

**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:**

Friday, November 04, 2005

The press clips are produced Monday to Friday.  
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# As Norman Declares All Out War

Although the governing SLPP party has elected Vice President Solomon Berewa as the party's presidential flagbearer ahead of the 2007 presidential and parliamentary polls, there is yet no end in sight to the legal battle brought against the party and some of its senior executive members on the eve of their Makeni convention by the currently detained war crime indictee, Chief Sam Hinga Norman, who was also a contender for the party's leadership. Early this week, Defence Counsel for Chief Norman Dr Bu-buakei Jabbi, filed on behalf of Mr Norman, an originating motion, S.C. No 3/2005; against four defen-

Contd. page 2



VP Berewa



Hinga Norman



UNS Jah



JJ Blood



Bobson Sesay

## As Norman Declares All Out War

From front page

dants including the party itself and its National Chairman Alhaji UNS Jah, the Secretary General; Mr Jacob Jusu Saffa aka JJ Blood and the Attorney General and Minister of Justice; Frederick M Carew, this time, under what Mr Jabbie described as, 'Resipiscence' i.e. Departing for previous decisions.

When on the eve of the SLPP's Makeni Convention, Dr Jabbie filed with the Supreme Court of Sierra Leone on behalf of his client, a motion intended to impose a moratorium on the holding of the then proposed convention. It was held at the Supreme Court that Mr Norman lacks the Locus Standi to bring an action against the SLPP at the Supreme Court as the matter was strictly within the jurisdiction of the Political Party's Registration Commission, which the judges say is the most competent body to look into matters affecting members of political parties in Sierra Leone.

A competent source who visited Chief Norman at his Special Court detention but begged not to be named told The Exclusive that the war crime indictee has vowed this time round, to take the SLPP head on in a legal suit aimed at proving to the party that indeed he has the locus standi to sue them for violating vital sections of the party's constitution.

It would be recalled that Mr Norman, ahead of the Makeni Convention, challenged Mr Berewa's competence for the candidacy of the party's leadership because according to him, no executive member of the party should contest any position at the party's convention while he or she continues in office.

Observers have expressed fear that this latest action by Mr Norman against the SLPP, would confirm hitherto held views that the party is indeed facing hard times and that all is not rosy within.

The Exclusive

Monday Nov 4, 2005

# 'SIERRA LEONE IS SAFER THAN THE UK AND AMERICA'

## -Says Police boss

**ASSISTANT INSPECTOR General of Police in charge of Operations, Francis A Munu has stated that, Sierra Leone is the safest country in the world and that it is safer than the United Kingdom and even the United States.**

*by JOHN  
BAIMBA SESAY*

Munu made this statement to pressmen during the weekly Tuesday briefing at the police head-quarter, George Street.

Speaking on the security situation in the country, AIG Munu maintained that, the country is calm and quite and that it is only Sierra Leoneans who don't know the effort they are making to ensure this situation.

As a result of this, he said, Sierra Leone is now part of a regional and sub-regional initiative in order to harmonize the security issue.

However, when asked by FDP what has been the latest development on the Yenga issue taking into consideration recent press reports, Mr Munu

declined to comment on the ground that diplomatic talks are currently ongoing between the two countries with regard the disputed area.

But he maintained that there have not been any adverse complaints from Sierra Leoneans in Yenga, despite reports of continuous harassment of nation-

als by Guinean soldiers who claim that the border area belongs to them.

In another development, AIG Munu also informed journalists that the Assistant Inspector General of Police in charge of Professional Standard, Mrs Kadi Fakondo has recently been contacted to help see how the Liberian police could set up a family support unit in that country.

Mrs Fakondo is presently in Liberia working with her Liberian counterparts in her new assignment.



For di People  
Friday Nov. 4, 2005

## What International Humanitarian Law?

International humanitarian law forms a major part of public international law and comprises the rule which, in times of armed conflict, seek to protect people who are not or are no longer taking part in the hostilities, and to restrict the methods and means of warfare employed.

More precisely, what the IRC means by international humanitarian law applicable in armed conflicts is international treaty or customary rules which are specially intended to resolve matters of humanitarian concern arising directly from armed conflicts, whether of an international or non-international nature; for humanitarian reasons those rules restrict the right of the parties to a conflict to use the methods and means of warfare of their choice, and protect people and property affected or liable to be affected by the conflict. **Geneva and The Hague**

International humanitarian law (IHL)- also known as the law of armed conflicts or law of war has two branches:

- The "Law of Geneva," which is designed to safeguard military personnel who are no longer taking part in the fighting and people not actively involved in hostilities, i.e. civilians;
- The "Law of the Hague," which establishes the rights and obligations of belligerents in the conduct of military operations, and limits the means of harming the enemy.

The two branches of IHL draw their names from the cities where each was initially confided. With the adoption of the Additional Protocols of 1977, which combine both branches, that distinction is now of merely historical and didactic value.

### Who fights whom?

An international armed conflict means fighting between the armed forces of at least two states (it should be noted that wars of national liberation have been classified as international armed conflicts).

A non-international armed conflict means fighting on the territory of a state between the regular armed forces and identifiable armed groups, or between armed groups fighting one another. To be considered a non-international armed conflict, fighting must reach a

certain level of intensity and extend over a certain period of time.

Internal disturbance are characterised by a serious disruption of internal order resulting from acts of violence which nevertheless are not representative of an armed conflict (riots, struggles between factions or against the authorities, for example).

### Grotius and the law of nations

In current parlance, the law of nations is synonymous with the term "public international law" or "international law," which is the body of rules governing relations between states and between them and other members of the international community.

Grotius, a jurist and diplomat, was the father of the law of nations. Following the Reformation, which divided the Christian Church in Europe, he took the view that the law was no longer an expression of divine justice but the fruit of human reason and that it no longer preceded action but arose from it. Hence the need to find another uniting principle for international relations. The law of nations was to provide that principle. In his book *De jure belli ac pacis*, Grotius listed rules which are among the firmest foundations of the law of war.

### Terminology

The expression international humanitarian law, law of armed conflicts and law of war may be regarded as equivalents. International organisations, universities and even states will tend to favour international humanitarian law (or humanitarian law), whereas the other two expressions are more commonly used by the armed forces.

The parties to a conflict must at all times distinguish between the civilian population and combatants in order to spare the civilian property. Neither the civilian population as a whole nor individual civilians may be attacked. Attacks may be solely against military objectives. People who do not or can no longer take part in the hostilities are entitled to respect for their lives and for their physical and mental integrity. Such people must in all circumstances be protected and treated. (To be continued).

The Exclusive  
Friday November 09, 2005

## Special Feature

By John Momah-Kaizolu

National Reconciliation has many ramifications and implications. The aspect of creating a Truth and Reconciliation Commission (TRC) and the establishment of the United Nations backed Special Court for Sierra Leone are just two aspects of the country's march towards reconciliation.

The point to consider is that in simple terms, reconciliation occurs where there have been wrong-doings and the wrong doings deserve to be corrected so that there will once again be harmony and peaceful coexistence. What one should take into account is that as long as the victim of an evil act continues to harbour grudge, efforts at reconciliation can never bear fruitful results.

On the other hand, as long as the perpetrator of the evil act does not show commitment to reconcile with the victim, it will not be possible to forge reconciliation between the two sides. The climate of mistrust and disharmony

# Realities Of National Reconciliation

will tend to remain. For reconciliation to occur, there should be a genuine desire on the part of the victims to "forgive" the evil-doers. The perpetrators of evil should on the other hand strive to adopt an attitude of "Remorse" for their actions.

For the climate of reconciliation, forgiveness and regret to prevail, one must be willing to adopt an attitude of patriotism and the love of God and their fellow-man. It is the absence of love and patriotism that results into crisis and mistrust.

The Truth and Reconciliation Commission Report reflects that too much emphasis was placed on the excesses of the protagonists in the Sierra Leonean crisis that little thought was allotted to how to avoid a recurrence in

the future and how to educate the citizenry on how to live in peace, harmony and love with one another.

The Revolutionary United Front's (RUF) use of diamonds to fuel the war in Sierra Leone is a unique example of the excesses imposed on Sierra Leoneans as a result of the war. The attack on the Sierra Rutile Company (Sierra Rutile) are glaring examples of how the RUF rebel incursion was more economic than political. The political motives was to install the late Corporal Foday Sankoh as President of Sierra Leone, while at the same time spared no effort in the accumulation of wealth.

After all the RUF rebels were acting on the orders of Charles Taylor who supplied them with arms and ammunitions through varying units. Several of the witnesses that testified at the TRC hearings confirmed that Charles Taylor was the brain behind the movement and

that the arms and ammunitions were from him. Evidence abound that directly links Taylor to the RUF rebellion that swept across Sierra Leone.

On the 19<sup>th</sup> January 1995, the RUF attacked the Bauxite Mines owned by SIEROMCO, a subsidiary of the Swiss Aluminium Company of Zurich and Sierra Rutile on the Sierra Leone Rutile Ltd a subsidiary of World Resources of the United States. At the time, Sierra Rutile was the world's largest producer of Rutile or titanium ore with a 25% share of the global market, according to the TRC report.

The degree of mayhem, destruction and deprivation that the decade-long rebel war caused in Sierra Leone are enormous. It means that it will take sometime before the wounds of the war can be healed. The realities of national reconciliation is that the initiatives set to reconcile Sierra-Leoneans after the war are not yet completely out of track.

It is no secret if one should mention that efforts to strengthen the morale of the security forces are an integral part of national reconciliation. The degree of professionalism and encouragement such as the provision of vehicles, logistics and improving housing facilities and conditions of service is a significant step to heal the wounds of the past.

Recently, the government has developed two important documents upon the urge of the international community: The Poverty Reduction Strategy Paper (PRSP) and the Millennium Development Goals (MDGs) Report. Both constitute essential development plans mapped out to reduce poverty, sustain the development efforts and contribute to raising the living standards of Sierra Leoneans.

National reconciliation can gain an added impetus once the people can be provided with the tools to enhance their living standards. A lot of investment has to be pumped into programmes that are geared towards creating employment and credit facilities to the rural and urban poor in Sierra Leone.

The idea is that once people are busy with the task of engaging in in-come generating activities, they are much more oriented to forgetting the evils meted out to them during the course of the war. In other words, people must be provided with the enabling environment that provides them income, so that they ease away their frustrations of the past.

This is why efforts should be made to fulfil promises that were made to vulnerable groups in the TRC Report. Some amputees are grumbling that the compensations promised them and included in the TRC Report have not been fulfilled. National reconciliation is not only religious but an action-oriented phenomenon to enable victims and perpetrators to forget and forgive the excesses of the past

# Truth and Reconciliation Commission Report

## CONTINUED FROM LAST EDITION

39. The NPRC government asked former AFL soldier, Brigadier-General David Bropleh, to reorganize the disarmed ULIMO authorities the side of government. The NPRC government and ULIMO authorities agreed, among other things, to drop the name ULIMO and the fighters were to be constituted as part of the Sierra Leone Army as a new unit called the Special Task Force. Members of the Special Task Force would serve under the laws and army rules of Sierra Leone. The recruited Liberians were issued with Sierra Leone military identify cards.

40. On 5 May 1995 the first batch of Special Task Force personnel was re-armed and sent with Sierra Leone Army personnel to fight at the Waterloo front against the RUF. On 10 June 1995 a second batch was re-armed and also sent to the war front in the Bo District area. The Special Task Force went on to score significant successes at its various war front deployments. In spite of the successes, there were many areas that remained under the control RUF.

### THE ENLISTMENT OF EXECUTIVE OUTCOME

41. The NPRC government secured the services of Executive Outcomes, a South African private security firm. Executive Outcomes was introduced to Strasser by Michael Grunberg and Anthony Buckingham of the mining company, Branch Energy. The contract required from the Freetown area, secure government control was to help repel the RUF from the Freetown area, secure government control of the diamond areas in Kono help stabilize the whole country and retrain the army and the Kamajor militia. The company was to provide logistical support, sophisticated communication equipment and transportation for the army.

42. Executive Outcomes was set up in 1989 and was run by Luther Eeban Barlow, previously a Lieutenant Colonel in the South African military intelligence unit and a senior member of the Civilian Cooperation Bureau (CCB). Executive Outcomes, in its early days, developed a flourishing business relationship with the diamond-mining sector. In 1993 Executive Outcomes carried out its first significant military operation in Angola for the Angolan government against UNITA.

43. Between 1993 and 1995, Executive Outcomes changed its

strategy and its company profiles. It expanded and became a fully-fledged private army. British operating were established under Executive Outcomes (UK) Limited and registered in London in September 1993. Barlow registered Executive Outcome as a private company in South African.

44. Executive Outcomes was to be paid two million US dollars (\$2,000,000) a month by the Sierra Leone government. Executive Outcomes financed its own activities at the beginning, hoping to be reimbursed by the government of Sierra Leone when control over the diamond mining areas was regained. Executive Outcomes encountered financial problems between 1996 and 1997 because of non-payment for its activities in Sierra Leone. In all, the company was only paid about a third of it's was in Sierra Leone. Part of these funds allegedly came from an IMF loan to the diamond concessions offered to Branch Energy, a diamond mining company with close links to Executive Outcomes.

45. Executive Outcomes, with its reconnaissance capabilities, air power, and guerrilla warfare experience was able to beat back the RUF to Kailahun and the Liberian border. It retook Kono and destroyed Camp Zogoda, the RUF jungle base that acted as its headquarters. All of these military and strategic gains were accomplished in only a few months.

### RUF SEEKS FOREIGN ASSISTANCE IN THE FACE OF DEFEAT

46. The RUF was thrown into disarray but it was not annihilated. In order to continue its campaign in Sierra Leone, the RUF fell back on external support. Libya, which has provided training for Sankoh and other Sierra Leoneans, continued to give support to the RUF. In a letter to Brother Mohamed Talibi, the Ambassador of the Libyan Arab Peoples Jamahiriya in Accra, Ghana, dated 26 June 1996, Sankoh wrote:

"I want to thank you and the other brothers at home again for the half million United States Dollars (500,000USD) which I received through you for the purchase of needed materials to pursue the military mission."

46. In the same letter, Sankoh went on to make a further request for \$ (US) 1 million to "purchase twice the listed materials for effective and smooth operation."

47. By the end of 1995 the NPRC

clearly had the upper hand in the war as the RUF had been pushed through Kailahun District into Liberia. At this time, the people of Sierra Leone were anxious for a return to democratic rule.

### ELECTIONS AND DIPLOMATIC INITIATIVES TO END THE WAR

49. In February and March 1996, multi-party elections brought the Ahmad Tejan Kabbah-led Sierra Leone Peoples' Party (SLPP) to power. External involvement in Sierra Leone's war remained insignificant, mainly taking the form of international diplomacy and the occasional condemnation of human rights violations and abuses taking place in the country.

*The NPRC government secured the services of Executive Outcomes, a South African private security firm. Executive Outcomes was introduced to Strasser by Michael Grunberg and Anthony Buckingham of the mining company, Branch Energy.*

### BRITAIN AND THE WEST: STRATEGIC CONTRIBUTIONS TOWARDS STABILITY

50. Britain provided financial support for the election of February and March 1996 with a contribution of some £17 million. The EU, the Commonwealth, the US and the UN also provided funds and technical support. The emerging opportunity for stability in Sierra Leone saw other countries bolstering diplomatic initiatives to end the war.

### LIBYA: BRIDGING THE GAP TO PEACE TALKS IN 1996

51. The Commission heard that Colonel Ghaddafi admitted supporting the RUF when he was confronted on the issue by Julius Maada Bio, the second Chairman of the NPRC, in 1996. Moreover Ghaddafi provided Bio with vital information and direction as to how to get the RUF to the table for peace talks. Ghaddafis' counsel led directly or indirectly to the first peace talks between the Government of Sierra Leone and the RUF, which took place in Abidjan in 1996. Libya, which sent delegates to the peace talks, promised the withdrawal of its support to the RUF. The opening of those discussions

was partly facilitated by the Special Representative of the Secretary General of the UN to Sierra Leone, Mr. Berhanu Dinka. Following the general elections of February and March 1996, the talks that had begun between the RUF and the NPRC Government of Sierra Leone under Bio were taken up by the newly elected SLPP Government of President Kabbah.

### COTE D'IVOIRE: A HOST AND CATALYST FOR PEACE TALKS

52. Konan Bedie, the President of Cote d'Ivoire and his foreign minister, Amara Esse', were also instrumental in bringing the SLPP Government and Foday Sankoh together in Abidjan. Esse' went to the bush to persuade Sankoh to attend the peace talks. The Abidjan talks resulted in the signing of a Peace Accord on 30 November 1996. The main elements of the agreement included the total and immediate end of hostilities, disarmament, demobilization and reintegration of all combatants, the withdrawal from the country of all mercenaries and amnesty for RUF fighters.

53. Sierra Leoneans were generally uncomfortable with the Abidjan Accord. They were displeased, for example with the fact that Cote d'Ivoire had allowed the RUF to establish an office in Abidjan. This gesture was not without precedent, however. Cote d'Ivoire also permitted UNITA, which was waging war against the Angolan government, to set up an office in Abidjan.

### THE RUF REGROUPS AND POSES A RENEWED THREAT

54. According to Kabbah, the RUF's signing of the Abidjan Accord was a deception. A few days after the signing of the Accord, the government intercepted a message sent by Sankoh to his field commander, Sam Bockarie (alias Mosquito), in which Sankoh told Sam Bockarie that he signed the Accord to relieve international pressure on the RUF. In the same message, Sankoh was said to have ordered his men to resume hostilities on an even bigger scale. A month before the Abidjan Accord, Sankoh wrote a letter to Talibi indicating that he had earlier received US\$29,000 through a certain Daniel Kallon. Sankoh said in the letter that he would use the period after the signing of the Abidjan Peace Agreement to 'transact (my) business in getting (our) fighting materials freely and easily'. He fur-

ther requested US\$700,000 to help purchase fighting materials.

55. Kabbah, demonstrating commitment to the negotiated settlement of the war, terminated the contract of Executive Outcomes in accordance with the Abidjan Accord. The RUF had insisted on the early implementation of the clause that provided for the withdrawal of all mercenaries. This was to dramatically weaken the government's military position. Sankoh had refused to sign the document authorizing the deployment of UN monitors. Although the Executive Outcomes contract was terminated several of the company's personnel stayed on in Sierra Leone and took up other security-related assignments.

56. After his election, Kabbah made requests to the international community for assistance in the areas of intelligence-gathering and training. The response of the international community was negligible. Kabbah's request to the US government to assist his government with weapons, when it became clear that the Abidjan Accord was not holding, was turned down. Another request for assistance in training soldiers at Bengueman to the US and British governments resulted in these countries sending five soldiers, two Americans and three British. The highest ranking soldier was a sergeant. After a brief spell, the five trainers left without informing the Commander-in-Chief of the RSLMF.

### THE RECRUITED LIBERIANS WERE ISSUED WITH SIERRA LEONE MILITARY IDENTIFY CARDS.

40. On 5 May 1995 the first batch of Special Task Force personnel was re-armed and sent with Sierra Leone Army personnel to fight at the Waterloo front against the RUF. On 10 June 1995 a second batch was re-armed and also sent to the war front in the Bo District area. The Special Task Force went on to score significant successes at its various war front deployments. In spite of the successes, there were many areas that remained under the control RUF.

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TO BE CONTINUED

## Divorce

The Matrimonial Causes Act of 1960 for divorce, judicial separation and restitution of conjugal rights for persons married under the Civil or Christian Marriage Act

THE GROUNDS for divorce are cruelty, adultery or desertion, which are matrimonial offences requiring a higher standard of proof and based on the guilt or innocence of either party to the marriage. Divorce proceedings are very expensive and time-consuming. Most women do not apply for divorce because they lack the means to do so and the rules themselves are discriminatory against women. Thus men - who may not necessarily be the innocent party in the marriage - institute most divorces.

Divorce under customary law is very difficult to obtain because of the multiple variations in the law of the different ethnic groups and the diverse grounds on which divorce can be obtained. The husband may terminate the marriage unilaterally, driving the wife from the matrimonial home or returning her to her parents. Either party to the marriage may also initiate divorce proceedings in the local court or an arbitration tribunal.

Under Mohammedan law, Muslim religious leaders grant divorces. However, a husband can also divorce his wife simply by saying "I divorce you" three times in Arabic; a wife in contrast cannot end a marriage nearly so easily. A wife under customary and Mohammedan law encounters additional barriers if she initiates divorce proceedings and must satisfy the religious leader or arbitration tribunal due to issue her with a divorce certificate that her application is approved by her spouse. The division of property upon separation and divorce creates unequal rights between the spouses. The division of property during dissolution of any of the three forms of marriage is not mandatory and the non-financial continuation of the wife is never taken into account.

## Domestic violence

Under Sierra Leonean Law, there is no specific legislation to prosecute domestic violence. However, domestic violence may be prosecuted under the common law, for example as murder or manslaughter if it leads to death, or under the Offences Against the Person Act 1861 if it results in assault or wounding. In the past, prosecutors have demonstrated reluctance to prosecute such offences where they take place in the home and are committed by a partner or acquaintance, incorrectly interpreting them to be matters of a private nature. While the police or family members can sometimes mediate on such matters, a resolution in favour of the victim is seldom arrived at. Indeed, the odds are stacked against the victims because so few of them have alternative accommodation or support mechanisms to turn to in the event of crisis; temporary shelters for victims are non-existent.

Where a woman is physically abused by her partner and makes a report, the perpetrator is rarely called to accounts and the woman is encouraged to return home to where the crime was committed. At best, the perpetrator may be invited to the police station and warned not to repeat the crime, after which both parties then return to the same violent situation. Such dismissive treatment of domestic violence perpetuates a culture of impunity, where violators go completely unpunished.

There are frequent reports in Sierra Leone of violence that has resulted in death, permanent disability or serious injuries to women. In each such case, the woman's right to health, liberty and security of person, as well as her right to physical integrity, are severely undermined. In a case where a woman dies as a result of physical injury

# Women and National Law in Sierra Leone

inflicted by her partner, despite having made multiple reports to the police, the Government should be held accountable for having breached its duty of care to protect its citizens' human rights. Once a violation is proved, the government has an obligation to provide a legal remedy to stop the violation, punish the violators or compensate the victim or both. If the violation occurs as a result of a discriminatory law or customary practice, or as a result of the absence of a protective law, then one part of the remedy should be to seek legal reform or the passage of a new law to improve the observance and protection of the right in question.

## Sexual and gender-based violence

The horrific and brutal experiences of women during the war make it necessary to examine whether the laws of Sierra Leone offer adequate protection in relation to sexual and gender-based violence. In 2001, Physicians for Human Rights (PHR) conducted a population-based assessment of the prevalence and impact of sexual violence and other human rights abuses among internally displaced persons in Sierra Leone. PHR found that internally displaced women and girls in Sierra Leone suffered an extraordinary level of rape, sexual violence and other gross human rights violations during the country's civil war, with half of them indicating that their contact had been with the Revolutionary United Front (RUF) forces.

## Rape

Rape is an offence under the common law in Sierra Leone, defined as having sexual intercourse with a woman without her consent, by force, fear or fraud. While rape is in theory punishable as an offence throughout Sierra Leone, it has always been under-reported and relatively few prosecutions of rape or crimes of sexual violence have taken place. Victims have been reluctant to report sexual crimes for fear of stigma. Many victims have suffered intimidation and are thus prevented from reporting crimes or insisting on the prosecution of their perpetrators. In addition, there is often little incentive to pursue an onerous prosecution in a judicial system that is not conducive to "just" outcomes.

The rules of procedure in Sierra Leone's courts, which require corroboration and cross-examination by formidable defence lawyers, discourage women from instigating legal proceedings. Such a perceptibly hostile environment in the courts has often had the consequence of making victims, most of them without legal representation, feel that they are responsible for the crime they have suffered. Even where cases are reported most of them end up not being prosecuted, as those responsible for prosecution prevail upon the victim to settle the matter out of court. The approach of the police and judicial officers suggests that they regard rape and other gender-based crimes as lesser crimes not worth prosecuting.

## Protection of Women and Girls Act (Chapter 30 of the Laws of Sierra Leone 1960)

*Procuring Girls and Women for Prostitution within and without Sierra Leone*

Under the Protection of Women and Girls Act, any person who procures or attempts to procure a girl or woman under 21 years who is not a common prostitute of known

immoral character to have sex with another person within or without Sierra Leone commits a crime and shall be imprisoned for a period not exceeding two years. Any person who uses threats or intimidation to do such an act commits a crime and shall be imprisoned for the same period. The Act does not define a "common prostitute" or a "person of known immoral character", which means the provision is too open to abuse and denies adequate protection to women and girls.

Sexual offences that are linked with the "moral character" of the victim are not gender sensitive and are a violation of the right to be free from sexual violence and the right to physical integrity. Perpetrators can escape punishment by alleging that the victim is a prostitute or a woman of immoral character. The punishment of two years' imprisonment under this Act is inappropriate and unlikely to deter offenders from committing such crimes. In particular, in view of the widespread rape and sexual slavery that characterised the conflict in Sierra Leone, there is a high risk that victims of the conflict who attempt to prosecute rape or crimes of sexual violence in peacetime may be challenged and dismissed because of their experiences during the war.

The complex provisions of the general law have been misinterpreted to the detriment of minors who have been raped or sexually assaulted, resulting in perpetrators being charged with unlawful carnal knowledge of a child, for which the sentence is lighter than rape. Another area of concern is the need for corroborating evidence relating to these offences, which is extremely unlikely considering their nature and the circumstances in which they are typically committed. Until recently there was only one police doctor in Freetown who was competent to provide medical services to victims and furnish the courts with the requisite medical reports. The police and judicial officers remain outwardly reluctant to prosecute sexual offences and the legal system that is supposed to serve women remains unfriendly to them.

## Sexual offences under customary law

During the conflict, women are targeted by the different perpetrator groups and systematically, raped and sexually violated. Rape was used as a weapon of war to dominate and humiliate women to undermine traditional cultural values and community relationships. Women and girls were raped and sexually attacked in front of their families, mothers, fathers, husbands and children, as a means of heightening the crime against them, torturing their loved ones and terrorizing the community.

Under traditional customary law, the consent of the woman or girl for the purposes of sex is immaterial. If a girl is raped or indecently sexually assaulted, her parents can bring an action under customary law for compensation. If the girl is a virgin the amount of compensation includes "virgin money". The same situation applies where the offender is a prospective husband of the victim. If the girl is married her husband can bring action for compensation commonly referred to as "woman damage". The fact that communities were in no position to demand compensation for these crimes when they were committed against women and girls during the war has further degraded the status of women. There is no doubt that the reduction of a sexual offence from a heinous crime to a mere action for damage money has contributed to the low status that women occupy in traditional society.

For the People

Friday, NOV. 4, 2005



**boston.com**

THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

MARTHA MINOW AND MARGOT STERN STROM

**The Boston Globe**

## The lessons of Nuremberg

By Martha Minow and Margot Stern Strom | November 3, 2005

THE INTERNATIONAL Military Tribunal at Nuremberg opened its doors 60 years ago this month. No one then imagined that the use of criminal trials to respond to mass atrocity would become a familiar and even expected feature of international relations. Yet trials at the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone are underway, and the International Criminal Court recently issued its first arrest warrants for senior leaders of the Lord's Resistance Party in Uganda.

With the end of the Cold War, resistance to international criminal trials subsided. The model offered by the post-World War II trials of Nazi leaders and collaborators inspired increasing reliance on criminal prosecution and punishment following mass atrocities. The United States, while opposed to the International Criminal Court, nevertheless invoked that court's criminal justice powers in joining the other nations on the UN Security Council to investigate the situation in the Darfur region of Sudan. How should US citizens understand these developments?

The answer is complicated. To impose a criminal justice model on mass atrocity is intended to break cycles of violence and revenge through the aspirations of the rule of law. This locates responsibility in individuals rather than nations or ethnicities and holds individuals accountable for their actions. This effort can also record what happened and summon condemnation from nation states and ordinary people.

The criminal justice response to mass atrocity can break silences produced by fear or repression. Hence, criminal justice initiatives by a prosecutor in Spain and investigations in England dramatically ended the impunity experienced by Augusto Pinochet -- first internationally and then at home in Argentina. Advances in international law have emerged in the tribunals in the former Yugoslavia and Rwanda, including recognition of rape as a war crime.

Yet these elaborate and formal trials can be problematic. They often occur far away from the survivors and relatives of victims most affected by the violence. Most troubling, the international criminal trials have not deterred genocide, mass atrocity, and crimes of aggression. The trials have not notably curtailed the patterns of aggression and cruelty that accompany ethnic conflict. The seeds for the next catastrophe are too often produced with each last one.

To prevent mass violence and genocide, we need more. We will need to summon the hopes and commitments of new generations around the world. Here, education in schools and in broad public venues holds the best promise. Students can learn about the failures of democratic accountability that so often precede atrocity. Communities can learn about the dangers of blind obedience (and the power of bystanders to become what author Samantha Power calls "upstanders," speaking out against hatred and violence). Discussions about these topics can be difficult. Yet people can learn to confront the past openly and with critical understanding.

Quality civic education demands thoughtful curriculums, teacher education, and support from all sectors of society -- business, government, and the independent sector. The lessons about human rights that are taught in the classrooms in this country, in Rwanda, in Serbia, can strengthen respect for the dignity of all and prevent future atrocities. Armed with knowledge about the past, a new generation can generate the vigilance that makes democracy strong and prevents scapegoating and violence.

Prosecutors, journalists, and observers of the Nuremberg trials will join this week with prosecutors from the current tribunals, human rights activists, educational and political leaders, and students to ask whether and how law can be coupled with education to pursue human dignity, not only after but before mass violence. Harvard Law School joins with the international education organization, Facing History and Ourselves, to convene not only lawyers but also educators and students from around the world in a two-day conference to

address how education can promote respect for human dignity.

The bold step of the Nuremberg trials challenges us to be as bold in pursuing dignity in our dangerous time. It will take much imagination and sustained effort to address the cycle well-described by Yolande Mukasana's words on the wall of the National Genocide Museum in Kigali, Rwanda: "There will be no humanity without forgiveness. There will be no forgiveness without justice. There will be no justice without humanity."

Martha Minow is a professor at Harvard Law School. Margot Stern Strom is executive director and cofounder of Facing History and Ourselves. ■

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## Liberia ex-rebels back footballer Weah for president

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Source: Reuters

By Alphonso Toweh

MONROVIA, Nov 3 (Reuters) - Four former Liberian rebel leaders, including a warlord whose men once hacked the president live on camera, have thrown their weight behind soccer star George Weah ahead of next week's presidential run-off vote.

The former AC Milan striker and world footballer of the year faces Harvard-trained ex-World Bank economist Ellen Johnson-Sirleaf in a Nov. 8 run-off vote after neither won an outright majority in the first round of elections designed to end years of strife.

Former rebel leaders Prince Johnson, Sekou Damate Conneh, Alhaji Kromah and George Boley have come out to support Weah.

Critics say their support for Weah stems from a belief that they are less likely to face prosecution for war crimes under a Weah administration than one headed by Johnson-Sirleaf, a suggestion Johnson dismissed.

"No one should talk about going to a war crimes tribunal. If you see all warring factions supporting Weah, then that should tell you that he is a person who can bring us together," he told Reuters by phone on Thursday.

Johnson drank beer while his men tortured President Samuel Doe, cutting off his ears live on camera in 1990 in West Africa's most infamous snuff movie. Johnson, elected last month as a senator for Nimba County, has said Doe committed suicide by banging his head repeatedly against a wall.

Conneh, the leader of the LURD rebel group whose uprising helped force warlord-turned-president Charles Taylor into exile in 2003 and pave the way for the present elections, said he was not afraid of any war crimes court.

"I did not commit any war crime. We liberated the people of this country," Conneh said.

"My support for Weah is just clear. He is the best person to govern this country... He is a unifier and a man of the people."

Kromah, a former warlord who led the Ulimo-K rebel faction during

the 1990s, is now campaigning on Weah's behalf in northern Lofa County, and George Boley, who led yet another rival armed faction, has told local media he too backs Weah.

#### TRUTH AND RECONCILIATION COMMISSION

Johnson-Sirleaf has said she would support a truth and reconciliation commission into Liberia's war but that Charles Taylor, now in exile in Nigeria, should face a special court in neighbouring Sierra Leone for fomenting a related war there.


The warlords' support for the popular Weah has met with some scepticism on the streets of the capital Monrovia.

"One of the reasons they are supporting Weah may be his weakness in governance and lack of sufficient knowledge on human rights and international diplomacy. That should tell you something very important here," said politics student Cynthia Smith.

But a member of Johnson-Sirleaf's entourage said they were not concerned with the show of support for her rival.

"We do not have a problem with ex-warlords supporting Weah. They have their own free will and they need to make political decisions," said Emmanuel Dennis, one of Johnson-Sirleaf's campaign helpers.

"We are not here to prosecute people. We are here for reconciliation and to live by the rule of law," he said.

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Source: United Nations News Service

Date: 02 Nov 2005

## Sierra Leone: Consolidating a hard-won peace

They have ended the conflict, disarmed thousands of combatants, freed thousands of child soldiers and watched over democratic elections. But now that the UN's peacekeepers may soon be leaving, the world must remain committed to helping the country overcome the many challenges to its fragile peace.

### The Story

UN peacekeepers could soon be leaving Sierra Leone after a five-year mission that has brought peace and raised hopes for a better future. But while the media focus might have shifted to other crises, the world must remain committed as the country battles to overcome the many challenges that remain.

UNAMSIL has been one of the UN's most visible successes, having deployed in the wake of a brutal civil conflict that left at least 75,000 dead and many more maimed. The UN disarmed more than 72,500 combatants -- including some 20,000 child soldiers -- and shepherded a peace process towards the creation of a new national government. It has helped regularize the nation's diamond-mining -- the fuel for its bitter conflict -- for the benefit of the entire country. However, Sierra Leone remains one of the world's poorest countries, and the UN-supported peace is fragile. The nation's borders are porous, the surrounding West Africa sub-region is unstable, unemployment is widespread and there is a large pool of ex-combatants who could take up arms again.

### The Context

The last peacekeepers are expected to leave by December 2005 pending a decision by the Security Council. Currently numbering some 3,200 "blue helmets", the UN force in Sierra Leone had as many as 17,500 military personnel at its maximum strength. They maintained security as government forces were re-constituted. The United Nations oversaw democratic elections and resettled thousands of refugees.

Peace is not sustainable without justice: The UN-founded Special Court for Sierra Leone began war crimes trials in 2004 against 13 indictees. A Truth and Reconciliation Commission recently completed its work and produced a report identifying the root causes of the conflict that have yet to be addressed -- poverty, corruption, lack of justice, disrespect for human rights.

Sierra Leoneans remain concerned that the closure of the UN mission would threaten the fragile peace and give reason for supporters of the war crimes indictees to cause mischief. However, the UN is not leaving altogether. A considerable post-UNAMSIL presence, comprised of UN programmes and agencies, will continue its work. In addition, an International Military and Training Team led by the United Kingdom will remain in the country, at least until 2010 to train the Sierra Leone armed forces.

A border dispute with neighbouring Guinea could threaten stability if it remains unresolved. External security is less than assured unless the army is well-equipped and better-trained.

Unemployment, especially among the youths, who make up the majority of the population, is rampant. Mismanagement of natural resources, including diamonds, could be a source of conflict as poverty levels rise.

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## Liberia: From Barbarity to Hope

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By Amb. Richard S. Williamson

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Liberia, like too many other African countries, has gone through a long period of violence, mayhem and tragedy. But last month, Liberia held its first free and fair election, which offers the people an opportunity to leave their grisly nightmare behind and begin their long, difficult path to building a substantial peace where good governance, transparency and accountability supplant cronyism, deception and graft.

As an international election observer to this Liberian vote, I was inspired to see the hope of Liberians casting their votes for a brighter future.

Liberia was founded by freed American slaves in 1847. Liberia continues to be divided by the Americo-Liberian minority comprising only 5% of the people and the overwhelming majority of indigenous Liberians that come from 16 different ethnic groups. For over a century, Liberia was dominated by the Americo-Liberian True Whig Party that directed Liberian politics from 1871 to 1980.

In April, 1980, indigenous Liberian Master Sergeant Samuel K. Doe seized power in a coup d'etat in which President Talbert was butchered in cold blood and 13 ministers were stripped to their underwear, staked to posts on the beach and executed.

A civil crisis flared up and the ensuing 25 years of conflict have led to senseless violence, four transitional governments, and a non-functioning state apparatus.

One observer described the past quarter century in Liberia as a period of "public executions on the beach, drug crazed young thugs terrorizing citizens at roadblocks, rampant theft of national resources, corruption, nepotism, abuse of human rights, tribalism, blood diamonds and warlords."

Many indigenous Liberians believe in a spiritual world of unseen forces and the visible world of everyday life. In war, when killing occurred, the victor could take on the power of his enemy by ingesting part of his body, his heart or liver, and thus his spirit. During periods of intense violence in Liberia there were regular reports of "ritual killings." Witchdoctors were reported to have scrutinized potential victims prior to ripping their living hearts out of their bodies. Then the person who "commissioned" the deed consumed the heart in whole or in part to gain the power of the victim and to intimidate others.

During this past quarter century the quality of life grew more bleak. Competent civil administration and the rule of law disappeared. The infrastructure deteriorated, the economy collapsed and, today, most of Liberia has no electricity, no running water and no public health services.

Liberia's life expectancy is 47 years. Illiteracy is near 85%. Unemployment in the formal sector is over 70%.

Liberia's last authoritarian leader was the warlord Charles Taylor who not only terrorized his own country but supported rebel activities in the neighboring states of Sierra Leone, Guinea and Cote d'Ivoire. For his misdeeds in Sierra Leone he was indicted by a U.N. sponsored Special Court on 17 counts of "crimes against humanity." Facing rebel advances at home and growing international pressure to account for his crimes, Taylor fled Liberia for asylum in Nigeria in August, 2003.

For over two years the international community through the U.N. Mission in Liberia (UNMIL) has worked to keep peace and support a transitional government in preparations for elections.

Stability in West Africa and the quality of life in Liberia depended on a free and fair election.

The specter of Charles Taylor and the threat of violence hang in the air. As one observer said to me days before the vote, "Many worry about Charles Taylor, but few dare mention his name."

In the run up to election day there were many unanswered questions. Would there be violence? Would the turnout be large enough to give the election legitimacy? Would the mechanical burdens be met for the 10% of polling stations so remote that no cars nor even helicopters could reach them and ballots would be delivered and later retrieved by porters walking four days through the jungle? Would the ballot boxes be secure and would every vote be counted? Would the losers accept the results?

The hopes of many Liberians were captured in Yomitown, a small village of mud huts with 143 voters. In the middle of Yomitown, the villagers came together to build a Palaber Hut, a round structure with a thatched roof and open sides. They built it to be their polling station for election day. It was a source of pride. The chance to vote was a reason for hope.

As Steve McClein, a Liberian policeman told me when I visited the Peynesville Town Hall Center in the outskirts of Monrovia, "We've had a long conflict. We don't want it to happen again. We want peace. Our new president must unify the people by going to their aid: healthcare, education, salaries and roads. This is our dream, to have a new day."

Or, as Bishop David Daniels of the Liberian National Methodist Episcopalian Church told me just before the vote, "Guns will not free you. Lay down guns and go to school. That is the only answer. This election brings hope. The time for hope is now."

By the time polling stations opened there were long lines waiting to vote, some having arrived at two and three in the morning to be among the first to cast their ballots.

Fahnguor Rogers got in line at 5:45 a.m. He told me that he wanted government transparency so the new government would not be corrupt like all the others he had known. And he wanted "education and training for the young people, especially the former child soldiers who hang around with nothing to do and no skills but killing."

In Harbel town the lead election official was Thomas Howard, a 34 year old with four children ages 19, 14, 9 and 2 ½. He told me, "I hope our new President brings real education where people can learn to read."

At a polling site in the Monrovia Free Pentecostal School, Samuel Goweh, 38, told me, "A good result (in the election) will leave us a peaceful country and move us forward. The ex-combatants need to be sent to school, retrained and become useful citizens. We need water, electricity and education."

Prince Jacob, a Nigerian soldier serving as a U.N. Peacekeeper in Liberia who had served in Rwanda after the genocide there, told me, "Even though the genocide in Rwanda was large, Rwanda was a short war. So it was easier to reintegrate (ex-combatants), In Liberia it was a long war. Here it is harder to integrate."

Sumuwoo Harris, a Lutheran minister, said to me, "The warlords like the young people. They only are taught to do violence. They do not have any skills. They are disgruntled people. The politicians have played upon the disgruntled to give themselves power. That must end. We must re-establish institutions to help the youth get out of the streets. They need education. They need training. We must give this to them or they will remain disgruntled to be played upon and used."

About the election, Minister Harris went on to say, "The people who do not win are not losers. They should be partners. ... It is not the responsibility of one person to deliver this country. We need unity to rebuild this country. The task is monumental. It will be a difficult and long road forward. It will take cooperation and it will take patience."

The Liberian people, traumatized by 25 years of turmoil, conflict and violence went to the polls in large numbers: casting their votes. Liberians gave voice to their hopes and dreams by engaging in the first "free and fair" election in their nation's history.

I was encouraged by the thoughtful comments of Juliet Cooper, a 22 year old poll watcher at the Wells-Hairton School in Monrovia. I asked her what she thought would come from the vote. She told me, "There is a lot of work for the new President. He must bring water."



He must bring light, electricity, roads. ...The expectations of the Liberian people are very high so he will have to work fast. In 6 months they expect something. After 6 months there will be a lot of noise." But, she said, "the Liberian mind is mature. If the results are not there in 6 or 12 months, the president will have to explain. He will have to keep the people informed on what progress is being made." That sounds like the prescription for any healthy democracy anywhere in the world. Only time will tell whether the roots of sustainable democracy are taking hold in Liberia.

As Tom Gbrngbara told me, his hope is that this election will "end the nightmare once and for all."

Liberians went to vote in large numbers. Liberian political parties, civil society and international observers all declared the voting "free and fair." In a few weeks the two leading presidential contenders, Ellen Johnson Sirleaf and George Weah, will have a run off election. And then the new president must seize the opportunity to form an inclusive government that will work for the Liberian people and not primarily to enrich themselves as so many that have done before.

Democracy is not just voting. It is a process. As Sumnwoo Harris told me days before the election, "People who do not win are not losers. They should be partners. It is not the responsibility of one person to deliver the country. We need unity to rebuild the country."

The voters are selecting their new leader. The democratic process provides a legitimacy for the new Liberian president to unify the country and lead. For the sake of the people who have been traumatized by war, live in desperate conditions with no running water, no electricity and few jobs, hopefully the new President will begin to rebuild Liberia's torn society.

That is the hope and that is the opportunity of Liberia's first free and fair elections.

*The author served as Ambassador and Alternate Representative to the United Nations for Special Political Affairs, 2002-2003.*

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