

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

**PRESS CLIPPINGS**

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

Thursday, July 29, 2004

The press clips are produced Monday to Friday.  
If you are aware of omissions or have any comments or suggestions please contact  
Ibrahim Tommy  
Ext 7248  
MOBILE: 232 76 645 914

**SPECIAL COURT: CASE AGAINST REBELS**

# 73 SET ABLAZE IN HOUSE

*By Mohamed Mansaray*

***A Special Court Prosecution witness has revealed how seventy-three (73) people were put in a house at Makanbesa in the Port-Loko district and set ablaze by the rebels in 1999.***

The eleventh Prosecution witness, TF1-253 also told the court that the house was first sprayed with liquid he believed to be petrol before it was burnt. He testified that the doors and windows of the house were all sealed before it was set on fire.

Led in evidence by a Prosecution counsel, Allieu Iscandari

at Court Room No. 1, New England in Freetown yesterday, the witness told the court that it was while he was in rebel captivity in the village that he saw the event.

Testifying in Temne through an interpreter, the witness told the court that six other people (two boys and four girls) were also frog-marched into the room before it was

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*Sierra Times*

*Thursday July 29, 2004*

set ablaze. "I saw thick smoke billowing from the house and the people were crying," he told the court.

The 33-year-old witness further testified that he was later moved to another location in the village and his hands amputated. He said several people including two women were also amputated by the rebels.

The witness recalled that he and two of his younger brothers were abducted at gunpoint by rebel at Makandesa in the district. He told the court that his two brothers were slaughtered after the rebels accused them of being Gbethi (a civil militia group). He said he was later taken to the rebel bosses one of whom he said was a Mr. Johnson who according to the witness operated a communication set. "I was saved by one Col. Sesay who was dressed in combat", he said.

The witness further testified that those who abducted them tied clothes on their heads, some wore civilian clothes while others put on combat. "Those who held me told me that they were rebels and their leader was called Superman", he said.

The witness further told the court that his step mother and her two sons were also murdered. He told the court that a man who used to supply him with cigarettes, one Mr. Sampha was also slaughtered.

"I saw them (rebels) bringing my younger sister and they split her mouth right up to the jaw", the witness further explained in tears, adding that his sister was later shot in the back whilst carrying a child on her back.

Born in 1971 in the Maforki chiefdom, Port Loko district, the witness told the court that the rebels later attacked Port Loko where Malian and Nigerian peacekeepers were based. He told the court that it was during the Port Loko attack that he escaped from rebel captivity.

Sittings resume this morning when the witness is expected to be cross-examined by defence lawyers.

Meanwhile, the first RUF accused Issa Sesay who was reported to have been diagnosed with heart pain was present in court yesterday.

Salone Times

Thursday July 29, 2004

Aworks

Thursday July 29, 2004

# 73 people were burnt to death: *Witness tells court*

By Odilia French  
Prosecution Witness  
TF1 253 yesterday nar-  
rated at the Special

Court how a total of 73  
people were set ablaze in  
a house and also how his  
two bothers, stepmother

and his pregnant younger  
sister together with her  
two children were killed  
by rebels in Port Loko.  
Led in evidence by Pros-  
ecuting Counsel- Allieu  
Iscandri, the witness told

the court that he was born  
in a village called  
Manarma in the Maforki  
Chiefdom, Port Loko  
District. He said that he  
was in his village in 1999.

*Contd. Page 2*

## 73 people were burnt to death

### *From Front Page*

which was occupied by local  
militia called the Gbethis and  
soldiers when some people  
came from a neighbouring  
village and told them about  
massacre of people by rebels  
in that area. He said that the  
people asked the soldiers and  
Gbethis to come to their aid,  
which they did but came un-

der attack. The witness said  
that he took his wife and  
children to a village called  
Rokonta where his mother  
and second wife were resid-  
ing. He and his family de-  
cided to get out of that place  
and on getting to  
Makanbesie Town, the wit-  
ness said that he saw some  
people coming towards

them fully armed with their  
guns pointed at them. "All  
my possession- money, ciga-  
rettes and goods were taken  
from me and they told that  
they were rebels. The rebels  
then tied my hands, passed  
it behind my back and asked  
me if I was a Gbethis. I re-  
plied that I was not," he  
went on. He went on to nar-  
rate that whilst lying down

"my younger brother was  
shot and both his legs were  
chopped off." He went on.  
"I was struck on the head  
by another rebel with a ma-  
chete and my other broth-  
er's head was also struck  
and he raised his hand and  
shouted that they are kill-  
ing him." His stepmother  
he went on was taken to the  
back of the house and he  
never saw her again on that  
day, adding, "the other day  
I saw her lying down dead."  
As he went on to narrate,  
the witness said that he was  
still lying down when his  
sister was brought with her  
mouth split right up to her  
jaw. "Her four-year-old  
daughter was taken from  
her and struck on the head  
and she fell down and died.  
My sister who was preg-  
nant at that time and carry-  
ing her other child on her  
back was shot at. Both  
mother and child fell down

dead and the rebels went  
and chopped off her legs  
right up to her thighs," he  
lamented. He said that he  
felt both physical and psy-  
chological pain at that  
time as he watched his sis-  
ter and children being  
killed. The rebels he went  
on then took him to his  
village- Manarma and  
upon their arrival "I saw  
a lot of corpses lying  
around and they took me  
to their boss one 'Johnson'.  
The rebels started slapping  
me saying I was a Gbethis,  
which I denied. So, they  
decided to kill me but one  
Col. Sesay rescued me." He  
went on further, "I was  
taken to the veranda still  
tied and was sitting down  
when I heard voices com-  
ing from a house crying that  
they want water but no-  
body took water to them.  
I saw four girls and two  
boys who were frog-

marched and taken to the house  
where the voices were coming  
from. The door was padlocked  
and all the windows nailed. Pet-  
rol was then poured around the  
house and it was set ablaze.  
Smoke was coming out of the  
house and the people were cry-  
ing." The witness said that he  
together with the rebels they  
went through Makanbesie, which  
was totally burnt down and  
Bambara village which the rebels  
as well. He said that it was in Port  
Loko after an attack from the  
Malian and Nigerian troops sta-  
tioned there that he was able to  
escape. According to him he and  
some member of his family then  
went back to his village to bury  
his relatives that were killed. "In  
our village I saw corpses lying  
around and we were not able to  
bury them all as they were many.  
We dug holes and put five  
corpses in each. We then went to  
the house the people were burnt  
and counted the number. It was  
73 people," he said.

Christian Monitor

Thursday, July 29, 2004

## Special Court hears more Horrors

The Special Court in session yesterday heard from a witness (TF1253) how his relatives and other villagers were killed.

Among other things he

said his execution was stopped by one Colonel Sesay. He also said 73 corpses were discovered during those atrocities.

They were all Mende speaking rebels, he added.

# Special Court

THE TRIAL Chamber at the Special Court overruled an application by the Defence Counsel for Issa Hassan Sesay, Moris Kallon and Augustine Gbao for the exclusion of evidential material contained in a supplemental statement of Witness TF1-060 disclosed to the defence by the prosecution on 16 July 2004.

by SU THORONKA

The defence contended that the afore-said statement contains evidence relating to a new count, to wit 14, charging the offence of pillaging, and makes a direct reference to and specific allegations against the first accused.

The defense forcefully submitted that the said statement cannot in law, be considered as an addition to or clarification of the original statement previously disclosed by the prosecution on 2 June 2003 but that it is in essence a new statement from the witness alleging entirely new facts and it should be deemed to be a statement from a new witness for purposes of the interpretation and application of Rule 60(A) of the Rule.

The defense further submitted that the disclosure of the alleged "additional statement" is in breach of Rule 60(A) (ii) of the Rules for the Disclosure and Article 17(4) of the statute of the court guaranteeing an accused person the right to adequate facilities for the preparation of his defense.

The defense also argued that Rule 66(A) (ii) should be interpreted in a purposive manner consistent with Article 31 of the Vienna Convention on the Law of Treaties so as to require the prosecution to show good cause for the admission of the additional statement akin to facts emanating from a new witness.

It was also submitted by the defense that on a plain and literal interpretation of Rule 60(A) (ii), the prosecution has the burden of showing good cause whenever it wishes to disclose to the defense, statements of additional witness rather than additional statements from the same witness, and that having failed to do so in this case, it should not be allowed to adduce the evidence contained in the contested supplemental statement.

The defense firmly argued that in any event if the statement is considered to be supplemental in law, the defense would need time to investigate new allegations for purposes of an effective cross-examination.

In response, the prosecution submitted that it disclosed the additional statement as soon as possible and argued that Rule 66(A) (ii) does not apply to additional statements but rather to additional witnesses. The prosecution also argued that the defense has already been put on sufficient notice as to the evidence going to witness TF1-060 from the previous disclosures, and that the testimony should be permitted to proceed as scheduled.

The merit or otherwise of the defense application revolves around both the proper interpretation to be given to Rule 66(A) (ii) as to the obligation of the prosecution to disclose witness statements to the

be objectionable.

For the People

Wednesday, July 28,

2004

Peep

Wednesday July 28, 2004

## **MARGAI TAKES ON SPECIAL COURT!**

*calls it "unconstitutional"*

Lawyer Charles Margai has filed suit before the Supreme Court arguing that the creation of the Special Court is unconstitutional and asking for the immediate release of his clients - former CDF commander Sam Hinga Norman and two others.

The Supreme Court began sitting on Mr Margai's matter last week.

Mr Margai argues that sections 120, 122, 124 and of the 1991 constitution recognises the Supreme Court as the final court of appeal in Sierra Leone, with original jurisdiction to the exclusion of any other court.

"In fact section 120 clearly states that judicial power in Sierra Leone shall be vested in the judiciary of which the Chief Justice is the head", Mr Margai explained to us during a snap interview on the Law Court grounds.

Mr Margai is therefore seeking a declaration from

the Supreme Court that the *Special Court Agreement* (2002) is void and of no effect.

The treaty, drawn up between Sierra Leone and the United Nations, established the war crimes tribunal but stipulated that it was *not* part of the judicial system of Sierra Leone.

Margai is seeking the immediate release of his clients since their detention is "illegal and unconstitutional".

REPORT BY THE PRESS SECRETARY

Peep  
Wednesday, July 28, 2004

# POLITICS AND THE LAW

## HOW HONOURABLE IS THE LEGAL PROFESSION IN SIERRA LEONE?

O.R Awoonor-Gordon

The Sierra Leone Bar Association has just ended its Annual Conference - its 23rd I believe.

I wasn't there. Running a newspaper on a shoestring is a full-time exercise, and I hardly ever have the opportunity to get out of the office. But I can imagine the scene at the British Council, Tower Hill.

Lots and lots of suits; a lot of loud laughter and backslapping. And let's not forget the speeches.

Indeed I have one before me right now.

It's the keynote address on this year's Bar Association Conference theme.

**"The Noble Profession In Perspective - A Time For Introspection"**

The keynote speech was given by Hon Mr Justice George Gelaga-King, once of our Judiciary - now Justice of the Special Court Appeals Chamber.

This Justice George Gelaga-King I recall was rejected by Parliament when proposed for a position on the Supreme Court in 1996. This was for reasons having to do with the illegal sale of our embassy in Paris back in the days of antiquity. A rather odd choice for keynote speaker on the 'nobility' of the legal profession in Sierra Leone, one would think. But then the Bar Association does often chose a few odd fish to do the honours.

Last year it was Eke Hallaway the Attorney-General; at a time when the Bar Association was challenging the constitutionality of Mr Hallaway's appointment without Parliamentary consent.

This type of intellectual

schizophrenia - a divorce between lofty ideals and shabby realities - runs through our legal system from top to bottom.

It is especially reflected in Justice Gelaga-King's speech.

The speech would make an excellent piece for satire in my senior editor's column 'Incredible Theories'.

Full of self-congratulatory *bon homme*, elitist arrogance and, of course, the obligatory legal references, it captured in essence the mindset of the senior level of our legal profession.

I doubt very much if anyone, outside the legal profession, has as high an opinion of lawyers and judges as they appear to have of themselves...

Justice Gelaga-King, in opening his speech, said he'd taken the liberty of slightly altering the sub-theme of his address from

"A Time Of Introspection" to "A Time For Introspection".

This is because he felt that would make the introspection "mandatory" and to create a "sense of urgent reckoning".

Does the legal profession have a claim to nobility? Yes, Justice Gelaga-King argues, (with the obligatory quote from some British judge), because of the profession's.

"Over-riding quest and yearning to ascertain the truth so we may attain justice".

I had to snigger when I read that one. It may possibly be true in the Dear Old Mother Country, England, of which most legal professionals seem to imagine that they are honorary citizens. I question, very fiercely, how far the legal system in Sierra Leone is engaged in an 'over-riding quest and yearning for the truth'. But we shall return to that point later.

Justice Gelaga-King goes ahead to make an even weaker point; the legal profession is noble - because legal professionals declare

it is. This time I'll borrow from Justice Gelaga-King's own reference - mainly to show how out-of-touch he is from both logic and reality.

The quote is from Sir Malcolm Hilbery who was *Justice of the King's Bench Division of the High Court of Justice In England* (lawyers apparently care deeply about these precise delineations. No-one else could give a hoot).

This noted authority wrote in his book 'Duty And The Art Of Advocacy'.

"The Bar of England proudly proclaims itself an honourable profession. And indeed it is: it has a code of honour, to which it requires its members to be... obedient... (and) demands... strict probity and... fulfillment of their duty to their clients and their duty to the court..."

And here the learned Special judge goes ahead to

make a leap of logic which falls far short of the other edge of the cultural and political chasm that lies between England and Sierra Leone.

"Now for the 'Bar of England' substitute the 'Bar of Sierra Leone' for we equally... proudly proclaim ourselves honourable and our profession noble".

He does make the caveat. (see, the addition to Latin is catching), that "we are entitled to claim so only so long as we keep our pledge to be obedient to our code of honour by observing the strictest standards of uprightness and honesty".

Now only lawyers, long practiced in the arts of dissimulation, could sit there hearing all this solemn twaddle from a man with a rather tainted past and not burst out laughing.

But what is the code of honour the honoured justice enjoins his legal colleagues to uphold?

The first commandment, as he says, is 'Thou shall not advertise or solicit work'. This is below the



Kabbah with then C.J Beccles-Davies and the rest of undistinguished Bench in 1996

dignity of the Bar - "touting" is "ignoble and improper" Uh-huh..

His second commandment is that an Advocate must never abuse the privileges which covers all he says and does in court.

A lawyer's third commandment is to respect the Bench and conduct their

the realities of Sierra Leone I cannot imagine (a lot of it is English myth - spinning too - but that's another story).

It's when it comes to the recent history of Sierra Leone that the eminent judge decides to do a little myth - making of his own. He pays tribute to the le-

ews, summoned up the blood, distinguished fair nature with hard-favoured rage, lent the eye and terrible aspect" in that titanic struggle against the NRC and to have shown the same "determined and fearless" resistance which the esteemed Special Court

advocacy with respect, dignity and decorum.

He then launches into a long anecdote on the importance of the Judge, the need to award judges maximum deference at all times. hardly surprising coming from a judge, one supposes.

Justice Gelaga-King also stresses that it is "highly improper and unethical" for an Advocate to employ "devious means" to secure victory for his client.

He quotes the words of "that great Lord Chancellor, Lord Buckmaster" (who's he?).

"The man (lawyers were probably all men back in the days of "that great Lord Chancellor, Lord Buckmaster")... "the man who stoops to baseness for the purpose of securing victory of his client is a disgrace to the profession".

We are definitely far out in the land of Rudyard Kipling's poem 'If', Lord Nelson's message before Trafalgar and the charge of the Light Brigade into the guns at Balaclava.

A world more remote from

gal glants of the early sixties; to the Cyrus Rogers-Wrights and Eben Livesy Lukes, who inspired him when he was a young lawyer.

And he throws a challenge to the entire Bar: "The everlasting lesson is... implicit respect and obedience to lawfully constituted authority... (and) a determined and fearless resistance to infringement of the rule of law".

It's interesting that the only example he can recall of the Bar's "determined and fearless resistance to infringement of the rule of law" is the Association's public protest and condemnation of the N.R.C military regime in 1967 - 37 years ago!

What has the Bar Association been doing since then? After all, "infringements of the rule of law" have come fast and furious since the brief NRC regime, haven't they?

There has been plenty opportunities for Justice Gelaga King's junior colleagues to emulate his Shakespearean example of having "stiffened the sin-

judge claims he showed "the (relatively) meek and mild) N.R.C Khaki boys.

The fact is that the Bar Association, by and large, has proved docile and timid and totally irrelevant to the course of political events in this country for over 30 years.

Said nothing, did nothing, when Stevens tampered with the constitution. Stood idly by during the violence, corruption and oppression of the One-Party years. Dormant during the NPRC period - when a judge squealed in open court that he was 'not unfettered' in the Newbreed seditious libel case.

Why, they didn't even issue a statement when the legitimately elected government was overthrown on May 25, 1997. The Bar Association stood aloof from the struggles of students, trade unionists and market women. Only after the restoration of the Kabbah administration did they then issue a statement



Peep

Wednesday July 28, 2004

## NOBLE LAWYERS?

from page 3

condemning the junta. Sort of like lodging an appeal after your client has been hanged... at least in my opinion. No, the Bar Association has been largely irrelevant in the political history of Republican Sierra Leone... Lawyers, individual lawyers however, now that's another matter. At the risk of generalising, I would take a bold guess and say that after the politicians, legal professionals have been a group of people most responsible for Sierra Leone's wretched state today. In fact most of our politicians have been and are lawyers - stretching back to the days of the 'Great' Albert Of Africa - his One-Party Constitu-

tion, Republican System and, when all else failed, his arranged coup with Brigadier Lansana; to the Mutt-And-Jeff combination of today: President Kabbah and his constitution amending senior colleague (in law at least) Solomon Berewa. Personally I have seen far too little honour in the actions of people like Solomon Pratt, Arnold Bishop-Gooding, Aji Spaine and Berewa to give a fig for whatever delusions the legal profession tends to peddle to itself. And few, if any, of the judges I've seen have even the most tenuous connection to the great Lord Buckmaster (unless perhaps, they bought his wig second hand). Just last week I was called to court to give evidence in the defence of a press colleague. The judge, who already seems to have made his mind up, was selective in which of my tes-

timony he chose to accept, insisted on putting words in my mouth and at one point, joined up with the prosecutor to hector and harass the defence lawyer.

Of course this kind of political kow-towing is not gender specific on the Bench.

A year or so ago, the female Justice who presided over Paul Kamara's trial locked him up for several hours when he said he could not cross-examine the plaintiff, (he had no lawyer then: legal counsel must scrupulously avoid 'outing' for journalists as clients!).

When the FDP editor did find a lawyer, the lawyer too went down for contempt of court. When the matter reached the Supreme Court, the lawyer was accused of bringing the legal profession in Sierra Leone into disrepute (as if that were possible!). After what was frankly a

farce of a trial (two years later the Master and Registrar is scared to release the transcripts!), the learned Justice not only recommended a *ban* on a paper (well within the Law - but an offer which any politician worth his salt had to refuse in a democratic society)... but also multiplied the fine allowed under the law by 1,000! Such excess zeal is perhaps not what Sir Malcolm What's-His-Name meant when he talked about one's "duty to the client". But enough. Many will accuse me of being excessively negative. Others will say I hate lawyers.

Those who know me well understand that the opposite is the case. Some of my best friends are lawyers.

But I do not like the way the legal system runs in Sierra Leone and I do not think most lawyers are in any way more noble than most people trying to

scratch a living in this God-forsaken land.

I used to be an academic. I'm now a journalist. Both vocations emphasize the highest regard for *facts*. And although I'm not an advocate, the facts simply don't bear out the illusionary address by the Honourable Justice Gelaga-King.

Bribes in chambers. Counsels - even the esteemed Master and Registrar - misappropriating clients' money. Lawyers not turning up to court. Doing everything - including tampering with documents - in the effort to win. Judges taking Orders from Above; or even, in the case of our esteemed female judge in the FDP case, inventing their own marching orders when none have been specifically passed down.

Has *any* lawyer been struck off the Rolls (*disbarred*) in living memory? Wherein lies the value of

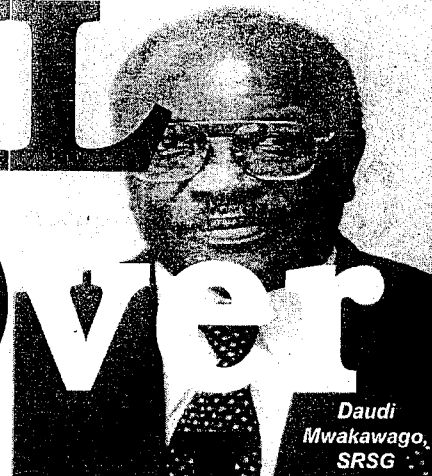
a code of discipline which is not *enforced*?

Even we journalists have kicked out other journalists from SLAJ; and we're only beer-guzzling journeymen; not the finest flowerers in Her Majesty's colonial legal garden!

Urgent reforms are needed in our legal system. People, at present, have no confidence in it. As we've seen in all too recent times, when a legal system loses credibility, the people will find other means of expressing their grievances. The lawyers *should* be in the vanguard of the fight for legal reform. They are not at the moment.

So it's probably been a year to get someone who really believes in change to deliver the Bar Association's keynote address - and not call on some elitist and hypocritical old fart who was boosted by a corrupt government into a comfortable international legal niche.

# UNAMSIL Hands Over Freetown In September



Daudi  
Mwakawago,  
SRSG

By Jonathan Leigh just back from Kono

## ...Handed Over Kono Yesterday

UNAMSIL  
Force Com-  
mander,  
Maj-Gen.  
Sajjad



UNAMSIL yesterday handed over the primacy of security in the Kono district, that was directly the responsibility of the Pakistani Battalion, to the Sierra Leone Police and Army respectively. Briefing journalists on Tuesday afternoon at the Mortema police station in Kono, Staff, British-born

Col. Rowland Landslay and IMATT's Maj. Ian Moody, say the UNAMSIL troops on the ground will not be pulling out immediately but will be providing back up security for both the police and army. According to Col. Landslay, the handing over of security to the government of Sierra Leone started two months ago in the North and Southern provinces. And will similarly be taking place in Freetown in September. On the same note, he went on, in the entire eastern prov-

ince will take place next Wednesday in the Kenema district. On Tuesday morning, a command post exercise designed by the Pakistani battalion, a mock scenario in which some 150 people arrested a pickpocket and how the police will handle the situation, was practised. Maj. Moody explained to the press how it was demonstrated. Later in the day, a field training to practise law enforcement formulation and execution in pertaining to internal security

involving the Sierra Leone police and army also took place. It involved a demonstrating crowd, comprising mainly Pakistani peacekeepers in plain clothes carrying banners and a few Sierra Leoneans, using petrol bombs and ammunition with the regular police, first trying to control them, followed by the intervention of the Operational Support Division as, the paramilitary wing of the police, who were called in as reinforcement with riot gear the crowd surge forward, and later the intervention of the army

when the situation got out of hand following the firing of shots by the demonstrators which forced the police to flee. After the rehearsal, both Lt. Col. Tamba Alieu, the army 9th battalion commanding officer and Police Local Unit Commander, Chief Supt. Joseph Kabia in a brief chat with the press, expressed their readiness to take over despite the fact that the army complained of lack of logistics and the police, with 352 personnel on the ground, say they needed more logistics.

**UNMIL Daily Media Summary**  
**Wednesday, 28 Jul 2004**

**Sierra Leone's President Says Taylor's Asylum Arrangement Should Remain**

*(The Liberian Diaspora)*

- At a news conference following the Independence Day celebrations in Monrovia, Sierra Leonean President Ahmad Tejan Kabbah said that Sierra Leone does not have jurisdiction to seek the extradition of exiled former President Charles Taylor.
- President Kabbah said that the arrangement that forced Mr. Taylor into exile in Nigeria should not be tampered with in order to help the peace process.
- President Kabbah dismissed widespread speculation that the reason for his visit to Monrovia was to convince the NTGL to seek the extradition of Mr. Taylor. He urged those seeking the extradition of President Taylor to address their concerns before the Special Court in Sierra Leone.



## African talks on three conflicts

By Paul Welsh  
BBC world affairs correspondent

**The secretary general of the United Nations and 11 African heads of state are due later at talks to try to end three of the continent's conflicts.**

It was originally supposed to be a meeting about the stagnant peace process in Ivory Coast - almost two years old and almost dead in the water.

The regional body added on talks about Liberia.

Now Kofi Annan wants to use it to make progress on three African conflicts in one go, adding Sudan to the agenda.

The president of Nigeria is also the chairman of the African Union.

He and the UN leader will try to find a way to end the suffering and fighting in Sudan.

But Ivory Coast and Liberia are close to Mr Annan's heart too, and close to his homeland, Ghana.

Soon he will have more than 20,000 UN peace-keepers in the two West African states and he is keen to see those governments make a lasting peace too.

In Liberia, the body sees a chance to encourage closer relations between the old guard and the new members of government, the former rebel leaders.

Story from BBC NEWS:  
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/3935117.stm>

Published: 2004/07/29 01:53:27 GMT

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**Build. Your business.**

## Like Other Factions, So is the Military

**Concord Times** (Freetown)

OPINION

July 28, 2004

Posted to the web July 28, 2004

By Tanu Jalloh  
Freetown

As recently as 1996, one of the recommendations of Amnesty International was that "all complaints of torture, ill treatment and extra judicial executions should be investigated promptly, impartially and effectively in accordance with international standards and those responsible should be brought to justice." This among the six recommendation packages of 25 September 1996, was to cover all factions involved in the decade long civil conflict in Sierra Leone. Perhaps like the Civil Defence Forces, so is the military guilty of human right violations.

However, according to its findings, Amnesty International since 1992 has explored, with keen interest, the activities of men in military fatigues and has since strategized ways by which these explorations could be related to other parties in the conflict, stating clearly the nature of human right abuses attributed to the military during the war. Army commanders were alleged to have ordered the extra judicial killings of prisoners captured after re-establishing their presence in towns and villages, saying the Geneva Convention was only concerned about official Prisoners Of War (POW).

Also, if our memories can serve us well, there were certain moments in the history of the war, when civilians had openly expressed their dissatisfactions at the military, which by then was the only supposed security apparatus they could have relied on for protection. This was manifested when a refugee at the Sierra Leone-Guinea border town of Pamelap, told Amnesty International "it is very difficult to distinguish between a rebel and a soldier because they use the same arms and ammunition, they wear the same uniforms and they have almost everything the same." This perhaps has created the difficulties faced by individuals and even established international institutions in the pursuit of justice as regards the civil conflict in Sierra Leone. Or worse, the effort to measure the level of human right violations as a way of finding lasting solutions in the restoration of peace and stability might be deficient. That notwithstanding, cases of looted items including vehicles allegedly being carted away by rebel forces were later brought for sale by government soldiers in Freetown. Usually civilians who attempted to resist these soldiers were often brutally tortured to death.

Again the spontaneity of rebel attacks at some particular point in the history of the war, has probably confirmed the endless accusations rallied against the military. Instances of military presence in villages and towns that later came under frequent attacks from alleged rebels could be just one among the many widespread confusion among civilians about the identity and credibility of government soldiers. Witnesses were also quoted to have stated on countless occasions, that in spite of a contingent of soldiers stationed at various locations, they were no where to be seen at the time of rebel attacks, and could offer no protection whatsoever to the civil populace.

## Intervention complicates Darfur crisis

www.chinaview.cn 2004-07-29 16:51:30

KHARTOUM, July 29 (Xinhuanet) -- Two main rebel groups in Sudan's western Darfur region claimed once again on Monday that they would not resume peace talks unless the government meets their demands.

Meanwhile, the anti-government activities have impeded international assistance to the region, which exacerbated the plight of refugees.

Local analysts say the Darfur crisis has been complicated by the positions recently made by some Western countries. Britain, Germany and Australia have said they may send troops to Sudan to maintain peace there.

Responding to the positions of these countries, Abdel-Wahid Mohammed Ahmed el-Nur, leader of the rebel Sudan Liberation Movement/Army (SLM), said the international community should carry out military intervention as soon as possible to prevent Arab militias in Darfur from attacking residents.

But the Sudanese government voiced strong opposition to international military intervention. Najib Abdul Wahab, the minister of state for foreign affairs, called in the British and German charge d'affaires respectively on July 26, demanding officials from the two countries stop issuing any speech which may further complicate the situation in his country.

The US government presented a draft resolution to the UN Security Council on July 22, threatening to impose UN sanctions on the Sudanese government if it fails to appease turbulence in the Darfur region within 30 days. On the same day, the US Congress approved a resolution, declaring that Arab militias' attacks on black residents in the region amounted to a "genocide," and urging the administration of President George W. Bush to promote the UN Security Council to adopt the draft resolution.

On July 27, the Sudanese government issued a statement, reaffirming its stance on political ways to resolve the Darfur crisis and firmly opposing foreign military intervention.

Appealing to the international community to support Sudan to resolve the crisis through political negotiations, the statement stressed the international community should urge parties concerned to resume negotiations if it hopes to realize peace and stability in the Darfur region.

The Sudanese government and rebel groups held peace talks in Addis Ababa, capital of Ethiopia, on July 17, but failed to reach any agreement due to the conditions tabled by the rebel groups, including disarmament of Arab militias in the Darfur region.

The African Union (AU) has made efforts to help the two sides resume talks, but the AU officials admitted that peace talks will not be resumed soon since the Sudanese government can not meet all conditions put forward by the rebel groups.

Meanwhile, the Arab League (AL) urged the international community to give the Sudanese government more time to implement the agreement reached with the United States and the United Nations early this month. The AL also called on the Sudanese government to keep a wide range of contact with Arab and African countries so as to prevent the UN Security Council from endorsing a

sanction resolution.

Egyptian Foreign Minister Ahmed Abul Gheit said the Darfur issue is so complicated that it needs more time for solution, and the international community should give more chances to the Sudanese government. Enditem



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## **Wanted: An Independent Anti-Corruption Commission**

**Standard Times** (Freetown)

OPINION

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By John Leigh

I write to salute a courageous MP, the Honorable Haja Afsatu Kabba, for the insight she showed in discussing a key national problem in her recent speech in Parliament while debating the government's program set forth in the President Address. Haja Kabba spoke on a number of problems facing our country and highlighted the centrality of the role of rampant corruption in keeping Sierra Leoneans down and behind the rest of the world.

The Haja wants an Independent Anti-Corruption Commission. Any sensible government committed to advancing the public interest, will not ignore her reasonable proposal.

Haja Kabba pointed out in plain, straightforward language what every intelligent Sierra Leonean, members of the local diplomatic corps, the NGO community and officials of donor countries already know quite well.

Namely, the Anti-Corruption Commission as currently authorized is woefully ineffective in the face of escalating corruption.

Hon. Haja Kabba then went on to properly set forth the correct reason why our Anti-Corruption Commission has so far failed, and will continue to fail in its fundamental duty. Namely, the Attorney General's office must first authorize the prosecution of each and every corruption case, before the commission can take its responsibilities to their logical conclusions by prosecuting alleged wrongdoers whose cases the Anti-Corruption Commission already investigated and deemed prosecutable.

THE DEFECTIVE LEGISLATION MAY HAVE BEEN DELIBERATE In other words, the Act of Parliament that gave birth to the Anti-Corruption Commission is deeply flawed for it deliberately subjugated the Commission to suffocating political control. This control, some might convincingly argue, may have been willfully conceived and abusively administered as evidenced by the commission's ineffectiveness that the Hon. Haja pointed out during her speech in Parliament.

Some of us have read news reports about a former attorney general boasting about how wide his discretion is under the law and that he is free to exercise such authority without accountability to the people. It is this political control via the political office of the Attorney General that appears to have effectively emasculated the Anti-Corruption Commission's work, rather than the ineptness of the commission's staff.

CORRUPTION IS NOW SAID TO BE RAMPANT Honorable Haja Kabbah fully understands this distinction and the immediate consequences upon our body politic. She knows, as we do, that despite the excellent work of the commission's staff, corruption has expanded substantially and has become rampant.



So rampant, some would argue, that corruption in Sierra Leone has probably expanded exponentially when compared to the corruption levels existing during the notorious pre-war years. Thus, even after widespread national and international clamor to address the debilitating problem of corruption in our land, the needed political will to effectively address the problem at all levels of society, is yet to emerge.

Now, Honorable Haja Kabba has again properly raised the matter and wants the correct action taken. Haja Kabba has now boldly recommended to Parliament that the Anti-Corruption Commission should be empowered anew, presumably by an Act of Parliament, to directly prosecute its own investigated cases of corruption rather than continue to go nowhere except through the Attorney general's office and wait there for permission to prosecute - permission that may never be granted.

The Haja deserves the support of the public and the government on this important matter. I respectfully urge our government to pay heed to Haja Kabba's very reasonable request because success in containing corruption will help uplift the lives of our people and insure that peace and social progress permanently reign supreme in our land.

As an important first step in demonstrating its commitment to the democratic principles of transparency and accountability on this hot issue, why doesn't the government release to the public those cases already investigated and certified as prosecutable by the commission but rejected for prosecution by the Attorney General, together with the Attorney General's reasoning for its non-prosecution decision in each relevant case?

**WITHOUT REFORMS DAILY HARDSHIPS WILL PERSIST** The easy but unacceptable alternative is for the government to deliberately ignore Honorable Haja's concerns and do nothing about increasing the effectiveness of the Anti-Corruption Commission. If the authorities decline, fail or refuse to take the appropriate corrective action, the current rampant corruption will continue to fester; while the Attorney General's office will go on serving as a mortuary for the investigations already concluded by the Anti-Corruption Commission.

Hon. Haja Kabba and other thoughtful Sierra Leoneans at home and abroad, are not the only people demanding that the authorities stop corrupt practices. The British Government has already dispatched to Freetown three of its cabinet ministers and at least one top civil servant during the last two years alone to encourage our country's leadership to do the right thing and genuinely address our massive corruption problem.

Likewise, in its most recent report about corruption worldwide, Transparency International in Berlin gave our country very low marks on the issue of corrupt practices in our country. The International Crisis Group in Brussels, Belgium and Human Rights Watch in New York, two respected international NGOs with deep interest in, and credible work internationally on behalf of Sierra Leone, have also reported adversely on the catastrophic state of corruption in Sierra Leone and the obvious lack of progress in containing the problem. The American Embassy in Freetown issued a statement in recent weeks expressing its concerns about rampant corruption in Sierra Leone and said it intends to deny issuing visas to the United States to public officials it deems corrupt.

**CORRUPTION IS THE MAIN REASON BEHIND DAILY HARDSHIPS** Rampant corruption is at the heart of the multiple miseries endured daily by the masses in Sierra Leone.

If the problem is not genuinely addressed, the people of Sierra Leone will continue to labor under the yoke of extreme hardship because corruption is one of the major reasons why the price level for the everyday necessities of life such as rice, palm oil, petrol, rent, etc. is so high; why salaries are so low; why good-paying jobs are so scarce and why electricity for the masses is so scarce.

Rampant corruption is behind the degradation in the exchange value of the Leone and behind the high prices of commodities for where rampant corruption is chronic, banks and financial houses heavily discount

the external value of that nation's currency. This renders imports more expensive. Rampant corruption discourages foreign investments because international businesses know that where there is rampant corruption, the country cannot be expected to be a stable place where property can be safely protected or where executives can manage their businesses without contending with extortion demands and/or bribe-taking by some in authority. Lack of foreign investments translates into job scarcity and low or non-existent salaries and wages.

Rampant corruption is behind the spread of HIV/AIDS.

For when prices of daily necessities are high and wages low or non-existent, some people are forced to engage in prostitution or become promiscuous just so they can eat and pay for a roof over their heads; or take care of their families. As is well known, prostitution and promiscuity spread many terrible diseases, some of which may still be incurable.

Rampant corruption, coupled with our government's ineffectual anti-corruption mechanism, is behind Sierra Leone's poverty. It is a poverty that is so deep, so dense and so widespread that our country has remained in the last place on the UN Human Development Index for the past seven years.

Accordingly, Sierra Leone is the least safe place on earth for mothers during childbirth. We have one of the highest infant mortality rates in the world; lowest life expectancies, lowest per capita income; an abundance of diseases, high rates of illiteracy, poorly equipped schools, poorly paid teachers, poorly equipped and poorly funded hospitals, inadequate clean drinking water, inadequate food production, primitive agricultural tools, dangerous roads, substandard and inadequate housing, etc. Thus, Haja Kabba is right to demand that the Anti-Corruption Commission must be properly empowered to do its job.

**AN INDEPENDENT JUDGE IS APPRECIATED BUT NOT ENOUGH** The government may claim that the Anti-Corruption Commission is powerful enough because it has already appointed an independent judge to try corruption cases.

But what use is an independent judge if the most egregious corruption cases never get to see the light of day at all because of politics? What is urgently needed now is not only an independent judge but so also is an Independent Commission with its own Independent Prosecutor in order to render effective the fight against the impunity of corruption. Clearly, without an independent prosecutor, the commission cannot be independent.

**AN INDEPENDENT PROSECUTOR IS THE ANSWER** Sierra Leone already has an independent Special Court to independently investigate, independently prosecute and independently judge those deemed most responsible for war crimes and crimes against humanity in an attempt to address the problem of impunity in the perpetration of violence against civilians during the war.

If the government is truly concerned about corruption, as it proclaims, why not likewise work with donor nations to create a truly independent Anti-Corruption Commission?

Nothing is more criminal and more inhumane in today's Sierra Leone than for those deemed most corrupt - e.g.

people with public aliases such as Mr. Money Man, Gabteh Karkah, Money Nyapu Nyapu - to keep on punishing the suffering citizens of Sierra Leone with the impunity of their rampant corruption while the authorities appear satisfied with 'the toothless bulldog' Anti-Corruption Commission bestowed with phony powers.

**CORRUPTION CAUSED AND PROLONGED THE CIVIL WAR** Let it be remembered that our country's reputation for rampant corruption was part of the reason why the war lasted so long and why the suffering was so barbaric.

When I was Ambassador in Washington, I discovered that Western nations refused at first to help conclusively defeat the rebels because the rebels initially succeeded in exploiting our country longstanding reputation for rampant corruption. Even though the rebels had corrupted their own insurgency, sold out to Charles Taylor and embarked on a systematic program of mayhem, Western nations insisted on the RUF's participation in government.

The rebels had successfully argued for years that they were fighting to end corruption and bring genuine democracy to Sierra Leone and many people in authority in democratic countries believed them because of our pre-war history of corruption and fake democracy. It took a lot of hard and skillful work, along with the documentation of rebel atrocities before the United States agreed to support a UN Chapter 7 mandate. Today, we are back to Square One with our corruption cancer.

Yet 'waging' a phony war against it.

## CONCLUSION

To those currently in authority, I say 'please take appropriate action forthwith so that history never repeats itself in Sierra Leone because you failed to heed the sensible advice of the Honorable Haja Afsatu Kabba, MP. Please create a genuinely independent Anti-Corruption Commission with an independent prosecutor and an independent judge.

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