

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, March 03, 2005

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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At Special Court ...

"I saw Allieu Kondewa in my looted car" - *witness*

By Odilia French

A 65-year-old witness-TF2-073 who was led in evidence by Prosecutor Mohammed Bangura yesterday narrated how he saw Allieu Kondewa in his car, which was looted by Kamajors in Bo. He said that before

that, his brother who is a Kamajor had told him that the car is in Kondewa's possession in Talia whilst there for a meeting. "My brother said that he pleaded with Kondewa and Hinga Norman to release the car but they did not heed," he went on. He

explained further that the vehicle was released to him through the efforts of ECOMOG at that time and the then Minister of Local Government, Mr. Charles Margai. Narrating about events leading to the looting of his car, the witness said that it was in

1997 when Kamajors flooded their town-Sembehun, Moyamba district and started looting. He said that they came by boat through the Bagru River from Tihun, Talia and Gbangbatoke.

Contd. Page 2



"I saw Allieu Kondewa in my looted car"

From Front Page

According to him, "the Kamajors said that Allieu Kondewa had told them to loot people's properties to support the war," adding that he was surprised because Kondewa had been in the same town during a passing out parade where he warned Kamajors to desist from looting,

tormenting or harassing civilians. He went on to explain further that Kamajors looted the vehicles of one Nbaba Fofana and Mrs. Gorvie who later died, as she was sick when her vehicle was taken from her. "The Kamajors even went on a rampage to surrounding villages and looted livestock,

foodstuff, clothing and anything they laid their hands on," he narrated. The witness revealed that together with the car, Kamajors took away his generator and everything else that was in his garage; adding, "my children were also beaten with gun butts and my house ramshackle." He also told the Court how a Mazda van taken away from his brother-in-law, who died later having been severely beaten.

Awoko

Thursday, March 03, 2005

Witness Narrates Kamajor Atrocities In Moyamba

By Mohamed Mansaray

The 54th Special Court Prosecution witness, TF 2-073 told the court yesterday that Kamajors murdered two traders in a nearby bush at Kongonani, Bagruwa chiefdom in the Moyamba district sometime in February 1999.

He testified that the traders had gone to the village from Shenge to buy pepper, garri, beans, palm oil and rice among others, when they met their untimely death.

The witness was testifying about Kamajor activities in the area after the overthrow of President Kabbah's government by the AFRC in 1997.

He was led in evidence by a Prosecution counsel, Mohamed Bangura at Court Room No. 1, New England in Freetown.

"The traders were originally three in number but one of them escaped and brought the message to us in Sembehun," he told the court.

Describing himself as a farmer and a senior citizen within his community, the witness informed the court that the remains of one of the murdered traders was thrown into a nearby river by his murderers. The 65-year-old witness testified that the chiefs summoned a meeting in Sembehun the same day the incident occurred to investigate the killings. "Before I went to the meeting, I first visited the scene of the crime and I saw a dead body with wounds and blood floating on the river," the witness said but did not say specifically which river. "The two were shot and one fell dead

SEE BACK PAGE

Salone Times

Thursday March 03, 2005

Giving his testimony from the witness protection box in English, he informed the court that eight Kamajors who allegedly committed the offence were present at the meeting and quoted the eight Kamajors as admitting to committing the crime at the meeting.

Born at Sembehun, Bagruwa Chiefdom in the Moyamba district, the witness went on to tell the court that he wrote a letter to the District Officer in Moyamba and informed him about the crime. He testified that the District Officer referred the letter to the CID branch in Moyamba and officers later despatched to the area to conduct investigations into the killings.

In his examination in chief earlier, the witness told the court that a contingent of Kamajors gave what he described as severe beating to his brother-in-law at Yakarji Village, about 36 miles from Sembehun before they looted a Mazda van from him. He said that the man died a couple of days after his torture.

The witness quoted the visiting Kamajors as saying that they were sent to Sembehun by Allieu Kondewa and that they had come from Gbangbatoke, Tihun, Talia and other villages. "They arrived in Sembehun by boat and they took control of the existing checking points that were manned by local Kamajors in the town," he said.

He testified that the visiting Kamajors commandeered his Mercedes Benz car and two others belonging to one Nbaba Fofana and one Mrs. Gorvie.

He said that the special contingent used the commandeered vehicle to loot properties in the neighbouring villages. The witness told the court however that he was able to retrieve his Benz car from Allieu Kondewa in Bo after ECOMOG and the Minister of Internal Affairs, Charles Margai intervened.

The trials continue.

Independent Observer

Thursday, March 03, 2005

Trial Of AFRC Accused To Begin March 7

The trial of three alleged members of the former Armed Forces Revolutionary Council (AFRC) - Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (Brig. 5-5) is set to begin on March 7.

The accused will appear before the Court's new Second Trial Chamber, comprised of Presiding Judge Teresa Doherty (Northern Ireland), Judge Julia Sebutinde (Uganda), and Judge Richard Lussick (Samoa). Brima, Kamara and Kanu are accused of 14 counts of war crimes, crimes against humanity, and other serious vio-

lations of international humanitarian law. The allegations include murder, rape and sexual slavery, the conscripting of child soldiers, enslavement, and pillage (looting and burning). Each Accused is represented by a legal team which includes lawyers with international law expertise and expertise in Sierra Leonean law.



War Crimes Court Loses Steam

The Analyst (Monrovia)

NEWS

March 2, 2005

Posted to the web March 2, 2005

Chief Prosecutor Steps Down Soon

What Is Afoot?

The UN-backed Special Court in Sierra Leone has suffered so much setbacks and it seems to be railroading downhill, if the torrent of events are anything to go by.

Less than a week after it was reported that the Chief Investigator of the court, Peter Halloran, was jailed for 18 months after been convicted in a Freetown Court of child molestation, the hotheaded Chief Prosecutor of the court, David M. Crane, is on his way out.

Mr. Crane is leaving the court at the time when most of the issues raised during his three-year tour of duty remain outstanding, when the court seems warped by financial problems, and when the lack of cooperation amongst West African leaders, mainly Nigeria, left one key indictee basking in the hospitality of a government that is prepared to risk international condemnation to protect a man blamed for most of West Africa's more than a decade-long sub-regional turmoil.

The Analyst's Staff Writer has been looking at Crane's resignation from the perspective of timing.

The Chief Prosecutor of the Special Court for Sierra Leone, David M. Crane, February 28, 2005, notified UN Secretary General Kofi Annan that he will leave his post by July 15 this year.

A statement from the chief prosecutor's office said Mr. Crane told Secretary General Annan in a letter that he would not seek reappointment.

Mr. Crane however hoped that he could serve mankind and the United Nations in another capacity someday.

Mr. Annan's reaction to the news of Crane's pending resignation is not known, but by statute it is only the Secretary General that can appoint a prosecutor for the Special Court.

Mr. Crane, who was appointed to the court as its first prosecutor in April 2002, gave no reason for his decision, leaving much to speculations and conjecture.

The Special Court was set up with United Nations' help to try those most responsible for war crimes committed during Sierra Leone's decade-long civil war, but reports say the court's setbacks have outweighed its achievements thus far, causing huge frustration amongst prosecutors and court workers and subdued discontent.

Shortly upon appointment, Mr. Crane issued his first set of indictments seven months later. Six of the eight indictees - including former Internal Affairs Minister Sam Hinga Norman and former Revolutionary United Front (RUF) leader Foday Sankoh - were arrested in Operation Justice on 10 March 2003 in Sierra Leone.

Since then there have been five other indictments issued. Nine of these indictees are in custody and being tried in three joint criminal trials.

But observers said the court was doing all of this in spite of several drawbacks that border on finances, jurisdiction, and lack of cooperation from key players in the ECOWAS sub-region and even within the African Union.

"It was always recognized by the UN and the Sierra Leone government - and, indeed, by Amnesty International - that the court proposed by the UN Security Council in August 2000 would not be able to try all those who had committed crimes under international law.

The international community has not provided the Special Court with either the jurisdiction or the resources to prosecute the many perpetrators of crimes under international law throughout the 10-year conflict, including those who may be perceived to be most responsible because they personally committed the crimes.

While prosecuting a few of those responsible for these crimes is a major contribution towards ending impunity in Sierra Leone, it is only a partial response," an Amnesty International statement issue recently said.

It revealed that although the vital work of the Outreach Section of the Special Court was initially frustrated by a serious dearth of funds, reflecting the financial crisis that the Special Court has had to contend with, it has since sought to bring the work of the Special Court closer to Sierra Leoneans throughout the country.

"Despite some recent improvements and commitments by some donor governments - notably the recent promise by the United Kingdom of some £25 million (approximately US\$50 million) to support judicial and legal reform - effective and efficient administration of justice remains severely compromised," the Amnesty statement further revealed.

The recent improvement include appointment of additional High Court judges, but the report said notwithstanding this, a dearth of judges, magistrates and justices of the peace, coupled with poorly equipped and inadequately staffed courts, results in unacceptable delays, undermining the right to an early and fair judicial hearing.

"Aggravating the problem still further is the absence of a legal aid system for those unable to afford legal counsel.

Access to justice is further hampered by poverty and illiteracy. Conditions in all places of detention - prisons, police stations and facilities for juvenile offenders - remain far below minimum acceptable standards," Amnesty said of the failure of the presence of the Special Court to have any impact upon the Sierra Leone criminal justice system as expected nearly three years into the court's operation.

How the lack of extensive jurisdiction and funds affected the apprehension of Charles Taylor and Johnny Paul Koromah, two key indictees in the Freetown trial is not known, but reports said part of the problem is lack of cooperation amongst African leaders.

"Following Mr Crane's 17-count indictment on war crimes and crimes against humanity of then-President Charles Taylor of Liberia, Mr. Taylor fled to Calabar, Nigeria," said the statement. Incidentally, Mr. Taylor is only the second Head of State in history, and the first African, ever to be indicted for war crimes.

Since August 2003 Charles Taylor, according to Amnesty, has been harbored by the Nigerian government in violation of its legally binding obligations under international law.

It contend that Nigeria's decision to grant refugee status to Charles Taylor violates its obligations to surrender a person indicted for crimes under international law or to submit the case to its prosecuting authorities.

It is not only Nigeria that is frustrating the special court and weathering down its resolve to prosecute Mr. Taylor and dozens of individuals believed to have borne the greatest responsibility, according Amnesty International.

It noted, "Amnesty International was particularly dismayed by the decision on Liberia adopted by the African Union Executive Council at its 5th Ordinary Session in June and July 2004 which "congratulated" Nigeria for granting refugee status to Charles Taylor.

This decision, like the action of the Nigerian government, betrays the thousands of Sierra Leoneans who have suffered the worst crimes imaginable."

Limited funding, lack of experienced local judges, double standards amongst key African governments, and internal scandal are not the only problems facing the special court, according to available information.

The information says compromises reached during the Sierra Leonean peace process remain stumbling blocks.

According to the information one major stumbling block is the general amnesty included in the 1999 Lomé peace agreement and subsequently enacted into national law.

It said while in a historic decision in March 2004 the Special Court refused to recognize the applicability of the amnesty provided by the Lomé peace agreement and concluded that it did not prevent international courts, such as the Special Court, or foreign courts from prosecuting crimes against humanity and war crimes, impunity would remain a troubling phenomenon in Sierra Leone unless the amnesty provision is removed from the statute books.

More than that, according to Amnesty International, the Special Court did not follow the example of the Rome Statute of the International Criminal Court by authorizing the Special Court to award reparations for victims of crimes within its jurisdiction, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Such reparations are integral to achieving justice for the victims and also assisting them to rebuild their lives.

"The national justice system needs to be able to work to ensure that all those who committed horrific crimes during the conflict, but who are not among the small number indicted by the Special Court, are brought to justice and that their victims have access to reparations.

In this, the "legacy" bequeathed by the Special Court to the national justice system - which continues to face serious challenges in providing effective and efficient administration of justice - is crucial.

Although the Special Court cannot by itself turn around the struggling national justice system, its presence, example and resources should be an important catalyst for and reinforce a committed, long-term strategy to end impunity and build an effective system of justice for the future," Amnesty said, further highlighting the shortcomings of the special court.

The prosecutor's definition of those bearing the greatest responsibility has resulted in the indictment of only a handful of the very large number of people suspected of committing these crimes, an Amnesty statement further noted, indicating that crimes committed during the first five years of the conflict are excluded.

"Throughout that period - March 1991 to November 1996 - Amnesty International documented persistent and grave abuses by all parties to the conflict. No one has yet been held criminally responsible for those crimes," it claimed.

What a Crane stay-on would mean for the huge problems assailing the special court and the criminal justice system in Sierra Leone is not known, but his stepping down is bound to create another setback.

"Mr. Crane is known for his town hall meetings where he frequently met with the people of Sierra Leone to talk about the Court and listen to their questions and concerns about justice in Sierra Leone.

He traveled throughout the countryside. Mr. Crane always told the citizens of Sierra Leone that the law is fair, that no one is above the law, and that the rule of the law is more powerful than the rule of the gun," a recent statement from the chief prosecutor's office eulogized.

It may be recalled that recently the Chief Investigator at the UN-backed Special Court in Sierra Leone, Peter Halloran, was been jailed for 18 months after been convicted in a Freetown Court of child molestation.

The 56-year-old war crimes official, who is also former Head of Homicide in the police force of Victoria State in southern Australia, was convicted and sentenced by the High Court in Freetown on Monday this week on charges of sexually molesting his 13-year-old house girl.

The victim was not named, but a February 22 IRIN dispatch from the Sierra Leonean capital, Freetown, says investigator Halloran was caught in the act by another court official, Ms Mandy Caldwell, an investigator working under Mr. Halloran who was staying at his house at the time of the incident.

Ms. Caldwell told the Sierra Leone court investigating Mr. Halloran that she discovered the victim sleeping in Halloran's bed.

The question is, "Can special court survive the resignation of David Crane, the man who seemed the lone driver in the quest for justice in Sierra Leone?"

The answer to this question may not come until July when Mr. Crane takes his exit, but for the moment, analysts believe the internal problems of the court need to claim the attention of governments and institutions sympathetic of its works.

One Thing And Another

WITH
THEOPHILUS
S. GRENDA

Now that David Crane is going

On February 28, 2005 the Office of the Prosecutor of the Special Court for Sierra Leone issued a press statement indicating that the Chief Prosecutor, Mr. David M. Crane, has written a letter to the Secretary General of the United Nations, Mr. Kofi Annan, informing him of his resolve not to seek a reappointment when his current contract ends effective July 15, 2005.

Mr. David Crane was appointed by the Secretary General of the United Nations in April 2002, and assumed office as prosecutor of the Special Court for Sierra Leone on July 15, 2002 with the mandate of prosecuting those thought to have borne the greatest responsibility for the heinous crimes perpetrated during the cause of the rebel war in this country.

Mr. Crane arrived in the country in August 2002 and began his investigations, which subsequently saw the indictment of a total of thirteen indictees, nine of whom are currently in custody, undergoing trials.

The first set of indictees including the former National Coordinator of the Civil Defence Force, CDF, Deputy Minister of Defence, Chief Sam Hinga Norman, the former interim leader of the Revolutionary United Front (RUF), General Issa H. Sesay and the former Battle Front Commander of the RUF, Morris Kallon were picked up on March 10, 2003 in an operation called "Operation Justice."

Of the thirteen indictees, two including the former leader of the RUF, Corporal Foday Saybana Sankoh and former Field Commander of the RUF, Sam Bockarie, alias Maskita, have been confirmed dead while the former president of Liberia, Mr. Charles Taylor, is at the moment enjoying protection from the Nigerian government.

Up to press time, the whereabouts of the former junta leader Johnny Paul Koroma remains unknown.

While Mr. Crane is poised to get the two men soon before the court, it has been rumoured that one more alleged war crime suspect is due to be indicted shortly.

In all his public addresses, Mr. Crane often referred to himself as 'the best man' for the job and that those he had already indicted, will 'never see the dawn of a free day' as he has enough evidence to see them convicted.

When the trials started in earnest, Crane promised to provide the best witnesses to prove his case against the indictees, whom he referred to as members of a joint criminal enterprise who outlived their human and civilized morals and oversaw the wanton killings, amputations and utter destruction wrought on innocent people during the decade long crisis.

With Crane at the helm of the prosecution, and backed by a battery of professional lawyers, it was the general opinion that the defence lawyers of the indictees, are simply fighting a losing battle.

And in view of the fact that the Trial Chamber had apparently of-

Owing to his crucial role in the making of the Special Court, there are all indications that the UN Scribe, Mr. Kofi Annan needed no second thought to grant him a reappointment for another 36 months.

It therefore came as a surprise

The only reason Mr. Crane gave for not accepting a re-appointment, was a solemn pledge to his wife that he will serve in the capacity for only 36 months and according to him, he is not in any way prepared to betray the confidence of his wife.

made his first mistake by indicting a seating president in the person of Charles Taylor, particularly so when he was in a third country. What Crane failed to acknowledge was that war was still raging in Liberia at the time of the indictment, and he also failed to examine the consequences of Taylor's arrest at that particular point in time, when rebels were pressing hard on the Liberian capital.

In my humble opinion, if the arrest and turning over of Taylor would have materialized, the lives of Ghanaians and Sierra Leoneans in Liberia would have been exposed to danger, and apart from that, the whole of Liberia would have been plunged into a state of anarchy, where the lives of other nationals and Liberians alike would have been in jeopardy.

That besides, furthermore, there would have been a spillover effect into the whole of the Mano River basin.

The question now is, who should have been held greatly responsible for the blatant carnage and human right abuses that would have occurred on account of the arrest of an individual who was simply trying to consolidate his hold on power?

One other question to ask is why, if Crane had the right to indict seating presidents, he hesitated to indict our own president who was reported to have been the remote control for the operations of the CDF and Ecomog forces.

Administratively, Crane was known to be a hardcore racist who succeeded in forcing a number of Sierra Leoneans to tender their resignations from the Special Court.

A number of Sierra Leoneans including Anthony Brown-Marke and Abdul Tejan Cole had to resign because, according to sources, they were not able to put up with the racist tendencies of the American born prosecutor, whose country is yet to subscribe to the International Court of Justice in Rome.

Apart from his racist postures, Crane is also said to have used his CIA background to militarize the prosecution department, shouting at Sierra Leoneans in particular as if they were in a military barracks.

Crane is also known to be a proud and a self-righteous man who is always suspicious of others, and in most cases, was at loggerheads with the sober minded.

**Kabbah was lucky,
others may not...**
Final part next edition

"It was a big surprise because many had thought Mr. Crane would have endeavoured to finish the task, which he whole-heartedly accepted and has been doing with all the vigour in him, and from which he stood to benefit hugely"

ten been in sympathy with the prosecution, credence was given to the assertion that the fate of the indictees had already been decided and that all what is going on now in the trial sessions is a mere formality, aimed at confusing the minds of the public that the indictees are in actual fact subjected to a free and fair trial.

Crane was such a respected and dreaded figure in the circle of the Special Court, with unconfirmed sources revealing that he was carrying home between \$15,000 and \$20,000 every month, excluding his welfare and allowances that makes him behave very much like a king.

to many here, that at a time when the trials are gaining momentum and at a time when the court continues to face unending challenges, Mr. Crane could not notify the UN boss of his resolve not to seek a reappointment.

It was a big surprise because many had thought Mr. Crane would have endeavoured to finish the task, which he whole-heartedly accepted and has been doing with all the vigour in him, and from which he stood to benefit hugely.

Although the UN boss is yet to react to Crane's bombshell, there are all indications that he was shocked by the surprised move.

Although one could understand Crane's position, yet he could have made that known to the Secretary General so as to afford him adequate time to reflect on whether in fact he should grant him the appointment or think of someone else who could have finished the job and hence live up to expectation.

One question the sane mind will pose to Crane is, why was he fooling traumatized Sierra Leoneans and the world at large that he is 'the best man' for the job, when in fact he had an hidden agenda to satisfy his wife at the expense of the wisdom and goodwill of the Secretary General, who appointed him as prosecutor of the worlds first hybrid international war crimes tribunal.

I honestly don't think it was the intention of the able Secretary General to do business with an individual like David Crane, who can only start and not finish a job for which he is very well reimbursed.

Often times, Crane, who is known to be a seasoned braggart, had commented that he has already finished 90% of his job and that his indictees will no doubt spend the rest of their lives in jail.

How realistic is this claim remains to be seen especially so now that he seems to be phasing out of the proceedings.

As prosecutor of the Special Court, which came into being as a result of an agreement between the government of Alhaji Dr. Ahmad Tejan Kabbah and the United Nations, David Crane was considered a demigod, as he was accountable to neither the president of Sierra Leone nor the UN Secretary General.

As if overwhelmed by the level of power vested on him, Crane

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

PRESS RELEASE

Friday, 28 February 2005

Special Court Prosecutor to Step Down

Today, David M. Crane, Prosecutor of the Special Court for Sierra Leone, submitted to Secretary General of the United Nations, Kofi Annan, by letter, his intention to resign, effective 15 July 2005.

Appointed in April 2002, Mr. Crane assumed his duties as Prosecutor on 15 July 2002, with the mandate of prosecuting those who bore the greatest responsibility for war crimes and crimes against humanity during the civil war in Sierra Leone in the 1990's. Arriving in August of 2002, Mr. Crane began his investigations which culminated in the first set of indictments being issued seven months later. Six of the eight indictees were arrested in September 2002 in Sierra Leone. Since then there have been five other indictments issued for a total of thirteen. Nine of these indictees are in custody and charged with various war crimes. The investigations continue.

Following Mr. Crane's resignation, the then President Charles Taylor of Liberia, Taylor's first wife, General Taylor, indicted on seventeen counts of war crimes and crimes against humanity, is the second head of state in history, and the first African, to be indicted for war crimes.

Mr. Crane is the Secretary General of the United Nations and the United Nations' only prosecutor. He is also the Secretary General of the United Nations' only prosecutor.

Mr. Crane is known for his down had meetings where he frequently met with the people of Sierra Leone to talk about the Court and listen to their questions and concerns about justice in Sierra Leone. He travelled throughout the country to meet with the people and to hear their views on the law. He is known for his down had meetings where he frequently met with the people of Sierra Leone to talk about the Court and listen to their questions and concerns about justice in Sierra Leone.

The Special Court for Sierra Leone is the result of a first-of-its-kind agreement between the government of Alhaji Dr. Ahmad Tejan Kabbah and the United Nations, David Crane was considered a demigod, as he was accountable to neither the president of Sierra Leone nor the UN Secretary General.

As if overwhelmed by the level of power vested on him, Crane

Australian Broadcasting Corporation
TV PROGRAM TRANSCRIPT
LOCATION: <http://www.abc.net.au/7.30/content/2005/s1314658.htm>
Broadcast: 02/03/2005

THE 7.30 REPORT

Halloran awaits bail decision

Reporter: Zoe Daniel

ZOE DANIELS: Peter Halloran is fighting to get out of gaol so that he can run his appeal. Otherwise, he's facing 18 months of hell here at Freetown's Padembar Road prison, a notorious Third World gaol where conditions are difficult and threatening, especially for a white special court investigator convicted of a sex crime against a black child. Sierra Leone has no prisoner exchange treaty with Australia but even the country's Attorney-General says he would consider Halloran serving his time at home.

FREDERICK CAREW (SIERRA LEONE ATTORNEY-GENERAL): Personally, I feel that even if representation is made I believe, and am asked to, to comment or make any recommendation, I don't see any objection.

SIERRA LEONE RADIO

ZOE DANIELS: Failing that, if Halloran doesn't get bail, he may come close to serving his sentence before his appeal progresses through Sierra Leone's agonisingly slow court system. But winning an appeal against his conviction for indecent assault may prove difficult. In an exclusive copy of the judgment obtained by the 7.30 Report, Justice Samuel Ademusu leaves little room for debate, saying Halloran "told deliberate lies to the police and on material issues out of a wish to conceal a disgraceful behaviour. His statement is replete with contradictions and inconsistencies".

SIERRA LEONE RADIO. "Your African radio station".

ZOE DANIELS: In Freetown the case has attracted plenty of publicity. The city is desperately poor. 70 per cent of people are living on a dollar a day and a spate of rapes and sexual assaults has made sex crimes highly political.

FREDERICK CAREW: We have just come from a 10 or 11-year war in which young girls have been brought into prostitution, sexual abuses, and so the public is very sensitive to this sort of conduct or behaviour.

ZOE DANIEL: Lawyer Nicholas Brown-Marke is running Peter Halloran's appeal. He's already attempted to ask the judge to replace the sentence with a fine but the request was denied. In his judgment, Samuel Ademusu explains why.

WORDS OF JUDGE ADEMUSU: I think it would be meaningless to impose a fine on the accused, bearing in mind that this is a very serious offence which I feel strongly about, taking advantage of a schoolgirl.

ZOE DANIELS: Peter Halloran has been convicted of indecent assault against 13-year-old Kadie Kabia, a young Sierra Leonean girl he was looking at employing as a nanny. In her original statement Kadie said that after meeting with Halloran she slept in his room for two days, a claim that he continues to deny. She says she slept on his bed and woke up to him playing with her breasts. The girl also told police that Halloran had inserted his finger into her vagina, or --- in the local language but then she changed her story, raising questions about the case and the verdict of guilty

PAUL ALLEN (NATIONAL FORUM FOR HUMAN RIGHTS): Because those who were interrogating who we spoke to, you know, have constantly stated they were put under duress or they were kind of forced to give some of their statements. They were intimidated to give some of their statements.

ZOE DANIELS: Kadie Kabia claims that two women had convinced her to make the allegations against Peter Halloran. One of them was former Tasmanian Police Officer Mandy Cordwell who first raised the complaint when she saw the girl going in and out of his room. In a later statement, Kadie Kabia accused Detective Cordwell and a Sierra Leonean policewoman of pressuring her to make claims against Halloran.

WORDS OF KADIE KABIA: Telling me to say that Peter played with my breast and sexually assaulted me, telling me that they will build a house for my family and take me to the United States for further studies.

ZOE DANIELS: The defence relied on this change of tack extensively and even prosecutors expected that it would result in the case being thrown out and Peter Halloran being set free. Mandy Cordwell has been criticised in the press. She resigned from her job at the UN Special Court, after her professionalism was

questioned, and returned to Australia. But she's told the *7.30 Report* the suggestions that she offered inducements to the child to make the allegations are absurd and in his decision Judge Samuel Ademusu agrees.

WORDS OF JUDGE ADEMUSU: I watched her demeanour in the witness box and I have no doubt that she told the court a very true story of what happened. I therefore accept her testimony entirely.

ZOE DANIELS: He judges that Peter Halloran had somehow made the girl and her family change position.

WORDS OF JUDGE ADEMUSU: I have no doubt in my mind that the accused took most improper liberties with the girl.

ZOE DANIELS: However, human rights observers question the verdict amid allegations the case was politically manipulated.

PAUL ALLEN: There have been many school of thought because he did get agenda behind this case and some people say that this was a way of discrediting the special court.

FREDERICK CAREW: I think it has been fair on the whole.

ZOE DANIELS: The *7.30 Report* has been told that anti-corruption investigators are now looking at the case but the Attorney-General denies there's been any improper behaviour.

FREDERICK CAREW: Certainly not. I have had these questions put to me previously and I want to assure you no political pressure.

ZOE DANIELS: Meanwhile Peter Halloran languishes at Pademba Road, so many questions still unanswered and his fate unclear.



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Former Liberian President Taylor a threat to West Africa - prose

Wed March 2, 2005 4:28 PM GMT+02:00

By Nick Tattersall

DAKAR (Reuters) - Former Liberian President Charles Taylor is meddling in Liberian politics from exile in Nigeria and remains a threat to the stability of West Africa, a top war crimes prosecutor said on Wednesday.

David Crane, an American who announced this week he would step down as chief prosecutor at Sierra Leone's special war crimes court in July, said he had clear evidence that Taylor was still in regular contact with members of his former government.

"Charles Taylor is not only a war criminal but also a terrorist who is continuing to destabilise the region," Crane told Reuters in a telephone interview from Freetown.

"He has people who continue to visit him. He is clearly involved in Liberia on a day-to-day basis and he is also active in many other countries," he said, without giving details.

Taylor is seen as the mastermind behind a web of conflicts in West Africa, particularly Liberia and Sierra Leone, where brutal civil wars shocked the world in recent years, with images of drugged-up child gunmen and their mutilated victims.

He was indicted by Sierra Leone's tribunal in March 2003 on 17 counts of crimes against humanity for his role in supporting rebels who hacked and burned civilians to death and forced children to fight in a war which killed 50,000 people.

Regional power Nigeria, where Taylor now lives, played a major role in persuading him to quit as president in 2003 to prevent more bloodshed, as rebels besieged the capital Monrovia.

Rights groups have called on Nigeria to hand Taylor over to the court but its government has said it will only act if Liberia itself makes such a request. Crane said Taylor was not off the hook just because he was still at large.

"Nigeria has been a leader in keeping the peace. Having Taylor in ... Calabar (Nigeria) was a smart move. He's accountable and we know where he is," Crane said.

THREAT TO GUINEA?

International watchdog Human Rights Watch said Taylor's continued presence in Nigeria undermined international law and posed a risk to stability in the region.

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Index	Last	Change
JSE	13491.76	+34.87
DJIA	10811.97	-18.03
Nasdaq Comp	2067.50	-3.75
S&P	1514.63	-1.15

"There are a number of allegations that Taylor remains in frequent contact with members of his former government and that he also may be supporting an insurgency aimed at Guinea composed of fighters loyal to him," the rights group said in a statement last week.

It said those fighters included former Sierra Leonean rebels, elite Liberian security forces and Guinean dissidents.

Taylor has long accused Guinea of supporting the rebels who eventually forced him to flee Monrovia.

The United Nations has been investigating reports that guns and former fighters, unemployed since the end of Liberia's war in 2003, are crossing into Guinea, where the failing health of veteran president Lansana Conte has raised fears of trouble.

Crane's mandate at the U.N.-backed special court in Sierra Leone was to prosecute those with heaviest responsibility for war crimes in the country and critics say the tribunal's authority has been undermined by its failure to try Taylor.

But Crane, who said he was stepping down because he promised his wife he would do so after three years in the job, declared he was confident diplomatic pressure on Nigeria would eventually see Taylor handed over to the court.

"I have used the law to strip Charles Taylor, the most powerful warlord in Africa, of his political power. I walk away from this with a great deal of pride," he said.

"We've prepared everything so he can receive a fair trial. Now it's in the hands of the international community."

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Awoko
Thursday March 03, 2005

"Abolish death penalty" - Northern Rep.

By Ophaniel Gooding

The Northern Region representative of the Nationwide Regional Victims Commemoration Conferences- Helen Fornah has stressed the need for the abolition of the death penalty. "Since those accused by the Special Court of bearing the greatest responsibility for crimes under its jurisdiction will not face the death penalty if found guilty, it is imperative for the death penalty to be abolished in Sierra Leone as well," she maintained. According to her, "national laws such as death penalty are not in conformity with developments in international human rights standards," adding that "the independence of the Judiciary in general seems

compromised." Delivering a report on Civil Society during the conference yesterday, the Northern region representative expressed her concern over the impact the Special Court will have on National Judicial Institutions. She stated, "the Rule of Law constitutes the bedrock of all development and reconstruction efforts." She explained to the august gathering that this came out clearly when over 160 delegates in the North were asked an impromptu question regarding their choice between the Rule of Law on one hand and humanitarian assistance, education and other socio-economic assistance on the other; adding, "they unanimously chose the rule of law." She went on, "we are concerned about the external influences

on Magistrates and Judges; the method of appointment of Judges and the fact that the Offices of the Minister of Justice and the Attorney General are combined." She also maintained that the appointment by politicians seems to compromise their independence. Helen Fornah also noted the need for improvement regarding treatment of suspects and accused persons, including the right of the accused to legal representation. She said, "the state of the detention facilities need to be improved in order to provide humane living conditions," noting that accountability does not only concern with politicians and governmental agencies, but also local governance and Courts, including Civil Society which are supposed to monitor democratic institutions.

NGO pleads for treason convicts

BY ABU BAKARR KARGBO

The Society for Democratic Initiatives, Sierra Leone (SDI-SL) has written an open letter to President Ahmad Tejan Kabbah to pardon treason convicts and to abolish the death penalty.

According to the letter, signed by the executive director, Emmanuel Saffa Abdulai, they are specifically advocating for the ten Sierra Leoneans on death row for the crime of treason from the just concluded treason trial.

"In as much as we appeal, we have decided to call upon you to use the constitutional powers conferred upon you to commute the death sentences into lesser punishment like life in prisons, and specific jail terms," the letter states.

The letter maintains that death penalty is not only archaic, but also barbaric, uncivilized and inhuman, adding that Sierra Leone

presently needs all the resources that can be mustered to foster development.

"Reducing the manpower by killing the already small number of able-bodied man would be counter-productive to this nation. This is not in any way justifying the acts of treasonable offences, but rather pointing a reason why we need to bring an end to the cruel act of denying others their natural rights to life," they stated.

The letter supported the idea that coup d'etats are wrong and punishable by law, as it is one of the factors that led to the war in the country.

"Those who are guilty of coups should be reformed in our prisons and allowed to contribute to the due

process of development and sustainable democracy. If the prisons conditions are developed, the state can use the expertise of people found wanting in treason trials, rather than taking them out of circulation in entirety".

The letter commended President Kabbah for the establishment of the Truth and Reconciliation Commission, and also the UN barked Special Court with the aim of pursuing those who bear the greatest responsibility in the war, as a right step in the right direction.

"But as the court does not sentence people to death, so we believe the laws of Sierra Leone should emulate this noble means of preserving the natural rights of people," the letter recommended.

Standard Times

Thursday March 03, 2005



Serb general 'to turn himself in'

A former Serb army general will surrender to the UN war crimes tribunal in The Hague, Serbia has announced.

The tribunal has not yet made public the charges against Momcilo Perisic, 60, a former army chief of staff during Slobodan Milosevic's rule.

Mr Perisic said he was willing to face the court "to defend my honour, to defend the reputation of the army and the dignity of our people".

The Serb government is under pressure to hand over war crimes suspects.

It has been threatened with further cuts in aid - and a cold shoulder from the European Union - if it does not do so.

Mr Perisic joins a growing list of former top Serbian military leaders to announce that he will hand himself over to the international tribunal investigating the Balkan wars of the 1990s.

He was chief of staff from 1993 to 1998, when Mr Milosevic dismissed him over differences on how to handle the southern Serbian province of Kosovo.

Mr Perisic founded an opposition party which was among those that helped topple Mr Milosevic in 2000.

Spy scandal

He became a deputy prime minister under the late Prime Minister Zoran Djindjic, but was forced to step down in 2002 over allegations of spying for the Americans.

Mr Perisic, who was initially detained, strongly denied the allegations.

He spoke of a "dictatorial" arrest aimed at discrediting him.

He claimed parliamentary immunity from prosecution and has never faced charges over the spying allegations.

Croatia sentenced him in absentia to 20 years in prison for his role in the 1991 shelling of the town of Zadar.

Story from BBC NEWS:
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/4313537.stm>

Published: 2005/03/02 23:42:52 GMT

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RWANDA: Fourth courtroom opens at UN tribunal

02 Mar 2005 12:52:28 GMT

Source: IRIN

ARUSHA, 2 March (IRIN) - A fourth courtroom opened on Tuesday at the UN International Criminal Tribunal for Rwanda (ICTR) as part of its efforts to expedite the genocide trials and to meet the UN's closure deadline of 2008.

The new courtroom "will facilitate steady progress [of the trials] and increase judicial output", Judge Erik Mose, the president of the tribunal, said during the opening ceremony at the tribunal's headquarters in Arusha, Tanzania.

Built with money from Britain and Norway, the new courtroom is located in the Arusha International Conference Centre. The tribunal's first three courtrooms were built between 1995 and 1999.

Norway contributed US \$300,000 and Britain \$120,000 for the construction and running costs of the new courtroom until the end of 2008, Mose said.

"When the first three courtrooms were constructed during the first mandate, the tribunal had usually about three trials going on over the same period," Mose said. "Now the situation is quite different. The number of trials to be heard in the months ahead of us is nine."

He said lack of courtroom space had previously complicated the scheduling of trials and slowed down cases.

"For sometime, we have been sitting in morning and afternoon shifts," he added. "Each shift allows for about four hours efficient time in the courtroom, whereas a full day enables a Chamber to sit for six hours."

Under the shift system, he said, each Chamber ended up losing about two hours a day, or at least eight hours a week, compared to a full-day session.

The British High Commissioner to Tanzania, Andrew Pocock, and the Norwegian ambassador, Jorunn Maehlem, reassured the tribunal of their government's commitment to ensure that the court dispensed justice according to its mandate.

"All states must demonstrate their full support to the tribunal to ensure justice is done over the Rwandan genocide," Maehlem said.

"The work of the tribunal has been groundbreaking as far [an] international justice system is concerned," Pocock added.

Some of the decisions rendered at the tribunal are now referred to in

other international cases and jurisdictions.

The UN Security Council established the tribunal to bring to trial the key perpetrators of the 1994 Rwandan genocide, in which 937,000 Tutsis and politically moderate Hutus were killed.

IRIN news

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UN Court Hands Over Genocide Cases To Rwanda

Hirondelle News Agency (Lausanne)

NEWS

February 23, 2005

Posted to the web February 23, 2005

Kigali

For the first time since it was set up ten years ago, the UN International Criminal Tribunal for Rwanda (ICTR) on Wednesday transferred 15 case files it has been investigating to the Rwandan authorities.

"This is only the beginning of the process to transfer many cases to national jurisdictions," ICTR prosecutor Hassan Jallow said during the handover ceremony held at the office of the Rwandan Attorney General.

The ICTR is scheduled to end its mandate in 2008. As part of its completion strategy, the court will be turning over some cases and suspects under its custody to national authorities.

"Today is a historic day as we receive the first cases," Rwandan Attorney General Jean de Dieu Mucyo said. "We are aware that many other countries would like to handle these cases. But we as Rwandans would prefer that those cases be dealt with here", he added.

The cases transferred to Rwanda are of suspects who have not yet been indicted by the ICTR. Decisions on transferring cases of suspects already indicted by the court or under its custody would have to be taken by judges at the request of the prosecutor. No time frame has been given on when the first such cases would be transferred to Rwanda.


"Now we have received files of people who are still outside," said Attorney General Mucyo. "In future we hope to receive those of people in Arusha," he added, referring to the court's seat in Tanzania.

Since the establishment of the ICTR, Rwanda has always asked for the court's hearings to be held in Rwanda.

On the contentious issue of under what conditions suspects transferred to Rwandan courts by the UN court would be held and tried, Mucyo said discussions were still going on. "We would like them to receive the same treatment as the rest of the detainees in our custody," said Mucyo. "But there may be a few differences".

UN negotiators had told Rwanda that it should meet UN detention and trial standards for suspects and prisoners that may be transferred from the court.

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Feature Article

Wednesday, 02 March 2005

Iraq Pulls Out Of International Criminal Court

Baghdad, 2 March 2005 -- Iraq's interim government has revoked its decision to adhere to the International Criminal Court, which it had announced just two weeks ago.

State television says that Iraq pulled back from the court today. It offered no explanation.

The ICC, based in The Hague, is the first permanent court mandated to try charges of genocide, crimes against humanity, and war crimes. It began operating in July 2002.

Several members of the former regime of Saddam Hussein, including the ousted president himself, are due to face trial in Iraq for war crimes.

Almost 100 countries have ratified the Rome treaty recognizing the ICC. A notable exception is the United States, which opposes the court.

(AFP)

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Source: Refugees International (RI)

Date: 22 Feb 2005

International Criminal Court is needed to bring justice to Darfur

WashingtonDC - U.S efforts to block the International Criminal Court (ICC) from investigating and holding individuals responsible for the death and displacement in Darfur are delaying the onset of justice and reconciliation in Sudan and easing pressure on government, militia and rebel groups to stop the killing, Refugees International said today. The majority of UN Security Council members agree that war crimes and crimes against humanity are taking place in Darfur and that they must be addressed legally to end the climate of impunity. However, the US will not join the European Union and UN agencies in supporting the ICC to accomplish this goal.

"The most cost-effective, timely and practical way to end the atrocities in Darfur and bring these actors to justice is to allow the International Criminal Court to adjudicate these crimes," said Mamie Mutchler, Human Rights Advocate for Refugees International. "The US should join its allies in the European Union and UN and support this option."

The ongoing violence and blatant attacks on the civilian population by the Government of Sudan, Arab militias (Janjaweed) and rebel forces in Darfur, have resulted in the forced displacement of almost 2 million Sudanese and the death of as many as 300,000 people. In response to the ongoing atrocities, the UN established a Commission of Inquiry which recommended to the UN Security Council on February 16 that referral of cases to the ICC was "the only credible way of bringing alleged perpetrators to justice..." The Commission went on to note, "With an existing set of well-defined rules of procedure and evidence, the [ICC] is the best suited institution for ensuring speedy investigations leading to arrests and demonstrably fair trials."

The US government has said it favors other options instead, including an ad hoc international tribunal, such as the Rwanda Tribunal in Tanzania. The Commission rejected the option of an ad hoc international tribunal, noting that it was "likely [to] prove unduly time-consuming and expensive." It is estimated that an ad hoc court would cost as much as US\$150 million, in comparison with the current budget of the ICC of US\$87 million. Given the lack of international support for an ad hoc international tribunal, the US has recently proposed the creation of a permanent African Union court. Supporters of the ICC view a permanent African court as a duplication of the ICC and have been unwilling to endorse the US proposal.

"The UN Commission of Inquiry has made clear that the ICC is the only viable option for ending impunity," said Mutchler. "Rather than advocating for more expensive and time-consuming processes, the US should support the ICC -- an already established system - to immediately address the crimes committed in Darfur. Considering the acknowledged shortfall in funding for the humanitarian crisis in Darfur, clearly this money could be better spent."

Even the US Ambassador at large for War Crimes Issues, Pierre-Richard Prosper, has in the past acknowledged serious problems with ad hoc international tribunals, such as the Rwanda Tribunal. Referring to the Yugoslavia and Rwandan Tribunals, Prosper stated to the Committee on International Relations of the US House of Representatives on February 28, 2002, "In both Tribunals, at times, the professionalism of some of the personnel has been called into question with allegations of mismanagement and abuse. And in both Tribunals, the process, at times, has been costly, has lacked efficiency, has been too slow, and has been too removed from the everyday experience of the people and the victims."

When presenting the findings of the UN Commission of Inquiry on Darfur to the Security Council, the High Commissioner for Human Rights, Louise Arbour, reported cases of systematic rape and killings of civilian populations who were forced to flee their homes. They join the millions of internally displaced people in Sudan who continue to face persecution from Government authorities, Arab militia and rebel forces in camps where they seek refuge.

For example, in the South Darfur village of Kailek, villagers were attacked on two separate occasions by Government and Janjaweed forces. The Commission stated in its report, "Following the second attack in March 2004, the villagers fled to the mountains where they were hunted down by mounted Janjaweed. The military

ReliefWeb

shelled the area; some were captured shot and killed. For a period of about 50 days, up to 30,000 people were confined in a small open area.... Some men were singled out and summarily shot. There are reports of people being thrown into fires and burnt alive. Women and children were separated out, confined in walled areas, and periodically taken away by their captors to be raped."

According to Samantha Power, the Pulitzer-Prize winning author of *A Problem from Hell*, the ICC is the court venue most favored by Darfurians displaced by the conflict for seeking justice and least favored by perpetrators such as Musa Hilal of the Janjaweed.

"The victims who must flee their homes only to see their wives and daughters raped and their husbands and sons shot favor the use of the International Criminal Court," said Mutchler. "It seems only fair that their voices should weigh heavily in this debate."

Contact: Megan Fowler, 202-828-0110 x214

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US Pushes for African Court to Try Darfur War Crimes

By Serena Parker

Washington

01 March 2005

Parker report - Download 468k 

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The U.S. government is opposing a plan to bring alleged Sudanese war criminals before the International Criminal Court in The Hague for atrocities committed in Darfur. Instead, the Bush Administration says a permanent African Court of Justice based in East Africa should be created. The human-rights community fears the debate over who will prosecute the atrocities in Darfur is hindering efforts to stop the killing.

While the U.N. Security Council considers a U.S. sponsored draft resolution that would impose sanctions on Sudan for the ongoing atrocities in Darfur, another debate is taking place over where those accused of such crimes should be tried.

U.N. Human Rights Commissioner Louise Arbour argues that the International Criminal Court is the best option for bringing those accused of war crimes to justice.

"With an already existing set of well-defined rules of procedure and evidence, the Court is the best-suited institution for ensuring speedy investigations leading to arrests and demonstrably fair trials," she said.

The United States opposes the International Criminal Court for a variety of reasons, among them concern the court could be used to bring frivolous charges against U.S. troops or political leaders.

U.S. Ambassador-at-Large for War Crimes Issues, Pierre-Richard Prosper, says the United States would like instead to see the creation of a joint African Union, United Nations type of tribunal, where the African Union plays the lead role in achieving justice and accountability for events on the African continent.

"Now our concern philosophically with the ICC in this particular area is the fact that the ICC is far away," he said. "It is based in The Hague. The people of Africa will not be there to see justice as its being administered. There will not be a strong African presence in the process. While the ICC does have some African personnel, it is not the same as having an African Union institution involved fundamentally in the aspects of justice, making some of the key decisions, and being responsible for the effective administration of justice."

According to Ambassador Prosper the new court could be based in East Africa, building off the existing infrastructure and experience of the ad-hoc Rwanda Tribunal in Arusha, Tanzania.

European nations, many of whom strongly backed the creation of the ICC, have not been very receptive to the U.S. proposal.

A Sudan researcher with Human Rights Watch, Jemera Rone, says the atrocities in Darfur are occurring now and need to be prosecuted as soon as possible. Establishing an African Union-led tribunal will take months, if not years. Meanwhile, the ICC is already up and running.

"International prosecution is a real deterrent," said Ms. Rone. "It really does work. The fact is

that now in Khartoum people are worried. They are talking about La Hague, they might have to go to The Hague."

The Washington director of Human Rights First, Elisa Massimino says the Bush Administration's opposition to the ICC is undermining its leadership on Darfur and hampering efforts to pass a tough U.N. Security Council resolution.

"I really feel like if what we are talking about here is the risk that the U.S. might be proven wrong about the ICC, if that is really what we are talking about, that the victims in Darfur should not have to pay the price for that gamble," said Ms. Massimino.

The United States has played an important role in the ad-hoc tribunals prosecuting war crimes in Rwanda and Yugoslavia. But if the International Criminal Court is given jurisdiction over Darfur, Ambassador Prosper says the United States will not aid in the prosecution.

"One thing the ICC will not have if it goes down that road is the United States," said Mr. Prosper. "It will not have the political support of the United States. It will not have the financial support of the United States. It will not have the evidentiary support of the United States."

Ambassador Prosper says the United States does not agree to the proposition that "justice in Africa has to be exported to the Hague." He asks whether that is an appropriate message to send to the African continent whenever there is a problem.

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