

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

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

Tuesday, 7 January, 2005

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# New Judges For AFRC Indictees

*By Joseph Turay*

Three new judges have been appointed by the Special Court for Sierra Leone to sit on the trials of the three former

Armed Forces Revolutionary Council (AFRC) Commanders, Alex Tamba Brima aka Gullit, Ibrahim Bazzi Kamara and Santigie Borbor

Kanu aka SS, all facing 17 counts charges for various crimes committed during the country's ten year civil con-

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(Not continued)

The Exclusive  
7 January 2005

# Three New Judges For Taylor, AFRC

Three newly appointed Judges of the second trial Chamber of the United Nations backed Special Court for Sierra Leone are expected to arrive in Freetown Monday 10th January, 2005 and will be sworn-in Friday 14th January, 2005, according to knowledgeable sources close to the Court.

They have not been officially named but are believed to be Justice Theresa Doherty from Northern Ireland and Julia Sebutinde from Uganda. The third Judge, a male, will be drawn from Samoa but has not yet been named.

The three Judges will try the former AFRC Junta indictees, Alex Tamba Brima, Brima Bazzy

Kamara and Santigiè Borbor Kanu. They were slammed with 18 counts charge for war crimes and other crimes against humanity. It is believed that they will also try former Liberian President, Charles Taylor. Up until recently, it is mooted, the Special Court made "significant moves" to get Charles Taylor handed over to them for trial. Meanwhile the third session of the joint trial of the RUF indictees will commence in the first trial chamber of the Special Court on Tuesday 11th January, 2005 before presiding Judges, Benjamin Itoe, Bankole Thompson and Pierre Bontet. The third session of the joint CDF trial ended on 7th December, 2004. The fourth session will commence on the 4th February, 2005 before Justices Benjamin

Itoe, Bankole Thompson and Pierre Bontet.

## Halloran's Sex Case Resumes Monday

In another development, hearing in the sexual abuse case of a school girl under 14 years preferred against Special Court Senior war crimes investigator and senior Australian Police Officer 56-year-old Peter Halloran comes up on Monday 10th January, 2005. It is expected that Senior State Prosecutor Oladipo Robin Mason will reply to the NO CASE submission made by Peter Halloran's defence counsel Nicholas Browne-Marke on Wednesday 22nd December, 2004. The case is being tried by Judge-alone Justice Samuel Ademosu in the Freetown High Court.

Christian Monitor  
1 January 2005

# Is This Justice?

During his recent visit to Sierra Leone, Chris Mullins, the British Foreign Office Minister for Africa, noted in a panel discussion on 'Access to Justice' that "justice delayed is justice denied". He was referring to the scores of prisoners in Freetown's Pademba Road prison who have now been held on remand for several years waiting to be charged. (One inmate has been waiting so long that both he and the prison authorities have forgotten why he is there and because no papers can be found giving details of his arrest, lawyers have been unable to secure his release). Mullins was in Freetown to announce the latest 25 million pounds British aid package for security reform covering the judiciary, Police and prisons. Britain and further evidence of the UK's continuing commitment to Sierra Leone in addition to the 40 million pounds per annum provide this.

But in lamenting the delay to justice in Sierra Leone,

Mullins studiously avoided mentioning Sierra Leone's Special Court, the independent war crimes tribunal, set up by the United Nations at the request of the Sierra Leone government and charged with bringing to justice "those who bear the greatest responsibility" for the atrocities and human rights violations during Sierra Leone's bloody 11 year rebel war. Established in January 2002 following an Act passed by the Sierra Leone Parliament, it was not until February 2004 that the Special Court building was officially opened and not until June that the trials of those detained since March 2003 finally got under way. A month later, Foday Sankoh, the leader of the Revolutionary United Front (RUF) and the person observers agree was most responsible for the brutal rebel war, died in detention. The Court indicted Charles Taylor, the ex-President of Liberia, whose support for the RUF in exchange for Sierra Leone's "blood dia-

monds" continued to fuel the conflict, and the Special Court's Chief Prosecutor, the American David Crane would love to get his hands on him. The manner in which Crane issued Taylor's indictment severely embarrassed the Ghanaian authorities and nearly undermined the delicate Liberian peace negotiations. Taylor is now in detention in Nigeria as part of the deal to secure an end to the equally bloody Liberian conflict, and in spite of intense pressure from the US government to secure Taylor's presence before the Court, President Obasanjo of Nigeria seems unlikely to break the unwritten code among African heads of state not to do fellow heads of state what may one day happen to them. Without Taylor and with Sankoh's death, plus the previous death of the infamous RUF commander, Sam Bockarie and the reported death or disappear-

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# Is This Justice?

From Page 2

ance of the AFRC junta leader, Johnny Paul Koroma, the only person of note being prosecuted by the Special Court is Chief Sam Hinga Norman. He is the former Minister of Internal Security and erstwhile coordinator of the Civil Defence Forces (CDF), the groupings of indigenous civil militia who fought against the rebels and helped restore the legitimate democratic government of President Tejan Kabbah.

Thus the impression is given that Norman is the person most responsible for the awful atrocities committed during the rebel war, an impression which even Norman's detractors do not accept. No one denies that some members of the CDF committed excesses in their struggle to restore peace and democracy but these were far fewer than those committed by the rebels. The Sierra Leone Truth and Reconciliation Commission in its report published in October noted that the RUF committed over 60% of the atrocities, the army nearly 17% and the CDF just 6%. (The TRC also noted that ECOMOG, the Nigerian led West African intervention force was responsible for 1% of the atrocities though for political reasons, they do not fall within the purview of the Special Court.

Sierra Leone is the first country to have had both war crimes Court and a Truth and Reconciliation Commission as part of the conflict resolution process. Rwanda and Bosnia have their war crimes tribunals and TRCs have been established in South Africa and El Salvador, while other conflicts such as in Mozambique were successfully resolved without recourse to either. In Sierra Leone the relationship between the Special Court and the TRC has been far from easy and there was much confusion in people's minds over their respective roles. The TRC was always the poor relation. Nevertheless, with a budget of only \$6.5m, it completed its work earlier this year and in October tabled its 5,000-page report based upon the thousands of testimonies presented to it. (The only significant testimony missing was that of Hinga Norman who was refused permission by the Special Court to appear before the TRC.) The report has been called "a document of great importance" and is widely seen as contributing positively towards the reconciliation process in Sierra Leone. By contrast, the Sierra Leone Special Court is seen by many to be merely assuaging the conscience of the international community rather than serving the interest of Sierra Leone.

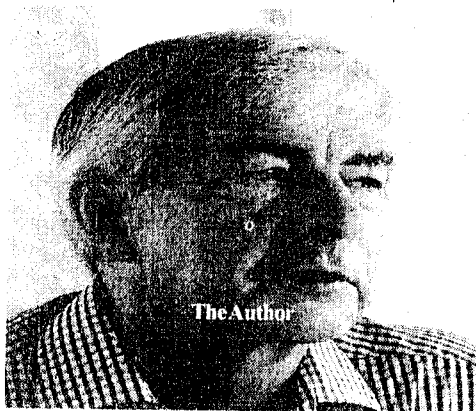
With a budget of \$76m spread over 3 years, supporters of the Sierra Leone Special Court claim that this is cheap compared to Rwanda war crimes Tribunal, which spends \$120m in one year. Most of the Sierra Leone Special Court's funds have come from the US Government with some support from others such as Britain. But where has all this money gone?

Millions have been spent erecting the purpose built Court House, detention facility and prefabricated administrative blocks, all encased in a 12-foot high concrete security perimeter wall guarded by razor wire and patrolled by UN troops. All the buildings other than the detention block are air conditioned and the whole complex is swathed in bright lights supplied from constantly run-

ning electricity generators, which would be enough to provide one third of Freetown's desperate power needs. Situated some what inappropriately on Jomo Kenyatta Avenue in the middle of the capital, it is in stark contrast to the surrounding environs of shanty huts lit by oil filled lamps and evokes an image of an East European stalag at the height of the cold war.

And all this is just for the nine indictees detained inside!

The salaries and the wages paid to the Court's judges, officials and administrative staff are widely exorbitant compared to salaries outside. A security guard earns more than the Sierra Leone Chief of Police, the judges more than the President. Of particular concern are the thousands of dollars being paid by the Court to prosecution witnesses who testify with anonymity behind screens, some of whom are provided with



homes outside the country in Ghana.

An expensive "outreach programme" has been conducted throughout the country, led curiously by the Chief Prosecutor, to explain to the Sierra Leone people why a Special Court is needed as they try to put the pieces of their broken lives. Their reaction to the Court remains mixed. In Freetown, not surprisingly, those who can, take advantage of the well-paid jobs available with the Court, while others follow the intermittent reporting in the local press on the Court's activities. The majority of Freetown residents just get on with their lives. Outside in the provinces, especially in the south and east, many people are concerned and bitter with the continued detention of Norman and his fellow CDF indictees. To them, Norman and the CDF are heroes, who, along with ECOMOG, the UK and the UN, helped bring peace and restore democracy to their country. Their anger bubbles under the surface kept in check only by the combination of a reducing UN presence, a new British trained but yet to be tested Sierra Leone army, and more importantly, Norman's own message to his supporters to remain calm and not disrupt the fragile peace in the country.

The legality of the Special Court is under question. The Sierra Leone Act setting up the Court states that although the Special Court and the national Courts of Sierra Leone have concurrent jurisdiction, the Special Court shall have primacy. The Sierra Leone Constitution clearly states that its Supreme Court is the supreme authority in Sierra Leone and therefore defence counsel are arguing that the Sierra Leone Special Court is unconstitutional. To change an entrenched clause in the constitution requires a referendum before being passed

through the Sierra Leone Parliament. This was not done in the case of the Bill setting up the Special Court.

Norman himself has refused to cooperate with the Special Court on the grounds that he and the CDF members have not been properly indicted. At the hearing at the beginning of December the presiding judge, Justice Ito from the Cameroon, supported Norman's contention. He declared the present consolidated injunction against the three CDF indictees null and void, but his fellow judges did not share his views. Norman has now lodged a further appeal on the strength of Justice Ito's assertion. When and where will all this end?

At the present pace it appears unlikely the defence will start its case before September next year after the prosecution has completed the testimony of the nearly one hundred witnesses it says it will call. This raises the questions of whether the Court will run out of funds before it completes its work. The UN has managed to secure funding up to the end of 2005, but not beyond. The Americans want to make the Sierra Leone Court a success. They seem determined to demonstrate to the rest of the world that there is an alternative to the International Criminal Court (ICC), which they continue to boycott. They appear to equate "success" by the conviction of Norman and the others. Even before the trials commenced, Crane injudiciously remarked that none of the indictees "would ever see the light of day again". But even the Americans are feeling the pinch financially and are reportedly putting the squeeze on the UK to provide more funds. Once again, Britain seems to be dragged along an American agenda.

Mindful of the Prime Minister's much heralded Commission for Africa and his expressed wish to put Africa high on the agenda when the UK holds the Presidency of both the EU and the G8 during the second half of next year, the British Government claims that the Sierra Leone Special Court is contributing towards peace not only in Sierra Leone but throughout Africa. They argue that other African rebel leaders will think twice before embarking upon the path of violence that has wreaked havoc on the continent if to do so could find them facing war crimes tribunals. But it could have the opposite effect. Most conflicts in Africa start at a low level and the perpetrators will pay scant attention to the international war crimes courts. As the conflicts escalate their resolution will depend upon persuading both sides to lay down their guns and stop killing one another. This inevitably will require some form of assurance that they can do so without fear of reprisals, as was the case in Sierra Leone. But what good would assurance from government be if it were seen that the international community could trample over delicately negotiated peace agreements?

Apart from the US and UK, other members of the UN are less enthusiastic about the Sierra Leone Special Court. Some fear that part of the US strategy is to prepare the way for Special Courts to be set up in Sudan, and Uganda, Afghanistan and Iraq, with the same caveat that no American national may appear before them.

In Sierra Leone, whilst the indictees await their fate, the Government in the face of dilemma, keeps its head buried in the sand.

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## LAW & HUMAN RIGHTS: Is Nigeria shielding Charles Taylor from trial?

By Innocent Anaba

Friday, January 07, 2005

WHEN the news broke that the former embattled president of Liberia, Charles Ghankay Taylor, would be granted asylum in Nigeria, many Nigerians received it with mixed feelings. Some reasoned that, if it was the only way to bring peace to war torn Liberia, so be it. Others however, felt that Taylor should be the last person Nigeria should contemplate granting asylum, simply because of the way he (Taylor) treated Nigerians in Liberia, both as leader of the National Patriotic Front of Liberia (NPFL) rebel group, and as the president of Liberia.

The reasons for and against the asylum were advanced, but the general feelings amongst most Nigerians, was that Taylor should leave Liberia for the sake of peace, but not to Nigeria. The refusal of the Nigerian people to concede to Taylor coming to Nigeria was because of the obvious role played by the former war lord, in the death of hundreds and thousands of Nigerians, both civilians and military personnel alike.

But against popular wishes, Taylor was granted asylum by President Olusegun Obasanjo. Lending credence to the view held by most Nigerians that Taylor has no business coming to Nigeria, former Force Commander of the Economic Community of West African Peacekeeping Monitoring Group (ECOMOG), Gen Victor Malu said, "I have heard it argued that the departure of Taylor was necessary and crucial to stop the circle of violence in Liberia and get U.N involved. I do not accept this argument for many reasons. Nevertheless, was it also necessary that he should come to Nigeria?"

Malu's position is shared by the entire human right community, who did not only query the arbitrary nature with which the federal government brought Taylor to the country, when the action was not approved by the National Assembly, worst still, bringing a person who holds Nigerians in contempt, to safe haven in the same country?

Further Malu had contended, "my difficulty with the decision of our (Nigerian) government to host Taylor is that it portend nothing useful or positive for us, instead it has brought all kinds of problem and bad image for us, and most importantly our people do not approve of it. Those who persuaded us to accept Taylor, if in actual fact were persuaded, would never go against the wishes of their population on the issues of this nature, nor would they brook any suggestion to even offer a visiting visa to anybody who has murdered and violated their nationals and embassy with such impunity and has remained totally unapologetic

to the country and people of Nigeria".

In the wake of the Taylor asylum saga, the Nigerian government had said that the action it took was supported by both Britain and the United States of America (USA). But when the United Nations Special Court for Sierra Leone indicted Taylor, the US was among the countries that called for Taylor to be surrendered to face the charges against him before the court sitting in Freetown.

If one gives a second thought at Malu's latter contention, one would find that his argument can hardly be faulted. Again, if we accept that the US and Britain prevailed on Nigeria to accept Taylor, one can then ask, would it have been possible for any of these countries to accept somebody that has killed its citizens, directly or indirectly? We all knew what Libya went through in the hands of Britain, US and France over the Lockerbie bombing, which the Libyan government maintained even till date, that it never carried out, nor sponsored, let alone, when the Nigerian government was aware that Taylor masterminded the butchering, maiming and killing of Nigerians civilians and soldiers and the destruction of properties belonging to Nigerians.

How can that same government for what ever reason, for what ever justification, welcome such a person into her country and give him and his entire family, sanctuary. Provide him (Taylor) with all the comfort, when this same person subjected Nigerians resident in his country to hell. Could the US or Britain, South Africa or any of the countries that supported Taylor coming to Nigeria have ever accepted Taylor, if its citizens had suffered what Nigerian civilians and soldiers suffered in the hands of Taylor?

Malu's view on this subject is very instrumental, because he served as ECOMOG force commander twice, as such was privileged to have a first hand information. He (Malu) must have the intelligence and proof, as such he knew what he saw. According to him, Taylor as rebel leader, ordered the death of two Nigerian journalists; the routine execution of our nationals that were forcibly detained in his enclave; ordered the violation of our Embassy in Monrovia by ransacking it and taking Nigerians who were seeking refuge there and our Embassy staff hostage; held our soldiers who were deployed in his rebel enclave hostage following agreements and commitments he made to ECOWAS leaders; masterminded the humiliation and death of our soldiers in Tubmanburg in December 1996 and abused and ridiculed Nigerians and their leaders in the international media and ordered the killing of Nigerian soldiers who were taken prisoners of war by his rebel NPFL soldiers as a way to teach Nigeria a lesson".

As the Liberian President, Taylor's crimes against Nigeria and Nigerians, as catalogued by Malu includes, 'breach the Abuja Agreement, especially the last stages of it and as a correspondence led to the crises that culminated in his down fall; supported and aided RUF in Sierra Leone which led to the death of hundreds of our soldiers there and the mutilation and death of Nigerians resident in Sierra Leone; and virtually chased out ECOMOG from Liberia after all the sacrifices made in both human and materia resources by the member country especially

Nigeria."

The human right community and many Nigerians who had a first hand experience on the atrocities committed by Taylor against Nigerians citizens, stepped up the campaign for the federal government of Nigeria to re-consider its position on the asylum, but at the end, President Obasanjo went ahead to bring Taylor to the country, even when popular opinion was very much against it.

When Taylor finally settled in the country, many Nigerians who suffered various levels of human rights abuses in his (Taylor) hands, both as a rebel leader and as the President on Liberia approached Nigerian courts, seeking to have the federal government give up Taylor, so that he can go to face the indictment against him, before the United Nations Special Court for Sierra Leone, in Freetown. It would be recalled that on March 3, 2003, the United Nations Special Court in an indictment signed by David Crane, the court's prosecutor, brought a 17 count charge against Taylor. All the charges bothered on human rights abuses, ranging from rape, unlawful killings, looting and burning, abductions and terrorizing the civilian population.

According the information provided by the UN special court prosecutor, Taylor is being charged with crimes against humanity, violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II and other serious violations of International Humanitarian Law, in violation of Articles 2, 3 and 4 of the Statute.

#### Background:

The armed factions involved in the Sierra Leonean conflict included the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC), and a nexus existed between the armed conflict and all acts or omissions charged herein as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II and as other serious Violations of International Humanitarian Law.

The organized armed group that became known as the RUF, led by Foday Sankoh, was founded about 1988 or 1989 in Libya. The RUF, under the leadership of Sankoh, began organized armed operations in Sierra Leone in March 1991. The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF fought against the RUF and AFRC. On November 30, 1996, in Abidjan, Ivory Coast, Sankoh and Ahmed Tejan Kabbah, President of Sierra Leone, signed a peace agreement which brought a temporary cessation to active hostilities. Thereafter, the active hostilities recommenced.

The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of the Republic of Sierra Leone via a coup d'tat on May 25, 1997. Soldiers of the Sierra Leone Army (SLA) comprised the majority of the AFRC membership.



On that date Johnny Paul Koroma, became the leader and Chairman of the AFRC. The AFRC forces were also referred to as "Junta", "soldiers", "SLA", and "ex-SLA". Shortly after the AFRC seized power, at the invitation of Johnny Koroma, and upon the order of Sankoh, leader of the RUF, the RUF joined with the AFRC. The AFRC and RUF acted jointly thereafter. The AFRC/RUF Junta forces (Junta) were also referred to as "Junta", "rebels", "soldiers", "SLA", "ex-SLA" and "People's Army".

After the May 25, 1997 coup d'état, a governing body, the Supreme Council, was created within the Junta. The governing body included leaders of both the AFRC and RUF. The Junta was forced from power by forces acting on behalf of the ousted government of President Kabbah about February 14, 1998. President Kabbah's government returned in March 1998. After the Junta was removed from power the AFRC/RUF alliance continued. On July 7, 1999, in Lomé, Togo, Sankoh and Ahmed Tejan Kabbah, President of Sierra Leone, signed a peace agreement. However, active hostilities continued. Taylor and all members of the organized armed factions engaged in fighting within Sierra Leone were required to abide by International Humanitarian Law and the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of August 12, 1949, and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on October 21, 1986.

All offences alleged herein were committed within the territory of Sierra Leone after 30 November, 1996. All acts and omissions charged herein as crimes against humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone. The words civilian or civilian population used in this Indictment refer to persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

#### Individual Criminal Responsibility:

In the late 1980's Taylor received military training in Libya from representatives of the Government of Mu'ammarr Al-qadhafi. While in Libya the accused met and made common cause with Sankoh. While in Libya, the accused (Taylor) formed or joined the National Patriotic Front of Liberia (NPFL). At all times relevant to this Indictment the accused (Taylor) was the leader of the NPFL and/or President of Liberia. In December 1989 the NPFL, led by the accused, began conducting organized armed attacks in Liberia.

The accused and the NPFL were assisted in these attacks by Sankoh and his followers. To obtain access to the mineral wealth of the Republic of Sierra Leone, in particular the diamond wealth of Sierra Leone, and to destabilize the State, the accused provided financial support, military training, personnel, arms, ammunition and other support and encouragement to the RUF, led by Sankoh, in preparation for RUF armed action in the Republic of Sierra Leone, and during the subsequent armed conflict in Sierra Leone.

Throughout the course of the armed conflict in Sierra Leone, the RUF

and the AFRC/RUF alliance, under the authority, command and control of Sankoh, John Koroma and other leaders of the RUF, AFRC and AFRC/RUF alliance, engaged in notorious, widespread or systematic attacks against the civilian population of Sierra Leone. At all times relevant to this Indictment, Taylor supported and encouraged all actions of the RUF and AFRC/RUF alliance, and acted in concert with Sankoh and other leaders of the RUF and AFRC/RUF alliance. Sankoh was incarcerated in Nigeria and Sierra Leone and subjected to restricted movement in Sierra Leone from about March 1997 until about April 1999. During this time the accused, in concert with Sankoh, provided guidance and direction to the RUF, including Sam Bockarie aka Mosquito.

The RUF and the AFRC shared a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas. The natural resources of Sierra Leone, in particular the diamonds, were to be provided to persons outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise. The joint criminal enterprise included gaining and exercising control over the population of Sierra Leone in order to prevent or minimize resistance to their geographic control, and to use members of the population to provide support to the members of the joint criminal enterprise.

The crimes alleged in the indictment, including unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures, were either actions within the joint criminal enterprise or were a reasonably foreseeable consequence of the joint criminal enterprise. The accused participated in this joint criminal enterprise as part of his continuing efforts to gain access to the mineral wealth of Sierra Leone and to destabilize the Government of Sierra Leone.

Taylor, by his acts or omissions, is individually criminally responsible pursuant to Article 6.1. of the Statute for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in this Indictment, which crimes the accused planned, instigated, ordered, committed or in whose planning, preparation or execution the accused otherwise aided and abetted, or which crimes were within a joint criminal enterprise in which the accused participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which the accused participated.

In addition, or alternatively, pursuant to Article 6.3. of the Statute Taylor, while holding positions of superior responsibility and exercising command and control over his subordinates, is individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute. The accused is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

Charges:

At all times relevant to this indictment, members of the RUF, AFRC, Junta and/or AFRC/RUF forces (AFRC/RUF), supported and encouraged by, acting in concert with and/or subordinate to Taylor, conducted armed attacks throughout the territory of the Republic of Sierra Leone, including, but not limited, to Bo, Kono, Kenema, Bombali and Kailahun Districts and Freetown. Targets of the armed attacks included civilians and humanitarian assistance personnel and peacekeepers assigned to the United Nations Mission in Sierra Leone (UNAMSIL), which had been created by United Nations Security Council Resolution 1270 (1999).

These attacks were carried out primarily to terrorize the civilian population, but also were used to punish the population for failing to provide sufficient support to the AFRC/RUF, or for allegedly providing support to the Kabbah government or to pro-government forces. The attacks included unlawful killings, physical and sexual violence against civilian men, women and children, abductions and looting and destruction of civilian property.

Many civilians saw these crimes committed; others returned to their homes or places of refuge to find the results of these crimes - dead bodies, mutilated victims and looted and burnt property. As part of the campaign of terror and punishment the AFRC/RUF routinely captured and abducted members of the civilian population. Captured women and girls were raped; many of them were abducted and used as sex slaves and as forced labour. Some of these women and girls were held captive for years. Men and boys who were abducted were also used as forced labour; some of them were also held captive for years. Many abducted boys and girls were given combat training and used in active fighting. AFRC/RUF also physically mutilated men, women and children, including amputating their hands or feet and carving "AFRC" and "RUF" on their bodies.

Actual count charge:

Counts 1 - 2: Terrorizing the Civilian Population and Collective Punishments; members of the AFRC/RUF supported and encouraged by, acting in concert with and/or subordinate to Taylor committed the crimes set forth below in paragraphs 33 through 58 and charged in Counts 3 through 13, as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone, and did terrorize that population.

The AFRC/RUF also committed the crimes to punish the civilian po

pulation for allegedly supporting the elected government of President Ahmed Tejan Kabbah and factions aligned with that government, or for failing to provide sufficient support to the AFRC/RUF. By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 1: Acts of Terrorism, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under

Article 3.d. of the Statute; And:

Count 2: Collective Punishments, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.b. of the Statute.

Count 3 - 5: Unlawful Killings: Victims were routinely shot, hacked to death and burned to death. Unlawful killings included, but were not limited to, the following: Bo District; between June 1,1997 and June 30,1997, AFRC/RUF attacked Tikonko, Telu, Sembehun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians; Kenema District; between about May 25,1997 and about February 19,1998, in locations including Kenema town, members of AFRC/RUF unlawfully killed an unknown number of civilians; Kono District; about mid February 1998, AFRC/RUF fleeing from Freetown arrived in Kono District.

Between about February 14,1998 and June 30,1998, members of AFRC/RUF unlawfully killed several hundred civilians in various locations in Kono District, including Koidu, Tombodu, Foindu, Willifeh, Mortema and Biaya; Bombali District; between about May 1,1998 and July 31,1998, in locations including Karina, members of AFRC/RUF unlawfully killed an unknown number of civilians; Freetown; between January 6,1999 and January 31,1999, AFRC/RUF conducted armed attacks throughout the city of Freetown.

These attacks included large scale unlawful killings of civilian men, women and children at locations throughout the city, including the State House, Parliament building, Connaught Hospital, and the Kissy, Fourah Bay, Upgun, Calaba Town and Tower Hill areas of the city. By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 3: Extermination, a Crime Against Humanity, punishable under Article 2.b. of the Statute;

In addition, or in the alternative:

Count 4: Murder, a Crime Against Humanity, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

Count 5: Violence to life, health and physical or mental well-being of persons, in particular murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, Punishable under Article 3.a. of the Statute.

Counts 6 - 8: Sexual Violence; Widespread sexual violence committed against civilian women and girls included brutal rapes, often by multiple rapists. Acts of sexual violence included, but were not limited to, the following: Kono District; between about February 14, 1998 and June 30,

1998, members of AFRC/RUF raped hundreds of women and girls at various locations throughout the District, including Koidu, Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh, Fokoiya, Wondedu and AFRC/RUF camps such as "Superman camp" and Kissi-town (or Kissi Town) camp. An unknown number of women and girls were abducted from various locations within the District and used as sex slaves; Bombali District; between about May 1, 1998 and July 31, 1998, members of AFRC/RUF raped an unknown number of women and girls in locations such as Mandaha. In addition, an unknown number of abducted women and girls were used as sex slaves; Kailahun District; at all times relevant to this Indictment, an unknown number of women and girls in various locations in the District were subjected to sexual violence.

Many of these victims were captured in other areas of the Republic of Sierra Leone, brought to AFRC/RUF camps in the District, and used as sex slaves; Freetown; between January 6, 1999 and January 31, 1999, members of AFRC/RUF raped hundreds of women and girls throughout the Freetown area, and abducted hundreds of women and girls and used them as sex slaves. By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 6: Rape, a Crime Against Humanity, punishable under Article 2.g. of the Statute;

And:

Count 7: Sexual slavery and any other form of sexual violence, a Crime Against Humanity, punishable under Article 2.g. of the Statute; In addition, or in the alternative:

Count 8: Outrages upon personal dignity, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, Punishable under Article 3.e. of the Statute.

Counts 9 - 10: Physical Violence; Widespread physical violence, including mutilations, was committed against civilians. Victims were often brought to a central location where mutilations were carried out. These acts of physical violence included, but were not limited to, the following: Kono District; between about February 14, 1998 and June 30, 1998, AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including Tombodu, Kaima (or Kayima) and Wondedu.

The mutilations included cutting off limbs and carving "AFRC" and "RUF" on the bodies of the civilians; Freetown; between January 6, 1999 and January 31, 1999, AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of Freetown, including the northern and eastern areas of the city, and the Kissy area, including the Kissy mental hospital. The mutilations included cutting off limbs.

By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 9: Violence to life, health and physical or mental well-being of persons, in particular cruel treatment, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, Punishable under Article 3.a. of the Statute; In Addition, or in the Alternative:

Count 10: Other Inhumane Acts, a Crime Against Humanity, punishable under Article 2.i. of the Statute.

Count 11: Use of Child Soldiers; at all times relevant to this Indictment, throughout the Republic of Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities. Many of these children were first abducted, then trained in AFRC/RUF camps in various locations throughout the country, and thereafter used as fighters.

By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 11: Conscription or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an other serious violation of International Humanitarian Law, Punishable under Article 4.c. of the Statute.

Count 12: Abductions and Forced Labour; at all times relevant to this Indictment, AFRC/RUF engaged in widespread and large scale abductions of civilians and use of civilians as forced labour. Forced labour included domestic labour and use as diamond miners. The abductions and forced labour included, but were not limited to, the following: Kenema District; between about August 1, 1997 and about January 31, 1998, AFRC/RUF forced an unknown number of civilians living in the District to mine for diamonds at Cyborg Pit in Tongo Field; Kono District; between about February 14, 1998 and June 30, 1998, AFRC/RUF forces abducted hundreds of civilian men, women and children, and took them to various locations outside the District, or to locations within the District such as AFRC/RUF camps, Tombodu, Koidu, Wondedu, Tomendeh.

At these locations the civilians were used as forced labour, including domestic labour and as diamond miners in the Tombodu area; Bombali District; between about May 1, 1998 and July 31, 1998, in Bombali District, AFRC/RUF abducted an unknown number of civilians and used them as forced labour; Kailahun District; at all times relevant to this Indictment, captured civilian men, women and children were brought to various locations within the District and used as forced labour; Freetown; between January 6, 1999 and January 31, 1999, in particular as the AFRC/RUF were being driven out of Freetown, the AFRC/RUF abducted hundreds of civilians, including a large number of

children, from various areas within Freetown, including Peacock Farm and Calaba Town. These abducted civilians were used as forced labour. By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 12: Enslavement, a Crime Against Humanity, punishable under Article 2.c. of the Statute.

Count 13: Looting and Burning; at all times relevant to this Indictment, AFRC/RUF engaged in widespread unlawful taking and destruction by burning of civilian property. This looting and burning included, but was not limited to, the following: Bo District; between June 1, 1997 and June 30, 1997, AFRC/RUF forces looted and burned an unknown number of civilian houses in Telu, Sembahun, Mamboma and Tikonko; Kono District; between about 14 February 1998 and 30 June 1998, AFRC/RUF engaged in widespread looting and burning in various locations in the District, including Tombodu, Foindu and Yardu Sando, where virtually every home in the village was looted and burned; Bombali District; between March 1, 1998 and June 30, 1998, AFRC/RUF forces burned an unknown number of civilian buildings in locations such as Karina; Freetown; between January 6, 1999 and January 31, 1999, AFRC/RUF forces engaged in widespread looting and burning throughout Freetown. The majority of houses that were destroyed were in the areas of Kissy and eastern Freetown; other locations included the Fourah Bay, Uppun, State House and Pademba Road areas of the city.

By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 13: Pillage, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, Punishable under Article 3.f. of the Statute.

Counts 14 - 17: Attacks on Unamsil Personnel; between about April 15, 2000 and about September 15, 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL peacekeepers and humanitarian assistance workers within the Republic of Sierra Leone, including, but not limited to locations within Bombali, Kailahun, Kambia, Port Loko, and Kono Districts. These attacks included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage. By his acts or omissions in relation, but not limited to these events, Taylor, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 14: Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission, an Other Serious Violation of International Humanitarian Law, punishable under Article 4.b. of the Statute; In addition, or in the alternative:

Count 15: For the unlawful killings, Murder, a Crime Against Humanity, Punishable under Article 2.a. of the Statute; In Addition, or in the Alternative:

Count 16: Violence to Life, Health and Physical or Mental Well-being of Persons, in Particular Murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, Punishable under Article 3.a. of the Statute; In Addition, or in the Alternative:

Count 17: for the Abductions and Holding as Hostage, Taking of Hostages, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, Punishable under Article 3.c. of the Statute.

While the charge is still pending before the UN special court, some Nigerians took both Taylor and the Nigerian government before a Federal High Court, sitting in the country's capital, Abuja. Joined as defendants in the suit were The Federal High Commissioner for Refugee; the Eligibility Committee for Refugee; the National Commission for Refugee, President Obasanjo and Federal Attorney General of the Federation.

The two Nigerian businessmen, David Anyaele and Emmanuel Egbuna urged the court to declare that the Nigerian government cannot grant Taylor political asylum, as it violates Nigerian government obligation under Article 1 of the Schedule to the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act, Cap 10, LFN,1990, by which the government has undertaken and is under obligation to adopt measures to give effect to the Charter Right of the applicants, as guaranteed and protected under the African Charter on Human and Peoples' Right, including the applicants rights to the integrity of their persons, their freedom from torture, cruel, inhuman and degrading treatment and their right to appeal to competent national organs against acts violating their fundamental rights.

At first, the court granted them leave to apply for the enforcement of their fundamental right. Then is also granted them leave to serve the court process through substituted service. Midway however, the federal government brought an objection to the suit. The court however upheld the objection and struck out the suit.

The businessmen had further contended in the suit that by purporting to grant Taylor asylum, President Obasanjo has breached their rights under Nigeria's constitution and international law and usurped the powers of Nigeria's National Refugee Commission, the country's sole arbiter of asylum claims.



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**HEADLINE:** Sierra Leone;  
Sexual Violence, an 'Invisible War Crime'

**BYLINE:** Africa Renewal

**BODY:**  
Sierra Leone Truth Commission condemns abuse, discrimination

In 1991, at the very beginning of Sierra Leone's decade-long civil war, a 19-year-old woman crossed paths with a group of 10 rebels, led by the notorious commander "Mosquito," just outside the town of Telu Bongor. "Mosquito was the first person who raped me," she later recounted. "Then he ordered his men to continue the act. Nine other men continued to rape me. . . . After misusing me to their satisfaction, the rebels left me alone in a very hopeless condition. . . . Even now the pain is still in me, which is creating problems in my marital home, because my husband drives me from my home and says that I am barren."

Her ordeal -- both during and after the war -- echoes the stories of hundreds of other women and girls who testified or submitted statements to Sierra Leone's Truth and Reconciliation Commission (TRC). Created out of Sierra Leone's peace process, the commission was mandated to establish an impartial record of the abuses that occurred in the war, as a step towards achieving national reconciliation.

Early in their efforts, however, commission investigators found that gathering information specifically about sexual violence was not easy. In Sierra Leone, as in many other countries, women and girls confront social taboos against speaking publicly about rape and other sexual violence. They are stigmatized in their own communities when they admit they have been sexually abused.

To help break through such barriers, the UN Development Fund for Women (UNIFEM) intervened with advice, training and other support for TRC staff and especially for the women themselves. UNIFEM's work before and during the evidence-gathering process, in collaboration with local civil society organizations, played an important role in making it possible for so many women to break their silence and for the commission's final report to place such a strong spotlight on the horrific crimes perpetrated against women.

As a result, the TRC hearings helped bring to light Sierra Leone's "invisible war crime," as Ms. Binaifer Nowrojee of the Coalition for Women's Human Rights in Conflict Situations termed the problem in her own testimony. The Kenyan women's rights advocate worked closely with UNIFEM in highlighting the issue in Sierra Leone, as she had in the aftermath of the 1994 genocide in Rwanda.

#### **A weapon of war**

The Sierra Leone civil war was known internationally for its horrific atrocities --

especially the widespread amputations of villagers' limbs. But until recently, little attention was devoted to abuses directed specifically against women. "Violence against women was not just incidental to the conflict," Ms. Nowrojee told Africa Renewal, "but was routinely used as a tool of war. Sexual violence was used in a widespread and systematic way as a weapon, and women were raped in extraordinarily brutal ways."

The Sierra Leone civil war was known internationally for its horrific atrocities -- especially the widespread amputations of villagers' limbs. But until recently, little attention was devoted to abuses directed specifically against women.

The commission's 1,500-page report, released in October, provides an excruciatingly thorough and detailed account of the atrocities carried out in the war, which officially ended in January 2002. Out of the 10,002 adult victims the commission was able to identify, 33.5 per cent were female. Among the 1,427 child victims, that proportion rose to 44.9 per cent.

All armed groups carried out human rights violations against women and girls, the TRC report finds. These included killing, rape and other sexual violence, sexual slavery, slave labour, abduction, assault, amputation, forced pregnancy, disembowelment of pregnant women, torture, trafficking, mutilation, theft and the destruction of property. While forced conscription was used mainly -- but not solely -- against males, rape and sexual slavery were committed almost exclusively against females.

Because rape and sexual violence were so rife during the war, the country is now seeing a sharp rise in cases of HIV/AIDS and other sexually transmitted infections, the report notes. According to the Joint UN Programme on HIV/AIDS (UNAIDS), of the 170,000 people between the ages of 15 and 49 estimated to be living with the virus in Sierra Leone in 2001, some 90,000 were female.

The largest number of atrocities was committed by fighters of the Revolutionary United Front (RUF), the rebel movement that started the war. The RUF "was the primary perpetrator of human rights violations against women and girls," the commission reports, and "pursued a deliberate strategy of violating women." More than 66 per cent of the 2,058 abductions of women and girls were carried out by the RUF, as well as 73 per cent of the reported cases of sexual slavery.

The Armed Forces Revolutionary Council -- an army faction that seized power in 1997 and was ousted the following year -- also deliberately targeted women and girls, the TRC reports. The official Sierra Leone Army and an irregular pro-government militia group, the Civil Defence Forces, employed similar tactics, although on a less-widespread scale.

Some women joined the rebel forces, but many were abducted and then forced to carry out armed actions. Both women combatants and other female abductees were forced to take drugs -- many remain addicted today. The TRC finds that "many women suffer a double victimization, in that they were compelled against their will to join the armed forces, and today they are victimized by society for having played a combative role in the conflict. They are treated with hostility and suspicion for 'breaching' both gender and sex roles." These women were largely excluded from the disarmament and reintegration programmes of Sierra Leone's peace process, which favoured men and boys.

Women who were raped also confront marginalization. Because of the social stigma that is still widely attached to rape, many have been shunned by their own husbands, families and communities -- or obliged to remain silent to avoid being ostracized.

### **UNIFEM support**

Overcoming such hurdles posed a challenge to officials of the TRC, many of whom were men. The commission's mandate included looking specifically at crimes against women, but its personnel admitted at the outset that they had little knowledge or experience of eliciting testimony from women or conducting interviews with a gender perspective in mind. "Because UNIFEM's mandate was so close to what the TRC was expected to do," explains Ms. Florence Butegwa, regional programme director for UNIFEM in Anglophone West Africa, "we made a commitment that we would support building their own capacity, and offer them support throughout the process."

UNIFEM and the Nairobi-based Urgent Action Fund for Women's Human Rights conducted a training workshop on gender-based human rights violations at the time of the hearings in 2003. The workshop focused on the impact of armed conflict on women and children, promoting gender sensitivity in handling female victims' testimonies and building the skills necessary to deal with victims and witnesses.

According to Ms. Betty Murungi of the Urgent Action Fund, "From our early experience with the Arusha tribunal [International Criminal Tribunal for Rwanda], it became quite clear that if these issues of sexual abuse that happen during wartime and internal conflict were left to the devices of officials . . . matters that relate to crimes committed against women are often ignored, mischaracterized, or just completely under-investigated."

Sometimes traditional power relations threatened to impede the collection of information. "One commissioner said he went to a community where he was leading a team of recorders that were collecting testimonies. The women did not come out, only the men came," Ms. Butegwa told Africa Renewal. "When they were asked why, the men said 'We can speak for the women'."

"It was clear that it was difficult for women to come forward and speak publicly," Ms. Nowrojee says. As a result, "some of the women opted to speak behind a screen, some opted to give testimony in private." Ultimately, hundreds of women around the country testified or gave statements to the commission's investigators.

The commission urges reforms in Sierra Leone's legal, judicial and police systems to make it easier for women to report cases of sexual and domestic violence.

Ms. Murungi summarized the general attitude of the women who testified: "We want to break the silence. We want to say what happened to us. We want to understand why it happened. We need somebody to acknowledge that these things happened to us, to reclaim our dignity, so that this doesn't happen again."

### **Addressing 'structural inequality'**

Also hoping to avert similar crimes in the future, the commission recommends numerous measures to help those women who suffered directly from the war, as well

as to enhance the status of women more generally.

For women affected by the war, the TRC "calls on communities to make special efforts to encourage acceptance of the survivors of rape and sexual violence as they reintegrate into society." It recommends that the Ministry of Social Welfare and Gender Affairs establish a directory of donors and service providers where women can obtain information and help. The government should provide free psychological support and reproductive health services to these women, while relief agencies should aid women ex-combatants with skills training and other assistance to advance their social reintegration.

The commission urges reforms in Sierra Leone's legal, judicial and police systems to make it easier for women to report cases of sexual and domestic violence. It calls for the repeal of all statutory and customary laws that discriminate against women, including in marriage, inheritance, divorce and property ownership. It recommends that the government campaign against the customary practice whereby a victim of rape is obliged to marry the rapist.

Besides expressing its gratitude for UNIFEM's role in helping women testify, the TRC also recommends that the UN agency participate in a variety of efforts to improve women's social status, including skills training, adult education, HIV/AIDS education, the abolition of harmful customary practices and leadership programmes.

The commission notes that the government "has not yet taken the necessary steps to eradicate structural inequality against women." It urges the president, on behalf of the current and past governments, to "offer an unequivocal apology" to women for their suffering during the war. To enhance women's role in decision-making, the TRC recommends that political parties ensure that at least 30 per cent of their candidates for public office are women, and that the government work towards achieving a similar ratio in cabinet and other political posts. The government and parliament should both aim to reach gender parity within the next decade.

### **A new Sierra Leone**

The section on recommendations relating to women opens with an extract from an essay submitted to the commission by Ms. Chinsia Caesar: "I hope to see a Sierra Leone offering equal opportunities to boys and girls from the cradle to the grave. . . . In particular, I want to see a country where girls are not left out, but are encouraged to reach the highest peak of their potential."