

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



PRESS CLIPPINGS

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

as at:

Tuesday, 29 May 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Awareness Times
Tuesday, 29 May 2007

SCSL activities extended to neighbouring countries

Registrar of the Special Court for Sierra Leone, Herman Von Hebel, has disclosed that activities of the court are to be extended to the neighbouring countries of Guinea and Liberia. The reason for this initiative is to make way for members of civil societies to be present during Charles Taylor's trial in The Hague, which is to commence very soon. Mr. Herman Von Hebel told his audience that the outreach section of the special court was created to inform Sierra Leoneans about the activities of the court. In the same vein people in Liberia and Guinea will also be in a position to know how Taylor's trial will be conducted. The BBC and Search for Common Ground will be coordinating their activities with journalists of the Mano River Union.

Standard Times

Tuesday, 29 May 2007

Corruption: The Role Of The Judiciary

The role of the judiciary in a democratic society such as ours is a pivotal one. The judiciary is one of the three pillars of the modern democratic nation state and is essential to the process of checks and balances so fundamental to the way society such as ours are meant to operate and function. Lawyers describe this process of checks and balances as emanating from the doctrine of the separation of powers between the Executive, the Legislature and the Judiciary.

Narrowing down the focus of discussion, the question of what the role of the judiciary in the fight against corruption is an interesting one. By its very nature, the Judiciary is required to adjudicate in matters involving corruption and other legal matters. The courts are not intended to descend into the arena, they are not meant to seek out this scourge with a view to stamping it out, no matter how much they would like to do so, or how much we may want them to do so. Therefore, it would seem that all we can expect of the courts in this regard is to ensure that justice is not only done but is also seen to be done. To convict where such convictions are warranted, acquit where the law requires it to be done, and sentence appropriately in accordance with guiding principles, above all, to ensure adherence to and respect for all safeguards.

A closer scrutiny suggests that the courts may have a further, more evolved role. Any effective campaign strategy against corruption will have to be multi-pronged. To this end, it is necessary to identify the key actors or implementers of the strategy so as to identify its targets. This is to determine whether the judiciary is one such key actor or implementer, and if so, whether this entails more than its apparent role as adjudicator. It will also seek to come the understanding of whether this extended role, if any, can be reconciled with the functions and limitations of the judiciary, in theory as well as in practice.

The Apparent Role

Corruption is wrong and it is safe to say that it would be amongst the key aims of any self-respecting government to stamp it out. The problems and threats posed by corruption to the stability and security of societies such as undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law is of great concern. Secondly, corruption is no longer a local matter. It has evolved into a transnational phenomenon, which affects all societies and economies. International cooperation is therefore essential that is why a comprehensive and multi-disciplinary approach is required in order to prevent and combat corruption.

The points serve to show that the judiciary is well placed to be

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one of the key actors in any effective strategy and that it has a role to play in the multi-disciplinary approach advocated if it chooses to do so.

Amongst the chief methods by which policies of governments in this regard have been put into practice is the criminalization of corruption. Simply put, corrupt practices have been made criminal offences. These are sanctioned by way of sentences, fines or jail terms or both. The usefulness of this approach lies in the simple truth that the threat of conviction and the sanctions that will follow, as well as the stigma that arises from the same, are useful deterrent. Besides, it may be useful to determine statistically how useful this approach is when compared to other approaches, such as education and so on. In this process, the courts play an obviously vital role as the final arbiters of guilt.

Similarly, and still addressing matters within the traditional court 'arena', the courts play a role in ensuring that corrupt practices do

more sensational trials are those which involve public officers or administrators being brought to book or being held to be accountable for abuses of power or corruption. One can expect many interested citizen to follow the proceedings closely, if not in court than indirectly through the media. This 'obvious' role that the Judiciary plays is undeniably one of the cornerstones of any effective strategy against corruption.

The Evolved Role

The nature of the Judiciary and its context is in its independence and function as an adjudicative body in an adversarial, as opposed to inquisitorial, system is limiting. The courts can take on other or additional obvious functions such as investigating, prosecuting and legislating. Having said that, it does not follow that the road ends there. There are additional matters which the courts can, and should, delve into in order that the war against corruption is waged at an optimum level. These are briefly dealt with below.

individual on the street which is a crucial one. Great judicial feats would fall flat without the respect and trust of the public. Without such respect and trust, one cannot say that a truly functioning mechanism of checks and balances are in operation, nor can one say that there is a true separation of powers.

Public confidence in the Judiciary is not at a satisfactory level. When Dr. Ade Renner-Thomas took over as Chief Justice several months ago, he may have characterized the level of confidence as being at its lowest end. It is not possible to say how much the levels have increased since then. Recognized individuals, bodies and organizations have observed that Judiciary in Sierra Leone is not seen as being independent, that it is an extension of the Executive. These observations have been based on perceptions of interested parties, as well as by-standers. Both the Executive and the Judiciary have not only been dismissive of these views but have been

islatore for similar changes to be introduced and should support the call by the Bar Association for the introduction of such a mechanism. In tandem with the foregoing, the leaders of the Judiciary should develop clear guidelines and criteria for appointments. Appointments should be evenly distributed between the members of the Judicial and Legal Services or Attorney General's office and the Bar, and in any event, should be driven by caliber and merit. The Judiciary must take steps to ensure that it is not seen as being partisan and in this regard, the Judiciary must be aware of the sensitivities of the public and take steps towards avoiding even the shred of a doubt as regards its independence.

Recognizing that the right to non-corrupt society is a basic human right

It is not enough to say that corruption cannot be accepted in a society, but one must go further and recognize that it affects society in the most basic levels, impacts on basic rights. It has been observed that corruption affects society at a fundamental level in diverse ways such as

Corruption perpetuates discrimination; Corruption prevents the full realization of economic, social and cultural rights; and Corruption leads to the infringement of civil and political rights. Consider the foregoing in the context of corruption within the public service or government. Government projects awarded on the basis of close relationships or in exchange for pecuniary benefit or other advantage clearly lead to the dissipation of public funds, more so where governmental bailouts closely follow. The funds involved could have been better utilized in efforts to improve or fulfill basic aspects of our society, in particular health care, education and the eradication of poverty. These are basic economic, social and cultural rights. In order to defend against charges of wrongdoing and improprieties, the government usually turns to repressive muzzling legislation under the criminal libel law of 1965, preventing disclosure and dissemination of information of such wrongdoings. These contravene basic civil and political rights. Put another way, corruption affects the basic right of the individual to development in the widest sense of the term. Advocates of International Human Rights Law have for some time now been articulating corruption within the framework of this basic right to development. There are however

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The Judiciary must see itself as being a public institution which is reposed by the trust of the people. It must see that the trust is not something it can take for granted and that it must be constantly nurtured

not become a platform for bargains in the commercial or civil context. The courts can by way of example strike down for being illegal or against public policy contracts which were entered into as a result or consequence of corruption such as government awards; or were entered into with the understanding that performance of the same would be effected through such practices; or contracts that can only be performed through corrupt practices. In the same vein, the civil, criminal and commercial courts can also allow for steps to be taken to recover monies which had wrongfully been appropriated through corruption or abuse of position and office.

This 'litigation' role has the additional benefit of serving to educate and that trials should be held under the public eye. Many of the

Creating confidence

Public confidence in the Judiciary is crucial, not only for the immediate purposes of dealing with corruption but also for democracy to truly work. In Sierra Leone we have too often been told or been given the impression that the "Judiciary knows best". This can be from, amongst others, the lack of transparency in the way judges are appointed or promoted, the manner in which cases are dealt with, the undue sensitivity and defensiveness of the Judiciary itself to criticism and a closed door approach to dealing with matters affecting itself despite such matters impacting on the public interest. This last aspect suggests an impression within the Judiciary that the public is there to serve the interests of the Judiciary and not the reverse. It is the perception of the

extremely defensive. The Judiciary must see itself as being a public institution which is reposed by the trust of the people. It must see that the trust is not something it can take for granted and that it must be constantly nurtured. In order to do this, it must take immediate steps to address those factors which serve to undermine the public confidence. These include the process of appointments and promotion must be made transparent and accountable. It would appear that some appointments are made 'behind closed doors' manner. Other commonwealth countries and the UK have begun moving towards the establishment of independent judicial appointments commissions. The Judiciary should take these developments into consideration and start lobbying the Executive and the Leg-

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some difficulties in interpretation in Sierra Leone, 'human rights' is wrongly characterized as either being negative, or anti-government. Advocates are not seen as being motivated by a desire for truth, justice and accountability and relevant to the process of governance. To some extent, this impression has also gelled within the Judiciary. The courts have sadly not shown a willingness to embrace the concept that human rights are fundamental to our very existence and form an integral part in all our pursuits. These fundamental or basic rights could be said to be reflective of the essence of the Universal Declaration of Human Rights. These rights are ready and available for the Judiciary to use to create a broad platform for rights advocacy in the way some other courts in other parts of the world articulate it.

The guarantee of equality before the law envisages all parties being treated the same in law other than if there was a reasonable basis, referred to as "rational classification", to not do so. This basis is gauged having regard to the specific context of the issue in question. This is how Courts in other jurisdictions have approached the issue of equality before the law. To that end, it is

essential that the Judiciary sees itself as the bastion of rights of the individual; it must construe Fundamental Liberties and other Constitutional safeguards, in the broadest possible sense. The Constitution is a living instrument and

rights, and in particular corruption, the Judiciary must have regard to the applicable international standards pertaining to corruption, and human rights, in particular those pertaining to the right to development and equality before

Protection of individual rights and due process

In the rush to stamp out corruption, it cannot be emphasized enough that the rights of the individual cannot be sacrificed for the greater good. The wrongful con-

to allow for the convenience of investigating officers or to intimidate suspects. The investigating officer must establish a bona fide need for such a remand and

must take cognizance of any undue pressure being brought to bear on suspects for such pressure, be it mental, physical or emotional that could amount to torture as defined by internationally accepted standards. In the event that the courts come to know that torture has been applied, it cannot ignore this fact and must act on it, even if it means releasing a suspect; and strictly observe the 'beyond reasonable doubt' standard and in order to convict ensure that the prosecution as a matter of fact and in law achieved this standard. The is no question of compromise in favour of the 'larger good'. From the foregoing, it is manifest that the Judiciary does have a role to play in the fight against corruption. It has the obvious role of helping enforce the applicable laws and in that way achieve the deterrent purpose of the laws. Lastly, the Judiciary must balance the need to stamp out corruption against the fundamental liberties of the individual. The latter cannot be made the price of a successful campaign.

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was and is intended to be dynamic and far reaching; the Judiciary must accept that individual citizens have an unequivocal right to development in the wider sense and that corruption impacts on this right. It must also accept that the individual citizen's right to equality before the law is severely compromised and prejudiced by corruption and that, if left unchecked, a domino effect would come into play; economic, social and cultural rights would be undermined in as much as civil and political rights subjugated; in coming to decisions on human

the law. The courts are free to do so where there is no express legislative provision to the contrary. Where relevant and applicable legislative provisions exist, these must be construed in a manner consistent with the international standard; the Judiciary must also recognize that the individual citizen has a legitimate expectation that the government and its agencies will not act inconsistently with representations made to the world at large with regard to corruption and human rights. The courts must be proactive, protect and give life to these legitimate expectations.

viction of even one individual is too big a price to pay. The rights of the individual to procedural and substantive due process cannot be compromised. The courts must be vigilant in ensuring that the highest standards of due process are observed. It follows therefore that the courts, must ensure that the prosecution accords to a suspect or accused all necessary opportunities to consult with his or her solicitors at the earliest possible instance and that such consultations are allowed to be meaningful and must guard against allowing for remand orders purely

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 28 May 2007

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

International Clips on Liberia

Nigeria's Obasanjo honored by Liberia, Sierra Leone

MONROVIA, May 26, 2007 (AFP) - Nigeria's outgoing President Olusegun Obasanjo visited Liberia and Sierra Leone Saturday to receive top honors for his country's role in helping quell civil wars in the two west African states. His swansong tour of the two West African nations comes three days ahead of the swearing-in of his successor, Umaru Yar'Adua.

AP 05/27/2007 15:00:39

Obasanjo tells Sierra Leoneans to focus on the good in Nigeria's election

CLARENCE ROY-MACAULAY

FREETOWN, Sierra Leone_Nigeria's outgoing President Olusegun Obasanjo told Sierra Leoneans to "copy the good side, not the bad side" of his country's recent elections _ which his ruling party won by wide margins, but which observers denounced as flawed.

International Clips on West Africa

Ivory Coast plans census ahead of elections

ABIDJAN, May 26, 2007 (AFP) - The Ivory Coast will begin a census of the population next month, a key step toward holding elections following five years of conflict that split the country in half, the prime minister's office said. Prime Minister Guillaume Soro, a former rebel leader, also plans to hold disarmament ceremonies for rebel groups in the north and pro-government militias in the west, a statement from his office late Friday said.

AP 05/28/2007 03:45:19

Obasanjo leaves Nigerians uncertain of their democracy, future

DULUE MBACHU

LAGOS, Nigeria _ When Olusegun Obasanjo was elected Nigeria's president in 1999, Nigerians hoped long years of military misrule were behind them and stable democracy was ahead. As he leaves office Tuesday after eight years, Nigeria's democracy is in doubt, and its people seem as uncertain as ever of their future. But Obasanjo, a 70-year-old former military leader, is credited with making economic strides, and earned respect abroad for his efforts to secure peace across Africa.

Local Media – Newspaper

Student Group Says President Obasanjo Did Not Deserve Honors

(New Vision, The Inquirer, Liberian Express, Public Agenda, The News, Heritage, The Monitor and New democrat)

- The University of Liberia campus-based Student Unification Party Chairman Marvelous Weah said that Nigeria's President Olusegun Obasanjo did not deserve any honors because his administration poorly organized an election in which his successor was selected.
- The President received from his Liberian counterpart Ellen Johnson Sirleaf Saturday, one of Liberia's highest awards: The Chain Collar in the Most Venerable Order of the Knighthood of the Pioneers for his Country's contribution to the Liberian peace process.

UN Marks Peacekeepers Day

(The Informer, Liberian Express, New Vision and The News)

- The United Nations Mission in Liberia will tomorrow, 29 May 2007 join other UN agencies to observe International Day of Peacekeepers for the ultimate sacrifice the world body makes to the maintenance of peace and stability in the world.

Local Media – Radio Veritas *(News monitored today at 9:45 am)*

Chinese Assess Lands for Agriculture Center in Maryland County

- An 8-man delegation of Chinese agricultural engineers during the weekend arrived in Harper, Maryland County to conduct feasibility studies for the establishment of an Agricultural Demonstration Center, one of which the Commercial Counselor at the Chinese Embassy, Mr. Zhang Yi stressed is needed accelerate development and food production in Liberia.

(Also reported on ELBS and Star Radio)

Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpeh at karpeh@un.org.

The Daily Star (Beirut)

Friday, 25 May 2007

To appease Serbia, war criminals are getting away with murder

[Op-Ed]. Natasa Kandic and Mabel Van Oranje

This month has been a bad one for the cause of human rights in Europe, as Serbia was allowed to begin its six-month presidency of the Council of Europe, the continent's oldest political body. With Serbia at the helm, the council, which aims to promote human rights and the rule of law, is now overseen by a state that thumbs its nose at the Genocide Convention and harbors an indicted war crimes suspect, former Bosnian Serb army chief Ratko Mladic. Moreover, the European Commission has indicated that it is ready to resume talks aimed at bringing Serbia closer to the European Union as soon as a reform-oriented government is formed in Belgrade.

Earlier this year, the International Court of Justice (ICJ) found Serbia guilty of failing to prevent the massacre of more than 7,000 Bosnian Muslim men in Srebrenica. The court also declared that Serbia will remain in violation of the Genocide Convention until it transfers Mladic - who is believed responsible for some of the worst crimes in Europe since the World War II - to the International Criminal Tribunal for Former Yugoslavia (ICTY) in The Hague.

But the EU seems ready to ignore Serbia's disdain for international law. The EU is understandably eager to support a pro-European government in Serbia, for this might pave the way for Serbia to swallow the prospect of Kosovo's independence. That explains why some EU member states are keen to resume negotiations on a Stabilization and Association Agreement, which were suspended a year ago due to Serbia's failure to cooperate fully with the ICTY. The proposed U-turn by the EU means that Mladic's arrest and transfer to The Hague is no longer a condition for restarting talks.

Of course, Europe needs to sweeten the Kosovo deal for Serbia. But an immediate resumption of negotiations amounts to an approach that is all carrot and no stick, damaging the EU's own credibility. Indeed, the West has already tried this approach before, with paltry results. In December 2006, NATO allowed Serbia to join its Partnership for Peace, even though there were still war criminals at large in the country.

This softer approach will prove counterproductive, as it will not strengthen democratic forces in Serbia. Just last week, caretaker Prime Minister Vojislav Kostunica, once hailed by Europe as a great democrat, showed his true colors. He went so far as to support the election of an extreme nationalist, Tomislav Nikolic, who was an old ally of President Slobodan Milosevic's, as the speaker of the Serbian Parliament. The head of Nikolic's party, Vojislav Seselj, is in the dock in The Hague facing trial for war crimes.

Although Nikolic soon resigned after a new Serbian government was formed, the Cabinet's composition suggests that the EU might be foolish to expect greater cooperation with the ICTY. By effectively abandoning conditionality, the EU will be rewarding the most intransigent hard-liners in Serbia - that is, the very people who have opposed the arrest of Mladic for years. With the ICTY's closure just one year away, there is a risk that Mladic will never be held accountable.

The effect that the resumption of talks might have on the system of international law is no less chilling. Serbia's leadership of the Council of Europe is a done deal. But the EU must insist on Serbia's compliance with the ICTY, the ICJ decision, and its own Copenhagen political criteria. Mladic must be arrested before talks start, not after.

As a signal of their seriousness, European governments should think twice before they accept Serbia's invitation to attend the Council of Europe's festive 1,000th meeting in June. A minute of silence for the victims of war criminals who have not been arrested might be a more appropriate way to pay tribute to the council's core values of human rights and justice than attending the party now being planned in Belgrade.