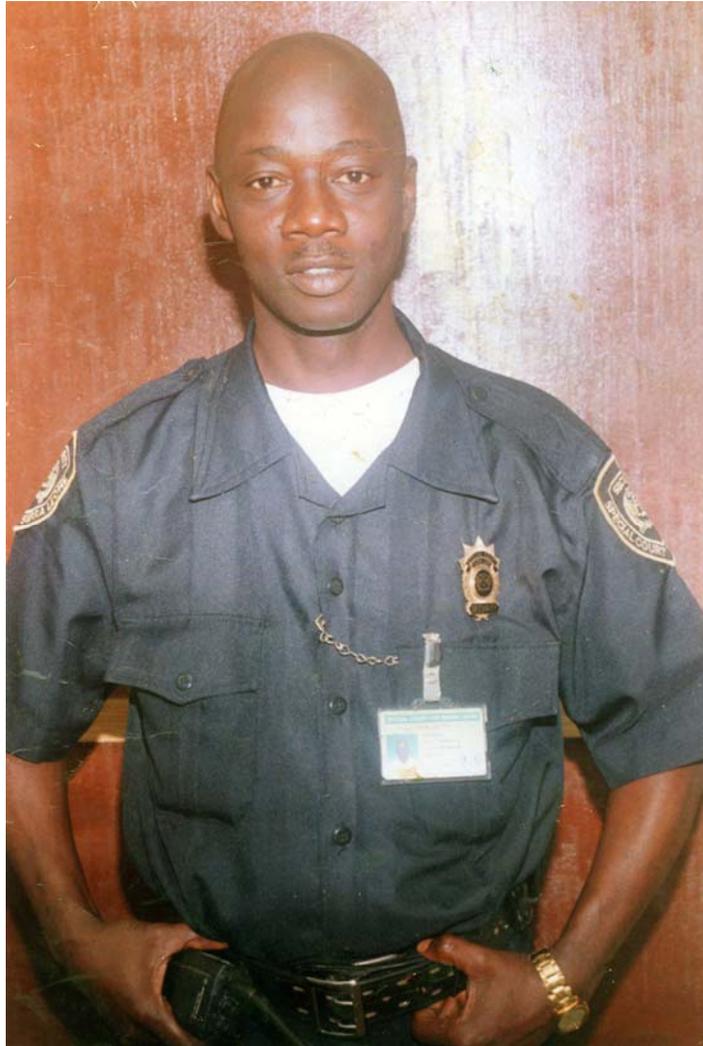


**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



John Sieh, National Security Officer at the Special Court from 19 January 2006 to 30 October 2013, died on Sunday at Choithram Hospital. May he rest in peace.

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, 26 November 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Outreach and Public Affairs

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New Vision

Tuesday, 26 November 2013

Swearing-in of RSCSL Judges and Handover of the Special Court Complex to GOSL

We cordially invite you to the swearing-in of the 16 Judges of the Residual Court for Sierra Leone and the hand-over of the Special Court complex to Government, to take place at the SCSL courthouse on 2 December 2013 beginning at 9:00 a.m. prompt. There will be photo opportunities.

The Judges, ten of whom are appointed by the Secretary-General of the United Nations and six by the Government of Sierra Leone, will comprise the RSCSL's Roster of Judges. They will exercise judicial functions in an ad hoc capacity on matters arising from the ongoing legal obligations of the Special Court for Sierra Leone. These could include the review of applications by convicts for early release or judicial review of their convictions. They may also be called to preside over any contempt of court proceedings.

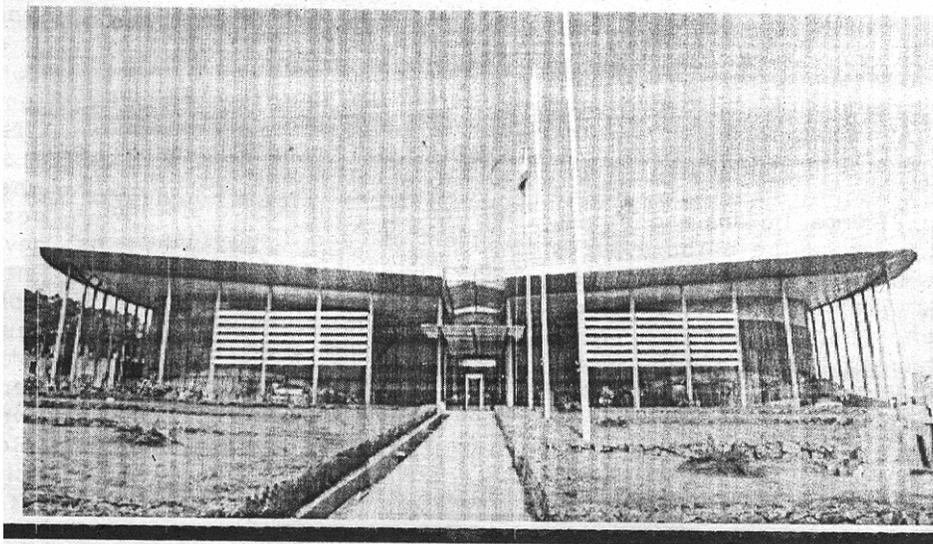
The 16 judges are: (Appointed by the Government of Sierra Leone) Justice George Gelaga King, Justice John Bankole Thompson, Justice Jon Kamanda, Justice Vivian Margarete

Solomon, Justice Abdulai Hamid Charm and Justice Eku Roberts, all of Sierra Leone.

(Appointed by the Secretary-General of the United Nations) Justice Richard Brunt Lussick (Samoa), Justice Pierre G. Boutet (Canada), Justice Renate Winter (Austria), Justice Teresa Anne Doherty (Northern Ireland), Justice Shireen Avis Fisher (USA), Justice Philip Nyamu Waki (Kenya), Justice Elizabeth Ibanda Nahamya (Uganda), Justice Oagile B. K. Dingake (Botswana), Justice Andrew John Hatton (UK) and Justice Isaack Lenaola (Kenya).

Immediately after the ceremony, Registrar Binta Mansaray will officially hand over the Courthouse and the Special Court complex to Attorney-General Franklyn Bai Kargbo, on behalf of the Government of Sierra Leone. A "soft opening" of the Sierra Leone Peace Museum will follow.

The Government of Sierra Leone will host an official closing ceremony later in the day at State House.



Special Court To Swear 16 Judges And Handover Complex To GOSL

The Special Court for Sierra Leone on 2 December 2013 will be swearing-in 16 Judges of the Residual Court for Sierra Leone and will also be handing over the Special Court complex to the Government of Sierra Leone.

The Judges, ten of whom are appointed by the Secretary-General of the United Nations and six by the Government of Sierra Leone, will comprise the RSCSL's Roster of Judges. They will exercise judicial functions in an ad hoc capacity on matters arising from the ongoing legal obligations of the Special Court for Sierra Leone. These could include the review

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GhanaWeb

Monday, 25 November 2013

Judging Charles Taylor In Europe

West Africa is a society of so many criminals that are not scared of the over 450 million population of the regional body but dread the kind of justice, people in Europe and America are capable of subjecting them to, if the none West Africans feel it necessary. Indeed a competent regional court is very essential part of the fight against regional injustice and any society where criminals abound, is considered as lacking the court or the laws for the court to work with. In ECOWAS, the court exist but I doubt there also exist the necessary laws by the ECOWAS elected MPs on the basis of Universal Adult Suffrage, for the ECOWAS court to work by.

The argument has been, West Africa do not have competent regional court to deal with their own issues. There has been several appeal to the people of West Africa to patronise the ECOWAS Court and this has not yielded much result because West Africans lack confidence in the court. A court has a duty of encouraging cases to be brought before her, since this is the only means of building confidence in the institution. As a fifty year old West African, I can hardly remember any case adjudicated by the ECOWAS Court. This misfortune of our regional court was confirmed further, when the ECOWAS Court of justice recently made mockery of a case involving the people verses a member state.

The ECOWAS Court of Justice rubbished a case involving citizen of ECOWAS against the state of Ghana. In a preceding circumstances however, ECOWAS members of Parliament had sided with these same people in appealing to Ghana to rescind on her position, in the spirit of regionalism. The outcome of the above case would have been the other way round if it were to be about EU citizens versus a member state. We all remember the cases of the Roman Gypsies versus the French government. The UK is currently fed up with Romania beggars and Polish alcoholic rough sleepers but incapable of acting because of the EU Equality principle of EU Citizenship. The ECOWAS Court made mockery of the ECOWAS principles of Free Movement of Member state citizens and goods. No American or European national can be treated this way in ECOWAS and our own court cannot even protect us in West Africa. Is this not the case of the criminals in position of authority across West Africa, living in fear of others but not the West Africans?

Criminals only fear those who are capable of judging and punishing them for their anti social actions but not those who cannot. Criminals are like children and if they are aware of being less likely to be brought to justice by their own people, they think of themselves as locally invincible. Societal exploiters of all kinds exist everywhere in the world, and every society has a duty of evolving mechanisms of identifying and managing her own criminals. A competent court of law is very vital in a civilised war against criminals and the ECOWAS is not an exception. In this case, we are talking about any form of criminals, from the petty thief to regional rogues. The inability of any society to evolve its own means of dealing with societal ill makers and allowing institutions from outside to do this for her, results in a society where criminals fear others than the institutions of their own society.

It is very important to also know that abuse can be by persons or a state, and in a regional association, making the justice system of the court to consider this conception of justice is very vital. In a fairer society, justice also tends to be sympathetic to the vulnerable than the powerful. Is the vulnerable, in the case above case, the state of Ghana or the poor traders of ECOWAS?

The modern world has of recent, been experiencing the fate of having certain nations, assuming the authority of upholding global righteousness. Ironically, the criminal of the societies who who are above the laws of their own society reinvest their loyalties to those in foreign institution, who are capable of bringing them to justice. The traditional trend has been to have an individual behaving above the laws of his own society and the Europeans going in to take the criminal away. The criminal is kept in a confinement, presented before a court and sentenced to serve in European prison, for a sin committed on the continent of Africa. This strange practice was the basis for European occupation and colonisation of other nations out of Europe. Every person or society on the continent of Africa, is a victim of this today. This kind of alien justice, defined and shape us into whatever we are today. The Europeans hide behind the authority of knowing better to abuse, exploit and shape people into whatever they want them to be.

The common trend is, everyone of those taken to Europe for a crime committed on the continent of Africa, is a leader, which means the Europeans are those shaping the leadership behaviour of the Africans, than the Africans shaping themselves. Is it not evil for others than the people, to decide and shape the behaviour of their own leadership as this define their destiny?

It is just sad that, whatever evil the colonialists of Europe subject us to today, our level of intelligence is not competent enough to decipher the magnitude of the issue, talk less of the practical solution to the problem. In my village, the goats are beating for eating cassava almost everyday but this to the goats, is just a part of life. That saying "Never Again", is appearing not to be part of our human nature. Never again is appearing to be non African of today. We are daily developing thick skin to all forms of disgrace. Last week we had over 300 youths from the continent of Africa, perishing in the Mediterranean Sea, while crossing into Europe. The youth all had one thing in their minds and this is , "going to Europe for Justice". The Europeans on their part embarked on tightening up their immigration rule and employing the European Union platform to fortify their shores.

All that this youths were going to Europe for, is to join their leaders who are in Europeans prisons, in accordance with the European justice. The Africans are incapable of giving themselves justice. The laws of Europe have conditioned the African leaders and this leaders have condition their people alike. The reality is the the leaders and their people look up to Europe in their desperate time of justice. The latest of this drama is the arrested, trial and sentencing of Charles Taylor who is to serve his prison term in Europe, for a crime committed on the Continent of Africa. It was even alleged that Mr. Taylor himself expressed the preference of serving this sentence on the continent of Africa but the Europeans insisted he serves in Europe.

The challenge is, what do we even make out of this, in our effort of what to make of our future? Yes Charles Taylor is evil and done so much wrong by any standard, but how does this justify why the colonial forces of Europe use their court to declare him guilty?

Is it because of our misconception of the term "international?" Is it because our fellow human beings in Europe decided to call this Colonial Court of Europe for Africans, "International Court"? Is it not this same pretence of introducing law and order on our "primitive forefathers" that allowed Europeans to legitimise all the evil done on the continent? Is this not why we are what we are today, with our Europeans brothers playing God over us?

Worst still, is a court of law, Must a modern court of law, meant for a people, exist on other lands where the people are not free to go? Is this not like having our Ghana High of Justice in Accra, while the people of Tamale are not free to live and work in Accra? The leaders of Tamale are then expected to lead their

people by the laws of Accra and brought to Accra in chains, when they violate the Accra laws? Do we really need a court from outside the continent of Africa to adjudicate on our matters, in this day and age?

What is wrong with us that is stopping us from having our own regional or continental independent court, free from Europe or American influence? Why are we still incapable of dealing with our own criminals like Charles Taylor and Loren Gbagbo, in our own ECOWAS Court of justice? Is this the case of all of us being criminals to the extent of being incapable of creating an institution, credible enough to arrest and punished criminals in our own court? Are we worst than the Americans or Indians, who freely punish those they deemed to be criminals in their land without getting the Europeans involve?

We are all aware that India and the USA were equally once the colonies of Europe. In India and America, the law makers in their legislative houses are elected by citizen on Universal Adult Suffrage. It is possible for Ghana or Kenya to have their courts of law respected by everyone, because the law makers of these entities to their parliaments, are elected on the basis of Universal Adult Suffrage.

What we have in the AU court of Human Right in Banjul or ECOWAS Court of Justice in Abuja, are courts without laws to operate with. The MPs to the ECOWAS Parliament are not elected directly by those they are representing, on basis of Universal Adult Suffrage. In fact ECOWAS Parliament is just an institution by name, than a law making institution for the 450 million people of West Africa. What is the use of a parliament that has not power to make laws? How sensible are a democratic people who see nothing wrong with not electing their own law makers, on the basis of universal adult suffrage, to make laws for them? How civilised are we, to live in a desperate time where regional laws are very vital but having none of our own? How democratic are we in expressing dies appointment I in our regional laws and incapable of doing anything about this, when we are free to vote for our representatives? Could this be because of our inability to do things beyond what our colonial masters allowed us, at the time of our independence?

The EU members of Parliament are at this moment, getting their mandate to represent their people, on the basis of universal adult suffrage. This is the reason why it is possible for the EU to have a Court of such reputation, to deal with EU internal issues, to justify why their citizen should not be appearing in the so called International Court. This again is the reason why it is possible for the EU Court to work along their national courts while it is not possible for ECOWAS states to manage their own affairs without any interference, from non member nations or organisations, like the UN or the US. Indeed the people of West Africa, not participating in ECOWAS MPs election on universal adult suffrage explain why ECOWAS is not taken serious at the UN, while the EU is.

The West Africans at this point in time do not elect ECOWAS MP on the basis of universal adult suffrage and clearly this is one of the major obstruction holding us all back. Our Ghanaian MPs are already having too much to deal with internally, and adding the duty of regional law making on their over stretched role, make mockery of the whole thing. Electing MPs to ECOWAS is the duty of the man on the street of Ghana as he/she will be paying for this. The laws of ECOWAS are to serve every Ghanaian and it is better for us to chose our regional law makers democratically, on universal adult suffrage.

If it is about corruption, are we in West Africa more corrupt than the Americans and the Indians who also have both courts? What are those in the EU doing that we in ECOWAS are shying away from than the people of each member state electing their EU MPs on the basis of Universal Adult Suffrage?

I am not Charles Taylor or a Liberian but I am a fully conscious Ghanaian and a West African. I am aware of the repercussion of this so called "international court" verdict on any African. If the Europeans or the

Americans are doing this to protect their present interests and the future of their children, anyone born on the continent of Africa with conscience, has an unconditional duty of arguing our case as well, before our own people. The correction of this anomalies can only be done by our masses when they understand and wake up to their duty. We have a duty of appealing to our people to know the kind of decisions, we are all making today. We have the power and we have the means, if we only know what we are doing. We call on everyone to join in getting everyone to know, that voting for our ECOWAS MPs on the basis of Universal Adult Suffrage, must be by everyone standing up for his/her right and duty. We must be a beat radical on this.

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Open Society Initiative for Southern Africa

Monday, 4 November 2013

Analysis

Corporate Pillage Is a War Crime

By Jonathan Birchall

The laws of war, also known as international humanitarian law, have long protected property against pillage during armed conflict.

In the 1863 Lieber Code, which established the law of war for Union forces in the American Civil War, "all pillage or sacking, even after taking place by main force [... were] prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense." In the Hague Regulations of 1907, two provisions categorically stipulate that "the pillage of a town or place, even when taken by assault, is prohibited," and that "pillage is formally forbidden."

After the end of World War Two, the Geneva Conventions of 1949 again reaffirmed that "pillage is prohibited." These provisions bind all states. Codification of pillage as an offense in the Rome Statute of the International Criminal Court, and in the statutes of the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone establish the prohibition as also binding upon non-state actors.

But what is the definition of pillage?

According to guidelines used by the International Criminal Court (ICC), pillage occurs when a perpetrator takes property from the legitimate owner for his or her private or personal use, without consent, in an armed conflict. Essentially, pillage is theft under the cover of war.

The requirement that the taking be perpetrated for the pillager's "private or personal use" is controversial and likely only applies, if at all, to the ICC.

Numerous cases brought after the Second World War successfully targeted representatives of companies that seized goods to support the Nazi or Japanese war effort; and jurisprudence in the International Criminal Tribunal for the Former Yugoslavia and in the Special Court for Sierra Leone also dispenses with any "private or personal use" limitation.

Have people been prosecuted for pillage?

Most recently, Charles Taylor, former president of Liberia, was convicted of war crimes charges that included aiding and abetting pillage during the civil war in Sierra Leone. Jean-Pierre Bemba, the former deputy president of the Democratic Republic of the Congo, is also accused of responsibility for pillage in the Central African Republic.

But what about companies or corporations?

Numerous businessmen and other officials, including representatives of companies such as IG Farben, Krupp and Dresdner Bank were convicted of pillaging goods from Nazi-occupied territory to support the German war effort and/or for more directly commercial ends. No business representatives have been

prosecuted for such activity since the late 1940s. Nor have companies (as distinct from businessmen) ever been prosecuted for pillage.

Why revive prosecutions for corporate pillage?

Because pillaged natural resources are often among the principal sources of funding for regional conflict. Since the end of the Cold War, the illegal exploitation of natural resources has become a prevalent means of financing conflict in countries ranging from Angola and Afghanistan to Liberia, Myanmar, Sierra Leone and the Democratic Republic of the Congo.

The armed groups who perpetrate pillage rely on supposedly legitimate businesses and middle-men to turn pillaged goods into hard cash on the international markets.

In Cambodia, in the 1980s, rain forest timber shipped to Thailand provided funding for a decade long civil war. In Sierra Leone in the 1990s, rebel leaders traded the country's diamonds for weapons, fueling a brutal conflict that left tens of thousands dead or maimed. Illicit trafficking of coltan, gold, diamonds, and copper continues to sustain hostilities in the Democratic Republic of the Congo.

The sale of pillaged natural resources fuels war. Businesses that knowingly buy, process and trade in these pillaged goods are all accessories to the war crime of pillage. They should be prosecuted as such.

What is Open Society doing about it?

The Open Society Justice Initiative has supported legal work to bring about prosecutions for corporate pillage and related crimes. This has included supporting the investigation and development of a legal case against Argor-Heraeus S.A., a Swiss precious metals refiner, over its role in processing almost three tons of gold illegally pillaged from the Democratic Republic of Congo during fighting there.

We have also published a manual for prosecutors, *Corporate War Crimes: Prosecuting the Pillage of Natural Resources*. This is part of a larger anticorruption strategy which seeks to target the go-betweens and middle men who facilitate, and profit by, corruption related to natural resources, as well as our broader efforts to create a more open and transparent political and economic environment.