

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



Wusum hills in Makeni

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, 28 June 2007

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

Thursday, 28 June 2007

RUF witness discloses how farming's done in Kailahun

A witness for Special Court indictee Issa Sesay, formerly of the Revolutionary United Front (RUF), has disclosed how farming was done in Kailahun, eastern Sierra Leone.

During cross examination the witness, DSK 302, said when the first gunshot was fired in Kailahun they fled to Nyahun until three days later when she was told by her husband that they should return as the combatants where there to protect them.

The Traditional Birth Attendant (TBA), the witness, disclosed that while they were in Kailahun civilians used to farm on government farms.

She disclosed that early in the morning the first accused, Issa Sesay who was the boss there, would ensure that food was cooked for them.

"The people were never forced to farm for anyone

when they were going they used to sing. The leaders [the rebels] themselves do have their own farms as they too had their families and dependents," she noted.

DSK 302 further revealed that when they were in Kailahun there were lots of fighters and that she was told that they were Burkinabes but they were living very happily. Sometimes, the TBA revealed, while the women would be going to the farm there would be gunmen who would go with them to oversee their work.

The woman disclosed that there was a particular group of men called Gao and that these were the wicked people. "They used to loot, beat and even rape our children," she disclosed further.

Continuing her evidence the witness said they were asked by Foday Sankoh that if their children would be able to fight so that they would drive away these men out of the town. "After these men were driven out of Kailahun,

rules and regulations were laid. These state that the RUF should not rape, they should not forcefully take civilians' property and no innocent civilians should be killed," the witness said.

Answering to questions poised to her by the defence lawyer for the first accused Wayne Jordash, the witness said there were offices in operations one of which was the G-2. "This office was responsible for the settling of disputes," she revealed.

The role of the G-2, the witness went on, was to investigate complaints brought before them and then meted out punishment on culprits if found guilty.

Citing her own example, the TBA disclosed that, "one day a combatant took my property and so I reported the matter to the G-2. The report was sent to the MP office which investigated and found the guy guilty and so he was flogged in my presence and my property returned."

The trial continues at the Chamber.

Awoko

Thursday, 28 June 2007

Talking Point

West Africa Still a rebel's best friend

AT A huge open-pit diamond mine near the rebel-occupied town of Seguela in northern Côte d'Ivoire, labourers toil under a fierce sun as a rebel soldier circles the perimeter of the pit. "We have taken over the mine to provide security," says another rebel official, as a gang of miners looks on, bemused. Whatever the rebels' explanation for their presence at the lucrative Bobi mine, UN experts say that, in fact, mines like this one near Seguela are producing diamonds worth up to \$23m that are being smuggled to Mali and Ghana, violating UN sanctions and helping to fund the rebels' war effort.

Rebel use of the mines is another setback for attempts to control the flow of "conflict" or "blood" diamonds that have helped to fund some of the bloodiest wars in Africa, and particularly in countries such as Sierra Leone and Liberia. On September 29th the World Diamond Council, an influential industry group, suggested that all Ghanaian rough-diamond exports, worth \$34m last year, be suspended to ensure that Ivorian diamonds were not being illegally exported too.

Global Witness, a pressure-group, has said that the Kimberley Process, the certification procedure agreed in 2003 by 70-odd governments in partnership with the industry and some NGOs and without which countries cannot legally import or export diamonds, now risks becoming "little more than a paper-pushing exercise". And if all this were not bad enough for the diamond industry, it is bracing itself for yet more bad publicity: the release of the film "Blood Diamond", starring Leonardo DiCaprio as a diamond-smuggling mercenary in Sierra Leone's 1991-2002 civil war, when rebels hacked off the limbs of their victims in bloody battles to control the country's diamond-producing areas.

The self-regulating Kimberley Process has failed to interrupt the myriad diamond-trading networks that operate across the loose borders of west Africa. In Sierra Leone, for instance, official exports last year stood at about \$140m, up from a paltry \$1.2m in 1999. The Kimberley Process may have encouraged many diamond miners to sell to authorised dealers, but experts believe that between \$30m and \$160m-worth of diamonds are still smuggled out of the country each year. Meanwhile, an unknown quantity of diamonds is smuggled into Sierra Leone from neighbouring countries, for certification by the Kimberley Process.

Nor is Sierra Leone's diamond industry benefiting its people as it should. In a country where corruption was widely blamed for the onset of war, the arrest of the son of the mineral-resources minister on suspicion of diamond-trafficking is a worrying sign. The government has resisted use of a digital-mapping system that could improve its poorly administered concession-licensing. Over 2,000 small licences, some of them fronts for government officials, go virtually unmonitored; the system seems incapable of picking out illegal dealers and agents. Meanwhile, the government collects only an estimated \$7m from licences, royalties and taxes on diamonds.

While Sierra Leone struggles to control its diamond sector, neighbouring Liberia, also recovering from civil war, complains that it is being unfairly punished for its slow implementation of Kimberley Process recommendations. "This country is desperately in need of revenue and illicit mining will continue, you cannot control it completely," says Eugene Shannon, Liberia's new minister of mines. Exploration companies claim there are significant deposits to exploit (thereby helping to replenish the government's coffers), but they must instead wait for the lifting of UN sanctions, which the Security Council has just extended. The minister's attitude annoys campaigners wanting more effective curbs on conflict diamonds. Liberia's government needs all the money it can get.

PEEP!

Thursday, 28 June 2007

EXTRA SPECIAL COURT GIVES RULING ON JUNTA RAPISTS, MURDERERS, CHILD ABDUCTORS, SEX ENSLAVERS, TERRORISTS AND ALL ROUND BAD GUYS...



Sentencing Of AFRC Defendants At The Extra-Special Court

Presiding Judge: Professor Peep

Santigie Kanu, alias 55, Ibrahim 'Bazzy' Kamara and Alex Tamba Brima 'Gullit', you have been found guilty of heinous crimes; rape, murder, child abduction, sexual slavery and terrorism, amongst many others.

These are grave and serious crimes.

Before passing sentence, let me remind you of...

ten things you should be grateful for

1. You aren't in Iraq and won't be hanged..
2. During which your heads might POP OFF.
3. Neither will you suffer the fate of your buddy ZAGALLO.. and face a firing squad..
4. You, at no point, have had to BRIBE the Attorney-General or his officials..
5. We have addressed you; throughout this trial, by your proper names... and not by the STUPID ALIASES you gave yourselves (*Gullit was progressive and a good footballer!*).
6. And you still have years left in comfort on the Appeal Process (*by the way, so do we the Extra-Special Court*

staff! ha! ha!)

7. Even when you *are* jailed.. it won't be in PADEMBA ROAD PRISONS... (*Where malnutrition go kill una*).

8. You'll have the OPPORTUNITY to have an all expenses paid jail term in South Africa or Senegal (*oh-oh, didn't CHIEF NORMAN die there?*)

9. And choice of 62 DSTV channels in your cell, strawberry ice cream (*alternate days*) and, following CHARLES TAYLOR's protest, as much AFRICAN FOOD as you can eat.

10. Tenth thing you OUGHT to be grateful for.. we've found you DECENT TAILORS (*all at Extra Special Court expense ha! ha!*)



Santigie Kanu (55)

Ibrahim 'Bazzy' Kamara

Alex Tamba Brima aka Gullit

Standard Times

Thursday, 28 June 2007

The Rule of Law and The Rule of Men

The rule of law is the principle that governmental authority is legitimately exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedure. The principle is intended to be a safeguard against arbitrary governance. Samuel Rutherford was one of the first modern authors to give the principle theoretical foundations in (1644), and later Montesquieu in "The Spirit of the Laws" (1748).

The rule of law must associate with a clear separation of powers, legal certainty, and the principle of legitimate expectation and equality of all before the law. The concept is not uncontroversial, and it has been said that "the phrase 'the Rule of Law' has become meaningless thanks to ideological abuse and general over-use" The contrast between the rule of men and the rule of law is first found in Plato's Statesman and Laws and Aristotle's Politics, where the rule of law implies both obedience to positive law and formal checks and balances on rulers and magistrates.

Thomas Aquinas defined a valid law as being one that

- is in keeping with Reason
- was established by a proper authority
- is for the purpose of achieving good
- and was properly communicated to all.

In Commonwealth law, the most famous exposition of the concept of rule of law was laid down by Albert Venn Dicey in his "Law of the Constitution".

"The rule of law is a political principle and the classic exposition of which is in Dicey Law of the Constitution. Dicey identified three principles which together establish the rule of law: (1) the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power; (2) equality before the law or the equal subjection of all classes to the ordinary law of the land administered by the ordinary courts; and (3) the law of the constitution is a consequence of the rights of individuals as defined and enforced by the courts."

Every official, from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen. The Reports abound with cases in which officials have been brought before the courts, and made, in their personal capacity, liable to punishment, or to the payment of damages, for acts done in their official character but in excess of their lawful authority. Appointed government officials and politicians, alike ... and all subordinates, though carrying out the commands of their official superiors, are as responsible for any act which the law does not authorize as is any private and unofficial person.

The Rule of Law and the Rule of men

Another definition can be found at Halsbury's Laws of England, Constitutional Law and Human Rights.

"The legal basis of government gives rise to the principle of legality, sometimes referred to as the rule of law. This may be expressed as a number of propositions, as described below.

(1) The existence or non-existence of a power or duty is a matter of law and not of fact, and so must be determined by reference either to the nature of the legal personality of the body in question and the capacities that go with it, or to some enactment or reported case. As far as the capacities that go with legal personality are concerned, many public bodies are

doctrine that the existence or non-existence of a power or duty is a matter of law, it should be possible for the courts to determine whether or not a particular power or duty exists, to define its ambit and provide an effective remedy for unlawful action. The independence of the judiciary is essential to the principle of legality. The right of access to the courts can be excluded by statute, but this is not often done in express terms. A person whose civil or political rights and freedoms as guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms have been infringed is entitled under the Convention to an effective right of access to the courts and an effective

and judicial powers or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

The last phrase, "to the end it may be a government of laws and not of men," has been quoted with approval by the U.S. Supreme Court and every state supreme court in the United States.

A similar concept is found in Common Sense (1776) by Thomas Paine:

"... the world may know that so far as we approve of monarchy, that in America THE LAW IS KING

be freed.

The concept of "rule of law" per se says nothing of the "justness" of the laws themselves, but simply how the legal system upholds the law. As a consequence of this, a very undemocratic nation or one without respect for human rights can exist with or without a "rule of law", a situation which many argue is applicable to several modern dictatorships. However, the "rule of law" or Rechtsstaat is considered a prerequisite for democracy, and as such, has served as a common basis for human rights discourse between countries such as the People's Republic of China and the West.

The rule of law is an ancient ideal first posited by Plato as grounded in divine reason and so inherent in the natural order. It continues to be important as a normative ideal, even as legal scholars struggle to define it. The concept of impartial rule of law is found in the Chinese political philosophy of legalism, but the totalitarian nature of the regime that it produced had a profound effect on Chinese political thought which at least rhetorically emphasized personal moral relations over impersonal legal ones. Although Chinese emperors were not subject to law, in practice they found it necessary to act according to regular procedures for reasons of statecraft.

In the Anglo-American legal tradition rule of law has been seen as a guard against despotism and as enforcing limitations on the power of the government. In the People's Republic of China the discourse around rule of law centers on the notion that laws ultimately enhance the power of the state and the nation, which is why the Chinese government adopts the principle of rule by law rather than rule of law. Lord Bingham of Cornhill, Britain postulated eight sub-rules of the rule of law namely,

- " the law must be accessible and so far as possible intelligible, clear and predictable
- " questions of legal right and liability should ordinarily be resolved by application of the law and not the exercise of discretion
- " the laws of the land should apply equally to all, save to the extent that objective differences justify differentiation
- " the law must afford adequate protection of fundamental human rights
- " means must be provided for resolving, without prohibitive cost or inordinate delay, bona fide civil disputes which the parties themselves are unable to resolve.

TO BE CONTINUED

In the Anglo-American legal tradition rule of law has been seen as a guard against despotism and as enforcing limitations on the power of the government

incorporated by statute and so statutory provisions will define and limit their legal capacities. Individuals who are public officeholders have the capacities that go with the legal personality that they have as natural persons. The Crown is a corporation sole or aggregate and so has general legal capacity, including; subject to some statutory limitations and limitations imposed by European law. The capacity to enter into contracts and to own and dispose of property. The fact of a continued undisputed exercise of a power by a public body is immaterial, unless it points to a customary power exercised from time immemorial. In particular, the existence of a power cannot be proved by the practice of a private office.

(2) The argument of state necessity is not sufficient to establish the existence of a power or duty which would entitle a public body to act in a way that interferes with the rights or liberties of individuals. However, the common law does recognize that in case of extreme urgency, when the ordinary machinery of the state cannot function, there is a justification for the doing of acts needed to restore the regular functioning of the machinery of government.

(3) If effect is to be given to the

effective national remedy. On the other hand, powers are often given to bodies other than the ordinary courts, to decide questions of law without appeal to the ordinary courts, and sometimes in such terms that their freedom from appellate jurisdiction extends to their findings of fact or law on which the existence of their powers depend.

(4) Since the principal elements of the structure of the machinery of government, and the powers and duties which belong to its several parts, are defined by law, its form and course can be altered only by a change of law. Conversely, since the legislative power of Parliament is unrestricted, save where European Community law has primacy, its form and course can at any time be altered by Parliament. Consequently there are no powers or duties inseparably annexed to the executive government."

In American law, the most famous exposition of the same principle was drafted by John Adams for the constitution of the Commonwealth of Massachusetts, in justification of the principle of separation of powers:

"In the government of this commonwealth, the legislative department shall never exercise the ex-

ecutive and judicial powers of the King is law, so in free countries the law OUGHT to be King; and there ought to be no other.

The concept "rule of law" is generally associated with several other concepts, such as:

- Nullum crimen, nulla poena sine praevia lege poenali - No ex post facto laws
- Presumption of innocence - All individuals are "presumed innocent until proven otherwise"
- Double jeopardy - Individuals may only be punished once for every specific crime committed. Retrials may or may not be permitted on the grounds of new evidence..
- Legal equality - All individuals are given the same rights without distinct their social stature, religion, political opinions, etc. That is, as Montesquieu would have it, "law should be like death, which spares no one."
- Habeas corpus - in full habeas corpus ad subjiciendum, a Latin term meaning "you must have the body to be subjected (to examination)". A person who is arrested has the right to be told what crimes he or she is accused of, and to request that his or her custody be reviewed by judicial authority. Persons unlawfully imprisoned have to

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 27 June 2007

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

International Clips on Liberia

Liberia watchdog takes corruption claims to parliament

MONROVIA, June 27, 2007 (AFP) - Liberia's top financial watchdog has defended his claims that President Ellen Johnson Sirleaf's post civil war regime is more corrupt than its predecessor whose leaders are facing fraud indictments. The West African country's auditor-general John Morlu was summoned to parliament to explain recent allegations made in the media, producing a 13-page document to back them up.

Liberia: U.S. Peace Corps 'Crisis Corp' On Assessment Mission - Meets With President Sirleaf

Allafrica.com- 27 June 2007---An Assessment Team from the United States Peace Corp - Crisis Corp Unit has paid a courtesy call on President Ellen Johnson Sirleaf to acquaint the President with the Team's week-long visit to Liberia. While in the country, the Team will evaluate potential programs and sites for Crisis Corps Volunteers, a program with the Peace Corps that mobilizes Returned Peace Corps Volunteers, to provide short-term humanitarian services to countries worldwide.

Lessons From Taylor's Trial

The Monitor (Kampala)

OPINION

27 June 2007

By Charles M. Mwanguhya

Kampala

If fate had decided otherwise, August 2, 2007 would have been celebrated as **Liberia's** "Liberation Day" with the "revolutionary liberator" Charles Ghankay Taylor as main celebrant. By that date Mr Taylor would have been marking the end of his 2nd elective term in office and a total ten years in power which he had gained in 1997.

International Clips on West Africa

Sierra Leone Diamond proposes to change name to African Minerals

AFX International Focus LONDON (Thomson Financial) June 27, 2007 - Sierra Leone Diamond Company Ltd said it plans to change its name to African Minerals Ltd and will hold a special general meeting for this purpose.

Guinea: Soldiers Guilty of Torture, Rape and Executions - Report

allAfrica.com 27 June 2007 - Guinea's security forces have illegally executed civilians and used deliberate and excessive force, according to a new report from Amnesty International. The report, "Soldiers Were Shooting Everywhere", includes evidence of torture, rape and "extra-judicial executions" of children and adults in response to massive demonstrations earlier this year during which Guineans demanded political reforms from President Lansana Conté.

Local Media – Newspaper

Budget Hearing Ends in Commotion

(The Analyst, The Tribute, The Monitor, The News, Daily Observer, The Informer, New Democrat, National Chronicle, The Forum, Heritage, Public Agenda, and New Vision)

- The hearing into the 2007/2008 fiscal budget currently before the House of Representatives was Tuesday disrupted following a commotion between Deputy Minister of State for Presidential Affairs, Morris Saytumah, and Auditor General John Morlu. The lawmakers however reset the hearing for Thursday.
- Morlu's revelation that Saytumah's office had duplicated spending projections in the budget prompted the confusion. It is alleged that Saytumah angrily pushed Morlu in an attempt to provoke.
- Lawmakers had invited Finance Minister Antoinette Sayeh, Auditor-General John Morlu and Budget Director Augustine Ngafuan to provide insight into various aspects of the draft budget.

US\$500 Million Needed to Rehabilitate Liberia's Hydro Plant

(Heritage, National Chronicle, The News and Daily Observer)

- The Managing Director of Liberia Electricity Corporation (LEC), Harry Yuan, said his corporation needs more than US\$500 million to rehabilitate the Mount Coffee Hydro Plant.
- The News newspaper predicts that it could require the next government, beginning 2012, to fulfill the pre-war electric power capacity of the country. The paper's prediction is on the basis that the four-year time frame given for the construction of the hydro, including the time it would take to secure the funding, is "unimpressively too long".

UN Renews Travel Ban on Several Liberians

(The Forum)

- [sic] The United Nations Security Council has renewed its travel restriction on several Liberians despite public outcries against its continuous imposition.

Inadequate Education Hindering Security Reforms in Liberia

(New Democrat)

- The severe lack of manpower is hindering reforms in many areas, particularly within the security sector, where only 18 percent of the recruits for the new Liberian army could pass an aptitude test for high school graduates, according to a UN report.

Local Media – Radio Veritas *(News monitored yesterday at 9:45 pm)*

Lawmakers Suspend Budget Debate Until Next Thursday

- The Budget debate at the National Legislature was yesterday suspended until Thursday due to a confusion that allegedly ensued over comments made by the Minister of State for Economic Management, Morris Saytumah to the Auditor General at the hearing.
- Auditor General, John Morlu along with Finance Minister Antoinette Sayeh and Budget Director Augustine Ngafuan were cited by the House of Representatives to give clarification on the proposed 2007/2008 National Fiscal Budget.
- Mr. Morlu in a critique on the draft budget cited flaws in it, but Budget Director Ngafuan dismissed the criticism that the budget was not transparent and was flawed.

(Also reported on ELBS)

World Bank Gives US\$5 Million Grant to Liberia

- In a release issued in Monrovia, the World Bank Board of Directors announced the approval of US\$5 Million Grant to support community empowerment projects in the country.
- According to the World Bank Task Team Leader, Giuseppe Zampaglione, the Second Community Empowerment project aims to improve poor rural communities' access to basic services and economic opportunities, estimating that the project will benefit about 125,000 people and train some 860 people.

Procurement Commission Approves Awarding of Forestry Contract

- The Procurement and Concession Commission has given the Forestry Development Authority (FDA) the go-ahead to award a contract to Societie Generale De Surveillance (SGS) to manage the chain of custody system.
- In a release yesterday, the FDA said the process is to be consistent with internationally recognized standards and said it is making preparations for the vetting of logging concessions and eventual resumption of logging in the country by the end of this year.

U.S. Peace Corps On Assessment Mission

- An Executive Mansion release issued in Monrovia yesterday said an assessment team from the United States Peace Corps - Crisis Corps Unit is in the country to evaluate potential programs and sites.
- Speaking when the team paid a courtesy call on President Johnson Sirleaf, the head of the group, Madam Mary Angelini said there is great enthusiasm among former Peace Corp Volunteers to return to Liberia to render their services in the reconstruction of the country.
- President Johnson Sirleaf thanked the team for the visit and expressed the hope that its findings would lead to positive results which would see the eventual return of the Peace Corps to Liberia.

UNMIL Daily Newspaper Summary
Wednesday, 27 June 2007

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BBC Online

Wednesday, 27 June 2007

Hotel Rwanda hero urges justice

Paul Rusesabagina, the man who inspired the film Hotel Rwanda, says unless the term of the UN tribunal on the genocide is extended it will be a failure.

He has written to the UN chief asking for some governing Rwandan Patriotic Front members to face justice.

The RPF took control of Rwanda in July 1994, putting an end to the genocide organised by extremist Hutu leaders.

The mandate of the UN-backed war crimes court which sits in Tanzania to try the genocide ringleaders ends in December.

Some 800,000 Tutsis and Hutu moderates were slaughtered during the country's 100-day genocide.

Since 1997 the International Criminal Tribunal for Rwanda has convicted 28 people and acquitted five.

Earlier this month, it requested for the first time the transfer of one of its cases - against Fulgence Kayishema, who is still at large - to Rwanda.

Correspondents say if the request is granted other cases are likely to be moved to Rwanda.

Influence

"If the Arusha tribunal ends its functions having only considered one side of the problem, most of us (Rwandese) would see it as a biased tribunal, and instead of resolving the Rwandan unity problem, it would have worsened it," Mr Rusesabagina told the BBC's Great Lakes service.

The BBC's Nduwayezu Bathazar in Arusha says the tribunal still has 11 cases to finish and there are 18 people at large.

Crimes committed by the RPF in 1994 are still under investigation and there have been no public indictments, he says.

"If this tribunal doesn't deal with guilty RPF members, it means their cases will be transferred to Rwanda," said Mr Rusesabagina, who wrote to UN Secretary-General Ban Ki-moon about his concerns on 22 June 2007.

"But those who would be in charge of these cases may have been involved in criminal acts, in which case they wouldn't rule against themselves," he said.

In 1994, Mr Rusesabagina - a middle-class Hutu married to a Tutsi with whom he shared four children - sheltered some 1,200 refugees at a hotel in the capital, Kigali, where he was the manager.



Hotel Rwanda tells Mr Rusesabagina's story

“ hem”

Paul Rusesabagina

The man behind Hotel Rwanda

Opened: **1997**
 Guilty verdicts: **28**
 Acquittals: **5**
 Cases in progress: **11**
 Cases awaiting trial: **8**
 Accused at large: **18**
 Source: *ICTR*

The film Hotel Rwanda told the story of how he used his influence to bribe military officials to secure a safe escape for refugees.

"I'm just a normal person. But as I've always defended human rights," he said about his letter to Mr Ban.

"I'm trying to be the voice of millions of Rwandese who have no-one to speak out for them."