

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:

Monday, June 07, 2004

The press clips are produced Monday to Friday.
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S Leone awaits catalogue of horror

Alastair Leithead
BBC, Freetown

Important as the trials are to the future of Sierra Leone, the statements that will be made within this hastily-built courtroom will reveal some of the worst of human nature.

The prosecution spent just a couple of hours summarising what it is going to say and who it is going to call as witnesses, but it is clear that this trial will comprise a catalogue of abuse, persecution, atrocities and terrible human suffering.

The public gallery was packed with dozens of people invited to the Special Court for Sierra Leone to serve witness on behalf of the country's civil society.

It was bad enough hearing the prosecutor describe case after case of murder, beheading, torture, enslavement, looting, burning and terrorising.

It will be a lot worse hearing it from the people themselves - the witnesses who watched their loved ones being killed, the children brutalised into becoming soldiers, the thousands maimed by militiamen.

The chief prosecutor, David Crane, made it clear that this is what the court should expect to hear.

"The ghosts of the thousands of the murdered dead stand among us. They cry out for a fair and transparent trial - to let the world know what took place here, here in Sierra Leone," he said in his opening statement.

"Horrors beyond the imagination will slide into this hallowed hall as this trek upward comes to a most certain and just conclusion. The light of truth, the fresh breeze of justice moves freely about this beaten and broken land."

Fair trial

The first three men to be accused of committing these crimes against humanity sat in the courtroom, taking notes as the list of eight indictments was read out to the court.

The most notorious member of the pro-government militia, the Civil Defence Force, was Sam Hinga Norman.

He smiled at the prosecutors as they pointedly glanced over, linking him to the horrors they read out from the charge sheet.

But Judge Benjamin Itoe made it clear this was to be a fair trial that would remain faithful to the premise of innocent until proven guilty.

"Today is a very memorable day in the history of this country and the people of Sierra Leone as it marks the commencement of trials of some of those who are alleged to bear the greater responsibility for serious breaches of international humanitarian law," he said.

"The mission of this court is to contribute to the peace and reconciliation process within Sierra Leone."

Urgency

The case against the three CDF men is particularly controversial in Sierra Leone, as much of the populace regards them as heroes for having helped repel the RUF, well known for their brutal treatment of civilians.

The court requested that three men from the rebel Revolutionary United Front be brought in front of the court to set their trial date for next month.

It was a gesture to show that this court will not be taking sides - each group blamed for atrocities will be called to account for their alleged actions.

But in the capital, Freetown, many think the rebels should have faced the court first.

Outside the court building, work is still going on and scaffolding is still in place. It was a real rush to get the building finished in time.

But that says a lot about the urgency of this special court - people need to see things happening and although the men have to have a fair trial, justice must be seen to be done.

It cannot be allowed to drag on like its sister courts on Rwanda and the former Yugoslavia. It must be cheap, quick and effective.

Above all, the court has to ensure that an example must be made of those who were responsible for atrocities and crimes against humanity, to stop this from happening again.

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THEY ARE INNOCENT UNTIL PROVEN GUILTY BY WAR CRIMES TRIBUNAL

By Wilfred Leeroy Kabs-Kanu (LL.B Hons.)

Monday June 7, 2004

Let's get it straight . No man is guilty of any offence unless it has been proved beyond a reasonable doubt that he is culpable , either by his own acts or omission. As Sierra Leone enters a very tense and tenuous week, when Chief Hinga Norman's trial will rivet the nation and the world, it is but worthwhile to let Sierra Leoneans remain calm and give the legal system a chance.

That Hinga Norman is considered a hero by many Sierra Leoneans goes without saying. It is a fact that when he gets up on Tuesday to make his opening statement as promised by the CDF Spokesman in the U.S, Rev. Alfred SamForay, he is going to rivet the nation and the world. Even the drop of a pin will be heard in the court room and people will be driven to the edge of their seats.

Whenever a public figure or a hero goes on trial, there is excruciating passion and the media frenzy and national emotions are humonguous. We were witnesses to the spectacle in America when football hero O.J. Simpson went on trial for the alleged murder of his wife, Nicole Brown-Simpson and her friend, Ron Goldman.

But the test of our maturity as a nation and our adherence to the principles of democracy and the Rule of Law are about to receive an acid test.

It is worthwhile to tell our Sierra Leonean people that the law is our friend and not our foe. The law exists to consolidate and concretize the commendable strides that mankind has made in civilization. Without the rule of law, man would relapse into the depths of uncivilization and the human being will face the prospects of extinction. We must always welcome the operation of the rule of law .

That said, we must also know that the indictment or formal charge against

any person is not evidence of guilt. Any man charged to court is presumed to be innocent. The presumption of innocence is the bedrock of our civilization, democracy and the rule of law. However horrid the crimes the prosecutors will highlight during their opening statements or presentation of evidence, Chief Hinga Norman and others are innocent of all those charges until the court proves beyond a reasonable doubt by clear and convincing evidence that they are guilty. They actually are not under any legal duty to prove anything. It is the prosecution who has to prove beyond any reasonable doubt that Chief Norman, Allieu Kondewa and Moinina Fofana indeed bear the greatest responsibility for the atrocities allegedly committed by the CDF during the war.

The Judges will listen to all the evidence and will decide by majority vote whether these facts are backed by credible evidence to convict the three men. I am certain that if these men are innocent of the charges as their supporters are asserting, the court will return a verdict of "Not Guilty. "

Given a choice to distrust or trust the Special Court, I will choose the latter. The Special Court, over the past months, has taken legal decisions that should instil confidence in the minds of Sierra Leoneans. The ruling by Judge Bankole Thomas to unfreeze the accounts of Chief Norman because the prosecution failed to prove that the money in the account were proceeds from the operations of the war was admirable. So was the recent decision by the Trial Chamber not to allow the Prosecution to add charges of sexual violence to the CDF rap sheet.

These two decisions handed down by the Justices manifested independence of the judges from the prosecution. What was more, the very Justice Geoffrey Robertson, who many thought demonstrated bias against the accused for comments made in a book, impartially voted against charging the CDF with the offence of recruiting child soldiers. Infact, he was only dissenting voice. We cannot also forget the independent thinking that Judge Gelega King has demonstrated. So far, the prosecution and the Trial and Appeal Chambers have all displayed their independence from each other.

We Sierra Leoneans must learn to allow the justice system to do its work, without imputing unnecessary suspicions on it. This is a message that must be heeded not only by the Hinga Norman supporters but even those on the other side of the divide.

When the prosecution begins to present its case, the nation and the world will be treated to a graphic exposure of grotesque, beastly and horrenduous crimes that David Crane warned will make men of conscience recoil. However, non-supporters of Hinga Norman and the CDF must realise that for now these are only allegations. They must not take the litany of crimes, however awful, as gospel truth and start to stir passions against the accused , their families and supporters.

The prosecution will still have the burden of proof to show by clear and convincing evidence beyond a reasonable doubt that the men in the dock are culpable for these felonies. At this point, it may be necessary to read the direction given to the jury by the Judge in the celebrated case of The State v. Aubert , 120 N.H.634 , 421 A .2nd. 124 (1980) : "Under our constitution, all defendants in criminal cases are presumed to be innocent until proven guilty beyond a reasonable doubt. The burden of proving guilt is entirely on the state.The defendant does not have to prove his innocence. THE DEFENDANT ENTERS THIS COURTROOM AS AN INNOCENT PERSON UNTIL THE STATE CONVINCES YOU BEYOND A REASONABLE DOUBT THAT HE IS GUILTY OF EVERY ELEMENT OF THE ALLEGED OFFENCE. IF , AFTER ALL THE EVIDENCE AND ARGUMENTS, YOU HAVE A REASONABLE DOUBT AS TO DEFENDANT'S HAVING COMMITTED ANY ONE OR MORE OF THE ELEMENTS OF THE OFFENCE, THEN YOU MUST FIND HIM NOT GUILTY. " (Editor : Substitute "Prosecution" for "The State in our situation ").

We therefore call upon all Sierra Leoneans to suppress their emotions, suspicions and personal beliefs and allow the justice system to work. Sierra Leoneans must also realise that no one tribe or ethnic group is on trial. The CDF was composed of citizens across the broad spectrum of tribes in Sierra Leone. It just happens that Norman, Kondowa and Fofana were deemed as holding such command authority within the CDF as to be considered to bear the greatest responsibility for the alleged atrocities said to have been committed by the militia. We therefore admonish all Sierra Leoneans to leave out tribalism from this case.

Let us conduct ourselves in such a manner that when judgement is finally delivered, we will be able to say with pride that we allowed the system of justice to work.

Defence Lawyer **Disappointed** **With Norman**

By Mohamed Mansaray

Former defence counsel of indicted Sam Hinga Norman has said that he is disappointed at Mr. Norman's decision to sack his defence team on the day the Special Court officially started the trial of three indictees of the Civil Defence Forces (CDF) including Hinga Norman.

Sulaiman Banja Tejan-Sie also said that his client may have been under pressure since he has been in custody for about fifteen months without being tried.

Speaking to the press in Freetown over the weekend after their dismissal,



Mr. Tejan-Sie said that the indictee should have been taken to court four months after his arrest.

Describing himself as a human rights activist, the former defence counsel said that he strongly believes in the case Mr. Norman fought for. "Mr. Norman is a former Minister who strongly fought for democracy," Mr. Tejan-Sie said, adding that he has been in Sierra Leone for the past ten years and saw things for himself.

He went on to say that although it is Mr. Norman's right to defend himself under the Rules of Procedure

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Norman's Sacked Lawyer Speaks

of the Special Court, he expressed the hope that the indictee will see reasons to reverse the decision.

Another defence counsel, J. B. Jenkins-Johnston said earlier that he has nothing to say about Mr. Norman's decision because according to him "Norman is entitled to do what he wants to do."

It is expected that the court will rule on the matter tomorrow.

Sierra Leone Times
Monday June 07, 2004

Chief Norman ready for self-defence

By Theophilus S. Gbenda
Sources close to the family of Special Court indictee, Chief Samuel Hinga Norman, has revealed that the Chief is unlikely to change his mind, following his pro-

nouncement last Thursday that he was going to represent himself in the ongoing trial in which he faces an eight-count charge.

According to the source, Chief Norman, upon hear-

ing the opening statements of the prosecuting team, headed by the Chief prosecutor, David M. Crane, thought it fit to denounce his defence team.

While some observers

view this sudden change of mind by this Chief as suicidal, since he is not legally minded, others view it as a ploy by the Chief to implicate big fishes that have as yet escaped indictment.

If only the trial chamber, which is expected to rule on the issue of self defence on Tuesday June 8 2004, will rule in favour of Chief Norman, then the latter is expected, though not by com-

pulsory, to start up his self defence by making his own opening statement on that same day, as to how he plans to defend himself.

In another vein, if the
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submission for self defence is granted, then he will surely make history in the arena of International Criminal Court as the second top indictee who will be defending himself in the face of war crimes and crimes against humanity

The first principal indictee to opt for self defence was the former president of Yugoslavia who faces charges of genocide

Meanwhile, one of the dismissed defence counsels, Mr. Suliaman Banja Tejan-Sei has stated in a press interview that the decision of

the Chief was "unfortunate" and expressed optimism that the Chief "will see reason and change his mind", adding that it might not be in his favour.

It remains to be seen whether other indictees will follow the example of Chief Norman.

Standard Times

Monday June 07, 2004



Justice on trial at SLeone tribunal

Alastair Leithead
BBC, Freetown

Safinatu Karoma was just nine years old when the last thing she ever saw was her father being murdered.

The rebel soldiers had come to their home, and with a characteristic brutality killed first the man of the house and then turned on his daughter.

Safinatu was screaming, crying uncontrollably, and the killers ordered her to be quiet.

When this traumatised child did not, they blinded her.

"When I was still crying they burst my eye and they melted plastic in my other eye," she said in her soft voice, dropping her head towards the floor.

"I found it difficult because it is very hard to be blind."

She is now 14 and her family have abandoned her.

She lives in Freetown's Milton Margai School for the Blind.

Safinatu remembers everything about that terrible day - and the last thing she ever saw - but has an incredible outlook.

"God said we should forgive the people who do bad to us, so I forgive them - for the sake of God."

Deep wounds

Forgiveness is sometimes difficult to understand.

Justice and punishment is much more tangible.

Tens of thousands of people were killed in Sierra Leone's brutal and devastating civil war, and there are many stories like Safinatu's.

Peace has returned to this beautiful country, but the wounds are deep and rebuilding the nation will take many years.

There is a Truth and Reconciliation Commission, which has brought some hidden atrocities to the surface, and now there is a court where those responsible will be brought to justice.

The Special Court for Sierra Leone is a hybrid international criminal court, run jointly by the United Nations and government where the atrocities were carried out.

The first trial is of three men who face eight indictments, among them unlawful killing, physical violence, mental suffering, looting, burning, terrorising, "punishing".

They were leaders of the Civil Defence Force, a pro-government militia.

One, Sam Hinga Norman, led the notorious Kamajors, associated with terrible violence against civilians.

The first trial is the pro-government militia, next month the rebels.

Foday Sankoh would have been here had he not died in custody.

And the former Liberian president Charles Taylor, blamed with fuelling West Africa's bloody wars, is avoiding arrest in Nigerian exile.

Investigations continue

The chief prosecutor, David Crane, has issued 13 indictments. Nine people are in custody, two have died and two remain at large.

He has made it clear the investigations are continuing and more indictments could follow.

"In August of 2002, I arrived here and began the process of which to investigate and indict those who bear the greatest responsibility," he said.

"That's why we are here to represent the 500,000 murdered, maimed, raped and mutilated victims of Sierra Leone and hope that we can get some justice for them."

We are here to represent the 500,000 murdered, maimed, raped and mutilated victims of Sierra Leone

David Crane
Chief prosecutor, Special Court for Sierra Leone

It is all about justice, and justice being seen to be done.

In his opening remarks as the first trial began, Judge Benjamin Itoe stressed its importance.

"Justice delayed is justice denied," he said, warning the defence and prosecution not to stall this trial any more than was necessary.

Lengthy and expensive delays have dogged the court's sister tribunals for Rwanda and the former Yugoslavia.

Only hours after opening on day one, the trial was adjourned until next week as Sam Hinga Norman sacked his defence counsel.

In an aid camp for amputees - victims of the war - I found Alhaji Lamin Jusujarka.

His arms were cut off by rebels as he saved his daughter from kidnap and rape.

He is now an observer in the new court as the chairman of the Sierra Leone Amputees and War Wounded Association, and believes prosecutions are essential for rebuilding the country.

"If you can chop off your brother's arms, there is a need for justice to prevail and to bring those to the court of law," he said.

"You need to set an example to make sure that what has happened will never happen again."

In the coming weeks and months, this court will hear some terrible accounts of atrocities committed in a war

that killed tens of thousands of people and destroyed the lives of many, many more.

Only if justice is seen to be done can this court really have an impact on preventing this from happening again, and helping to heal the wounds of civil war.

Story from BBC NEWS:

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**AFRICA
2004***"a roadmap to opening up the continent..."*

Sierra Leone: First War Crimes Trial Starts At UN-Backed Court

UN Integrated Regional Information Networks

NEWS

June 4, 2004

Posted to the web June 4, 2004

Freetown

A Special Court that includes five judges appointed by the United Nations has begun the trial of those deemed primarily responsible for war crimes and human rights abuse committed during Sierra Leone's 10-year civil war.

The first three individuals to stand trial for committing atrocities during the 1991-2001 conflict were led into the dock of a specially built court house in the capital Freetown on Thursday.

Controversially, they were not leaders of the Revolutionary United Front (RUF) rebel movement which sought to overthrow the elected government of President Ahmad Tejan Kabbah.

They were members of the Civil Defence Force (CDF), a civilian militia group, based on traditional societies of hunters known as Kamajors, which fought alongside the Tejan Kabbah's army against the rebels.

Special Court Prosecutor David Crane, a former lawyer with US Department of Defence, said in his opening statement that the CDF had brutally killed and raped and terrorised thousands of people, recruited child soldiers and committed acts of cannibalism during the decade-long conflict.

"The just cause of a civil defence force in Sierra Leone, set up to defend a nation, became distorted and twisted beyond measure," Crane told a packed court room.

"The ghosts of thousands of the murdered and dead stand among us. They cry out for a fair and transparent trial to let the world know what took place here in Sierra Leone," he added.

Before him in the dock stood the three top leaders of the CDF: Sam Hinga Norman, the National Coordinator of the militia movement, who went on to become Interior Minister, Moinina Fofana, the National Director of War of the militia force, and Alieu Kondewa, the High Priest of the CDF, who supervised the traditional initiation rites that its members were obliged to go through.

Crane said he would produce evidence of several atrocities for which these men were directly responsible.

He cited one incident in which CDF gunmen arrested 65 people who had been forced to work in a diamond mine by the RUF and shot them dead in groups of three or four. When the executioners realised they were running low on ammunition, they resorted to beheading the last 10 one at a time, he added.

Deputy prosecutor Joseph Kamara meanwhile explained that witnesses would testify how Kondewa, the High Priest of the CDF, repeatedly raped a woman over the course of a week and how some CDF militia men cleaned out the intestines of some of their victims and roasted and ate them with cassava.

While these allegations of brutal murders and cannibalism were being recounted to the spellbound court, Hinga Norman smiled and began writing a note to the judge, dismissing his defence team.

Kondewa looked shocked as rape allegations against him were recounted.

Fofana, the third accused, listened to a translation of the proceedings through headphones with a smile crossing his face now and then.

Presiding judge Benjamin Itoe of Cameroon adjourned the proceedings after the prosecution's 100-minute opening statement upon receiving the hand-written note from Hinga Norman stating that he would conduct his own defence before the court.

"It is a fundamental issue which the chamber would like to address and deliver a reasoned decision on," he said. The trial was due to resume on Tuesday 8 June.

A second separate trial of three RUF leaders, Issa Hassan Sesay, Morris Kallon and Augustine Gbao, is due to begin on 5 July.

The Special Court is an international war crimes tribunal set up under the terms of an agreement between the Sierra Leone government and the United Nations signed in January 2002.

It has so far indicted 13 people of whom two have since died. The remaining nine accused are currently in custody, but court officials have hinted that other indictments may follow.

This is the second international war crimes tribunal to be set up in Africa after the international court established in Arusha, Tanzania, to try those responsible for the genocide in Rwanda.

Itoe, the presiding judge, said in his opening remarks at the CDF trial that the proceedings would be fair and the accused would be presumed innocent unless proven guilty "beyond all reasonable doubts" by the prosecution.

"We, as a court....are not bound by the findings or conclusions of these investigations or the contents of the indictments, which so far are mere allegations," Itoe said. "Our decisions will be entirely based on the best oral, documentary and other evidence that is advanced by the parties before us."

But Itoe also stressed the role of the court in combatting impunity and contributing to the process of national reconciliation in Sierra Leone following the brutal decade-long conflict.

In recent months, the relevance of the tribunal, where five UN-appointed foreign judges sit alongside three Sierra Leonean judges, has been questioned by many Sierra Leoneans.

Critics have pointed out that the four men widely seen as those most responsible for the atrocities of the civil war are beyond the Special Court's reach.

The two top leaders of the RUF, Foday Sankoh and Sam Bockarie are now dead, while two other key indictees; former Charles Taylor of Liberia, who armed and backed the RUF rebels, and Johnny Paul Koroma, the leader of a military junta which tried to join forces with the rebels in 1997 and 1998, have escaped its clutches.

Koroma went into hiding in January 2003 following an abortive attack on an army barracks in Freetown, in which his followers were implicated.

Taylor, who was forced out of power in August last year, has been granted political asylum in Nigeria.

Some supporters of Tejan Kabbah, who was re-elected for a second term as president in 2002, have also questioned why the leaders of the CDF, which was supporting a constitutionally elected government, should be put on trial at all.

All the same, the court, financed by foreign donors, is being keenly watched as a potential model for war crimes tribunals in other conflicts.

Reuters news agency quoted Robin Vincent, the Special Court's UN-appointed Registrar, as saying he had been invited by the US State Department to take part in a planning mission to Iraq "because they felt quite strongly there were similarities."

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Sunday Herald - 06 June 2004

War is over ... now a new battle begins

Special Report: Sierra Leone - Freetown's Special Court is the first war crimes tribunal to sit in the country where atrocities took place. But will it stop the guilty getting away with murder? By Gavin Simpson

Conventional wisdom, it seems, prefers to exaggerate the progress being made in post-conflict Sierra Leone. However, it also serves to disguise some harsh realities, and you quickly learn that nothing you're told about Sierra Leone turns out quite how you imagined it would be.

You'll be told, for example, that modern infrastructure is emerging; but you won't spot a streetlight or litter bin as you stumble through overflowing roadside gutters. You'll be told that the wartime factions have been dismantled, only to discover the same organised groups of youths mobilising on the fringes of public demonstrations and local elections.

Most pertinently, you'll be told that justice is being brought to the people of this besieged West African nation by an innovative form of criminal tribunal that is more economical, more streamlined and hence more remarkable than anything that has gone before. Then, as evidence, you'll be pointed to the Special Court for Sierra Leone.

The opening of trials last week was a historic event in the emergent area known as "transitional justice". Yet questions remain over where this transition is taking Sierra Leone and exactly whose notions of justice the court is trying to promote. Retribution and punishment are far from the top of most people's priority lists. Endemic poverty, desperation and indignity mean most would prefer proper education, reliable healthcare, food in their stomachs and a roof over their heads.

"They should be spending the money to make life better for some of us, especially the families that suffered during the war," said Mohamed Lamin, whose home overlooks the court in the capital, Freetown. "My house was burned when the rebels attacked, but I can't get any help to buy new zinc for my roof."

The \$85 million budget of the court may be just a fraction of that spent on tribunals for the former Yugoslavia and Rwanda, but it is seen as a waste by such people as Lamin as they struggle to make ends meet in one of the world's poorest countries.

The long-awaited advent of trials on Thursday felt less like a milestone for Sierra Leone and more like the lifting of a millstone from around the necks of the court's architects.

The purpose-built, modern courthouse has at last hosted its inaugural hearings. Furthermore, after nearly four years in the planning, and over 150 preliminary motions and applications, the serious business of the court is finally under way.

"We hope the Special Court, which is a different type of model to that of the other international tribunals and the first of its kind, will prove to be an exemplary model - and one that will be efficient and expeditious," said Hans Correll, the UN under-secretary-general for legal affairs, speaking in March. The UN has staked a great deal of credibility on ensuring war crimes in Sierra Leone do not go unpunished.

Nevertheless, expediency dictates that the court is curtailed in terms of its time frame, jurisdiction and enforcement powers. Sceptics claim that such a slick and quick process dilutes the justice delivered.

Abdulai Kamara, a local human rights activist, said: "To some of us it looks like no more than a token gesture. The court had a chance to change things, but it's just rushing through [the process] with a few guys. We're disappointed with the impact."

The man who determines how many people face trial before the court is its prosecutor, David Crane. His mandate is to prosecute "those who bear the greatest responsibility" for war crimes and crimes against humanity. A former Pentagon lawyer with a background in US intelligence, Crane bears the icy,

calculated, self-assured look of a man on a mission.

"I'm not here to convict people; I'm here to show the people the law is fair. 'Greatest responsibility' is a double mandate; it can be done in three years. It's those dozen or so individuals who caused, created, aided and abetted this tragedy over the past decade," said Crane. So far only 13 people have been indicted to face trial, nine of whom are currently in the custody of the court.

To recount the recent history of Sierra Leone is to face up to one of the greatest human tragedies of our time. In March 1991, insurgents calling themselves the Revolutionary United Front (RUF) invaded the south and east of the country and gradually expanded into every single district.

For the next 11 years Sierra Leone's civilians were subjected to horrendous violence and suffering at the hands of not only the RUF, but various other, mostly indigenous, military and militia factions.

Atrocities abounded. One 19-year-old girl recalled: "Men in uniforms came to our house at night. I hid under my bed and watched them cut off my papa's head. They stripped my mother naked and used her; then they killed her. They took my two brothers with them and left me alone. Then they burned down our whole village."

In spite of, or perhaps because of, its lack of any obvious ethnic, religious or political motives, the war in Sierra Leone stands out as the most alarming of those "forgotten conflicts" of the 1990s.

The peace accord signed by the government and the RUF in 1999 was ill-fated. RUF combatants abducted hundreds of UN peacekeeping troops in May 2000. This disgrace invoked a decisive response from pro-government forces that eventually led to the RUF's demise.

Having accepted a blanket amnesty for perpetrators, the incumbent president, Ahmad Tejan Kabbah, wrote to the UN Secretary-General Kofi Annan in June 2000, requesting "a strong and credible court" that would "administer a blend of international and domestic Sierra Leonean law".

The court, a hybrid tribunal, was the product of an agreement between the UN and the government in January 2002. It is the first war crimes court to be held in the country where the crimes took place, aiming to enhance ownership and transparency, as well as endowing permanent legal and judicial capacity upon Sierra Leone.

"The people of Sierra Leone were very suspicious at first," said Crane. "And some frankly probably still are suspicious, because they have no respect for the law or the institutions upon which this country is founded. Usually these institutions, or the law, have done really nothing for them. There's a huge distrust, and rightly so."

"I was asked frequently 'who do you work for?' But I take my independence very seriously. I work for nobody other than the people of Sierra Leone."

Crane and the other senior officers of the court began work in earnest in the summer of 2002. Two years later, the court precinct resembles a kind of Alcatraz in the heart of Freetown's urban sprawl. Dotted along its barbed-wired walls are watchtowers, from which Nigerian soldiers stare down passers-by. Mounted machine guns jut out menacingly. It is by far the most heavily protected site in Sierra Leone.

Inside the compound, a blue and white container is the detention facility for the indictees. The most intense controversies about the court concern the prosecutor's assertion that the nine men held inside are in fact "those who bear the greatest responsibility".

It transpires that this court is not prosecuting the real lynchpins of what Crane alleges was a "joint criminal enterprise" between rebels, dissident soldiers and foreign financiers to secure control of Sierra Leone's diamonds.

The founder and undisputed leader of the RUF, Foday Sankoh, died in custody last July. The most-feared

RUF field commander, Sam 'Mosquito' Bockarie, was killed in a shoot-out in Liberia last April. Sierra Leoneans have understandably vented their frustrations, but, as Crane notes, "these are things that are out of our control".

If the absences of Sankoh and Bockarie from the dock were unavoidable for Crane, there is a strong feeling in certain quarters that a lack of institutional clout accounts for the court's failure to bring in one of its fugitive indictees. Charles Taylor, the former Liberian president accused of supporting the RUF, has been indicted since March 2003 but is no closer to facing trial. Taylor's exile in Nigeria has proven embarrassingly insurmountable for the court.

"I think it's a matter of patience and time, but I still believe Charles Taylor will be turned over to us," said Crane. "You can't have an African exception to the Nuremberg principles. Can you imagine it? The rest of the world says that those who are indicted for war crimes will be brought to justice. But in Africa, it's different. If you're an African leader, you can get away with murder. That is a huge insult to the people of the continent and it really sets back international criminal justice by decades."

So the spotlight of the court now falls not on members of the insurgent factions, but on the civil militiamen who took up arms to defend their communities. The first trial is that of three leaders of the Civil Defence Forces (CDF), which fought on the side of the Sierra Leone People's Party (SLPP) government to keep President Kabbah in power.

The case set to dominate is that of former deputy defence minister, Sam Hinga Norman. Hinga Norman is exalted in many parts for his resistance to the the RUF and its accomplices. "He is our only hero, who stood gallantly to defend our God-given rights, challenging the enemy bullet for bullet and blood for blood," wrote local journalist Rita Fofanah.

Few Sierra Leoneans deny atrocities were committed by the CDF; indeed, some former members privately echo the words of the indictment that CDF victims "were often shot, hacked to death, or burnt to death" and that "its practices included human sacrifices and cannibalism". Yet they make the point that if individuals have to answer for those atrocities, then the buck should not stop with Hinga Norman.

One CDF commander said: "Hinga Norman was just the deputy minister of defence. And when war comes, who is responsible to defend this nation, is it not the defence minister? And the defence minister was the president. Hinga Norman did not have all the power, it was the president. This is all what people are looking up to. And it is the area where the Special Court has to fail."

A growing number of Sierra Leoneans believe the president must be indicted, yet Crane refuses to be cowed by public opinion.

"I'm going to answer to cries of justice based on the law, and not the cries of the people of Sierra Leone in aid of themselves," Crane said. "What I have shown is that I'm not shy about indicting anyone who bears the greatest responsibility, and that already includes a head of state. When one sticks to the law and fact, impunity will melt away."

Hinga Norman intends to represent himself to turn the case against the president, his former comrade-in-arms.

The harsh reality for the court is that its legal project stands in danger of being politicised, which can only be detrimental to its legitimacy and its legacy in the eyes of Sierra Leoneans.

And all the exaggerations of conventional wisdom won't save face for the court if it further alienates the very people it is supposed to serve.



Tribunal vows to honour ghosts of war victims

By Somini Sengupta in Freetown

June 5, 2004

A landmark international war crimes tribunal set up to try those responsible for Sierra Leone's long and crippling conflict opened with the court's chief prosecutor vowing to slay what he called "the beast of impunity".

The first three suspects appeared in court on Thursday accused of cannibalism, human sacrifice and rape. All were senior militiamen in a 10-year-long conflict that cost about 50,000 lives and shocked the world with its images of mutilated civilians and drugged child soldiers.

"The ghosts of thousands of murdered dead stand among us," said David Crane, a former American paratrooper and the chief prosecutor. "They cry out for a fair and transparent trial to let the world know what took place in Sierra Leone."

Missing from the United Nations-backed Special Court for Sierra Leone was its leading suspect, Charles Taylor, the exiled former president of Liberia and the man accused of fomenting the rebel insurgency in the 1991-2002 war.

Taylor, indicted more than a year ago on 17 counts of crimes against humanity, including murder, enslavement and the recruitment of child soldiers, has been given asylum in Nigeria but may yet face the tribunal.

He lost a legal challenge this week when the Special Court's appeal chamber ruled that an international tribunal had the authority to try a head of state.

Taylor's lawyers had argued that, as the president, he enjoyed immunity from prosecution.

Instead, the three men before the court were leaders of Sierra Leone's feared pro-government militia, including the country's former interior minister, Sam Hinga Norman.

Norman's militia, the Civil Defence Force, is accused of cannibalism, rape and the indiscriminate killing of civilians. Norman faces eight counts of crimes against humanity.

The outcome of these trials carries implications far beyond the borders of Sierra Leone. The Special Court, created jointly by the Government of Sierra Leone and the United Nations, represents the first time an international war crimes tribunal has been held inside the country where the conflict took place. It also represents the first time the recruitment of child soldiers is being tried as a war crime.

With a price tag of about \$US80 million (\$116 million), the Special Court is held up as an efficient model of international justice.

So far, 13 men have been indicted, though only nine are in custody and facing trial. Foday Sankoh, the head of the Revolutionary United Front, the rebel group that made hacking off limbs its trademark, died in custody last year. His accomplice, a Liberian named Sam Bockarie, was killed. Johnny Paul Koroma, the former head of the Armed Forces Revolutionary Council, is missing.

The prosecution promised a gory catalogue of testimony. Former child soldiers would describe the horrors they had committed, Mr Crane said.

In the packed spectators' gallery was a man with steel claws in place of hands; both arms had been chopped off during the war.

The New York Times; The Telegraph, London

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NIGERIAN HIGH COURT AGREES TO REVIEW CHARLES TAYLOR ASYLUM

Decision Comes on First Anniversary of Public Indictment

Abuja, June 3, 2004—Nigeria's Federal High Court agreed Monday to review the asylum status of fugitive former Liberian President Charles Taylor.

Indicted one year ago for war crimes by the United Nations Special Court for Sierra Leone, Taylor has avoided justice by receiving asylum from Nigerian President Olusegun Obasanjo in August 2003.

The High Court decision allowing the challenge to Taylor's asylum status to go forward was brought on behalf of two Nigerian businessmen who were tortured in 1999 by rebel groups in Sierra Leone backed by Taylor.

"This decision vindicates the courage and efforts to seek justice of two survivors of a brutal civil war largely engineered and financed by Charles Taylor," said Chidi Anselm Odinkalu, senior legal officer of the Open Society Justice Initiative, one of the groups that supported the suit. "Now it is the duty of judges to decide in accordance with the law regardless of political considerations."

The petitions filed on behalf of Nigerian businessmen David Anyaele and Emmanuel Egbuna, recount the brutal treatment against them and other Nigerians by rebels from the Revolutionary United Front (RUF) and Armed Forces Ruling Council (AFRC).

"The rebels isolated Nigerians from the other captives and began amputating their forelimbs," Anyaele said in his petition. "I witnessed the amputation of tens of persons. Only Emmanuel Egbuna and I survived.... After amputating me, the rebels set me on fire and told me to go deliver their message to the Nigerian government."

Egbuna's statement describes not only the abuse he suffered but also the murder of his brother.

"They cut off the hands of my younger brother, Benedict, from beneath the elbow. They dumped him at the cemetery behind the house. He bled to death in front of me and his pregnant wife. I was next," said Egbuna. "The machete cut through the flesh and the bones of my hands but did not entirely sever them. With my hands dangling from my arms, the rebels also dumped me at the cemetery."

The UN Special Court on June 4 held Taylor accountable for these and other atrocities by indicting Taylor for providing financial support, military training, personnel, arms, and ammunition to the RUF, which worked jointly with the AFRC to take control over Sierra Leone.

Yet by granting asylum to Taylor in August 2003, Nigerian President Obasanjo derailed justice and protected Taylor from prosecution.

The petitions from Anyaele and Egbuna, however, open up a new opportunity to bring Taylor to justice by demanding that all obstacles be removed to his appearance in Freetown to face the Special Court's charges.

The petitions claim that, by purporting to grant asylum to Taylor, President Obasanjo 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. The petitions also accuse the Nigerian government of obstructing Mr. Taylor's trial in the Freetown-based Special Court.

In explaining the Federal High Court's ruling, Justice S.J. Adah said that the Court had a "primary responsibility" to hear the cases.

The suits were filed on behalf of the businessmen by Tunde Fagbohunlu of the law firm of Aluko & Oyebode, and supported by the Nigeria Coalition on the International Criminal Court (NCICC), the Open Society Justice Initiative, the Open Society Initiative for West Africa (OSIWA), and the Amputees Rehabilitation Foundation, an organization founded by survivors of the Liberia and Sierra Leone conflicts.

"The law is on our side, justice is on our side, truth is on our side," said NCICC National Secretary Mohammed Ibrahim. "In fair proceedings, we expect the outcome to bring closer the day when Mr. Taylor will face an impartial international trial."

The Open Society Justice Initiative, an operational program of the Open Society Institute (OSI), pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies. The Justice Initiative combines litigation, legal advocacy, technical assistance, and the dissemination of knowledge to secure advances in five priority areas: national criminal justice international justice, freedom of information and expression, equality and citizenship, and anticorruption. Its offices are in Abuja, Budapest, and New York.

<http://www.justiceinitiative.org>

The News

Monday June 07, 2004

260 People For Special Court

The chief prosecutor of the Special Court, David Crane last week disclosed that 260 workers including 141 Sierra Leoneans are presently working in various offices at the court.



Special Court's Chief Prosecutor, David Crane

The prosecutor said that they are working for the people of Sierra Leone who have faced decade long civil conflict.

Crane said until perpetrators who committed heinous crimes during the war are brought to book there will be no true peace.

"There will be no true peace in Sierra Leone until those responsible for crimes against humanity are brought to justice" Crane disclosed last week.

He said the book for

indictment remains open for more fish to be trapped.

"Jonny Paul still remains a war criminal and the book is not yet closed for more indictments," the prosecutor noted.

On the protection of prosecution witnesses for those indicted by the Special Court, Crane said they would be well protected.

It could be recalled that Chief Sam Hinga Norman did sack his defence team last Thursday and vowed to defend himself.

Concord Times

Monday June 07, 2004

International Community disappoints RUFP

...Party's foreign coordinator *By Abdul Karim Koroma*

Revolutionary United Front Party (RUFP) International Coordinator, Maxwell Rahman Koroma based in the Hague, Holland has observed that the RUFP was lured by the International Community into signing the Lome Peace Accord only for the West to disappoint them. Koroma who was speaking to Concord Times last weekend at their party office said the International Community promised them a lot of things including the transformation of their movement into a democratic institution which has not been fulfilled up till now.

"The Lome Peace Accord also stated that the government should help us in that direction which is yet to hap-

pen," Koroma asserted.

He claimed that the defunct Disarmament Demobilization and Reintegration (DDR Commission has not paid funds that the ex-combatants were to receive from the programme in full. While in Holland, Koroma explained that he lobbied the International Community not to renege on their earlier promises to the RUF, "I am yet to receive any positive result," and continued, "we are still looking forward to them now that the party will soon get a new leader." The RUFP Coordinator opined that from his brief stay in the country, he noticed that a large percentage of the population is still poor and impoverished.



Bones of Liberian massacre victims dug up

Monrovia - The skeletons of 75 people massacred by former Liberian president Charles Taylor's militia have been found in a football field in north-west Liberia, Catholic-run Radio Veritas reported on Saturday.

The skeletons were found in Suehn-Mecca in Bomi county, about 40km from Monrovia, the report said.

A radio Veritas reporter, who accompanied politician Ellen Johnson-Sirleaf to the site Friday, quoted residents saying government militia had massacred the people shortly after rebel Liberians United for Reconciliation and Democracy (Lurd) forces retreated in 2003.

"It is disheartening that former government militia could perpetrate such atrocity merely on suspicion that residents were rebel collaborators," Johnson, the only female presidential candidate in the 1997 elections, told Radio Veritas.

Government forces are reported to have rounded up the residents, including children and shot or hacked them to death on suspicion of supporting the rebel Lurd.

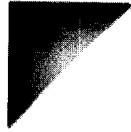
Only residents who fled into the bushes are believed to have escaped the massacre.

Militia loyal to exiled, former president Taylor are reported to have turned their anger on innocent civilians when they sustained casualties on the battlefield.

According to the Catholic Justice and Peace Commission, the most credible rights group in Liberia, Taylor's militia are also believed to have rounded up hundreds of civilians shortly after Lurd rebels retreated from the provincial town of Tubmanburg and massacred them on the banks of the Maher River on the Monrovia Tubmanburg highway in 2003. - Sapa-DPA

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THE LEON H. SULLIVAN
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Liberia Peace Process Irreversible, Says U.N. Envoy

United States Department of State (Washington, DC)

NEWS

June 3, 2004

Posted to the web June 4, 2004

By Judy Aita
Washington, DC

U.S. taking lead on military reform, urges donors to meet commitments

Liberia today "is totally different" from the country that received peacekeepers from West Africa and the United Nations seven months ago, the U.N. special envoy to Liberia reported to the Security Council June 3.

"The peace process is now firmly on track and irreversible," declared Jacques Klein, who is coordinating U.N. operations in Liberia. The progress the U.N. mission has made in stabilizing the country, disarming the armed groups, and beginning the restructuring of the law-and-order institutions "has far exceeded expectations," he said.

Klein and the chairman of the National Transitional Government of Liberia, C. Gyude Bryant, met with the Security Council in open session to report on the progress, challenges and needs of the country, as well as on the U.N. Mission in Liberia (UNMIL).

Bryant said that "a failed state is being transformed into an emerging democracy; a lawless state is being transformed into a nation that respects human values and is committed to the rule of law; a pariah state is being accepted into the comity of decent nations; and a conflict-prone state is being transformed into a nation of peace -- at peace with herself, at peace with her neighbors, at peace with the international community."

Bryant urged the council to lift sanctions on the sale of Liberian diamonds and timber, citing them as the economic mainstays of many Liberians while the country receives collateral benefits from diamond transactions in the country's diamond market. He estimated that 7,000 jobs and \$100 million in revenues are generated by the country's timber and diamond industries.

The chairman outlined the steps the transitional government has taken to get certification under the Kimberley process. It has established a viable monitoring mechanism for rough diamonds produced in Liberia by setting up a cooperative mining system and agreed that if the sanctions are lifted, the country will temporarily impose a voluntary embargo on diamonds until the country is Kimberley certified.

Klein said that the country faces numerous challenges with inter- and intra-factional fighting continuing in remote areas and the transitional government straining to deliver services and extend its authority throughout the country. "The progress made so far is still fragile. Ensuring complete weapons hand-over remains a priority."

As of the end of May more than 70 percent of combatants have been disarmed -- a total of 38,673 combatants, 13 percent of whom are children and 18 percent women -- Klein reported. While more than 16,000 weapons have been collected, with 12,858 rounds of ordnance and about 3.9 million rounds of small ammunition, there is still concern that some heavy weapons are not being turned in and few non-Liberian combatants are voluntarily disclosing their foreign identity, he added.

U.S. Ambassador Stuart Holliday said that the United States intends to continue to work closely with the Liberians and the United Nations, taking the lead in helping to restructure the army. A 30-person assessment team was sent to Liberia to review the situation, he said, and is now drafting recommendations for a reform plan.

The United States will direct a significant part of its bilateral funding for Liberia to security reform, the U.S. ambassador said, to replace the various militia and ex-government forces "with a serious, professional and trained force loyal to the government of Liberia."

"Security sector reform is a large task and, although we expect to play a significant role, we encourage other donors to step in and work with us," Holliday said.

The ambassador also urged donors to stand by the commitments made at the February donors' conference and not "let the fact that the spotlight has moved off from Liberia's immediate crisis . . . be an excuse for Liberia's needs not being met."

[Klein reported that as of May 24, only \$60 million has been received out of the \$520 million pledged.]

On lifting the restrictions on diamonds and timber, Holliday said, "The time has come . . . for the National Transitional Government to establish transparent accounting and auditing mechanisms to ensure that all government revenues are not used to fuel conflict, but instead are employed to improve the lives of all Liberians."

Holliday expressed the concern of the United States that more weapons have not been turned in under the disarmament program but recognized that many combatants are reluctant to give up their weapons because "their faith in the peace process is

understandably fragile, and they continue to feel a need to rely on their guns as their sole source of security and livelihood."

"We propose that the current emphasis on demobilizing combatants and dismantling the militias be followed by a consideration of how to ensure that the weapons are permanently out of circulation," Holliday said.

Klein said that preparations for the October 2005 elections have also begun. But he asked the council to reiterate its strong support for the election date and insist that it be held as scheduled. Some members of the transitional government, he said, "are becoming enamored of and comfortable in their positions and are becoming less enthusiastic regarding the timing" of the elections.

(The Washington File is a product of the Bureau of International Information Programs, U.S. Department of State. Web site: <http://usinfo.state.gov>)

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RESEARCH MATERIALS

PAC WARNS THAT LIBERIAN DIAMONDS ARE NOT YET SAFE

June 07, 2004

A new report by non-governmental organization Partnership Africa Canada (PAC) warns that the United Nations Security Council should not lift its 2001 embargo on Liberian diamonds until the country has an effective diamond control mechanism in place.

"Diamonds Without Maps: Liberia, the UN, Sanctions and the Kimberley Process", an occasional paper of PAC's Diamonds and Human Security Project written by Lansana Gberie, argues that while diamonds represent a very small part of Liberia's potential postwar economy, they retain their enormous potential for national and regional destabilization. Liberia's re-entry into the global diamond trade must be managed carefully and with great caution. The United Nations Security Council bears great responsibility in this matter. With care and thought, diamonds could become the source of legitimate income for many Liberians, and Liberia could become a respected member of the Kimberley Process. However, a casual and premature approach to this issue could set the stage for future destabilization, not just in Liberia but elsewhere in the region, warns the NGO.

Diamonds have been at the center of West Africa's nightmare for more than a decade. They helped to pay for former President Charles Taylor's rampage in Liberia and for his military adventures in Sierra Leone, Guinea and Côte d'Ivoire. They were the engine of the Revolutionary United Front's horrific war in Sierra Leone. By the mid 1990s Liberia had become the country of provenance for billions -- not millions -- of dollars worth of stolen gems. With UNITA in Angola, Liberia invented conflict diamonds. Liberia and Angola were the reason for the creation of the Kimberley Process and its worldwide certification system for rough diamonds. It was because of the diamond-sustaining wars that there are now more than 26,000 UN peacekeepers in Sierra Leone and Liberia, with a combined 2003-4 budget of US\$1.1 billion.

Diamonds Without Maps argues that the UN diamond embargo should be maintained until Liberia is fully able to implement a Kimberley Process diamond certification system. The NGO also recommends that the UN Security Council should ask the Kimberley Process, on the request of the Government of Liberia, to review any proposed Government of Liberia system *once it is fully in place*, with a view to making a recommendation on Liberian participation in the KPCS and a final removal of UN sanctions.

While Liberia may well be able to produce an acceptable certificate and appropriate legislation in the near future, the question arises as to whether or not the legislation can actually be enforced, and whether or not a Kimberley system can be paid for.

One way of encouraging the Liberian diamond trade suggested by the NGO, but keeping it within appropriate parameters, is to limit Liberian diamond exports to the country's known diamond resource base, both in the volume and the value of diamonds to be exported.

The report also urges action by the Security Council on former President Charles Taylor, charged with war crimes by the UN-backed Special Court in Sierra Leone. The report says that Taylor's continuing ability to evade justice, apparently with the tacit approval of the Security Council, send a very bad message to his victims, and sets a dangerous precedent for other warlords. Nigeria, which has given Taylor sanctuary, should surrender him to the Special Court without delay.