

**SPECIAL COURT FOR SIERRA LEONE**  
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**Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:**

Tuesday, 4 January, 2004

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## Sebutinde Takes Tough Look to Sierra Leone

**The Monitor** (Kampala)

NEWS

January 2, 2005

Posted to the web January 3, 2005

By Solomon Muyita

Kampala

Lady Justice Julia Sebutinde got a fitting holiday season gift when she woke up last month to news that UN chief Kofi Annan had appointed her a judge on the Special Court for Sierra Leone.

She is expected in Freetown, the capital of Sierra Leone, on January 10 to be sworn in for a three-year renewable term as one of the judges hearing cases involving 11 top war crime suspects.

The suspects include former Liberian President Charles Taylor, wanted for genocide and other offences against humanity. He lives in exile in Nigeria.

The Special Court for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations.

The Ugandan government recommended the tough-talking judge for the international job, and the judiciary has granted her a three-year unpaid leave to enable her take up the new job.

"There is no doubt she is very competent for the job and this is a vote of confidence in our judicial system," said Mr Moses Adriko, the president of the Uganda Law Society. "It is a positive development and indeed many of our officers ought to be appointed there."

### Nailing the corrupt

Sebutinde, a 50-year-old mother of two daughters, is one of the better known judges in Uganda especially for her role starting in the late 1990s as the government's judge of choice in the crusade against corruption.

A born-again Christian, Sebutinde headed judicial investigations on corruption in the Uganda Police Force, the military, and, most recently, the Uganda Revenue Authority.

Her probe into the police department led to the sacking of almost the entire top officer corps of the force.

Sebutinde was working as a legislative consultant in Namibia (1990-1995) when President Museveni tapped her for a High Court judgeship in 1996.

Facing growing widespread outrage about public corruption, especially in the police, Museveni turned to the new judge in 1999 to help unearth the rot in the department and recommend measures to turn things around.

The lady justice took to her job with zeal, going through the countryside to hear complaints against the cops.

Once in Kampala she would subject those testifying before her to withering grilling, reminding them she was a judge whose questions had to be answered fully and truthfully. That abrasive style had many who were facing her squirm in their seats.

After pronouncing the police department a "mafia-type organisation" that routinely shook down the public, colluded with criminals, and quashed investigations in exchange for bribes in her 800-page report, Sebutinde moved on the purchase of junk helicopters for the military.

The public heard revelations about high-ranking army generals such as Salim Saleh reportedly taking kickbacks to help smoothen the purchase of Mi-24 helicopters from the former Soviet republic of Belarus. The four helicopters were not overhauled as was stipulated in the contract, so they ended up unable to fly. The government lost \$6,454, 275 (Shs11 billion).

Just last week, the director of public prosecutions recommended the prosecution of the agent, Mr Emmanuel Katto, and the institution of a civil suit against him and Consolidated Sales Corporation, which supplied the junk choppers.

Lt. Gen. Salim Saleh, then director of logistics and engineering Kizza Besigye, and former defence ministry permanent secretary Ben Mbonye, whom Sebutinde wanted prosecuted for their role in government's loss, were cleared.

Her tough-as-nails show got Ugandans riveted and shocked by some of the revelations of grand larceny that emerged from the probes. Sebutinde became a celebrity, with photojournalists following her everywhere.

Not everyone, however, was awed by the lady judge's performance.

Dr John Barya, a senior law lecturer at Makerere University, said Sebutinde was overzealous and a bit partial during her commissions of inquiry.

"[She] needs to be more impartial and objective at the international level," Barya said.

He said any Ugandan judge is competent for the international court, although, he added, "there are very many judges who are more senior than her and could do better."

But former law society president Andrew Kasirye said Sebutinde's tremendous show of courage during the commissions will be a quality required at the Sierra Leone court. "Every human being makes errors at some stage, but her achievements outweigh her errors."

### **Low point**

Since March 2002, the fiery judge's role has been to stick it up to tax collectors at the Uganda Revenue Authority. During the probe, Sebutinde told many witnesses they were "liars" and "fraudsters" as she pounded the table with her fist - just in case someone had missed the point. At one point, she told URA officials before her: "All of you belong in jail."

But her voluminous report from that report ran into quick trouble the moment she handed it over to government earlier last year.

Fellow commissioners Fawn Cousens and James Kahooza disowned the report saying it was biased, had some cooked recommendations and was a one-person document.

The judge, it seemed, had finally hit a low point, her abrasive style catching up with her. When the matter

went to the High Court, Justice J.B. Katutsi nullified Sebutinde's 1,561-page report saying it was not a majority report, effectively letting any likely thieves at URA off the hook - at least for the moment.

But the lady judge could have none of it. She hit the roof on August 18 last year, challenging the competence of a fellow High Court judge to knock down her work given that they are of equal rank.

Some lawyers felt offended by the lady from the bench for what they considered unlawyerly conduct. They petitioned the Judicial Service Commission to take action against Sebutinde for "unethical" conduct. The case is still pending.

Judicial Service Commission Secretary Vincent Rubarema said that the commission has not taken any decision that could affect Sebutinde's new job.

Sebutinde, who holds a master of laws degree from the University of Edinburgh, declined to be interviewed for this article.

For her work as both directly on the bench and off as a lead commissioner on the various anti-corruption probes, Sebutinde seems to have made some enemies with a cause, the cause being to bump her off.

Six gunmen raided her home in Bugolobi in October 2003 at about 2 a.m. only to be engaged in a serious firefight with the judge's military police guards.

Now new challenges await her in a Sierra Leone that is fresh from war. Her faith and combative style might just be what she needs going out there to confront suspected murderers and rapists, and help bring some sense of closure to the tragedy that engulfed that country for many years beginning in 1996.

City lawyer Apollo Makubuya believes Sebutinde is up to the job, partly because of her earlier international experience serving in Namibia.

As for the aggressive approach during her years at the commissions, Makubuya said it was appropriate, before adding: "Out there, she will also learn from the other judges."

### **Others who have been hired before Justice Akiki Kiiza is working under a Commonwealth programme in Sierra Leone for two years**

Justice Solome Bossa works for the International Criminal Tribunal for Rwanda

Principal Judge James Ogoola is on the Comesa Courts of Justice

Justice Joseph Mulenga is the vice chairman of the East African Court of Justice

Justice Egonda-Ntende has just returned from a UN programme in Kosovo after about four years

Justice George Kanyeihamba recently probed the Kenyan judicial system

Chief Justice Benjamin Odoki was once hired to resolve disputes of the State in Swaziland

Two years ago, Mr Duncan Gaswaga, then a grade one magistrate at Buganda Road Court, was appointed expatriate judge in the Seychelles.

#### **Factfile**

Born: February 28, 1954

Education: Holds a bachelors in law from Makerere University, a master's from the University of Edinburgh (Scotland), and attained further training from the University of Nevada, Reno, USA

Family: Married to John Sebutinde; with two daughters

Career: High Court judge (June 1996-to date); chaired commissions of inquiry - police (May 1999-May 2000), military (2000-2001), URA (June 2002 - February 2004); state attorney

Other: Legislative consultant - Government of Namibia; goodwill ambassador - UN Population Fund

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HEADLINE: UNIONISTS DECLARE INDEFINITE STRIKE IN SIERRA LEONE

BODY:

Freetown, Sierra Leone (PANA) - The Sierra Leone Labour Congress declared an indefinite strike Monday, citing government's failure to respond to workers' clamour for increased pay and improved working conditions.

Announcing the move, Labour Congress president Mohamed Deen charged that the authorities were not forthcoming regarding negotiations on "the welfare of citizens."

"Since 29 October 2004, the executive council of the Sierra Leone Labour Congress has held several meetings with Government to discuss the unprecedented increases in the prices of petroleum products leading to an unbearable rise in the cost of living," Deen recalled in a statement.

He said the government had failed to address the issues of low wages/salaries and poor working conditions, as well as what the union considered an unduly high income tax.

"Despite the protracted negotiations, I would like to inform all workers and the nation at large that the Sierra Leone Labour Congress and Government have not reached any settlement on these issues," the labour leader stated.

"The Sierra Leone Labour is calling on all workers through out Sierra Leone in the public, private and informal sectors to fully support the (strike) action," he declared.

**HEADLINE:** Diamonds for Blood;  
How terrorism funds itself.

**BYLINE:** Vance Serchuk, The Weekly Standard

**BODY:**

Blood From Stones  
The Secret Financial Network of Terror  
by Douglas Farah  
Broadway Books, 225 pp., \$24.95

WEST AFRICA, A REGION not usually uppermost in the minds of American foreign policymakers, is nonetheless responsible for two of our most intractable post-9/11 intelligence puzzles.

In these two very similar cases, Arab operatives in West African countries allegedly seek to exploit local smuggling operations to buy precious and tightly controlled natural commodities. The CIA investigates, but the veracity of the stories remains uncertain, and, consequently, the subject of protracted, acrimonious debate within the intelligence community.

Of these stories, one--Iraq's purported attempts to acquire uranium from Niger--is well known. The other--al Qaeda's purchase of conflict diamonds in Sierra Leone and Liberia--is not. Thus it makes a well-deserving subject for a new book, namely *Blood From Stones* by veteran investigative journalist and former Washington Post West Africa bureau chief Douglas Farah.

Farah first posited the connection between black market gems and radical Islam in the fall of 2001. *Blood From Stones* carefully lays out the evidence that senior al Qaeda operatives traveled to West Africa in the late 1990s and again in the summer of 2001 to buy diamonds from Sierra Leonean rebels, with the connivance of then-president Charles Taylor of Liberia.

Taylor, a thuggish kleptocrat under U.N. sanctions, was desperate for cash to fund proxy wars against his neighbors, while al Qaeda in turn was eager to launder tens of millions of dollars into commodities like diamonds, gold, tanzanite, and emeralds. "All are essentially parallel currencies," Farah explains, "easy to transport, smuggle, and convert."

Farah builds his case largely from field intelligence he gathered personally. His story certainly doesn't lack for color. In spare, deadpan prose, the book surveys a bizarre and often grotesque raft of characters, such as a hairdresser-turned-warlord known as "General Mosquito" (the legendarily effective killer is said to suck the life out of his enemies); a rebel army of orphaned child soldiers, notorious for hacking limbs off

noncombatants; and a former bodyguard to Muammar Qaddafi, veteran of Hezbollah, and all-around soldier of fortune, who insists he is actually a used car salesman. By the end of this tour through the West African bush, the reader will be forgiven for finding, by contrast, the evil of al Qaeda's Islamic fundamentalism reassuring in its familiarity.

Sensational though Farah's charges are--he was evacuated from West Africa with his family in 2001 after U.S. and foreign governments discovered threats of "retribution" for his reporting--*Blood From Stones* raises as many questions as it answers. Farah calls the West African diamond trade "some of al Qaeda's most vital financial operations," but it remains unclear to what extent this emphasis on commodities is really commensurate with their importance in Osama bin Laden's budget. Both the 9/11 Commission and an independent task force recently organized by the Council on Foreign Relations, for example, concluded that the overwhelming bulk of al Qaeda's money comes from fundraising in the Gulf.

IN FAIRNESS, Farah expands his analysis of terrorist financing well beyond Africa's diamond fields, diligently detailing al Qaeda's reliance on Islamic charities and underground financial networks like hawala, a trust-based system for transferring funds in the Muslim world. But as the book's title implies, the intellectual and emotional crux of this project lies in exposing the interstices between commodity trafficking and terrorism.

Although Farah's diamond thesis has thankfully not been politicized to the same degree as uranium smuggling in Niger, it has polarized the intelligence community all the same. The CIA has furiously denounced the argument ("a pile of horse--t," according to one Agency spokesman who spoke to Farah), while European intelligence agencies, the U.N. Special Court in Sierra Leone, and independent sleuthing by NGOs have unearthed further evidence to support it.

But regardless of whether an al Qaeda-diamond nexus is ever conclusively proved, *Blood From Stones* is still valuable for its broader revelations about where our intelligence capabilities are disturbingly lacking.

As Farah points out, "The CIA had lost more assets in West Africa than almost anywhere else in the world after the Cold War. Many stations around the continent, which had been used primarily as recruiting grounds for Soviet bloc agents, were closed or cut to the bone." Yet the 9/11 Commission found that West Africa is among the half-dozen places where, "if you were a terrorist leader today . . . you [would] locate your base." So it is clear that the conventional wisdom concerning the region's strategic irrelevance is both anachronistic and dangerous.

There are hopeful signs that the United States is beginning to redress its West Africa blind spot. Earlier this year, the Pentagon dispatched Special Forces and Marines to Mauritania, Mali, Niger, and Chad to train local militaries in counterterrorism. Of particular concern to the American military are the ungoverned wastelands that stretch across the southern rim of the Sahara, which radical Islamist networks are believed to be using as a safe haven.



Much of the war on terrorism will require venturing deep into these collapsed corners of the Muslim world, far from where America's spies, soldiers, and diplomats are accustomed to working.

As our national security establishment adapts to confront the considerable challenge posed by such places, we can be grateful to intrepid explorers like Douglas Farah who have already made the journey--and have returned to tell us about it.

12/31/2004 10:00:20

## Guns in Ivory Coast always threaten peace in Liberia: UN general

by Zoom Dosso

MONROVIA, Dec 31 (AFP) - Kenyan General Daniel Opande, who ended his tour of duty as the force commander for the UN mission in Liberia on Friday, said the country will never truly be free of armed conflict without an end to the crisis in Ivory Coast.

"When you still have guns in the wrong hands in Ivory Coast, it is difficult to have a gun-free Liberia," Opande told AFP in an interview ahead of his departure from the west African country, which has a border with war-divided Ivory Coast.

Thousands of former combattants from three warring factions roam the streets of Liberia's cities, awaiting their promised incentive packages and reintegration benefits for having let go of their weapons.

Many wait in towns such as Zwedru and Harper, along the forested border shared by Liberia with its eastern neighbor, where rumors of stashed arms caches prey on the nascent peace taking root in Liberia after back to back civil wars since 1989.

Mounting tensions in Ivory Coast have stoked fears that the idle fighters could return to their warring ways on either side of the border, especially if they do not benefit from the promised reintegration benefits of schooling and vocational training and the chance at employment in the devastated country.

The release of some 93,000 people associated with the fighting factions back into civilian society has accompanied an explosion in petty crime in the capital and elsewhere around the west African nation, Africa's oldest independent republic.

Street violence in October in Monrovia claimed more than a dozen lives, while student protests and demonstrations outside the University of Liberia also left countless injured and inflicted heavy damage on buildings, vehicles and other school property.

A predilection for violence is only natural for a country that has been slammed by 14 years of civil war, waged by warlord turned president Charles Taylor whose despotic reign reverberated throughout the turbulent region.

"Liberia has turned itself upside down and inside out; the people have acquired a sense of violence among themselves," Opande said.

"The young people have this violent syndrome, practiced among themselves. This is very worrisome."

Without the full integration of Liberia's youth into civilian society, the country will never find peace, Opande said.

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January 02, 2005

### Mock case sets stage for the Saddam trial

TONY ALLEN-MILLS, WASHINGTON

IRAQI judges and prosecutors involved in the case against Saddam Hussein will stage a mock trial of a fictional dictator in an attempt to prevent legal chaos when the deposed president appears before a special tribunal in Baghdad.

The Iraqi lawyers are due to visit London amid intense security later this month for a second training session with British and American lawyers. At a secret session in October the Iraqis were driven to and from their London hotel in a bus with bulletproof windows.

The training is part of an American-led effort to prepare the tribunal judges for what is expected to be a complex and volatile case involving crimes against humanity and other charges that have never been tried in Iraqi courts.

The case against Saddam is expected to begin after the elections in Iraq on January 30. But Tony Blair has been warned by one leading British jurist involved in the first training session that the legitimacy of the Iraqi court may be undermined by the judges' lack of familiarity with international law.

"There's no doubt these judges are being very courageous and there's a real risk they will suffer reprisals for trying Saddam," said Geoffrey Robertson QC, the human rights lawyer who taught the Iraqis about his experiences as a judge on a special tribunal in Sierra Leone.

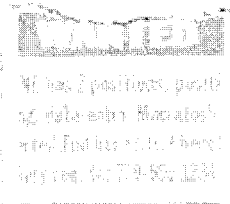
"But it seems to me it's vital for the British government that this trial be done properly, which means fairly and effectively," Robertson said. "If you are going to prosecute under international law, you need international judges and it needs to be done properly in an international court."

American lawyers remain confident that the Iraqis can be "got up to speed" on the procedural issues that are likely to be raised by Saddam's lawyers. Last week Ramsey Clark, the former US attorney-general, joined the defence team.

A mock trial scenario is being drawn up by Michael Scharf, an Ohio law professor who led the discussions of likely defence strategies in October.

"I think these judges are capable of doing justice," Scharf said. "They don't know anything about genocide and war crimes, but neither did the judges who were appointed to other international tribunals. I got the sense from them that they want to be seen as doing this fairly."

Scharf has already talked to the judges about a number of fictional cases involving Saddam-like dictators. One involved a Taoist leader



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who quelled an uprising by a Buddhist minority by damming the rivers that supplied them with water — a clear parallel with Saddam's persecution of Iraq's marsh Arabs.

Washington appears to be committed to letting the Iraqi authorities deal with Saddam but the United Nations has expressed "serious doubts" that the special tribunal will meet international standards.

Robertson argued last week that Saddam should be tried by a war crimes tribunal similar to that in Sierra Leone, where international lawyers sat side by side with local judges.

"If Saddam's trial proceeds under Iraqi law only, he may have to be released," Robertson said.

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