of Mali, Benin and Swaziland also have such agreements, but are considered less likely because of the security threat Taylor poses.

Moeller said agreement with other U.N.-backed tribunals was not enough and noted Denmark has no agreement with the Sierra Leone court. Sweden made the same argument.

The Sierra Leone Special Court was established by the United Nations and Sierra Leone after that country's 1991-2002 civil war.

Taylor arrived at the court last month after Nigerian police caught him trying to leave the country that had given him asylum under a deal that ended Liberia's civil war. Taylor pleaded not guilty at

an April 3 arraignment, but no trial date has been set pending resolution of the problem of where the trial will be held.

In the Liberian capital of Monrovia, meanwhile, U.N. peacekeepers fired their weapons into the air to disperse hundreds of stone-throwing Liberians demanding salary arrears they say the army has owed them for over a decade.

The protesters say they were among 10,000 people hastily recruited into Liberia's army in the late 1980s by late President Samuel Doe as rebels led by Taylor advanced on the capital. They say they are owed two years' salary from that period and are demanding the new administration of President Ellen Johnson Sirleaf pay up.

Reuters

Tuesday, 25 April 2006

Denmark does not want to host Liberia's Taylor

COPENHAGEN - Denmark said on Tuesday it would reject a request to provide a jail cell for former Liberian president Charles Taylor if he is convicted of war crimes, becoming the third European nation to do so.

The United Nations had asked the Danes if Taylor could serve any prison sentence in the Nordic country, but Copenhagen followed Sweden and Austria in turning down the proposal.

"We are skeptical. They should try elsewhere," Foreign Minister Per Stig Moeller told reporters.

Denmark had received the U.N. request on Sunday and Prime Minister Anders Fogh Rasmussen had spoken about it with U.N. Secretary-General Kofi Annan on Monday, Moeller said.

The U.N. wants to move Taylor's trial to The Hague in the Netherlands from a U.N.-backed tribunal in Sierra Leone's capital, Freetown, where Taylor has pleaded not guilty to 11 counts of war crimes and crimes against humanity.

There are fears his trial could spur unrest in Sierra Leone or Liberia if it is held in Freetown. But diplomats say a move to The Hague will be delayed until a country can be found that is willing to take him if he is convicted.

The chief prosecutor at Sierra Leone's tribunal said foreign governments had to be ready to incarcerate those found guilty of war crimes if there were good reasons for them not to be imprisoned in the country where the crimes were committed.

"If international justice is going to be meaningful, it must then follow that the international community is willing to cooperate with international criminal courts in making custody available for those convicted," Desmond de Silva told Reuters.

"It is a part of the contribution that responsible governments make to the maintenance of the rule of law around the world," he said in a telephone interview from Freetown.

U.N. RESOLUTION

Taylor, long one of Africa's most feared warlords, is accused of having armed rebels who killed, mutilated and raped civilians during Sierra Leone's 1991-2002 civil war.

His rise to power in 1989 in neighboring Liberia led to a 14-year on-off civil war in that country that spilled across regional borders.

The Netherlands has said it is willing to host the trial but diplomats say it wants assurances that another country will agree to hold Taylor in prison if he is found guilty, or accept him as an exile if he is acquitted.

The planned shift of the trial venue to The Hague will also require a U.N. Security Council resolution.

"In real terms the trial of Charles Taylor is some time away and no doubt there will be a suitable country that will accept him as a prisoner in the event of a conviction between now and then," de Silva said.

"Once that happens I see no reason why the Security Council resolution should be much delayed," he added.

Denmark's government said it had until now responded favorably to every U.N. request to house people convicted by international courts, notably from the former Yugoslavia.

"Other countries than Denmark must be able to take care of this," Justice Minister Lene Espersen said. "Denmark has no obligations regarding prisoners from Sierra Leone."

Moeller and Espersen spoke to reporters after briefing parliament's foreign affairs committee on the matter.

(Additional reporting by Nick Tattersall in Dakar)

BBC

Tuesday, 25 April 2006

Denmark refuses to host Taylor

Denmark says it will turn down a UN request to imprison ex-Liberian President Charles Taylor if he is convicted of war crimes.

Danish Foreign Minister Per Stig Moeller said Denmark would tell the United Nations to look elsewhere.

Sweden and Austria have also said they will not play host to Mr Taylor, who is facing war crimes charges in a UN-backed court in Sierra Leone.

Mr Taylor is accused of backing rebels in Sierra Leone's 1991-2002 civil war.

The Special Court for Sierra Leone has requested that the trial be transferred to The Hague for security reasons.

Legal doubts

But the Dutch government said it would only accept this if any ensuing jail term was served in another country and the transfer was endorsed by the UN Security Council.

Denmark and Austria say there would be no legal basis for Mr Taylor to serve any jail term in their countries.

TAYLOR TIMELINE

1989: Launches rebellion
 1991: RUF rebellion starts in Sierra Leone
 1995: Peace deal signed
 1997: Elected president
 1999: Lurd starts rebellion to oust Taylor
 June 2003: Arrest warrant issued
 August 2003: Steps down, goes into exile in Nigeria
 March 2006: Arrested, sent to Sierra Leone

Mr Taylor was transferred to Sierra Leone last month after being arrested in Nigeria.

Nigeria had given him asylum under an agreement to end Liberia's own civil war in 2003.

He pleaded not guilty to the charges against him and said he did not recognise the jurisdiction of the UN court.

The Special Court was set up to try to bring to justice those responsible for crimes during the country's decade-long civil war which officially ended in 2002.

The tribunal operates under both Sierra Leone domestic law and international humanitarian law.

United Nations
Tuesday, 25 April 2006

Daily Press Briefing by the Office of the Spokesman for the Secretary-General

The following is a near-verbatim transcript of today's noon briefing by Stéphane Dujarric, Spokesman for the Secretary-General.

-SNIP-

Question: And one more question on Charles Taylor. Has the United Nations, or has Secretary-General Annan, appealed to Denmark formally for a request?

Spokesman: I can confirm the letter that was mentioned in the press today. The Secretary-General did write to Denmark regarding assistance after a judgement is rendered in the Taylor case.

Question: Is he considering going to any African countries? And, though there's some reluctance about that, but given that no European nations are coming forward, would he go to African nations?

Spokesman: No, the process is still under way regarding what will happen to Mr. Taylor after the judgement, but I don't have any further details to share with you. What I would add, and what the Special Court has asked us to remind you, is that, meanwhile, the process by which Mr. Taylor is going to trial is continuing, following a pretty detailed timeline in Freetown.

-SNIP-

International Justice Tribune
 Tuesday, 24 April 2006

Taylor in The Hague, "a nice dummy run" for the ICC

by Thierry Cruvellier

Three weeks after the Special Court for Sierra Leone requested that former Liberian president Charles Taylor be tried in The Hague, Taylor's transfer is still facing several obstacles. The guarantees required by the Netherlands are not in place [IJT-44]; Taylor's lawyer is objecting, while Sierra Leoneans are divided over the issue and some members of the Dutch parliament are opposed to the transfer. Robin Vincent, who set up and led the Special Court's administration in Freetown from July 2002 to September 2005, analyzes some of the financial and strategic consequences of transferring the trial to a courtroom rented from the International Criminal Court (ICC).

What is the cost of a trial before the Special Court for Sierra Leone?

At the end of its fourth year, in June, the Special Court will have consumed around about 104 million dollars. So you can say that it is running at roughly 26 million a year. If you want to look at it in a fairly simplistic way, you can look at the number of trials that there are and divide the whole cost accordingly. One has to be allowed some flexibility in coming up with a ballpark figure for a trial but if you put in the cost of the judges, of defence and prosecution, and various other elements for a trial that is going to last one or two years, you really are looking at a cost of between 6 and 8 million dollars.

How many people work at the Special Court and what would change if Charles Taylor's trial was transferred to The Hague?

The Court is authorised to have between 320 and 340 staff, the majority of whom are national staff. Many are working in sections such as transport, personnel, finance, procurement, information and technology, press and public affairs. You would not want anything like that number of people to be replicated in The Hague. Basically, you would want in The Hague the three trial judges, representatives of the Registry, someone representing press and public affairs, court management staff and legal officers. When the trials are being held in Sierra Leone there are a number of functions that are carried out by national staff and the majority of them are not at the international pay rate. If you were to move the trial to The Hague, I understand that the trial would be held in a courtroom at the ICC, and that any provision of services by the ICC will have to be reimbursed. If you have personnel, finance, procurement, security already present there, the common sense thing would be to do a deal on a cost-reimbursement basis. If the framework is there at the ICC and if the Special Court can insert one or two key people, they can try to keep the cost down.

You would also have the cost of possibly a third trial chamber because it may well be that neither of the existing trial chambers will be in a position to deal with Charles Taylor when he is ready to be tried. So you may have a possibility of three international judges who are paid at the international rate of 170,000 dollars a year. One also has to remember that both the previous and current prosecutors have always said that there could possibly be another indictment to come out.

Would international staff cost more in The Hague than in Freetown?

It is bound to be. None of the staff at the Special Court have the benefits or privileges that UN staff members have. So it will always be cheaper than if it were a UN tribunal being moved there. But having said that, back in September 2005 international staff received a daily living allowance of 115 dollars to live on in Freetown. While I am not sure precisely of what the UN living rate is in The Hague - which is what the Special Court would base its own on - it is going to be significantly more. I would not be surprised if it is double that.

So the cost of a trial in The Hague would be significantly higher?

Of course, because apart from the increased cost of staff living in The Hague, there will be the cost of air travel, not only for court personnel involved, but for defence and prosecution witnesses coming from mainland Africa who will also have to be protected in The Hague. I would suspect that the trial of Taylor, were it to last for up to two years, which is every possibility given the benchmark being set so far at the trial in Freetown, would cost up to ten million dollars. Looking at the possibility of Charles Taylor being joined by somebody else, we would be looking at 10 to 12 million dollars for the two years.

What could help lower costs in The Hague?

It is difficult to say. I don't know what arrangements are going to be made as far as Taylor or any other co-indictee's defence cost is concerned. At present the Principal Defender is acting for Taylor until a decision is taken on Taylor's indigence. What will make a difference is that counsels who have been working at the ICTY from time to time will be more readily prepared to defend Taylor in The Hague than they would be in Freetown. So there could be some fringe benefits in having the trial in The Hague in terms of the readiness of these people to put themselves forward.

What would be the difference in terms of public access?

In real terms, the number of [people] whom we encourage to come to the court has dropped from time to time. No matter how hard we try, it is difficult to encourage a population that is not used to being told that the courts are open and they can go in. The court itself can be sometimes a bit of a kind of awe inspiring place. To put it bluntly, people are interested in those points in the trial such as the first arraignment, the opening of the prosecution, a major or controversial witness coming, decisions on the defendant, and sentencing. But to sit there day after day watching a trial unfold is probably beyond most people.

Most people would accept that it is better to have Taylor tried anywhere under the cover of the Special Court than not at all. So if going to The Hague is the price of Taylor being in the custody of the Special Court, then it is a price we have to pay. But if that is the situation, the Court will have an increased challenge in getting across to the people of Sierra Leone because they are the stakeholders in this court. The court would have to work extremely hard to make sure that there is an effective connection between The Hague and Freetown, so that ownership between the population affected by the conflict and the trial is not lost.

In this respect, what would be most affected?

Getting people in and out of The Hague is not a problem. What it is going to entail is making sure that the recording of the trial, that the video clips which have been pretty successful in getting the trials in Freetown across to the population, are readily available on a regular basis to be shown in the same way as the court has done for the other trials. I don't think it is an insurmountable

problem as long as there is a readiness and willingness within the court. The court has a reputation for transparency. It is really important that it gets across to the people of Sierra Leone so that they understand the necessity of a trial in The Hague. This is the first challenge. The second is to ensure that they are part of that trial.

The ICC has not publicly responded to the request of the Special Court. Are international tribunals a bit timid about helping each other?

The fact is that a major contributor to the Special Court is the United States and one knows the kind of stand-off that there has been between the U.S. and acceptance of the ICC. I could imagine the ICC raising an eyebrow at the prospect of assisting a tribunal which is principally funded by the U.S. On the other side there may be those who think that there is a courtroom standing idle in The Hague and that this is the best situation as long as nobody is compromised financially. The level of cooperation between the ICTR, ICTY and Special Court has been pretty good. What has actually stood in the way of even greater cooperation on occasion is that both tribunals have been under huge pressure over the years about the pace of their trials and the money they are consuming.

Wouldn't hosting Taylor's trial give the ICC unexpected high-profile exposure?

The big difficulty would be to try to ensure that everybody watching that process understands that this is a trial of a former president of Liberia by the Special Court for Sierra Leone and not by the ICC. There is potential for people getting that wrong. But if I were involved in senior management [at the] ICC, I have to say that I would be delighted because it would do two things. One is that it would use a courtroom that is lying there idle at the moment. Secondly if the ICC was prepared to allow their administrative capability to be used by the Special Court on a cost-reimbursement basis, I am pretty sure that there are some people at the ICC who would see it as a nice "dummy run". It would give the ICC a chance to actually test its organisation based on a trial that is not part of their particular mandate. Both organisations could gain a lot from it.

One of my major frustrations in Sierra Leone - and I would never ever suggest that people should have rethought the whole prospect and principle of the court being set up in Sierra Leone - was that the Special Court has slipped off the international community radar stream. So something which was the very strength of the court - being based in Africa - sometimes played out to be one of the major challenges or weaknesses because we were literally out of sight and out of mind.

Associated Press
Tuesday, 25 April 2006

Sierra Leone's last suspect still at large

By HANS NICHOLS
ASSOCIATED PRESS WRITER

FREETOWN, Sierra Leone -- As long as Johnny Koroma remains at large or his death unconfirmed, the specter of the one-time military junta leader accused of war crimes will haunt Sierra Leoneans.

With the arrest of former Liberian President Charles Taylor, Koroma is the last man wanted but unaccounted for by a U.N.-backed war-crimes tribunal for trial in alleged abuses committed during a 1991-2002 civil war that left tens of thousands dead.

Many believe he died after Taylor allegedly ordered him killed in 2003. But other Sierra Leoneans believe Koroma is alive and report seeing him everywhere, even on Freetown's ribald dance floors.

"They say Johnny Paul is dead, but we know he is alive," said Emmanuel Jalloh, a 24-year-old street vendor. "Sometimes he comes to Freetown for the clubs."

Despite such assertions, the likelihood of one of Sierra Leone's most infamous men moving around freely in Freetown is slim. But his rumored bar-hopping fits well in a country famed for its stoic good humor even during the worst wartime atrocities.

The court that wants to try Koroma was arranged by the United Nations and Sierra Leone after the war to prosecute those who committed abuses during the conflict, which saw fighters battling for control of diamond fields lopping off the lips, ears and limbs of terrified civilians.

Of the 13 men indicted on war crimes charges, 10 are in custody, including Taylor, and two are dead. Taylor arrived at the court last month after Nigerian police caught him trying to leave the country that had given him asylum under a deal that ended Liberia's civil war. He is accused of backing Sierra Leonean rebels.

Rebel leader Foday Sankoh died of natural causes while in prison awaiting trial. Another rebel leader, Sam Bockarie, was found dead in Monrovia in 2003 as the court got under way. Taylor was still in power then, and his government said that Bockarie died in a gun battle with soldiers as he tried to enter Liberia. Court officials at the time said Bockarie had been living freely in Monrovia and that Taylor had him killed.

Many in the region say Taylor sought to eliminate people who might testify against him.

"Personally, I think he (Koroma) is dead. I would be surprised if he turned up, but I know other people who think he is alive," said Peter Andersen, a court spokesman.

"There's some evidence to suggest that he's dead, but that hasn't been confirmed and until it is, his case remains open," said Andersen. "If he's in Freetown, give us his address."

Koroma seized power in Sierra Leone in a 1997 officers' coup, allying himself with the rebels. An intervention force made up of West African troops ousted him the following year.

In 2000, Koroma switched sides, winning a measure of popular support by helping the civilian government defeat a new wave of rebel attacks. After the war ended, he won a parliamentary seat in May 2002 elections.

Following a shootout with government forces at a military barracks in January 2003, authorities accused him of trying to destabilize the new government and he fled.

Koroma's most ardent supporters are among the three groups crucial to moving Sierra Leone from peace to prosperity: the unemployed youth, the officer corps he once led and the police force many believe helped him escape.

Many of those who don't believe he's dead say he lives in nearby Guinea or Burkina Faso, whose leaders came to power by coups and have helped fuel West Africa's rebellions.

Other Sierra Leoneans say he's hiding in plain sight in the Atlantic Ocean capital, frequenting Freetown's beach bars and dance clubs.

"Johnny Paul is alive. I know that," said Jalusine Kamara a spokesmen for a political party, the People's Movement for Democratic Change.

"You hear all these nightclub stories, but I don't think he would be that stupid," said Kamara. "He is more like a hermit."

International Justice Tribune
 Tuesday, 24 April 2006

Defence in unfamiliar territory

Heikelina Verriijn Stuart

When Dutch ad hoc defence counsel Tjarda van der Spoel, who was assigned to the DRC case on August 1, 2005, arrived at the ICC building in The Hague, he was not too sure what his role would be. He had to hand in his passport to get an ICC badge and was accompanied throughout the building by a security guard. He did not have a room where he could hang his coat and put on his robe. For reasons of confidentiality he was not allowed to electronically file submissions from outside the building. But, Van der Spoel told IJT, "everybody I met in the huge white building on Maanweg was friendly enough and willing to cooperate."

Before the first accused had even appeared in the ICTY courtroom ten years ago, Richard Goldstone, the first chief prosecutor said: "In order to ensure that these trials, particularly the first trial, are viewed as fair by the international community, there must be equality of arms." But it would take years and the stubborn tenacity of many defence lawyers at the UN tribunals to lay the conditions for independence, security, disclosure, payment and work space that allow for this "equality" and guarantee something nearing a fair trial. ICC Registrar Bruno Cathala is echoing Goldstone's words when he repeatedly says "without a quality defence there will not be quality justice at the international court."

Still not, in fact, the third pillar of ICC

Seminars have been held at the ICC about the role of the defence; rules and regulations have been drafted, but although there is clearly an atmosphere of goodwill, the defence still is not considered the third pillar of a system of fair justice, along with the judges and the prosecution. The Registrar and his team have repeatedly stressed the importance of organizing an independent, knowledgeable and efficient defence, but whenever he approaches the ICC States Parties about money, "they say, 'all these people are going to fill their pockets'," Cathala explained during the last defence seminar held in May 2005. During this seminar, references were made to the proposal for a Principal Defender's Office at the Special Court for Sierra Leone requesting 'a criminal trial lawyer with a reputation of being capable and fearless', and to the ICTY code of conduct speaking of defence counsel 'being courageous in their actions'. But individual talent for independence and bravery alone do not suffice. Institutional independence may prove even more crucial.

Vague rules and organization

The legal aid system at the ICC is well-developed in theory. An Office for Public Counsel has been established. Moreover, on April 7, pre-trial Judge Sylvia Steiner asked this office to assist Jean Flamme, defence counsel for Thomas Lubanga, the first suspect transferred from the DRC, in preparation for a hearing that will take place on April 24 on the very complex issue of disclosure of evidence. However, in reality, this office has only one staff member-an assistant legal officer. Asked why a Principle Defender still has not been appointed a year after the position was advertised, Didier Preira, Head of the Division for Victims and Counsel, said "no candidate met all the criteria. Relevant experience in international law was not the problem. But the Principle Defender must be bi-lingual." Consequently, the position needs to be advertised again.

The ICC statute and the rules and regulations list four forms of defence counsel: ad hoc counsel, duty counsel, permanent defence counsel and counsel for victims. For all four functions, only counsel on the ICC list-134 lawyers at last count-may be appointed. The criteria for being added to the list are still subject to criticism and controversy. Training, performance review and payment for legal aid are all issues closely related to the independence of the lawyers, but not yet clearly regulated.

Ad hoc counsel

In the initial stage, before any suspect has been named or arrested, an ad hoc counsel may be appointed by decision of the pre-trial chamber, when there is a 'unique investigative opportunity' for the prosecutor to take testimony or a statement from a witness or to collect evidence which may not be available subsequently for the purposes of the trial. In that case, the Chamber may take measures to protect the right of the defence, and appoint counsel to represent the interests of the defence. In the Democratic Republic of Congo (DRC) proceedings, two ad hoc counsels have been appointed. Congolese counsel Joseph Tshimanga was sworn in on July 7, 2005 when six victims asked to participate in the investigative stage of proceedings and the chamber felt it was important to have general defence representation. Tjarda Van der Spoel was appointed when the prosecutor obtained technical evidence from the DRC that had been transmitted to the Dutch Forensic Institute (NFI) for examination and was presented to the pre-trial chamber.

Duty counsel

A duty counsel is a more familiar function of the defence. He/she is appointed when a suspect is arrested or questioned to provide representation during the initial appearance. "In general we present [the suspect] with three names: someone from the country, someone from the region and someone from elsewhere," explained Preira, adding that "since the duty counsel need to be available on short notice and since financial resources for legal aid are not open-ended," in most cases a lawyer who is geographically close to the ICC is preferable.

The third role of defence lawyers is to represent victims participating in the proceedings, as is the case with the DRC, where French lawyer Emmanuel Daoud is representing the six victims.

The fourth role is that of the permanent defence counsel, who defends the accused during the pre-trial and trial stages. Belgian lawyer Jean Flamme started as duty counsel for Thomas Lubanga and has been chosen by his client to represent him permanently.

Safety of the lawyers

The independence of defence counsel is a recurring issue in the discussions between ICC officials and defence lawyers. One of the questions raised, is how witnesses and suspects in countries where violent conflicts are often still raging will perceive the independence of defence lawyers if they are completely reliant upon the government army or police of the country in question or upon the ICC for their security. Preira says these fears are theoretical. "The same was said about the Rwanda tribunal. But States Parties have an obligation to cooperate and to guarantee the safety of people connected to the ICC. Lawyers go out in the field and do their work normally. That's what defence lawyers are used to and they do it."

The tenuous role of ad hoc counsel

When he first arrived at the ICC, ad hoc counsel Tjarda van der Spoel, realized that he was entering unknown territory and that he did not know what the limits of his ad hoc role were. "I challenged the existence of a unique investigative opportunity concerning the NFI examinations and I questioned the jurisdiction and the admissibility [of the case] in the DRC affair. I am not at liberty to say on what grounds, since all these submissions are still confidential," he added. On November 9, 2005 the pre-trial chamber ruled that "the ad hoc counsel for the defence has no procedural standing" to challenge jurisdiction or admissibility. "Only an accused person or a person for whom a warrant of arrest or a summons to appear has been issued" may make those challenges, the chamber said. Since the evidentiary items from DRC were handed over to the prosecution "under the condition that they would be returned within six months or as long as needed for forensic processing," the pre-trial chamber considered this a unique investigative opportunity.

Appointing a counsel is not a safeguard in itself

Joseph Tshimanga was assigned to represent the interests of the defence in relation to the victim participation during the investigative stage. His appointment was an important argument for the pre-trial chamber in its January 17, 2006 decision to allow victims to participate at this stage [IJT-41]. However, appointing an ad hoc counsel is not a safeguard in itself.

Tshimanga did not challenge the right of victims to present their views and concerns in this early stage of the proceedings or the legal terms of this participation. Only the prosecutor was invited to do so. Tshimanga did submit written arguments concerning the facts as alleged by the victims on August 11, 2005, but the chamber observed that "as counsel has obtained only a portion of the statements, some of the arguments he raises regarding *ratione materiae* jurisdiction are inadmissible since they relate to the redacted and hence incomplete versions of the statements".

Clearly, the ad hoc counsel remains an outsider, not entitled to full disclosure and therefore condemned to guesswork and feeling his way as he goes. The interest of disclosure in this stage is overruled by the interest of security. As prosecutor Christine Chung said during the defence seminar last year, "A small misstep, a tiny piece of fair disclosure could cost lives."

Rules of disclosure

However, in the absence of strict rules of disclosure in the investigation stage, the position of the ad hoc counsel - and through him the unidentified suspects - remains vague and weak. The rules of disclosure during the run-up to the confirmation of the charges will be debated in open court on April 24. Defence lawyers will have to inch their way into the ICC system. According to van der Spoel, "The least we should do is organize ourselves, as we did in the end at the ICTY and realise that in the primarily adversarial ICC criminal law system we have to be prepared sometimes to bite the hand that feeds us."

The New Republic
Monday, 24 April 2006

Trying war criminals locally.

by Adam M. Smith

Four years, 466 hearing days, more than 300 witnesses, and over \$200 million after it began in The Hague, Case Number IT-02-54, Prosecutor v. Slobodan Milosevic, was officially declared over on March 14, three days after Milosevic was found dead of an apparent heart attack in his prison cell. There will be no verdict. Following the dictates of international law, the U.N.'s Yugoslavia war-crimes tribunal in The Hague does not prosecute defendants in absentia, which means that the "butcher of the Balkans" died legally innocent of any of the war-crimes charges so painstakingly and expensively arrayed against him.

This result has led to disquiet and dissatisfaction in the halls of The Hague tribunal and, perhaps more importantly, at home in the Balkans. Images of thousands of weeping Serbs on the streets of Belgrade, and proclamations of Slobo's martyr status by Serb hardliners, have left many in the Balkans feeling robbed, not just by Milosevic's ill-timed demise, but by The Hague itself. In fact, many think The Hague's days as the primary venue for war-crimes trials are over. But how will justice be served in the future? Michael Johnson might have the answer. When I first met Johnson at his office in Sarajevo in March 2005, he was covered in sawdust, and, after a quick introduction, he excused himself to move a safe. "Sometimes, if you want it done right," he said as he rolled up his sleeves. Outside his office doors, construction crews roamed the hallway, laboring to put the finishing touches on Bosnia and Herzegovina's new war-crimes court, which Johnson, an American lawyer, had been asked by the U.N. representative in Sarajevo to set up. At first glance, what Johnson and his staff have built may not seem novel. Architecturally, the pink-hued courthouse, sitting on a hillside overlooking Sarajevo, fits unobtrusively into the Bosnian capital's Istanbul-meets-Innsbruck skyline. Even inside the building, there is little to distinguish it from the world's other war-crimes courts. Visitors familiar with the U.N.'s Yugoslavia tribunal in The Hague, its Rwanda tribunal in Arusha, Tanzania, or even the new International Criminal Court, will immediately feel at home. Johnson spent many years working at U.N. tribunals. And his decisions to place the polished-wood defense and prosecution stands at a particular (and, to American eyes, peculiar) angle in each court, to install a bevy of flat-panel monitors throughout the tribunal, even to use U.N.-quality microphones and translation headphones confirm the emergence of a kind of war-crimes chic in interior design. In its operations, however, the court is unique, both for Bosnia and for the world. Unlike the U.N.'s Special Court for Sierra Leone, the International Criminal Court (which is presently investigating Darfur), or South Africa's nonjudicial, post-apartheid Truth and Reconciliation Commission, this court is a domestic judicial body. It uses existing domestic law and adheres to existing domestic judicial procedures. Rather than having the international community extradite and try war criminals, the new court raises the possibility of states dispensing post-conflict justice on their own terms, in their own courts, with only limited international involvement. It is a long overdue experiment, and it's one that may hold the key to allowing states in the Balkans and elsewhere to deal with their vexed pasts. Since 1993, the Hague tribunal has convicted more than 40 individuals who perpetrated war crimes during the 1991-1995 Yugoslav civil war. Though most Bosnians supported the tribunal at first, ever since the 1995 Dayton Accords ended the conflict, Bosnian citizens have expressed increasing dissatisfaction that they are standing on the sidelines in the search for justice. Not only is The Hague a world away from the conflict zone, but also, outside its translators, almost no Balkan citizen has ever been employed by the tribunal. A former Hague prosecutor argued to me that such discriminatory hiring was necessary to "stem leaks" of sensitive information. Regardless, in

Bosnia, which is run as a fiefdom under the rule of a U.N.-authorized “High Representative,” this judicial impotence compounds a more pervasive emasculation of almost all government and civil society. The Hague tribunal has built an impressive body of international criminal law, and it has incarcerated a number of war criminals. But other goals of criminal law reconciliation and deterrence, to name two have remained effectively unmet. The United Nations itself seems to agree: Its own chief legal officer, Assistant Secretary-General for Legal Affairs Ralph Zacklin, has all but disowned the tribunal, calling its approach “no longer politically or financially viable.” A senior U.N. official in the region is even more direct, bluntly admitting to me that, while the tribunal has taken some of the Balkans’ “biggest thugs” off the streets, it has not repaired Yugoslav society. “The [Hague] has failed; ironically, the Balkans are probably more likely to Balkanize now than at any time since Dayton,” he laments. The establishment of the new court was catalyzed by these mounting frustrations, as well as by the international community’s fatigue at funding the remarkably expensive Hague tribunal (more than \$250 million for 2006–2007). The United Nations has decided to conclude the tribunal’s trials by 2008; in preparation, cases yet to be heard and thousands of others that have been investigated but in which indictments have not yet been issued will be sent back to domestic courts in the Balkans. Johnson’s new Sarajevo court was designed, in part, to handle these cases. The case transfers, however, had been stalled, largely over suspicions that ethnic minority defendants would not receive fair trials at the hands of ethnic majority judges. Such apprehension is not without merit. Immediately following the conflict, Croatia began a series of war-crimes trials of its own, almost always prosecuting Serbs. The cases had a conviction rate of 90 percent and often ended with absurd results: In a proceeding against Svetozar Karan, a Serb, the court found him not only guilty of war crimes, but also of the entire 500-year history of Serb crimes against Croatia. The new Sarajevo court was designed to overcome such problems. Through a domestic court, the Bosnian government received a \$16 million grant (largely from the United States) to build a tribunal whose facilities and technology equaled those of The Hague. In order to manage potential bias, court personnel have been recruited from across Bosnia and from abroad. International judges sit alongside domestic jurists, and locals and foreigners work throughout the tribunal. But, unlike other aspects of the international presence in Bosnia, the international role in the court is limited by a statutory provision calling for full domestication of court functions within five years. The court has had a rocky start. Since opening last spring, it has battled a corruption investigation (with allegations made against one of the international judges), an almost absent public profile (with recent surveys indicating that less than 60 percent of Bosnians are aware that the new court even exists), and a tense relationship with the still-functioning Hague court. But the court has also quickly bulked up its staff (it already employs several hundred), and it has made special efforts to ensure that local staff are not mere tokens; locals work on all levels of the court hierarchy. After 50 years of communism, five years of war, and the last decade of international control, Bosnia has developed a legal and political order that is decidedly not its own, from the country’s new criminal code (which, by a strange twist of legal fate, is partially modeled on Alaska’s) to its thoroughly compromised national symbols (which include a national anthem “sung” without any words). The court is an attempt to rebuild some local ownership over the state. Its first real tests, now underway, are the transferred trials of two Bosnian Serbs Radovan Stankovic and Gojko Jankovic both accused of the systematic enslavement and rape of Muslim women. About a dozen further cases are set to be transferred from The Hague later this year. Already, the court represents a new chapter in homegrown justice for Bosnia and Herzegovina and a new model for other corners of the globe scarred by crimes against humanity. “It is time for justice to come home,” an exasperated law student at the University of Sarajevo told me when I met with a group of students at the law college, down the street from the bombed-out national library. “It is time for us to do some of this ourselves.”

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UNMIL Public Information Office Media Summary 25 April 2006

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

International Clips on Liberia

Source: AP Alert - Defense Date: April 25, 2006

Denmark has received formal U.N. request to accept Liberia's Taylor

By JAN M. OLSEN

COPENHAGEN, Denmark _ The Danish government has received a formal request from the United Nations to imprison former Liberian President Charles Taylor if he is convicted by a U.N.-backed war crimes court, government sources said Tuesday. The letter, sent by U.N. Secretary-General Kofi Annan to Danish Prime Minister Anders Fogh Rasmussen, was received Monday in Copenhagen, a government spokesman told The Associated Press. He spoke on condition of anonymity because he was not authorized to give his name to reporters. It was unclear when Denmark would answer Annan.

International Clips on West Africa

Source: AP WorldStream English (all) Date: April 25, 2006

Sierra Leone haunted by last war crimes suspect still at large

By HANS NICHOLS

FREETOWN, Sierra Leone _ As long as Johnny Koroma remains at large or his death unconfirmed, the specter of the one-time military junta leader accused of war crimes will haunt Sierra Leoneans. With the arrest of former Liberian President Charles Taylor, Koroma is the last man wanted but unaccounted for by a U.N.-backed war-crimes tribunal for trial for alleged abuses committed during a brutal 1991-2002 civil war that left tens of thousands dead. Many believe he died after Taylor, the tribunal's highest profile prisoner, allegedly ordered a hit on him in 2003. But other battle-shaken Sierra Leoneans report seeing Koroma everywhere, including on Freetown's ribald dance floors. "They say Johnny Paul is dead, but we know he is alive," said Emmanuel Jalloh, a 24-year old street vendor. "Sometimes he comes to Freetown for the clubs."

Local Media – Newspapers

Media Law Reform Group Holds Consultations Today

(Daily Observer, The News, The Inquirer and the Analyst)

- The Liberia Media Law and Policy Reform Working Group will today begin a two day consultation in Monrovia with various stakeholders as a follow up to the deliberations on the draft Freedom of Information Act and the Draft Act to establish an independent media regulatory body, according to a press release.

Taylor Wanted as Witness in Former Associate's War Crimes Trial

(Daily Observer, New Democrat and The Forum)

- The Dutchman on trial in The Hague for war crimes committed in Liberia, Gus Kouwenhoven, said yesterday that he wanted former Liberian President Charles Taylor--who is imprisoned on war crimes charges in Sierra Leone--to testify as his principal witness. Kouwenhoven is being charged with supplying weapons to Mr. Taylor in contravention of a UN arms embargo.

March for War Crimes Court

(The Inquirer)

- Under the aegis of the Forum for the Establishment of a War Crimes Court in Liberia, around 10,000 Liberians are to conduct a peaceful march on 12 May to press the House of Representatives and the international community, including the UN, ECOWAS, European Union, African Union and the U.S. Embassy, to set up a war crimes court in Liberia.

Taylor's Dependents and Aides Ordered to Leave Nigeria

(The Inquirer)

- A month after Nigeria ended former President Taylor's asylum, the Nigerian authorities through the Office of the Governor of Calabar State, recently issued a directive to about 70 dependents and aides of Mr. Taylor, excluding his immediate family members, to leave Nigeria not later than 30 April.

Former Soldiers Threaten Violence

(The Inquirer)

- Around 250 demobilized soldiers of the Armed Forces of Liberia yesterday gathered before the Defense Ministry yesterday to "create awareness that they were preparing for massive street violence if their benefits were not paid."

Civil Servants Plan Street Protests

(Daily Observer)

- Following a mass meeting of public servants in Monrovia yesterday, the Civil Servants Association of Liberia resolved to engage in street demonstrations to compel the government to defer its redundancy exercise, increase salaries and pay arrears of public servants.

Bangladeshi Peacekeepers Rehabilitate Major Road in Nimba County *(Daily Observer)*

- Outside of its peacekeeping mandate, the Bangladeshi contingent of UNMIL through its engineering battalion is rehabilitating a major road linking central and lower Nimba County.

Local Media – Radio Veritas *(News monitored yesterday at 18:45 pm)*

Government Drops Ghost Names from Payroll

- According to a press release issued in Monrovia yesterday, the Economic Governance Steering Committee, which is overseeing the implementation of the Governance Economic Management Action Program, said that the government has removed more than 500 ghost names from its payroll and also enforced rules on foreign travels as measures towards implementing the Program.

(Also reported on ELBS Radio and Star Radio)

Presidential Press Secretary Lauds Journalists for Professionalism

- Speaking on taking office as Press Secretary to President Ellen Johnson-Sirleaf, Mr. Cyrus Badio lauded journalists for conducting themselves professionally to keep the nation and the outside world informed of developments in Liberia.

(Also reported on ELBS Radio and Star Radio)

Envoys Present Letters of Credence to President Ellen Johnson-Sirleaf

- An Executive Mansion sources said that Ambassadors from Russia, Cuba, The Vatican and India yesterday presented their letters of credence to President Ellen Johnson-Sirleaf at the Executive Mansion. Speaking at the event, Cuban Ambassador Lucens Domingo Polledo called on President Johnson-Sirleaf to establish national development priority areas that Cuba could fund.

(Also reported on ELBS Radio and Star Radio)

UNMIL Poised to Regulate Movement of Timber

- A United Nations Mission in Liberia (UNMIL) press release said that the mission has started to assist the Forestry Development Authority in the implementation of the interim pit sawing policy regulating the movement of timber within the country to increase government's revenue intake from the sector.

(Also reported on ELBS Radio and Star Radio)

European Union Releases Assessment Report on Liberia Tomorrow

- A European Union mission will tomorrow announce findings from its assessment of human rights, democracy, good governance, rule of law and efforts to curb corruption in Liberia. An EU source said that the mission has already briefed the Liberian Government on findings from the assessment as required by the Cotonou Agreement that governs relations between the European Union and African Union, Caribbean and Pacific countries.

(Also reported on ELBS Radio and Star Radio)

Civil Servants Strike for Unpaid Salaries Tomorrow

(Also reported on ELBS Radio and Star Radio)

UN Ready to Lift Sanctions on Liberia's Minerals

- In an interview with the Reuters News Agency in New York recently, Finance Minister Antoinette Sayeh said that the United Nations was considering removing in the coming weeks the sanctions on timber, diamonds and other natural resources.

(Also reported on ELBS Radio and Star Radio)

Lawmaker Urges Government to Review Policy

- Addressing a news conference in Monrovia yesterday, House Standing Committee on Labour Chairman Gbamalan Slopadoe urged the government to review the Liberianization Policy to enable Liberians to take complete control of their country's economy. He lamented that contracts to renovate damaged structures were being awarded to foreign construction firms instead of those owned by Liberians.

(Also reported on ELBS Radio and Star Radio)

Former Soldiers Riot for Unpaid Retirement Benefits

(Also reported on ELBS Radio and Star Radio)

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.