

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



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:

Monday, 7 August 2006

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Concord Times
Monday, 7 August 2006

IYF to show Taylor's trial country wide

Story: Mohamed Massaquoi

Director of Independent Youth Forum (IYF), John Paul Bai Friday revealed that the Outreach Section of the Special Court of Sierra Leone has given them the mandate to give a live television coverage of the ongoing trial of former president Charles Taylor

in the Hague and other indictees of the court to various communities across the country for better understanding about its.

He made the statement during a one-day capacity building workshop for twenty facilitators who will in turn train members of their communities on the han-

dling and use of audiovisual equipment for the dissemination of information. Bai said the first phase of the project is going to be based in Freetown but can be extended to the provinces for better understanding of the average Sierra Leonean.

Exclusive

Monday, 7 August 2006

Justice Sector Development Programme (JSDP) hosts Workshop on the "Criminal Justice Best Practice Handbook"

On Wednesday, August 2nd, 2006, the Justice Sector Development Programme (JSDP) hosted a workshop on the "Criminal Justice Best Practice Handbook."

The workshop took place at Mamba Point Hotel in Freetown. The event was an opportunity for key stakeholders in the criminal justice system to become familiar with the Handbook and discuss how it can be implemented in their respective organisations.

The Handbook entitled "Criminal Case Management, Best Practice Handbook" was produced in response to the current state of the criminal justice system of Sierra Leone, which has long been plagued by long delays, and prisons overcrowded with prisoners who have not yet been found guilty of an offence. As a result, the sys-

tem has not only led to a breach of human rights, but has deprived accused persons and victims of a sense of justice having been done. The Handbook was derived from a decision made by the JSDP Administration of Justice Task Force. A Sub-Committee was formed including representatives from all of the agencies involved in the criminal justice system, including the Judiciary, the Sierra Leone Police, the Attorney-General's department, the Bar Association and a Consultant, Ms. Glenna Thompson, who is a member of the Bar.

Ms. Glenna Thompson introduced the Handbook and gave an overview of its implementation. Following the presentation was a discussion on how the participants could relate the impact of the Hand-

book to their particular organisation. Members from the Sierra Leone Police, the Judiciary and the Prison Service addressed the group.

The workshop was a testament to the ongoing effort of bringing justice sector partners together to reform the justice sector, so that the result is "Justice For All" in Sierra Leone.

About JSDP:

The Justice Sector Development Programme (JSDP) is a Government of Sierra Leone initiative, funded by the UK's Department For International Development (DFID) and managed by the British Council. It is a five-year programme that started in March 2005 and operates in Freetown and the Moyamba District for the



initial two-year phase of the

Reuters

Friday, 4 August 2006

Sierra Leone sets elections after brutal war years

1990s war: Charles Taylor, blood diamonds, child soldiers, atrocities

Friday, August 4, 2006 Posted: 1628 GMT (0028 HKT)

Sierra Leone's President Ahmad Tejan Kabbah, right, appears in Freetown with visiting U.N. Secretary-General Kofi Annan in July.

FREETOWN, Sierra Leone (Reuters) -- Sierra Leone's President Ahmad Tejan Kabbah has called elections for July 28, 2007, which will pick his successor as he is constitutionally barred from standing again.

Kabbah, who was toppled by soldiers and reinstated by a West African regional peacekeeping force during a brutal 1990s civil war, announced the date on state radio late on Thursday.

Kabbah's ruling Sierra Leone People's Party (SLPP) selected his deputy Solomon Berewa as its candidate last year, sparking a mini-rebellion within the party that saw Kabbah sack three of his government ministers.



At least one former party stalwart, lawyer Charles Margai, who hails from one of the West African country's leading political dynasties, plans to stand against Berewa.

Sierra Leone's war caused international outrage as rebels backed by warlord Charles Taylor in neighboring Liberia, in return for "blood diamonds" from rebel territory, sent child soldiers into battle and chopped off civilians' hands and feet.

Kabbah was elected president in 1996 but was deposed the following year by soldiers who then threw in their lot with the rebels.

A Nigerian-led regional force took control of the capital Freetown in 1998 and reinstated Kabbah, but fighting went on.

A regional Nigerian-led peacekeeping force, and then what became for a time the biggest U.N. force in the world, helped bring the war to an end and lay the foundations for the reconstruction of one of the world's poorest countries.

Taylor, who fled Liberia in 2003, is in detention in The Hague awaiting trial on war crimes stemming from Sierra Leone's civil war. He was transferred from a special war crimes court in Freetown due to fears his presence could destabilise Sierra Leone as well as Liberia.

Integrated Regional Information Network (IRIN)

Friday, 4 August 2006

The Justice Experiment

UN Integrated Regional Information Networks

In post-war public hearings, Sierra Leoneans shared with their compatriots stories of how rebel fighters cut children into pieces in front of their parents, and forced people to drink the blood of slaughtered family members.

Four years on, the Sierra Leonean people are still learning how to move on from such horrors and their causes. Punishing perpetrators is part of that recovery but, as Sierra Leoneans are quick to point out, only a part.

With ex-Liberian president Charles Taylor behind bars and awaiting trial for war crimes committed in Sierra Leone's brutal 1991-2002 civil war, one of Africa's biggest 'big men' has been halted. Taylor's impending trial before a UN-backed Special Court is set to be the first time a former African president faces an international tribunal for crimes allegedly committed while in office. If convicted at his trial in The Hague, Taylor will serve out his sentence in a British jail.

Alhaji Ahmed Jusu Jarka, who had both hands hacked off by rebels whose guns were allegedly supplied by Taylor, says many Sierra Leoneans are happy Taylor will finally be judged. "This is what we have been looking for. Everybody is anxious for the Special Court to try him."

But the book should not stop there, says Jusu Jarka. He and many other Sierra Leoneans stress that while Taylor's trial is important, other means of seeking justice, such as Sierra Leone's truth commission, should not be sidelined.

Unique to Sierra Leone's post-war recovery is the simultaneous operation of the Special Court and a Truth and Reconciliation Commission (TRC), both established under the 1999 Lome peace accord. While the Special Court deals with "those most responsible" for war crimes in Sierra Leone, the TRC provided a forum of the multitude of crimes committed at the grassroots and as well as war-related murder, torture and rape.

National civil society and rights groups say implementing the recommendations of the TRC, which wrapped up its work in 2004, is vital to tackling conditions that contributed to the outbreak of war and which persist today: corruption and lack of accountability in government, weak human rights protections, and crippling poverty and unemployment.

The 'hybrid' Special Court, created by an agreement between the UN and the Sierra Leonean government, comprises judges and staff from in and outside the country, and covers violations of both local and international law. Taylor is one of just 13 people indicted to date.

By contrast, the broader truth commission was created to probe the causes and nature of the violence, establish an impartial record of human rights abuses, and promote reconciliation and healing to prevent a repetition of such acts.

In 2004, the commission published sweeping recommendations for reparations for war victims, action against corruption and human rights protections.

"The TRC recommendations are more relevant to the Sierra Leonean people today than the Special Court," said Oluniyi Robbin-Coker, a Sierra Leonean civil society and rights activist who has led a push for the Sierra Leone government to implement the TRC recommendations.

TRC Chairman, Bishop Joseph Christian Humper added that their report must not remain mere words on paper. "For us to leave it on the shelf would mean business as usual."

Successful experiment?

Debate continues over whether running the court and the Truth Commission at the same time is the best approach. Some observers say citizens did not fully understand the roles and interaction of the two bodies. Despite the court's limited mandate to try only a handful of the worst offenders, many combatants guilty of offences were afraid to speak to the TRC for fear of indictment.

For many, like human rights activist and former head of the national forum for human rights, Joseph Rahall, running the two at the same time is not the way to go.

"It undermined the ability of the TRC to actually get the information it could have gotten, if the Special Court had not been operating, because many of the combatants shied away from giving testimony at the TRC," Rahall said. "Reconciliation was not achieved for a lot of these combatants because they did not come out and confess and ask for forgiveness. They are still finding it difficult to go back to their communities."

A civil society coalition in Sierra Leone - the Working Group on Truth and Reconciliation (WG) - says efforts to clarify the relationship between the TRC and the court did not succeed. "Every Sierra Leonean we interviewed referred to the way in which ordinary people were confused by the relationship between the two institutions until very late in the TRC process, fearing indictment by the Special Court should they cooperate with the TRC," the WG said in a report entitled "Searching for Truth and Reconciliation in Sierra Leone".

Sierra Leonean student, Josephus Williams, agreed: "If it was the TRC before the Special Court then maybe a number of rebels would have come forward to tell us what happened in the bush."

In an interview with the civil society group that questioned Sierra Leoneans in 2005 about the process, one woman said: "I was told by the elders that I would go to prison if I gave a statement to the TRC. There is no support in the village for the Special Court. I now regret not talking to the TRC. I would still like to tell my story."

Sierra Leone's simultaneous approach was seen as a potential model for other post-conflict settings, but the civil society group cautions that it should not automatically be seen as the best route. "We are worried that an 'official view' may take shape at the international level that the 'experiment' was a success and that concurrence will uncritically be endorsed as 'best practice,'" the WG report said.

The civil society working group says it hopes its report will be just the first step "to what should be a much wider and deeper debate in Sierra Leone and internationally".

Some in neighbouring Liberia, which launched its own Truth Commission in June, are calling for a tribunal to run at the same time. Sierra Leone TRC chairman, Humper, says Liberians must study lessons learned from Sierra Leone and other countries, and choose the best approach for Liberia based on its own circumstances. "They have to decide on the right route to sustainable peace and development and lifting up the masses."

Whatever the observers' view of running the two bodies concurrently, most see both mechanisms as critical to healing and progress.

"The TRC and the Special Court are on a journey," Humper said. "They are moving in one direction: a place called 'justice and peace'. But they are taking two different routes." He said the two can be effective simultaneously if the people are properly educated about their roles. He added that the two bodies must be given equal attention: "Then and only then will we arrive at our destination."

Rights activist Rahall agreed: "Both mechanisms are vital. Impunity had taken over the country, so for it to be gotten rid of was vital."

Arrest, trial of 'local hero' sows dismay

The Special Court engendered scepticism among some Sierra Leoneans, with the 2003 arrest and subsequent trial of Samuel Hinga Norman, who led a civil force against rebels bent on toppling President Ahmad Tejan Kabbah. The court is trying leaders from all three of the main warring factions: the Revolutionary United Front (RUF) rebels, the rebel Armed Forces Revolutionary Council, and the pro-government Civil Defence Forces (CDF).

Hinga Norman led the CDF militia, made up mostly of traditional hunters who battled alongside Kabbah's soldiers. While the militia is charged with torturing and killing civilians during the war, Hinga Norman's arrest sparked debate over the legitimacy of the court and its mandate. Many see Hinga Norman as a local hero who fought off the dreaded RUF rebels, and think he should be congratulated, not condemned, whatever the CDF's methods.

"This is why I do not like the Special Court," said Mabel Sesay, a trader in Sierra Leone. "You mean the man who sacrificed his life to save us is the one they have arrested?"

In 2004, the then deputy prosecutor Desmond de Silva, spoke of the Hinga Norman trial controversy, and told the BBC: "I'm afraid you can fight on the same side of the angels and nevertheless commit crimes against humanity."

Student Williams - who claimed that he suffered at the hands of the Kamajors, the largest group within the CDF - said no matter one's cause, the killing and maiming of innocents must be punished. "I cannot argue the issue of who bears the greatest responsibility, but nobody has the right, no matter on what side you are fighting, to take the life of innocent people - if you do that then you must pay."

Miles to go to justice, peace

Meanwhile, countless wrongs must be righted in Sierra Leone. Unemployed youths continue to roam the streets, and amputees - shocked and angry that the very ex-combatants who hacked off their limbs have seen more benefits than they have - are still fighting for a satisfactory compensation package. According to Humper, frustrated former fighters, without a path to reintegrate into society, are "a threat to security".

Transparency and accountability in government remain fairly weak, said Marieke Wierda, the Sierra Leone expert with the New York-based International Center for Transitional Justice. And national rights activists say the government has yet to put in place a viable TRC follow-up process and human rights commission. The civil society working group says in its report: "If there is not a credible and effective follow-up phase, many Sierra Leoneans will legitimately ask whether the TRC was ever more than an expensive 'talking shop'."

Integrated Regional Information Network (IRIN)

Friday, 4 August 2006

Post-War Justice Stirs Division

The impending trial of former rebel leader and ex-Liberian president Charles Taylor for war crimes committed in neighbouring Sierra Leone has divided his countrymen on how best to pursue justice after 14 years of brutal civil war.

The March arrest of the charismatic strongman, who still has many supporters in Liberia, was internationally hailed as a major step towards ending the culture of impunity in Africa.

"Taylor's trial should send a strong message around the continent and around the world that warlords in other parts of Africa cannot assume they will get away with their crimes and that impunity will not be allowed to stand," said UN Secretary-General Kofi Annan on a recent visit to Sierra Leone.

But in Liberia, many feel that the search for justice has only just begun with the launch of a new Truth and Reconciliation Commission (TRC) in June. The commission, opened by President Ellen Johnson-Sirleaf, is to investigate 24 years of instability and seek out the root causes of the civil conflict.

The nine-member commission has begun seeking information on gross human rights abuses ranging from murder to sexual violence on the basis of voluntary statements.

Like the TRC in neighbouring Sierra Leone, which wrapped up hearings from that country's decade-long civil war in 2004, Liberia's TRC cannot submit actions for prosecution.

However unlike its Sierra Leonean counter part, the Liberian commission can summon people to testify.

Fighting in Liberia left hundreds of thousands dead and forced 300,000 more men, women and children to run for their lives, sheltering in refugee camps across West Africa. Many have yet to return home nearly three years after Taylor stepped down as president under international pressure led by the US.

Liberia now has its first elected government since the war ended. Sirleaf, Liberia and Africa's first elected woman president, recently told IRIN that Liberia's TRC is not just about justice but reconciling the war-battered country.

Breaking the silence

To encourage Liberians to come forward and tell their stories, a sign at the creaking metal entrance gate to the commission's temporary offices explains: 'The TRC is not a court, and cannot send you to jail'.

Inside, Chairman Jerome Verdier said the commission would seek access to Taylor if considered necessary to the fulfilment of its duties, but he warned it was "myopic" to reduce all of Liberia's problems to one man.

"We Liberians understand that the conflict didn't start with Charles Taylor," Verdier told IRIN. "It has deep historical roots and in finding a durable solution we have to review the past and we have to have all the Liberians on board."

"What is essential now is a process that gives Liberians the opportunity to search their hearts, revisit the past and correct those historical wrongs that have impacted the current situation as a way for laying the building blocks for the future," he said.

The commission was created under a peace deal signed in August 2003 by Liberian warring parties and civilians. Delegates initially rejected establishment of a Sierra Leone-style war crimes tribunal, under whose jurisdiction Taylor now must stand trial.

Opening old wounds?

At the end of two years, the TRC is expected to make recommendations for reparations to victims and proposals on how to proceed with the justice process. A further tribunal based on the TRC findings has not been ruled out.

But some believe the 24-month mandate of the TRC is too short to achieve its goals, even if the government exercises its right to extend the TRC mandate by three months. They warn that airing Liberia's past atrocities without redress will only open old wounds.

"Will the true victims come forward, and will what they reveal lead to justice or to more bitterness, feelings of betrayal and unfulfilment?" an editorialist of the daily Analyst newspaper wondered at the official launching of the TRC last month.

Others say there is no use in documenting human rights violations in the past as long as the abusers remain at large. They say that perpetrators could easily seek revenge on those who tell their stories to the TRC.

"Why should I go tell who killed my brother 10 years ago?" a Liberian citizen who declined to be named told IRIN. "Why should I risk having my door kicked in at night by his cronies?"

Many Liberians are now backing a campaign led by a group named Forum for the Establishment of a War Crimes Court in Liberia, which has filed a petition that will be discussed at the Liberian Upper House this month. The Forum says Liberia should have its own war crimes tribunal working alongside the truth commission, much like in Sierra Leone.

"Paradoxically, there were fewer people killed in Sierra Leone than in Liberia, but Sierra Leone has a war crimes court and we do not. So we think the international community has a responsibility to establish a war crimes court here," said Forum representative Mulbah K. Morlu as he sat in a noisy, overcrowded backyard where the group regularly meets to plan its campaign.

Others need to be tried

The trial against Charles Taylor will not resolve Liberia's problems until other war criminals who have retained influential positions in the country are also brought to justice, Morlu said.

Several notorious militia leaders, including Adolphus Dolo, also known as General Peanut Butter, and Prince Johnson, who has been accused of rape and murder, were elected to seats in parliament in elections last year.

"Taylor was not just taken to court because of what he did in the past, but because of his potential to wage war in the future," Morlu said. "We need to cleanse this society of extremists: people who we believe still possess the military potential to foment war in this country."

"You can't put the past behind you if individuals who committed mayhem are riding around in luxurious cars and are trying to evade justice by finding security behind the corridors of power. Until these people are brought to court, there is no assurance that we won't go back to war."

The Forum is not alone in calling for a broader justice for Liberia. Ironically, many of Taylor's ex-combatants say it is unfair their leader is awaiting trial while those who took up guns to topple him remain free.

"Taylor is arrested, but why are the rebel leaders who destroyed the country not arrested?" said a Taylor supporter known as Gola Ray, who said he was concerned about his safety. "They should go to court too."

Some international human rights activists agree. The former prosecutor of the Special Court in Sierra Leone, David Crane, recently called for the establishment of a regional 'hybrid war crimes tribunal', saying the international community should consider extending the mandate of the Sierra Leone court to cover Liberia and Cote d'Ivoire, divided since rebels seized the north nearly four years ago.

Referring to the victims of the Liberian civil war, Crane said: "We cannot walk away from 600,000 human beings. The ultimate atrocity in my mind is that we don't do something and that these people go quietly into the night and that there is no record of their horrible deaths."

Sirleaf cautious

But others insist that Liberia's peace is still too fragile to begin hauling prominent criminals to court. They say a war crimes tribunal would fuel political tension and put the new government under undue pressure.

President Sirleaf says there is time yet. Justice is "a two-step thing", she told IRIN and a tribunal could be discussed after the TRC completed its two-year mandate.

"Our first step is to find the means to rehabilitate those who were conscripted into war," Johnson-Sirleaf said, referring to the thousands of child soldiers who were forced to fight. "Then we can talk about who should face a court."

"It's not a question of undermining justice. We are trying to find a balance between justice on the one hand, and reconciliation on the other."

Integrated Regional Information Network (IRIN)

Friday, 4 August 2006

The Price of Healing

A joke used to circulate among more cynical aid workers about the international community's attitude to justice. It said that if you commit one murder you get sent to trial and prison. If you commit ten, you get sent to an insane asylum. If you commit ten thousand you get sent to Geneva for peace talks.

That joke no longer holds true in the age of international justice that now exists. In the 1990s, international criminal tribunals were set up to try those responsible for war crimes, crimes against humanity, and genocide that occurred in the former Yugoslavia, the International Criminal Court for the former Yugoslavia (ICTY), and in Rwanda, the International Criminal Court for Rwanda (ICTR). In 2002, the International Criminal Court (ICC), the first permanent war crimes tribunal, came into being, heralding the end of impunity.

An enormous amount of money is now spent on the pursuit of international justice. In his 2004 report to the Security Council, Kofi Annan, the Secretary General, admitted that the two ad hoc criminal tribunals set up to try those accused of human rights violations in Rwanda and the former Yugoslavia had "a combined annual budget exceeding a quarter of a billion dollars - equivalent to more than 15 percent of the Organisation's total regular budget". The figure has since risen: the budget for the ICTY alone for 2006-2007 is over \$275 million. As Carla del Ponte, the Chief Prosecutor of the ICTY admitted "Justice is not cheap". The question is whether this level of expenditure can be justified when there are so many ways that those sums of money could be otherwise spent.

Comparative costs

The cost of war in Iraq has been estimated at costing the USA up to \$230 million per day, i.e. almost the annual budget of the ICTY. The cost of collecting garbage in New York alone is more than the annual UN regular budget. And in terms of the relative cost of justice, the international courts are not more expensive than some domestic trials. As Paul van Zyl, Director of Country Programmes at the International Center for Transitional Justice, told IRIN: "If you compare dollar for dollar the amount that it costs to convict the most senior people before the ICTY, with what it costs to convict for example a Mafia boss in the United States or the prosecution of Timothy McVeigh, the Oklahoma City bomber, the amounts are comparable." It is also important to remember the crimes that the people being tried are alleged to have committed: massacres, genocide, systematic rape and torture. In national courts, we expect lesser crimes to be thoroughly investigated and prosecuted. Should a different level of justice be applied externally?

As Paul van Zyl points out: "Most people would balk at the idea that you should not prosecute mafia crime lords on the basis that it is too expensive. When you look at the kind of people who are being prosecuted before the ICTY and the ICTR, they are responsible often for tens, and sometimes hundreds, of thousands of deaths."

Money well spent?

Allegations are sometimes made that the money expended on these tribunals could be better spent on infrastructure in the communities most affected. Corinne Dufka, of the nongovernmental organisation (NGO) Human Rights Watch, acknowledges that victims of decades of abusive governance or war would often prefer that the money be spent on their day-to-day needs, but adds "that should not be the indicator. There has to be big picture thinking. That includes helping people understand how important justice is for the longer term".

Justice Geoffrey Robertson, QC a human rights lawyer and formerly judge at the Sierra Leone Special Court, refutes the argument from a different angle: "the money that is being invested in global justice would simply not be

made available for infrastructure or policing or even for compensation for victims". He believes that if international justice provides some closure to victims and deters others in the future, even to a limited extent, then this "is money well spent".

The reason for the size of the expenditure is that the cases that are being brought are highly complex. They often involve multiple defendants, hundreds of witnesses and wide-ranging investigations, often not conducted in the first language of the witnesses. The wheels of law are famously slow to turn, and so much more so when they are dealing with subjects of this magnitude. Yet some observers feel that perpetrators of crimes against humanity do not deserve such detailed and costly attention to due process and their rights, especially given how little they observed the human rights of others.

Justice that they themselves denied

Some question whether alleged perpetrators of atrocities should be provided with a standard of justice that they themselves denied their victims. Even Amnesty International, an NGO which investigates human rights abuses and advocates against them, argued at the time that the Rome Statute was being drafted (the statute which created the International Criminal Court), that alleged perpetrators should be denied the standard defences of duress, necessity and self-defence. Justice Geoffrey Roberston QC points out in his book "Crimes Against Humanity" that "What was truly ironic was their zeal for a court so tough that it would actually violate the basic human rights of its defendants".

Such arguments can justify much less costly alternatives. Nicolae Ceaucescu, the former dictator of Romania, was hurriedly tried and convicted before a domestic military court on 25 December 1989, before being shot, along with his wife, by a firing squad. Rounding up and summary execution was also Winston Churchill's preferred method of dealing with the Nazi commanders after World War II, though this method was overruled by the US, France and Russia.

This method of dealing with those responsible for human rights abuses has the benefit of being quick and cheap. However, it does not comply with basic legal procedures of hearing evidence and judging guilt or innocence. In societies which have been affected by conflict or brutal regimes, and which are undergoing a process of transition to stability, the establishment of a rule of law, and the following of a legal process, is of paramount importance. As Dennis McNamara, UN Special Adviser on Internal Displacement, told IRIN: "Post-conflict countries are often in the mess they are in because of a lack of a functioning legal system to protect civilians. "

If a functioning legal system is a prerequisite for law and order to prevail, it requires more than simply conducting a trial of the head of state under internationally respected legal norms. A thorough investigation of abuses is necessary in order to remove those responsible from all levels of power. The Sierra Leone Truth Commission Report emphasised this aspect of the judicial process: "One of the objectives of the Court was to break the command structure of the criminal organisation responsible for the violence." This not only makes the perpetrators publicly accountable but also serves to build a public perception of confidence in the legal system, demonstrating that the old guard are no longer in control. The very process of justice can play an important part in healing the wounds of a society and publicly underlining that a change has taken place.

A healing process

In addition to the need to establish law and order, investigations can themselves contribute to the healing process. Indeed, truth commissions - accompanied by judicial enquiry - can unearth evidence as to what occurred. This has been proven to help victims in that it provides recognition of their suffering and sometimes even helps them to find the bodies of loved ones; it also provides a testament which discourages any revisionist history. Survivors are often afraid that what they experienced will be forgotten or denied. Augustin Nkusi, a Director at the National Service for Gacaca Jurisdictions in Rwanda makes the point with respect to the ICTR: " There is a need for what happened in

Rwanda to be recognised at an international level to avoid any revisionist history. It is a great testimony to what happened."

In effect, investigating, arresting and punishing individuals found guilty of abuses seems to help societies to make the transition to a peaceful existence. In that context, the cost of enforcing international justice is dwarfed by the cost of not doing so, ongoing conflict and war, and the ensuing developmental cost that conflict entails.

But justice is a slow process. The ICTY and the ICTR still rumble on. The numbers of people convicted during the 12 and 13 years respectively since the tribunals were established are not impressive. At the ICTR, 15 people have been found guilty and a further eight are appealing their convictions. At the ICTY, 42 people have been found guilty with a further 12 still appealing their convictions. Slobodan Milosevic, the former President of Serbia, died in March 2006, near the end of a three year trial, fuelling the concern that the millions of dollars expended on his trial were a waste of money.

The cruel joke of deterrence?

Aside from justice, a commonly cited justification for the costs involved in bringing criminals to the dock, is that it may deter future perpetrators, saving money in the longer term. The argument is that the prospect of accountability acts as a deterrent.

John Bolton, the US Ambassador to the UN, has countered this suggestion: "Why should anyone imagine that bewigged judges in The Hague will succeed where cold steel has failed? Holding out the prospect of ICC deterrence to the weak and vulnerable amounts to a cruel joke."

The fact that the Lord's Resistance Army (LRA) in Northern Uganda is still forcing children into becoming soldiers, and making sex slaves of others, despite the issue of warrants by the ICC for the arrest of the top five leaders, seems to validate Bolton's point. As does the continuing genocide in Darfu, western Sudan, where ICC investigations are ongoing.

Paul van Zyl told IRIN that it was "important not to overstate the deterrence argument. Human rights advocates can afford to be honest and say that in some contexts it will deter and in some contexts if you manage to incarcerate some perpetrators that will have an effect".

Referring to Joseph Kony, the leader of the LRA and Slobodan Milosevic, he went on: "You also have to bear in mind the kind of people who international tribunals go after. People who are inclined to commit genocide and other atrocious crimes are not the most deterrable kinds of people."

Alternatives

Having funded both the ICTR and the ICTY, the cost of justice is a concern that the UN is aware of. As Kofi Annan pointed out in 2004, "Partly in reaction to the high costs of the original tribunals, the financial mechanisms of the mixed tribunals for Sierra Leone and for Cambodia have been based entirely on voluntary contributions." That is to say, money which individual donor countries have given.

However, the problem with voluntary contributions is that they may not always be forthcoming and that politics is often brought into play.

The Khmer Rouge trials are an example of a process that has suffered under what Kofi Annan termed "the vagaries of voluntary financing". Cambodia was meant to provide \$13 million of the proposed budget of \$56.3 million, but has so far been unable to do so. When Japan came forward in June 2005 to provide the shortfall, cynical commentators suggested that this was part of Japan's bid for a permanent seat on the Security Council. Whether or

not that is true, the spectre of politics which consistently plagues the quest for international justice, again entered the debate. The US, by contrast, has been criticised for its failure to provide any funding for the trials, despite its involvement in that region at the time. Comparison has been drawn between its enthusiasm for the Iraqi Special Tribunal, which was set up to try Saddam Hussein and his accomplices and has received \$128 million from the US, and its attitude to the Khmer Rouge trials. There have however been suggestions recently from Ambassador Pierre Prosper, from State's Office of War Crimes Issues, that the US might contribute financially to the Khmer Rouge Tribunal if it shows itself to be "independent" and up to "international standards".

Justice on the cheap

The first hybrid tribunal to be set up was in Dili, East Timor. In 1999, in the lead up to and aftermath of a referendum on the independence of East Timor from Indonesia, there was widespread killing, rape and destruction in the region. The UN Security Council authorised the establishment of the UN Transitional Authority for East Timor (UNTAET) on 25 October 1999. UNTAET then promulgated a law in 2000 giving the Dili District Court authority to investigate genocide, war crimes, crimes against humanity, sexual offences and torture which occurred in East Timor between 1 January 1999 and 25 October 1999.

Though there is less information on this topic than other tribunals with an international dimension, the trials conducted there have not been widely held to be a success. Two major criticisms have emerged. Firstly there has been a failure to prosecute any of the "big fish" responsible for orchestrating the violence: those prosecuted have been middle or low-ranking perpetrators. Secondly, the attempts to attain justice have been frustrated by a crippling lack of funds.

The annual budget for the Dili District Court in 2001 was, according to David Cohen, author of a report entitled 'Seeking Justice on the Cheap', a mere \$6.3 million. Of this, \$6 million was allocated to the prosecution and only \$300,000 to the tribunal itself, most of which was spent on the salaries of the international judges. According to the report, there were no law clerks, administrators, researchers or even qualified translators. At the time he reported there was not even a functioning Appeals Chamber. This meant that proceedings were often chaotic and sometimes fell short of what might be called internationally accepted standards. There was no mechanism for producing transcripts, without which an appeal process is almost impossible. As Mr Cohen points out: "Without an official record of the trial how can defence counsel make a case and how can the Appeal Chamber review it?"

The defence were even worse served in terms of budget. Unlike the prosecution there was no money for them to cover the expenses of bringing witnesses to trial. As a result in the first fourteen cases heard, not one witness for the defence was called.

The failure in Dili to achieve a credible examination of the events of 1999 or a credible prosecution was exacerbated by the concurrent proceedings in Jakarta, Indonesia. The Indonesian Human Rights Commission had found evidence that high level Indonesians had been funding and instigating the atrocities in East Timor. Cases were brought before the courts, but few of the major players were convicted. Furthermore, the Indonesians refused to hand over any indicted persons to the Dili courts. A UN Commission of Experts sent in to examine the Indonesian proceedings, reported to Kofi Annan in 2005 that they had fundamental concerns and suggested that several of the trials should be re-opened. Kofi Annan has so far failed to respond to the report.

An open letter to Kofi Annan of 24 March 2006, written by a coalition of human rights organisations stated that "the demand for justice and accountability remains a fundamental issue in the lives of many East Timorese and a potential obstacle to building a democratic society based upon respect for the rule of law and authentic reconciliation between individuals, families, communities and nations."

The budget of the UNTAET-sponsored court in East Timor is dwarfed by the amounts spent on other tribunals. The Sierra Leone Special Court has an annual budget of approximately \$100 million. As mentioned, the ICTY

biennial budget now exceeds \$250 million. If justice is to be equally applied in all instances, and if defendants are to be provided with a credible attempt to defend themselves, then perhaps it is true that assessed contributions remain necessary, and that "the vagaries of voluntary financing" cannot be relied upon.

Money talks

The effect of finance on international justice extends beyond the courtroom: it can also have a role in actually bringing those most responsible for human rights abuses to the court.

The arrest of Slobodan Milosevic in April 2001 and his extradition to the ICTY is widely believed to have come as a result of financial pressure exerted upon Serbia by the US. Janes' Intelligence Review, an intelligence gathering service, reported that the US Congress had threatened to block a \$100 million aid package to Serbia if Milosevic was not handed over.

The European Union has also been using the language of finance and commerce to apply pressure to the Serbian authorities to hand over another suspected war criminal, Ratko Mladic. On 3 May 2006, it called a halt to talks on Serbia's proposed accession to the European Union. The Chief Prosecutor at the ICTY, Carla del Ponte said: "The obvious conclusion I can draw is that I was misled when I was told at the end of March that the arrest of Mladic was a matter of days or weeks."

The EU Enlargement Commissioner Olli Rehn confirmed the suspension of negotiations, saying: "I must say that it is disappointing that Belgrade has been unable to locate, arrest and transfer Ratko Mladic to The Hague. The Commission is ready to resume negotiations as soon as Serbia accedes full co-operation."

Few proponents of human rights are disturbed at this use of finance to draw out suspected criminals. Alison Smith, of the NGO No Peace Without Justice, is sanguine on the matter:

"We take the view that if it gets them there, then that's the important thing. It does not sully justice, it helps it along. If one motive for their handover is to get aid, then that's just the way it is."

Justice at any price

On a BBC website which posed the question: "Do you believe justice is worth pursuing at any price?", Blessing Ruzengwe of Zimbabwe had this to say: "Where there is poverty there is no justice. You have to address poverty first." Another person added: "Justice is a luxury for Africans."

The headline figures of a quarter of a billion dollars expended every two years on just one international tribunal while people go starving fuel this perception. But can justice ever be considered a luxury or is it a prerequisite for a civilised and ordered society? If Churchill had had his way and money had not been spent on the Nuremberg trials, international law would not have the concept of individual accountability for acts committed supposedly on behalf of the state. That would mean that those who ran the concentration camps and gassed prisoners would not have been legally liable for their actions; and that those who ran Interahamwe death squads in Rwanda could claim they were just following orders. Spending money on justice is spending money on infrastructure: not the infrastructure of roads, but the building blocks of a society where human rights violators are made accountable. As Corinne Dufka, of the NGO Human Rights Watch, points out: "Justice is an essential pillar of a stable democracy."

Associated Press

Sunday, 6 August 2006

Activists want Charles Taylor's son tried for war crimes, torture

By Curt Anderson, AP Legal Affairs Writer | August 6, 2006

MIAMI --Charles McArthur Emmanuel, the son of Liberia's former president and alleged warlord, sits in a jail cell awaiting trial on passport fraud charges. But human rights activists and Liberians say the man better known as "Chuckie" Taylor should face U.S. war crimes and torture charges from his days as a right-hand man for his father.

"Chuckie was a very feared and dangerous person," said Hassan Bility, a Liberian journalist and critic of former President Charles Taylor. Bility, who now lives in Boston, was jailed by the regime for six months in 2002. "There are a lot of stories, and the first thing they are going to talk about is his sheer wickedness."

Emmanuel was arrested March 30 at Miami International Airport after arriving on a flight from Trinidad. Prosecutors say he lied on his passport application about the identity of his father, who was arrested the day before in Africa and is awaiting a United Nations war crimes trial for alleged atrocities during neighboring Sierra Leone's civil war.

The elder Taylor -- a former Bentley College student who once escaped from a Massachusetts jail -- also has been linked to killings, kidnappings, torture and other violence in Liberia, where his son headed an elite paramilitary unit blamed for many of the alleged atrocities that was widely known as the "Demon Forces."

Before joining his father in Africa, Emmanuel also had a lengthy juvenile arrest record in the early 1990s growing up in the Orlando area, according to records filed in the federal case. Among the charges: assault and battery, auto theft, robbery, resisting arrest and grand larceny.

One Florida mental health assessment of Emmanuel in 1994, when he went by the name Roy Belfast Jr. after his stepfather, said he had "an extensive history of aggressive criminal charges" and "problems with anger control." Echoes of those findings would occur later when he ran the 800-man Anti-Terrorism Unit for his father in Liberia, activists and Liberians say.

When he was arrested at the Miami airport, investigators found dozens of pages of Emmanuel's writings that appear to be rap lyrics and are filled with violent imagery and obscenities. There are several references to the ATU and such lines as "we ain't takin' no slack/ya'll try to tackle mine/layin bodies in stacks" and "take this for free/six feet under is where you gonna be."

A report by Human Rights Watch described the ATU as a force created by Taylor shortly after he became Liberia's president in 1997 that was involved in abuse of civilians, extortion, looting, murders, recruitment of child soldiers and torture.

Bility, who formerly worked for Liberia's *The Analyst* newspaper, cited several specific instances in which Emmanuel was allegedly involved or oversaw killings, rapes, beatings and torture. The ATU, he said, was essentially a "hit squad" operated at Taylor's behest.

"Anything the president perceived as a threat to him or to the state, they took care of that," Bility said.

Some torture victims were held in water-filled holes in the ground, "beaten and sexually abused, and forced to drink urine and eat cigarette butts," the Human Rights Watch report found.

"Chuckie Taylor (Emmanuel) is implicated in heinous abuses against Liberians," said Elise Keppler, counsel for Human Rights Watch's International Justice Program. "The Department of Justice should investigate his links to these atrocities with a view toward prosecuting him."

Because he was born in the United States, Keppler said, Emmanuel could be prosecuted under federal laws making it a crime for a U.S. citizen to commit torture or war crimes abroad. These laws have rarely if ever been used, she said.

Justice Department officials in Washington and federal prosecutors in Miami declined comment on whether such charges will be brought against Emmanuel. His court-appointed lawyer in the Miami passport fraud matter, Miguel Caridad, also would not comment.

Emmanuel was born in 1977 in Boston to Taylor -- then an economics student at Bentley College-- and Bernice Emmanuel, who was Taylor's girlfriend. She later married a Trinidad-born man named Roy Belfast, leading young Emmanuel to adopt his stepfather's name after they moved to the Orlando area in 1987.

Efforts to reach Belfast and Bernice Emmanuel, who divorced in 2004, were not successful. But U.S. Immigration and Customs Enforcement agents say that Emmanuel joined his father in Liberia in 1997, a few years after his string of arrests as a teenager in the Orlando area. He then began using the name Charles "Chuckie" Taylor Jr.

On Emmanuel's application in March for a U.S. passport, he identified his father as "Steven Daniel Smith" rather than Taylor or Belfast, according to ICE officials. That led to the passport fraud charges.

Taylor's time in the United States ended in 1985, when he escaped from a jail in Plymouth, Mass., while awaiting extradition to Liberia to face embezzlement charges. He turned up in Liberia in 1989, leading a rebel group against President Samuel Doe and sparking a seven-year civil war that claimed some 250,000 lives.

Taylor was elected president -- one campaign slogan was "he killed my ma, he killed my pa, but I will vote for him" -- and took office in 1997. He fled Liberia in 2003 after his indictment by the special Sierra Leone court.

Because of his role as chief of Taylor's ATU, Emmanuel or "Chuckie" was placed on a U.N. restricted travel list and is on the U.S. Treasury Department's list of some 3,500 people who are prohibited from doing business with U.S. citizens and whose assets in this country can be frozen.

As it currently stands, Emmanuel is scheduled to stand trial on the passport charge in September.

Curt Anderson has covered legal issues in Miami and Washington since 2002.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 5 August 2006

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

International Clips on Liberia

AP 08/05/2006 01:01:36

Activists want Charles Taylor's son tried for war crimes, torture

By CURT ANDERSON

MIAMI _ Charles McArthur Emmanuel, the son of Liberia's former president and alleged warlord, sits in a jail cell awaiting trial on passport fraud charges. But human rights activists and Liberians say the man better known as "Chuckie" Taylor should face U.S. war crimes and torture charges from his days as a right-hand man for his father.

LEBANON-LIBERIA: Lebanon Diary Part X

[This report does not necessarily reflect the views of the United Nations]

BEIRUT, 4 Aug 2006 (IRIN) - Saide Chaar and 22 other Liberians and Lebanese-Liberians have been seeking a way out of Beirut for nearly three weeks. They are among some 50 Liberians trapped in the besieged city. Unlike Western countries that are evacuating their nationals, Liberia's recently elected post-war government was unable to offer help to its citizens. The International Organization for Migration (IOM) is helping migrant workers, many of whom are African, to travel to Syria and then onward to their countries of origin.

International Clips on West Africa

COTE D IVOIRE: Disarmament suspended as militia fail to turn in arms

[This report does not necessarily reflect the views of the United Nations]

ABIDJAN, 4 Aug 2006 (IRIN) - A scheme to disarm pro-government militia in war-divided Cote d'Ivoire was suspended on Friday when fighters signed on to the plan but failed to hand in enough weapons, the United Nations peacekeeping mission said. The UN mission, ONUCI, said in a statement that 930 fighters in the government-run west of Cote d'Ivoire had disarmed but that only 90 weapons had been turned over, as well as 5,107 rounds of ammunition.

UN worried by small number of arms handed over in disarmament

By Christophe Kofi

GUIGLO, Ivory Coast, Aug 4, 2006 (AFP) - The United Nations mission overseeing the fragile peace process in Ivory Coast expressed alarm on Friday at the meager quantity of weapons handed in since a disarmament process began 10 days ago. Gaston Ouassenan Kone, the retired Ivorian army general heading the national disarmament programme, told reporters that 937 militia members had handed in their arms.

Local Media – Radio Veritas *(News monitored yesterday at 6:45 pm)*

Armed Robbers Attack Special Security Services Director Again

- Police sources said that armed robbers have for the second time attacked the home of the newly appointed Director of the Special Security Service (SSS), Christopher Massaquoi in Paynesville. Mr. Massaquoi's home was attacked the first time by suspected armed robbers three days after he had been appointed to the position.
- In the latest attack which occurred today, the alleged attackers shot dead, Emmanuel Williams, an SSS officer assigned to Mr. Massaquoi.
- Senior security officers including Liberia National Police Inspector-General Munnah Sieh had converged on Mr. Massaquoi's premises to investigate the incident.

(Also reported on ELBS and Star Radio)

Political Party Unhappy about Liberia's State of Affairs

- In its press statement issued in Monrovia yesterday, the opposition True Whig Party said that it was deeply worried over recent developments in the country including the recent fire incident at the Executive Mansion and the attacks on the home of Special Security Service Director Christopher Director in Paynesville. The Party described the episodes as diabolical to the country's security.
- However, the TWP said that it disagreed with the government's intention to recruit Unity Party members to form part of the Special Security Service at the Executive Mansion.

(Also reported on ELBS and Star Radio)

Poultry Products from Neighbouring Countries Unsafe to Eat

- Assistant Agriculture Minister for Technical Services Solomon Williams warned the public against eating poultry products from Nigeria and Côte d'Ivoire because the government could not guarantee the safety of poultry products from those countries.
- Assistant Minister Williams told journalists in Monrovia that surveillance and monitoring teams have been constituted to report any outbreak of bird flu in the counties.

(Also reported on ELBS and Star Radio)