

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



Aberdeen Bridge in the distance from Cockle Bay area

PRESS CLIPPINGS

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

as at:

Thursday, 31 May 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

Local News

The Moral Incompetence of The Judiciary / *Standard Times* Pages 3-6

International News

Charles Taylor: Liberian Ex-President Goes on Trial / *Human Rights Watch* Pages 7-8

Questions and Answers on Charles Taylor's Trial Before the Special Court / *All Africa.com* Pages 9-12

War-Wearry Africans Look for Justice in Taylor Trial / *Reuters* Pages 13-14

UNMIL Public Information Office Media Summary/ *UNMIL* Pages 15-16

Ugandan Government Proposes Transitional Justice System for LRA Rebel / *Voice of America* Page 17

Ugandan Rebels Seek Suspension of Arrest Warrants / *Voice of America* Page 18

U.N. Establishes Tribunal For Hariri Assassination / *Washington Post* Pages 19-21

Judge Fails to Recuse Himself Despite Past Conflict With Defendant / *Human Rights Watch* Page 22

Standard Times

Thursday, 31 May 2007

The Moral Incompetence of The Judiciary

In our Tuesday edition under this column the topic "The Judiciary as a democratic institution" was fiercely discussed, bringing out its role in stamping out corruption in the country. Sierra Leone was used as a case study; however, in this piece the writer takes a look at the moral incompetence of a Judiciary system. This broad approach is not only limited to Sierra Leone but any judiciary system that finds itself in such situation. A society so raven that the spirit of moderation is gone, which no court can save; . . . a society where that spirit flourishes, no court need save; . . . in a society which evades its responsibility by thrusting upon the courts the nurture of that spirit, that spirit in the end will perish. During the past three decades, the vision of the judiciary as the moral tutor appointed for a recalcitrant society has become dominant in most legal system and increasingly within the courts. Most legal scholars, in one form or another, have embraced constitutional litigation as the ideal forum for moral evaluation of public policy. Rather than merely being the occasion for enforcement of a legal text by interpretation according to standards of law, the Supreme Court's exercise of judicial power to review the constitutionality of government decisions has become an opportunity for exploitation of public virtue and national aspirations.

Michael J. Perry, a leading legal scholar once argued that judicial review should serve the role of "prophecy," calling us to a deeper understanding of ourselves through moral exhortation by the Supreme Court. Stanley Ingber, another prominent legal expert one time had envisioned the Supreme Court as the "mediator" of a public dialogue, which he hopes will expand throughout society, but in which the Court holds the preeminent position in initiating and structuring a national discussion of fundamental values. Owen Fiss had urged judges to avoid an "arid and artificial" focus upon the words and original meaning of constitutional provisions by instead reading "the moral as well as the legal text" of the Constitution. In sum, for most teachers of law, constitutional law is seen as intertwined with moral philosophy, and court adjudication as the preferred venue for molding the characters of individuals.

In more recent years, the Supreme Court has lowered its profile and declined to encompass ever larger areas of public and private life within the realm of constitutional imperatives imagined and imposed by the courts. Most in the legal academy have decried this change in judicial attitude, arguing that the Court is abdicating its responsibility to reshape society and forge a national community based upon inspirational ideals. Assuming the current trend in constitutional jurisprudence holds

that we must ask whether such a course really is bad or whether it is a healthy development, reflecting a shift from a fixation on rights and judicial governance to democratic dialogue, political compromise, and discussion of values in a moral-cultural context. Should our society's dialogue about values proceed in the context of the Constitution, and more particularly, in the arena of constitutional litigation with primacy given to the courts as moral tutors? In any event, it is far from clear that the Court truly has abandoned its arrogated role of national guidance counselor. The legal academy and its followers in the media appear to have a powerful influence upon the Court, especially given the apparent desire of the Court's justices to secure the praise of academic scholars and national reporters. Indeed, some justices of

tional charter. The judiciary lacks competence both in the sense of its authority to assume such an elevated role and in its qualification for and ability to carry out such a mission. The legitimacy of the Supreme Court in any constitutional system rests not on its ability to fashion social and political compromises but on its ability to render decisions that the public readily can recognize as straightforward interpretations of a constitutional or statutory text. We do not choose the members of our judiciary because of their eminence as philosophers or their insight as moralists. Although each member of the bench properly dons the black robe of the judge, the white robe of the prophet ought to rest uneasily upon his shoulders. Moreover, judicial adjudication skews moral discourse in a particular legalistic direction

to us as individuals and as a community. Notwithstanding the growth of government and the proliferation of litigation, the center of life for most Sierra Leoneans and citizens of other nation-state remain with family, friends, and private groups—not political and legal institutions. Many of our social problems today demand a resurrection of values in a manner that cannot be compelled by constitutional command or legislative enactment. A theory of constitutional law that may be out of fashion in today's legal academy, but that fits comfortably within the modern conservative and the traditional liberal views of the courts, begins with certain basic premises: the existence of law and the possibility of meaningful rules of law. It must recognize the Constitution as a legal text subject to legal interpretation by judges who derive



The role of the judiciary in constitutional review is to determine the substantive principles incorporated in the document for application to concrete individual controversies, while avoiding as far as possible an evaluation of the wisdom or desirability of the government policies at issue



the courts in a deciding opinion may have asserted imperial authority, or suggest that the Court properly may instruct the public to defer to its resolution of a divisive issue and to follow loyally as the path it has marked. The Constitution is the framework of our national government and a guarantor of fundamental rights. But it is not the sole source of values or principles for us as a nation or as a people. A dialogue about fundamental constitutional values attendant to constitutional adjudication must be focused upon the Constitution as a legal text, and because it is a legal text, the debate must be grounded in legal sources and legal analysis. We ask too much of the Constitution, and too little of ourselves, when we view it as the wellspring from which to draw comprehensive notions of public virtue or when we project onto it our aspirations as a national community. The Supreme Court lacks the moral competence to promote a certain vision of a country moral aspiration, rather than dutifully enforcing particular values already incorporated into the na-

and suppresses the value of deliberation in other settings. Because constitutional debate is primarily the preserve of lawyers, dialogue in academic literature or constitutional litigation is conducted in a legal dialect that both distorts discussion of values and makes it inaccessible to the general public. While judicial review is vital to safeguard our constitutional freedoms, a degree of moral and philosophical discussion flowing from constitutional litigation cannot justify the costs that overreaching judicial rights declaration has for public debate and democratic governance. Finally, moral discourse is too important to be captive to constitutional litigation or, for that matter, to governmental institutions, whether political or judicial. Our value as a people and nation should not be constrained within the straitjacket of the Constitution. The Constitution serves the discrete purposes of establishing the framework for a limited government and for ensuring certain basic rights for individuals. It has little to say about most of the matters that should be important

their authority to render a judicial decree from the existence of the Constitution as a source of law. Whether one views constitutional interpretation as grounded in a theory of original meaning or the traditional liberal theory of judicial restraint and neutral principles, the distinctive nature of this approach is that it is legal in nature. One need not retreat into formalism, ignore the importance of practical wisdom, or deny the creative element in judging to insist that constitutional decision making be carefully bounded by the text, historical understandings, legal doctrine, and a modest view of the role of the judiciary. A constitutional decision, both in outcome and reasoning, must be justified by reference to legal authority and that the Supreme Court "is under an obligation to trace its premises to the charter from which it derives its authority" before it may make any constitutional pronouncement. The values espoused in a constitutional decree must be rooted in the Constitution, not in our hopes and aspirations for a better society. Judicial decision making calls

for wise employment of that singular form of human thought known as legal reasoning. We do not ask our Courts to engage in capacious moral or philosophical inquiry. It would appear that we have not anointed the Justices of the Supreme Court to rule us as a "bevy of Platonic Guardians." There is no reason to assume that judges possess sufficient knowledge and virtue to undertake a mission of moral evaluation through the episodic venues of cases and controversies. The democratic process of political institutions accountable to the people is not so hopelessly imperfect that the preceptorship of the courts is preferable. The perception of the average Sierra Leonean, however simplistic or formalistic, the legal system may regard it, remains that the judge's vocation is the neutral application of established rules of law. Sierra Leoneans would not respect or tolerate a Court that forthrightly assumed the position of national moral guidance counselor. If the Court were

truly to undertake the charge of serving as our national conscience, then the Court would simultaneously lose its legitimacy as a court of law. What then is the purpose of constitutional review? When the constitutional mandate is sufficiently clear from the text, the understanding of the framers, or the structure of constitutional government, it removes certain matters from popular control and majoritarian rule. The Constitution is designed to be a trump card. When the Constitution speaks, the Court should amplify that sound loudly and with a commanding voice. When the Constitution is silent, the Court likewise should remain silent. If we free the Supreme Court from its bondage to a strict legal interpretation of the Constitution and those values articulated in that document, then the Court has lost its lawful authority to speak and we have lost our legal obligation to listen. Reasonable judges, legal scholars, and lawyers will hear the voice of the Constitution differently. But we must listen with legal attention—not with the expectation of hearing the answer to our hopes and aspirations. The role of the judiciary in constitutional review is to determine the substantive principles incorporated in the document for application to concrete individual controversies, while avoiding as far as possible an evaluation of the wisdom or desirability of the government policies at issue.

CONTINUED PAGE 14

FROM PAGE 12

Opposing views of right and wrong are best addressed and accommodated in a democratic political debate, with the judiciary serving the vital but secondary role of ensuring that basic rights are protected to prevent oppression of minorities by majoritarian rule. The absence of a constitutional right, and thus of a judicial remedy, does not dictate a narrow or limited vision of a moral society. Rather, it means that recourse must be made to the political process or beyond to the moral and cultural realm of our community. There is, after all, one other individual right too often neglected that is, the right of democratic self-governance. Our revolutionary founders fought for the right to elect their own representatives to make laws by democratic means. This right of democratic choice and the responsibility of democratic governance are not promoted by judicial imperialism, even if justified as showing some responsiveness to popular sentiments or public virtues.

Critics in the legal academy find democratic government inattentive to their view of fundamental values and failing in the mission of national community building. In contending for the preeminent position of the judiciary, they provide a troubling inventory of the imperfections of democracy, defects that we should soberly consider whenever looking to political institutions for answers to difficult moral questions. Nevertheless, it is the conclusion of some eminent legal practitioners that "We may grant until we're blue in the face that legislatures aren't wholly democratic, but that isn't going to make courts more democratic than legislatures." Reciting the imperfections of democracy does not lead ineluctably to the conclusion that the least accountable branch of the government is the better forum for our national debate about public values. The political branches are forthrightly empowered to reconstitute society; the courts are limited to adjudication of discrete cases or controversies.

The political branches are intended to be accountable; the judiciary is not. The members of the political branches are subject to electoral removal; the judiciary is not. That the "common and easy resort" to judicial review would tend "to dwarf the political capacity of the people, and to deaden its sense of moral responsibility." An ambitious vision of the Supreme Court and constitutional judicial review as serving the ends of public virtue is without legal justification, except as bound tightly to the values incorporated

into our national charter. Even if legitimate, moreover, judicial supremacy inhibits, rather than promotes, general moral discourse about community values and aspirations. Most time the Supreme Court decisions are describes as "the beginnings of conversations between the Court and the people and their representatives." One would acknowledged that they were "never, at the start, conversations between equals," given that the "Court has an edge" because it initiates the discussion with "some immediate action." To say that the Court has an edge in the conversation is an understatement. The "immediate action" to which most legal experts refer is, of course, the judicial decree. We may embrace the Court's pronouncement as the articulation of public virtue and accept its declaration into our public conscience, or we may express abhorrence at the Court's edict and seek to avoid and overturn its decision as wrong and unacceptable. But, for the moment, we must live with it. A judicial decree is not a suggestion or an invitation to a conversation, as every litigator soon discovers. Moreover, the Supreme Court's declaration of constitutional law is binding upon the entire polity. "Everyone must dance to the judges' tune whether party to the litigation or not." By its decisions, an imperial Supreme Court may choose which values to elevate and commend to public approval and which values to denigrate as unworthy of further consideration.

The clearest example of a deliberate adoption of one value at the expense of another, a judicial resolution that continues to distort public choice and moral discourse, may be found in the case between the late chief Hinga Norman and the SLPP. The Supreme Court decision created mixed reactions. Meanwhile, litigation is not a friendly forum for a balanced discussion of the wide range of values and concerns relevant to disposition of a public issue.

Constitutional litigation and adjudication force communication along a narrow path, for the focus of legal advocacy is upon rights and wrongs. The values of responsibility, respect for others, and moral character are largely missing from what most Professors in law called the "rights talk" of the courtroom.

The adversarial process encourages a winner-take-all attitude and suppresses compromise and accommodation. The Supreme Court itself has hardly been immune to the centrifugal tendency to adopt extreme characterizations of opposing positions.

TO BE CONTINUED

Human Rights Watch

Thursday, 31 May 2007

Charles Taylor: Liberian Ex-President Goes on Trial

Landmark Step in Bringing Justice for Human Rights Violations

(The Hague, May 31, 2007) – The trial beginning June 4 of former Liberian President Charles Taylor for war crimes committed during Sierra Leone’s 11-year brutal armed conflict sends a strong signal that no one is above the law, Human Rights Watch said today. Taylor’s trial by the UN-backed Special Court for Sierra Leone will provide an important chance for victims to see justice done.

Taylor, who was president of Liberia from 1997 to 2003, is being tried on 11 counts of war crimes, crimes against humanity, and other serious violations of international law committed during Sierra Leone’s conflict. The alleged crimes include murdering and mutilating civilians, using women and girls as sex slaves, and abducting both adults and children and making them perform forced labor or become fighters.

Taylor is charged on the basis of his alleged role as a major backer of the Sierra Leone rebel group, the Revolutionary United Front (RUF), and close association with a second warring faction, the Armed Forces Revolutionary Council (AFRC). In addition, Taylor allegedly was responsible for Liberian forces fighting in support of the Sierra Leonean rebels. Liberian forces under Taylor’s command are implicated in human rights abuses in other West African states, including Liberia, Guinea and Côte d’Ivoire, although these are not at issue in this trial.

“The trial of a former president associated with human rights abuses across West Africa represents a break from the past,” said Elise Keppler, counsel with Human Rights Watch’s International Justice Program. “All too often, there has been no justice for victims of serious human rights violations. Taylor’s trial puts would-be perpetrators on notice.”

Taylor is the first African head of state to be indicted on serious crimes under international law by an internationalized criminal court. The Special Court is a national-international court composed of Sierra Leonean and international judges and staff.

Drawing on the experience of the trial of Yugoslav President Slobodan Milosevic, Human Rights Watch said that conducting trials of former leaders involves significant challenges. These challenges include ensuring the trial is scrupulously fair, including the presumption of innocence, while managing sensitive and high-profile proceedings effectively. They also include giving appropriate focus to evidence of chain of command while providing evidence on crime scenes.

“We have seen that trials of former presidents are difficult business,” said Keppler. “The Special Court’s judges must guarantee Charles Taylor a fair trial, and also conduct proceedings efficiently.”

The Special Court is based in Freetown, the capital of Sierra Leone. The court relocated Taylor’s trial to The Hague last June, however, due to its concerns over stability in West Africa if his trial were held in Sierra Leone. The International Criminal Court has lent its facilities for the Special Court to hold the trial.

The relocation of Taylor’s trial to The Hague creates challenges in making the proceedings accessible to the communities that have been most affected by the crimes committed. Accessibility is important to ensure resonance with these communities, Human Rights Watch said.

“People in West Africa need to know what’s happening in Taylor’s trial,” said Keppler. “We welcome the Special Court’s plans to make the proceedings accessible through radio, video, and monitoring by local journalists and civil society.”

Because it is funded primarily through voluntary contributions from UN member states, the Special Court has faced constant financial shortfalls and still needs funding to cover anticipated costs associated with Taylor’s trial. Funding is also needed to complete three trials of eight other defendants currently taking place in Freetown. Other critical activities, such as long-term witness protection, will require further funds.

“The Special Court will need funding to complete its important work in bringing justice for crimes committed during Sierra Leone’s conflict,” said Keppler. “Key supporters like the US, the UK and the Netherlands should ensure that the court has enough resources.”

Background on the Special Court and the Indictment and Surrender of Charles Taylor

The Special Court for Sierra Leone was established in 2002 by agreement between the United Nations and the government of Sierra Leone. The court has a mandate to “prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law” in Sierra Leone since 1996. The crimes include killings, mutilations, rape and other forms of sexual violence, sexual slavery, the recruitment and use of child soldiers, abduction, and the use of forced labor by armed groups.

Eight individuals associated with the three warring factions during the conflict – Revolutionary United Front (RUF), Armed Forces Revolutionary Council (AFRC), and Civil Defence Forces (CDF) – are currently being tried in Freetown by the Special Court. In the trials of individuals associated with the CDF and AFRC, which began in June 2004 and March 2005 respectively, the presentation of the cases is complete and the judges are expected to issue verdicts in the next couple of months. In the trial of individuals associated with the RUF, which began in July 2004, the defense began presentation of its case in May.

The Special Court unsealed its indictment of Charles Taylor in June 2003, but Taylor soon received safe haven in Nigeria. Three years later, on March 29, 2006, Taylor was surrendered for trial. Following the Special Court’s request to relocate the trial, the Netherlands agreed to the trial being held in The Hague, but on the condition that Taylor leaves the country after a judgment is delivered. Last June, the United Kingdom offered to provide incarceration facilities for Taylor if convicted, which allowed the relocation to proceed and ultimately, the trial to begin.

All Africa.com

Thursday, 31 May 2007

Questions and Answers on Charles Taylor's Trial Before the Special Court for Sierra Leone

1. Who is Charles Taylor?

From 1989 to 1997, Charles Taylor led the National Patriotic Front of Liberia (NPFL), a rebel group that sought to unseat Liberia's then-president, Samuel K. Doe, and later to take over control of the country. Taylor gained international notoriety for the brutal abuses of civilians perpetrated by his NPFL forces in Liberia, and for use of child soldiers organized by the NPFL into "Small Boy Units." On July 19, 1997, the conflict ended when Charles Taylor was elected president of Liberia in an election in which there was an implicit threat that Taylor would resume fighting if he lost.

Charles Taylor's presidency, which lasted from 1997 to 2003, was characterized by intolerance of dissent and harassment of the press, civil society and political opposition. Meanwhile, these and other human rights abuses were accompanied by near-total impunity. Ultimately, this repression fueled the formation of two rebel groups and, in 1999, a return to armed conflict in Liberia. Following rebel incursions into the Liberian capital Monrovia, Taylor was forced from office in August 2003.

Forces under Taylor's command have also been implicated in supporting and participating in armed conflicts, cross-border raids and human rights abuses in neighboring countries, including Sierra Leone, Guinea and Côte d'Ivoire. Taylor has been charged with responsibility for serious international crimes and is now facing trial, in part because forces allegedly under his command have been implicated in supporting and participating in human rights abuses in Sierra Leone.

2. What is the Special Court for Sierra Leone, the court that is trying Charles Taylor?

The Special Court for Sierra Leone is an ad hoc international-national court, referred to as a "hybrid" or "mixed" international tribunal. The court was established in 2002 through an agreement between the United Nations and the Sierra Leonean government.

As a "hybrid" model of international tribunal, the Special Court has features that differ from those found in other international tribunals like the International Criminal Tribunals for the former Yugoslavia and Rwanda. These include a bench composed of Sierra Leonean and international judges and staff, and authority over domestic as well as international crimes. The court, based in the Sierra Leonean capital of Freetown, is located in the country where the crimes were committed.

The court's mandate is to "prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law" committed in Sierra Leone and also violations of Sierra Leonean law committed in the country. Although Sierra Leone's conflict lasted from 1991 to 2002, the court can only hear cases of crimes committed since 1996. The crimes under the court's mandate include crimes against humanity, war crimes, and other serious violations of international humanitarian law, such as recruitment of child soldiers.

Aside from Taylor, the Special Court is currently trying eight individuals in three separate trials. The accused are associated with three warring factions during Sierra Leone's conflict: the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC), and the Civil Defence Forces (CDF). In the trials of the accused associated with the CDF and AFRC, which began in June 2004 and March 2005 respectively, the presentation of the cases is complete and the judges are expected to issue

verdicts in the next couple of months. In the trial of the accused associated with the RUF, which began in July 2004, the defense began presentation of its case in May 2007.

3. What is Taylor charged with?

Taylor is charged by the Special Court for Sierra Leone with 11 counts of war crimes, crimes against humanity and other serious violations of international humanitarian law committed in Sierra Leone. The alleged crimes cover murdering and mutilating civilians, including cutting off their limbs, using women and girls as sex slaves, abducting adults and children, and forcing them to perform forced labor or become fighters during Sierra Leone's conflict.

Taylor is charged on the basis of his alleged role as a major backer of the Sierra Leone rebel group the Revolutionary United Front (RUF), his links with senior leaders in the RUF and a second warring faction, the Armed Forces Revolutionary Council, and responsibility for Liberian forces fighting in support of the Sierra Leonean rebels.

The specific counts against Taylor are:

- Five counts of war crimes: terrorizing civilians, murder, outrages on personal dignity, cruel treatment, and looting;
- Five counts of crimes against humanity: murder, rape, sexual slavery, mutilating and beating, and enslavement; and
- One count of other serious violations of international humanitarian law: recruiting and using child soldiers.

Taylor is being charged with individual criminal responsibility for the crimes on several legal bases. First, Taylor allegedly participated in the commission of the crimes by planning, instigating, and ordering them; aiding and abetting them by providing military training and support to the RUF and AFRC; and participating in the execution of a plan to take control of Sierra Leone during which the crimes were committed. Second, he allegedly was a superior to perpetrators of the crimes and failed to take reasonable measures to prevent or punish the crimes while knowing or having reason to know about them.

Taylor was initially charged with 17 counts, but the indictment was amended in March 2006 to 11 counts.

Taylor is the first president of an African state to be indicted on serious crimes under international law by an internationalized criminal court.

4. How did Taylor come into the custody of the Special Court and where will his trial take place?

In June 2003, the Special Court made public an indictment against Taylor while he was attending peace talks in Ghana related to armed conflict in Liberia. Taylor immediately returned to Liberia, but following rebel incursions in the Liberian capital Monrovia, Taylor agreed to step down as president. He then went to Nigeria in August 2003, where he was offered safe haven by Nigerian President Olusegun Obasanjo.

Taylor remained in Calabar, Nigeria, for nearly three years, during which Nigeria's president rejected calls to surrender Taylor for trial. However, in March 2006, Liberia's newly elected president, Ellen Johnson-Sirleaf, requested Obasanjo to surrender Taylor, and Obasanjo agreed. Obasanjo did not arrest Taylor, though, and he disappeared almost immediately. Nevertheless, on March 29, 2006, Taylor was

apprehended by Nigerian police near Nigeria's border with Cameroon. He was then transported to Liberia, where he was taken into UN custody and transferred to the Special Court in Freetown.

Although the Special Court for Sierra Leone is based in Freetown, Sierra Leone, Taylor's trial will take place in The Hague at the International Criminal Court (ICC), which is lending its facilities to the Special Court for Sierra Leone. (See question 6 for explanation of why Taylor's trial was relocated).

5. When will Taylor's trial begin and how long will it last?

The start date for Taylor's trial was initially set for April 2, 2007, but was rescheduled to begin on June 4, 2007 to give the defense more time to prepare.

On June 4, the prosecutor will provide an opening statement after which the trial will be adjourned until June 25. The judges granted this additional postponement in order to allow the defense counsel several weeks more to prepare on the basis that the defense had lost this amount of preparation time due to suspended consultations between counsel and Taylor between March 5 and 22. Defense counsel suspended these consultations, which should be confidential, as video surveillance was being conducted in the space where the meetings took place.

Trials for serious crimes under international law, and especially of leaders, can be time-intensive. The cases are complex, and ensuring the accused receives the full range of fair trial protections in accordance with international standards can take time. Human Rights Watch believes it is crucial for the court to ensure that Taylor's trial is scrupulously fair. An unfair trial would lack legitimacy and credibility, while fair proceedings will help ensure that the trial plays its role in building respect for the rule of law in West Africa.

The Special Court's prosecutor, Stephen Rapp, has estimated that Taylor's trial will last between 12 and 18 months.

6. Why is Taylor's trial taking place in The Hague?

Taylor's trial was relocated to The Hague on the basis of a request by the Special Court's president immediately following Taylor's surrender in March 2006. The request to the Dutch government cited concerns over stability in West Africa if the trial was held in Sierra Leone. The Netherlands agreed to the relocation on several conditions, including that another country would offer facilities to incarcerate Taylor in the event he is convicted.

Despite initial delays and reluctance for any country to volunteer, on June 15, 2006, the United Kingdom announced an offer to incarcerate Taylor if he is convicted. The UN Security Council then passed a resolution to provide a legal basis for the relocation, another of the conditions set by the Netherlands.

7. Does the fact that Taylor's trial is taking place in The Hague pose special challenges?

The relocation of Taylor's trial to The Hague creates new challenges in ensuring that people in West Africa will know about developments in the proceedings. But the Special Court is planning important actions to ensure the proceedings are accessible to West Africans, including:

- Facilitating attendance of journalists and civil society representatives from Liberia and Sierra Leone on a rotating basis at proceedings in The Hague;
- Preparing video and audio summaries of Taylor's trial for dissemination throughout Sierra Leone; and

- Making broadcasts of Taylor's trial available at the court's premises in Freetown.

Human Rights Watch believes it is critically important that the Special Court's work be accessible to the communities most affected by the crimes. The Special Court has consistently implemented robust outreach and communications programming to inform people in Sierra Leone about the court.

8. How has Human Rights Watch been involved in ensuring justice in Sierra Leone?

Since 1998, Human Rights Watch researchers have extensively documented serious human rights violations committed by all warring factions, and pressed for the perpetrators of the crimes to be held accountable. Human Rights Watch maintained a field office in Freetown, Sierra Leone, from 1999 to 2002. From 1998-2007, Human Rights Watch released a series of reports detailing abuses to raise public awareness about them.

Human Rights Watch pressed for justice to be done and the creation of the Special Court. Since the court's establishment, Human Rights Watch has assessed the work of the court through on-site visits and interviews with court staff, defense counsel, and Sierra Leonean civil society. Human Rights Watch has issued two reports on the court's work that detail the court's accomplishments to bringing justice for crimes in Sierra Leone. The reports also made recommendations to improve court operations, for example, in terms of in the areas of witness protection and resources for the defense.

Human Rights Watch has consistently pressed for the Special Court to receive sufficient funding. The court is not funded by contributions from UN member states and has been forced to rely on voluntary contributions, although it has received some grants from the United Nations. The court's funding remains uncertain and inadequate.

While Taylor was in Nigeria, Human Rights Watch actively pressed for his surrender to face trial. Human Rights Watch worked with a coalition of international and West African civil society groups toward this end. Human Rights Watch will attend the opening of Taylor's trial in The Hague and assess the proceedings throughout their duration.

Reuters

Thursday, 31 May 2007

War-weary Africans look for justice in Taylor trial

By Christo Johnson

FREETOWN (Reuters) - Victims and protagonists of two of Africa's most brutal civil wars will be crying for justice when Liberia's former warlord-president Charles Taylor appears in a European courtroom next week to face war crimes charges.

Some clamour for his conviction as the alleged mastermind of conflicts fuelled by "blood diamonds" that tore through Sierra Leone and Liberia for over a decade, sucking in neighbouring states and killing more than a quarter of a million people.

But former comrades question whether Taylor, who faces 11 counts of war crimes and crimes against humanity related to Sierra Leone's 1991-2002 conflict, can receive a fair trial at a U.N.-backed Special Court sitting far from Africa in The Hague.

Taylor has already pleaded not guilty to multiple charges of terrorism, murder, rape, sexual slavery and use of child soldiers, arising from his alleged support for Revolutionary United Front (RUF) rebels in the Sierra Leone war.

"This man called Charles Taylor is a monster," said Sierra Leonean Adama Turay, whose son and daughter both had hands amputated by RUF rebels.

The rebels' drugged-up child soldiers cut off the legs, arms, lips and ears of civilians, becoming a symbol of the brutality of the intertwined West African wars.

Turay and other war victims welcome Taylor's prosecution as an essential step to bring closure to a horror-filled episode in Sierra Leone's history as the country rated the world's second poorest by the U.N. in 2006 prepares for elections in August.

Similar anger can be found in Taylor's own country Liberia, although he does not face trial there.

"I am very happy to see this man is at that court. He needs to be killed rather than fed each day," said Monrovia resident Rosetta Smith, who said her husband was beaten to death by members of an Anti-Terrorist Unit serving the then president.

"Whatever a man soweth, so shall he reap Men acting on his order killed many people ... That should tell you how wicked that man was," she said.

WASTE OF MONEY?

Authorities had argued that moving Taylor's trial to The Hague would avoid stoking unrest in Sierra Leone and Liberia.

But some of his former supporters say the former African leader has little hope of obtaining justice in a European court.

"I am not happy that our former president is undergoing disgrace in white man country," said General Butterfly, a former rebel officer who fought for Taylor before his 1997 election.

"Have you seen a cow return from a slaughter house? ... Mr. Taylor is a guilty man already. If he comes out not guilty, then we will jubilate," he told Reuters in Monrovia.

Both supporters and detractors of Taylor wondered whether the millions of dollars spent on the U.N.-backed Special Court for Sierra Leone so far might not be better used to help the country's arduous reconstruction from the war. They also complained about the sluggish progress of its cases.

"This Special Court is taking too long -- they should spend the money on the poor instead," said Alhassan Samei, a 23 year-old unemployed man in Sierra Leone.

"Instead of building hospitals and schools, they built us a Special Court," said university student Hakeem Mansaray.

Five years after the court for Sierra Leone was created, several of the main indictees, besides Taylor, are either missing or dead.

This raises the risk that legal delays may once again thwart justice, as in the case of former Yugoslav President Slobodan Milosevic, who died in jail before a verdict was reached at his marathon war crimes trial.

Prosecutors hope to wind up Taylor's trial within 18 months.

"If the court makes the mistake of releasing that man, he will become a wounded cobra," said Rosetta Smith.

(Additional reporting by Alphonso Toweh in Liberia and Katrina Manson in Freetown)

UNMIL Public Information Office Media Summary 30 May 2007

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

International Clips on Liberia

VOA 29 May 2007

Liberia Honours UN Peacekeepers

By Phuong Tran, Dakar/Monrovia,

The U.N. Mission in Liberia has honored its personnel for International U.N. Peacekeeper Day. Since 2003, about 15,000 U.N. troops have been in Liberia to maintain peace in the war-torn country that has been economically devastated. According to U.N. figures, 92 peacekeepers have lost their lives while on duty in Liberia, mostly through illness and accidents. The head of the U.N. Mission in Liberia, Alan Doss, helped lay a wreath at a tombstone in honor of past and current U.N. peacekeepers.

Charles Taylor defence has enough resources: prosecutor

THE HAGUE, May 30, 2007 (AFP) - The defence of Liberian ex-president Charles Taylor, whose war crimes trial is set to start Monday, has "fully adequate resources," the prosecutor of the Special Court for Sierra Leone said here Wednesday.

International Clips on West Africa

IMF eyes loan to bolster Ivory Coast peace efforts

By Peter Murphy

ABIDJAN, May 29 (Reuters) - The International Monetary Fund (IMF) aims to lend war-divided Ivory Coast \$124 million to bolster its reunification efforts after a 2002-2003 civil war, the IMF's Africa director said on Tuesday.

Local Media – Newspaper

President Vetoes Financial Autonomy Act on "Constitutional Grounds"

(The Inquirer, Daily Observer, New Democrat, The Informer, National Chronicle and Heritage)

- President Ellen Johnson Sirleaf has, on "constitutional grounds" vetoed the Financial Autonomy Bill on the basis that it runs contrary to several provisions of the Liberian Constitution which she swore to uphold.
- The bill seeks to empower the National Legislature to administer its own budgetary allocation and evade taxes. But President Johnson Sirleaf cited Article 7 of the Constitution which sets qualification criteria for members of the Legislature including age range which qualifies them to be taxpayers and not only for the purpose of the election.

Key Opposition Leader Assesses Government's Performance

(National Chronicle, The Inquirer and Daily Observer)

- Addressing himself to a wide range of issues on Tuesday, a key opposition leader said despite the progress being made by the Government it needs to do more to improve the motivation and competence of the public sector workforce.
- Counsellor Charles Walker Brumskine said the "unceremonious" departure of two vessels from the Freeport of Monrovia coupled with lack of audit of Government's accounts portrayed that corruption has taken a new dimension in the Government and said there

was an urgent need to ensure that the General Auditing Commission is properly funded to function expeditiously.

Liberians Want Stern Measures against Armed Robberies

(The Inquirer and Daily Observer)

- Several residents of Monrovia are appealing to the Government and UNMIL to review the security measures aimed at combating crimes in the city. The appeal follows reports of a renewed wave of armed robberies in Monrovia and surrounding communities.

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

President Rejects Financial Autonomy Act for Lawmakers

(Also reported on ELBC and Star Radio)

Former Presidential Candidate Questions Fiscal Budget

- Former Presidential Candidate of the Liberty Party Charles Brumskine called on the Government to explain the cost analysis on allotments for county development in the Fiscal Budget for 2007/2008, wondering why Bomi, Maryland and Grand Gedeh Counties got the highest allotments in the Budget. Addressing a news conference yesterday, Counsellor Brumskine alleged that the Executive Branch of the Government failed to include revenues expected to be generated from public corporations and the oil deal between Liberia and Nigeria in the Budget.

Lawmakers Quiz Minister over Development Funds

- During a session at the House of Representatives, the Lawmakers instructed the Ministry of Internal Affairs to account for the US\$1 million given to the Counties for development under Government's Community Development Fund by submitting receipts and other documents to justify the purchase of materials for the implementation for projects identified by the communities.

(Also reported on ELBC and Star Radio)

Justice Minister Lauds UN for Restoring Peace to Liberia

- Representing President Ellen Johnson Sirleaf at the celebration of this year's International Day of United Nations Peacekeepers in Monrovia yesterday, Justice Minister Frances Johnson Morris praised the United Nations Mission in Liberia for helping to restore peace to Liberia.

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.

Voice of America

Thursday, 31 May 2007

Uganda Govt Proposes Traditional Justice System for LRA Rebels

By Peter Clotey

Washington, D.C.

Another round of peace talks between the Ugandan government and the Lord's Resistance Army (LRA) rebels aimed at ending almost twenty years of the rebels insurgency begins today (Thursday) in the Southern Sudanese capital, Juba. On the eve of the talks, the government Wednesday advocated the use of the traditional clan-based justice systems as an alternative to jail sentences in dealing with rebel war crimes. The ritual involves a murderer facing relatives of the victim and admitting his crime before both drink a bitter brew made from a tree root mixed with sheep's blood. But the LRA rebels insist they would refuse to sign any deal unless the International Criminal Court's (ICC) arrest warrants against its top leadership are withdrawn.

Major Felix Kulayigye is the spokesman for Uganda's ministry of defense. From the capital, Kampala he told VOA that the government is responding to the wish of the victims of the rebels.

"The government is responding to the people's wishes, the people in northern Uganda who have indeed appealed to the government to offer an opportunity to the rebels under the traditional justice mechanism, which not only attends to impunity, but also heals the wounds of the victims," Kulayigye said.

He said the ICC would only consider lifting the arrest warrants against the rebels' leadership only if the ongoing peace talks are successfully concluded.

"Once the talks are successful and they accept to subject themselves to the traditional system, the ICC is willing to give that chance. But minus offering themselves to the traditional system, then the ICC would have no conviction that indeed that impunity, justice and accountability would be addressed," he pointed out.

Kulayigye reiterated the Uganda government has very little influence on the ICC-issued arrest warrants against the rebel leadership.

"Of course you know the ICC warrants indeed are controlled by the ICC, not the government of Uganda. I'm saying that whereas the referral was made by the government of Uganda the powers to withdraw or even suspend the ICC warrants rests with the International Criminals Court itself. The government can only engage the ICC when it has a package that would act as an alternative. Minus that package, there is nothing the government can do. Actually, the ICC wouldn't understand the government," Kulayigye noted.

He chided the LRA's second in command Vincent Otti for saying that the rebels would rather continue fighting if the ICC warrants are not lifted.

"Otti's statement is actually not in good faith because the issue of the ICC warrants were highly explained by the experts who by the way happened to come from the same place as the indicted. So they explained the spirit, the operation and the workings of the ICC. And indeed the government can only engage the ICC, once there is a package that is convincing enough to prove that impunity would be addressed at the same time the victims would be reconciled with the perpetrators," Kulayigye said.

Voice of America
Wednesday, 30 May 2007

Ugandan Rebels Seek Suspension of Arrest Warrants Against Leaders

By VOA News

Ugandan Lord's Resistance Army rebels are seeking a 12-month suspension in the arrest warrants against their leaders issued by the International Criminal Court.

James Obita, the technical advisor to the rebels' negotiating team, tells VOA the rebels will ask for the suspension when peace talks with the Ugandan government resume Thursday in Juba, southern Sudan.

He says in connection with that request, the rebels will propose an "alternative justice system" to deal with war crimes committed during the rebels' 20-year uprising in northern Uganda.

LRA fighters are accused of killing and mutilating thousands of civilians during the conflict. The International Criminal Court has indicted five top rebel leaders on war crimes charges.

The LRA has demanded those charges be dropped as a condition for signing any peace deal.

The 10-month-old peace talks have achieved some progress, including a ceasefire that the sides extended in April.



**Lord's Resistance Army leader
Joseph Kony (file photo)**

The Washington Post
Thursday, 31 May 2007

U.N. Establishes Tribunal For Hariri Assassination

Security Council Approval Divisive, Could Produce More Tension With Syria

By Colum Lynch, Ellen Knickmeyer,



Two Lebanese Army soldiers stand on alert Wednesday as they secure the area near the grave of former Lebanese prime minister Rafik Hariri in Beirut, Lebanon. Supporters of the slain former prime minister praised a U.N. Security Council resolution approved Wednesday to establish an international tribunal to prosecute suspects in his killing.

United Nations — A sharply divided U.N. Security Council voted Wednesday to establish an international criminal tribunal to prosecute the masterminds of the February 2005 suicide-bomb assassination of former Lebanese prime minister Rafik Hariri and 22 others.

The vote will lead to the creation of the first U.N.-backed criminal tribunal in the Middle East, raising expectations that Hariri's killers will be held accountable. But that has stoked fears among Lebanese authorities and some council members that supporters of Syria — which has been linked to the assassination — will plunge Lebanon's fledgling democracy into a bloody new round of internal strife.

Fearing unrest, authorities imposed a partial curfew in Beirut, leaving the streets deserted. Lebanese placed lit candles on boulevards and balconies to celebrate the outcome, and sent

congratulatory text messages countrywide.

Lebanon's political leaders are deeply split over the ongoing pursuit of justice by a U.N. commission that has implicated senior pro-Syrian military officers in Lebanon, as well as Syrian officials close to President Bashar al-Assad. Lebanese Prime Minister Fuad Saniora urged the council to establish the court, while Lebanon's pro-Syrian opposition leaders opposed the initiative and in March blocked parliamentary approval for such a court.

The U.N. resolution, which will take effect on June 10, was adopted by a vote of 10 to 0 in the 15-nation council. China, Indonesia, Qatar, Russia and South Africa abstained from the vote, saying that it bypassed the Lebanese parliament's constitutional role in approving international agreements.

The Security Council "cannot be seen to be taking sides in internal Lebanese politics," Dumisani Kumalo, South Africa's U.N. ambassador, told the council. He said there is a danger that the council's "imposition" of the court on Lebanon's divided political leadership will

undercut “the political stability of an already fragile Lebanese state.”

Despite their reservations, China and Russia stopped short of voting against the resolution, indicating that they support its aim of holding Hariri’s killers accountable. But they said that all key Lebanese political forces should agree on such a momentous decision.

“We believe the perpetrators of that crime must be prosecuted,” said Vitaly Churkin, Russia’s U.N. ambassador. But he said the U.S.-backed resolution contains considerable legal shortcomings and encroaches “on the sovereignty of Lebanon.”

A senior Lebanese envoy praised the council’s action, saying it represents a victory for the nation’s quest for justice. “This is the path of the salvation of Lebanon,” Culture Minister Tarek Mitri told the council, adding that the tribunal will deter further “terrorist activities.”

The United States also hailed the decision. “People who have committed political assassination need to be brought to justice,” said Zalmay Khalilzad, the U.S. ambassador to the United Nations. “They cannot have impunity.”

Khalilzad acknowledged that the council’s action might trigger a violent reaction, but he said that “many of us believe that the risks of not moving forward are greater.”

Hariri’s assassination transformed Lebanon and its relations with Syria. Many Lebanese suspected Syrian involvement from the outset, and massive protests soon compelled Syria to end its 30-year military presence in Lebanon. Syria has denied involvement in violence in Lebanon, but it has signaled that it is not prepared to cooperate with the new U.N.-backed court.

Hariri’s son Saad marked the vote by visiting his father’s grave in downtown Beirut. “We’re asking for justice, not for revenge,” Saad Hariri, now the leader of his father’s political movement, said in a televised speech, his eyes red and his voice trembling. Saniora said the vote should not be taken as a challenge to Syria. “We are asking for justice, and nothing more,” he said.

Wednesday’s vote is likely to receive an angry reaction from an array of pro-Syrian forces, including Lebanese President Emile Lahoud and the powerful Hezbollah militia, that maintain that the United Nations and Saniora’s government lacks legitimacy to approve the court.

Lebanon and the United Nations agreed last November on a statute for a “mixed” court stationed outside of Lebanon and staffed by international and Lebanese prosecutors and judges. The court would be financed by a combination of Lebanese and international funds, though the United Nations and Lebanon have not yet agreed on a location for the trial.

Most of Lebanon’s legislators are prepared to approve the statute, but the country’s pro-Syrian parliamentary speaker, Nabih Berri, has refused to convene a session of parliament to allow a vote.

In an effort to break the impasse, Saniora issued a direct appeal to the Security Council to establish the court, accusing Berri of thwarting the will of the Lebanese parliament.

The new tribunal is modeled on U.N. criminal courts established to try war criminals in Cambodia and Sierra Leone. But it will function according to Lebanese criminal law, and it will not be able to try suspects for crimes against humanity or other international war crimes.

The court will also have jurisdiction over at least 14 other political attacks against anti-Syrian journalists, scholars and politicians since October 2004. Serge Brammertz, a U.N. investigator, maintains that many of those attacks may be part of a broader political conspiracy linked to Hariri's death.

Syria's critics have expressed hopes that the tribunal would lead to the downfall of Assad. But observers across the political spectrum say that bombings and other violence will increase in Lebanon as the tribunal goes forward. "Security in Lebanon will be in danger," warned Imad Faizi Sheubi, an analyst with the Center of Data and Strategic Studies in Damascus, which is seen as reflecting the Syrian government's position.

In Tripoli, Lebanon, a Sunni cleric put it more bluntly. "I believe (Syria has) the ability not only to stop the tribunal, but to destroy all of Lebanon," Sheik Bilal Baroudi said.

-0-

Knickmeyer reported from Tripoli, Lebanon. Special correspondent Alia Ibrahim in Beirut contributed to this report.■

Human Rights Watch

Thursday, 31 May 2007

Judge Fails to Recuse Himself Despite Past Conflict With Defendant

A people's court that sentenced François-Xavier Byuma, a Rwandan human rights activist, to 19 years in prison on genocide-related charges violated both Rwandan law and the fundamental principle that defendants must be given a fair trial before an impartial tribunal, Human Rights Watch said today.

The court, which issued its decision on May 27, is part of an innovative judicial system known as gacaca that was set up to try some 818,000 people accused of participating in the 1994 genocide of Tutsi in Rwanda.

The law that established gacaca requires judges who have had a past conflict with an accused to step aside, reflecting the principle that to be fair the judge be independent and impartial. In this case, however, the president of the gacaca jurisdiction, Fraridhi (Saudi) Imanzi, had a conflict with Byuma but did not step aside when asked to do so. Instead, he proceeded to hear the case along with four other judges.

“For gacaca courts to deliver justice, the judges must be independent and impartial,” said Alison Des Forges, senior advisor to Human Rights Watch's Africa division.

Byuma, who heads an organization for the defense of childrens' rights known as Turengere Abana, had previously investigated allegations that Imanzi had raped a young girl. Imanzi was briefly detained and questioned but never prosecuted for rape.

At a first hearing on the genocide charges, Byuma was present, but refused to speak in order to protest the court's refusal to recuse judges as required by law. At a second hearing, he attempted to defend himself against the charges, but Imanzi, who was presiding over the session, cut off many of his answers and those of several witnesses who tried to speak in his defense, and in one instance accused a witness of lying.

Byuma was charged with being present at one of the barriers erected to prevent Tutsi fleeing the genocide, having a firearm, and participating in weapons training. The court acquitted him of the first two charges, but found him guilty of participating in weapons training.

In addition, the court found him guilty of several counts not mentioned when the charges were first read, including assaulting and abducting a woman. The woman testified at the trial to allegedly having been abducted and gave contradictory evidence of having been assaulted by Byuma. Such conflicting evidence about the incident was not reconciled or explained by the court in its decision.

After the verdict was announced, Byuma immediately said he would appeal the conviction. The court acquitted two others on trial with Byuma and accused of the same charges, despite one of those acquitted having admitted his guilt on one of the charges.

“When gacaca courts are fair, they deliver justice for the genocide,” said Des Forges. “But when they fail to follow their own rules and standards of fair trial, they lose legitimacy and weaken efforts to establish a rule of law in Rwanda.”

“The appeals court should promptly and thoroughly examine the soundness of the verdict in the Byuma case, both in terms of the evidence and the fairness of the trial,” Des Forges added.