

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, March 07, 2005

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The Exclusive, Monday March 7, 2005

AFRC Trials Start Today

By Joseph Turay

The long awaited proceeding for the three indictees of the former Armed Forces Revolutionary Council, AFRC, Alex Tamba Brima alias Gullit, Ibrahim Bazzy Kamara and Santigie Borbor Kanu alias 55, will today commence at the Trial Chamber of Court No. 2 of the Special Court at Jomo Kenyatta Road, New En-

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AFRC Trials Start Today

From front page

gland Ville, Freetown.

All three accused persons, are charged with 18 counts of war crimes, crimes against humanity and other serious violations of International Law.

They were indicted by the prosecution of the Court on

diverse dates in 2003 and later they were issued a consolidated indictment.

The three indictees who had first appeared before the Chamber few weeks ago to familiarise themselves with how the proceedings would go and what defensive measures are available to them

and how many witnesses the prosecution have against them will appear before three foreign judges, namely, the Presiding Judge Julia Sebatinde (Uganda), Teresa Doherty (Northern Ireland) and Richard Lussick (Samoa).

It is no longer news to the majority of Sierra Leoneans and the rest of the world that the much talked about all-knowing Prosecutor of the Special Court for Sierra Leone, David Mr. Crane, has disappointed the Secretary General of the United Nations, Mr. Kofi Annan, and has notified him in a letter in a rather surprised and unprecedented move, that he does not wish to seek a reappointment, when his present 36 months contract ends, effective July 15 2005.

It could be remembered that when Crane arrived in the country in August 2002 to take up his appointment, he wasted no time in stating that he was going to the "kill beast of impunity" and deliver justice to the lot of Sierra Leoneans, who bore the brunt of the war at the hands of a gang he referred to as a "joint criminal enterprise."

He also stated categorically, that he was "not here for a joke", and that those indicted by him, "will never see the down of a free day."

When the war weary people of Sierra Leone heard Crane, whom they had considered to be a redeemer made those categorical statements, they received their first real healing of their wounds, little did they know that their self acclaimed redeemer, was not going to live up to expectation.

The "run-away boy" as he is now known, first put words into action with the arrest and detention in a former British slave dungeon in Bonthe, of high placed Sierra Leoneans in the persons of Chief Sam Hinga Norman of the defunct civil defence force (CDF), Foday Saybana Sankoh, Issa Sesay and Morris Kallon, of the defunct Revolutionary United Front of Sierra Leone.

These arrests and detention sent shock waves through the Sierra Leonean public and the rest of the world, more so when a serving minister in the ruling government that requested the establishment of the court, was arrested while on official state duties.

Further, these arrests went a long way to lend credence to earlier assertions by the US born prosecutor, that the Special Court is not a joke.

Furthermore, these arrests attracted the attention of the whole world to the establishment of the court, and people were eagerly awaiting the outcome, when the main protagonist in the person of David Crane, showed that he himself had a different agenda, to make enough money and call it quit, for reasons many refer to as selfish.

The main reason he gave was that before accepting the appointment, he made a solemn pledge to his wife that he was going to

One Thing And Another

BY
THEOPHILUS
GBENDA

David Crane, the 'runaway' Prosecutor

serve for only 36 months in this capacity.

It is therefore in fulfillment of that pledge, which he never informed the U.N. Secretary General of at the time of the appointment, that Crane has decided to sacrifice his top job and betray the confidence of all.

Taking this scenario into perspective, one can safely conclude that indeed Crane simply accepted the appointment for his own selfish gain, and not necessarily for the love of Sierra Leoneans, on whose behalf he was charged with the responsibility.

As stated in part one of this episode, Mr. Crane often times openly remarked that he is accountable to no one but the people of Sierra Leone.

Well if this was not a political statement aimed at caving a good picture of himself, why did he not consult with the people of Sierra Leone, who are his clients, before addressing that letter to the man who appointed him to the post?

Of course there are better heads to take over but what is clear though is that there are difficulties ahead for anyone who is going to hold the substantive position.

What more do the people of this country need from the CIA-groomed prosecutor whose continued stay in the country is very much undesirable, especially so now that he has proved to be not only a failure but a coward, who merely ventured into the battle field but went AWOL when the going got tough, leaving behind his compatriots to face the enemy.

This behaviour of Mr. Crane should not be overlooked, as it is a pointer to the fact that the majority of foreign nationals at the so called Special Court are merely here to acquire cheap wealth and return to their countries when they want, whether or not the objective of the court is achieved.

This explains the reason why day in day out, more and more

foreign nationals continue to troop into the country, where otherwise they would have wished never to visit.

Any single foreign nation working at the money eating Special Court for war ravaged Sierra Leone, is reportedly taking home each month nothing less than \$1,500, and the sad thing is that these monies are tax-free.

Pegging a tax on these huge

"What more do the people of this country need from the CIA-groomed prosecutor whose continued stay in the country is very much undesirable"

sums would have gone a long way in raising revenue for the government through the National Revenue Authority (NRA) that otherwise would have gone towards much needed development programmes in the country.

One thing to note here is that these foreign nationals, most of whom are just graduating from university, have little or nothing to offer administratively or otherwise to the effective operation of the Special Court, evident by the fact that the recently opened Special Court staff canteen is always full of them lavishing what they would otherwise be struggling for in their home countries.

As for the rate of buzzing and free for all smoking that is going on especially during working hours, one does not need to comment, as it is very difficult to describe. All you need is a visit to the canteen to see for yourself what is obtaining there.

If they are not seen enjoying themselves at the canteen, they would be spotted either in the li-

brary or in their respective offices, using the facilities of the court to do whatever they deem fit, without being checked.

So if this is the true picture of happenings at the court, what use is it to recruit so many ill-experienced foreign nationals, who by the look of things, are merely here to picnic as tourists and amass a lot of wealth for themselves?

One other thing of interest and of concern is the fact that nearly all the various sections of the court are headed by white folks, branding themselves as chiefs.

No wonder why a World Bank official recently remarked that the almighty super Special Court for war-ravaged Sierra Leone is "full of so called chiefs who otherwise have little or nothing to deliver."

The fact of the matter here is that some of these components could be better managed by Sierra Leoneans who no doubt will use all the energy in them so as to facilitate the success of the court, taking into account the fact that they were actually the victims of the war, and would like the issue of impunity adequately addressed.

I think the only component at the Special Court that is headed by a Sierra Leonean is the outreach section, headed by Madam Binta Mansaray, the wife of the secretary to the President, Sheka Mansaray.

The outreach section of the Special Court has been appraised as one of the few successful components when it comes to mandate implementation.

If a lady in the midst of other sober heads could make it, how much then if our qualified and experienced brothers are given the mantle of leadership in some of these sections, such as the general services and the public and press affairs units, currently headed by foreigners who are not performing in any way better.

The question now is why should so much money be spent on people who are neither performing

nor interested much about the outcome of the court?

This by all indications amounts to a mere waste of resources, and it is therefore no surprise why critics of the court often remark that 'the court itself is unnecessary.'

This is however a separate subject matter to be discussed in subsequent editions.

At this juncture, let me go back to the issue of the run away boy, David Crane, whose exit from the prosecution may be a blessing in disguise especially for those Sierra Leoneans working under him, who for years have been subjected to racial discrimination and unwarranted abuse.

It is only hoped that the Secretary General, in his wisdom and based on the lesson learnt, will appoint someone who will be sworn on oath to finish the task.

With respect, it is my humble opinion that the Secretary General, Mr. Kofi Annan, made a regrettable mistake in appointing an American as the Chief Prosecutor of the world's first hybrid war crimes tribunal who cannot complete the job.

To substantiate this, America, the so-called world power, still remains reluctant to subscribe to international treaties such as the international criminal court of justice (ICCJ) and the Kyoto treaty to name a few.

The implication here is that America, conscious of its tendency to commit gross human right violations, is not in a position to see any of its citizens indicted for war crimes and crimes against humanity by other countries.

This is why Nigeria, which is a signatory to the ICCJ, is in fragrant violation of the treaty, blatantly refusing to turn over Charles Taylor to the Special Court.

Kofi Annan knew all these things but yet went ahead and appointed an American whose country is the actual beast of impunity.

Anyway, as the adage says, 'to err is human,' I do hope Mr Annan has learnt his lesson.

On thing that is clear though is that Mr. Crane's outburst has gone a long way to summarize the general belief among Sierra Leoneans that the almighty Special Court is both bogus and vague.

Who knows whether the Registrar, Mr. Robin Vincent, will follow suit, when his current contract ends July 15, 2005.

"Kofi Annan knew all these things but yet went ahead and appointed an American whose country is the actual beast of impunity"

Standard Times, Monday March 7, 2008

ATTENTION

DAVID CRANE:

More Human Rights Abuse cases in Iraq by your compatriots, than in Sierra Leone. (Culled from Washington Post)



Along an Abu Ghraib walkway, a hooded detainee seem to have collapsed with his wrists handcuffed to the railings



In what appears to be a hallway, a hooded detainee, seems to be handcuffed in an awkward position atop two boxes. The frame seem to show the prisoner's ankle cuffed to the door handle behind him



A Baton-wielding US Soldier, appears to be ordering to be ordering a naked detainee covered in a brown substance to walk a straight line with his ankles handcuffed



Two U.S. Soldiers pose with a pyramid of naked and hooded detainees

Concord Times, Monday March 7, 2005

Over Halloran's case... **Australian police unhappy with Ademusu**

The Australian police are disappointed over what they described as the refusal of Justice Ademusu to grant bail to jailed Victorian Police Superintendent, Peter Halloran who was sentenced to 18 months for in-

decent assault of a 13-year-old schoolgirl.

In a Press Release issued last Thursday, Spokesman of the Victorian Police Association, Bruce McKenzie, was quoted as saying, "We're disappointed to learn that Halloran's bail application has been rejected on grounds that he hasn't shown exceptional circumstances to justify granting him bail."

He added that the fight is far from over because the Association would continue to pressure the Australian government to support Halloran's appeal.

"At present, he remains in the hospital section of the prison and we will continue to give Peter Halloran all the support we can," McKenzie stated.

He said the Association is extremely concerned for his welfare but are pleased that the Australian consul has visited him from Ghana.

The Sunday Telegraph (Sydney, Australia) March 6, 2005 Sunday

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The Sunday Telegraph (Sydney, Australia)

March 6, 2005 Sunday

Law and disorder

MATP

DAVE TACON

He went to help restore a devastated nation but now policeman Peter Halloran sits in Africa's worst jail, having found himself on the wrong side of Sierra Leone's justice system. DAVE TACON reports.

Australian policeman Peter Halloran's career appears to be in tatters. In a verdict that came as a shock to observers, the officer's lawyer and Halloran himself, the former head of Victoria's homicide squad has been condemned to spend 18 months as a convicted pedophile in a Sierra Leone jail widely described as a hell hole.

Halloran, 56, took a year's leave to work as a United Nations war-crimes investigator in the shattered African country.

He has been found guilty of indecently assaulting a 13-year-old girl whom he had interviewed as a babysitter for a friend who was to visit him.

Halloran, who maintains his innocence, was recently acquitted on two charges of unlawful carnal knowledge and procuring a girl under 14.

But in a protracted and shambolic trial during which the girl recanted her evidence and changed her story five times, he was found guilty late last month by Sierra Leone's high court.

Halloran lodged an appeal last week, but was refused bail.

A second application for bail is expected to be made on Tuesday.

Because Australia has no agreement with Sierra Leone under the international prisoner-exchange scheme, Halloran may have to serve his sentence in Africa's wild west.

Freetown gives the impression of being a near-lawless place in a near-lawless country. But in its centre stands a concrete edifice with iron gates -- the infamous Pademba Rd Prison.

During the invasion of Freetown, rebel troops "liberated" the prison, unleashing its human contents on the population.

Rapists and the criminally insane joined the carnage.

Today, the prison is well known in human-rights circles for appalling conditions that

are among Africa's worst.

It is crammed with almost three times its intended limit of 300 prisoners.

A recent article by Peter Penfold, the former British high commissioner to Sierra Leone, threw light on the farcical precedent of one inmate incarcerated without charge.

The man has spent so long in prison waiting to be charged that prison authorities have forgotten why he was brought there in the first place.

Lawyers have been unable to secure his release because no paperwork for his case exists.

The British gave the country its independence in 1961.

It's difficult to believe, but at that point, Sierra Leone was the second-wealthiest nation in west Africa.

Today, according to the United Nations Development Program Development Index, it's the world's poorest.

The country's 10-year civil war drove hundreds of thousands away from their rural homes to seek refuge from a conflict of shocking brutality, which was waged first and foremost on the civilian population.

Freetown became, and remains, an ad hoc refugee camp straining under the pressure of enormous overcrowding and desperate poverty.

There are many reminders of the recent past. By some estimates, 20,000 Freetown inhabitants had their hands or feet amputated. Up to 10,000 were murdered in one month alone.

Untold numbers of girls and women were raped during the invasion and many atrocities were committed by children, who were abducted and forced to kill.

Children, many of them with the tell-tale swollen bellies of malnutrition, make up half of Sierra Leone's population.

Reports on life expectancy give children a 57.5 per cent chance of not reaching 40.

Teachers often go for months without being paid while the country's political elite continue to line their own pockets with foreign aid.

Corruption is so rampant that the government's own anti-corruption commission had to be overhauled because of its corruption.

Freetown's power grid was long ago destroyed by war and endemic mismanagement. Nights must be spent in near-darkness.

One city zone, however, is lit by brand new street lights that line its perimeter. From the hills above Freetown, the Special Court for Sierra Leone glows like a Christmas tree.

The court, which serves as both a courthouse and a maximum-security detention centre, has a threatening, almost surreal presence.

This UN-backed war-crimes court is the most heavily guarded location in the country.

Its high concrete walls are topped with razor wire, its machine-gun posts manned by UN peacekeepers from Nigeria.

The inception of the Special Court followed a letter sent by Sierra Leonean President Tejan Kabbah to UN Secretary-General Kofi Annan.

The letter requested that the international community try those responsible for atrocities in Sierra Leone.

To do so, the UN overturned a blanket amnesty for perpetrators agreed to at a peace conference in 1999.

Members of all Sierra Leonean factions involved in the civil war are among those facing trial by the court.

The court's mandate is to prosecute those who bear the greatest responsibility for the crimes of that bloody conflict.

One of the surprise indictees was the country's deputy defence minister, Sam Hinga Norman, who co-ordinated government-backed militia groups on the ground.

Hinga Norman is seen by many in his own country as a national hero who helped Sierra Leonean communities defend themselves against RUF terror.

His supporters argue that if the court's mandate is to try those who bear greatest responsibility, it should indict the commander-in-chief of pro-government forces during the conflict, rather than just his deputy.

The commander-in-chief they refer to is President Kabbah, who has not been indicted and whose government has appointed three of the court's eight judges.

The accused are charged with war crimes and crimes against humanity under international law, but also with charges unique to Sierra Leone, relating to the abuse or abduction of girls aged 14 or under.

Peter Halloran has fallen foul of those laws.

The US Government is the court's strongest supporter and provides almost a third of its annual budget.

It has been speculated the Special Court could serve as a model for similar institutions in countries such as Afghanistan and Iraq in coming years.

Unlike the International Criminal Court, these institutions would operate under the caveat that no US national appear before them.

The Special Court has been marred by controversy. Last March, eminent Australian

barrister Geoffrey Robertson, QC, who had been appointed as a judge and president of the court, was excluded from hearing cases involving former members of the Revolutionary United Front, following his 2002 book on human rights abuses, including those in Sierra Leone, called Crimes Against Humanity.

The conviction of Halloran is another footnote in a long line of public embarrassments for this beleaguered beacon of justice.

An additional blight on the court has been its failure to apprehend the former Liberian president, Charles Taylor, who has been indicted for his role in the RUF incursions.

Although the US has offered a reward of \$2.5 million for his capture, Taylor has been granted asylum by Nigeria.

In provinces where not long ago people were terrorised by the Revolutionary United Front, rusting, burnt-out vehicles and convoys litter roadsides.

Although there was once a railway line linking regional centres, looting led to the demise of this mode of transport.

It's hard to find one remaining steel rail or wooden sleeper. The line has almost vanished without trace.

Travel in the provinces is a painstaking process. But if travel within the country is difficult, leaving is an impossibility for the vast majority of Sierra Leoneans, who must survive on less than \$4 a day.

The most scenic way for foreign nationals -- or the few wealthy Sierra Leoneans -- to depart the country is to take an ageing Russian helicopter taxi.

There are many hair-raising stories of terrifying flights on these machines, flown by drunken Russian pilots.

As the helicopter rises from the helipad over the wide expanse of Lumley Beach, the blue-and-green spread of the Aberdeen Peninsula comes into view.

As the vista of Freetown speeds away through the helicopter's open windows, the city looks beautiful.

On the perimeter of Lungi International Airport, near the gates, sits a hand-painted sign depicting passengers disembarking from a jumbo jet.

"Welcome to Sierra Leone," it states simply. "If you cannot help us, please do not corrupt us."

CHARLES TAYLOR TOASTS DAVID CRANE'S DEPARTURE

Sunday March 6, 2004

Former Liberian rebel - President Charles Taylor is said to have been toasting the planned resignation soon of Sierra Leone Special Court Prosecutor, David Crane . According to reports reaching COCORIOKO yesterday, Taylor has been in delirium since Crane announced last week that he was quitting on July 15, this year, at the expiration of his contract.

The news was said to have delighted Taylor because Crane demonstrated unprecedented fervor and determination to bring him to justice and the former Liberian leader, who loathed Crane and was scared of him, is now hoping that he could buy some more time with Crane's departure, especially if a less zealous Special Court Prosecutor appears.

Charles Taylor , (Pictured above in his trademark dark glasses), is a war crimes suspect indicted by the Special Court for masterminding the savage rebel war in Sierra Leone that led to the merciless slaughter of 50,000 innocent people and the amputation of the limbs of tens of thousands more. Taylor trained the rebel leaders who invaded Sierra Leone and he also provided them fighters, arms and other logistics in exchange for Sierra Leone's diamonds.

He is being given refuge in Calabar, Nigeria , by President Olusegun Obasanjo in defiance of appeals and protests by the court and international human rights organizations determined to see the rule of law prevail by justice being meted out to a man who also caused the brutal murder of another 200, 000 people in his own country.

Crane seemed to have put his heart so much into his job that his zeal alone was mesmerizing to the alleged war crimes suspects he was appointed by the UN to prosecute. His driving passion to ensure that the war crimes suspects were found guilty often riled supporters of the indicted men.

Crane came within a whisker of setting a world record two years ago as the first head of a judicial body to place a serving African President in handcuffs .He issued an international arrest warrant for Taylor as soon as the Liberian leader left the safety of his sanctuary in Monrovia and entered Accra, Ghana, to attend a reconciliation conference. But some of West Africa's equally corrupt and despotic leaders helped the bloodthirsty Liberian to rebel escape back to Monrovia.

Many people interviewed by COCORIOKO said that Taylor's jubilation may be premature. They believe that hardworking and committed as Crane was, this could still be a step by the UN-supported court to add more teeth to its operations, if Crane's excuse that he was leaving for family reasons , was not the real cause for his unceremonious departure. (A Special Court source told this paper that he could vouch for the veracity of Crane's excuse that he was indeed leaving for family reasons).

"The next Special Prosecutor could be more of a tiger than Crane ," some of the people interviewed said. They asked Taylor to wait and see who will replace Crane before rejoicing. "For one thing, a war crimes case does not have a statute of limitation and another prosecutor could still nail Taylor, even if it took eternity to accomplish that," one of the people emphasized..

Nigeria's President Obasanjo has been condemned all over the world for granting amnesty to Taylor after the Liberian leader was chased out of office two years ago.

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War Crimes Prosecutor: Former Liberian President Taylor Still a Threat

Mar 3, 2005 Abidjan

The outgoing lead prosecutor for Sierra Leone's war crimes tribunal says former Liberian President Charles Taylor remains a threat to the stability of West Africa.

Prosecutor David Crane wants Charles Taylor, who was indicted two years ago on 17 counts of crimes against humanity, to be brought before the war crimes tribunal in Sierra Leone as soon as possible.

"Charles Taylor hangs like a dark cloud over Liberia, and he needs to be turned over to the special court for Sierra Leone. He continues to meddle, not only in Liberia, but other countries within the region," he said.

Human rights groups have called on Nigeria, where Charles Taylor now lives, to hand him to the special court. But Nigeria has said that it will not do so, unless Liberia makes the request.

Mr. Crane says the former Liberian president is in contact with the current Liberian government, and, if Liberia holds elections, there is a danger that Mr. Taylor's party could win.

Charles Taylor is accused of backing rebel movements in Sierra Leone's 11-year civil war, which left 50,000 dead.

Critics of Sierra Leone's special court say that its authority has been undermined by its failure to try the former Liberian president. Mr. Crane, who will be leaving his post in July, says that he is proud of the accomplishments of the special court, where he has served for three years. He says Nigeria's decision to give asylum to Charles Taylor in 2003, when rebels besieged the Liberian capital, must be seen in context.

"This was a political arrangement to get Charles Taylor out of Liberia, to ensure that peace could start," he said. "That is something I called for during my press conference, when I unsealed the indictment against him. And again, this is all part of a process. The peace has begun in Liberia, but now it's time for justice."

A researcher for the Washington-based monitoring group, Human Rights Watch, Corinne Dufka, says it should have been made clear from the start that Mr. Taylor's Nigerian asylum was temporary.

However, Ms. Dufka commends the general success of the war crimes tribunal, which she says has renewed Sierra Leoneans' faith in justice. She says that, for the first time, with the special court, you have people who are government ministers and people who have wielded a tremendous amount of power who are being brought to justice for their crimes.

Human rights groups want the United Nations to put more pressure on West African countries to hand over Mr. Taylor to the court. Thousands of rebels and militia fighters have been disarmed in Sierra Leone, which has become one of the United Nations' biggest peacekeeping successes in Africa.

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From chaos, order;
Rebuilding failed states

Freetown and Monrovia

What can the world do about state failure? Surprisingly, quite a lot

ONE and a half years ago, Liberia was a failed state. Two separate groups of drug-emboldened teenage rebels controlled most of the country. A gangsterish president, Charles Taylor, was losing control even over Monrovia, the capital, where all sides were firing heavy artillery into office blocks and looting strategic spots such as the brewery. In August 2003, *The Economist* reported from that unhappy city that "famished townsfolk have already eaten their neighbours' dogs and are reduced to scrounging for snails."

Today, thanks to the world's largest UN peacekeeping force, Liberia is calm. Some 15,000 blue helmets are keeping the streets more or less safe. There are still road blocks, but not the old sort, where militiamen stretched human intestines across the road as a signal to motorists to stop and be robbed. The UN road blocks are typically manned by disciplined Bangladeshis, of whom the locals vocally approve.

"They are very nice," says Richard Dorbor, an office assistant in Buchanan, Liberia's main port. During the civil war, rebels looted the town clean: Mr Dorbor points to the dark patch on the wall where the kitchen sink used to be. But then the Bangladeshis came, overawed them and disarmed them, without a single casualty.

"In any group, there are good boys and bad boys," says Colonel Anis Zaman, the Bangladeshi commander in Buchanan, relaxing in cricket whites on a Sunday. "With the bad boys, you have to be firm. You say: 'If you want to be funny, look at our APCs [armoured personnel carriers] and machineguns. We can be funny, too. So let's just put down the guns and talk.'"

Scholars cannot agree how to define a failed state, but most concur that state failure is one of the world's gravest challenges. The World Bank frets about 30 "low-income countries under stress" (LICUS). Britain's Department for International Development (DFID) worries about 46 "fragile" states.

This article is concerned with the toughest cases: states that have lost control over most of their territory and stopped providing even the most basic services to their people. Only Somalia unambiguously fits this definition. A larger group of countries, mostly in Africa, are close to failure (see chart on next page). Some, such as Zimbabwe, are cantering towards a cliff-edge. Others, having recently failed, appear

to be recovering, if fitfully: Afghanistan, Haiti, Sierra Leone and Liberia all fall into this category.

States can fail because of external shocks, or they can decay from within, or both. Afghanistan and Angola collapsed when their colonial overlords suddenly withdrew. In Sierra Leone and Congo, the state was looted into putrescence, thus inviting rebellion and ultimately, collapse.

It is tough to mend a failed state, but the fact that some formerly failed states are now doing quite well—eg, Mozambique and East Timor—shows that it is not impossible. And although treatment is costly—the UN mission in Liberia costs \$800m a year—the cost of doing nothing is often higher. When governments collapse, it is not only bad for citizens who thereby lose the law's protection. It can also cause regional or even global repercussions.

Lawlessness, it is often argued, creates space for terrorists to operate. This is sometimes true: there are almost certainly al-Qaeda operatives lurking in Somalia and the wilder parts of Pakistan. But the most-cited example, Afghanistan, does not really support this argument. Osama bin Laden used Afghanistan as a base not because it was a failed state, but because its government invited him to.

The chief reason why the world should worry about state failure is that it is contagious. Liberia's civil war, for example, infected all three of its neighbours, thus destabilising a broad slice of West Africa. Congo's did the same for Central Africa.

Lisa Chauvet and Paul Collier of Oxford University have tried to measure the cost of a typical poor country becoming a LICUS, ie, as unstable as Nigeria or Indonesia, but nowhere near as bad as Liberia. They added together an estimate of growth forgone because of instability and an estimate of the spillover effect on neighbouring countries, and arrived at the startling figure of \$82 billion.

Since this is more than the world's entire annual aid budget, it suggests that even costly interventions, if they help to stabilise a failing state, are likely to be worthwhile. Looking only at war-torn states, Mr Collier and Anke Hoeffler, also of Oxford, found that three types of intervention were highly cost-effective, even before one considers the value of saving lives.

One good idea is to try to restrict the sales of commodities that fuel war. Extractable minerals often provide both the means to fight and an incentive to do so: rebels in Sierra Leone, for example, dug diamonds to pay for arms, and fought to seize power so they could grab all the mines. A global embargo on "conflict diamonds" has reduced the flow of cash to similar rebel groups, thereby probably foreshortening a war or two at minimal cost.

Another worthwhile tactic is to offer generous aid to war-flattened countries, once they have stabilised a bit, so that they can rebuild their buildings and institutions. Mr Collier and Ms Hoeffler estimated that increasing aid to post-conflict countries by the equivalent of 2% of GDP per year for five years, starting half a decade after the war ended, would cost \$13 billion but yield \$31.5 billion in benefits.

By far the most cost-effective way of stabilising a failed state, however, is to send peacekeepers. Mr Collier and Ms Hoeffler calculated that \$4.8 billion of peacekeeping yields nearly \$400 billion in benefits. This figure should be treated with caution, since

it is extrapolated from one successful example. In 2000, a small contingent of British troops smashed a vicious rebel army in Sierra Leone, secured the capital and rescued a UN peacekeeping mission from disaster.

Not all interventions go so well. But a study by the RAND Corporation, a think-tank, suggests that the UN, despite its well-publicised blunders, is quite good at peacekeeping. Of the eight UN-led missions it examined, seven brought sustained peace (Namibia, El Salvador, Cambodia, Mozambique, Eastern Slavonia, **Sierra Leone** and East Timor), while one (in Congo) did not. An earlier RAND study had looked at eight American-led missions and found that only four of the nations involved (Germany, Japan, Bosnia and Kosovo), were now at peace, while the other four (Somalia, Haiti, Afghanistan and Iraq) were not, or at any rate, not yet.

The comparison is not entirely fair. The Americans took on tougher targets: Iraq has more suicide-bombers than East Timor. On the other hand, the UN had punier forces and budgets at its disposal. The annual cost of all 11 UN peacekeeping operations today is less than America spends in a month in Iraq.

Liberia illustrates some of the opportunities and pitfalls for peacemakers. The country was founded by freed American slaves in the 19th century, who at times enslaved the indigenous population, but also brought laws, roads and industry to Liberia. By the 1960s, the country was one of the most prosperous in Africa.

Its descent into mayhem began in 1980, when a semi-literate master-sergeant named Samuel Doe disembowelled the president in his bed and seized power. As violent as he was corrupt, Doe scared most of the middle class into emigrating, causing the average Liberian income to plummet by three-quarters in ten years.

Charles Taylor, an opportunist who had trained as a guerrilla in Libya, started a revolt against Doe in 1989. Doe was caught and filmed being tortured to death in 1990, but the civil war continued, on and off, for another 13 years. Mr Taylor emerged as the most fearsome warlord, and was elected president during a ceasefire in 1997, after promising voters that if they spurned him, he would go back to war. His campaign slogan was: "He killed my ma; he killed my pa; I'll vote for him."

Once in the executive mansion, he ruled like a mafia boss, grabbing a slice of every sizeable business and wasting his rivals as if they were money. He did not even pretend to provide the services that normal governments do. Asked whether he would restore electricity to Monrovia, he advised people to buy generators. His misrule provoked a fresh civil war, and he used obscene tactics to defend his turf.

"I've never seen things like this before," says Daniel Lomboy, a Filipino policeman hired by the UN to investigate Liberian war crimes. "In one mass grave, we found [the remains of] a pregnant woman whose fetus's bones were outside her stomach but inside her dress." Mr Taylor's men sometimes took bets as to the sex of an unborn child, he explains, and then had a look.

Eventually, Mr Taylor made too many enemies. In return for a share of the loot, he armed rebels in all three neighbouring countries. Guinea and Côte d'Ivoire retaliated by backing Liberian rebel groups. In June 2003, George Bush said it was time for Mr Taylor to go, a suggestion he underlined by parking warships off Monrovia. Nigeria offered Mr Taylor sanctuary if he came quietly and ceased to meddle in Liberian politics. He flew into exile, where he remains, still plotting.

A peace deal brought the two anti-Taylor rebel groups into a power-sharing transitional government with some of Mr Taylor's former lieutenants. The United States, the UN and Nigeria insisted that those with the most blood on their hands should not be ministers. So the government now consists of personable but weak ministers with scary deputies. Elections are scheduled for October. In the meantime, the UN is trying to make the country safe for rough-and-ready democracy.

The UN secretary-general's "special representative" in Liberia, a forceful American called Jacques Klein, is the most powerful man in the country. He may lack an "executive mandate", including the power to arrest people, such as the UN had in East Timor, but his budget is roughly ten times larger than the Liberian government's. A UN embargo on Liberia's main exports (timber and diamonds) remains in force, pending proof that the money is not falling into the wrong pockets.

Mr Klein put 48 Liberian "generals" (with noms de guerre such as "General Peanut Butter" and "General Fuck-Me-Quick") on the UN payroll, so that they would help him disarm their men (and boys and girls). The ex-fighters were offered incentives to surrender their guns: \$300 and help with school fees or vocational training. About 100,000 handed in weapons or ammunition, which is encouraging. But not everyone is happy.

Solomon Dennis, for example, was abducted from a scripture class when he was 13 and press-ganged into Charles Taylor's army. Now 18, he wants to resume his studies, but he complains that the school fees the UN promised him have not been paid, so he can't. Like most former fighters, who have typically learned the joys of consumerism by looting the towns they passed through, Mr Dennis is not content to go back to his village and be a peasant. In a country with almost no jobs, such desires can be dangerous.

Those who did not fight, meanwhile, think it unfair that the killers are rewarded. "They only help the bad people, not the good ones," fumes Thomas Mambo, a former book-keeper who lost his home and job during the war and now squats with 75 other people in a blackened and gutted building that used to belong to Liberia's old ruling party, the True Whigs. "If the UN doesn't help us, we'll take up arms, too."

Liberia is small (with a population of only 3m), accessible from the sea and blessedly free of citizens who imagine they have a sacred duty to kill peacekeepers. This may be why it has proven simpler to pacify than, for example, the vast and nearly landlocked Democratic Republic of Congo, where nine blue helmets from Bangladesh were killed last week.

But pacification is only the first step. To ensure that a recovering failed state does not fail again, it needs a government that is legitimate and competent enough not to invite another rebellion. And nation-building is the hardest task of all.

For an illustration of how utterly the Liberian state has decayed, consider the once-busy port at Buchanan. The railway that once brought iron ore there from an inland mine has been swallowed by the bush. The iron-ore processing depot on the quayside has been stripped to its girders, as have most other buildings. A single ship sits at an odd angle in the harbour, with a tree growing out of its deck. Four swaggering youths in flip-flops accost your correspondent and demand to know what he is doing. They introduce themselves as three majors and a colonel from the

Liberian security forces.

Practically nothing works in Liberia. There is no piped water, no functioning justice system and the closest approximation to a middle class is 60,000 civil servants who have hardly been paid in 14 years. There are 450,000 prosperous and well-educated Liberians, but they live in America and show no sign of returning. Liberia is not even ranked on the UNDP's annual "human development index", for lack of data. "We're fighting to get to the bottom of the list," says the UN's Mr Klein.

The only large organisation that functions adequately in Liberia is the UN. Besides keeping the peace, it helps refugees return home, inoculates babies, feeds a fifth of the population and trains local teachers, policemen, judges, army officers and so forth. This is helpful, but it is hard to support such a weak government without supplanting it. Because the UN offers the best salaries in town, and actually pays them, it often ends up poaching the most able public servants.

The transitional government is better than its predecessor, in that it is less murderous. But it is not noticeably less corrupt. A senior UN official accuses it of making "no effort at all" to deliver social services.

The hope is that this will change after elections in October. There are dozens of possible candidates for the presidency, many of whom have no agenda beyond securing the top job, but there is at least a chance that someone honest will be elected. George Weah, a retired soccer star, is uniformly popular and far too rich to need to steal, but he has no political experience. The worst fear is that Charles Taylor or another warlord might sponsor a successful candidate and then pull the strings.

"Good governance has never crossed the doors of this country in 150 years," admits Thomas Nimley, the foreign minister, "But now we are willing to learn." Jerome Verdier, a human-rights lawyer in Monrovia, is less sanguine. "If the next government is as corrupt as the current one," he says, "we'll have another war."

If the UN were suddenly to pull out, Liberia would collapse again. But it won't pull out suddenly or soon. Sierra Leone, Liberia's neighbour, which collapsed just as bloodily in the late 1990s, offers a heartening example. Three years ago, it was in roughly the same situation as Liberia is today, held together only by 17,000 blue helmets. The peacekeepers have pulled out gradually, as the Sierra Leonean army has grown stronger with British training. After the last peacekeepers leave, Sierra Leone's elected government will still be shielded by a British promise to send back its troops if rebels attack it. The country is still poor and ill-governed, but it is no longer a charnel house, so it has a chance.

An important reason for optimism is that with the UN's help, Sierra Leone is holding to account those most responsible for despoiling it. A UN-backed special court indicted the 13 worst alleged war criminals. Two or three have since died, but David Crane, the chief prosecutor, argues that putting the others on trial strikes a blow against the culture of impunity that plagues Africa. Sierra Leoneans will see justice done on men who used to be untouchable. That could be the first step towards establishing the rule of law in a country that has never known it.

One indictee flagrantly evades arrest: Charles Taylor, whom the court is applying to have extradited from Nigeria. The Nigerians are not keen, having given him their

word. But Mr Crane argues that Mr Taylor has violated the terms of his sanctuary agreement by continuing to meddle in Liberian politics, and predicts that he will soon be handed over.

Ultimately, fixing failed states is a job for the people who live in them. Outsiders can topple despots or crush rebels, and sometimes should. They can also offer cash and advice to help locals rebuild shattered institutions. But unless the fashion for colonialism returns, which it probably won't, they will not accept responsibility for governing the world's worst trouble spots. There will be no rest any time soon for the peacekeepers.



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In Iraq, a Case Without Precedent

The tribunal established to try Saddam Hussein and his lieutenants is set for its first trial. It is drawing criticism as well as intense scrutiny.

By John Daniszewski
Times Staff Writer

March 6, 2005

BAGHDAD - Fourteen months after Saddam Hussein was found cowering in his spider hole, the Iraqi tribunal set up to judge him and 11 of his top associates on mass murder and genocide charges is getting ready to hold its first trials.

in the glare of world opinion, the court will be on trial, too.

Few dispute the role of Hussein and his cohorts in the deaths of tens of thousands of Iraqi Kurds and Shiites. But many have questioned whether a court created under foreign occupation and held inside Iraq in the midst of an insurgency will be able to give a fair and universally accepted verdict.

International human rights experts insist they want the tribunal to succeed but question whether the court, as currently constituted, will be up to the task. Some argue that there is still time to move the trials to another country and operate them under an international mandate.

"I think it is going to be a challenge, I really do," said Richard Dicker, director of international justice at Human Rights Watch, an advocacy group in New York.

Dicker and other human rights experts are concerned about the decision to use the death penalty, unclear rules of evidence and what they see as the accused's inadequate access to their lawyers. They also see an overall lack of transparency in the proceedings and question whether the Iraqi judges have the experience to handle such far-reaching cases.

"There was no independent judiciary in Iraq for 30 years, and these are among the toughest legal challenges for judges and lawyers anywhere to take on," Dicker said.

The dangers faced by court personnel were shown Tuesday, when gunmen attacked and killed investigating Judge Barwez Merwani and his lawyer son Aryan outside their Baghdad home. Merwani was the first member of the tribunal to be assassinated, but a Western legal expert said court employees have faced numerous threats.

If the judges are going to be killed if they sit in Iraq, then they've got to sit elsewhere," said Geoffrey

Robertson, a British queen's counsel and expert in international justice who headed the first UX war crimes trial in the African nation of Sierra Leone. "You can't have justice in a war zone."

Speaking after the assassination, he said it was now plain that the new government, when it sits, must agree to move the trials out of the country and reconstitute the court as an international tribunal with UX sanction. "There's a narrow window of opportunity," he said.

The Iraqi Special Tribunal comprises about 35 specially appointed Iraqi judges and a workforce of 400 that includes lawyers, investigators, researchers and bodyguards. Advised at every step by U. S., British and other international lawyers, members of the tribunal have had to work behind closed doors, sifting through tons of documents and thousands of potential witnesses to address alleged crimes of the Baathist regime that took place over four decades.

The judges and staff remain largely anonymous. Even the site of the planned trials has not been announced, although officials have said privately that a special courthouse was being constructed inside one of Baghdad's high-security zones.

On Monday, the first charges prepared by the tribunal's investigating judges were referred to trial judges. They involved five of Hussein's former lieutenants, including his half-brother Barzan and former Vice President Taha Yassin Ramadan. They were accused of a series of mass killings in 1982 against an Iraqi village in central Iraq where there had been an assassination attempt on Hussein.

Other defendants believed likely to face trial soon are Hussein's cousin Ali Hassan Majid, better known as Chemical Ali, for his role in poison gas attacks against Iraq's Kurdish minority, and former Defense Minister Gen. Sultan Hashim Ahmad Jabbari Tai. Both were called to appear at preliminary hearings in December. Their testimony might be used to build the case against Hussein, whose first trial might not take place for a year.

The U. S. military transferred the 12 defendants to formal Iraqi custody June 28, the day sovereignty was given to an Iraqi interim government, but they remain under heavy guard by U. S. troops in a prison near the Baghdad airport.

Unlike the Nuremberg trials after World War II or the special tribunals for Bosnian and Rwandan war crimes, the Iraqi tribunal will not be international, it will operate under Iraqi law.

Defense lawyers allege that the tribunal, established in December 2003 by the Coalition Provisional Authority and its appointed Iraqi Governing Council, violates Geneva Convention rules that limit what occupying powers are allowed to do.

"The tribunal is illegitimate, illegal and unconstitutional, because it was established by Paul Bremer," said one of Hussein's lawyers, Khaleel Duleimi, referring to the former chief U. S. administrator.

Speaking to The Times last week by telephone from a place of hiding, Duleimi said he had received anonymous death threats for his decision to defend Hussein and had to leave home for safety. He said that the defense team, based in Jordan, intended to put the prosecution on trial and also challenge the legality of the war that had ousted Hussein.

The tribunal's defenders say that the court has been advised but not controlled by the U. S. government and that such concerns will be wiped away as the court will likely be reconfirmed by the new Iraqi government.

Former U. S. Atty. Gen. Ramsey Clark said the Iraqi tribunal lacks basic rules of fairness, declaring that its concept, personnel, funding and functions ... were chosen and are still controlled by the United States, dependent on its will and partial to its wishes."

Clark is a war critic who frequently takes up unpopular causes and has volunteered to help defend Hussein. But UN Secretary-General Kofi Annan also has expressed other reservations. Not wanting the world body linked to trials that could bring death penalties, Annan forbade any direct participation by the U.N.'s war-crimes tribunal at The Hague in helping to train the Iraqi lawyers and judges.

in a country seen by many as on the verge of civil war, the trials — and death sentences for the defendants — could spark more violence if the formerly dominant Sunni Muslim community perceives the tribunal as a kangaroo court or if testimony serves to rally disaffected former Baath Party members.

With elements of Hussein's Baath Party believed to be leading the insurgency, the trial is also seen as a political necessity for the still-fragile U.S.-backed government.

Veteran opponents of Hussein, like Ahmad Chalabi, the leader of the Iraqi National Congress, argue that the new Iraqi government will be able to establish its authority and move forward after Hussein's crimes are aired in a public trial and the law is allowed to mete out a just retribution.

"I want to get the trial going. This is a unifying thing," said Chalabi in a recent interview. He blamed delays on members of Hussein's party, who he said had been allowed to infiltrate the tribunal.

Many ordinary Iraqis are impatient for the trial of Hussein to begin.

"If it was up to me, I would slice him to pieces and then eat him," said Harndi Ali, 26, a seller of cloth in Baghdad. He agreed that Hussein should have a trial, but had no doubt about the eventual verdict. "He should not be killed immediately, because that would be too easy. He should be put in prison for years, taste the humiliation, and then his punishment should be cutting him up into pieces."

Hussein's lawyer, Duleimi, said he had met with his client once, for 4 1/2 hours, on Dec. 16 and said he found the former leader cut off from the news of the world but in fair health and eager to go to trial. Hussein passes the time working on books and poetry, reading the Koran and praying, the lawyer said. "His spirit was very high. The Americans are not troubling him. His food is good. His drink is good. His clothes are normal."

Duleimi said that Hussein had already been proved innocent of the prewar accusations that he possessed weapons of mass destruction that led to the U. S. -led invasion, and therefore other charges that followed from that "illegal action should not be allowed.

"Everything based on unrighteousness is null and void," he said.

Michael P. Scharf, an international law professor at Case Western University in Cleveland, said he had started out as a skeptic about the tribunal, convinced "it would be perceived as a puppet court." But after assisting in training some of the judges in October in London, he said, he came away impressed by the determination they showed to conduct fair proceedings consistent with international standards.

"Each thing I learned convinced me more and more that they are doing the best they can with a tough situation," he said.

Scharf said an international trial had not been possible to organize because the crimes that the tribunal

would address took place from 1968 to 2003, and most of that period would have been outside the mandate of the United Nations' International Criminal Court. Opposition from certain Security Council members would have blocked an ad hoc tribunal such as the Rwandan and Bosnian courts, he said.

Nevertheless, he said the tribunal has been studying the work of international courts and is getting "a tremendous amount of international assistance," including the training by international jurists in London and courtroom rehearsals in Italy and the Netherlands. They are also amending Iraq's rules and procedures to exclude evidence obtained under coercion, he said.

Scharf said Iraqis, not the Americans, insisted on keeping the death penalty in place, even though it would be controversial in many countries. The judges have also insisted that their own faces will not be covered during trials, in spite of the personal danger to themselves.

"They want to televise it, which is interesting," he said of the judges on the tribunal. "They really think that justice has to be seen as fairly done, and they want the Iraqi people to see justice fairly unfold. "

Dicker, of Human Rights Watch, said one controversial issue involved how much evidence defendants would be allowed to introduce to rebut the allegations against them.

For example, "how much evidence will be let in in terms of U. S. government involvement and knowledge in 1987 to 1988 of Saddam Hussein's use of poison weapons against the Kurdish population ... or the Iranian population?" he asked.

The worst thing, he said, would be "some kind of fantasy political show trial."

In sending the signal that it is not business as usual from the old Baathist regime, these trials are symbols, and that is why we want to see them succeed," he said. But to succeed, they need to adhere to international fair-trial standards."

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(BEGIN TEXT OF INFOBOX)

Regime on trial

Saddam Hussein and at least 11 other high-profile detainees will be tried on mass murder and genocide charges. Hussein's case isn't expected to go to trial until at least late 2005.

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The first charges

Hussein's half-brother Barzan, former Vice President Taha Yassin Ramadan and three others are charged in a case stemming from an incident on July 8, 1982, when Hussein's motorcade was fired on by a group of villagers in Dujayl, north of Baghdad. More than 140 people were allegedly executed and about 1,500 imprisoned.

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Iraqi Special Tribunal

Established Dec. 20, 2003, by order of L. Paul Bremer III, head of the Coalition Provisional Authority, based on a statute passed by the Iraqi Governing Council.

1. Investigative phase:

Consists of 20 permanent judges and 10 reserve judges, assisted by attorneys and researchers who investigate allegations, collect evidence and compile dossiers against suspects that become the basis for the trial panels' hearings.

In progress for more than a year. Dossiers are nearing conclusion.

2. Trial panels:

Two chambers consisting of five judges each who hear cases and reach decisions by majority vote.

A prosecutor and defense attorneys are present, but unlike in U. S. courts, judges take the leading role in calling and questioning witnesses and weighing evidence.

3. Court of Appeals:

Nine judges, who then elect one of their number as president.

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Source: Times reporting

Zaynab Hussain of The Times' Baghdad Bureau contributed to this report.

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