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:

Tuesday, October 18, 2005

The press clips are produced Monday to Friday. If you are aware of omissions or have any comments or suggestions please contact
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One Thing And Another

The Special Court: Is it meaningful any longer?

Kamour Ndalla asks
(kamourndalla@yahoo.com)

When it was established in this country (Sierra Leone), that the forerunners of the special court were not only reasoning about undertaking its activities but were also very vociferous about dragging any indicted person to face the court here in Freetown. The idea of having the indicted persons appearing before the courts in Freetown was firstly to ensure that the perpetrators of the said war crimes were made to face their victims. Equally important is the fact that if these people are actually tried here, there will be lot of people to actually testify against them. It was certainly against such background that in spite of the initial fear that the former Civil Defence Forces would interrupt proceedings, the trials went on without any incidence.

When the court's forerunners eventually surfaced, the then Chief Prosecutor American born David Crane was very much boastful that they were going to succeed in their assignment.

However, when the court started indicting and arresting the alleged war crime perpetrators, many people predicted that the court would be bound to fail woefully.

Such predictions were firstly based on the nature of people that the so-called special court indicted. Secondly, the very manner in which some of them were arrested was nothing to write home about.

It was certainly against such background that many stood tall to caution the government against the special court. I have also maintained that one individual I have never come to agree with is our Ombudsman. But on the issue of setting up the special court, I very much appreciated his outspokenness against having the Truth and Reconciliation Commission and the special court existing at the same time.

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Those who actually witnessed the rebel war knew at some point that even the national army turned their weapons against harmless civilians. Consequently there was every reason to set up a system that would have radically checked the excesses of these people.

Thus the inhuman treatment meted out on defenseless Sierra Leoneans left some well disposed as an issue here is that firstly CDF deserves not going for any trial. Regarding the RUF, the national interest and that of consolidating the fragile peace would have been prioritized rather than setting up a court that makes little or no meaning particularly to the victims. Thus, all that has been spent on this court's proceeding could have been used for some other meaningful purpose.

The subject matter of this piece is really the news that the special court will now have to try Charles Taylor outside Sierra Leone. To most Sierra Leoneans, this is strange and therefore totally unacceptable. Perhaps it will be better to remind the special court that no body forced the indictment of Charles Taylor. After indicting him, David Crane told the whole world that the special court has the power of dragging whosoever it wants to face the courts in Freetown.

As far as some of us are concerned, the fact that this man has long been indicted and has not been caged in Freetown has been an issue of injustice on the part of all that have long been kept there. For all that, I know the special court would have long draged Charles Taylor to the court premises here in Freetown. I have long sensed the inefficacy and inefficiency of this court by its failure to bring a single man, Charles Taylor to face the court in spite of the much talked about support and backing from the United Nations.

Today the situation has worsened news that the special court will now have to try Charles Taylor outside Sierra Leone. What is responsible for this?

If Charles Taylor is now going to be tried outside Sierra Leone, what then is the meaning of this much talked about special court to the victims who will not be opportune to witness the proceedings?
Special Court frustrated...

Charles Taylor To Be Tried In Holland

By Lansana Fofana
Political Editor
Fugitive UN war crimes court indictee Charles Taylor, the former President of Liberia, may after all not be tried here in Freetown.
Mr. Taylor, currently enjoying the hospitality of President Obasanjo in Nigeria as a refugee, has a seventeen-count indictment slammed on him for alleged war crimes, violations of international humanitarian law and crimes against humanity.
The special court unsealed his indictment in 2003 but the Nigerians, who provided him sanctuary, fear that handing him over to the Freetown court might provoke another round of hostility in the sub-region.
Well, the Chief Prosecutor of the court, Desmond de Silva, has buttressed the Nigerian hysteria when he told the BBC that he was...

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Charles Taylor To Be

Front page concerned “trying Charles Taylor here in Freetown could lead to renew unrest in the sub-region”
Justice De Silver said, African and western countries are considering holding a special session of the war crimes court in the Hague (Holland).
These fears also reverberate across the West African sub-region.
Mr. Taylor still commands huge support in his native land Liberia and is thought to have supported at least ten Presidential candidates in the just concluded elections in Liberia “to protect his own interest”.
Unfortunately, none of the Taylor-backed candidates is poised to win and there are legitimate fears his frustrated supporters may revert to violence if their man is turned over to Freetown court.
Peter Anderson, the spoke person of the Special Court told The New Storm that the court’s mandate provides for trial of an indictee elsewhere if it feels the security situation here is not favourable.
Mr. Anderson said, “We don’t want the trial of Taylor impact on the peace already achieved in Sierra Leone.” He added that the court definitely wants Taylor tried here and that pressure is being mounted in Europe, the USA and around Africa to see Taylor brought to justice. “No one should be allow to get away with impunity,” he concluded.
The whole Charles Taylor saga has become a political hot potato. A careful threading is required if it is not to turn the region into a battlefield.
Witness tells Special Court...

Soldier who raped and killed my wife still in the Army

PROSECUTION WITNESS TF1-217 yesterday told the Special Court how his wife and other women held captive by the rebels were gang-raped in public, some he said were killed after the nasty incident, including his own wife.

*by SU THORONKA*

Before this time, the witness said he heard one Staff Alhaji Baryoh, a member of the Sierra Leone Army whisper to some of his men and soon after the pregnant suckling women and children were separated from non-suckling women. He said the men were asked to queue in three rows and that Staff Baryoh instructed his men to tie up those he had already identified and who were taken to a town called Penduma, in the Kono District, locked in a house that was set ablaze. The victims, he said, screamed to death while they burn.

Continuing in evidence, the witness said Staff Alhaji pointed at the second row and that the rebels overturned a bag, which contained knives, and the men were led to a school and that those who attempted to escape were shot and killed.

"Six of the raped victims were later killed by a Junior and Tamba Joc, including my wife who was raped by the latter who is still serving in the Sierra Leone Army," the witness said.

After this incident, the witness continued, Staff Alhaji then instructed his men to tie him up and which, he said, they did. He said his legs were

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Soldier who raped

From Front Page

Tied and that Staff Alhaji told him he would never again play football.

"I saw two people being amputated and when my turn came, I pleaded with Staff Alhaji but to no avail. Instead, he instructed me to take-off my wrist watch and chain which he forced out of my neck and told me to put my hands on the ground to be chopped off," the witness explained.

He further said that Staff Alhaji chopped his hands from the ground, and that his right hand was finally amputated.

"Alhaji Baryoh and I grew up together in Kono. His children used to call me uncle and my own children too called him uncle," the witness said.

After his hand had been amputated, the witness said, Staff Alhaji asked his children to go with him and that as he bent down to pick up the amputated hand, Staff Alhaji hit him on the back with a cutlass saying: "Tejan Kabbah has brought a lot of hands for you". On his way home with his children by his side, the witness said he could not withstand the pain inflicted on him and so he fell on the ground. He said the soldiers who stood by laughed at him while his children tried to help him up.

Continuing, the witness said when he later got up, he walked a few distance close to Small Sefadu where he fell down again and couldn’t get up. He said his children then went to Korkoima at an ECOMOG base where they reported to a Major Tanko and who he said went with his men and took him to their camp and later to Makeni.

Since there was no surgeon specialist in Makeni at the time, the witness said he was taken to Freetown and later relocated at the Waterloo Displaced Camp. Staff Alhaji Baryoh, according to the witness, is still a serving soldier in the new Republic of Sierra Leone Armed Forces. The court was adjourned to 26 October 2005.
Charles Taylor may be tried outside Salone

SPOKESMAN OF the Special Court for Sierra Leone, Peter Anderson has confirmed that the former President of Liberia, Charles Taylor is likely to face trial outside this country for the atrocities he allegedly committed during Sierra Leone's brutal civil war.

Speaking on the BBC, Mr Anderson stated that the Special Court has the option which gives the mandate to try Special Court indictees outside Sierra Leone.

Charles Gbangay Taylor, the first indictee of the Sierra Leone Special Court (set up to try all those individuals who bear the greatest responsibility for the atrocities committed in this country's civil war), has been denied trial by the Nigerian government because of the asylum granted him to make way for the Liberian peace process.

Even though the international community has called on the Nigerian government to extradite the war-lord to face trial in Sierra Leone, the Nigerian government is defiant on the fact that they had made an agreement that will ensure Taylor's safety in Nigeria should he relinquish power.

However, the words of Peter Anderson will be welcome news to those people, especially the National Union of Sierra Leone Students (NUSS) who had once raised the alarm that since the American government has alleged that Charles Taylor has, one way or the other, connections with Al-qaeda, trying him in this country will pose a serious security risk to the country.

But the Special Court Spokesman believes that making that decision has got nothing to do with security risk. He however affirmed that whether the Special Court completes its trials in this country or not, the indictment will never be dropped. A listener from Freetown who sent a text message on the BBC stated that the decision to try Taylor outside this country is a rightful one.
Witness tells court

8 AFRC men raped and killed my wife

By Betty K. Milton

I

n the AFRC trial at the Special Court, prosecution witness TF1-217 said that 8 members of the AFRC/RUF faction raped and killed his wife before him. The witness who was testifying in Krio through an interpreter said they were chased out of their village Koidu town on to Benduma where they were attacked by the AFRC forces.

Unfortunately he said he could not escape because he had his three children and his wife with him. They were captured and taken to one Staff Alhaji whom they referred to as their Major. “As they captured us they queued the pregnant women, suckling mothers and the children in one row, and the women who where not among this category formed another line. The men formed three separate lines after which Staff Alhaji pointed to the first line and his boys took the men in this row into a house and set the house on fire. Again he pointed to the men in the second line and these were taken to the back of a school. An AFRC boy came with a bag containing knives in it and overturned it throwing the knives on the ground. The AFRC men took the knives and went to where the men had been taken and proceeded to

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From Front Page

8 AFRC men

slit open their throats - two of the men attempted to escape but they were shot.”

Adding “at this time Staff Alhaji ordered that the suckling mothers, pregnant women and children should be freed. Some of them went but my children stayed with me. Staff Alhaji took the staff he was holding in his hands, pointed to the women who were not released and his boys started undressing and raping the women. Eight of the men raped my wife and even as she was crying and pleading, Alhaji told me that I don’t know how to do it and that I should watch how his boys are doing it. After the boys finished raping my wife they killed her along with seven other women.” The 45-year old man said that after they killed the women, Alhaji then said that it was now time for him to perform his own duty and so he embarked upon chopping the hands of the remaining men. The witness maintained that he pleaded to Staff Alhaji not to amputate him as they had grown up in the same town and they were like brothers “but he did not heed to me I was wearing a wristwatch so he ordered his boys to untie me and told me to remove the wristwatch, as I was struggling to remove it he took the chain on my neck forcefully and then he removed the wristwatch. He said that I should rest my hand on a tree and he chopped my hand 11 times before it finally fell off.”

TF1-217 had earlier stated that in February 1998 the AFRC/RUF forces were in Koidu and they were engaged in massive looting and raping of women and young girls. This the witness maintained did not go down well with the business people and the Lebanese traders based in Koidu “as a result we contributed some money and sought the services of the Kamajor Militia who went on the offensive and they overran the AFRC/RUF fighters in the town capturing and burning some alive with tyres.” Continuing his evidence after “this incident had occurred, a Major of the AFRC/RUF faction who surrendered to the Kamajors, was demembered and his heart removed and shared among them. The Kamajors ate the meat raw, he said.
Political rallies reveal: Charles Taylor still loved in Liberia

Story: Tong Jalloh in Monrovia
Supporters of the National Patriotic Party (NPP) in Liberia during their final rallies two days onto elections openly called for the return of exiled former Liberian President Charles Gankay Taylor.
"Do our papay way you carry you must bring him back," the thousands of NPP supporters demanded and added, "he killed my papay, he killed my naa da him we want."
Sections of observers seem to believe that the current NPP leader who contests for the presidency in the just concluded elections, Roland Chris Yarkpa Massaquoi is representing Charles in proxy and may facilitate his return to Liberia if and only if he becomes president.
Charles is an indicted war crime suspect by the Special Court for Sierra Leone after he was alleged
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Political rallies reveal: Charles Taylor still loved in Liberia

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to have committed serious crimes against humanity according to international humanitarian laws.
However, given the sensitive nature of the of this issue in Liberia and the sub-Region, Economic Community of West African States (ECOWAS) chief peace broker in the Liberian crisis and ex-President of Nigeria, Rtd. General Abdul salami Abubakarr has warned potential would-be leaders over submitting to pressure for the extradition of Charles Taylor to face war crimes charges in Freetown in the name of consolidating peace in Liberia.
"Whether you like or not, Taylor has supporters in Liberia who are capable of destabilizing the peace process in Liberia and the sub-Region," he cautioned adding that any would-be leader who favors the extradition of Taylor to Freetown without considering the security implication could be a total disregard of the agreement under which the latter went into exile in Nigeria.
Cocorioko website
http://www.cocorioko.com/newsbeat_

Motion for acquittal

HINGA NORMAN AND CDF ACCUSED TO KNOW THEIR FATE ON OCTOBER 21

Tuesday October 18, 2005

The judgments on the motions for Acquittal lodged by the three accused persons of Sierra Leone’s disbanded Civil Defence Force (CDF) will be delivered on October 21, 2005 at noon, the Special Court Deputy Spokesman, Peter Andersen, revealed yesterday. All three men are standing trial before the Special Court for alleged war crimes and crimes against humanity.

When the Prosecution rested its case on July 14 this year, counsels for Chief Hinga Norman, Allieu Kondowa and Moinina Fofana filed a "No Case" Submission on the grounds that the Prosecution failed to prove its case against the three men. The lawyers argued that the Prosecution had failed to present evidence which, if believed, could satisfy the Chamber beyond reasonable doubt of the guilt of the accused.

The CDF trial began on June 3, 2004 with the Prosecutor’s opening statement, after which the judge adjourned the proceedings when he was informed that Sam Hinga Norman wished to represent himself for the duration of the trial. During the trial, the Prosecution provided many witnesses who tried to link all three men with the atrocities allegedly committed by the CDF during the Sierra Leone war.
Liberia vote goes to second round

Liberians will vote again in a second round of presidential elections after last week’s ballot proved inconclusive, the country’s election commission said.

Former soccer star George Weah has won almost 29% of the vote, with ballots from 90% of polling stations counted.

However, this will be short of the 51% he needed for an outright win.

Mr Weah is now set to face nearest rival Ellen Johnson-Sirleaf in November to decide who becomes Liberia’s first elected head since the civil war ended.

Ms Johnson-Sirleaf, a former finance minister and veteran opposition politician, has secured nearly 20% of the votes counted so far - a fair way ahead of the third-placed candidate Charles Brumskine.

**Historic election**

Final results for the first round are expected by the end of the week.

**PARTIAL RESULTS**

George Weah: 28.9%
Ellen Johnson-Sirleaf: 19.7%
Charles Brumskine: 13.4%
2,781 polling stations declared

The run-off vote is scheduled for 8 November, the head of the electoral commission, Frances Johnson Morris, said.

Correspondents say the two leading contenders will be seeking support from some of the 20 other initial candidates as they approach the next ballot.

Observers praised the conduct of voting and lack of violence on election day last week.

The commission said that turnout from the 3,000 polling stations to have their results ratified was 74.1% of 1.35m registered voters.

*'Peace vote'*

Results have been posted at individual polling stations around the country.

The BBC’s Mark Doyle in Monrovia said the process of collecting results from the polling stations has taken several days in Liberia, where there are very few paved roads, no electrical grid and no nationwide telephone system.

In remote areas, United Nations helicopters helped to transport ballot papers.

Voters hope the elections will mark a new page in the country’s brutal history.
German UN judge criticizes Saddam Hussein trial

17 October 2005

THE HAGUE - A United Nations judge has criticized the trial of former dictator Saddam Hussein by an Iraqi special court, saying Monday it would have been better to task an international court with the case.

Wolfgang Schomburg, a German who sits on U.N. tribunals trying war crimes in former Yugoslavia and Rwanda, said the Iraqi court, advised as it was by U.S. lawyers, had some features of "victors' justice".

In an interview with Deutsche Presse-Agentur, Schomburg said the world could have set up a special court for Saddam.

"Since the United States does not cooperate with the permanent court of international criminal justice in The Hague, a tribunal supported by the international community as a whole would have had to be set up, as happened with Yugoslavia, Rwanda and Sierra Leone."

Schomburg said there had been an advance in law since the Nuremberg trials of Nazi leaders following the Second World War towards an international criminal jurisdiction, but the Saddam trial inverted this progress.

The Nuremberg trials were conducted by the Allies and later faced criticism from some legal scholars who said the victors should not have made themselves the arbiters of justice.

Schomburg added that fair proceedings and discovery of the truth about the past in the trials of Saddam and associates was barely possible in Iraq's
atmosphere of violence and inter-ethnic tension.

"Under pressure and lacking the necessary distance from the case, even the most benevolent judge would find it hard to reach a fair verdict," he said.

Schomburg, an expert on international criminal law, also criticized what he called the "arbitrary" time span for offences triable by the Iraqi court. It has jurisdiction over events between 1968 and the start of May 2003.

He added that Saddam had not been indicted at all for the most serious offences he is suspected of, but only for crimes that were minor by comparison. If he were to be prematurely sentenced to death for those, which could not be ruled out, "the larger context will never be investigated".

Schomburg said a thorough inquiry by the courts into genocide and war crimes was often beneficial to political reconciliation in a nation. This had been demonstrated by the U.N. tribunals for Yugoslavia and Rwanda.

"Why should a transformation of the people's attitudes not be possible in Iraq as well?" he said. "We ought not to abandon our hope for the inseparable trio of truth, justice and peace, even in Iraq."

DPA

Subject: German news
Iraq's tribunal needs the world

By Mark Vlasic

With Iraq a day away from the trial of Saddam Hussein, the first war-crimes trial of a head of state in the Middle East, many are casting a critical eye on the newly established Iraqi Special Tribunal for Crimes Against Humanity (IST).

One would hope that armchair critics (academics, governments and international organizations included) would step forward to assist in what will be a major advance in Iraqi justice and the continuing evolution of international humanitarian law.

The IST was established as part of the Iraqi criminal justice sector. Its purpose: Bring to trial Saddam and others who are accused of genocide, crimes against humanity and other serious transgressions in Iraq.

The domestic prosecution of Saddam — which begins Wednesday — and others, however, runs counter to the hopes of many in the world’s internationally minded academic elite. They would have preferred that Saddam be prosecuted at an international tribunal, staffed with international lawyers and judges, such as the Yugoslav and Rwandan War Crimes Tribunals, or a mixed international-domestic court such as the Special Court for Sierra Leone.

Many also see a need for United Nations participation, which the tribunal currently does not have, to legitimize the IST.

Despite the good intentions of those in favor of an international court, it seems that the Iraqis — in the spirit of their forefather Hammurabi (author of the first written criminal legal code) — want to do it themselves. We should respect their wish, applaud their desire to see justice done and assist where we can.

Sadly, very few in the international community have offered support. This is despite provisions in the IST statute that permit the international community and the U.N. to assist with legal advice and to monitor due-process-of-law standards. Underscoring the need for help: IST judges are the subject of death threats and are being targeted for assassination.

Dying for this cause

Earlier this year, an IST judge, along with his son, were gunned down in front of their home. Like many in the world, I might not have paid too much attention to the double murder, but I was with a group of IST judges at an International Bar Association-run training course when I learned the news.

It was a shock to all of us. Faced with the knowledge that one of their brethren was murdered for no other reason than his service to the IST, one might think that the assassination would cause some reluctance to continue, perhaps provide IST judges an excuse to leave their dangerous post. It did not.

The day after the murders, the judges arrived early to the training session. Before we could start, one of the judges stood, and in a few solemn words, recognized their collective loss. He spoke of duty, sacrifice and the nobility of their cause: the quest for justice. The judges’ collective reaction, and their sense of mission and optimism, gave me immense hope for the future of the tribunal and Iraq as a whole.

Six months later, I still hold strong memories of the Iraqi jurists I met — Sunnis, Shites and Kurds — all working together to build a better Iraq. They were already distinguished legal scholars and jurists when they received the call to do more for their community. They could have said no and lived in comfortable obscurity. They chose this more valiant route.

Now, as they prepare for one of the early tests of a society based upon the rule of law, the United States, United Kingdom and Australia are supportive.
The International Bar Association is helping, too, but beyond that, there are few takers. Even the U.N. is reluctant to lift a finger. How is this possible?

**Death penalty roadblock**

Much of the reluctance is based on the Iraqi decision to reinstate the death penalty. (The American authorities suspended the death penalty during the transition to an Iraqi-run government.) Yet this is no reason to sit back and watch a court in need. It is an insult to the 300,000 dead in 300 mass graves throughout Iraq. It is also an insult to those who are trying to bring justice to the dead and the ones who have already died in the process.

Even for opponents of the death penalty, there are ways to help. They can bypass the office of the prosecutor and focus their assistance to the IST’s trial and appeals judges, the court administration and defense counsel units.

Ideally, every IST employee should have the benefit of the international community’s collective experience in redressing war crimes. This would include specialized training by U.N. war crimes experts, who are forbidden by Secretary-General Kofi Annan from offering assistance.

Particularly helpful would be international law training by U.N. legal experts from Middle Eastern countries, as they can relate their international war crimes experience to domestic trials in civil law code-based systems.

The IST, no doubt, faces numerous challenges, but gathering international support should not be among them.

If the international community truly values the rule of law, this is one chance to prove it.

*Mark Vlastic, a Washington lawyer, served on the Slobodan Milosevic prosecution trial team at the U.N. War Crimes Tribunal in The Hague and has participated as an expert in international training courses for Iraqi judges, including those of the Iraqi Special Tribunal.*

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SECURITY

The Special Representative of the Secretary-General of UNAMSIL, Ambassador Daudi Ngelautwa Mwakawago Friday told journalists that UNAMSIL has strengthened the security sector in the country by training the police and providing assistance to the Republic of Sierra Leone Armed Forces (RSLAF). He informed that UNAMSIL has rehabilitated most military barracks across the country, and also contributed to the government's decentralization process.

ECONOMY

Government has started putting modalities in place to ease the transportation problem between the Freetown International Airport and Freetown the capital. This was disclosed to journalists last week by the Presidential Spokesman, Kanji Daramy. He said that the Chinese have completed the feasibility studies on the construction of a bridge to link the airport with the city across the Atlantic Ocean. The construction of this bridge will enable travelers to reach Freetown in less than an hour, unlike now when they have to take almost a whole day before arriving in the city after long hours flight across the ocean in a vehicle if they could not afford to cross by helicopter.