

SPECIAL COURT FOR SIERRA LEONE PRESS AND PUBLIC AFFAIRS OFFICE



Prosecutor Stephen Rapp at an outreach event in Port Loko yesterday.
See today's *'Special Court Supplement'* for more photos.

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:

Thursday, 27 September 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Awoko

Thursday, 27 September 2007

RUF trial to commence soon

By Betty Milton

Justice Bankole Thompson of Trial Chamber I of the Special Court yesterday informed both the Prosecution and Defence teams of the Revolutionary United Front (RUF) indictees that the trial will continue from Thursday 4th of October.

During the status conference, the Judge said that the Chamber on the 22 July granted the request made by the third accused Augustine Gbao requesting that his lead counsel Professor Andrea O'Shea be replaced and so the court appointed John Camay as the lead counsel.

Also disclosed at the conference was that the defence intends to put forward a total of 287 witnesses.

The Defence team for Issa Sesay has 149 core witnesses, whereas Morris Kallon has 83 and

55 core witnesses for Augustine Gbao.

Justice Thompson recommended that the defence team considers reviewing their list "and make a determined effort to reduce your witness list" given the time at the disposal of the court.

First accused Issa Sesay's lead counsel Wayne Jordash told the judge that their own case is different from that of the prosecution, being that their case is substantially bigger.

Asked about the health of the accused in detention, the defence counsels stated that their clients were all in good health and that the first and third accused were not present in court because they are too tired or busy with some work.

The case against the three RUF indictees started in July 2005, and on August 26th the prosecution closed its case after presenting 86 witnesses.

The defence trial started with the first accused testifying in his defence.

Awoko

Thursday, 27 September 2007

Liberian parliament rejects bill to seize Taylor's assets

Liberian lawmakers have shot down a bill to allow the seizure of the assets of former president Charles Taylor — standing trial for war crimes — and his aides, a parliamentary official said Sunday.

Isaac Red, spokesman of the House of Representatives said the proposed bill was unconstitutional.

"The parliament had so many problems with that bill," Red said.

"During a plenary session on Friday, the House of Representatives



Former Liberian president Charles Taylor during his first appearance at the Special Court for Sierra Leone

decided to reject the bill," he said.

Taylor, 59, is the first African

head of state to stand trial before an international court for war crimes.

He is on trial for his role in Liberia's back-to-back wars spanning 14 years and a brutal decade-long civil conflict in neighbouring Sierra Leone. Once one of Africa's most feared warlords, Taylor has pleaded not guilty to all 11 charges of war crimes and crimes against humanity including murder, rape and using child soldiers during the brutal 1991-2001 civil war in Sierra Leone.

Around 120,000 people were killed in that conflict, with rebels mutilating thousands more, cutting off arms, legs,

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More funding for Sierra Leone war crimes court

Australia will increase its support for efforts to bring to justice those responsible for war crimes and crimes against humanity in the African nation of Sierra Leone.

Parliamentary Secretary to the Minister for Foreign Affairs Greg Hunt has announced that a further \$100,000 will be provided to the Special Court for Sierra Leone.

Mr Hunt said this would double Australia's contribution to \$200,000 this year and bring our total support since 2001 to \$800,000.

The Government of Sierra Leone and the United Nations established the Special Court to try those most responsible for serious violations of international

humanitarian law and Sierra Leonean law after 30 November 1996.

'Our latest contribution to the Special Court will help sustain its operations in the critical period until it completes trial action, which is forecast to be in early 2010,' Mr Hunt said.

'The recent Presidential elections in Sierra Leone have enabled the peaceful transfer of power to a new administration.

'This is a remarkable achievement after the appalling civil war between 1991 and 2001. The Australian Government is pleased to have contributed to Sierra Leone's stability through support for the Special Court.'

The Special Court trial of former Liberian President Charles Taylor for alleged complicity in atrocities committed by Sierra Leonean rebels is underway. The Court has pursued nine indictments of people on charges including mass murder, rape, enslavement, conscription of children into an armed force and attacks on UN peacekeepers and humanitarian workers.

Mr Hunt said the Court is widely regarded as having made a strong contribution to peace in Sierra Leone. 'It recently convicted five former militia leaders for crimes including the recruitment of child soldiers,' he said.

Agence France Presse

Thursday, 27 September 2007

Rebels to summon 300 witnesses

Freetown - Three former Sierra Leonean rebel chiefs will call in nearly 300 defence witnesses after their war crimes trial resumes next week, a court has heard.

Issa Hassan Sesay, 37, Morris Kallon, 43, and Augustine Gbao, 59, of the notorious Revolutionary United Front rebel group were on trial at a United Nations-backed tribunal here for atrocities during the savage 10-year war, which ended in 2001.

The RUF was the main force behind Sierra Leone's war, among the most gruesome in modern history, which left at least 120 000 dead and thousands more without arms or legs, ears or noses.

It was allegedly backed by Liberia's ex-leader Charles Taylor, in exchange for the so-called "blood diamonds".

The three defendants would call a total of 287 core witnesses when trial resumes on October 04, said Judge Bankole Thompson.

The trial started in July 2004 and the prosecution closed its case after 182 trial days in August last year after calling 86 witnesses. The defence case opened in May this year and adjourned in June.

The international tribunal in Freetown - created in January 2002 by a treaty between the Sierra Leone government and the United Nations - was charged with prosecuting those responsible for atrocities committed during the war.

So far, it had jailed three former commanders of a rebel faction, Armed Forces Revolutionary Council, for between 45 and 50 years.

The Analyst (Monrovia)

Wednesday, 26 September 2007

Parliament Rejects Asset Freeze Bill

The United Nations Security Council, on March 12, 2004, adopted resolution 1532 freezing the assets of former president Charles Taylor, some members of his family, and close associates including alleged foreign gun-runners and diamond smugglers.

The action was to prevent the spread of warfare in West Africa as well as forestall the depletion of Liberia's resources and the removal from Liberia and secreting of Liberian funds and property.

UN Security Council has since been unanimous on the matter, joined by several non-member European states. But Liberia, the intended beneficiary, remained locked in legal and sentimental debates about rights, empathy, and the constitutionality of using a UN resolution to penalize Liberian citizens.

Recently the Sirleaf Administration sought to end that debate by drafting a bill to uphold the resolution and make it applicable in Liberia. But there are reports that the National Legislature is convinced that the resolution will get no such legal backing in Liberia and Taylor's men are likely to go scot-free. But how does such possibility harm or help Liberia?

The Analyst Staff Writer has been gauging observers' and critics' views.

It appears likely that President Ellen Johnson-Sirleaf is on collision course with the Liberian parliament over the passage into law of a bill that will authorize the Liberia government to seize the assets of individuals on the UN asset freeze list.

Reports say both houses of parliament, last week, unanimously rejected a bill sponsored by the Sirleaf Administration in support of UN Resolution of March 2004 mandating UN member countries to identify and seize all assets belonging to the individuals it listed as family members and associates of former warlord and president, Charles Taylor.

The subject of the resolution, Charles Taylor, now at The Hague facing 11-count charges for war crimes and crimes against humanity. UN and human rights reports say he had hidden billions of ill-gotten dollars in anonymous bank accounts across the globe, totaling some US\$3.0 billion by the reckoning of the International Crisis Group.

Observers say the rejection of the bill will not only weaken UN's intention to identify and return funds stolen from Liberia, but that it will also make it impossible for the Liberian government to implement resolution 1532 or any other UN resolution intended to penalize Liberian citizens for corruption on large scale.

By extension, they said, the rejection now makes it likely for those listed in the UN assets freeze list to freely apply their wealth in Liberia without scrutiny or legal sanction, even making it criminal for anyone to accuse the individuals concerned of corruption.

But there are strong indications from the Executive Mansion that the Johnson-Sirleaf administration will not take the rejection lying down.

This is because, according to sources close to the President, the government believes the passage of the bill will strengthen Liberia's solidarity with the UN Security Council as well as show clearly that Liberia will not be an island shielded from recent global efforts headed by the UN to fight corruption and return stolen wealth to the people.

Presidential Press Secretary, Cyrus Badio, hinted the same position when he told a weekly news briefing Monday that even though President Sirleaf has not been officially informed of the rejection of the bill by parliament, she was determined to uphold resolution 1532.

He said news of the rejection of the bill by parliament has only been in the media and that the President has yet to receive any official notification of the Legislature's reported action.

Mr. Badio however noted that the President remained committed to the United Nations resolution which calls for the freeze of assets of individuals who are believed to have pillaged the resources of the country.

He said he found it difficult to believe that the lawmakers would reject measures aimed at addressing the abuse and misuse of the resources of the country, when other member countries of the UN were already acting on Liberia's behalf by adopting measures to implement the United Nations Security Council asset freeze resolution.

A press release issued by the press secretary's office shortly following the Monday briefing noted that the Executive Mansion has renewed President Ellen Johnson-Sirleaf's commitment to the principles of the Asset Freeze Bill.

Asked what action the President intends to take if reports that the Legislature has rejected the bill are true, the presidential spokesman said the President may exercise other options at her disposal in conformity with the laws of the country and in line with the UN asset freeze resolution on Liberia.

He didn't name the options at the President's disposal, but observers say the President is likely to use persuasion and if that fails, to veto the rejection as allowed under Article 35 of the Constitution of Liberia.

But there fears that the President's veto trump-card, not being absolute, may only bring a temporary setback to a parliament determined to set Taylor's associates free for reasons, in the minds of legislators that stand above the benefit Liberia is likely to get from returned stolen wealth.

"This veto may be overridden by the re-passage of such bill, resolution or item thereof by a veto of two-thirds of the members in each House, in which case it shall become law," states Article 35 with respect to the President's veto power.

It is however not clear what prompted the parliament to reject the bill that would have authorize the Liberian government to have a domestic free-hand while legally joining the rest of the world in the search for legitimate government assets that were carted and secreted in foreign banks.

And from the hush-hush surrounding the bill issue, observers say, the reason may not be known until the battle is over, suggesting that the people are likely to be kept away from the debate that border largely not only on their livelihood, but on the global community's future collaboration with their government.

While observers say the minds of the legislators may not be known, there are suggestions that recent comments made by former presidential aspirant and former UN envoy to Somalia, Winston Tubman, may open a speculation window.

The former UN envoy shocked the public last August when he told an online news magazine that the draft Assets Freeze Bill violates the Liberian Constitution, terming it as "sweeping".

"I saw the draft Act in the newspaper and I thought it's very sweeping. It not only does freezing, it also can go against people who you suspect have real property that was stolen.

"This could violate our constitution and I don't think the government needs to do that in order to implement resolutions of the UN Security Council that call for assets freezing," he said.

He said if this draft Assets Freeze Bill is ever passed by the National Legislature, it would be challenged constitutionally. According to Mr. Tubman, who is also a counselor-at-law and former justice minister of Liberia, there was no need to enact a new law to implement a UN Security Council Resolution, which the Liberian government committed itself to when it signed the UN Charter.

"The Resolutions of the UN Security Council based on Chapter 7 of the Charter are binding. Those same resolutions made it possible for the travel ban to be imposed; it made it possible for people to be stopped from mining diamonds and engaging in logging activities; they made it possible for Charles Taylor to be picked up and taken to Sierra Leone.

No legislation was passed in any of those cases and others I could name and the Assets Freeze is exactly under that," he said, emphasizing that the resolutions needed not to pass through parliament in order to be implemented.

As such, he said the government could implement the asset freeze based on the same UN Security Council resolution just as they are doing in other countries. The former UN envoy reiterated that the Iraqi Parliament applied a similar resolution in Iraq without the passage of a law.

"So you cannot say once it is passed by the UN Security Council, you'll have to go to the National Legislature," he said, noting that the National Legislature may or may not agree.

Clr. Tubman warned at the time that in the event that the government fails to comply with the resolution, the UN Security Council could expose the country to renewed sanctions.

In the instance the National Legislature did not pass the draft bill, he said, the UN Security Council resolution would not apply. The one-time Justice Minister, however, noted that UN resolutions are not as sweeping as the draft Assets Freeze Bill currently before the National Legislature. He gave no examples, to convince others of his arguments.

But unfortunately, it is the tacit defeat of this argument, which suggests that any UN resolution applies in member countries without ratification or passage into law that apparently compelled the Liberia government to seek separate legislation legitimatizing the asset freeze resolution.

Whether or not the rejection of the bill is to uphold this argument is yet another matter for speculation, but already there are side arguments regarding the rejection of the bill in its entirety in spite of its importance to the Liberian government and people in fighting corruption by trapping and returning stolen wealth and forestalling the carting away of the people's property by corrupt public officials in the future.

"But was the bill rejected for being 'sweeping' and unconstitutional?" is the question many are asking. "If it was," said Timothy K. Nyan of AME University in Monrovia, "then the nation is headed for trouble. This is because a sweeping and unconstitutional bill could be cured by rewording for specificity and legality.

You don't stab international efforts to help Liberians in the back simply because someone did not write a bill as you would like to have it written. Parliaments do reword bills for want of legal maneuverability and in view of basic rights endowed the citizens by the Constitution. They don't squash the people's interest."

The asset freeze draft legislation has been criticized recently by some individuals who said it undermines national security by granting too much power to the Justice Minister. Some of those noted to have been in opposition to the draft bill were members of the National Patriotic Party (NPP) Legislative Caucus.

Four of those currently on the assets freeze list are members of the National Legislature. They've vowed to kill the bill. But President Sirleaf was not the least shaken by the criticisms.

She said the 'asset freeze draft legislation sent to the National Legislature for debate and passage is merely based on a United Nations Security Council resolution that has instituted measures against those fomenting unrest in the sub-region.

Speaking on "Conversation with the President" recently, Pres. Johnson-Sirleaf said her government is being compelled to act in conformity with the resolution as other countries have seized properties on behalf of Liberia based upon the same resolution.

"This is the same resolution that put a ban on travel, the same resolution that put a ban on forestry, and the same resolution that put a ban on diamonds in our country".

"We as a member of the UN like any other member of the UN are compelled to carry out resolutions of the UN Security Council. So what we did was in conformity with that resolution," the President argued.

She said because of continued criticisms by the UN and its partners for disrespecting the UN resolutions, her government decided to draft this assets freeze legislation.

It may be recalled that on March 12, 2004, the United Nations Security Council passed resolution 1532 (2004) to help trap Liberia's stolen resources while averting the spread of warfare in the West African subregion.

The resolution states:

"Determining that this situation constitutes a threat to international peace and security in West Africa, in particular to the peace process in Liberia, acting under Chapter VII of the Charter of the United Nations:

"Noting with concern that the actions and policies of former Liberian President Charles Taylor and other persons, in particular their depletion of Liberian resources, and their removal from Liberia and secreting of Liberian funds and property from that country, have undermined Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources"

"Recognizing the negative impact on Liberia of the transfer abroad of misappropriated funds and assets and the need for the international community to ensure as soon as possible, in accordance with paragraph 6 below, the return of such funds and assets to Liberia:

"Also expressing concern that former President Taylor, in collaboration with others still closely associated with him, continues to exercise control over and to have access to such misappropriated funds and property, with which he and his associates are able to engage in activities that undermine peace and stability in Liberia and the region:

"Determining that this situation constitutes a threat to international peace and security in West Africa, in particular to the peace process in Liberia, acting under Chapter VII of the Charter of the United Nations:

1. Decides that, to prevent former Liberian President Charles Taylor, his immediate family members, in particular Jewell Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established by paragraph 21 of resolution 1521 (2003) (hereinafter, "the Committee") from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the sub-region, all States in which there are, at the date of adoption of this resolution or at any time thereafter, funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewell Howard Taylor, and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources, and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their

nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons;

2. Decides that the provisions of paragraph 1 above do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant State(s) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State(s) to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(b) have been determined by relevant State(s) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee; or

(c) have been determined by relevant State(s) to be the subject of a judicial administrative, or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment: was entered prior to the date of the present resolution; is not for the benefit of a person referred to in paragraph 1 above or an individual or entity identified by the Committee; and has been notified by the relevant State(s) to the Committee;

3. Decides that all States may allow for the addition to accounts subject to the provisions of paragraph 1 above of:

(a) interest or other earnings due on those accounts; and

(b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of paragraph 1 above; provided that any such interest, other earnings and payments continue to be subject to those provisions;

4. Further decides that the Committee shall:

(a) identify individuals and entities of the types described in paragraph 1 above, and promptly circulate to all States a list of said individuals and entities, including by posting such a list on the Committee's web site;

(b) maintain and regularly update and review every six months the list of those individuals and entities identified by the Committee as being subject to the measures set forth in paragraph 1 above;

(c) assist States, where necessary, in tracing and freezing the funds, other financial assets and economic resources of such individuals and entities;

(d) seek from all States information regarding the actions taken by them to trace and freeze such funds, other financial assets and economic resources;

5. Decides to review the measures imposed in paragraph 1 above at least once a year, the first review taking place by December 22, 2004 in conjunction with its review of the measures imposed in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and to determine at that time what further action is appropriate;

6. Expresses its intention to consider whether and how to make available the funds, other financial assets and economic resources frozen pursuant to paragraph 1 above to the overnment of Liberia, once that

government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia;

7. Decides to remain actively seized of the matter.

Notable amongst Liberians included on the asset freeze list were, as of June 14, 2004 and updated on August 2004, Cyril Allen, Grace Minor, Edwin Snowe, Charles Bright, Moussa Mamadee Cisse, Randolph Cooper, Jenkins Dunbar, Martin George, Myrtle Gibson, Reginald Goodrich, Sr, Jewel Howard-Taylor, Agnes Reeves Taylor, Charles Taylor, Jr., Tupee Taylor, Benoni Urey, and Benjamin Yeaten, etc.

The resolution then listed several suspected entities and business conglomerates in Cote d'Ivoire, Belgium, South Africa, Liberia, Switzerland, the former Soviet Union, and the U.S., believed to be doing business with Taylor or owned by him or his associates.

The Guardian

September 26, 2007 12:30 PM

Calling time on tyranny

Fujimori is the latest in a series of former leaders accused of human rights abuses who are finding out they can't escape justice indefinitely.

Chile's extradition of former president Alberto Fujimori back to Peru to stand trial on allegations of death squad killings and corruption shows that the world is becoming a smaller place for people who commit atrocities.

Until recently, if you killed one person, you went to jail, but if you killed thousands, you got a comfortable exile with your bank account in a foreign country. The Nuremberg trials established the legal principle that there should be no immunity for perpetrators of the gravest outrages, no matter who they were or where their crimes were committed. Yet until Britain's arrest of General Augusto Pinochet of Chile in October 1998, on a Spanish warrant, few states had the courage to put these noble principles into practice.

The arrest of Pinochet, who died last December in Chile, inspired others to bring their tormentors to justice, particularly in Latin America, where victims challenged the transitional arrangements of the 1980s and 1990s that allowed perpetrators of atrocities to go unpunished and, often, to remain in power. Argentina's Supreme Court struck down immunity laws for former officials, and dozens now face investigation and trial for crimes during the 1976-83 dictatorship. Earlier this month, a Uruguayan court approved the trial of Juan Maria Bordaberry, the dictator of Uruguay from 1973-76, on allegations of the murder of opposition leaders.

Pinochet's London arrest also strengthened a new international movement to end impunity for the worst abuses. After the creation of UN tribunals for the former Yugoslavia and Rwanda, the UN established the International Criminal Court (ICC) to prosecute genocide, crimes against humanity and serious war crimes when national courts are unable or unwilling to do so.

Even in Africa, where people have long been victims of cycles of atrocity and impunity, international justice is on the march. Senegal has now pledged to prosecute the exiled former dictator of Chad, Hissène Habré, after refusing to try him in 2001 and refusing to extradite him to Belgium in 2005. Earlier this year, a trial began for Charles Taylor of Liberia before the UN-backed special court for Sierra Leone. The ICC is now investigating alleged crimes in Darfur, Uganda, Congo and the Central African Republic.

A number of safe havens remain for those accused of abuses. Idi Amin of Uganda died peacefully in Saudi Arabia. (A Saudi diplomat told Human Rights Watch that "Bedouin hospitality" meant that once someone was welcomed as a guest in your tent, you did not turn him out.) Mengistu Haile Mariam, alleged to have run a "red terror" campaign in Ethiopia targeting tens of thousands of political opponents, now enjoys the protection of President Robert Mugabe of Zimbabwe. Indeed, for five years, Japan protected Fujimori from extradition on the grounds that he was a Japanese dual citizen. Then Fujimori made the mistake of traveling to Chile.

One of the safest place for those accused of war crimes to hide may now be the United States, which steadfastly refuses to consider prosecution of those such as Donald Rumsfeld, alleged to have approved criminal interrogation techniques at Guantánamo Bay and Abu Ghraib, or CIA managers for their roles in

the "waterboarding" of detainees or the "rendition" of suspects to countries where they were tortured. Just this week, Germany, faced with the US's refusal, dropped a request to the US to extradite 13 suspected CIA agents accused of abducting a German citizen and sending him to be tortured in a secret jail in Afghanistan. Washington has also refused to cooperate with Italian investigators who want to question 26 CIA agents in connection with the Milan kidnapping of a Muslim cleric who was allegedly sent to Egypt and tortured.

The new rule may be that if you are accused of human rights crimes, you can hide but you can't run.

Special Court Supplement
Prosecution Outreach to Port Loko, in Pictures
Wednesday, 26 September 2007



