

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

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

Wednesday, July 07, 2004

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
Ibrahim Tommy
Ext 7248
MOBILE: 232 76 645 914

TAIPEI TIMES

Published on TaipeiTimes

<http://www.taipeitimes.com/News/world/archives/2004/07/07/2003178030>

UN court hears of Sierra Leone's atrocity `inferno'

AP , FREETOWN, SIERRA LEONE

Wednesday, Jul 07, 2004, Page 6

Calling it a "tale of horror," the prosecutor for a UN-sponsored war-crimes court opened the first trials of rebel military commanders accused in a vicious 10-year campaign for control of diamond-rich Sierra Leone.

Onlookers in the tightly guarded courtroom on Monday muttered as the court detailed the alleged crimes in an 18-count joint indictment -- systematic killings, rapes, enslavement of child soldiers and mutilation by machete.

Prosecutors alleged a network of foreign backing for the rebels, including training and forces from then-Liberian president Charles Taylor and Libyan leader Muammar Qaddafi.

"What took place in Sierra Leone marks the limits of our language to communicate, and falls outside the realm of expression," said David Crane, the American chief prosecutor for the UN-backed court, in opening statements.

"This is a tale of horror, beyond the gothic into the realm of Dante's *Inferno*," Crane said.

The three former military commanders of the Revolutionary United Front are accused as primary culprits in their movement's battle between 1991 and 2002 to take control of Sierra Leone and its diamond fields.

Rebels adopted a trademark atrocity that made them notorious: chopping off the hands, legs, lips, ears and breasts of their civilian victims with machetes. Countless maimed survivors struggle to make new livings today, or inhabit vocational training camps set up for the mutilated.

The three ex-rebels are former battlefield commanders Issa Sesay, Morris Kallon and Augustine Gbao. Sesay was the rebels' last leader before the fighting stopped.

The rebels' founder and longtime leader -- Foday Sankoh, known as "Pa" to his drugged, drunk child fighters -- died of natural causes in UN custody last year.



Revolutionary United Front defendants Augustine Gbao, left, and Issa Hassan Sesay appear briefly at the start of the UN-backed Special Court for Sierra Leone in Freetown, Sierra Leone, last Thursday.
PHOTO: AP

Crane made frequent reference on Monday to another top indicted figure outside of the court's custody -- Taylor, a former Liberian president now living in exile in Nigeria.

Sierra Leone's war began with a Feb. 27, 1991, planning session in Gbarnga, Liberia, which was Taylor's base, Crane alleged.

About 250 Revolutionary United Front fighters launched the invasion from Liberia, supported by Taylor's forces and Libyan special forces, Crane said.

Libya is widely accused of training and supporting Taylor and Sankoh as Cold War-era guerrillas against US interests in West Africa.

Qaddafi is mentioned in the special court's indictments but not indicted.

All parties were after influence and Sierra Leone's mineral wealth, the prosecutor said.

"Among their goals, the diamond fields of eastern Sierra Leone; and their motive -- power, riches and control in furtherance of a joint criminal enterprise that extended from West Africa north into the Mediterranean region and the Middle East," Crane said.

"Blood diamonds are the common thread that bound them together," the prosecutor said. "The rule of the gun was supreme."

Rebels directed most attacks on civilians, aiming to terrorize the population, Crane said.

Copyright © 1999-2004 The Taipei Times. All rights reserved.



Powered by Clickability

Three ex-military commanders face 18-count joint indictment

FREETOWN, Sierra Leone (AP) — Calling it a "tale of horror," a U.N.-sponsored war crimes court opened the first trials Monday for rebel military commanders accused in a vicious 10-year campaign for control of diamond-rich Sierra Leone.



A boy with a crutch lost an arm and a leg during the decade-old civil war in Sierra Leone. These are some of the victims of one of the most brutal wars in modern history.
By Georges Gobet, AFP

Onlookers in the tightly guarded courtroom muttered as the court detailed the allegations in an 18-count joint indictment — systematic killings, rapes, enslavement of child soldiers and mutilation with machetes.

Prosecutors also described a network of foreign backing for the rebels, including training and forces from Liberia's then-President Charles Taylor and Libyan leader Moammar Gadhafi.

"What took place in Sierra Leone marks the limits of our language to communicate, and falls outside the realm of expression," David Crane, the American chief prosecutor for the U.N.-backed court, said in opening statements.

"This is a tale of horror, beyond the gothic into the realm of Dante's Inferno," Crane said.

The three former military commanders of the Revolutionary United Front are accused as primary culprits in their movement's 1991-2002 battle to take control of Sierra Leone and its diamond fields.

Rebels adopted a trademark atrocity that made them notorious: chopping off the hands, legs, lips, ears and breasts of their civilian victims with machetes. Countless maimed survivors struggle to make new livings today or inhabit vocational training camps set up for the mutilated.

The three accused are former rebel battlefield commanders Issa Sesay, Morris Kallon and Augustine Gbao. Sesay was the rebel's last leader before the fighting stopped.

The rebels' founder and longtime leader — Foday Sankoh, known as 'Pa' to his often drugged and drunk child fighters — died of natural causes in U.N. custody last year.

Crane made frequent reference Monday to another top indicted figure outside of court

custody — Taylor, who has been living in exile in Nigeria, where he fled on Aug. 11 as rebels laid siege to the Liberian capital of Monrovia.

Sierra Leone's war began with a Feb. 27, 1991, planning session in Gbarnga, Liberia, Taylor's base, Crane alleged.

About 250 Revolutionary United Front fighters launched the invasion from Liberia, supported by Taylor's forces and Libyan special forces, Crane said.

Libya is widely accused of training and supporting both Taylor and Sankoh as Cold War-era guerrillas against U.S. interests in West Africa. Gadhafi was mentioned in the special court's indictments but was not charged with any crime.

All parties were fighting for influence and Sierra Leone's mineral wealth, the prosecutor said.

"Among their goals, the diamond fields of eastern Sierra Leone; and their motive — power, riches and control in furtherance of a joint criminal enterprise that extended from West Africa north into the Mediterranean region and the Middle East," Crane said.

"Blood diamonds are the common thread that bound them together," the prosecutor said. "The rule of the gun was supreme."

Rebels directed most of their attacks on civilians, aiming to terrorize the population, Crane said.

Relatives of victims were among those in the courtroom Monday. At times, individuals within the gallery would sigh as prosecutors described the alleged atrocities committed.

The rebel commanders listened attentively to prosecutors' outlining of the case against them. Defense lawyers are to speak at subsequent hearings, although two of the rebel leaders are asking to deliver their own opening statements.

Sierra Leone policemen and flak-jacketed U.N. troops armed with AK-47s guarded the courtroom.

Copyright 2004 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Find this article at:

http://www.usatoday.com/news/world/2004-07-05-sierra-leone_x.htm

☐ Check the box to include the list of links referenced in the article.



Build. Your business.

Sierra Leone: Rebels 'Criminally Guttred an Entire Nation' Says International Prosecutor

UN Integrated Regional Information Networks

NEWS

July 5, 2004

Posted to the web July 6, 2004

Freetown

Three former commanders of the Revolutionary United Front (RUF), a rebel group accused of chopping off the limbs of innocent civilians, gang raping women and burning villagers alive in their homes, stood in the dock on Monday as Sierra Leone's Special Court put them on trial for war crimes.

But as Issa Hassan Sesay, Morris Kallon and Augustine Gbao listened to the 18 counts of crimes against humanity against them, the prosecution made reference to three more powerful men at the heart of the RUF's terror campaign during the 1990's who are now beyond the court's reach.

Foday Sankoh, the founder and historic leader of the RUF died in prison last year, Sam Bockarie, his top military commander was killed in a hail of bullets while fighting as a mercenary in Liberia and former Liberian president Charles Taylor, who supplied the rebel movement with guns and ammunition in return for smuggled diamonds, has been granted political asylum in Nigeria.

"Throughout this war crimes trial... the phantoms of the deceased indictees Foday Sankoh and Samuel Bockarie will be ever present in this hall of justice," David Crane, the Special Court's chief prosecutor said as the trial of those deemed most responsible for the RUF's atrocities during the 1991-2001 civil war opened in Freetown.

Sankoh, who had become senile, died in custody in July 2003, and Bockarie, his right-hand man, widely known by his nickname Mosquito, was killed in Liberia two months earlier.

Crane also launched a thinly-veiled attack on the international community for failing to deliver Taylor to Sierra Leone to stand trial. The former Liberian warlord was forced to quit his own country in August last year as rebel forces advanced into the capital and now lives in exile in Nigeria.

"Charles Taylor would be sitting next to these accused war criminals today had he been turned over to this tribunal for a fair trial," Crane, an American lawyer who formerly worked for the Pentagon, said in his opening statement.

The three RUF defendants in court on Monday trooped jauntily into the newly-built trial chamber. Gbao, the RUF's Overall Security Commander, and Battle Field Commander Sesay smiled broadly as the prosecution outlined its case.

Kallon, who was also a Battle Field Commander, appeared more intent on following a translation of court proceedings on his headphones.

"Our evidence will show time and time again that these indictees criminally gutted an entire nation," Crane told the court, which has five foreign judges appointed by the United Nations sitting alongside three Sierra Leonean judges.

"The RUF physically mutilated men, women and children, including amputation of hands, feet, breasts, buttocks, lips, ears, noses, genitalia, and carving RUF on their bodies," Crane said in his opening statement at the RUF trial.

The prosecution promised to call one witness from the north-eastern town of Koidu who saw 25 men and women "roasting to death in a burning house, their cries adding to this true living hell on earth". The man was then forced to watch his wife being raped as his children sat by his side.

"(She) was raped by eight different RUF rebels before she was stabbed to death with a bayonet by the last RUF rapist," Crane said. "Why does he recall there being eight rapists.... because the witness had to count out loud the number as they tore into his wife."

For the first time at a war crimes tribunal the charge of forced marriage was brought up.

"Women were especially singled out by these rabid dogs from hell for over a decade; degraded, enslaved, mutilated, assaulted, sodomised and forced to live life in the bush," Crane said. "We will show that this condition, these forced marriage arrangements, were and are humane acts and should forever be recognised as a crime against humanity."

Another new charge is the recruitment of child soldiers.

"There is in Sierra Leone an entire lost generation of children, lost souls wallowing in a cesspit of physical and psychological torment. No child should be forced into situations that cause them to mutilate, maim, rape and murder," Crane said.

The RUF trial is the second to open at the Special Court, as it tries to punish those bearing the "greatest responsibility" for the atrocities committed during Sierra Leone's 10-year civil war.

Last month the prosecution began its case against the leaders of the Civil Defence Force (CDF), which supported elected President Ahmad Tejan Kabbah. The defendants in that trial are former interior minister Sam Hinga Norman, who founded the CDF, Moinina Fofana, the military commander of the militia group, and High Priest Allieu Kondewa, who conducted initiation ceremonies for new recruits.

A third trial, of former members of a military junta which briefly overthrew Kabbah in 1997, is due to open at a still unspecified date in the near future.

Sierra Leone's Special Court is the first international war crimes tribunal to sit U.N.-appointed international judges alongside local colleagues in the country where the atrocities actually took place.

However, for many Sierra Leoneans the relevance of its trials has been diminished by the death or absence of many of the key players in the brutal conflict.



Politics-Sierra Leone: 'Dogs of War And Hounds From Hell'

Inter Press Service (Johannesburg)

NEWS

July 6, 2004

Posted to the web July 6, 2004

By Lansana Fofana
Freetown

"This is the day I've been waiting for, the day when someone would be made to answer for what the rebels did to me," said 20-year-old Jabati Mambu, a student whose right arm was amputated by Sierra Leonean rebels during their invasion of the capital, Freetown, in Jan. 1999.

"I am now handicapped and have lost the better part of my youth-hood," Mambu added, as the trial of three top officials of the Revolutionary United Front (RUF) got underway earlier this week.

"The rebels attacked our house in the east of Freetown and abducted my two sisters after raping them. They then slashed off my arm with a blunt machete. I will never forgive these monsters and would only be satisfied if the court punishes their leaders."

The RUF, formerly a rebel movement, terrorized parts of Sierra Leone during a civil war that raged for much of the 1990s, fuelled and funded by diamonds illegally sold on world markets.

The group's tendency to amputate limbs, notably those of civilians, became its trademark - and is one of the reasons why three RUF officials made their first appearance Monday, Jul.5, before a war crimes tribunal set up in Freetown (the "Special Court for Sierra Leone").

"These three war crimes indictees are dogs of war and hounds from hell. Their motive for fighting was less political and much more criminal," said David Crane, Chief Prosecutor of the court, Monday.

"It is a chilling tale of horror, a joint criminal enterprise that spread beyond Sierra Leone and involved external players like the former president of Liberia, Charles Taylor," Crane noted.

The accused include Issa Sesay, who took over as leader of the RUF when its previous head - Foday Sankoh - was arrested in 2000. The group's chief of security, Augustine Gbao, and Morris Kallon - also known as Bilai Kareem - are the other officials to go on trial this week.

They are facing an 18-count indictment for war crimes such as unlawful killings, terrorising the civilian population, sexual violence and abductions - and the use of child soldiers.

While all three have asserted their innocence, they have also challenged the authority of the court to try them - and indicated that they will take the matter up with Sierra Leone's Supreme Court.

The war crimes tribunal, which has the backing of the United Nations, is funded by Britain and the United States. It was established in 2000, and observes local and international laws. It is also staffed by legal minds from both Sierra Leone and other UN states.

"This is a constitutional matter. I don't see how this court can be over and above even the Supreme Court of the country," a defence counsel for one of the accused told IPS Tuesday.

But, Sieh Mansaray - like Mambu - welcomes the trial. He had gone to search for food in the eastern diamond-rich city of Kono when he encountered the RUF, in 1998.

"They lined us up, 24 in number. Twelve of us were amputated and the rest shot dead. The rebels then told us to go to President Kabbah to fix our limbs because we voted for him," he told IPS.

Ahmad Tejan Kabbah was elected president of Sierra Leone in 1996, but deposed the following year by a group of army officers and RUF members. The intervention of regional troops enabled his return to power a year later - but in Jan. 1999, the RUF managed to re-occupy sections of Freetown.

Although UN peacekeepers were deployed to uphold a peace deal signed later that year, unrest persisted. Sierra Leone's civil war was only declared over in Jan. 2002.

The tribunal is the only war crimes court to be operating in the country where the abuses in question occurred. Its mandate is to try individuals who allegedly bear the greatest responsibility for atrocities perpetrated in Sierra Leone since Nov. 1996, when Kabbah signed his first peace deal with the RUF.

To date, the court has indicted 13 people, including Charles Taylor who is currently exiled in Nigeria. Taylor is accused of being principally responsible for war crimes in Sierra Leone, for his role in arming the rebels in return for "conflict diamonds".

The other accused are drawn from a militia known as the "kamajors", which backed the government during the war, and the Armed Forces Revolutionary Council: the junta that overthrew Kabbah in 1997. Former council leader Johnny Paul Koroma is also on the run from the court.

The deaths of RUF founder Sankoh and his notorious field commander, Sam "Mosquito" Bockarie, last year have left some feeling that court proceedings are irrelevant. The men were considered two of the main architects of the destruction in Sierra Leone.

Sankoh's health declined after his arrest on war crimes charges, and he died of natural causes. Bockarie was killed while fighting in Liberia's civil war.

Adds James Conteh, a cab driver in Freetown, "If they can't rope in Taylor - and locate and arrest Johnny Koroma - what then is the use of the court?"

Court spokeswoman Alison Cooper told IPS Tuesday that every effort is being made to bring Taylor to justice. However, the tribunal can only appeal to Nigeria to hand Taylor over - not compel it to do so.

To date, Abuja has not indicated any willingness in this regard - although two Nigerians have asked a court in their country to review Taylor's right to asylum.



kg274@columbia.edu
Sent by:
owner-leonenet@listpro
c.umbc.edu

To: leonenet@listproc.umbc.edu
cc:
Subject: Sierra Leone war-crimes court tests new model for justice

06/07/2004 21:44

World > Africa
from the July 07, 2004 edition

Sierra Leone war-crimes court tests new model for justice

The trial of three rebel leaders began Monday.

By Michael Peel | Correspondent of The Christian Science Monitor

FREETOWN, SIERRA LEONE - Outside the still-unfinished war-crimes court complex here, Lamain Jusujark greets friends by offering them a shake of the metal hook that serves as his right hand. Mr. Jusujark, who had both hands amputated by the notorious Revolutionary United Front (RUF) rebels during the Western African country's 10-year civil war, says he is looking forward to seeing RUF leaders face justice. "It's important to set an example," he says. "So no group of people will take up arms, go into the bush, and commit atrocities against innocent civilians."

The long-awaited trial of three RUF commanders began on Monday, with prosecutors describing their acts as a "tale of horror." But the court's approach is proving controversial: only a handful of rebels will be tried; and many people are unhappy with the decision to prosecute alleged leaders of the Civil Defense Forces (CDF), a progovernment militia that fought the RUF and was regarded by many people as a liberating force.

Set up to avoid some of the complexity that has undermined United Nations tribunals for Bosnia and Rwanda, the Sierra Leone court has become a test - one that some say could itself fail - of a new model for international justice.

"The idea is a good one," says Akin Macauley, a businessman here. "But I don't think the court has been able to get all those we believe are involved."

The court, established jointly by the Sierra Leone government and the UN, began work two years ago with a mandate deliberately limited in both time and judicial scope. It is supposed to finish its work in three years and to try only those people bearing "the greatest responsibility" for the war - in which rebels occupied Sierra Leone's diamond-mining region and tried to overthrow the elected government. Only crimes committed between December 1996 and the war's end in January 2002 are being considered, even though the conflict began in March 1991.

A second innovation is the court's funding. Instead of relying on UN funds alone (and its slow-moving bureaucracy), the court sought contributions from individual countries. Funding from 33 nations totaled about \$50 million with the biggest donors including the US, Britain, and the Netherlands. But bilateral donations proved insufficient, and the UN had to step in with an emergency infusion

of cash.

Critics of the court have attacked its limited mandate, arguing that it allows many of those responsible for horrendous crimes, including kidnapping children and killing pregnant women, to escape punishment. "We have battlefield commanders who were directly in charge of these combatants," says John Abu, a journalist based in Bo, a town once held by rebels. "We would have loved to have seen some of these battlefield commanders prosecuted."

Of further concern is the absence of many of its highest-profile indictees. Two RUF leaders have died while Charles Taylor, the former Liberian president who is accused of supporting the RUF, is in exile in Nigeria. And Johnny Paul Koroma, leader of an infamous junta that took power for nine months after a 1997 coup, is at large.

These absences have focused attention and controversy on the trial of three alleged leaders of the progovernment CDF, including Samuel Hinga Norman, a former deputy defense minister and interior minister. The prosecution alleges the CDF killed thousands of people, including the massacre of 65 alleged rebel collaborators.

Many observers say Mr. Norman's trial, which began last month and has been adjourned, could continue to be rancorous, given his heroic status among many people. David Crane, an American and the court's chief prosecutor, told the court it is important that Norman stand trial because he was responsible for the "perversion of a just cause." Mr. Crane says it is equally crucial that Mr. Taylor be held accountable.

"The bottom line is African leaders are terrified of the indictment," he says. "It's a breach in the wall of impunity." Some diplomats argue that extraditing Taylor would be seen as reneging on a deal made last year for him to step down peacefully in exchange for asylum. His extradition might hamper future attempts to persuade dictators to end conflict peacefully, some observers say, although human rights groups dispute this and say establishing the principle of accountability would help deter future atrocities.

The most critical test is whether the court can help the peace process in Sierra Leone and become a model for other states recovering from civil war. For Jusujark, the court's success would be an essential part of reconciliation in a society divided by a decade of terrible crimes. "We find the court very necessary," he says. "If no example is set, maybe the same people will take arms and commit the same atrocities."

Special Court doles out \$10,500 to witnesses

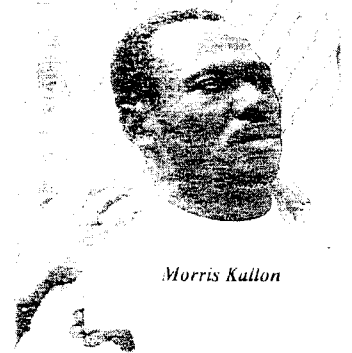
By Abdul Karim Koroma
Counsel for the indicted former RUF
Interim Leader Gen. Issah Sesay.

Timothy Clay yesterday revealed at the
Special Court that the Court has paid

\$10,500 to two witnesses who should
testify against RUF indictees the sum



Issah Sesay



Morris Kallon

of \$4,500 and \$6,000 respectively.

In his address to the Court, Clayson observed that these substantial monies include lodging, clothing and maintenance and questioned where the Court is getting all these monies.

"We can't feel confident in Cross Examining witnesses until we know fully what the Prosecution is actually up to," Clayson said and noted that if they were not reasonable satisfied with these issues, the trial would be undermined.

Contd. page 3

Special Court doles out \$10,500 to witnesses

From front page

According to him, he wanted to know from what funds these monies were paid from and who administered the payment of such funds.

Lawyer for War Crimes indictee Augustine Gbao, Andreas O'Shea told the Court that since the Prosecution had access to such funds the Defence

should also lay hands on the same fund so as to expedite the justice process. Prosecution counsel Leslie Taylor countered that the 15th and 16th witnesses were provided with luggage, tickets and maintenance.

The Court will give a ruling on this Friday.

Concord Times

Wednesday July 07, 2004

I Don't Recognise The Special Court

—IG Acha Kamara

-Former RUF Commander

By Joseph Turay
Third accused indictee of
the former Revolutionary

United Front (RUF) Augustine Gbao, has said that he does not recognise the Spe-

cial Court for Sierra Leone. Gbao who was battlefield commander for the former

RUF is facing 18 counts charge for war crimes and crimes against humanity. The former battlefield commander was in an angry mood yesterday, after the chamber

granted him the right to make his statement under rule 68 of the rules of procedure. "My lord, I don't recognise this court and we are strongly against the manner in which

the court was set up," he told the trial chamber, adding that, they are not afraid of any decision the court might want to take. He was halted by judge

Contd. page 2

I Don't Recognise The Special Court

From front page

Bankole Thomson, who cautioned him not to make any political statement with regards to the constitutionality and the legitimacy of the court, and warned that if he continues, the court would have no option but to take appropriate action.

The accused argued that there is no court in the world that does not talk about politics.

He further argued that the Special Court was set up because of politics and that the court is political. At this stage judge Thompson stopped him and asked the accused to sit down since according to the learned judge, Gbao could not conform with rule 84 of the rules of procedure. In another development, the accused was given another chance to speak. This time,

with regards to his representation. Gbao told the court that since his right to make a statement according to him under article 17 of the statute of the court has been denied, he would now defend himself. He warned that no lawyer should stand on his behalf, adding that, until the international community intervenes. "I stand to defend myself," he roared.

The Exclusive

Wednesday July 07, 2004

AUGUSTINE GBAO SACKS HIS LAWYERS

By Mohamed Mansaray

Revolutionary United Front (RUF) Special Court indictee, Augustine Gbao yesterday sacked all his defence lawyers saying that he can defend himself.

He also warned his co-accused, Issa Sesay and Morris Kallon to be aware of the fact that they are on joint trial, adding that they, (RUF) indictees should only be concerned about their defence.

Mr. Gbao went on to say that he is not afraid of any court

system and will not recognise the legitimacy of a court he described as "political". He also said, "Let them take me anywhere."

Mr. Gbao made these statements while presenting his opening statements at the Special Court room No 1, Jomo Kenyatta Road in Freetown yesterday, when their joint trial officially started. He further said that he will not recognise the legitimacy of the court because according to him, the court denied

SEE BACK PAGE

Defence Lawyers For

Augustine Gbao Unchanged

him his right to make an opening statement as provided for in the Special Court Statute. "There is no judicial process without politics", the indictee told the court, adding that he will only recognise a court that carries the mandate of the people. Responding, Justice Bankole Thompson of the Trial Chamber warned that the court would resist any attempt on the part of anyone to transform the court into a melodrama. Justice Thompson further said that the opening statement of the accused violated Rule 84 of the court's statute by attacking the legitimacy of the court and making political statements.

Mr. Gbao's former defence lawyers are Andreas O'shea, John Cammegh, Ben Holden and Glenna Thompson.

Ruling on Mr. Gbao's concerns raised earlier, the Trial Chamber comprising Justice Botet, Justice Thompson and Justice Itoe (Presiding Judge) resolved that the court will not entertain any objection regarding the legitimacy of the court. The Chamber also resolved that defence lawyers already assigned to Augustine Gbao would not be withdrawn.

Sittings resumes this morning.

Sabine Times

Wednesday July 07, 2004

"I do not recognize the Special Court"- Gbao



Augustine Gbao -defiant

By Odilia French
Third accused- Augustine Gbao in the joint trial of the rebel Revolutionary United Front (RUF) has in his opening statement said that he does not recognize the Special Court. "Since I have been denied my right under Article 17, no lawyer should appear or defend me in court until the

Commonwealth, African Union or other international body intervene in this matter" he said. At this point one of the presiding judges, Justice Bankole Thompson stopped him saying, "the legality or constitution of the Special Court is not an issue before the court today." He cautioned the

third accused saying "the bench will resist all attempt to transfer charges before this court into a political melodrama." Defiantly, Gbao maintained, "I am not afraid of any court system and I am strongly against the manner in which the Special Court was established." Justice Thompson then ordered him to make his statement

within the confines of Rule 84 of the Rules of Procedures, which states, "at the opening of his case, each party may make an opening statement confined to the evidence he intends to present in support of his case. The Trial Chamber may limit the length of this statement in the interest of justice." Despite this rebuke from the

Contd. Page 2

From Front Page
bench. Gbao continued saying, "the Special Court is political and it is politics that established the court." Dressed in a flowing African gown the former National Security Officer of the RUF again defiantly stated, "it will be very

difficult to be convinced that this court is not political, adding there is no judicial exercise without politics." Justice Thompson again stopped him saying Gbao would not be allowed to proceed further, "since Rule 84 does not allow an accused to

make a political statement in the opening statement." The Judge said that it is their determination to resist any attempt by anyone high or low to allow politics to intrude into the domain of impartial justice.

Gbao further informed the court that his decision does not influence the other accused persons, adding, "it does not bind me to the other accused." Justice Itoe in delivering his ruling said that the accused in his application did not establish exceptional circumstances according to Rule 45 E of the Rules and Procedures. He therefore ruled that the present counsels for the accused will continue to represent him and would conduct the case to finality. Meanwhile, the Defence Counsels for the first accused Issa Sesay and second accused

Morris Kallon have said that they would not be in the position to cross-examine any Prosecution Witness until there is proper disclosure of exculpatory materials under Rule 66 A (iii) of the Rules of Procedure, which the Prosecution have not done. Mr. Tim Clayson and Mr. Jordash for the first accused, and Mrs. Wanda Akin for the second accused all maintained in their submissions that they would like to know whether the money provided for the Prosecution Witnesses

are "cash for conviction." According to Mr. Clayson, the Prosecution furnished them with a 2000 page document disclosing that the sum of about \$4000 was given to these witnesses and they (the Defence) would want to know where the funds came from and who administered the funds among other things. The Prosecution in their response told the court that the Defence should wait until cross-examination before asking such questions and then they would know where the money came from and the purpose it was used for. Judge Itoe said that ruling on those submissions would be on Friday.

Awoko

Wednesday July 07, 2004

RUF man threatens to boycott trial

By Theophilus S. Gbenda
The third accused in the RUF set of indictees, Mr. Augustine Gboa, has

sacked his defence team, saying he will no longer be cooperating with the proceedings of the Special

Court for Sierra Leone.

Mr. Gboa made this assertion when the trial chamber uncompromisingly pre-

vented him from concluding his opening speech, which the chamber referred to as contemptuous and political.

Though Mr. Gboa has until then been duely represented by a reputable team of defence lawyers, Rule 17 of the Statute of the Special Court gives the opportunity to accused persons to decide how they want to be represented in court, and to make statements where necessary.

When granted the permission to express his right, pursuant to Rule 17, Mr.

Continued back page

FROM PAGE 1

Gboa started by challenging the legality of the court, stating among other things that he does not recognize the jurisdiction of the court to try him and his co-accused.

He went further to state that he and his co-accused, Issa Sesay and Morris Kallon are not afraid of any court system that constitutionally carry the mandate of the people of Sierra Leone, insisting that they are totally against the way and manner the Special Court was created.

It was at this juncture that the trial chamber stopped him from continuing, saying that it will not allow the accused to go on making political statements.

This, according to the trial chamber, is in line with the

fact that, Rule 84 of the Statute does not allow indictees to make political statements.

Owing to that, Mr. Gboa pointed out that Rule 17 has been violated by the trial chamber, and that he no longer recognizes the legality of the court, adding that henceforth no lawyer should represent him.

He further noted that his position will not change until the international community steps in to remedy the situation.

To his co-accused, Mr. Gboa motioned that they can go there own way if they so choose.

Meanwhile, the defence counsels for Issa Sesay and Morris Kallon have complained bitterly over what they refer to as a deliberate attempt by the prosecution

to stifle the defence.

This, according to them, has to do with the fact that the prosecution is not fully adhering to Rules 66A and 68, which calls for the disclosure of relevant materials to the parties involved.

The defence team also accuse the prosecution of paying thousands of dollar to two key witnesses (formerly of the RUF), with a view to getting their co-operation.

In response, the prosecution pointed out that it had nothing to hide and that the materials in question will be delivered accordingly.

On the issue of payments, the prosecution admitted that it issued a substantial amount of cash to the 15th and 16th witnesses but said it was in respect of their air tickets, luggage and maintenance abroad.

The proceedings continue today.

Standard Times Wednesday, July 07, 2004

Source: [News & Business > News > News, Most Recent 90 Days \(English, Full Text\)](#) ⓘ
Terms: **rebels face court, freetown, sierra leone ... carved initials into the chests of child soldiers forced into battle, prosecutors ...** ([Edit Search](#))
☒ Select for FOCUS™ or Delivery
☐

Calgary Sun (Alberta, Canada) July 6, 2004 Tuesday Final Edition

Copyright 2004 Sun Media Corporation
Calgary Sun (Alberta, Canada)

July 6, 2004 Tuesday Final Edition

SECTION: NEWS; Pg. 17World Watch

LENGTH: 95 words

HEADLINE: REBELS FACE COURT

DATELINE: FREETOWN, Sierra Leone

BODY:
Three Sierra Leonean **rebel** commanders led fighters who killed, raped and mutilated their victims, and **carved initials into the chests of child soldiers forced into battle, prosecutors** said yesterday. The defendants -- Issa Sesay, Morris Kallon and Augustine Gbao -- were each liable for the crimes carried out under their command as they fought to control diamond mines in **Sierra Leone's** 10-year civil war, the prosecution said. The war killed 50,000 people and shocked the world with images of mutilated civilians and drugged up young gunmen. It ended in 2002.

LOAD-DATE: July 6, 2004

Source: [News & Business > News > News, Most Recent 90 Days \(English, Full Text\)](#) ⓘ
Terms: **rebels face court, freetown, sierra leone ... carved initials into the chests of child soldiers forced into battle, prosecutors ...** ([Edit Search](#))
Mandatory Terms: **date from 07/01/2004**
View: Full
Date/Time: Wednesday, July 7, 2004 - 6:34 AM EDT

[About LexisNexis](#) | [Terms and Conditions](#)

Copyright © 2004 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

VANGUARD**PropertyNigeria.com**

Home | Cover Stories | National Newsreel | Politics | Business | Sports | World | Contact | Advert Rates
Towards a better life for the people

Search The Archives

GO

UN may seek Liberian govt help over Taylor's trial

*By Ikechukwu Eze With Agency report
Wednesday, July 07, 2004*

Cover Stories
National News
South West
Niger Delta
South East
North
Politics
Business
Sports
World
Viewpoints
Features

The international community may seek the co-operation of the Liberian government in the bid to secure the release of exiled Charles Taylor for trial at the UN backed war crimes court in Sierra Leone. A United Nations official, Ambassador Jones Parry who dropped this hint in a BBC interview accused Taylor of committing atrocities in both Sierra Leone and Liberia adding that the issue of Taylor's trial was no longer a "question of whether he would face trial but a question of when he would face trial."

Parry who led the Security Council team on a recent tour of West Africa stressed that the issue of Taylor's trial was discussed with the Liberian authorities in Monrovia. He further indicated that Liberian president Gyude Bryant was not against the idea of bringing Taylor to justice, stressing: "I know what (president) Bryant thinks." The envoy affirmed that the UN does not intend to force Nigeria to produce the former president for trial adding that the world body would act in line with president Olusegun Obasanjo's position that Taylor would only be released on the request of the Liberian government. "There should be no immunity for people who have been alleged to have committed the sorts of crimes [listed in the] ... indictment issued against Taylor," said ambassador Parry on the one-day stop in Freetown.

The head of the 14-member UN Security Council delegation touring West Africa added that any trial should not be allowed to threaten Liberia's young peace process. "The timing of bringing anybody before the court is a mix both of the indictment and of the circumstances of the case," Parry said. Taylor left Liberia on August 11 for exile in Nigeria, where he has so far been protected from the jurisdiction of a UN-backed special court that has indicted him for war crimes in that country's decade-long civil war. Parry said that any trial of Taylor would mark a third stage in Liberia's post-conflict recovery process after firstly stopping the fighting and secondly beginning a process of truth and reconciliation. "I think we're getting towards that third stage in the case of Liberia," he said.

"The question therefore is when should Taylor be actually brought before the court," he said, adding that the conditions for that have been set out by the president of Nigeria. "It's really a question of whether a request is made and how that should be dealt with," he added. President Olusegun Obasanjo of Nigeria has repeatedly said that his country will hand over Taylor to the special court if the Liberian government requests it. So far Gyude Bryant has declined to make such a

request for fear of destabilising a 10-month old peace process. Parry said that of immediate concern is ensuring that the special court has sufficient funds to enable it to work.

Meanwhile the UN-backed war crimes tribunal in Sierra Leone has begun hearing the first cases against members of the rebel Revolutionary United Front.

The RUF is blamed for killings, rapes and abductions during a decade of civil war that ended in 2002.

But the first three defendants - who include the RUF's final military leader Issa Sesay - are refusing to acknowledge the court's legitimacy.

About 50,000 people were killed, and many more maimed and raped in the war.

The RUF's internal security chief, Augustine Gbao, and a key battlefield commander, Morris Kallon, are on trial alongside Mr Sesay.

The RUF's campaign of violence included hacking off the limbs of civilians as a trademark act of terror.

Chief Prosecutor David Crane said that atrocities were committed in virtually all parts of Sierra Leone.

"This is the day I have been waiting for," said one amputee.

"I am now satisfied that someone is being held accountable for what the rebels did to me."

But correspondents say the tribunal's importance has been diminished by the deaths of RUF leader Foday Sankoh his deputy Sam Bockarie - best known under his nom de guerre Mosquito.

The tribunal has not yet been able to arrest the man accused of being the RUF's paymaster, former Liberian President Charles Taylor.

Despite being indicted on 17 charges of war crimes or crimes against humanity, Mr Taylor is living a life of luxury in exile in Nigeria.

Unlike the war crimes tribunals for Rwanda and the former Yugoslavia, the court is based where the alleged crimes occurred and draws on both national and international law



Court: Milosevic fit for trial

Tuesday, July 6, 2004 Posted: 11:52 AM EDT (1552 GMT)

THE HAGUE, Netherlands -- The U.N. tribunal has ruled that former Yugoslav President Slobodan Milosevic is fit to stand trial, but may not be healthy enough to continue defending himself against charges of war crimes and genocide.

The judges ordered Milosevic, 62, to undergo a new medical examination by an independent cardiologist and postponed hearings in his case until next week.

"There is no evidence that the accused is not fit to stand trial at all, but there is evidence that the health of the accused is such that he may not be fit to continue to represent himself," they said.

If Milosevic's health permits, the trial will resume on July 14 for a week before adjourning for six weeks to allow him more time to prepare his defense.

Judges at the tribunal at The Hague said they had not decided yet whether to impose a defense lawyer on Milosevic.

The rulings on how the case will proceed came after the trial was adjourned Monday due to concerns about his health.

The tribunal was told then by doctors that Milosevic was suffering from high blood pressure and heart complaints.

Milosevic, a former lawyer, was present in court Monday. He had planned to present opening defense statements to 66 war crimes charges -- including genocide, during the breakup of the former Yugoslavia in the 1990s filed against him.

Instead, the tribunal heard details of Milosevic medical troubles.

"It's quite clear over the past five months that his health had been gradually declining," Steven Kay, one of the independent lawyers assigned to ensure a fair trial for Milosevic, told the panel of three judges.

Based on new medical reports he was not fit to appear in court this week, he said.

Milosevic's failing health has regularly delayed the trial since it began in February 2002.

Prior to Monday's court appearance, Milosevic said he would call hundreds of witnesses in his defense.

The prosecution, which wrapped up its case in February after testimony from nearly 300 witnesses, has tried to link Milosevic directly to the wars in the Balkans in the 1990s that left more than 200,000 people dead.

Milosevic has pleaded innocent and insists on defending himself despite his poor health.

He has demanded that former U.S. President Bill Clinton and over 1,600 others appear as defense witnesses, but Milosevic has only 150 days to present his case.

The court has also said that he must provide good reason as to why any witness should appear.

But the former Serb strongman also refuses to recognize the legality of the International Criminal Tribunal for the former Yugoslavia and observers say he could run into procedural difficulties while conducting his own defense.

Milosevic has argued in the past that a 1999 crackdown he ordered on ethnic Albanian Muslims in Kosovo was intended to protect the Serbian minority there.

He also says NATO's 78-day bombing campaign, which forced out his troops from the region, caused civilian deaths.

Additionally, Milosevic has said that when he was president of a crumbling Yugoslavia in the early 1990s, he did not have control over Serb troops in neighboring Croatia and Bosnia.

Copyright 2004 CNN. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed. Associated Press contributed to this report.

Find this article at:

<http://edition.cnn.com/2004/WORLD/europe/07/06/milosevic.trial/index.html>

☐ Check the box to include the list of links referenced in the article.

Saddam to delay trial in hope of UN intervention

WEDNESDAY, 07 JULY 2004

PARIS: Saddam Hussein's defence team aims to drag out his planned trial and pressure its Iraqi judges in the hope the United Nations will intervene and appoint other magistrates, one of his lawyers said today.

Frenchman Emmanuel Ludot, back in Paris after a meeting with the ousted Iraqi leader's defence team in Jordan, said he was driven to defend Saddam by the belief that every defendant deserved a good defence.

Saddam's wife and two daughters have asked an international team of lawyers to represent him, but US and Iraqi authorities have not sought Saddam's confirmation of this or allowed them access to him, he said.

The former dictator, driven from power by US-led forces in April 2003, appeared before an Iraqi judge last Thursday to face charges that could lead to a formal indictment for war crimes, crimes against humanity and genocide.

"Our work will be to ensure this court does not function, that it is paralysed as long as possible," Ludot told a news conference. "It is out of the question that this court can judge, hold session or work under the conditions the Americans have prepared for it."

Newly sovereign Iraq will try Saddam, but Ludot said he thought US officials were pulling the strings behind the scenes.

Ludot said the defence team, which includes lawyers from Britain, France and the United States among a majority of Arab attorneys, would question the suitability of each judge on the war crimes tribunal so much that they withdraw one by one.

He admitted the defence lawyers did not yet even know who the judges would be, but said the fact they would be picked by Salem Chalabi – whom he called "the Americans' man" – would make them unacceptable to them.

Chalabi, a US-trained lawyer, is head of Iraqi Special Tribunal which is organising the trials of Saddam and 11 others.

Ludot said although his lawyers had not yet spoken to Saddam, the former dictator's statements in court last week made clear he did not accept the court's authority and believed the war that ousted him without UN backing was illegal.

He said several countries had pledged money to Saddam's defence fund but named only Libya. Libyan leader Muammar Gaddafi's daughter Aisha Gaddafi has joined the defence team.

He said the team also wanted some Iraqi funds now frozen in Switzerland to be unblocked to pay for its expenses.

Ludot quoted another of Saddam's lawyers, Mohammed Rashdan, as saying Baghdad's defence and justice ministers had warned the legal team about their safety if they go to Iraq to try to see Saddam, as they planned to do on Wednesday.

"The message was, if you come to Iraq, you risk getting cut up into pieces," he said.

»RETURN TO PARENT SECTION

© You may not copy, republish or distribute this page or the content from it without having obtained written permission from the copyright owner. To enquire about copyright clearances contact clearance@fairfaxnz.co.nz

The trouble with war crimes trials

By Jon Silverman
BBC legal affairs analyst

With two of the most notorious dictators of recent years - Slobodan Milosevic and Saddam Hussein - standing trial, war crimes justice has never had a higher profile.

But what is the deterrent effect of such a process?

And if the Milosevic trial ends prematurely because of the defendant's ill-health or if Saddam Hussein successfully presents himself to the Arab world as a martyr, would the risks outweigh the gains?

On one thing most international lawyers and academics can agree: that war crimes justice has undergone a steeper-than-expected learning curve in the last decade.

When the international tribunal for Yugoslavia was established in 1993, relatively little attention was paid to the impact trials would have on the Serbs.

Both in Belgrade and Banja Luka, trials in the far-away Hague were seen as "victor's justice", a view which persisted well after the arrest and indictment of Mr Milosevic eight years later.

Public relations battle

Now, after vigorous out-reach efforts by the Hague tribunal, especially in the Bosnian Serb Republic, there are signs that attitudes are changing.

And in Serbia itself, Tomislav Nikolic, a nationalist ally of Mr Milosevic and opponent of the Hague tribunal, has just been defeated in the presidential election by a pro-European moderate.

Interestingly, the head of the special Iraqi tribunal trying Saddam Hussein visited The Hague last month - aware, no doubt, that the risks of political destabilisation posed by putting the old regime on trial are far greater in the Middle East than they are in the heart of Europe.

The intention is to achieve a more focused set of prosecutions, with fewer indictments and fewer witnesses than the Hague tribunal.

But the public relations battle is perhaps even more important than the legal one - and Arab opinion remains to be convinced that, though the trials will be in Baghdad, the strings are not being pulled in Washington.

Repercussions

The president of pressure group Genocide Watch, Dr Gregory Stanton, is not alone in expressing concern that focusing on the flaws of war crimes trials is playing into the hands of dictators.

"Perfection is the enemy of justice," he says. "All-or-none standards are self-defeating."

He points to moves, over two decades, to block a war crimes tribunal to deal with the atrocities committed by the Khmer Rouge in Cambodia because agreement could not be reached on the right kind of process.

The age of dictatorship is certainly not over.

But at least those who practise the craft know that repercussions may lie ahead.

Story from BBC NEWS:
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/3868395.stm>

Published: 2004/07/05 19:09:06 GMT

© BBC MMIV

July 7, 2004

OP-ED CONTRIBUTOR

Judgment at Baghdad

By TOM PARKER

EW HAVEN — I spent six months in Baghdad in 2003 working with Iraqis to devise a strategy for bringing Saddam Hussein and his cronies to account. Mr. Hussein's appearance before an Iraqi judge last week was the culmination of a remarkable collaboration between the American-led coalition and Iraqi jurists. It also marked an important new stage in the evolution of international justice.

For probably the first time in history a country will put its former leaders on trial under international criminal law in a locally constituted court. Unlike its United Nations-sponsored cousins in The Hague and Sierra Leone, the Iraqi Special Tribunal empowers local officials to bring the perpetrators of atrocity crimes to trial. International financing will go where it will do the most good — toward rebuilding Iraq's judiciary and ensuring that the victims of Mr. Hussein's regime are finally heard.

The coalition authority spent almost six months formulating tribunal plans with Iraqis. It organized working groups and conferences on subjects as diverse as truth and reconciliation commissions and forensic anthropology. Throughout these sessions, which were open to the public, one message came across loud and clear: Iraqis wanted to see Mr. Hussein tried by Iraqis.

Coalition advisers worked closely with Iraqi lawyers to ensure that the tribunal statute we created was in harmony with the latest developments in international criminal law. Much thought was also given to developing an investigative strategy that would help Iraqis make sense of a seemingly endless catalog of crimes — approximately 300,000 dead, and thousands more tortured, raped and otherwise abused over a period of more than 30 years.

We suggested that the tribunal impose a strict upper limit on the number of cases brought before it. Why was this important? Because investigating and prosecuting these sorts of crimes is complex and time-consuming. Without some limitations, trials could drag on for decades at great expense. What's more, with each passing year the meaning of the trials could become increasingly diluted.

Our conclusions were based, in some measure, on the experience of the International

Criminal Tribunal for the Former Yugoslavia, which did not pick its early cases well and took on a greater caseload than it could easily handle. As a result, the tribunal is expected to take almost 18 years to try a mixed bag of approximately 100 cases at a cost of more than \$1.5 billion. To many in the Balkans, it has been a costly disappointment.

Coalition advisers recommended that in Iraq — as in Nuremberg almost 60 years ago — the initial investigative effort be limited to no more than 20 to 25 high-profile perpetrators. Defendants will be immediately recognizable to the Iraqi public, and the tribunal's initial list of indictees was chosen with this in mind.

It is vital that the cases heard by the tribunal address the full spectrum of the regime's atrocities. People all across Iraq experienced human rights abuses under Saddam Hussein. In a fragmented country, this is a rare unifying factor. The tribunal's defendants have been selected with an eye toward providing a thorough and representative accounting of these crimes.

Equally significant: defendants will face penalties under Iraqi law — not penalties deemed appropriate by the international community. There is little likelihood, then, that Mr. Hussein will live out his days in a comfortable Dutch prison. Nor will Iraqis have to suffer the absurdity of the so-called Rwandan paradox, where the worst that can befall mass murderers brought before the United Nations tribunal in Arusha, Tanzania, is life imprisonment while low-level offenders, brought before local courts in Rwanda, face the death penalty.

International law places great emphasis on the principle that cases should, where possible, be resolved at a local level — an aspiration recognized in Article 17 of the Rome Statute of the International Criminal Court. The creation of Iraq's tribunal honors this commitment.

Restoring respect for the judiciary and the rule of law will be a key step in the stabilization and recovery of Iraq. It's difficult to imagine a more effective or symbolic manner in which this could be achieved than by Iraqi judges presiding over Mr. Hussein's trial.

In addition, by giving Iraqis the power to tackle this task themselves, we will be creating an experienced cadre of judges, lawyers and investigators steeped in international notions of due process. When their tribunal work is finished, many will return to Iraq's still-fragile legal system, where they will be able to pass their skills on to their compatriots.

A televised judicial process conducted according to internationally accepted standards will become a civics class for the whole country. Mr. Hussein's victims will at last have a chance to be heard in front of their own people. And best of all, Iraqis will have the satisfaction of punishing their tormentors for themselves.

Tom Parker was the head of the Coalition Provisional Authority's crimes against humanity investigations unit.

COALITION FOR INTERNATIONAL JUSTICE

USA: 1828 L Street, N.W., Suite 740 · Washington, DC 20036 · Tel: +1 (202) 483-9234 · Fax: +1 (202) 483-9263
Europe: The Hague · The Netherlands · Tel/Fax: 31-70-352-1171
Email: coalition@cij.org · Internet: www.cij.org



Court Moves Closer to Appointment of Counsel

International Criminal Tribunal for Yugoslavia (ICTY)
Milosevic Trial - The Hague
06 July 2004

THE HAGUE - Moving closer to the appointment of counsel, the Trial Chamber ordered that Slobodan Milosevic be examined by an independent cardiologist to determine his fitness to continue to represent himself and "the likely impact on the trial schedule should he continue to do so." The Court rejected Amicus Steven Kay's suggestion that the Accused might not be fit to stand trial at all, stating there was no evidence to support it.

Referring to the latest medical report which advised that Milosevic's health problem can be expected to recur and considering the time lost to date due to his illness, the court noted that "there is evidence that the health of the Accused is such that he may not be fit to continue to represent himself, and that his continuing to represent himself could adversely affect the fair and expeditious conduct of the trial."

The Chamber ordered that the trial be resumed for one week in July (from July 14 - 21), followed by an adjournment until the end of August, approximately 6 weeks. This will compensate Milosevic for preparation time he lost due to illness over the past four months. It will also allow time for potential defence counsel to be identified by the Registrar, as further directed by the Court.

In reaching its decision, the Court relied on the Trial Chamber's decision in the Seselj case appointing standby counsel. The Court pointed out, however, that the ways set out for standby counsel to operate in that case "are not exhaustive." In other words, the Milosevic Court is giving notice that it may require a greater or different role for counsel, if it concludes counsel should be appointed to assure the trial continues in a fair and expeditious manner. The Court also noted that civil law countries like Serbia and Montenegro do not allow an accused to represent himself in serious cases, providing further justification for imposing counsel over the Accused's objections..

The Court's action can be seen as laying the ground work to appoint counsel -- whether as standby, co-counsel or one who assumes primary responsibility for representing the Accused. While there is legal support for imposing counsel against the wishes of an accused, the Court seeks to assure itself (and the public) that it is medically necessary. While this may not be the definitive decision some observers want, it is clear that the Court is taking seriously its responsibility to assure a fair trial. Contrary to speculation in some quarters, the Court's focus is not on ending the trial before its conclusion. Rather, it is on reaching a conclusion in the most expeditious and fairest way possible.

See also, CIJ Reports "Court Appoints Standby Counsel in Seselj Case," May 12, 2003; "Fair Trial May Require Appointment of Counsel: The Court must consider Milosevic's health and poor defense," July 25, 2002, among others.

Submitted by Judith Armatta on 06 July, 2004

[▲ Top](#)

Who's Involved

Defendant: Milosevic, Slobodan; ; **Judges:** Judge Iain Bonomy Judge O-Gon Kwon Judge Patrick Robinson ; **Prosecutors:** Del Ponte, Carla Nice, Geoffrey ; **Defence Counsel:** Self ; **Indictee Mentioned:** Milosevic, Slobodan

[▲ Top](#)

[Home](#) | [Overview](#) | [Staff](#) | [Press](#) | [Support Us](#) | [Contact Us](#)
[Former Yugoslavia](#) | [Rwanda](#) | [East Timor](#) | [Sierra Leone](#) | [Cambodia](#)

Trial and error

The sheer breadth of the war crimes case against Saddam Hussein, which involves charges dating back 30 years, would be daunting for any country.

But this trial, expected to last for months, will be held in a nation where trials have never lasted more than a few days, where the rule of law is a work in progress, and where security is so dicey that the identities of judges are being kept secret.

Against such a backdrop, Iraq's interim government must balance competing demands of Iraqis who want to see Saddam dealt with quickly and an international community determined to see that he gets a fair trial.

Saddam made clear in his first court appearance last Thursday that he will not be the only one on trial. He challenged the legitimacy of the legal system that seeks to hold him accountable for atrocities that stretched over three decades.

He implied that the judge and the court were under the control of the United States, and he said that as a head of state, he could not be tried.

In Amman, Jordan, Saddam's team of lawyers fumed that the proceedings only proved that their client cannot expect a fair trial.

"The mockery of Saddam Hussein's trial shows there is no democracy," said Mohammed Rashdan, a Jordanian who heads the international defence team. "They shouldn't have asked him any questions without a lawyer there."

Rashdan and other lawyers representing Saddam claimed they received death threats from leaders in Iraq's new government for seeking to defend the former president.

"They say that if any Arab lawyer comes to Baghdad to defend Saddam Hussein, he will be cut to pieces," Rashdan said. "We need protection."

Even in Jordan, we are under threat."

The lawyers said they are appealing to the US government, the Red Cross and France, Belgium and Britain to secure their passage to Baghdad, and to protect them while they are there.

"It is very important for us to meet our client," Rashdan said.

"We can't defend him in the dark. It's already illegal. And if they refuse that, it just makes it more illegal."

Saddam's brief appearance, said David Scheffer, a professor at Georgetown University School of Law and former ambassador at large for war crimes issues in the Clinton administration, "showed that it is going to be very complex and very risky to try him".

It is far too early to tell, Scheffer said, whether "this will be a process that stands up to international scrutiny and that has the kind of integrity that we're anticipating it should have."

What happened on Thursday was roughly equivalent to a preliminary hearing in the United States.

The judge told Saddam that he will face charges related to seven alleged crimes, including his 1990 invasion of Kuwait, the 1991 suppression of uprisings by Kurds and Shi'ites, the 1988 gassing of Kurds in the northern village of Halabja, the killing of political opponents over three decades and the killings of religious leaders.

Formal indictments - against Saddam and 11 of his senior associates, are probably months away.

Cases involving allegations of large-scale war crimes are exceptionally complex.

Often the defendant has no blood on his hands, but is accused of having command responsibility. Proving that can be tricky.

Often, leaders have destroyed physical evidence. Oral accounts can be difficult to obtain in countries where there were vicious security services that people fear will regain power.

And because these acts are committed during conflicts, leaders who are on trial can also claim that the measures they took were defensive.

The outlines of Saddam's defence seem clear. His lawyers said that the US invasion of Iraq, the selection of the judges and the creation of the court under the US-installed Iraqi Governing Council are illegal.

Rashdan called them "a scandal and a shame on the head of America". He said that Saddam has been questioned without lawyers, stripped of his prisoner of war status and is now being tried

without legal counsel.

Saddam's legal team includes lawyers from France, Britain, Belgium and the United States, who are working with lawyers from Jordan, Tunisia, Libya and Lebanon, hired by his wife and daughters.

"The Americans say they have 36 tons of paperwork to prove their case," said another of Saddam's lawyers, Ziad Khasawneh. "But we haven't been privy to any of it."

Cherif Bassiouni, a professor of law at DePaul University in Chicago who was involved in planning war crimes trials in Iraq, said answering the questions about the legitimacy of the proceedings will be the key to their success.

"There is a fundamental question of whether the Iraqi tribunal law has any legitimacy," said Bassiouni.

"The Governing Council which approved the law has no legal authority. It was created by the Coalition Provisional Authority.

The CPA is an occupying power that does not have the power to change national law."

Although it is no longer the occupying power, the United States still will loom large. It is footing the bill, and US investigators and lawyers have helped gather evidence, interview witnesses and collect and comb through mounds of documents incriminating Hussein.

Published on the web by Daily News on July 6, 2004.

© Daily News 2004. All rights reserved.

Milosevic trial to resume in days

Judges at The Hague have announced that the trial of former Yugoslav President Slobodan Milosevic will resume on 14 July, subject to his state of health.

The hearing at the International War Crimes Tribunal was adjourned on Monday amid concerns about Mr Milosevic, who was said to have high blood pressure.

The presiding judge ordered a radical review of the proceedings.

Mr Milosevic has been conducting his own defence against charges of genocide and crimes against humanity.

Prosecutors believe the court should force Mr Milosevic to accept a defence lawyer to help to reduce his workload and cut the number of days lost when he is ill.

But the judges have so far found that the defendant's right to represent himself was more important than a speedy trial.

More than 7,000 people were killed in the Srebrenica massacre

Mr Milosevic had been due to open his defence case on Monday.

He says he wants to call a long list of witnesses, including former US President Bill Clinton and UK Prime Minister Tony Blair - both in office during Nato's bombing of the Yugoslav capital Belgrade during the 1999 Kosovo conflict.

Observers believe that if a defence lawyer is appointed, he would be likely to question whether Mr Milosevic was fit to stand trial.

Experts say the court would have no alternative but to free Mr Milosevic if he is found unfit and the case is halted.

Delays

A medical report read in court on Monday said Mr Milosevic, 62, had high blood pressure and was at risk of a heart attack. It said the former leader needed to rest.

MILOSEVIC TRIAL

Began Feb 2002

Milosevic facing more than 60 charges of war crimes

Court heard from 295 witnesses

Mr Milosevic's health problems have led to frequent delays in what is seen as the most important war crimes trial in Europe since the Nuremberg trials of Nazi leaders following World War II.

On Monday, a flushed-looking Mr Milosevic - who refuses to acknowledge the legality of the ICTY - berated the judges for making him come to court despite his poor health.

Mr Milosevic is accused of genocide, crimes against humanity and war crimes committed in Bosnia, Croatia and Kosovo in the 1990s.

The accusations include "genocide or complicity in genocide" in the Bosnian town of Srebrenica, where more than 7,000 people were killed in 1995.

The prosecution's case, which ended in February, took two years to present.

Story from BBC NEWS:
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/3868721.stm>

Published: 2004/07/06 15:14:08 GMT

© BBC MMIV



Saddam's defence funded by Arab countries

July 7, 2004

Arab countries, including Libya, are contributing to a legal defence fund for toppled Iraqi dictator Saddam Hussein, a French lawyer said today.

Emmanuel Ludot, the French lawyer serving as part of a 21-member legal team set up to defend Saddam, said that "diverse aid and diverse gifts" have already been donated.

He refused to specify how much money had been collected so far or reveal its origins, except to say that some Arab countries have contributed and that the daughter of Libyan leader Moammar Gadhafi, a lawyer who recently joined the committee, has offered some financing.

Gadhafi's eldest daughter, Aicha Moammar Gadhafi, "wanted to provide her logistic and financial aid," Ludot said. "It's Libyan money. It's welcome."

He said funds that Saddam is alleged to hold in overseas accounts also could be used in his defence.

"Our job is to have this money freed up ... so that we can face all the expenses," Ludot said at a news conference in Paris. "I don't despair that we can find someone in the United States to try to negotiate this."

He added that the money in the lawyers' fund was "obviously completely clean."

The lawyer said it was not possible to become "Don Quixotes of justice," working for nothing and assuming expenses individually, especially considering how long the trial might take.

Ludot said the committee hopes to extend proceedings as much as possible.

"They told us the trial would be long, complicated, that it would take two years. I don't know," Ludot said, citing Salem Chalabi, general director of the Iraqi court.

"Our work will be to do things in a way so that this tribunal doesn't function, so that it is paralysed for as long as possible," he added.

He reiterated earlier denunciations of the judges who are to try Saddam and predicted that, as things stand, the trial would be unfair.

The lawyers' committee wants to see Iraqi judges as well as judges designated by the United Nations. Ludot cited the UN-sponsored war crimes court in Sierra Leone as a model of how Saddam should be tried. The trial of rebel military commanders accused in a 10-year campaign for control of Sierra Leone opened Monday.

The committee is led by Jordanian lawyer Mohammed Rashdan, who says he was hired by Saddam's wife Sajida and two daughters. Ludot said Saddam should choose his own lawyers, but he has been barred from any contact with the outside world.

Saddam was formally handed over to the interim Iraqi government on Thursday. However, the US occupying forces are overseeing his detention. The secret detention site is not far from the Baghdad airport, Ludot said without elaborating.

Asked when he thought a trial of Saddam could start, Ludot said, "Not before the American (presidential) elections" in November. "That's a certainty."

- AP

More news

- [Iraq's finest put ties with US under pressure](#)
- [Hope for 'beheaded' marine](#)
- [CIA accused of failing to pass on evidence](#)

[Home](#) > [Features](#) > [Iraq](#) > Article

Copyright © 2004. The Age Company Ltd.