Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as at:
Tuesday, 22 January 2008

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Beah and publisher stand by book

Best-selling author Ishmael Beah and his US publisher have stood by his claim to have spent three years as a refugee and then child soldier in Sierra Leone’s civil war despite The Australian finding evidence that his ordeal lasted one year, not three.

"I am right about the dates. This is not something one gets wrong," he said in a letter to the editor of The Australian released through his publisher yesterday.

Beah’s publisher, Sarah Crichton, also stood by the accuracy of his book, A Long Way Gone, in which he says he hid from brutal rebels for nine to 10 months and then spent more than two years as a child soldier who was fed drugs and trained to kill.

"I have met many people who knew Mr Beah in Sierra Leone, and who have corroborated his story," Ms Crichton said in her own letter. "When Mr Beah says, as he adamantly does, that the dates in his book are correct, we have absolutely every reason to believe that this is the case."

Contacted later by telephone in New York, Ms Crichton said she could not discuss the issue until after the Martin Luther King long weekend in the US, and that Beah was unavailable because he was travelling in Europe.

The Weekend Australian reported that while Beah, now 27, clearly went through a terrible ordeal in the war, inquiries in Sierra Leone had found that his best-selling version of events was seriously flawed.

The Australian found many witnesses in Beah’s home region in Sierra Leone who said the attacks he claims happened in January 1993 actually took place two years later. Beah, who was born in November 1980, was handed over by the army to a UNICEF-backed rehabilitation camp in January 1996.

Some 650,000 copies of his book are in print and Beah, who lives in New York, has become the world’s most prominent spokesman for child soldiers.

The Australian investigated the dates and confirmed the discrepancy while at the same time disproving claims by a man in Beah’s home village of Mogbwemo that he was Beah’s father.

Beah’s parents and two brothers were killed in the war.

In his statement yesterday, Beah challenged one of the witnesses quoted by The Australian, Abdul A. Barry, who was a teacher at the Centennial Secondary School in Mattru Jong when Beah went there in the early 1990s.

Mr Barry and his wife, Martha, identified Beah from a photograph shown to them by The Australian and independently named his parents and brother before insisting that he had been at school throughout 1993 and 1994 and that the attacks happened in 1996. Beah said he had never heard of Mr Barry.

Contacted again by The Australian yesterday, Mr Barry said he had no idea why Beah would deny knowing him because "I know him very well."

"He was boarding and I was the boarding master. I also knew his brother Mohamed and their parents. His mother came from Kabali," said Mr Barry, accurately volunteering the mother’s home village.

Interviewed at the school in Mattru Jong last week, Mr Barry said rebels did not take over the town until 1995, a version of events confirmed by many other adult witnesses, including the town’s acting paramount chief Sylvester Basopan Goba and numerous historical records and published accounts of the war.

Creative writing professor Dan Chaon, who helped Beah produce the book, told The Australian: "If it turns out there are factual errors, I wouldn’t necessarily be all that concerned about it."

In his book, Beah says his home town, the mine where his father worked and his mother’s town were all attacked in January 1993. He and a group of friends were then waiting in Mattru Jong for news when a Catholic priest was ordered by the rebels to deliver a message telling people in the town to co-operate with the rebels. Many people fled immediately; two weeks later, the rebels attacked from a surprise inland route, leaving only one unanticipated escape route on a footpath through a nearby swamp.

That is exactly what happened in 1995, according to the adult witnesses, internal records at the mine and numerous published sources. The 2004 study "Conflict Mapping in Sierra Leone", published by the group No Peace Without Justice, records that a Catholic priest was detained by rebels in December 1994 and ordered to take just such a message into Mattru Jong, prompting the evacuation ahead of the subsequent attack.
VICE-PRESIDENT Chief Sam Sumana while formally opening the Republic of Sierra Leone Armed Forces Court Martial at Cockerill military headquarters on 18 January said it was good for the army to have its own judicial system, and hence the need for the Court Martial.

by MAMOUD S BANGURA

Sumana said it will serve as a big boost to the army and gave special thanks to Imatt for refurbishing and equipping the the Court Martial Centre.

He said the army has a mandate to maintain peace in the country and therefore emphasised discipline among military personnel and that the Court Martial would serve as a vital tool in instituting discipline in the army.

The Court Martial would run alongside the Defence Council in which bigger crimes committed by army personnel would be referred to the Defence Council for fair and equitable judgement.

Military legal adviser, Lt Colonel IM Koroma said the Court Martial was indeed symbolic to the advancement of the army as a consequence of conflict and a commitment to move from the ashes of war to progress and a determination to succeed.

He said the project was a culmination of all their desires to execute military laws with the RSLAF and that the Court Martial would serve as a stark warning to those commanders who resist to apply the Rule of Law as stipulated by Statute.

Continued Page 6
Duty and Justice in the Practice of Law

Before moving to a conclusion, it may be appropriate to take the discussion one step forward. Somewhat paradoxically it is necessary to take a step back in order to reconsider some of the fundamental issues which arise when considering the nature of the lawyer’s duty. The lawyer qua lawyer is recognized as having a range of duties that are not always mutually compatible. For example, it would be relatively uncontentious to identify the lawyer’s duties as being to:

" the client
" the court
" the community
" the profession

Perhaps more controversially, it can be argued that the lawyer (as with all others) also owes a duty to himself. One of the great difficulties with a list such as this is that it fails to make sufficiently clear the point that the lawyer’s duty in each category is concurrent. Whilst many would recognized that there is a range of duties owed by a lawyer and that there are times when these duties can conflict, it is frequently argued that the duty to the client is (at the very least) that of primus inter pares. Given the range of duties, how is it that the focus on the client is justified? Most lawyers may consider this to be a curious question to ask. For them the answer would be all too obvious. However, the type of answer given to this question will have fairly profound effects on one’s approach to the issues discussed above. And beyond this, the answer is by no means as obvious as someone would think. One way to account for the focus on the individual would be to suggest that it can be accounted for by the rise in influence of ideologies and political philosophies which support the idea of the liberal democratic state. There would be some validity in this approach. However, it would be radically incomplete unless it linked these intellectual traditions to the fact that they support an ‘acceptable’ solution to the vexed question of the lawyer’s relationship to, and understanding of, the concept of justice. For the most part, the current orientation of the system of justice leaves little room for lawyers to debate the notion of justice, let alone develop a substantive conception that could be applied. This, in part, comes about because Lawyers see their primary role as being to apply the Law, which is not necessarily the same thing as to advance the cause of Justice. Indeed, the courts have held, at least in principle, that their role excludes the general formulation and application of principles of justice. Some would regard this as a welcome release from an onerous and ultimately frustrating task. Attention could be drawn to the fact that after thousands of years of concerted discussion and serious endeavour the matter still remains undecided.

It is admitted that a definitive
Duty and Justice in the Practice of the Law

statement about the nature of justice is elusive. And it is admitted that the pursuit of an understanding of justice can be wearing. However, this is not to say that the appropriate response is to abandon the search in favour of experts such as judges, academic lawyers and philosophers. Nor is it to sanction the view that the question has received a sufficient answer by setting aside personal judgment in favour of the client’s ‘interests’ (as expressed in the client’s statement) as long as this is within the Law. This approach must fail for at least three reasons. Firstly, there is no assurance that the Law is just. Despite the historical standing of the declaratory theory and the popularity of a hybrid version of legal positivism and relativism, common sense will agree that some practices which distinguish a lawyer qua lawyer from others is a firm and active disposition to develop an understanding of justice. Failure to do so in favour of the client or a reliance on expert opinion, nullifies the practice of the distinctive right to claim the title and attendant privileges of lawyer. Finally, to abdicate the decision about justice in favour of others is to run the risk of becoming confused about the difference between needs and wants. The latter are always the best judges of their wants. It is an open question as to whether they are the best judges of their needs. This is not to suggest that Lawyers should remove the power of decision from their clients. Rather, it is to suggest that lawyers have a responsibility to advise their clients after having formed a view of the client’s needs. The client will then be in a position to decide whether or not to follow that advice. And the lawyer, having recourse to a mature (if inexact) understanding of justice, will also be in a position to decide whether or not to continue to represent the client. Some argue that it is the duty of the lawyer to act so long as to do so is within the Law. Others go on to suggest that it is the duty of the lawyer to test the limits of the Law on behalf of the client. With one considerable qualification, having held that the Law is not always just, it must be conceded that there must be room for those who wish to challenge the Law. However, the critical qualification is that if the lawyer is to be true to his vocation then the testing of the Law must proceed from a conviction that to do so is in support of Justice. Would anyone really wish to disagree with this proposition?

Clients are always the best judges of their wants. It is an open question as to whether they are the best judges of their needs. This is not to suggest that Lawyers should remove the power of decision from their clients. Rather, it is that they should be seeking an answer. This need not be a solitary pursuit. Indeed there is much to be said for each firm or floor of lawyers to be working to develop their own answers. These answers could be contributed to a wider debate within the profession. Again, the provisional nature of any answers that might be found is not reason for suspending judgment. Even the findings of science are ultimately provisional - yet they support an active life in the modern world. Instead of suspending judgment, the lawyer might offer for the benefit of the client the best insights that he or she has developed. It must be stressed that the client retains the right to reject these insights, just as the lawyer ultimately retains the right to reject the client. It should be confessed that linked to this position is a supposition that justice should be available to those who seek it. Trying to understand justice requires honesty and commitment. Articulating even a provisional conception of justice requires courage. Applying justice requires a certain kind of benevolence. Honesty, commitment, courage and benevolence. Words such as these would be recognized by many as belonging to one of the possible lists of the virtues. The implication of this is that if lawyers are serious about understanding and applying the concept of justice then they may also have to consider whether or not there is a set of dispositions that should be developed as part of taking on the mantle of the title ‘lawyer’. This is to hurl back to a notion that seems somewhat quaint to the modern ear, the notion of a noble and learned profession. In turn, this suggests that there are important questions to be answered about the role of lawyers in developing an appropriate ethos, of the role of senior practitioners in the induction of more junior members into the way of the lawyer (as exemplified by each distinctive milieu), of the role of legal educators in the preparation of lawyers and of the role of the professional societies in regulating admission to the profession as well as its practice. It has been argued that the problem of conflicts cannot be solved by appealing to the privacy of the client. This appeal leaves open the possibility of a client instructing a solicitor to disregard the conflict or, even, to enter into a situation of conflict in some cases this is to say nothing more than that there must be an allowance for informed consent by the client. The client only has access to that which they are entitled to know. Allied to this has been an argument that the imputation of the knowledge of one partner to all, is in the current circumstances of ‘mega firms’, something that is deserving of reconsideration in favour of a rebuttable presumption.

CONCLUSION

This line of argument would suggest the following conclusions:

1. That providing a lawyer judges him or her self able to separate knowledge into its appropriate sectors and providing that all parties agree, then there would not seem to be any reason for disallowing the lawyer to act for both parties in a non-contentious manner.

A matter of prudence, it may be that there are situations where the lawyer’s decision in this matter should be subject to peer review.

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Where there is a dispute, it has been supposed that a single practitioner will be incapable of acting for more than one party. As "ought to implies can", the sole practitioner should not so act.

2. That it be accepted the 'walls' could be effective. As such there is no prima facie reason why they should not be allowed. If there is reason to doubt that they will be respected (e.g. evidence of past abuse) then, in that case, they should not be approved. The argument that there could be a subconscious 'leak' does not sit well in a system that often depends on the assumption that certain classes of lawyers are immune from this particular weakness. However, support for the principle of 'the walls' depends on a presumption that those who operate within their environs have the disposition to respect their boundaries.

3. Having said all of this, this article is only to be read as indicating that such practices as 'the walls', acting for more than one party (in some circumstances) etc., may be permitted. It is not arguing that such devices and conduct ought to be employed. The decision about such matters should be left to individual and groups of lawyers as they develop their own sense of what justice requires. One question that might be considered in this respect would be, "is this practice fair?" whilst others will shun the practice. There is nothing wrong with this state of affairs.

4. Naturally enough there will be commercial pressure on some to provide a service that, in other circumstances, they would be disinclined to provide. At such times there will be a test of moral cour-

age. Some would suggest that there was a period when the canons of the profession were never breached - whatever the financial inducement. Are such times gone forever? Others will develop a conception of justice that avoids the adversary model. It may be that in their conception there will be a recognition that the just solution is that which is mediated and fair to all concerned. As is increasingly the case, room could be made for systems of alternative dispute resolution. A single lawyer, working with more than one client and remunerated by all, might seek to understand the needs of all parties, help them to define options and then find a solution acceptable to all. Exploring these options in a relatively open-ended way is not just a matter of the philosopher going about the traditional business of leaving everybody more confused than they were before, he or she entered the argument. That may be the effect. However, the intention has been to avoid suggesting a definitive answer to the questions because to do so would be to extend an invitation to those who would prefer to sit back and let an 'expert' provides the answers. This article is not the work of one who is in any sense an expert in the Law. However, if answers are not provided there is at least an indication of the direction in which they might be found. And having indicated a direction, the implication is that it will only be of use to those who are prepared to undertake at least a short journey to discover where it may lead. Traveled alone or in the company of others, it does not matter. Just as long as there are people on the road.
Charles Taylor’s defence team has lost another crucial motion at the Special Court for Sierra Leone sitting in The Hague.

The Defence team on Monday objected to the appearance and testimony of prosecution seventh witness, Madam Corinne Dufka., an employee of the African Division of Human Rights Watch.

Madam Dufka was introduced by prosecution Lawyers as an Expert Witness. But according to the defence Madam Dufka was not an Expert Witness, and that she initially worked with the Special Court trying Charles Taylor as an investigator for the prosecution and wrote a report goes to the substance of the case against the accused. The Defence argument is led by Mr. Terry Munyard.

The Prosecution in its submission said it would be premature to determine that the witness testimony would go to the substance of the case when she has not been heard. The prosecution argument was led by Mr. Mohammed Bangura.

After consultation with the other judges, Justice Teresa Doherty the presiding judge of the court delivered the ruling on the motion.

Following the decision of the court, the Human Rights Watch Personnel began her testimony.

The court however warned the prosecution not to give leading questions or questions that would lead to answers which border on the issues of the crimes allegedly committed by the accused. Prosecution Lawyer, Mohammed Bangura in his direct examination of the witness constantly crossed over to leading questions but he was reminded by both the defence and the court.

Earlier, the prosecution sixth witness told the court children rehabilitated at the ST. Michael Lodge in Freetown told him most of them were kidnapped by the RUF and sent to Liberia for training.

Father Jose’ Maria Caballerou common known in Freetown as Father Chema some of the children allegedly recruited into the RUF were as young as nine years.

Father Chema ended his testimony on Monday morning after direct and cross-examinations by both prosecution and defence.
BBC World Service Trust
Monday, 21 January 2008

By Abdul Rashid in The Hague

RASHID: Charles Taylor’s Defence team has lost another crucial motion at the Special Court for Sierra Leone sitting in The Hague. The Defence team on Monday objected to the appearance and testimony of the Prosecution’s seventh witness, Madam Corinne Dufka, Head of Africa Division of Human Rights Watch. Madam Dufka was introduced by the Prosecution lawyer as an expert witness. But according to the Defence, Madam Dufka initially worked with the Special Court trying Charles Taylor as an investigator of the Prosecution, and wrote a report that goes to the substance of the case against the accused. The Defence argument is led by Mr. Terry Munyard.

MUNYARD: We object to the evidence of, or reject this witness Corinne Dufka being called, on the following basis. First of all, it’s our submission that she is not an expert in the sense usually understood in the jurisprudence of this tribunal, other international tribunals, and certainly a whole range of common law domestic tribunals. Secondly, we say that the report and the annexes to it, the exhibits attached to it, violate the accused’s fundamental right under Article 17 of the Court’s Statute – in particular, Article 17(4)(C), that is to examine or have examined witnesses against him... (fade)

RASHID: The Prosecution in its submission said it would be premature to determine that the witness’s testimony would go to the substance of the case when she has not been heard. The Prosecution’s argument was led by Mr. Mohamed Bangura.

BANGURA: ...response firstly to that, it would be at this stage premature for the Chamber to make any determination as to the qualification of the witness when this Chamber has not heard any evidence from that witness as to how she is qualified or what makes her qualified to be an expert and to speak on this subject. Your Honours, I believe if the witness is called upon and is heard on what we say gives her the qualifications to be an expert, then at that stage this Chamber will be able to make a determination as to her qualifications. I submit that that limb of the objection is premature.

RASHID: After consultation with the other Judges, Justice Teresa Doherty, the Presiding Judge of the Court, delivered the ruling on the motion.

JUSTICE DOHERTY: ...ruling on the preliminary objection of the calling of the witness Corinne Dufka, the Bench has considered the submissions and have considered, albeit not in depth, the references to other international jurisprudence. We note the [five heads of] objections, but without hearing the witness or having the tender of the report an issue, we consider each of the matters raised to be premature. The Defence has the right to cross-examine the witness, and at this stage we would therefore admit the witness to appear to give evidence, and a further decision on the admission of the report and the documents, if any, attached thereto until the time of the testimony of Ms. Dufka.

RASHID: Following the decision of the Court, the human rights personnel has begun her testimony. The Court, however, warned the Prosecution not to give leading questions or questions that would lead to answers which border on the issues of the crime allegedly committed by the accused. Prosecution lawyer Mohamed Bangura, in his direct examination of the witness, constantly crossed over to leading questions, but he was reminded by both the Defence and the Court. Earlier, the Prosecution’s sixth witness told the Court that children rehabilitated at the St. Michael’s Lodge in Freetown told him most of them were kidnapped by the RUF and sent to Liberia for training. Fr. Jose Maria Caballero, commonly known in Freetown as Fr. Chema, told the Court some of the children allegedly recruited into the RUF were as young as nine years. Fr. Chema has ended the direct and cross-examinations by both Prosecution and Defence.

Abdul Rashid for Search for Common Ground and BBC World Service Trust, at The Hague.

[Transcribed by the Office of Press and Public Affairs]
Judges Hear Testimony of Taylor’s Misrule

Judges to decide the fate of former President Charles Taylor on war crimes charges have been told he ran Liberia via eliminating rivals and creating state institutions only in name, with all powers exercised through parallel state structures.

Prosecution expert witness, Dr Stephen Ellis, said although ministries existed, they did so in name only.

Dr. Ellis: "There were a number of ministries and organs of administration with few powers or funds. The duties were implemented by unofficial individuals who owed loyalty to Taylor. They were like Potemkin villages."

The exchange below between Dr. Ellis and Taylor’s defence lawyer touches on the nature of government after the 1997 elections:

"Def: You say Taylor’s administration was marked by a personality cult and that Amos Sawyer said Taylor often boasted he made decisions alone within the NPFL. What’s unusual about that?"

"Wit: Nothing. It’s just that some governments are more collegial than others."

"Def: You say Taylor maintained a number of different armed and security units armed by rival commanders. He inherited a number of units, including the Special Anti-Terrorist Unit set up by Israel for Doe?"

"Wit: A panel of experts report in 2003 dealt with detail about how Taylor reorganized revenues from the shipping registry. Lester Hyman was key in the reorganization, and that’s why I regard him as an important source. Monies were diverted to arms purchases without going to the Liberian treasury. This"
Judges Hear Testimony of Taylor's Misrule

In the situation where everyone knew that Liberia was very volatile, there was an attack on the 16th of December 1990. Doe sent a series of forces to put down the uprising with brutality. As a result of the attack, the NPF began spreading weapons to the civilian population. At this stage, the NPF included a small core of trained insurgents, later known as the special forces, and thousands of unarmed civilians without training - some of them very young. There was no recognized single leader. I remember hearing Taylor speaking on BBC Africa. It was the first time I heard his name, and probably the first time many Liberians had heard of him. Others also claimed leadership of the NPF. Real dissatisfaction was unmistakably fresh. All of the NPF leaders were military leaders, and the most important of them was Jackson Doe.

Doe was deposed by a popular uprising and support. By May or June 1990, Doe controlled little more than part of Montserrado. The NPF was spreading. Thousands of people were massacred, including the NPF. A third movement formed under Prince Johnson, the Independent NPF. He was an associate of Thomas Quinpections. He was the training officer of the NPF. He led the bulk of the retained forces. The rest of the NPF were largely unarmed, unarmed civilians. Johnson's group was more disciplined. He shot anyone he thought wasn't obeying orders.

Doe: ECOMOG was a Nigerian force unlikely by the Liberian government. Doe asked for help from the Nigerian government. The Nigerian government had relations with the US, and those they didn't allow. In August 1990, Iraq invaded Kuwait, and that changed the situation too. The US. Doe: We knew the US didn't intervene. When ECOMOG came in, it acted with considerable force and brutal precision. Doe: At this time, Taylor was becoming acknowledged as the NPF leader. He made clear he would oppose ECOMOG and there was fighting in Monrovia upon ECOMOG's arrival. Prince Johnson and the NPF retained ECOMOG and provided them with bases. It was a confused situation.

Doe: After Doe's death in September 1990, ECOMOG was conducting effectively a civil war against Liberian groups. In the early months of 1990, Liberia had descended into anarchy. Groups of armed civilians were conducting arbitrary killings. There was the NPF. A unit of the NPF was led by Oliver Johnson. Rural forces were conducting massacres. After May 1990, there was a lot of international media attention. Attacks were being conducted in front of television cameras. The media found it hard to understand. When America didn't intervene, the Nigerians took the lead.

We were dropped too soon, it was difficult to clearly understand events without including some other details. After the events of 6 April 1990, there was acceptance by government in W. Africa and the US that Taylor would likely win elections. He had support from some groups who were angry and the lead faction. That happened. The hope of many people internationally and of many Liberians was that Taylor would use this new opportunity to consolidate peace. That's what happened. In Dec 1990, Dany Doe associate won a election and was heavily supported. He was removed. I was in Liberia at the time, and people thought, "If he's killing his own friends, what's he going to do with everyone else?" ECOMOG forces were supposed to retrain the Liberian military and police under the Abua accord, but Taylor rejected this. In September 1990, there was heavy fighting in Monrovia when opponents of Taylor were shot down. ECOMOG forces were likely obstructing a coup. Liberia was again started organizing and planning intervention into Liberia. The first time I heard of LURD was Secretary's 2002 in Conkery. MCOMF-Movement for Democracy in Liberia was created in Ivory Coast, and was a splinter of LURD. Liberia tribes representing mainly ethnic communities were again being supported by neighboring countries acting in their own interests.
Defence bids to discredit Taylor witness

A defence lawyer for war-crimes suspect and former Liberian president Charles Taylor attempted to destroy the credibility of a key prosecution witness at his war-crimes trial in The Hague, accusing him of ‘always hating’ the accused.

Completing three days of cross-questioning of Varmuyan Sherif, a former member of Taylor's travelling security squad, lawyer Courtenay Griffiths said the witness had a ‘personal history’ of plotting against Taylor. Taylor – the first former African head of state to face a war-crimes trial – is accused of arming, training and controlling the Revolutionary United Front rebels in Sierra Leone in exchange for diamonds. The conflict left 120 000 dead and thousands more injured, says a Mail & Guardian Online report.

‘Because of your personal history ... always deep in your heart you have hated Charles Taylor,’ Griffiths told the Special Court for Sierra Leone. ‘I suggest that, even when you were working in the government of President Taylor, you were plotting against him,’ Griffiths said, before enumerating a lengthy list of suggestions aimed at showing that the witness has a history of mental problems. ‘You inflated your role in order to lend false credibility to your evidence,’ concluded Griffiths. A former rebel fighter testified that the Revolutionary United Front (RUF) in Sierra Leone killed and raped civilians and burned their homes.

Dennis Koker, a fighter for the Armed Forces Revolutionary Council rebel group that was aligned to the RUF, told the court how RUF rebels 'started shooting at people, killing them and setting their houses on fire'. In other developments, one of Liberia's most notorious rebel commanders, has returned to the nation to confess to war crimes. E-Brief News reports that Joshua Blahyi who now lives in Ghana, says he is responsible for 20 000 deaths. He has returned to face his homeland's truth and reconciliation commission.
Court is now in session.

Prosecutor Mohamed Bangura continues his direct examination of prosecution witness Corinne Dufka:

Pros: I want to ask about the issue of boys and girls abducted and forcibly recruited into the fighting forces in Sierra Leone. Did you get any indication of their ages?

Wit: In general, for the events which I documented in 1998, I would say the ages of recruitment were from very young ages. There were people from 5 years old, even younger, abducted with their parents. Abductions into the fighting forces - 12, 13, 14 was not uncommon. There were children of that age working in the rebel camps doing other jobs such as washing and cooking.

Pros: We were looking at atrocities against civilians in Sierra Leone and discussing documents that had been produced, depicting these atrocities. Amongst the material you researched and produced, was a report on sexual violence?

Wit: Yes, Human Rights Watch (HRW) produced three documents on sexual violence against women and girls in Sierra Leone. I researched and wrote one of them. I researched another one that was written by a consultant. A consultant wrote “We’ll Kill You if You Cry” from 2003. I researched and wrote “Sexual Violence within the Sierra Leone Conflict” from February 2001. In addition there was a press release from May 2000 that covered events around that time. The report “We’ll Kill You if You Cry” covers sexual violence from the beginning of the Sierra Leone conflict in 1991 through 2002. There were scores of interviews with women and girls of all ages and ethnic groups. I conducted interviews, as did the consultant who wrote the report.

Pros: Were there various phases of the war in Sierra Leone?

Wit: Yes.

Pros: Were there detectable patterns in sexual violence?

Wit: Members of the rebel factions were primarily responsible for sexual violence. We documented sexual violence during rebel attacks and after women and girls were brought to bases. It documents sexual slavery, rape, gang rape, rape with foreign objects like wood, umbrellas, mutilation. Women were subjected to extraordinary violence. Many of the girls went on to become combatants themselves. Many bore the children of male combatants. It tells of the difficulties they had during reintegration. Thre report documented abuse by CDF and a few abuses by UN personnel. I don’t believe it documented sexual violence by ECOMOG. The abuses were concentrated in rebel-held areas. (Lists them.) There were numerous examples during the invasion of Freetown in January 1999. The report discusses that abuses were often committed preceding or following other serious war crimes committed against girls and their families.
Pros: (Refers to pages of witness’s report) This portion of your report discusses crimes committed against civilians in Liberia. You indicate that you conducted a wide range of interviews with persons involved in Liberia?

Wit: Yes. The interviews were conducted in 2001-2002. In 1999 there were a number of cross-border attacks, from Guinea and Sierra Leone into northern Liberia. The interviews were primarily conducted in refugee camps in Sierra Leone and Guinea.

Defense objects, saying this portion of the report is irrelevant because the court is established only to try cases of crimes in Sierra Leone. This is on Liberian soil and is not about the conflict that this tribunal is concerned with. Prosecution replies: This part of the evidence is relevant because it supports one of the modes of liability for the crimes of which Taylor is accused. There has already been evidence before the court that the accused was associated with Sierra Leonean rebels, not only in Sierra Leone, but also in Liberia. To understand the dynamics of the conflict in Sierra Leone, we need to understand the conflict in Liberia. Cross-border attacks involved troops staged in Sierra Leone. All of this effort had to be coordinated by somebody. This evidence shows to what extent peoples associated with the rebels were involved in this plan. Judge Doherty overrules the objection and says the matter will go to weight.

Pros: How widely did you conduct the interviews you’ve referred to?

Wit: I conducted interviews in refugee camps in SL and Guinea.

Pros: You were interested in the period 1999-2002?

Wit: Yes. In 1999, the LURD was in the process of organizing themselves to launch an armed conflict in an attempt to unseat then-President Charles Taylor. There were cross-border attacks in 1999, in August I believe and again later that year, from Sierra Leone and Guinea. The attacks intensified in 2000 and went on until 2003. The LURD and later MODEL, a splinter group, was in response to numerous grievances among the Mandingo and Krahn ethnic groups in Liberia. We became involved in 2000 after refugees from primarily Lofa County began coming into Sierra Leone. I received reports of serious atrocities committed by pro-government troops, so I began interviewing refugees. They related numerous accounts of atrocities. Abuses were committed by both sides. We documented that the majority of those abuses were committed by the pro-government forces, including the ATU, Armed Forces of Liberia, and Special Security Services. Liberian rebels committed war crimes too. Lofa County borders Sierra Leone and parts of Guinea. We believe that Lofa was the center of many of these atrocities because it had strategic importance for both the Liberian government and the Liberian rebels. The rebels had support of Guinea. We identified patterns between the military operations and human rights abuses, as a result of the frequent changing of hands of towns and villages in Lofa County. We noted the common pattern of collective punishment against Lofa-based ethnic groups, primarily the Gbandis. Mandingos were also targeted.

Pros: Which factions were involved in the fighting?

Wit: On the rebel side, the only faction was the LURD. On the government side, there was the AFL, ATU, SSS, Army Division, Marine Division, Jungle Fighter Unit.

Pros: In this section, you mention that HRW produced some documents relating to this situation?

Wit: Yes.

Pros: Were these reports brought to the attention of the governemnt of Liberia at the time?
Wit: I believe we followed the same procedure of sending them to Liberian government offices in New York and Washington. One document was the report “Back to the Brink”. We also issued a number of press releases and letter - one in July 2002, and one on Liberian refugees in Guinea.

Pros: You mention that the government of Liberia reacted to this report and these press releases?

Wit: Yes.

Pros: So there was some notice of the violations?

Wit: Yes. Liberian officials denied the allegations in news articles, which showed they knew about HRW’s documents. There were statements from Reginald Goodridge, and I believe in one case from Charles Taylor himself. Monie Captan as well, who was foreign minister. They spoke with Reuters and Agence France Presse.

Pros: (Refers to another section of the witness’s report) In this section you discuss Liberia’s involvement in Sierra Leone’s conflict and show involvement of the Liberian government from the beginning.

Judge Doherty cautions the prosecutor to avoid leading the witness.

Pros: What do you present in this section?

Wit: I present the involvement of Liberians in different episodes of the Sierra Leonean conflict. Part is based on my research of Liberian mercenaries, very early, mostly in Kailahun district. I interviewed two such combatants. One notes the high percentage of Liberians among the attackers on a village at the start of the war in Sierra Leone. The RUF, involving Liberians and Sierra Leoneans then recruited more Sierra Leoneans. There was some tension between the Liberian and Sierra Leonean combatants due to the attacks on Sierra Leoneans by Liberian elements.

Pros: Can I ask you to read these accounts?

Defense objects: The purpose of the witness preparing this report is not then to come to the witness desk and read the report out loud. Judge Doherty: I agree. There’s no need to read the report.

Pros: You moved on from that stage of the conflict in Sierra Leone and went on to document involvement of Liberians in later stages of the conflict?

Wit: Yes. Other instances of Liberian involvement I heard from victims. This included involvement of Liberians in the commission of atrocities. 9 victims I interviewed about the Freetown invasion identified their attackers as Liberians. They were involved in massacres, the burning alive of a girl in Kissy, and a massacre in a mosque, and three separate incidents of limb amputations. I took testimony from a fighter with the CDF forces who described the brutal killing of a Liberian female combatant by his unit in Tongo Fields. She was an RUF commander. A woman in Port Loko told me that one of the rebels present during killings there was a Liberian whom she overheard saying “we don’t do this in my country”.

Pros: You make the point that Sam Bockarie moved to Liberia in 1999.

Defense objects that the prosecutor is asking a leading question. Judge Doherty again warns the prosecutor to stop asking leading questions.

Pros: Do you make other references to Liberian involvement in the war in Sierra Leone?
Wit: Yes. I’ve noted the presence of Liberian combatants in Sierra Leone, as have other HRW reports.

Pros: At some stage was there a problem within the leadership of the RUF?

Wit: Yes. In December 1999, Sam Bockarie fell out with Foday Sankoh. At that point, it has been estimated that 500 RUF combatants moved to Liberia and were incorporated into other units, including the Anti-Terrorist Unit.

Pros: Do these accounts rely on HRW reports?

Wit: Several of the instances are documented in HRW reports, but not all. HRW can’t include every account in its reports.

Pros: (Refers to a section of the report) This part covers joint RUF-Liberian attacks on Guinea.

Defense objects that this section goes beyond the temporal and geographic scope of the indictment. It does not concern this case. Prosecution replies that this shows involvement of RUF fighters in these attacks demonstrates control of these fighters. We say the accused had command of the RUF forces. He was part of a common plan that was executed by these forces. The fact that these incidents were outside of Sierra Leone does not preclude the court from hearing the evidence, which helps to show how the accused was part of a common criminal enterprise. Defense responds that if it demonstrates involvement in a common criminal enterprise, that would be outside of Sierra Leone. Judge Lussick tells the prosecutor that he’s failed to reply to the objection that the events are outside the temporal scope of the indictment. Prosecutor Bangura: it shows context. We see in these activities the role of the accused as a commander. The evidence suggest the RUF fought upon the orders of the accused. To establish that command responsibility, the evidence doesn’t have to be restricted to events within Sierra Leone. Judge Lussick: What about the temporal scope? Prosecutor Bangura: The timeframe of the indictment is 1996-2000, but the events to which we refer occurred in 2001. Judge Sebutinde: that’s precisely the point of the objection. Prosecutor Bangura: These matters outside the timeframe of the indictment go to show the context in which a lot of these crimes were committed.

The judges are conferring.

Judge Doherty: We uphold the objection and do not allow that question.

Prosecutor Bangura: There’s quite a lot covered within this part of the report.

Judge Doherty: It is outside the temporal scope of the indictment and is not admissible.

Pros: In the effort to understand the dynamic of the conflicts in the region, you interviewed ex-combatants?

Wit: Yes, combatants from Liberia, Sierra Leone and a few Guineans.

Pros: What indication did you have of the role of Sierra Leoneans in these conflicts?

Wit: About half of those I interviewed were Sierra Leoneans. They fought in Sierra Leone, Liberia, Guinea and Ivory Coast. There’s a regional dynamic. Governments of the region have tried to destabilize their neighbors. At any given time you had one group supporting a proxy group attempting to overthrow neighboring governments.
Pros: You write about Sierra Leoneans fighting in Lofa. How did they get involved in that conflict?

Wit: The RUF were integrated into Liberian pro-government factions after Bockarie fell out with Sankoh in December 1999. RUF were involved in Lofa County in 1999 in response to the “Mosquito Spray” incident. Then in 2000-2001 the RUF was involved in attacks on Guinea.

Pros: Were there indications of whom they were taking command from?

Wit: In the Guinea operations, the combatants noted several commanders. We didn’t identify the chain of command. All characterized it as a joint operation between Liberian pro-government and Sierra Leonean rebel groups. Mosquito was mentioned, Benjamin Yeaten - the commander of the Liberian SSS, a commander named Paleto.

Cons: You mentioned Mosquito having forces in Liberia. Was there any indication of other RUF units coming from Sierra Leone, not under Mosquito?

Wit: Other units came from Tongo Fields and Kailahun. There were meetings in Sierra Leone and Liberia ahead of the attacks to plan them. One ex-combatant I interviewed said he’d spoken with his commander, who had received orders from Charles Taylor. A few of them mentioned that Benjamin Yeaten had issued orders. They’d received orders to commit atrocities against the Guinean civilian population.

Judge Doherty: What time frame does this evidence relate to? I remind you of our ruling on temporal jurisdiction.

Wit: We conducted the research in 2004. The attacks into Guinea were conducted from 2000 into 2001.

Pros: Returning to a few issues we’ve already covered regarding atrocities against civilians in Sierra Leone, you mentioned amputations. You document some of the incidents of that?

Wit: A number of HRW documents from 1998 deal with that.

Pros: You gave interviews on this?

Wit: Yes, I did media interviews?

Pros: And you took photos of some of the victims?

Wit: Yes.

Pros: (Asks that witness be shown two pictures) Can you talk about these photos?

Wit: The first is of a 12-year old girl who had suffered an amputation in May 2000, I believe in Kambia, but certainly in an area under RUF control. This is a girl who was probably 13. She was with girls in Kissy in January 1999, rounded up and taken to hill where their hands were amputated. Her account is in my report, in a section discussing the targeting of children for crimes. She was in her house and when people were asked to come out by the rebels, they picked out these adolescent girls for amputation.

Pros: I’d like to show you two short video clips, then ask you questions based on it.

Defense counsel Terry Munyard says the defense team has been provided with transcripts of the video clips but not the clips themselves. Defense does not object to parts of the video in which the witness
speaks, but does object to other individuals shown in the video who are not witnesses in the case. Prosecutor Bangura responds: We only want to show clips from the video. The video has been disclosed to the defense. Defense: We have no objection to the clip in which the witness appears, but do object to the second clip. Prosecutor Bangura: The second clip has already been admitted into evidence, and we’d like to have the witness comment on it. Defense: On what basis is the witness to comment on a piece of evidence already before the court?

The judges are conferring.

Presiding Judge Theresa Doherty: The witness can be asked questions on the content of the second clip.

Pros: The first clip is from “Soldiers of Fortune” aired on ABC in 2000. (Clip runs: It shows a camp for amputees in Freetown; narrator says 60% of amputations were conducted by soldiers, not rebels; witness is shown at the camp, and she says the civilians were betrayed by their army; perpetrators from the SL Army have been recruited into the new SL Army; witness appears, saying Human Rights Watch is concerned about the lack of screening of recruits for past abuses; clip shows the amputee football club. Clip ends.)

Court is now adjourning for the mid-morning break. Proceedings will resume at 11:30. With the half-hour delay to the media center, our live blog will resume at 12:00 (11:00 in Sierra Leone and Liberia).
**Newspaper Summary**

**Trial Judges abhor Presidential removal of lower court judges**  
*(Daily Observer, Plain Truth and Heritage)*

- President Ellen Johnson Sirleaf's removal and reshuffling of sitting judges at the Temple of Justice has been greeted with disapproval from a group of judges under the banner of the National Trial Judges Association of Liberia.
- Reports carried in the media last week said President Sirleaf had replaced a lower court judge [James Jones] with another [Comfort Natt] and transferred the former to another court. But the National Trial Judges Association of Liberia viewed the decision as a breach of Article 71 of the Constitution of Liberia. Article 71 states,  
  
  "The Chief Justice and the Associate Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behaviour. They may be removed upon impeachment and conviction by the legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes."
- However, Information Minister Laurence Bropleh, according to *Plain Truth* newspaper, clarified that the President did not sack any judge but simply transferred a judge from one post to another, a statement which the *Plain Truth* newspaper construes as an admission that the Chief Executive infringed on the independence and continuity of the Judiciary. The criticism by the association follows threats by the Congress for Democratic Change and the Liberty Party that they will file a bill of impeachment against the president if she fails to revoke her recent replacement and transfer of lower court judges.

**Peace Crusaders Launch Media Campaign on National Census Today**  
*(The Inquirer)*

- The Liberia Institute for Statistics and Geo-Information Services (LISGIS), in collaboration with the Liberia Crusaders for Peace, will today launch the Media Advocacy Campaign in support of the Population and Housing Census in Liberia.
- The National Population and Housing Census will be conducted by LISGIS throughout the country from March 1 through 27, 2008 to provide factual accounts on the population of Liberia and other basic information needed for the development and reconstruction of the nation.
- According to the Executive Director of the Liberia Crusaders for Peace, the media advocacy campaign, which is being conducted by the Crusaders, will be launched in Monrovia this Monday.

**Radio Summary**

**Trial Judges detest President’s Joggling of Colleague**  
*(Also reported on Star Radio, Truth FM, SKY FM and ELBS)*

Information Minister Bropleh Says President Hasn’t Unseated Judges
• Addressing reporters in Monrovia over the weekend, Information Minister Laurence Bropleh clarified that President Ellen Johnson Sirleaf did not remove any judge from his or her post but instead only nominated a Judge for the Debt Court in accordance with the Constitution of Liberia.

(Also reported on Star Radio, Truth FM, SKY FM and ELBS)

Government Launches New Training Programme for Ex-Combatants
• At a ceremony to launch the second phase of the Rehabilitation and Reintegration Programme for disarmed and demobilized ex-combatants, the National Commission for Disarmament Demobilization Rehabilitation and Reintegration (NCDDRR) Executive Director Jarvis Witherspoon said that 9,000 ex-combatants are slated to benefit from this phase of the RR for which Vice President Joseph Boakai challenged implementers of the programme to ensure that exercise is guided by the highest standard of accountability.
• Vice President Boakai said that the NCDDRR had a responsibility to deliver quality services to the beneficiaries and to ensure that national security; peace and reconciliation were achieved and sustained. He thanked the Government and people of Norway for providing funding for the final phase of the NCDDRR programme.

(Also reported on Star Radio, Truth FM, SKY FM and ELBS)

Drug Enforcers Intercept Women with “Wee”
• Correspondents said that agents of the Drug Enforcement Agency sub-office in Margibi County over the weekend arrested two women in Kakata with narcotic drugs valued at 260,000 Liberian dollars. The women were reportedly arrested while enroute in separate Taxis heading to Monrovia from Nimba County with a total of 30 kilograms of marijuana or opium.

(Also reported on Star Radio, Truth FM, SKY FM and ELBS)

Media Watch Group Launches Book on Abuses of the Liberian Press
• The Centre for Media Studies and Peace-building in a statement over the weekend said that the organization will today, Monday launch a book in Monrovia documenting attacks on freedom of speech in Liberia in 2006/2007. The group called on civil society organizations and the public to attend Monday's launch of the Book title: "Perennial Tragedy of Democracy".

(Also reported on Star Radio, Truth FM, SKY FM and ELBS)

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Development Crucial for Lasting Peace, Says UN Envoy

Pledging the continued commitment of the United Nations to Liberia, the world body's top official there has stressed that sustainable peace will depend largely on the West African nation's ability to ensure development for its people.

Ellen Margrethe Løj, who took up her post as the Secretary-General's Special Representative last week, pointed out that "there is a lot of peacebuilding work to be done to ensure that Liberia does not slide back into conflict and chaos."

Ms. Løj was addressing a ceremony in Gbarnga, Bong County, where she awarded UN peacekeeping medals to Bangladeshi soldiers serving with the UN Mission in Liberia (UNMIL) for their contribution to peace in the country, which is striving to make the transition from more than a decade of disastrous civil war to peace, stability and democracy.

Since 2003, UNMIL has been supporting implementation of the ceasefire agreement ending a war that killed almost 150,000 Liberians, mostly civilians, and sent 850,000 others fleeing to neighbouring countries.

Along with UN agencies working in Liberia, the Mission has helped to organize free elections and the return to their homes of hundreds of thousands of refugees and internally displaced persons (IDPs).

The new Special Representative said that UNMIL and the entire UN family will continue to work hard "to help the Government consolidate the hard-won gains we've all made."

She emphasized that any drawdown or adjustment of the presence of UNMIL - which she heads - would be done in a "cautious, careful and well-calibrated manner" that enables Liberians to assume greater responsibility for the security and stability of their nation.
Ex-rebel explains massacre, death of Dogolea

A former fighter of the dissolved National Patriotic Front of Liberia has explained what led to the death of some prominent people and other atrocities.

Alfred Suah-Debbleh commonly called “Something The Cause” revealed it was the NPFL that carried out the Duport Road massacre in 1994.

According to the ex-fighters, former Speaker Nyondueh Monokomana and other Zoes requested the blood of ten children to make sacrifice for the massacre.

Alfred told the truth commission Monday they killed the ten children, drained their blood in a container and gave it to Mr. Monokonmana.

On the death of the Vice President Enoch Dogolea, the ex-fighters explained they wrapped the Vice President in a mattress and beat him.

He told the truth commission, former President Charles Taylor offered a hospital in Ivory Coast half a million U.S. dollar to fake the autopsy report.

The former NPFL fighter further explained what led to the murder of John Yormie and Isaac Vaye.

Alfred said Taylor ordered the security to take away the two men and the pick-up returned without them but with two human hearts, which they cooked with pepper-soup.

The former fighter said he hails from River Gee County and was recruited in the NPFL rebel movement at the age of 15.

He expressed regrets for the role played in the civil conflict and appealed to his fellow Liberians to forgive him.