

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



A rear view of SIERRATEL headquarters in downtown Freetown with its tall masts.

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, 6 September 2007

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

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Awoko

Thursday, 6 September 2007

Emergency Rule and Human Rights Under International Law

By Melron C. Nicol-Wilson

Director Lawyers Centre for Legal Assistance (LAWCLA)

It is necessary to make provisions for the threat to the existence of law and order caused by serious civil commotion, national disaster and threat of armed invasion. However not all forms of Civil commotion or natural disaster justify the declaration of a State of Emergency and the ordinary law of the Land should be able to deal with strikes, less serious natural disasters and even internal strife.

In general such events do not constitute a threat to the life of the nation and the normal restrictions that can be imposed on the rights of freedom of movement, assembly and speech by virtue of the provisions of the Constitution relating to fundamental rights and freedoms should suffice to address such phenomena. The International Law standard for the declaration of a justifiable State of Emergency places the emphasis on the gravity of the particular circumstances involved in its precipitation.

It is important to note that the 1991 Constitution in effect supplants the ancient and virtually untrammelled common law powers that existed for this purpose, such as martial Law and cognate phenomena such as prerogative Powers which were not in general subject to judicial scrutiny or control. The reason for this is that the Constitution does not make provision for the Declaration of Martial Law nor does it give parliament archaic prerogative powers.

The jurisprudential justification for the suspension of fundamental rights and liberties during times of natural turmoil and emergency is necessity or self defence. The ancient but highly questionable principle *salus reipublicae suprema lex* (the safety of the State is the highest Law) found expression in British Constitutional history and Law and also in Roman Dutch legal tradition and experience.

At the outset it must be emphasized that a declaration of a State of Emergency may make provision for the suspension of certain fundamental rights and not for the suspension of the Constitution, which continues to operate. The Constitution cannot be lawfully suspended. All emergency powers must emanate from within the confines of the Constitution itself and cannot have any basis in so called ancient prerogative powers.

Certain fundamental rights are non-derogable and cannot be suspended even during an emergency. The paramount importance of fundamental rights in the operation of the Constitution requires that suspension of these rights in a declared emergency should be strictly construed and that all the formalities should be adhered to at all times. The fundamental purpose of a declaration of a State of Emergency is the protection of the Constitution and the democratic body politic. The objective is most certainly not the maintenance of the political status quo and the well being of the government of the day.

Emergency powers cannot be employed unless a procedurally correct declaration has taken place. This is required by International Law.

The purpose of a public proclamation is to inform the public of a crisis situation which requires the suspension of ordinary rights. In a democratic body politic, premised on the principles of Constitutionalism, the public has the right to be accurately and sufficiently informed of the extent and the nature of the crisis. A de facto State of Emergency is not permissible. *Furthermore the emergency can only be declared when there is an authentic threat to the life of the nation.* In addition the threat of War or other calamity must be such that the ordinary law of the land cannot suffice to restore peace and order.

There is some controversy in International Law in relation to the doctrine of the margin of appreciation that States should be accorded in ascertaining whether a public emergency does exist threatening the well being of the nation concerned. The margin of appreciation has come to be treated as a wide margin. Exceptional circumstances must exist before an emergency may be declared. The following requirements can be discerned from relevant international law instruments:

1. the emergency must be actual or imminent
2. the emergency must be of exceptional magnitude
3. the life of the nation must be threatened
4. the state of emergency must be the last resort
5. the state of emergency must be a temporary measures

The executive must endeavour to deal even with serious crisis using the ordinary law of the land. A state of Emergency must be perceived as a drastic measure only to be instituted as a last resort. The declaration must therefore be necessary to restore peace and order. The emergency must also be subjected to Political control and parliamentary oversight as well as judicial supervision to prevent abuse.

[The author Melron C. Nicol-Wilson, is Co-Counsel & Case Manager of the Kallon Defence Team]

Awareness Times
Thursday, 6 September 2007

Human rights violation has increased

A press release reportedly issued by the Human Rights Commission in Sierra Leone (HRCSL) state that human rights violation is on the increase as the spate of violence reportedly caused by public disorder, intimidation, irresponsible, inflammatory and dishonest media reportage ahead of the September 8th run-off. The release reportedly indicate that all those who perpetrate, promote, incite or fail to condemn such acts are guilty of abusing the human rights of Sierra Leoneans and are to be condemned unreservedly.

The Patriotic Vanguard

Wednesday, 5 September 2007

Freedom is not free until liberty is guaranteed

By Kathos Mattai, USA

Freedom is not free until liberty is guaranteed without precondition. That is why we continue to seek the freedom and liberty of Allie Kondewa and Moinina Fofana, on the land of their birth, Sierra Leone. They got entrapped in a screwed up political system that has led to the cessation of their freedom and liberty. A system that is about to change through pluralism so that peace and liberty is guaranteed to every Sierra Leonean irrespective of age, ethnicity or gender.



Without peace, there is no freedom and there would be no liberty to do the things that would bring development to our communities and communes. That is why the wish of the people must be respected after the September 8, 2007 Presidential runoff.

Sierra Leone remains the 176th out of 177th poorest countries in the world according to the UN human development index(hdi) assessment tool. This should serve as a baseline measurement for our development for the next 5 years, from 2007-2012. This is the challenge that would be facing the next President of Sierra Leone.

As the voters go to the poll on Saturday, September 8, 2007, keep it in your mind and heart that you are also voting for freedom & liberty for Allie Kondewa and Moinina Fofana. May God bless all freedom fighters and damn to the oppressors.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 5 September 2007

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

International Clips on Liberia

09/03/2007 12:00:30

Liberian opposition criticizes Sirleaf government over local polls

Monrovia_(dpa) _ Defeated Liberian presidential candidate George Weah criticized the Unity Party-led government of President Ellen Johnson-Sirleaf for its attempt to appoint mayors and chiefs without elections. Sirleaf, Africa's first female head of state, has been lobbying with the legislature to allow her appoint local government officials for now because there is no money for elections. A statement issued by Weah's Congress for Democratic Change (CDC) party in Monrovia said any attempt to appoint municipal and chieftaincy officials violated the Liberian constitution.

International Clips on West Africa

Sierra Leone up-beat after pledge for peaceful vote

By Susan Njanji

FREETOWN, Sept 3, 2007 (AFP) - A deal clinched by Sierra Leone's rival presidential candidates in the upcoming election run-off has boosted chances of a violence-free vote, party officials, observers and analysts said on Monday. Ruling Sierra Leone's People's Party (SLPP) candidate Solomon Berewa and the opposition's Ernest Koroma late Sunday vowed to run peaceful campaigns after days of unrest that left scores of people wounded.

Ivory Coast police tear gas protesting students

ABIDJAN, Sept 3 (Reuters) - Riot police in Ivory Coast's main city Abidjan fired tear gas on Monday to disperse students demanding compensation for damage by the security forces to their campus during a previous riot a year ago, witnesses said. Causing panic among local residents, the students blocked main roads and smashed car windows in several neighborhoods of the lagoon-side city, one of two main ports through which the West African country's cocoa production is shipped.

Local Media – Newspaper

New Maritime Commissioner Promises to Compensate Clients

(Liberian Express, The News, Daily Observer, The Inquirer, New Democrat, Public Agenda, Heritage and National Chronicle)

- The newly nominated Maritime Commissioner, Counsellor John W. Stewart has admitted owing 18 of his clients but says he would reimburse them.
- Counsellor Stewart told reporters at the weekend that his decision to refund his clients was based on the fact their cases were never heard and as such, it is prudent to pay them back.

- He clarified that the allegation against him borders on professional misconduct within the Washington DC Bar and said the ongoing investigation by the Bar is purely civil and not criminal in nature as is being insinuated.
- President Ellen Johnson-Sirleaf appointed Cllr. Stewart last week but later withheld his nomination following reports that he was undergoing investigation on charges of financial improprieties in the United States.

President Sirleaf, Italian Prime Minister Discuss Liberia's Debt Relief

(Public Agenda, The Inquirer and The Informer)

- The Government of Italy has pledged its support to Liberia's fight for debt relief as the country continues its drive towards national recovery.
- The pledge was made when President Johnson Sirleaf met with Italian Prime Minister, Romano Prodi in Rome.
- Prime Minister Prodi promised his government's commitment to join the campaign to seek debt relief for Liberia and asked that a delegation be sent to follow up on talks with the view of exploring bilateral cooperation.
- For her part, President Sirleaf said her government has made considerable progress in tackling the country's debt issues amidst the constraints faced by the country.

LTA Probe Committee Wants Former Chairman Reprimanded

(The Heritage Daily Observer and National Chronicle)

- The board of commissioner of the Liberia Telecommunications Authority (LTA) has cleared Dr. Sahr Abdulai Vandi, the former LTA board chairman of US\$300,000 bribery allegation levied against him by the West African Telecommunications (WAT) but recommended that he be reprimanded for what clearly was his indiscretion in his interaction with the WAT management.
- In its eleven count resolution, the team also recommended that the LTA board of commissioners write a letter to its former head frown on his action of continuously and surreptitiously engaging WAT on the frequency issue long after it had agree to suspend the issuance of all licensing and frequency authorization.

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

President Sirleaf Says Positive Developments in Africa Get Less Attention

- In her speech at a United Nations gathering in Turin, Italy, President Ellen Johnson Sirleaf lamented that there are positive things happening on the African Continent but that they do not get the needed attention, adding that despite the huge difficulties, African Governments have made significant gains to reduce poverty on the Continent.
- Regarding Liberia's current political status, President Sirleaf said that the 2005 elections turned the Country's history around and that her government will have to build the capacity of its people and will ensure that the resources are equitably distributed for sustained development.
- For his part, UN Secretary-General Ban Ki-Moon who convened the event to enable his senior managers acquaint themselves with each other, exchange ideas, reflect on past experiences stressed the importance of results in the work of the organization.

(Also reported on Star and ELBC Radio)

Major Business Strategy for Liberians to be Launched Soon

- According to a release from the Public Procurement and Concession Commission, the Government will launch in Monrovia, this week a programme known as 'The Margin of Preference for Liberian and Domestic Businesses'.
- The PPCC said that the interim procedures for the issuance of licenses, is a necessary intervention that would sustain the promotion of economic empowerment of Liberian businesses, lead to the participation of Liberian businesses in mainstream economy

and encourage direct foreign investment – mainly in the area of manufacturing and concession.

(Also reported on Star and ELBC Radio)

Lawmakers Ask Citizens to be Calm over Land Dispute

- Correspondents said that the River Gee Legislative Caucus called on citizens of the County to remain calm as the Caucus exert all efforts to resolve the land dispute between Maryland and River Gee Counties.
- The Lawmakers also appealed to traditional leaders of the two counties to ensure that their “country devils” are withdrawn to their original positions and commended the Government and UNMIL for their timely intervention into the matter.

(Also reported on Star and ELBC Radio)

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

Xinhua

Thursday, 6 September 2007

Roundup: UN chief outlines future steps for Hariri tribunal

UN Secretary-General Ban Ki-moon submitted on Wednesday to the Security Council the latest report on the establishment of the Special Tribunal created to prosecute those responsible for the assassination of former Lebanese Prime Minister Rafik Hariri.

In the report, Ban elaborated the steps towards the establishment of the Tribunal already undertaken and provided an outline of the next steps, saying that he commenced to undertake the steps and measures necessary to establish the Tribunal pursuant to Resolution 1757 which was adopted by the Security Council on May 30.

Actions have been taken immediately since June 10 relate to the location of the seat, the appointments of the judges, the Prosecutor, the Registrar and the Head of the Defense Office, the staffing requirements and the budget, the funding, the management committee, security issues and communications, he notified the council in details.

He added that the establishment of the Tribunal will proceed in three phases, namely a preparatory phase, a start-up phase, and the commencement of functioning.

The first is currently under way, the second will begin when the registrar is appointed, and will focus on the preparation of the premises identified for the tribunal, the process for the recruitment and appointment and establishment of a core unit of Registry personnel, and the timing of the third phase will be determined by the UN chief himself with the precondition for sufficient financial means, Ban said.

Meanwhile, he said it is estimated that the tribunal will require a total budget of 120 million dollars for the first three years.

"In making this estimate, attention was paid to the experiences of other international tribunals, in particular that of the Special Court for Sierra Leone, which shares characteristics with the Special Tribunal," he explained.

"It is my belief that the establishment of the Special Tribunal will contribute to ending impunity in Lebanon for the crimes under the tribunal's jurisdiction," Ban concluded.

The Dutch government agreed in August to host the trial of suspects in the assassination of Hariri.

Source: Xinhua

Sydney Star Observer

Thursday, 6 September 2007

<http://www.ssonet.com.au/display.asp?ArticleID=6969>

TAKING A RISK OVERSEAS



Michael Campbell talks about being gay in Sierra Leone.

I am a senior court reporter and stenographer with the Supreme Court in Sydney and I have just returned from 18 months' leave where I had a stint with the UN mandated Special Court for Sierra Leone, living in Freetown, Sierra Leone, West Africa.

I was working on the war crimes trials that eventuated after the 10-year civil war over there. Of course outside of work, I was living and mixing with the locals and, as a gay man, living and working in such a country posed tremendous risks.

But I was eager to suss out the local scene and managed to not only fall in love, but find a very small, discreet network of "family" over there, which of course turned out to be my saviour against the homophobia and discrimination I suffered in my work place.

It is still quite a dangerous country, but more so in country areas. However, I found it wasn't as dangerous as people perceived it to be. The war is not over and the poverty is rife.

All the expatriates tend to stick together in Sierra Leone. And I didn't like what I saw, in terms of the way they behaved. A lot of the diplomatic people were getting drunk and driving around and encouraging prostitution.

I did not want to be associated with that so I threw myself into the local culture. I knew before I went that the gay scene was very submerged. It is very taboo over there, and it took me months to break through anywhere, particularly because a couple of years ago the head of the Sierra Leone lesbian and gay association, a gay woman, was murdered.

I didn't go to the beach bars where a lot of the white people or expatriates go, but instead mixed with the local community. It was very difficult at first because I couldn't understand the language but, because I work in phonetics, I learnt one of the languages, Krio, quickly.

There were some people over there who were gay, and I did have some relations over there. But one gay person would never know about the other, it is so hidden.

The irony of it is that the men there are very tactile, they walk around holding hands and they hug each other and they are really affectionate with each other.

So it is very difficult, when they are holding your hand and they are sitting on the beach very close to you, to know if you are being cruised. It was very brave on my part to make the first move.

I actually met my partner in Sierra Leone, and I am in the process of trying to get his visa organised to bring him out here.

No one knows the situation between us, and in fact they don't know that he is leaving to come out here. Jealousies could arise, and that could create problems because everybody wants to get out of Sierra Leone.

I am a very openly affectionate person, but you have to consider your security and safety at all times over there, so it

was very difficult to be in a gay relationship.

I also experienced a lot of homophobia in my work place. Within the first five minutes of meeting my direct supervisor in Sierra Leone she made a comment to me in the presence of another court reporter. She said, "You do realise that homosexuality is illegal in this country. We have had problems with your type before."

I took great offence to it and I lodged a complaint straight away. I instructed a solicitor and barrister in Sydney, so things got moving very quickly. There was an investigation and I was vindicated and she ended up resigning.

In all, it was such an enriching experience for me to be in touch with the local people of Sierra Leone. They are just so beautiful – they are so polite and so courteous.

I could put my wallet down, walk away and come back and it would still be there. The worst crime for people in Sierra Leone is theft. If you want to steal in Sierra Leone you have to be a good runner. Everybody just runs after the person, and sometimes that person will be killed.

I bought an acre of land over there, a beachfront, for US\$1,000. I have left it in the care of the people over there so they can build a couple of huts. And I will go back every year with my partner, and we have got somewhere to stay.

As told to Cara Davis