

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



Children at the War Wounded Camp in Grafton

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:

Tuesday, 7 August 2007

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

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For di People
Tuesday, 7 August 2007

Special Court Nails Kondewa & Fofana

SUMMARY OF Judgment was yesterday 2 August 2007, pronounced by the UN Special Court for Sierra Leone presided by Justices Benjamin
Continued Page 3

Special Court Indicts CDF Kamajors

From Front Page
Mutange Itoe, Bankole Thompson and Piere Beutet on two out of three CDF indictees.

Chief Samuel Hinga Norman who happened to be the first accused's trial was terminated by reason of his death after both the prosecution and defense have closed their case. CDF accused, Moinina Fofana and Aliou Kondewa, second and third respectively, faced an eight-count indictment for war crimes, crimes against humanity, violation of Article 3 of the Geneva Convention and international humanitarian law.

Presiding Judge Itoe told the Court that Norman according to records, was the national co-ordinator of the CDF while Fofana and Kondewa were director and chief priest, respectively.

That defense for Norman filed an appeal before his death but the appeal was over ruled for want of merit, the Judge said and that the evidence adduced by the

prosecution on Count 1 and 2 were insufficient to merit guilt. At Tongo Field, the Judge said Norman gave instructions for the 'Black December' which took place by Kamajors at Base Zero.

That Norman's instruction had an effect in the commission of crimes in Tongo Field, that both Kondewa and Fofana are collectively responsible for crimes committed by the Kamajors on civilians. That Norman gave instructions to attack Koribondo and burn all houses and spare the church, mosques and court barray. He said that a lot has been spent on the plan to take over the township and in the process 25 houses were burnt down, soldiers' wives were killed and five

Limbas were singled out and brutally killed.

The Judge said Fofana as superior had right to take disciplinary action on subordinates but did nothing to stop the destruction of lives and properties at Koribondo, in Bonthe and that he was aware of civilians being singled out for punishment as collaborators.

The act of looting in Moyamba is sufficient enough to hold Kondewa responsible by using a looted vehicle, that Kondewa is criminally responsible for the recruitment of children under fifteen as child soldiers.

Fofana was found guilty on Court 2, 4, 5 and 7 while Kondewa was guilty on Court 2, 4, 5, 7, and 8 of the indictments.



BEREWA:price Kamajors pay for SLPP democracy

Call For PLP To Ceasefire



PLP Spokesman Calls for Unity
 - Saturday 4 August 2007.

Credit: www.thepatrioticvanguard.com

The North America representative of Sierra Leone's People's Liberation Party (PLP), Danfa Williams Kabia, has called on that party's supporters in and out of Sierra Leone to forget their differences and rally behind their leader Dr. Kandeh Baba Conteh.

Danfa cannot say whether former PLP leader Johnny Paul Koroma(photo) is alive or not and preferred not to discuss him further. There are conflicting reports about JPK's fate or situation. Some reports say he had been killed by Taylor's men in Liberia but nobody knows where he is buried. Others say he is very much alive, hiding somewhere.

Koroma was the leader of the AFRC junta that overthrew the SLPP government and ruled Sierra Leone

more in page 2

PLP Unity *from front page*

from May 1997 to February 1998 when it was removed from power by a combination of civil defence forces and West African troops. Some sources say mercenaries from Sandline International also participated.

The PLP did relatively well in the 2002 elections, managing to win a few seats in parliament. It enjoys a lot support from the army but it is currently suffering from a power struggle within its ranks with the disappearance of Johnny Paul Koroma (who has been indicted by the Special Court for Sierra Leone) and the emergence of a new leader in the person of Kandeh Baba Conteh. Kandeh holds a doctorate in Political Science from a Russian university.

Danfa, the North America spokesman says efforts are being made to mend fences and present the party as a united front come August 11.

Awoko

Tuesday, 7 August 2007

Helicopter ban lifted

Two months after the helicopter crash, which claimed the lives of the Togolese soccer delegation, government yesterday lifted the ban it imposed on helicopter services after that tragedy at the Lungu International Airport.

A press release to the effect stated that after the tragedy, government's official investigation commenced on July 25th and the black box and cockpit voice recorder of the helicopter were sent to the Russian Federation for

decoding and deciphering.

The final report would be submitted to the government after all the analyses and investigations would have been completed.

Apart from Dr John Tambi, a qualified aviation and transport expert working in close collaboration with his counterparts from Togo did the preliminary assessment.

Dr Tambi and Mr Attiso Komlan from Togo submitted separate reports to the government and jointly recommended that an international team of investigators be set up to conduct a full scale technical

investigation of the accident.

The Sierra Leonean expert is now heading a team of international investigators comprising representatives from Togo government, the Russian Federation, the manufacturers of the MI-8 helicopter and the International Aviation Organisation (ICAO).

According to the release, two representatives from the Togolese government who are also members of the Permanent Independent Investigation Committee of Togo as well as one representative from Russian

Federation and two representatives from the manufacturers of the MI-8 helicopter are already in Sierra Leone.

Meanwhile, a team of South African airworthiness inspectors was also in the country to inspect the safety

and airworthiness of the helicopters of one of the operators that was audited by ICAO in February 2007.

The results of the inspection are satisfactory, the release emphasized, while government wants the public to note that only those

operators who fully meet all the necessary requirements set by the Department of Civil Aviation of the Ministry of Transport and Communications, are allowed to operate helicopters on a commercial basis in the country.

Patriotic Vanguard website

Tuesday, 7 August 2007

http://www.thepatrioticvanguard.com/article.php3?id_article=1596

Conference Paper on the Special Court for Sierra Leone

- Tuesday 7 August 2007.

The author of this paper (Patrick Hassan-Morlai) intends to present it at the Second Annual Conference on Empirical Legal Studies, which will be held at New York University School of Law in

By Patrick Hassan-Morlai, London, UK.

Proposed Title

“Forced marriages” and “conscripting and enlisting of children under the age of 15 years”: what precedent has the Special Court for Sierra Leone set for dealing with these offences?



Paper Abstract

Between 12th and 22nd June 2007, the author of this paper was at the Special Court for Sierra Leone researching on the topic “Evidence in international criminal trials: Lessons and contributions from the Special Court for Sierra Leone”. He witnessed the handing down of the first verdict of the Special Court for Sierra Leone on the 20th June 2007 in the AFRC Case. Accordingly, this paper is an excerpt from that research.

This paper will analyse the legal reasoning in the judgment delivered by the Special Court on 20th June 2007 with a view to identifying legal principles relevant to the offences of “forced marriages” and “conscripting and enlisting of child soldiers”. This paper will focus on whether the Special Court has been able to lay down clear guidelines that will aid future prosecutors or defence counsels to successfully prosecute or defend, respectively, these offences in international criminal tribunals.

The three AFRC accused, Alex Tamba Brima, Brima Bazzy Kamara (photo) and Santigie Borbor Kanu, were found guilty of 11 out of 14 charges. Among the charges against Brima, Kamara and Kanu include the offences of forced marriage (a crime against humanity) and conscripting and enlisting children under the age of 15 to participate in hostilities (a serious violation of international humanitarian law). The June 20 AFRC verdict has been widely welcomed. The UN Special Representative for Children and Armed Conflict, Ms Radhika Coomaraswamy notes that the Special Court’s verdict in the AFRC case marks the first conviction by an international tribunal for the recruitment and use of child soldiers in armed conflict. Ms Coomaraswamy further notes, “[t]his first verdict sends a strong signal to the perpetrators and it will have a crucial deterrence effect. These crimes have to stop. This first triple conviction will motivate the international community to pursue its fight against impunity”. On forced marriage, a commentator at the

Australian National University says “[f]or the first time in international legal history, ‘forced marriage’ is being prosecuted as a ‘crime against humanity’ in Sierra Leone’s post-conflict ‘Special Court’”.

It is acknowledged that the Special Court has made a significant contribution in recognising that these two offences now form part of the mainstream offences in international criminal law. This is a positive development to, for example, the ITCY case of Kunarac where a conviction was entered for enslavement as a crime against humanity involving rape, treatment of girls as private property and forced performance of household chores. Gender crimes are no longer limited to rape and sexual violence.

Nonetheless, recognising an offence in international law is a different issue altogether to proving successfully the elements of that offence. In the AFRC judgment, the Special Court remarks that “[t]he Prosecution evidence in the present case does not point to even one instance of a woman or girl having had a bogus marriage forced upon her in circumstances which did not amount to sexual slavery....’ and that “the totality of the evidence adduced by the Prosecution as proof of “forced marriage” goes to proof of elements subsumed by the crime of sexual slavery.’ Although the Special Court has recognised the offence of forced marriage, it found that the prosecution failed to prove the elements of this offence for a successful conviction. Instead of proving the elements of forced marriage, the prosecution adduced evidence that relating to the crime of sexual slavery (Count 7 which itself was struck off for duplicity). For this reason, the Special Court also dismissed the charge under Count 8, which is forced marriage. Justice Doherty respectfully disagrees with this finding of the majority. The Justice’s view is that “...‘forced marriage’, is of sufficient gravity to meet the requirements of an ‘other inhumane act’ as per Article 2(i) of the Statute.”

In the circumstances, this paper argues that the failure to prove successfully the elements of forced marriage limits the extent of the precedential value of the Special Court judgement in relation to this offence. This paper also argues that the fact that the offence forced marriage has been prosecuted as a separate sexual offence could not necessarily be used as a carte blanc to suggest that future prosecutions of this offence will be successful. A successful prosecution might have set such clear principles for future use in international criminal trials involving this offence. This seems to explain the SCSL Prosecutor’s resolve in appealing this aspect of the AFRC Judgement of June 20. Chief Prosecutor Stephen Rapp’s position is that the experience of women in conflict is often a lot more complex than being the victims of rape and “[t]his is why we wanted to have forced marriage recognised as a crime that took place in Sierra Leone, and we will continue to try to have this recognised beyond this appeal.”

There is also an issue relating to the mode of criminal responsibility in the AFRC case. This paper deals with, in particular, the Special Court’s findings on the issue of “the greatest responsibility requirement” in relation to child soldiers and argues that the Special Court either confuses the issues or simply meddles with aspect of these issues, which would have been better left alone. The Court agrees with the Prosecution’s interpretation that the test for those who bear the greatest responsibility is one of a prosecutorial discretion. Accordingly, as this is not one of a jurisdictional requirement, the Court accepts that the discretionary test, *inter alia*, was intended to restrict the number of accused to appear before it to a small category of individuals determined by the prosecutor and not the Court. However, the Special Court

takes the view that the greatest responsibility requirement could potentially apply to an array of individuals ranging from military and political leaders down to individuals as young as 15 years of age. It is acknowledged that the Special Court is entitled to consider its Statute in its totality when interpreting and applying any of its provisions. However, on this occasion, this paper argues that the reference to individuals as young as 15 years of age in describing the classes of people who may potentially be covered by the greatest responsibility requirement is unnecessary. All three accused persons are not aged 15 or under. Hence, it appears that the reference to individuals as young as 15 years of age is unwarranted. To make such reference after having held that the purpose of the greatest responsibility requirement is to restrict the number of accused persons, potentially creates conflict in the reasoning of the Court.

This seemingly inconsistent approach may undermine the precedential value of the AFRC judgment. This paper concludes that the AFRC judgment, though welcomed for recognising the offences of forced marriage and child conscription/enlistment; it may not necessarily be the authority for future cases involving these offences. This may only be the case following further refinements of the reasoning in this judgement on these offences in later caselaw of the Special Court or other international criminal tribunals.

Allafrica.com

Monday, 6 August 2007

Opinion

Elections Bring Hope for a Former Failed State

By Donald Steinberg

It all seems almost too normal to be newsworthy. On August 11, Sierra Leone goes to the polls to choose a new president among three candidates, all pledging to reform government, create jobs, address health and education, and expand the economy.

For most countries, this would hardly merit outside attention. But Sierra Leone remains for many the ultimate symbol of the failed state, the classic case of a violent crisis arising from environmental degradation, crime, overpopulation, and ethnic divisions. What seems normal elsewhere is exceptional here.

When I visited Sierra Leone in 2001, it was indeed a country living in the shadows of ruthless men like rebel leader Foday Sankoh and former Liberian President Charles Taylor, who exploited massive poverty for their own selfish purposes, luring disaffected and unemployed youth into militias and forcing them to carry out brutal and inhuman acts.

Sankoh died in 2003 and Taylor stands before an international tribunal in The Hague. With the engagement of the United Nations through a massive peacekeeping and reconstruction mission, the British in rebuilding the national institutions including the police and army, and most of all, the courageous people of Sierra Leone themselves, the country has made significant progress since peace returned in 2002. Primary school enrolment and construction of health centers and roads have risen substantially. The economy grew by 7 per cent in each of the past two years, in part because foreign lenders forgave the \$1.6 billion external debt in 2006. New programs have put some poor young people to work in public works projects.

But the conditions that Sankoh and Taylor exploited are still very much in evidence. Absolute levels of poverty and suffering in Sierra Leone remain staggering. The country ranks second to last among 177 countries in the UN Human Development Index. There are jobs for only one in five young people, and nearly seven in ten adults live in poverty. Infant and maternal mortality remain at unconscionable levels, and rural areas remain a backwater. Corruption runs rampant, creating opportunities for graft, illegal exploitation of diamonds, and bribes for basic government services.

The August 11 presidential and parliamentary elections are thus a pivotal decision point for Sierra Leone. The three top presidential candidates are all experienced politicians: Solomon Berewa, the sitting vice president and in many ways the de facto leader of Sierra Leone since 2002; Ernest Koroma, a mild-mannered former insurance executive who ran for president in 2002, and accepted the results when he lost; and Charles Margai, a fixture of political life in Sierra Leone for more than three decades, who left Mr. Berewa's party in 2005 to form his own party.

Whoever wins must have the legitimacy of having won peaceful, free and fair elections. With a less than a week to go, there are some disturbing signs. While Sierra Leone's police is today a much more disciplined and better equipped force than a few years ago, it will be tested in providing electoral security and peaceful crowd control. The domination of regional party politics

and strong links between traditional chiefs and political parties continue to frustrate fundamental reform. Rivalry between the parties of Mr. Berewa and Mr. Margai, especially in the south and east where tensions are rising, is a potential flashpoint.

Urgent steps are required. All political parties must respect the Voluntary Code of Conduct, instruct officials and supporters to renounce violence, and deploy witnesses to voting stations. The National Electoral Commission, which has done a good job so far, must hire and train effective polling agents, handle the counting process that often is more contentious than actual elections, and address post-electoral complaints transparently, quickly, and fairly.

Then the hard part begins: turning the page on Sierra Leone's chapter as a failed state. Again, the challenges are monumental: strengthen national governance, including a judiciary that is neither independent nor credible; create jobs for young people and demobilized soldiers; end endemic corruption; open the repressive political system to legitimate avenues of expression; reform a military with a history of abuse and engagement in coups; and expand the role for women in political and economic life.

As for the international community, the UN Peacebuilding Commission is already assisting priority projects in some of these key areas, including youth employment and rebuilding the public administration. But the \$35 million provided under the Peacebuilding Fund is woefully inadequate given the scale of the problems. The new government, civil society, and the international community must come together to provide much higher levels of investment.

The end of conflict in Sierra Leone has raised expectations among youth, ex-combatants, women, and other disempowered groups of a better future. By meeting those expectations, we can help ensure that a future Foday Sankoh or Charles Taylor will find a population able to resist his siren song.

Donald Steinberg is vice president for multilateral affairs at the International Crisis Group. He served as special assistant for African affairs to President Clinton and US Ambassador to Angola.

Legalbrief Today

Tuesday, 7 August 2007

Amnesty says Special Court's verdict a positive step

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Amnesty International has stated that the guilty verdicts and sentences by the Special Court of Sierra Leone against three senior members of former Sierra Leone's feared Armed Forces Revolutionary Council was a positive step and should not be the closing chapter in the struggle to achieve justice for the terrible crimes committed against the people of Sierra Leone during 11 years of violent conflict.

'These verdicts and sentencing send a positive signal to Sierra Leoneans that someone will be held responsible for the brutal crimes perpetrated against Sierra Leoneans and foreign nationals alike,' said Amnesty International legal advisor Hugo Relva. The **Awareness Times** reports that he said thousands of others 'can and must be held criminally responsible'. According to the Country Director of Amnesty International, Brima Sheriff, reparation must also be paid to the victims in order to promote justice throughout the country.

[**Full Awareness Times report**](#)

Militia leaders convicted at special court

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Category: Sierra Leone

Issue No: 242

The UN-backed Special Court for Sierra Leone has convicted two former leaders of a pro-government militia of war crimes committed during the country's prolonged civil war in the 1990s.

Moinina Fofana and Allieu Kondewa, of the Civil Defence Forces militia, were each found guilty by the court's trial chamber of four counts of murder, cruel treatment, pillage and collective punishments. Kondewa was also convicted of recruiting child combatants, says a **UN News Service** report. The two men were each acquitted of two counts of crimes against humanity and one count of war crimes, while Fofana was also found not guilty of recruiting child combatants. Sentencing is expected later.

[**Full UN News Service report**](#)

UNMIL Public Information Office Media Summary 6 August 2007

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

International Clips on Liberia

Liberia, probing coup plot, finds arms cache

By Alphonso Toweh

MONROVIA, Aug 6 (Reuters) - Liberian authorities investigating a possible coup plot have discovered a large cache of new AK-47 ammunition in a town on the main road to Ivory Coast, police said on Monday. Police spokesman Alvin Jask Kanneh said it was too early to say whether the cache was linked to an alleged scheme to smuggle weapons into Liberia from Ivory Coast.

International Clips on West Africa

French peacekeeper injures Ivory Coast protester

ABIDJAN, Aug 6 (Reuters) - A French peacekeeper in Ivory Coast shot a protester at close range with a rubber bullet, injuring him on Monday when a hostile crowd surrounded a military convoy in Abidjan, a French army spokesman said.

BBC Last Updated: Friday, 3 August 2007, 13:15 GMT 14:15 UK

'Scores drowned' on Sierra Leone boat

At least 65 people are missing after a boat capsized in a storm off the Sierra Leone coast, police say. Details are sketchy but police believe the boat was carrying about 85 people - more than it was designed to carry.

Local Media – Newspaper

Treason Trial Yet to Start

(The Informer, New Democrat, The News, Daily Observer, The Analyst, Plain Truth, Public Agenda, Heritage and Liberian Express)

- Preliminary trial in the treason case involving former Armed Forces of Liberia General, Charles Julu, and former Speaker, George Koukou is yet to start. Lawyers representing Koukou asked for more time Friday to enable them study the case. This was after the Court granted the accused persons severance trial last Tuesday.

Sea Erosion Hits Coastal Cities, Kills Lebanese National in Monrovia

(The Inquirer and The Analyst)

- The Atlantic Ocean over the weekend surged into the cities of Buchanan in Grand Bassa County and Robertsport in Grand Cape Mount County destroying over 100 residential buildings and markets structures. At the same time, the sea erosion over the weekend hit the Mamba Point community behind the Ministry of Internal Affairs, resulting to the death of a Lebanese national, Sam Hassan.

(The News, Daily Observer, The Analyst, The Inquirer and The Informer)

- National security forces at the weekend discovered a cache of arms and ammunitions including live rounds of AK-47 in Gbarnga, Bong County. The arms which were packaged in bags were found at a residence in the city.
- The reported discovery of the arms follows pronouncement by the Government that a coup was in the offing to subvert and overthrow the administration.
- *The Analyst* reports that this is the first major discovery of arms by security forces in the country since the disarmament of warring factions in the Liberian civil conflict and the coming to power of the Ellen Johnson Sirleaf administration.
- According to *The News*, state security networks have reportedly put in place tough measures aimed at safeguarding peace and stability in the country. *The News* in an editorial welcomes the measures but encouraged national security agencies as they go about their covert operations, to respect the civil liberties of citizens.

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

Joint Security Intercept Bags of Ammunition in Bong County

(Also reported on ELBS and Star Radio)

Government and Firestone Talk over Workers Benefits

- A Ministry of Agriculture release said that the Government of Liberia, Firestone Plantation Company and the British-based Firestone Rubber National Company were currently holding talks to restore benefits of Liberian workers and also reviewing the Firestone Concession Agreement signed in 2005, by the National Transitional Government of Liberia.

(Also reported on ELBS and Star Radio)

Government Investigates Inspectors for Harassing Business People

- Addressing journalists during the weekend, Information Minister Laurence Bropleh announced that the Government was investigating complaints that some of its Inspectors mainly from the Health and Commerce Ministries were harassing and intimidating members of the business community, mostly aliens. He noted that such acts of corruption were unacceptable and that those found in the wrong would be arrested and prosecuted.

(Also reported on ELBS and Star Radio)

Churches Strategize to fight Gender-based Violence

- Correspondents said that the Liberia Council of Churches has constituted a committee to raise funds and formulate policy - focusing on rape - to guide the Council's Secretariat and member churches in their fight against violence perpetrated against women.

(Also reported on ELBS and Star 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.