PRESS CLIPPINGS

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

Wednesday, April 21, 2004

The press clips are produced Monday to Friday. If you are aware of omissions or have any comments or suggestions please contact Ibrahim Tommy
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The role of the new Principal Defender

After four years as ICTR prosecutor for the media trial, Simone Monasebian has jumped ship to become Principal Defender at the Special Court for Sierra Leone on March 5. Two months before the trials are tipped to begin, the American explains the workings of a defence office keen to move away from the experiences of the ad hoc international tribunals.

How does your office differ from what happens in other international courts, and why?

The intention was to create a structure to counterbalance the overwhelming power of the prosecutor’s office. Over here, the defence office is engaged in outreach and in explaining to the community that there are witness protection measures for the defence as well. Defence witnesses have someone to speak to and who takes care of their needs. The office also works on the Rules. In the other tribunals you might have one defence attorney as a token representative at the plenary. Our office has the same access as the prosecutor to move for amendments of the Rules. The defence is a full organ of the court. That’s the idea. It’s an innovation and I believe it must be adapted in any future international criminal tribunal and should be followed at the ICC as well.

The other thing that this office does is to leave a legacy. On every single defence team we have a Sierra Leonean lawyer. And they don’t have token roles. We have nine teams right now. In each one there is a senior Sierra Leonean lawyer. In four cases he is the lead counsel. The reason why I make it compulsory is twofold. The legacy aspect is important but another aspect is that this is a hybrid tribunal: it follows Sierra Leone law and international law. So we do need people who are experts on national law. Not only does it make the trials better, but also when we leave these are lawyers who have had the ability to work in an international context. They can see the fairness of an international court and take in the values of due process, of not having the death penalty, about giving people the right to have assistance to counsel. So you do leave a legacy behind.

One of the main concerns was to control expenses and avoid fee-splitting allegations. How is your system better equipped in this respect?

Here it was decided to give a lump sum to defence teams. Each team is given 400,000 USD. This is not given all at once. Usually they are given three months increments of money called ‘stage plans’. For each stage plan the maximum they can receive is generally 75,000 dollars although it doesn’t mean they will receive the entire amount [half of the amount is given in advance unlike at the ICTR/ICTY where it is given after they send the bills]. I think what we’re doing is an improvement of the British system. We made it much better by having lawyers vet the bills instead of civil servants. Now, because the trials seem to be running a bit longer than we initially contemplated we recently allowed for a special circumstance clause in the contract. It provides additional compensation if the trial lasts for more than eight months or if extraordinary work was done. This will only come up after October 2004. The office has a separate budget for the investigators. They are not paid from the 400,000 USD pot. Nor are the expert witnesses. For investigations, there is a fixed amount of money for each team – three million leones per month [around 1090 USD] – paid throughout the case if need be.

What if you and a lawyer do not agree on a bill?

There is arbitration. If we can’t decide on one person, than the president of the tribunal would decide on a third person while the defence counsel would pick one and the principal defender another.

How independent are you from the registry?

The office of the defence is a fourth pillar but it is still technically part of the registry. This is an experiment and it may be taken a step further to make the principal defender and her office completely separate from the registry. Perhaps that will be the next experiment. But this one has gone pretty far and I think it is successful.
Impasse in money trail investigations

"I have a question that I would like you all to think about: will there be a time when a multinational corporation is criminally responsible? We were that close. But we could not connect the dots. We would have liked to but it did not happen." On 8 April at Harvard University, David Crane spent an hour and a half talking to American students. Just before taking his leave, he stared at them fixedly and asked them to reflect on the question. The chief prosecutor of the Special Court for Sierra Leone had just admitted that he has failed to achieve the task that he has always seen as essential: to prosecute businessmen for their role in crimes against humanity committed during the civil war in this small West African country. Crane looked tense, his eyes scanning the rows of students. There is something rather direct about this man that allows him such kind of forthright and unambiguous admissions.

Crane showed his thirst for the task in an earlier interview on 7 March 2003: "I will look at politicians in the sub-region and I will look at businessmen. Without them, none of this would have happened," he commented, despite Sierra Leoneans being irritated by the way that he repeatedly reduced the civil war to a battle over a commodity, diamonds. Over the last year and a half, everyone expected the Court to include in its remit prosecution cases linked to business networks. It now looks like this innovative and promising initiative is in trouble. David Crane appears to have handed over the baton to his colleague Luis Moreno Ocampo at the International Criminal Court, who has announced its intention to "follow the money trail" in his investigations in Congo.

Wearing a Sierra Leonian flag on his lapel, the prosecutor of the Freetown tribunal was not expressing only one frustration. He admitted to the Harvard audience that he was incensed with the authorities in his own country — the United States — and in particular over its treatment of Charles Taylor. In June 2003, David Crane publicly indicted the President of Liberia, to the great displeasure of those involved the peace talks, including the Americans. Since August 2003, Taylor has been living in safe exile in Nigeria, with Washington's blessing, according to Crane. "It's a tragedy," he railed. "I can't believe that the US is covering a war crimes criminal, and they very much are." David Crane does not hide the fact that he has friends in Congress. But he has very few in the government.
Special Court for Sierra Leone
Press and Public Affairs Office

PRESS RELEASE
Freetown, Sierra Leone, 20 April 2004

Judge Orders Norman’s Bank Account Unfrozen

Sam Hinga Norman’s bank account has been ordered unfrozen, following a ruling on Monday by Judge Bankole Thompson of the Special Court’s Trial Chamber.

A provisional order to freeze Chief Norman’s assets, including his Union Trust bank account, was included in the arrest warrant signed by Judge Thompson on 7 March 2003.

Earlier this month, following reports that the bank had unilaterally unfrozen the account, prosecutors filed an ex parte motion seeking that the account, and any other accounts belonging to Norman, be ordered frozen on an interim basis until the matter could be finally determined by the Court.

Judge Thompson issued the interim order on 2 April, but also scheduled a closed-door hearing to include both prosecution and defence. That hearing took place on 13 April.

Prosecutors argued that funds in the account may have been transferred illegally by the CDF. Judge Thompson, while acknowledging that national and international jurisprudence on the issue of freezing the assets of an accused person is unclear, held that the applicable standard is “whether there is clear and convincing evidence that the targeted assets have a nexus with criminal conduct or were otherwise illegally acquired.”

Judge Thompson ruled that prosecutors had failed to produce evidence that the property was connected with criminal conduct or illegally acquired. Consequently, he ordered the account unfrozen.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996. To date, the Prosecutor has indicted eleven persons on various charges of war crimes, crimes against humanity, and other serious violations of international humanitarian law. Nine indictees are currently in the custody of the Court.

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BIG VICTORY FOR HINGA NORMAN: SPECIAL COURT FAILS TO PROVE THAT HIS ACCOUNT TIED TO CRIMINAL ENTERPRISE

Monday April 20, 2004

Former Interior Minister and Kamajor Commander Sam Hingga Norman scored a resounding victory today when Judge Bankole Thompson ruled that the Special Court had failed to provide evidence that his account was connected with criminal conduct or acquired criminally. The learned judge accordingly ordered the account unfrozen.

That the Special Court could not adduce evidence to prove that the money in Norman's account was acquired criminally through his connection with the Civil Defence Force (CDF) has given Hingga Norman supporters some glimmer of hope that the court would similarly fail to establish that Norman bore the greatest responsibility for the alleged atrocities committed by CDF during the Sierra Leone war.

The conflict over Hingga Norman's account, according to the court, was precipitated by the action of the Union Trust Bank of Freetown when it unilaterally unfroze the account, though a provisional order to freeze it was served along with the warrant of arrest that saw the incarceration of the Kamajor Boss on March 7 last year, after he was indicted by the court for war crimes and crimes against humanity. The court fired back by filing an ex-parte motion to freeze that account and any other account belonging to the chief, until a court hearing to decide the matter. This hearing took place on April 13. (Read today's release by the court)

However, much as it is a big victory for Norman's fans, family and Defence team, yesterday's ruling which was fair and unbiased, reduced to nonsense the many assertions supporters of Norman had been bandying about that the court was prejudiced and was targeting the Kamajor Kingpin.

Some Sierra Leoneans who called this paper today, hailed the Special Court for its apparent fairness and transparency in rendering justice, without fear or favour. They said that if a Judge of the Trial Chamber of the court could rule against the court's prosecution, it meant that the rule of law was the keynote of the court's proceedings and that the indicted persons would have a fair trial.

But again, though the court was praised for its transparency and fairness, some other Sierra Leoneans who want to see justice meted out on behalf of victims of the war, are worried about what they described as "the blunders the court has been committing", ranging from the botched attempt to arrest Liberia's ex-President Charles Taylor, its failure to get other indictees like Sam Beackrie and Johnny Paul Koroma before they were allegedly executed by Taylor in Liberia, the recent failed effort to bring Taylor's protege, Benjamin Yeaten to Freetown from Togo and now this reverse.

The outspoken Sierra Leoneans are concerned that the court may make prosecutorial blunders, leading to a mistrial or the release of the accused on technical legal grounds. They are now doubting Chief Prosecutor David Crane's claims that the court had sufficient evidence about the guilt of the indictees to ensure that none of them see the light of day again,
Special Court backs Hingga Norman

By Tanba Babor

The Appeals Chamber of the Special Court presided over by Judge Bankole Thompson has ruled in favour of Chief Sam Hingga Norman. This is in connection with an inter partes motion submitted by the Prosecution to freeze the account of the Special Court indictee at Union Trust Bank (SL) Limited or at any other Bank in Sierra Leone. At the confidential hearing in Chambers held on 13th April 2004 where oral submissions were made from Counsel for both the Prosecution and Chief Sam Hingga Norman, the Prosecution submitted that

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Special Court backs Hingga Norman

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funds may have been illegally transferred to the region by the Civil Defence Forces (CDF) to provide food and ammunition during the war; that the CDF leadership may have engaged in looting of property or taken advantage of such looting, and that the Accused may use the targeted funds to restart a civil unrest. The Defence for Chief Norman submitted that the interim orders were prejudicial to the family members of the Accused whose only source of income was the Bank account in question and as the Accused is innocent until proven guilty, freezing his accounts would amount to collective punishment. Judge Thompson in his ruling noted that there was very little clear jurisprudence nationally or internationally on the issue of freezing the assets of a person who is awaiting trial. Furthermore, the Judge noted that the Statute and Rules of the Special Court authorise the Court to freeze or forfeit assets of convicted persons if they have been "acquired unlawfully or by criminal conduct." In addition, Judge Bankole Thompson held that the application test is "whether there is clear and convincing evidence that the targeted assets have a nexus with criminal conduct or were otherwise illegally acquired," and that "neither probable cause nor mere suspicion or speculation will suffice." Judge Thompson also found that the evidence put forward by the Prosecution in support of the Motion fell far short of satisfying the test; noting that there was no evidence to suggest that the targeted property was connected with criminal conduct or illegally acquired. He observed that persons awaiting trial and their dependants have to live and Court orders should do justice to all the parties. The application was rejected and rescinded and discharged by Judge Bankole Thompson for all these reasons.
Hinga Norman’s Victory

By Kadijatu Sesay

Based on the above, the Judge said "I accordingly have no other judicial option open to me but to reject the application, rescind and discharge the interim order authorizing the freezing of the bank account No. 210-006598-01 of the accused." As a designated judge, he went on, "I also deemed it my judicial obligation to emphasize that an application of this nature with far reaching implications for a constitutionally guaranteed and internationally recognized right to wit, an individual’s right to own property cannot be granted as a matter of course and without sound legal justification especially in a context where the presumption of innocence is a competing, if not compelling, judicial imperative. For this reason, I do not consider myself bound by some...
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The U.N. disarmament program in Liberia has expanded to the port city of Buchanan, five days after the process began in the central city of Gbarnga. Officials say the program is now going well, after problems forced it to be suspended in December.

Spokeswoman Margaret Novicki says the U.N. is reaching its goal of disarming 250 former combatants each day in Gbarnga, which is a stronghold for the rebel group Liberians United for Reconciliation and Democracy, or LURD.

Ms. Novicki also says reports from Buchanan indicate the disarming of former rebels from the Movement for Democracy in Liberia, or MODEL, is also going well.

"I heard from our office this morning on the ground that it was proceeding very smoothly, that the MODEL ex-combatants were waiting in line for the disarmament process," she said. "You know it is going very well."

The disarmament process initially launched in December of last year had to be suspended when many former combatants converged on the one established site outside of Monrovia. The rebels began to riot when money was not immediately handed over in exchange for their weapons.

This time, combatants have been told that they will remain in the camps for one week before they receive $150 and transport back to their communities, where the reintegration process will begin.

When the reintegration is completed, the former rebels are to receive an additional $150 to start their new lives.

A representative of the British-based relief agency Oxfam, Liz Hughes, says the former combatants have been waiting to disarm since the signing of the peace accord last August. But she is concerned that the plans for reintegration may not be ready.

"I think there is a reason why this process must start at this point, but it is probably also true that all the follow up plans certainly around the reintegration are really not in place in the way that they ought to be to make this a really successful process," she said.

Ms. Hughes says there is a need to prepare the host communities to accept the former rebels.

The disarmament process is scheduled to continue in Tubmanburg and Monrovia, no dates have yet been set.
Liberia's second rebel group starts handing in guns

MONROVIA April 20 - Fighters from Liberia’s rebel faction known as Model handed over guns on Tuesday in the port city of Buchanan, following on from a larger rebel group which began disarming last week.

A spokesman for the UN peacekeeping force in the West African country said that by late morning 150 Model fighters had given in weapons, mostly light arms such as assault rifles and rocket-propelled grenade launchers.

"We feel very happy for the guns to be taken away from these fighters because they were thorns in our flesh. So it's a great relief for us in Buchanan," said one resident called Dixon.

After a chequered start last year, a revamped United Nations scheme to disarm combatants was launched last week in the central town of Gbarnga, home to the larger rebel group known as LURD (Liberians United for Reconciliation and Democracy).

Taking the guns from some 40,000 fighters is seen as essential to ending a cycle of violence in Liberia where 14 years of on-off war have left more than 200,000 people dead.

Bringing stability to Africa's oldest independent republic is also viewed as vital to ensure neighbours Sierra Leone and Ivory Coast remain on the path to peace after civil wars.

The new scheme was hailed a success after an overwhelming show of support by LURD fighters, many of them youths who have known little but war and are keen to return to civilian life.

However residents in Buchanan said they feared many heavy weapons used by Model fighters in their struggle to oust former President Charles Taylor had already been spirited away.

"Most of the guns have been taken away from the fighters earlier on by their commanders and we heard they were taken to Ivory Coast," said a second Buchanan resident.

"The fighters are complaining because some of them do not have arms and therefore cannot qualify for disarmament."

Many of the Model rebels who seized Buchanan last year were Liberians recruited at refugee camps in Ivory Coast and armed by the security forces in the former French colony. Model launched its first attacks from Ivory Coast early last year.

While United Nations troops have deployed in some parts of southeastern Liberia near the border with Ivory Coast, some border crossings are still controlled by Model fighters.

Aid agencies following the disarmament process have cautioned it will only succeed if fighters get proper education and training opening up real alternatives to a life of violence.

Fighters receive $150 after handing in their guns and spending a week at a demobilisation site. They receive another $150 three months later, after returning to their home communities. - Reuters
U.S. Initiative To Train 75,000 Foreign Peacekeepers

U.S. President George W. Bush is planning a five-year, $660 million campaign to train and equip 75,000 foreign troops to staff peacekeeping missions around the world, the Washington Post reported yesterday.

The Global Peace Operations Initiative, approved by Bush earlier this month but not yet formally announced, will focus primarily on training African troops, and will allocate some aid for armies in Asia, Latin America and Europe as well. It will not, however, designate any U.S. forces specifically for peacekeeping roles.

The Post reports that the initiative has grown out of the United States' struggle to cobble together peacekeeping forces in places like Haiti, where 6,000 to 7,000 peacekeepers are eventually supposed to replace a U.S.-led contingent of 3,800 troops.

Irra, Afghanistan and the Balkans have left fewer foreign soldiers available for peacekeeping duty than before, though, and pressure on countries to supply soldiers is likely to mount in the next few years with U.N. plans for operations in Haiti, Burundi and Sudan and Cyprus, raising the number of troops it oversees from 50,000 to 70,000.

"There is not enough capacity in the world to deal with the requirements," said U.S. Defense Undersecretary for Policy Douglas Feith. "Other countries have shown an interest in building up their peacekeeping forces, but they need help."

Feith said the 75,000 trained troops would be deployable on short notice wherever they are needed, including the most dangerous places. "This is meant to expand worldwide capacity that could be used by the United Nations or by others," Feith said.

The Post reports that defense officials say if the plan is successful, it could relieve pressure on U.S. troops to serve in peacekeeping missions (Bradley Graham, April 19).

U.N. Says Commitment Needed For Peacekeeping Operations

In related news, U.N. Undersecretary General for Peacekeeping Operations Jean-Marie Guehenno wrote in an International Herald Tribune commentary yesterday that the demand for more peacekeeping missions signals a positive trend toward the cessation of a number of conflicts but "will push the [U.N. peacekeeping] system to the outer limits of its capacity." Guehenno recommended four principles to guide the deployment of U.N. peacekeeping forces.

"First, no U.N. engagement in hot wars," Guehenno wrote, adding that the United Nations "cannot keep the peace where there is no peace to keep. At best, it can stare down some of the 'spoilers' who renege on peace agreements after the U.N. is deployed," he said, but "real campaigning" must be undertaken by military coalitions like that authorized by the Security Council in the 1990 Gulf War.

Second, Guehenno wrote, regional coalitions like NATO or the Economic Community of West African States make invaluable partners for U.N. peacekeeping troops, in part because they have a vested interest in the peace. "In a world of short attention spans, there is a need for those who won't turn away," he said.

Third, U.N. peacekeeping missions must be adequately staffed and funded. "When U.S. forces withdrew from Somalia a decade ago, the U.N. mission failed. If the community of nations wants peacekeeping to be done, the support must be there to do it well," he said.

"Fourth, stick with it until peace takes root," Guehenno wrote, urging long-term commitments to local institutions.
There is a peace dividend to be had, but not without a clear-headed investment," he concluded

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Murder investigation comes to a standstill as...

Fingers point at UNAMSIL

Investigations in the circumstances surrounding the death of a 19-year-old commercial sex worker in Lungi has come to a standstill as fingers are still pointing at the Ukrainian

From Front Page

personnel of the UNAMSIL. According to our Lungi correspondent, the body of the deceased - Fanta Koroma was allegedly discovered near the Ukrainian military base in Lungi early this month. It was also alleged that she was murdered in cold blood. Sources close to the Police in Lungi and the hospital where a Post Mortem examination was carried out on the deceased disclosed that Fanta died of respiratory distress and cardiac arrest. It was also discovered during the examination that there was a deep laceration on her right buttocks, stab wounds on the right foot and her skull was deformed with deep abrasions on the chest and the spine. Detective Sergeant Alusine Kamara and Police Constable Fofana Ishmail who are part of the investigating team said that enough evidence have been adduced from several witnesses. According to some eyewitness, two Ukrainians - Altute and Alex were last seen in Fanta’s company before her death. It was also disclosed by many that Altute was a regular ‘customer’ to Fanta.

Inspector Bangura and Local Unit Commander Superintendent M. J. Kargbo said that they wrote a letter to UNAMSIL for the release of the two Ukrainians to the Police for questioning on the death of Fanta. Altute was released and has already been questioned by the Police and medically examined by UNAMSIL’s investigating team headed by one Captain A. F. Adugu of NIBATT 18. Following the initial investigations, her pant and black pair of shoes have been discovered together with two used condoms. People close to the Ukrainian camp are jittery and very apprehensive and are saying that nothing will come out of the whole incident.
Panafrican News Agency (PANA) Daily Newswire April 16, 2004

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HEADLINE: ECOWAS SECURITY CHIEFS MEET IN ABUJA

BODY:

Abuja, Nigeria (PANA) - ECOWAS Executive Secretary Mohamed Ibn Chambas has identified the proliferation and circulation of small arms as the reason for the escalation of hostilities in the sub-region.

Chambas told ECOWAS' internal security chiefs at a two-day meeting that is expected to end here Friday that more than 8 million arms were in circulation in the Mano River Union countries (Liberia, Sierra Leone and Guinea) alone and an estimated 15 million small arms in the entire sub-region. "This has been fostered by sub-regional security related problems such as the activities of mercenaries, non-state armed groups, recruitment of child soldiers, money laundering and terrorism," he said in an opening speech on Thursday. Chambas noted that West Africa had been the centre of numerous conflicts in the past 15 years, adding: "This has created a climate of tension and violence, and the displacement of people from their native lands." He lamented that the terrorist attacks on the US, tagged 9- 11, had led to the diversion of billions of resources that otherwise would have been spent on developmental efforts in the sub-region for "homeland security" by the advanced countries.

The ECOWAS (Economic Community of West African States) Executive Secretary called on the security chiefs from the sub-region to note this development and produce ways of overcoming the diversion. In remarks to declare the conference open, Nigeria's Vice President Atiku Abubakar said apart from the destabilising effects of illegal weapons trafficking, cross-border crimes and money laundering, the problem of human and drug trafficking had also taken a more disturbing dimension within the sub-region. He said emphasised that a concerted approach be taken by the sub-region immediately to address the spread of small arms, and pledged Nigeria's willingness to collaborate with other countries to improve internal security within the sub-region. For his part, Nigeria's national security adviser, Aliyu Mohammed, pointed out how the greatest obstacle to foreign investment in any country was the level of security within its borders, and urged countries in the sub-region to formulate methods of collaborating in areas hitherto seen as domestic in nature. The Nigerian government and the ECOWAS Secretariat jointly organised the meeting that is expected to give the security chiefs an opportunity to create a regional information centre for the exchange of information on cross-border crimes. Participants will also devote a session to illicit weapons and violent crimes.

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