

**SPECIAL COURT FOR SIERRA LEONE**  
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**PRESS CLIPPINGS**

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Tuesday, June 29, 2004

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Christian Monitor

Tuesday June 29, 2009

# Special Court to Call RUF's Bluff

In spite of their earlier threat to boycott sittings of the Special Court in a letter dated 11th June, the joint trial of the three Revolutionary United Front (RUF) indictees will commence as scheduled on Monday July 5th. The threat by the former RUF members not to attend sittings and also not to enter plea was made in the backdrop of a jurisdiction motion before the Supreme Court contesting the lawfulness of the Special Court to try them for war crimes and crimes against humanity.

It will be recalled that the Appeals Chamber of the Special Court had ruled that the Special Court is a superior court not bound by any laws of the Sierra Leone Judiciary.

In their letter submitted on November 2003 they "raised legal objection to the lawfulness of the Special Court to arrest detain and prosecute" them for alleged, crimes of war.

The Trial of the RUF indictees promises to give a new twist to the proceedings of the

Court which have been dominated by the joint trial of the Civil Defence Force, Hinga Norman being the first accused.

The objection of the RUF indictees was made known last week at the Status of Trial Conference prior to the commencement of their joint trial.

All three accused persons Issa Sesay, Morris Kallon, and Augustine Gbao, were in court while the conference was presided over by Trial Judge, Bankole Thompson.

HUMAN RIGHTS WATCH

## Combating War Crimes in Africa

### ***Statement to House Committee on International Relations, Subcommittee on Africa***

I want to thank Chairman Royce and ranking member Payne for inviting my organization, Human Rights Watch, to address the Africa Subcommittee about the important topic we are addressing here today: Combating War Crimes in Africa.

My name is Corinne Dufka. I am a senior researcher and the West Africa Team Leader for the Africa Division of Human Rights Watch. I was based in Freetown, Sierra Leone from 1999 through late 2003 where I researched and reported on appalling human rights abuses in the sub-region including those in Sierra Leone, Guinea, Liberia, and Cote d'Ivoire. In 2002-2003, I took one year off from Human Rights Watch to work as an investigator with the Office of the Prosecutor for the Special Court for Sierra Leone.

In the course of my work with Human Rights Watch, I have spoken with hundreds of victims, witnesses to, and perpetrators of unspeakable war crimes and crimes against humanity, almost exclusively committed against unarmed civilians.

I recall the heartbreaking story of a mechanical engineer in Freetown who watched while his six children and only grandchild were lined up against a wall in January 1999 and executed by a rebel soldier. I recall the look on the face of a mother as she described fighting to protect the last of her three daughters from being dragged away by retreating rebel soldiers. Of how a father was forced at gunpoint to watch as his young daughter was gang raped by rebel combatants, some of them children, and of a young man who had dreamed of becoming an accountant who described how rebels hacked off both of his hands with a rusty axe. I heard numerous testimonies including a father's account of how near Tongo Field in late 1997, members of government-backed militias lined up and executed scores of civilians, including his 15-year-old son.

In Liberia, the stories were much the same. A 30 thirty-year-old man from Popalahun described how in September 2001, large numbers of civilians from the Gbandi ethnic group were found hiding in the forest by Liberian government soldiers and later burned in a house in nearby Kamatehun. Or how a young mother from Bondawalahun was forced by a Liberian government soldier to choose between dying herself or having her infant murdered in front of her.

Over the last 10 years, at least eighteen countries in Africa have been consumed by war, usually internal. At present there are several active conflicts in Africa-they are Cote d'Ivoire, the Darfur region of Sudan, Northern Uganda, Burundi, and the Democratic Republic of Congo.

There appears to be an inverse relationship between the body of treaties, laws, and conventions aimed at protecting civilians during a time of war, and the degree to which they are deliberately targeted by both state and non-state actors. The methods they employ include mass slaughter, the use of terror, ethnic cleansing, and forced migration. The goal of war is often the exploitation of natural resources, and the creation of chaos is the means to achieve it. These wars are increasingly fought by forced recruits, often children who are ripped away from their families and turned into killers.

To combat war crimes in Africa, two key and indeed related components are urgently necessary – the first is ensuring accountability for serious human rights crimes, and the second is implementing preventive strategies

to detect, stop and/or mitigate situations with the potential to develop into systematic war crimes.

Ensuring accountability for serious human rights crimes:

Every civilian victim who has been brutally mutilated, raped, abducted, or murdered has a name, and so too do the individuals responsible for perpetrating such atrocities. The abuses were not random incidents; they were most often the result of a deliberate policy on the part of the highest levels of leadership. And yet very few of those responsible for widespread and systematic abuses or indeed for orchestrating policies of abuse are brought to justice. Recent history has shown that these killers more often than not receive plum ministry positions as part of peace deals that grant them amnesty or fail to hold them accountable, and even reward them for their horrific acts. Often such war criminals and the impunity they receive contribute to future instability.

Human Rights Watch strongly believes that justice is not a moral luxury. Victims whose lives have been torn apart by violence in Africa have just as much a right to see justice done as victims of violence anywhere in the world. The victims of amputation who will struggle without hands everyday for the rest of their lives; the tens of thousands of people who lost those most precious to them – very often in the most brutal of ways and often in front of them – deserve to know that those who designed and implemented such atrocities are punished for the acts they ordered and/or perpetrated.

Human Rights Watch also believes that accountability for past crimes is central to combating future war crimes, particularly in Africa, where a culture of impunity has often prevailed and is too often tolerated by Africans themselves, and by the international community.

Impunity for atrocities committed in the past sends the message that such crimes may be tolerated in the future. In post-conflict societies, accountability for war crimes is essential to laying the foundation for building respect for the rule of law and human rights. The often-heard argument that those who insist on accountability for heinous war crimes are the spoilers, the saboteurs of peace and stability, is illogical and has been repeatedly proven wrong.

For example, in a quick bid to end the first brutal Liberian civil war and in the face of massive crimes committed against civilians, U.N. and West African leaders agreed to a peace plan that dispensed with justice and rushed an election that installed warlord Charles Taylor as president in 1997. Not surprisingly, within a short time, the country was back at war. The six years of repressive rule by President Charles Taylor that followed and the next war were characterized by the same egregious abuses against civilians as the earlier war and further setback the country. Despite this reality, in the recent peace deal in Liberia, well known war criminals were given high-level ministry positions within the National Transitional Government of Liberia.

In another example, in Sierra Leone in 1999, the late RUF leader Foday Sankoh, allegedly responsible for some of the most brutal crimes committed against civilians, received not only an amnesty for previous violations, but also was rewarded. In exchange for signing the Lomé peace accord he was given control of the ministry in charge of the nation's vast natural resources. Months later, he went on to attack both the government and United Nations peacekeepers, taking hundreds hostage.

In the DRC, the recent abuses committed in Bukavu are an example of what results when past crimes committed by some of the same commanders are tolerated and go unpunished. In August 2002, Human Rights Watch reported on the massacres that took place in Kisangani in May 2002 when RCD-Goma soldiers brutally suppressed an attempted mutiny in their ranks. One of the commanding officers involved in these war crimes was Brigadier General Laurent Nkunda, who was never investigated nor charged for his role in these killings. To the contrary, he was proposed by the RCD-Goma as one of its officers to join the unified army. This proposal sent the wrong message- that perpetrators of crimes and human rights abuses would be rewarded with government positions and could continue to commit atrocities with complete impunity- which he and his forces did in Bukavu in May and June of this year. As Nkunda's soldiers marched from Goma to Bukavu, they attacked

numerous villages and civilians. In Bukavu, international and local organizations documented numerous cases of killing and rape, including the brutal rape by Nkunda's soldiers of at least six children under five.

Impunity or a failure of accountability also characterizes the current situation of former Liberian president Charles Taylor, in exile in Nigeria. Despite having commanded troops who perpetrated war crimes in Liberia, Sierra Leone, Guinea and Cote d'Ivoire, and despite having been indicted by the Special Court for Sierra Leone on 17 counts of war crimes and crimes against humanity, Charles Taylor is being shielded from justice by the Nigerian government. In a deal brokered by the United Nations, the United States and ECOWAS, Taylor was offered asylum in exchange for leaving Liberia. The U.S. has failed to take a strong position on the need for Nigeria to hand Charles Taylor over to the Special Court. In February of this year, Secretary of State Colin Powell justified such inaction and characterized the issue as 'a matter between him [Taylor] and that tribunal.'

This U.S. position is not consistent with U.S. support for the Special Court for Sierra Leone and indeed the position of this committee which has been clear on the importance of Taylor being surrendered to the Special Court. In creating the Special Court, the international community and especially the United States, its biggest financial backer, made an important commitment to bring justice for the horrific crimes committed in Sierra Leone. This initiative to promote justice and respect for the rule of law will be significantly undercut if Taylor is shielded from the court. The same can be said for the U.S. commitment to combat war crimes in Africa or anywhere else.

This unsatisfactory state of affairs is unfortunately representative of U.S. policy on war crimes in Africa more generally, which has often lacked clarity and constancy. The U.S. has been a leader in pushing for an end to ethnic cleansing and other atrocities in Darfur and for trying to lead its allies to do the same. The U.S. has also pursued an aggressive and proactive policy in favor of arresting genocide suspects and bringing them to stand trial at the International Criminal Tribunal for Rwanda. The US conditioned support to the former Kabila regime on that regime demonstrating willingness to arrest genocide suspects hiding in the Democratic Republic of Congo (DRC), on supporting U.N. resolutions calling for the surrender of Rwandans to the Rwandan tribunal, and on pressuring Great Lakes countries to do the same. However, the United States has failed to actively confront Rwanda, Uganda and Burundi – often identified as the source of support of rebel factions in the DRC. These failures, added to the US position against the International Criminal Court, an institution strongly supported in DRC, brings into questions the US's true commitment to bring justice for war crimes in an even-handed manner.

U.S. pressure for the surrender of indicted war criminals to the ICTR also stands in sharp contrast to its position on the surrender of indicted war criminal Charles Taylor to the Special Court for Sierra Leone. This reluctance to press Nigeria to hand over Taylor fosters a double standard that betrays the people of Sierra Leone and makes light of all that they have suffered. To promote justice and combat impunity, the United States must take a stand on the matter of Taylor's surrender to the Special Court.

The need for US action is particularly urgent given the May 31 historic ruling by the Special Court rejecting Taylor's claim that he enjoyed immunity from prosecution for war crimes and crimes against humanity as a sitting head of state at the time of his indictment. This landmark ruling affirms the principle that no one should be above the law for the most serious crimes. It is exactly this principle that must be enforced in West Africa to promote greater respect for the rule of law and combat war crimes in Africa.

But Taylor's surrender is also needed for a more practical reason. Human Rights Watch has received credible information that Charles Taylor's exile in Nigeria poses a continued risk to stability in West Africa. Sources inside Liberia report that Taylor remains in frequent contact with members of his former government and that an insurgency composed of fighters loyal to him, including combatants from the former Revolutionary United Front (RUF), Anti-Terrorist Unit (ATU), and Special Security Service (SSS), as well as numerous Guinean dissidents, are training in Liberia near the border with Cote d'Ivoire. We understand this insurgency is being

supported by business ventures in which Taylor holds an interest that is not recorded publicly, and that the insurgency's activities may include destabilizing Guinea.

Nigeria's continued shielding of Taylor goes against international law, is an affront to his innumerable victims, and undermines the political and financial investment by the United States to combat impunity in Africa.

We assume U.S. involvement in the negotiations that led to Taylor leaving power in Liberia and obtaining asylum in Nigeria were aimed at stopping the bloodshed of innocent civilians being killed on the streets of Monrovia. We believe it is now time for the U.S. to intervene on behalf of different victims – those from Sierra Leone's war - and in so doing to take an unequivocal stand against impunity in West Africa. If the United States is serious about combating war crimes in Africa, it must take a stand now. The US must use public and private diplomacy to call on Nigerian President Obasanjo to surrender Charles Taylor to the court.

Combating systematic war crimes: 1) Control of arms flows 2) Corruption and 3) Monitoring and Control of Hate Speech Causing Incitement:

1) Control of Arms Flows:

Africa is a sad showcase of the human rights and humanitarian costs of the uncontrolled proliferation of small arms and light weapons. Quantities of arms have flowed to the region, causing the rampant misuse of such weapons by state and non-state actors alike. The easy availability of small arms, conflict, and human rights abuses in West Africa are interwoven. The spread and misuse of small arms helps fuel conflict, and conflict generates a market for more weapons. These weapons, in the hands of combatants who have a history of indifference for the principle of civilian immunity, lead to grave violations against innocent people. Mercenaries and arms traffickers make a tidy profit off their trades, and the combatants can often count on outside support to finance their wars. It is, however, the civilians who ultimately pay the highest price.

The United States can and should take steps to address these troubling trends, including restraining U.S. arms exports to conflict regions, supporting disarmament measures, and promoting legally binding norms to prevent arms from being supplied to human rights abusers.

In West Africa, the ECOWAS small arms moratorium and its implementation need to be strengthened. In our view, the moratorium should be expanded to encompass all weapons categories, developed into an information-exchange mechanism, and made binding. These measures are particularly critical for the potentially disastrous situations in the Cote d'Ivoire, Burundi and the DRC where weapons coming in and out need to be closely monitored.

The United States also should support monitoring of arms embargoes and accountability for sanctions-busters, and do so consistently. It should insist on compliance with arms embargoes by private actors and governments, even those allied to the U.S., as is the case with Guinea and Rwanda. The work of U.N. expert panels in Africa has been valuable and their recommendations should be taken up, which the United States can help ensure in concert with other members of the U.N. Security Council.

On the issue of mercenaries, militias, and roving fighters, the U.S., through its presence in West Africa, could help bring the problem under control by collaborating with relevant bodies to monitor and publicize their activities, especially with respect to how these rogue elements are armed and financed.

The United States also can exercise leadership on the global agenda to address some of the fundamental problems that contribute to human rights catastrophes in West Africa and elsewhere. One key area is the need for global measures to control the activities of arms brokers. Another is developing, adopting, and adhering to minimum global standards for arms exports, so that weapons are not furnished to known abusers. Strict human rights standards also must be upheld when granting military assistance. U.S. legislation circumscribing such

assistance on human rights grounds offers a useful model that could be promoted abroad.

## 2) Corruption:

The second strategy for preventing conflict has to do with issues of good governance, of corruption. Sierra Leone is a case in point. In many ways, the jury is still out on whether that country will remain a nation at peace. The guns are silent, however, the deep rooted issues that gave rise to the conflict—endemic corruption, weak rule of law, crushing poverty, and the inequitable distribution of the country's vast natural resources—remain largely unaddressed by the government and the international community.

Corruption within both the public and private sectors in Sierra Leone remains endemic and a source of serious human rights abuses. Meanwhile, the state of the country's schools, hospitals and clinics are in complete disarray and public service employees often go for weeks without pay. Scandals involving the misappropriation of public and international donor funds to key ministries including health and education are common place.

In these countries, the institutions designed to represent and protect civilians- the government, the police and the military- have instead been the source of considerable instability, corruption, and human rights violations. Nevertheless, they have enjoyed near-complete immunity from prosecution. Today, unemployment is over 70 percent in Sierra Leone, the vast majority of the population survives on less than a dollar a day. Although some 40,000 combatants have been disarmed, thousands are part of youth organizations that have maintained their previously held military structures and are angry and disappointed as their lives have not yet improved.

Angola, where the government has consistently mismanaged its substantial oil revenues and, despite rhetorical commitments, has yet to demonstrate a meaningful commitment to reform, provides another striking example. In recent years, literally billions of dollars in oil revenues have illegally bypassed the central bank and remain unaccounted for. Such missing revenues reflect a failure of government accountability more generally and are directly linked to the Angolan government's continuing failure to foster institutions that uphold the rule of law and human rights. The sums involved are staggering. From 1997 to 2002, unaccounted for funds amounted to some U.S. \$4.22 billion.

Conditions in Sierra Leone and Angola are similar to many countries across the continent, whether coming out of conflict or teetering on the brink of it. The United States can exert tremendous leverage over the policies of the many governments in Africa grappling with this insidious problem. The US must adopt a zero tolerance policy towards corruption and take every opportunity to both privately and publicly underscore the importance of combating it. In resource rich countries the US must press governments to publish financial reports so that a full account of revenues, expenditures, and debt is made public and transparent. The US must be willing to use its influence to press forcefully for change.

## 3) Monitoring and Control of Hate Speech Causing Incitement:

Too often African politicians who should be working to create societies based on tolerance, equality, and the rule of law have instead openly engaged in the political exploitation of ethnicity to both eliminate political rivals and, in time of war, to claim military victory in conflict.

Rwanda is an extreme example. There, a radio station incited fear and hatred against the Tutsi and gave specific orders on how to carry out such killings, including identifying individuals to be attacked and specifying where they could be found.

Silencing these radio broadcasts would not only have ended this particularly effective form of incitement and delivery of specific orders, it also would have shown that the international community rejected the legitimacy of the genocidal message and those who were delivering it. The United States considered jamming the broadcasts from an airplane, but found the cost—about \$8,000 an hour—too high.

While mindful of balancing the importance of freedom of expression as a core value of human rights, we believe that any restriction on the content of expression must address speech that is likely to incite violence, discrimination or hostility against an individual or clearly defined group of persons in circumstances in which such violence, discrimination or hostility is imminent and alternative measures to prevent such conduct are not reasonably available.

The U.S. must pay close attention to the media in situations of potential ethnic, religious, or racial conflict and must be willing to use all leverage to pressure governments to act more responsibly. In this regard, the current situation in Cote d'Ivoire demands particular attention. In cases of impending genocide, the US must be prepared to silence broadcasts that incite or provide directions for violence.

Thank you for the opportunity to share this testimony with you today. On behalf of so many millions of Africans whose lives have been torn apart by war, I urge Congress to pressure the U.S. government to do all that it can to provide accountability for the perpetrators of egregious violations, and to act with vision to adopt preventative strategies to combat future violations and senseless loss of life.

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**SIERRA LEONE: Taylor could be tried upon request by Liberian government**

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**Emyr Jones Parry speaking in Sierra Leone**

FREETOWN, 28 Jun 2004 (IRIN) - The former Liberian president Charles Taylor could be brought to trial in the near future if the government of Liberia issues a request, said the United Nations officials visiting Freetown.

"There should be no impunity for people who have been alleged to have committed the sorts of crimes [listed in the]... indictment issued against Taylor," said Ambassador Emyr Jones Parry on a one-day stop in the capital Freetown on Friday.

The head of the 14-member UN Security Council delegation touring West Africa added that any trial should not be allowed to threaten Liberia's young peace process.

"The timing of bringing anybody before the court is a mix both of the indictment and of the circumstances of the case," Parry said.

Taylor left Liberia on 11 August for exile in Nigeria, where he has so far been protected from the jurisdiction of a UN-backed Special Court that has indicted him for war crimes in that country's decade-long civil war.

Perry said that any trial of Taylor would mark a third stage in Liberia's post conflict recovery process after first stopping the fighting and second beginning a process of truth and reconciliation.

"I think we're getting towards that third stage in the case of Liberia," he said.

"The question therefore is when should Taylor be actually brought before the court," he said, adding that the conditions for that have been set out by the President of Nigeria.

"It's really a question of whether a request is made and how that should be dealt with," he added.

President Olusegun Obasanjo of Nigeria has repeatedly said that his country would hand over Taylor to the Special Court if the Liberian government request it.

So far Gyude Bryant has declined to make such a request for fear of destabilising a 10-month old peace process.

Parry said that of immediate concern was ensuring that the Special Court has sufficient funds to enable it to work.

In mid-March, Secretary General of the UN, Kofi Annan, warned that the Special Court faced a US\$20 million budgetary shortfall.

Over the coming weeks the UN must decide how to end a peacekeeping mission, which was once the largest in the world with 17,500 international troops. A deadline for a plan detailing the winding down of that operation has been set for 30 September.

At the end of March, the Security Council voted to extend the presence of peacekeeping forces in Sierra Leone by six months until June 2005 amid concerns that security in the country remains fragile.

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## Security Council Team Reports Signs of Increasing Stability in West Africa

**UN News Service** (New York)

NEWS

June 28, 2004

Posted to the web June 28, 2004

The Côte d'Ivoire Government of National Reconciliation has pledged to move forward on its peace agreement with the armed opposition by submitting the recommended political reforms to the National Assembly next month and complementing United Nations peacekeeping actions, a UN Security Council mission visiting West Africa said today.

A statement issued in Bissau by the 14-member mission confirmed that in response to its demands, Ivoirian President Laurent Gbagbo confirmed that the Status of Forces Agreement with the UN would be signed by the end of this month, while technical modalities would be finalized to enable the UN peacekeeping mission (UNOCI) to start operating its radio programme.

"According to a new schedule of implementation of the provisions of the Linas-Marcoussis Agreement, all the envisaged fundamental political reforms would be submitted to the National Assembly by 28 July 2004," it added.

The mission, which is scheduled to wrap up in Senegal tomorrow after trips to Guinea-Bissau and Guinea, is led by British Ambassador Sir Emyr Jones Parry. The other fact-finding mission members represent Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, the Philippines, Romania, Spain and the United States. Russia did not take part.

In a review so far of the trip, which began on 20 June, the mission noted improvement in Liberia's security situation, except for the areas bordering Côte d'Ivoire and Guinea. It called on donors to pay up pledges so that the Liberian National Government of Transition could continue to reintegrate ex-combatants into their communities and reduce corruption.

On Saturday, the mission visited Nigeria - a country which Ambassador Jones Parry said "has such a pivotal influence both on West Africa and in the whole of Africa."

Responding to press questions, he said talks with President Olusegun Obasanjo did not touch on Liberian President Charles Taylor, who is living in Nigeria. The exiled former leader has been charged with war crimes and crimes against humanity, including murder, rape and terrorism in Sierra Leone, by that country's Special Court.

Concerning Sierra Leone, the statement said the country's post-conflict peace consolidation was going well, "though much remains to be done, especially in reducing corruption, enhancing the capacity of the armed forces, reintegrating ex-combatants, and creating youth employment."

The mission teamed up with an Economic and Social Council delegation in Guinea-Bissau, where it said dramatic progress has taken place, citing successful elections in March and progress in public finance and

governance. At the same time, Security Council members warned that urgent support is needed in restructuring the armed forces and developing institutional capacity.

The mission commended the regional peace-building work of the Economic Commission of West Africa (ECOWAS) and called on the international community to continue supporting it.

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# The International Community, War, and Peace in Sierra Leone

By Sheka Tarawalie

(Sheka Tarawalie is a Sierra Leonean journalist in London writing for 'African Review of Books')

Continued from last Edition

## THE PEACE ARRANGEMENTS AND THEIR FAILURE/SUCCESS:

The Abidjan Peace Accord was generally hailed by both sides of the conflict, backed by jubilation from the general Sierra Leonean populace and commendations from African and World leaders as the best way out of the mess in which the country had found itself. Yet, by January 1997, hostilities resumed, the peace agreement was in tatters, and everything was back to square one.

The big question therefore is, what went wrong? Who was to blame for the breakdown of the peace process? Did the international institutions that committed themselves to the peace process play their role well? I must hasten to mention that after the Abidjan Peace Accord at least three other peace agreements (the Conakry Peace Plan of 1997, the Lome Peace Accord of 1999, and the Abuja Peace Commitment of 2000) were signed before it was finally declared that peace had finally returned to Sierra Leone. And each of the subsequent arrangements was hailed as a way out, but each (perhaps except the one at Abuja) woefully failed to the extent of pushing the whole nation to the precipice of an all-out war.

For the sake of this paper, I will concentrate on analyzing the roles played by the international community in resolving (or refuelling) the conflict in Sierra Leone. One question to ask is that, would peace have come earlier, say in 1996, instead of now after so many people had been killed and properties destroyed if these institutions had acted properly in accordance with their respective objectives? Were they acting in concert and coordinating with each other, or were the regional institutions and actors having their own agenda different from that of the wider international one? Did these institutions themselves get mired in the conflict, and in a sense become participants in the hostilities? Or was their best just not good enough for the Sierra Leonean wannongers?

One thing we must accept absolutely is that it has been through the signing of an accord that peace has eventually returned to Sierra Leone, and essentially one accord cannot be more beautiful than the other. Certainly, there must have been some terrible mistakes by either the stakeholders or the moral guarantors for more than one accord to fail. The provisions of the Lome Peace Accord were certainly not essentially different from those of the Abidjan Peace Agreement, neither from those of Conakry nor from those of Abuja – and the one connecting reality is that they were all signed under the tenure (whether at home or in exile) of President Ahmad Tejan Kabbah, who is still the sitting President of Sierra Leone. So, was the failure of the earlier agreements a result of a hidden agenda, a miscalculation, or a self-serving ploy? With President Kabbah having worked at the UN for over fifteen years before returning to Sierra Leone, these questions could not

have been more appropriate with another person as Head of State of Sierra Leone. The first thing that would come to mind is that, since these institutions were run by human beings, perhaps – and at this stage it is simply perhaps mortality, being prone to err out of sentiment, could have influenced certain situations in support of a former colleague when reality and common sense could or should have dictated otherwise. Was a blind eye turned to the plight of the country to save the name and neck of a former UN official? Or was a retired UN official allowed to interpret the rules in his interest as against the provisions of the peace arrangements? Was it a question of might against right?

On the other hand, as the rebels purposely started the war to remove a government from power, were they power hungry to the extent that no peace deal would stop them from gaining ultimate political authority? Were they merely signing to give the impression of seriousness but underneath planning to wreak more havoc until they took the seat of power? Was rebel leader Foday Sankoh ever satisfied with a compromise position that placed him in a subsidiary authority other than that of Head of State? Or were his fighters just ruthless vermin whose preoccupation was to cause mayhem and not to abide by any internationally endorsed principles?

### ANALYSIS AND SUBMISSION

From the outset, I must state that I am going to give more attention to the two most controversial peace accords – Conakry and Lome – in which the international community actually showed greater attention and contributions. The Abidjan Peace Accord of 1996 was more the outcome of haphazard bilateral cum regional efforts than anything else. The government of Ivory Coast at the time headed by President Konan Bedie influenced the RUF (which was having an office in that country) to sue for peace. Facilitated by International Alert and the International Committee of the Red Cross (ICRC), the Ivorian Foreign Minister Amarra Essy met RUF leader Foday Sankoh in Sierra Leone, brought him out of the bush, culminating to the signing of the accord on 30th November 1996.

Among other things (as could be found in the Web Pages 'www.sierra-leone.org' on that date), the agreement called for the demobilization of RUF fighters, the removal of foreign forces, including the South African mercenary force 'Executive Outcomes'. For the government to establish work-training programmes for former RUF fighters, and for the incorporation of some former rebels into the Sierra Leone Army. It also provided for the transformation of the RUF into a political party. However, as stated earlier, by January 1997, the peace accord was in shambles. The blame for this could be apportioned more to internal players than external factors. There seemed to be a considerable lack of trust between the two parties, and before long there were accusations and counter-accusations. The government accused the RUF of an unwillingness to disarm, while the rebels claimed that the government was disregarding the accord and attacking their positions. It was hard to believe anyone. But what became clear was the government downplayed the breakdown of the ceasefire. For example, when reports emerged about a massacre of up to 150 people by 'unknown gunmen' in an area held by the RUF in Tonkolili dis-

trict, presidential Adviser Sheka Mansaray denied that, and said: "The reports threaten to undermine the increasingly cordial relations between the RUF and the government... Several donor countries have informed the governments since the signing of the accord of their willingness to contribute to the government's plea for \$1 billion to rebuild and resettle the country. These reports threaten to keep donors away". Apart from sounding overzealous for the money, one wonders if the government spokesman was saying the truth, at least about the "increasingly cordial relationship" with the rebels. Because a few weeks later the government colluded with some representatives from the RUF sent to represent the outfit in the Commission for the Consolidation of Peace (CCP) in Freetown in announcing the overthrow of rebel leader Foday Sankoh, who at the same time had been arrested in Nigeria by the government's ally, General Sanni Abacha. Later, the leader of the plotters, Philip Palmer, confessed about the plot with the government.

After that unfortunate mistake (which made the government to naively ask the plotters to go to the bush and talk to the fighters on the ground to accept the overthrow of Sankoh, which in turn led to the boys kidnapping the delegates), there was no iota of trust left between the two parties, and hostilities resumed. None of the provisions of the accord was implemented, and another decision the government took was to reduce facilities for and even downsize the army, instead of planning to incorporate the rebels. In fact, the government was accused of swelling the ranks and arming the pro-government militia, the Kamajors. The army felt threatened, and in the end they staged a coup in May 1997. Notwithstanding the fact that it was mostly due to internal distrust and miscalculation, the international community and institutions represented during the signing of the accord could have done more. The arrangement called for the deployment of UN observers to monitor the peace accord, but none arrived to do so up to the time of the coup. Also, the international community failed to remind the government of the folly and indeed the danger of supporting the overthrow of Sankoh, who was the chief signatory representing the rebel group in the accord. The international community should have known that its own credibility was at stake, because... In February 1995, the UN Secretary General appointed a Special Envoy, Mr. Berhanu Dinka... (who) worked with the OAU and ECOWAS to try to negotiate a settlement to the conflict... Dinka assisted in negotiating a peace agreement in November 1996 between the government and the RUF known as the Abidjan Peace Accord."

It was only after the overthrow of the government that the international community raised concerns about the peace process and the importance of constitutional authority. The accord that was subsequently signed in Conakry, Guinea, was actually now more of the result of the efforts and work of the international community and institutions. The Conakry peace plan, with the UN, the OAU, and ECOWAS principally playing the role of moral guarantors, was signed on 23rd October 1997. It was not significantly different from the previous ones,

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# The International Community, War, and Peace in Sierra Leone

From page 3

but it must be noted that this time around the elected government was in exile and the RUF was now subsumed to the Armed Forces Revolutionary Council (AFRC), the ruling military junta. Among other things, the accord called for the return of power to the elected government on April 22, 1998, an amnesty of former combatants, the inclusion of Foday Sankoh in the peace arrangement, the enlargement of the ECOMOG force to disarm the warring factions, and "if approved by the Security Council- assisted by UN military observers." The accord hailed by all as the best way out. But it again failed.

Whose fault was that? Here, I dare submit that the international community and institutions – or rather the personalities representing them – played a greater role in derailing the accord. It appeared they were prepared to gloss over all other provisions and concentrating on the one that stated that President Kabbah should return on April 22.

The junta complained that, though they were willing to abide by that date, there were key issues to be addressed before its implementation. It maintained that there were no other soldiers in the "so-called" ECOMOG force except Nigerians with whom they have had several skirmishes, that RUF leader Foday Sankoh should be released, and that the Sierra Leone Army could be restructured but not disarmed.

This was interpreted as a lack of commitment to the accord by the military junta. The UNAMSIL website does not mince key provisions and raised a number of issues, with the result that the agreement was never implemented. This, to me, is essentially misleading. Because the UN Special Envoy at the time, Francis Okelo, visited Freetown, and after discussing the issue with the junta, told a press conference that they were legitimate and said if steps were not taken to address them, we might fall behind the deadline. Further more, the UN team, which travelled to Makeni in the north, expressed surprises that the situation on the ground was different from the picture of chaos being churned out to the world by Guinea - based politicians. Infact it was the pro - government militia, the Kamajors, implementing Operation Black December [launched after the signing of the accord] that carried out attacks in the presence of the UN team.

But what baffles me, and why I have allocated a greater portion of the blame to the international/regional community and institutions for the collapse of the Conakry peace plan, is that they had known that the government-in-exile was playing some tricks and yet hailed it when it was used force to totally destroy the accord and overthrow the junta. In justifying that action, the UNAMSIL website states: *"In February 1998, ECOMOG responding to an attack by the rebel army junta forces, launched a military attack that led to the collapse of the junta and its expulsions from Freetown."*

This is amazing, because the facts state that the Security Council felt hoodwinked by the Nigerian Foreign Ministry that while they were talking peace on the one hand, they were actually planning an all-out at-

tack, and UN Secretary General Kofi Annan actually called for an end to hostilities.

Apart from the government's launching of 'Operation Black December' which should outrightly have been condemned by all moral guarantors of the October peace plan, the government was preparing for war in that the Nigerians were actually bombing Freetown in excess of the UN mandate to enforce sanctions on petroleum products and arms. It had also contracted the services of a British mercenary firm, Sandline International, whose chief coordinator Indian-born Thai Banker Rakesh Saxena was arrested in Canada in early February and the former Commander in Sierra Leone was quoted way before the attack in the Vanguard newspaper of Nigeria as having stated that "only force" can restore President Kabbah. All this shows that there was a calculated plan on the side of the government and its allies to break the peace agreement, and the international community and institutions cannot pretend not to know that. They were given Kabbah all the fitting accolades of the Head of State of Sierra Leone, attending all international conferences:

- and being given financial and moral support: the European Union pledged \$360 million, the UK pledged £130,000, while the US categorically stated that it was only recognized Kabbah as the President of Sierra Leone. On its part, the Organisation of Islamic Countries made President Kabbah their Vice President for Africa in a conference held in Iran.

*"It appears that the international community has ganged itself up against Sierra Leone while its people suffer. We want the international community to play a fair game in the name of neutrality."*

These were the words of the AFRC Secretary General, Col. A.K. Sesay, who after the overthrow of the junta was executed along with twenty three others, forgetting that the Conakry Peace Plan called for an amnesty. Clearly, the international community and institutions did not only fail to condemn but actually colluded in contravening the peace plan to which they were moral guarantors. This is because after the fall of the junta, all were sending congratulatory messages to the intervention force: the US government, President Robert Mugabe (as OAU Chairman) and Niger welcomed the intervention etc. and Niger welcomed the intervention, while Chief Emeka Anyaku, the Secretary General of the Commonwealth, praised the success of the Nigerian soldiers. I need not mention ECOWAS because Nigeria's Sanni Abacca was Chairman then; and as for the UN, its statement speaks louder: Following the return of President Kabbah, the Security Council terminated the oil and arms embargo and strengthened the office of the Special Envoy to include UN military liaison officers...

This could be described as the most terrible mistakes of the International community in trying to resolve the Sierra Leone conflict, because the destruction that resulted and the number of people killed and mutilated between that time and when another peace accord was signed in July 1999 outnumbered all that had happened previously in the 11-year war. That none of these institutions or their representatives reminded President Kabbah of the need to still have dialogue with the rebel/army coa-

lition even after his reinstatement on 10th March 1998 underlined some sort of "conspiracy" against the accord.

It was only when the whole thing boomeranged, with the Nigerians incapable of "flushing out" the rebels and the latter were approaching Freetown (which they eventually attacked and occupied) that voices started to come out about negotiating again. Even then, the intransigence of the government and some of its allies even with these institutions could not be hidden. A look at some statements uttered then can tell the story. On hearing of the resurgence of rebel activities, President Kabbah had this to say to Freetown residents on radio and television: *"There is no reason to panic. There is no way the rebels can harm you. They are a handful of people and not strong enough to make any trouble for you people in Freetown... ECOMOG has assured us 100% that they are completely on top of the situation..."* Ten days later, Kabbah was more categorical in stating that the rebels were trying to create panic in the civilian population *"in an attempt to pressure the government to negotiate"*, but said that he and his governments *"would not allow"* themselves to be forced into such a deal. He went on to state that Liberian President Charles Taylor had advised that RUF leader Foday Sankoh be released, yet *"it would be totally irresponsible"* and a violation of the law if he did that. It was more than a capitulation when after the rebels entered the city on January 6, 1999, Kabbah was more than enthusiastic in taking Foday Sankoh from prison and starting to negotiate with him, leading to the signing of the Lome Peace Accord. But way before that, some exposure had been made of the hypocrisy of the international institution and/or their representatives. Even though a Consultative Conference of Paramount Chiefs and traditional elders were urging that *"the philosophy of fire putting out fire cannot work any more. This war will only end at the negotiating table"*, and rebel Field Commander Sam Bockarie had stated their objective that they intended attacking Freetown, but *"We are asking for peace. We want to enter into dialogue," provided there was an immediate and unconditional release of RUF leader Foday Sankoh, saying the rebels would give up their arms only if Sankoh made the request, on the condition that he were "free, on neutral territory, and not under duress"*, no one took action to try that path. In fact ECOMOG detained the chiefs, with the self-glorious assertion that *"...ECOMOG is in control of the situation, and is presently engaged in routing and destroying the rebels."*

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By ANNE GEARAN  
Associated Press Writer

WASHINGTON (AP) - The Supreme Court delivered a mixed verdict Monday on the Bush administration's anti-terrorism policies, ruling that the U.S. government has the power to hold American citizens and foreign nationals without charges or trial, but that detainees can challenge their treatment in U.S. courts.

The administration had sought a more clear-cut endorsement of its policies than it got. The White House had claimed broad authority to seize and hold potential terrorists or their protectors for as long as the president saw fit - and without interference from judges or lawyers.

In both cases, the ruling was 6-3, although the lineup of justices was different in the two decisions.

Ruling in the case of American-born detainee Yaser Esam Hamdi, Justice Sandra Day O'Connor said the court has "made clear that a state of war is not a blank check for the president when it comes to the rights of the nation's citizens."

Congress did give the president authority to hold Hamdi, a four-justice plurality of the court said, but that does not cancel out the basic right to a day in court.

The court ruled similarly in the case of about 600 foreign-born men held indefinitely at a U.S. Navy prison at Guantanamo Bay, Cuba. The men can use American courts to contest their captivity and treatment, the high court said.

The Supreme Court sidestepped a third major terrorism case, ruling that a lawsuit filed on behalf of detainee Jose Padilla improperly named Defense Secretary Donald H. Rumsfeld instead of the much lower-level military officer in charge of the Navy brig in South Carolina where Padilla has been held for more than two years.

Padilla must refile a lawsuit challenging his detention in a lower court.

Steven R. Shapiro, legal director of the ACLU, called the rulings "a strong repudiation of the administration's argument that its actions in the war on terrorism are beyond the rule of law and unreviewable by American courts."

## U.N. Ties Al Qaeda Figure To Diamonds

By Glenn R. Simpson, Staff Reporter Of The Wall Street Journal

WASHINGTON -- United Nations war-crimes prosecutors have evidence that Aafia Siddiqui, believed to be al Qaeda's only female leader, visited Liberia in June 2001 to assist the terrorism group's alleged diamond-trading operation.

In a dossier, U.N. prosecutors say a witness told them Ms. Siddiqui, 42 years old, was sent "to evaluate the diamond operation in Liberia" in June 2001. It is the first indication that Ms. Siddiqui has been positively seen in Liberia. The dossier is connected to discoveries by the Office of the Prosecutor for the Special Court of Sierra Leone, a special court jointly administered by the U.N. and the Sierra Leone government to prosecute war crimes, indicating that the alleged diamond operation might have been a central component of al Qaeda's finances.

The U.N. and Belgian police believe that the group obtained diamonds from war-torn Sierra Leone and sold at least \$19 million of the stones on the Antwerp diamond market in the year before the Sept. 11, 2001, attacks.

In the U.S., the Federal Bureau of Investigation is seeking Ms. Siddiqui for questioning. The FBI has linked the Pakistani geneticist and former Boston resident to weapons purchases in Massachusetts. At a Justice Department press conference last month, FBI Director Robert Mueller labeled her "an al Qaeda operative and facilitator."

The dossier states that Sheik Ahmed Sahn Swedan, an al Qaeda leader who is on the FBI's Most Wanted Terrorist list, was visiting Monrovia, Liberia at the same time as Ms. Siddiqui. "It is clear that al Qaeda has been in West Africa since September 1998 and maintained a continuous presence in the area through 2002," the U.N. documents state. U.N. Sierra Leone prosecutor David Crane, reached by telephone, would only say "al Qaeda is in West Africa and has been for years." Mr. Crane has brought war-crimes charges against former Liberian President Charles Taylor, now in exile in Nigeria, for the carnage that took place in the Sierra Leone civil war.

The staff of the U.S. commission investigating the Sept. 11 attacks said on June 16 that "no persuasive evidence exists" that al Qaeda "funded itself through trafficking in diamonds from African states engaged in civil wars." The commission gave no details on its sourcing for that conclusion.

But U.S. Rep. Frank Wolf, a senior House Republican from Virginia investigating connections between diamonds and terrorism, said he strongly disagrees. "I think the commission overall has done a good job, but I think they now have to talk to the FBI and other individuals with the information and get that information," he said.



In the years before the Sept. 11 attacks, Liberia's Mr. Taylor hosted a cell of top al Qaeda leaders dealing diamonds in Monrovia, according to information that U.N. investigators have given to members of Congress and the Sept. 11 commission.

At the Justice Department news conference last month, Attorney General John Ashcroft and FBI Director Mueller said they were urgently seeking to capture several top al Qaeda leaders linked to the West Africa cell, suggesting it remains the group's most intact, and therefore most dangerous, wing.

Muhammed Atef, who was al Qaeda's top military commander until his death in Afghanistan, is now thought to have repeatedly visited the cell. "Witnesses say they recognize that man and that woman, and that's not a place you go for tourism," said Rep. Wolf, referring to Ms. Siddiqui and Mr. Atef.

The alleged al Qaeda diamond operation and its connections to Mr. Taylor and rebels in Sierra Leone are detailed in "Blood from Stones," a book published this year by former Washington Post reporter Doug Farah. In 2002, The Wall Street Journal reported that the diaries of a former top lieutenant to Osama bin Laden indicated he traded in precious stones.

Belgian police, who are probing the Antwerp diamond market, have turned over some of their findings to the U.N. The inquiry centers on a firm used by al Qaeda called ASA International, which is allegedly controlled by a Lebanese organized-crime figure named Aziz Nassour, who is believed to be in Beirut, officials say. ASA, which is controlled by a Delaware-registered shell company ASA Holding Inc., has been linked by Belgian authorities to narcotics money laundering and counterfeiting as well as an \$87 million fraud against ABN-Amro Bank in Amsterdam and diamond deals with the now-defunct Unita rebel group of Angola.