

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



**PRESS CLIPPINGS**

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

**as at:**

Wednesday, 7 November 2012

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

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Feature **Sierra Leone**

Britain's former high commissioner to Sierra Leone, **Peter Penfold** (*inset*), confesses that "resolving conflicts diplomatically elsewhere has become more difficult as a result of the Special Court for Sierra Leone's antics". In his new book, "*Atrocities, Diamonds and Diplomacy: The Inside Story of the Conflict in Sierra Leone*", reviewed here by our correspondent, **Lansana Gberie**, Penfold criticises the Special Court for killing the incentive that will make actors in future conflicts stop fighting.

## Our man in Sierra Leone

**P**ETER PENFOLD WAS THE UK'S high commissioner to Sierra Leone from 1997 to 2000, when his services were terminated after a disagreement with Tony Blair's New Labour government over Sierra Leone – and the so-called "Arms to Africa" scandal of 1998. Blair's government told him to keep quiet after his recall and premature retirement after 40 years of service, but he refused to.

Penfold became the most prominent critic of the Special Court for Sierra Leone (SCSL), a contrivance chiefly of Blair's foreign secretary, Robin Cook, whose pretensions to an "ethical foreign policy" had been exposed by events in Sierra Leone.

Penfold has now published a much-anticipated book about his experiences in Sierra Leone and at the hands of Blair's New Labour government. The book had tremendous difficulty finding a publisher in the UK, but has now been issued by Pen and Sword, an imprint of the British army.

Penfold's old friend and collaborator in Sierra Leone, General Sir David Richards, wrote the "foreword" to the book, hailing Penfold as "a brave and determined British diplomat of the Old School", and the book as a "compelling story of one man's resolute determination to do the right thing."

I first met Peter Penfold in the summer of 2003 in London. He had been recalled a couple of years back as the high

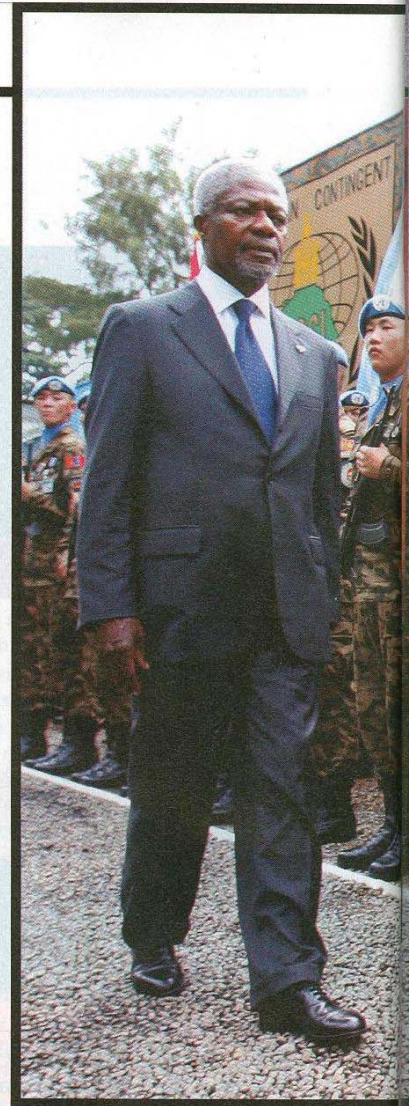
commissioner to Sierra Leone following a tumultuous and extraordinarily effective service there, and been seconded to the Department of International Development (DFID) on the recommendation of Clare Short, who herself would not long after leave Blair's now-discredited government.

I had been invited to participate in a study, largely funded by the UK government, on making UN peace operations more effective. This was designed to follow-up on the findings of the famous Brahimi Report on UN peace operations in 2000.

Penfold was a senior member of our team – representing DFID. Knowing of his reputation, I was awed by his presence on the team. His views carried great weight, but he was always somewhat diffident about what a foreign intervention force can achieve.

Context, Penfold would stress, matters. He was insistent on one point: external intervention (that of ECOWAS, the UK and UN) in Sierra Leone was successful largely because it was driven by the principle – accepted by the vast majority of Sierra Leoneans – of support for the democratically elected government of President Ahmad Tejan Kabbah against anti-government forces who had little or no support anywhere in the country, and about whom there was nothing ennobling.

Penfold formed this view of the Revolutionary United Front (RUF), the then largely amorphous and nihilistic group spearhead-



ing a brutal bush war, a few weeks after he arrived in Sierra Leone as Britain's top diplomat in early 1997. Everything that happened to the country since then merely confirmed his early impressions. We travelled as a team to Sierra Leone for the research. Once we got to the arrival hall at the airport and Penfold was spotted, the normally avaricious airport workers sprang into action, and took us all into the VIP lounge.

In Freetown, there was hardly any need for prior appointments: Penfold's name opened every door. When we went to see President Kabbah, there was a television crew waiting to record the event, and it was the lead news item that evening.

Penfold, though now shunned by his own Foreign Office, was a hero in Sierra







Then UNSG, Kofi Annan, inspects a parade of UN blue-bereted Mongolian peacekeepers in Freetown

**“A foreign diplomat falling out with an insanitary local government often finds that his own bureaucracy is unsympathetic, and wants rid of him.”**

Leone: he had been crowned honorary paramount chief in the country, the only British official to be so honoured after Prince Philip. This very important and much anticipated book tells us why he is still revered in Sierra Leone – and much more.

#### The options

Diplomats from powerful countries who find themselves in degraded or corrupt countries can do one of two things. They can comfortably immerse themselves into the local environment, make friends with the political and business elite, and sit out their time patiently until they are moved to more salubrious environments or are comfortably retired. That is the careerist option.

The other option is to try and do some-

thing to influence positive change in the country where they find themselves posted, to use the leverage that a representative of the important power which helps subsidise the local government can wield, to get things moving in the right direction. This is the more difficult option, for it carries a grave risk. A foreign diplomat falling out with the local government, however insanitary that government is, often finds that his own bureaucracy, full of nibbling careerists who are instinctively against risk-taking, are unsympathetic, and wants to immediately get rid of that awkward diplomat.

As it happens, the British Foreign Office, with its sense of antique propriety and residual imperial viciousness, is the most practised and ruthless at this kind of thing.



Penfold's predicament in Sierra Leone was worse. When he arrived in Freetown in March 1997 to take over as the UK's chief diplomat in the country, he drove from Senegal through Guinea into Sierra Leone, adding drama to an already high-octane situation.

Sierra Leone had in the months prior conducted national elections, and the new president – an articulate and presentable former UN civil servant, Kabbah – had signed a peace agreement with the RUF in neighbouring Abidjan, Côte d'Ivoire.

These were glimmers of hope in an otherwise awfully bleak situation: the RUF war, which started in March 1992, had already killed more than 15,000 and devastated the countryside, forcing the displacement of half the population of the country.

Amidst this carnage, the international community, including Britain, the country's former colonial master, pretended that things were under control. Donor funding had been secured for the elections (Britain contributed \$4.7m), but now what? In the UN Security Council, the US vetoed the setting up of a small military observer force following the signing of the Abidjan Accord on the grounds that the RUF had not approved it.

This deliberate failure to act when it could have made a decisive difference must be implicated in the subsequent carnage in the country – which finally led to the deployment of one of the largest UN peace-keeping troops ever (UNAMSIL).

In the event, both the elections and the Abidjan Accord would only become seriously effective in terms of observing the country's international relations in the breach: as a reaction to the sanguinary Armed Forces Ruling Council (AFRC) coup of May 1997. No coup has been more ill-timed.

### Blair's father in Sierra Leone

Penfold had previously served in the British mission in Nigeria during that country's civil war (1967-70), in Ethiopia in the 1970s during the Derg revolution, and in Uganda in the 1980s during two coups.

In Sierra Leone, Penfold quickly became a passionate advocate for Kabbah's government, helping to fundamentally change the UK's policy towards the country. His efforts gained immense traction when Blair became prime minister on 2 May 1997, a few months after Penfold took post, and only

three weeks before the fateful AFRC coup.

Blair's father had been a lecturer at Sierra Leone's Fourah Bay College, and though Blair made this discovery much later, he characteristically embraced it with missionary zeal. That changed attitudes within the British establishment towards Sierra Leone: the sentiments of a popular new prime minister perforce quickly became state policy.

Blair's earnest moral tone – he and his foreign secretary Robin Cook spoke about an "ethical foreign policy" – seemed congruent with the field reports Penfold was sending back, in which Penfold depicted the war in Sierra Leone as a conflict in which there was a clear division between good and bad – on one side the legitimate, democratically-elected government and on the other a bunch of thugs without a reasonable political agenda.

The AFRC coup of May 2007 made this view compelling. Penfold's account of the coup and its consequences are the most stirring parts of his immensely riveting book – and the best I have read anywhere.

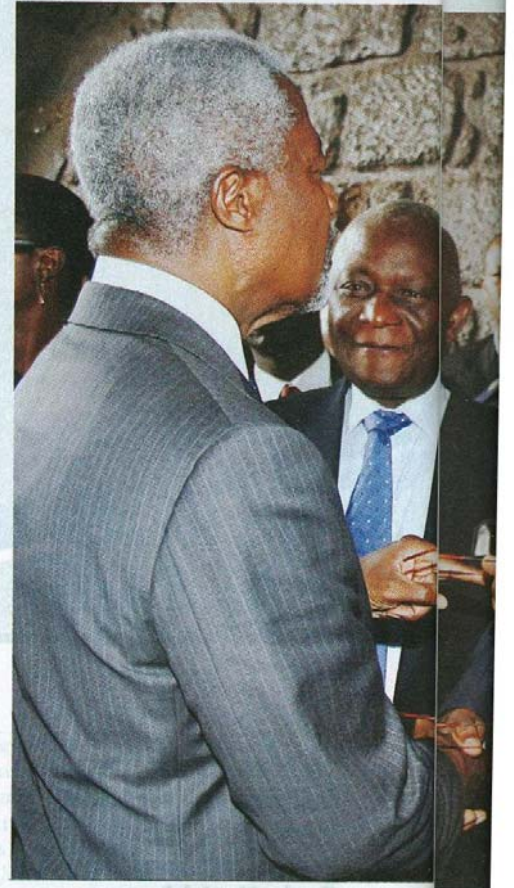
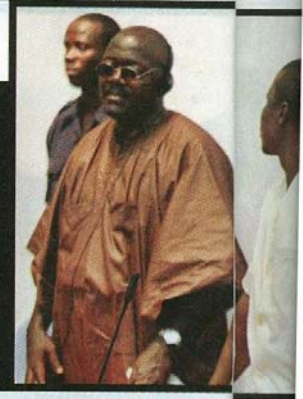
His valiant attempts – aided by other diplomats and notably the courageous Desmond Luke – to influence the mutinous soldiers failed, but it is worth studying closely for the astonishing possibility it offered. Promised money, cars and a comfortable exile, Johnny Paul Koroma and his gang agreed to cede power back to Kabbah, but this was scuttled by the RUF, which had been invited by Koroma to join his "peoples' army".

Penfold then organised one of the most complex evacuations of foreign nationals from a war zone ever – an effort that involved several planes and warships from Britain, France and the US, among others.

In the final episode in the evacuation drama, the *USS Kearsarge* landed dozens of heavily armed marines and positioned combat helicopters all around Lumley beach in Freetown, overlooking the main military barracks where the AFRC officers and their RUF allies had based themselves.

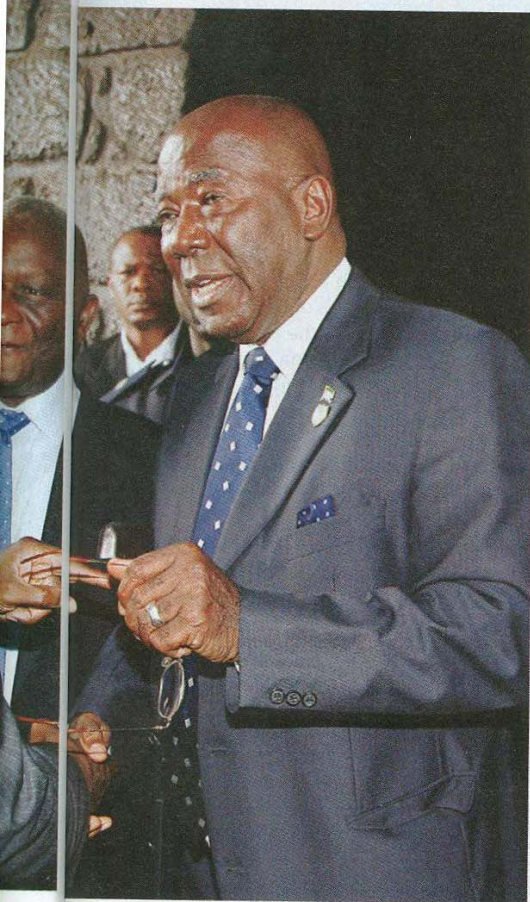
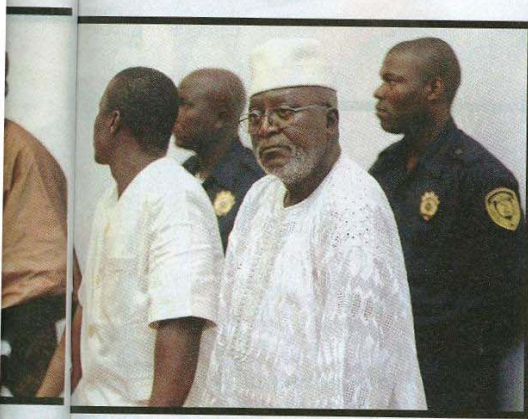
The junta had one combat helicopter, and the US made a point that though they were not authorised to strike at the junta, the helicopter was a danger to foreign nationals and would be destroyed if it took off the ground. That helicopter, by the way, was later used by the junta to destroy villages in places like Moyamba and Bonthe, killing hundreds, on the excuse that they

Right (l to r): Allieu Kondewa, Moinina Fofana and Sam Hinga Norman, accused of war crimes between 1991 and 2002 in Sierra Leone. (Below) Sierra Leone's President Ahmed Tejan Kabbah greets the UN's Kofi Annan



**"Penfold had great respect for Hinga Norman and enormously admires Desmond Luke, James Jonah, and Zainab Bangura".**





were harbouring Kamajors.

For his leadership role during the evacuation, Penfold received letters of commendation from both Blair and Cook. He was now based in Guinea along with the exiled Kabbah government.

There is little doubt that without his support Kabbah, a reluctant flagbearer if ever there was one, would not have sustained the resistance against the AFRC. And it was in providing this support that Penfold, in the

latter judgment of his senior colleagues in London, may have faltered.

It involved what came to be famously known as the “Arms to Africa” scandal: an agreement between the exiled government and a British mercenary outfit, Sandline International, to supply arms to pro-government forces resisting the AFRC in Sierra Leone.

Penfold was accused of facilitating the deal, though he had fully briefed the Foreign Office in London about the negotiations going on between Kabbah and Sandline’s Tim Spicer. There was a UN Security Council-mandated arms embargo on Sierra Leone, the resolution sponsored by Britain.

It turned out that the arms themselves never actually got to the pro-Kabbah forces: they were impounded by Nigerian troops, who must be credited – along with the pro-government Kamajor militia fighters – for unseating the AFRC and restoring democracy to Sierra Leone.

It didn’t matter that the spirit of the resolution clearly did not intend the ban to apply to the exiled government – whose members Blair called the “good guys”. The episode wrecked Penfold’s career.

It led to his early retirement, and even there he was not left alone by the British government. In 2002 when he was offered the post of Africa programme director by the International Crisis Group (ICG), for which he was eminently qualified, the offer was quickly withdrawn “on the advice of senior figures in the Foreign Office”.

### Penfold’s judgement

Penfold is rarely judgmental about the politicians and diplomats he deals with in this book, though he is sharply critical of US machinations in the run-up to the Lomé Accord. The book tells how Jesse Jackson, Bill Clinton’s Africa adviser, took Kabbah in his plane from Ghana to Togo but refused James Jonah and Julius Spencer – Kabbah’s close aides and anti-RUF hardliners – to travel alongside.

In Lomé, US lawyers drafted both the ceasefire agreement and the final accord. Foday Sankoh, the RUF leader, indulged himself in an “orgy of food, drink and sex” in a Lomé hotel, and accumulated a bill of over \$400,000 to be paid by the UN. Britain left Penfold uninvited in Freetown.

The result, Penfold writes bitterly, was that the US and Britain “acted disgracefully

in forcing through the Accord”, which in effect made Foday Sankoh vice president of Sierra Leone and gave him control of the country’s mineral resources.

What does Penfold really think of Kabbah, the man at the centre of all this drama? Clearly, Penfold had far greater respect for Hinga Norman – an activist minister after Penfold’s heart – and enormously admires Desmond Luke, James Jonah, and the great activist at the time, Zainab Bangura.

Kabbah was merely a symbol of the great struggle for democracy, though a rather flawed one. Kabbah was too quick to flee Sierra Leone after the coup announcement in 1997, and in exile in Guinea, he did not once visit either the Sierra Leone government office – converted from a disused restaurant – or even the Sierra Leone embassy.

When, after the devastating January 1999 attacks, Penfold visited Kabbah, he found a thoroughly devastated man who had not even taken the time to visit the national stadium, where tens of thousands of his derelict people had sought shelter. Penfold’s harsh judgment of the Special Court for Sierra Leone (SCSL), which was set up in 2002 to try those “most responsible” for the atrocities of the war and which recently convicted former Liberian president, Charles Taylor, deserve to be quoted at length.

He writes: *“Supporters of the Court, citing the example of Charles Taylor ... say that it demonstrates that no one can get away with such barbarous acts with impunity ... However, Sam Norman’s indictment and subsequent death is a stain on the Special Court’s legacy.”*

*“Who else will come forward to fight the cause of peace and democracy in the future if they face the threat of being treated as a war criminal?”*

*“The Special Court demonstrated that such provisions and assurances negotiated on the ground in good faith become meaningless once the juggernaut of international justice comes on the scene. What incentive, therefore, will there be for some of those involved to stop fighting.”*

It is a sobering thought – and from a man who witnessed first-hand the atrocities of Sierra Leone. This superbly well-written, well-documented, and passionate book should be read by everyone interested in Africa, as well as in the grave issues of war and peace. ■■■



## Radio Netherlands Worldwide

Friday, 9 November 2012

### "Contemptible" Dutch lawyer angers Cambodia

The ECCC: facts and figures

- The Extraordinary Chambers in the Courts of Cambodia, the ECCC, has been in existence for nearly a decade
- There has only been one conviction to date, (Duch, trial 001) and only one trial is underway at the moment (Nuon Chea, trial 002). Trials 003 and 004 are indefinitely stalled and no more investigations are being carried out for now

The three Accused in trial 002 are:

- Nuon Chea, former Chairman of the Democratic Kampuchea National Assembly and Deputy Secretary of the Communist Party of Kampuchea
- Khieu Samphan, former Head of State of Democratic Kampuchea
- Ieng Sary, former Deputy Prime Minister for Foreign Affairs of Democratic Kampuchea

The three Accused are charged with crimes against humanity, grave breaches of the Geneva Conventions of 1949, and genocide against the Muslim Cham and the Vietnamese.

- \$160 million has been spent so far
- Japan and the EU have been major donors on the Cambodian side
- Other major donors include the United States and Australia
- For more information see the ECCC website

'The Contemptible Mr Beard', aka Dutch International criminal lawyer, Michiel Pestman, reflects on his year in Cambodia, defending Brother Number Two at the Extraordinary Chambers in the Courts of Cambodia.

By Lorenza Bacino

Michiel Pestman's knowledge of Pol Pot and the Khmer Rouge atrocities were, by his own admission, confined to the 1984 film, *The Killing Fields*. In 2007 that began to change when he was offered the chance to defend Nuon Chea, otherwise known as Brother Number Two, at the Extraordinary Chambers in the Courts of Cambodia. This joint Cambodian-UN tribunal was set up nearly a decade ago, to prosecute those responsible for the deaths of almost two million Cambodians in the 1970s.

It took till 2011 for trial 002 to get underway, and Pestman moved to the capital Phnom Penh with his family to take up the challenge. But it's only upon his return to Amsterdam that he feels free to speak about the experience.

## Hybrid court

The Cambodian regime is able to interfere with and sabotage proceedings to an exasperating degree, precisely because the tribunal is a hybrid court comprised of Cambodian and international staff and rules of procedure.



‘Within two weeks of being there I realised the trial was never going to be over within the six to nine months I’d been promised. All these trials are the same’, he says wearily. ‘They always last longer than everyone thinks and they are never as efficient as everyone promises.’

## Judicial snake-pit

Since the beginning, the court has been plagued by a series of high-profile resignations, political set-backs and myriad controversies, including questions about who exactly should be prosecuted. An issue not helped by the fact that the leaders of today are barely discernible from the Khmer Rouge leaders of that time. Current leader, Prime Minister Hun Sen is a case in point. He’s dominated the political scene in Cambodia for the past three decades and his leadership has often been shrouded by controversy. Notwithstanding, Pestman insists he went with an open mind. But almost immediately, he was hit with the realisation he’d landed in a snake-pit.

He says his client was constantly prevented from speaking, witnesses were threatened and not allowed to appear in court and the clients are now so old and frail that it’s unlikely they’ll ever see the end of the trial.

‘I had no idea before I got there that it was such a repressive regime’, he says. ‘I have always lived in democracies and I have to say that even when I worked at the Special Court for Sierra Leone, it was a haven of free speech compared to what I encountered in Cambodia..’

## Veiled threats

The level of government interference had a direct impact on Pestman’s ability to do his job.

‘I was so frustrated at the lack of progress in my case that I decided to speak out. I filed a criminal complaint at the local court in Phnom Penh against people in the court and in the government. But I very quickly received a letter warning me to back off. A judge in the court came up to me and told me I shouldn’t cycle to work anymore, because if I got hit by a car, how would they know it was an accident?’.

This was a worrying turn of events, as his family was living there with him during this time. But he says that as a foreigner, he felt protected.

‘Hun Sen restrained himself where I was concerned, but he has made public statements about me personally, and I’m known as ‘the contemptible Mr Beard’. Pestman explains this could be considered a very threatening use of the word contemptible as that’s how the Khmer Rouge referred to their enemies at the time.



**Infectious atmosphere**

In the wake of events, Pestman has decided to quit. He says he's struggled right from the start. And although he agrees that the idea of trying people is a positive move to establish accountability and to help the victims, he says the Cambodian regime has too much influence.

'There's this one-party state and this towering figure of Hun Sen who's been in power since the Khmer Rouge regime ended in 1979. Everyone is terrified of him. He has not shied away from killing members of the opposition in the past, so it's not a pleasant atmosphere. I'm not sure if the court infects Cambodian society or whether society infects the court - either way, it's not a shining example for the Cambodian people and it's unlikely to have a positive legacy'.



## The case for the defence

High-profile defence lawyer Courtenay Griffiths talks court rooms, advocacy, theatre, TV and the Charles Taylor war crimes case with James Falla.

HE IS well known for defending terrorists, war criminals, IRA bombers and murderers – and resolutely stands up for their right for justice and a fair trial.



*Courtenay Griffiths admits he is a performer in the courtroom and one of the leading defence lawyer's most famous cross-examinations was of supermodel Naomi Campbell in the trial of former Liberian president Charles Taylor. (Picture by Steve Sarre, 1280774 )*

‘Our system of justice cannot operate unless there is a semblance of equality between prosecution and defence,’ Courtenay Griffiths QC told the BBC.

‘Otherwise it becomes an inquisition and that would

soon lose the confidence of the public. It is right and proper that a defendant, however heinous the crime committed, has the right to the best representation.’

Mr Griffiths was in Guernsey for a short visit last week to speak to the Guernsey International Legal Association.

He popped into the Royal Court building – he was impressed – but less good news for the local courts is that he has our jurats in his sights.

‘Very suspicious’ was his retort to my question about the system. ‘My fear would be that, like judges, they can become “case hardened”,’ he said. ‘At the same time I understand the practicality of the island situation but it is not something I favour.’



## BBC Sport

Thursday, 8 November 2012

### Zimbabwe FA sets up committee for match-fixing appeals

By Steve Vickers BBC News, Harare

The Zimbabwe Football Association (Zifa) has set up a committee to deal with appeals over the bans handed out in the country's match-fixing investigation.

So far 15 players and officials have been given life bans, and four others have been given 10-year suspensions.

With many of them having taken legal action and others going to Fifa, football's world governing body has insisted all appeals must first be dealt with by Zifa.

Zifa's high-profile committee includes Silas Chekera, a defence lawyer at the International Criminal Court, who defended former Liberia president Charles Taylor at The Hague.

Another member is Thabani Mpofu, an advocate of the High Court and Supreme Court of Zimbabwe and also an arbitrator, who worked for the International Tribunal in Rwanda.

But the Footballers Union of Zimbabwe (FUZ) is furious that the fee to lodge an appeal has been set at \$6,000.

"It's too heavy for the players, taking into consideration that players are paid an average of \$300 a month," FUZ secretary Paul Gundani told BBC Sport.

"It's even higher than Fifa's appeals fee of around \$3,000, and it's going to be almost impossible for the Zimbabwe-based players to come up with the money."

There are 74 players and officials still awaiting to learn of they will be sanctioned by Zifa, they face bans of between six months and five years.

Players admitted to taking money to lose games on national team tours to Asia between 2007 and 2009.

The investigation was then widened to look at Zimbabwe's participation in other competitions including the 2009 Cecafta Cup, the East and Central African Championship.



## Bemba Trial Website (The Hague)

Thursday, 8 November 2012

### **Bemba's Eleventh Witness Concludes Testimony**

By Wakabi Wairagala,

Today, the eleventh witness to testify for Jean-Pierre Bemba completed giving evidence at the International Criminal Court (ICC), with most of his concluding testimony heard in closed session.

In the brief moments of open court, 'Witness 48' said he could not confirm or deny the claim by a former senior official of the Movement for the Liberation of Congo (MLC) that Mr. Bemba dismissed as "propaganda" reports of his troops' alleged acts of violence. The reports were carried by French broadcaster Radio France Internationale (RFI).

The witness was being questioned by Marie-Edith Douzima-Lawson, a lawyer representing victims in the trial, about Mr. Bemba's attitude towards reports of his soldiers' misconduct. The victims' lawyer quoted an unnamed former MLC insider who allegedly spoke to the accused about incidents of rape, murder, and pillaging by his troops.

A statement by this unnamed person, which Ms. Douzima-Lawson read out in court, quoted the official as saying Mr. Bemba was "in the habit of denying everything" and also that "he [Bemba] thought France wanted his head."

'Witness 48' said: "This statement was made by someone else. I have no opinion on it. I can't say what was said between him and Bemba, I wasn't there."

Subsequent questioning of the witness was done in private session. Assingambi Zarambaud, another victims' lawyer, also questioned the witness in closed session.

Since the start of his testimony on Tuesday, 'Witness 48' has recalled that upon his advice, Mr. Bemba in 2001 set up a military justice system to try crimes committed by his soldiers. The witness said that convicted soldiers served the full sentences handed to them. He testified with image and voice distortion in order to protect his identity, and most of his testimony was heard in closed session.

Mr. Bemba is charged with two crimes against humanity and three war crimes allegedly committed in the Central African Republic between October 2002 and March 2003. The former vice president of the Democratic Republic of Congo has acknowledged the presence of his troops in the neighbouring country to assist its then president Ange-Félix Patassé stave off a coup attempt. However, he has denied prosecution charges that he had effective command and control over his troops during this period but failed to take the necessary measures to rein them in.

Hearings in the trial are scheduled to continue on Monday, November 19, with the testimony of a new defense witness.