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Wednesday, 1 August 2012

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A Case for the International Criminal Court... Bishop Humper Lays the Foundation

BY PHILIP NEVILLE

Below is an excerpt from the Truth and Reconciliation Commission (TRC). It is piece of work done by Bishop Humper and his team of Commissioners. Despite loads of criticisms slammed on the Chairman and team about the work, but when critically examined could be described as a very successful work, which gives a clear insight as to how our men and women in uniforms paid from the taxpayers fund brutalized, tortured and killed their brothers and sisters under the guise of a purported coup. Those men and women killed by the junta when the NPRC undemocratically seized State House and terrorized the people of this nation to succumb to their demand for change should not be left in the hands of God alone.

Those killed were Sierra Leoneans who in one way or the other have contributed to the political and socio-economic developments of Sierra Leone for which, the killers should be punished.

Many questions have been asked by Sierra Leoneans and some of those questions are neither reasonable nor rational in thoughts and formation. Among the questions is why should the relatives of those killed unlawfully, unconstitutionally and illegally raise the issue about the killings of their fathers, brothers, wives, uncles, you name them at this time?

These types of questions may sound absurd and inhuman especially when the true story of how the killings were done is told. There was no justification, no trials and no record to show that effort was made to prove the allegation of a coup true beyond every bit of doubt.

Those who are asking such inhuman and impertinent question should just change positions for five minute with some family members of the victims and realize the pains and mental torture they are going through. What have their parents and loved ones done that deserved untimely and humiliating deaths? Bishop Humper’s assignment was to investigate and not to prescribe punishment, which he did and for which himself and team should be giving a pat on their backs.

He will not tell relatives of the victims to take their case to the International Criminal Court (ICC) nor would he advised them to consult a firm of Human Rights Lawyers in Britain, America or Canada, but the pieces of evidence documented are substantial to take the matter anywhere in the world for justice.

Perhaps, those asking “WHY NOW”? Haven’t got the opportunity to peruse the Truth and Reconciliation Document and read what is contained in it.

Perpetrators of WW1&WW2 and the Holocaust are still being haunted by the International Community. Also perpetrators of the Japanese War and other Human Right Abuse issues in the world are sought out in every part of the Globe, so why the inhuman scenario in Sierra Leone should be different?

This should be the question on the lips of those asking “WHY NOW”? And not the provocative type with political reason. As Sierra Leoneans we should be our brothers and sisters keepers not abusers and destroyers of lives. Read the report

Extra-judicial Killings, Torture and Intimidation

The Commission finds that forces deployed by the NPRC junta were responsible for the extra-judicial executions of many innocent civilians on the grounds that they were suspected of being rebels or rebel collaborators.

In particular, the Commission finds that the SLA, supported by civil militia men and women from the Koinadugu District known as Tamaboros, committed numerous excesses as it attempted to dislodge the RUF from Kono District in late 1992 and early 1993.

Among the officers who carried out torture practices on captured rebel suspects was Colonel K.I.S. Kamara (Bishop Humper and his team did not mince their words to name and shame those who killed. We see how bluntly the Commission has named Colonel KIS Kamara as one individual who took the lives of his fellow Sierra Leoneans. The defence, no doubt would be linked to the war situation)}
The Commission finds that the NPRC regime was responsible in December 1992 for the execution of 26 persons, including a former Inspector-General of Police and a former Brigade Commander for the Eastern Province, without due process of law and in flagrant violation of international standards.

The NPRC’s attempt to justify these executions retrospectively by decree, on the basis that the 26 were alleged coup plotters was an unlawful abuse of executive power. This paragraph alone is a clear indictment on those core members of the NPRC. The Commissioners came out clearly and stated their position on the unlawful killings and went to the extent of naming the victims by their positions, such as the Inspector General of Police and the former Brigade Commander of the Eastern Province. The effort shows the impartial stance of the Commissioners.

In particular, the Commission finds that the Deputy Chairman of the NPRC, Captain Solomon A.J. Musa, was personally responsible for acts of torture on detainees and those who were subsequently put to death.

The Commission finds further that the NPRC Government authorized a campaign of intimidation and human rights violations against certain individuals in public office who were related to or associated with those who were executed. One of them was Major Lucy Kanu, who was unlawfully dismissed from the Army in 1993. She was targeted because her husband was one of the alleged coup plotters of December 1992.

**Eventual Demise of the NPRC amidst Internal Power Struggle**

Towards the end of its period in Government, the NPRC administration became mired in internal power struggles. The Commission finds that the “Palace Coup” that replaced Valentine Strasser with Julius Maada Bio was a calculated effort on Bio’s part to wrest power from a Head of State he thought did not have the best interests of the country at heart.

Towards the end of its period in Government, the NPRC administration became mired in internal power struggles. The Commission finds that the “Palace Coup” that replaced Valentine Strasser with Julius Maada Bio was a calculated effort on Bio’s part to wrest power from a Head of State he thought did not have the best interests of the country at heart.
According to Maada bio, who had known in advance of SAJ Musa’s volatile temperament and the likelihood that he would attempt to carry out some kind of summary justice, some of the implicated men were taken to Musa’s own residence and subjected to torture by Musa himself: “When I went there at night, he had actually tortured them very seriously – their ears were cut off and they were practically dead”.

SAJ realized that by daybreak they had been really badly tortured in his compound; so he confronted the gruesome, “it was better to do away with them, than to keep them on his hands in this terrible state” – he was then alleged to have organized the summary executions.

Maada Bio lamented their inability to put the coup plotters through proper judicial process, blaming it on SAJ Musa’s ambitions for power, “to a very large extent, SAJ was somebody who liked power and could do anything to retain it... that was the darkest side of our whole period in power”.

“SAJ Musa’s quest for power was an obsession for the man, and he had a wife who inculcated that into him; so it was a terrible combination”; SAJ was also responsible for the killings of looters. At this point in time, he was actually the key actor; Strasser was much more laid back, and to an extent he let SAJ get on with his business.”

Maada Bio’s account is an attempt to shift responsibility for a gross failure of leadership by their government to the shoulders of one person. The execution of the alleged coup plotters did not advance SAJ Musa’s lust for power in any way.

Lt Col Yaya Kanu was arrested on the 29th April, the day of the coup and taken into detention at the Pademba Road, prisons, from which he didn’t emerge alive. No reason was offered to his family or his wife who was at the time, a major and second in command at the Army ordinance Section of the Sierra Leone Army.

Throughout his period of detention, his wife made several representations to most of the NPRC officers. They assured her that her husband had not committed any offence and would be released shortly. Public statements by the NPRC were that they were being held in
...Bishop Humper lays the foundation

Late Bamby Kamara

"protective custody" and would be very well taken care of.

Col. Kani was in detention for eight months. All through that period neither his wife nor any member of his family was allowed access to him. Even when he developed dental health problems and his family made arrangements for him to be treated by a dentist, the NPRC authorities refused to take him to the hospital because "they were afraid for his security".

On the day the alleged coup plotters were executed, there was a passing out parade for newly commissioned officers. As was the custom, the Head of State would normally take the salute. In the instant case, all the key officers of the NPRC including Strasser were not present at the passing out parade at Wilberforce Barracks in Freetown. Brigadier Jusu Gotor took the salute.

Captain Strasser and his key henchmen claimed that they were busy and couldn’t attend the passing out parade. The Commission was informed that they had assembled at Strasser’s Kabassa Lodge residence where the coup plotters were brought for trials.

Late Soj Musa

The Commission was told that Col Kani was tricked that he was finally going to be taken to the dentist. So he entered the van and was taken to Kabassa Lodge where Strasser and his colleagues resolved that they should be executed. Soj Musa then took them away and subjected them to terrible torture before they were executed at the Lumley beach in Freetown. Mrs. Kani told the Commission that witnesses to the execution informed her that their bodies were taken to the Kingtom cemetery, acid poured on them and burnt before being buried in unmarked graves. The Commission requested the Director of Prison Services to identify the location and graves where the men were buried so that their families could organize funeral services and requitals for them. He replied that all documents relating to their execution and burial had been burnt during the January 6, 1999 attack on Freetown.

On 29 December 2002, Captain Strasser made a public broadcast that a coup attempt against his government had been uncovered, all the people had been arrested and "executed summarily". Capt. Strasser, Col. KUS Boyah, Lt. Soj Musa, Lt. Korofia Kangbo and other henchmen and murder of the alleged coup plotters. None of the other leaders of the regime intervened to ensure that they were granted any form of judicial process. The Commission holds all the leaders of the NPRC responsible for the murder of these men.

In a press statement issued the same day, the NPRC claimed, "The special military tribunal convened by Excellency the Captain to immediately try the suspects apprehended has met and they have proved beyond all reasonable doubt that (alleged plotters) did try to overthrow the government of the National Provisional Ruling Council and has found each of them guilty of treason and has sentenced them to death by firing squad. The continuing authority of the National Provisional Ruling Council have met and endorsed the sentence recommended and have ordered that the executions take place immediately."

The three alleged coup plotters were killed in a "crossfire". They were:

- a. Sgt. Mohammed Lamin Bangura, alias Scorpion, of the Sierra Leone Military police (leader of the coup)
- b. Private Alusine Mohammed Sosay of the first Battalion headquarters (spokesman)
- c. Major (Rtd.) A.S. Jalloh, Sierra Leone police.

Among those executed were the following:

- d. Lt. Col. James Yaya Kani, former commanding officer of the 4th Battalion
- e. James Bamby Kamara, former Inspector General of Police
- f. Corporal Mohammed Mumsrany, alias Canda of the 1st Battalion
- g. Warrant Officer Class 1 Kangbo, alias Fernando of the 1st Battalion headquarters
- h. Lieutenant colonel (Rtd.) Kohna M.S. Dunbuya, Army Headquarters
- i. Major (Rtd.) M.C. Jalloh, former Paymaster

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She was presented before Brigadier Jusu Gottor, who read to her a letter compulsorily terminating her services with the army for “being the wife of Yaya Kanu”. She was further ordered to vacate her official residence the same day. She returned to her house under armed escort to forcibly hand over possession of the house to the army. The family subsequently moved in with some family members. For months thereafter, soldiers of the NPRC raided the family's residence at random or would cordon off the neighborhood shooting indiscriminately into the air, so as to put Mrs. Kanu and members of her family as well as her Gouding, the Attorney General and Minister of Justice conveniently put the blinkers on and allowed the Government to trample on the rights of the people.

In his testimony before the Commission, Captain Strasser claimed that there was a military tribunal appointed which tried the coup plotters. He named Colonel K.E.S. Mboyah as the president of the tribunal. When confronted with this allegation by the Commission, Col. Mboyah replied:

“My own contribution here [before the Commission] is that we want people to accept responsibilities for whatever right or wrong they do. It has happened [that way] in many, many areas. It is good to distribute blame; it is normal.

But if you do it in a way that you know people who were destined to rule, or people who for whatever reason found you as their leader, then it can be unfortunate.

[…] What I want to say is that never, never in my career have I sat down as President of any court Martial in this country. That is what I wanted to tell the Sierra Leone public... Never in my life have I sat down on a Court Martial (Board) in this country since I joined this Army; you know, from 1976 to now. So anybody who attempts for any reason to say that I served in such a capacity; he is doing it for his own purpose or whatever.

Despite Colonel Boyah’s denials however, his colleagues in the army allege that at that time, he was claiming publicly that a tribunal had been set up and that he was the president of the
buried at different graves at the Kingston cemetery. Effort by the Commission to get the prison authorities to identify the exact locations where the man were buried has not met with success as the prison authorities deny knowing where the men were buried.

In spite of having killed thousands and tens of thousands, the families of the alleged suspects began to be targeted. In one particular case, the wife of Colonel Yaya Korna, Mrs. Lucy Korna, who herself was major in the RLAMF at the time, was disarmed without excuse by the Army High Command. All her supervising officers were interrogated before the Commission in response to the petition she wrote to the Commissioner, including the then force commander, Brigadier neighbours under psychological stress and torture. The army authorities withdrew her passport:

"I went from one office to the other requesting them to give me back my passport. Lt. Kara Kargbo told me that they needed to know why I wanted to travel out of the country and that in any case, my file was on the desk of the head of state. Capt. Strasser and only he could decide my fate. These were people I had known fairly well in the army. They were very junior to me but had forced them well and regarded them as colleagues."

Col Korna was very popular in the army. The first broadcast on the coup by the NPRC on 29 April 1992 had claimed that Col. Korna was the leader of the coup. This was devised to tap into his huge popularity with the officers and the rank and file of the army. On the basis of this announcement, SLA troops in Freetown did not resist the coup plotters. Some of the soldiers even encouraged him to take over power as he mediated between President Momoh and the militiamen he had released earlier. The demotion that Korna had led the coup had enhanced the literature on the conflict as some scholars later reported it as truth.

Col Korna was not one of the plotters. On hearing about the coup, he had gone to meet the plotters at the State House, urging them that as soldiers, their loyalty was to the government of the day, and that they could not change the government by force of arms. His mediation effort was to get the militiamen to renounce the coup in exchange for pardon. Finally he was arrested and taken to the Pademba road Prison.

Brigadier Sam King, National Security Adviser to the NPRC regime, informed the commission that the alleged coup plotters were killed and buried without trial, all of the officers of the NPRC that the Commission spoke to denied knowledge of a coup and of any trials that followed, including the chief of Army Staff, Brigadier Kellie Conteh, the Attorney General Mr. Arnold Gooding, Colonel K.E.S. Boyah and Major General Tom Carew...
The term ‘Culture of impunity’ refers to a situation in which people in a society have come to believe that they can do whatever they want with impunity (which means without having to face any form of punishment or sanctions).

It is generally evident that the current level of impunity in the country is injurious to the future of Sierra Leone. The culture of impunity which is being described here is that our laws, as they apply to every aspect of our lives, are mostly breached, and the culprits go unpunished.

The most recognizable instrument of state is its LAWS. It is the reason why the most recognizable symbol of the state is its security apparatus, especially the Police. The Police maintain law and order and help facilitate the punishment of those deemed to have broken the law. In many countries, as in Sierra Leone, these laws cover the whole spectrum of human lives and endeavour, and are often shaped by the nation’s history, culture and beliefs. These laws are also based on fundamental human rights which have been generally agreed upon. All these exist in Sierra Leone today.

Regrettably, it is common to see people flagrantly breaking the law at virtually every sphere of occupation, from the top notch executive who blatantly places his own interest over and above that of the state in a bid to get kickbacks from potential investors, to contractors who shamelessly collect huge sums of money from over inflated contracts but invariably end up putting less than 20 percent of the allotted sum in the project which always ends up as the sub-standard and abandoned projects that untidily and shamelessly dot our landscape, to ‘okada’ riders who recklessly prefer to break all traffic rules in their selfish and self-centred pursuits but are quick to form rowdy gangs when they are confronted by outraged road users, to street traders who have callously and selfishly taken over streets, lanes and pavements in the metropolis to the chagrin and frustration of commuters and environmentalists, to the haphazard and criminal way and manner garbage is disposed in drainages, and the rampant corrupt practices of vital state institutions’ operators. In effect, nobody is immune to this distasteful culture of impunity.

So then, what is glaringly missing is the ability to effectively enforce the many laws we have managed to craft over the years. Within that context therefore, the law is meaningless, and if this continues on this present scale, Sierra Leone as we know it will cease to function as a state. Because of power, influence, money and other forms of corrupting vices, justice is increasingly selective and not blindly applied as it should be.

Every Sierra Leonean knows this is the case with the rich, powerful and influential. When they steal, they go scot free or get off with laughable fines, unless they have enemies in “government”; even the
Several Liberians Still On UN's Hook

In the wake of its recent decision to delist 17 Liberians previously placed on its Travel Ban and Assets Freeze list, the United Nations Security Council has decided to maintain several other Liberians under the same measure.

The Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia was established on 22 December 2003 to oversee the relevant sanctions measures and to undertake the tasks set out by the Security Council in paragraph 21 of the same resolution. The 1521 Committee is the successor body to two previous Security Council Committees that are no longer in existence, namely the Committee established pursuant to resolution 985 (1997) and the Committee established pursuant to resolution 1343 (2001).

The sanctions regime and the mandate of the Committee have been modified by subsequent resolutions, most notably Security Council resolutions 1532 (2004), 1683 (2006) and 1903 (2009). The regime was most recently extended by resolution 2025 of 14 December 2011.

States implement the travel ban and assets freeze measures in connection with individuals and entities included in the Travel Ban List and Assets Freeze List, which are maintained and regularly updated by the Committee.

It can be recalled that the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia decided on 20 July 2012 to delist 17 Liberians from the list of individuals that were subjected to a long running assets freeze and travel restrictions imposed by paragraph 4 (a) of resolution 1521 2003 and in 2004, the list of individuals and entities subject to the measures imposed by paragraph 1 of resolution 1532, stating that: "The measures no longer apply to these individuals."

Those delisted from the sanction list include: Adolphus Dolo, Belle Dunbar, George Dweh, Edwin Snowe, Agnes Reeves-Taylor, Jewel Howard-Taylor and Tupee Taylor. Others are: Myrtle Francelle Gibson, Martin George, Chief Cyril Allen, Randolph Cooper, and the late Victoria Refell.

The rest are: John T. Richardson, Reginald Goodridge, Emmanuel Shaw, Sampson Gwen and Maurice Cooper, who is now deceased.

But the UN Security Council in an updated version of the Travel Ban List maintained other Liberians, who were previously held on the list along with their now free compatriots. Those maintained on the UN Security Council Travel Ban List include: Coucoo Dennis, Kai Farley, Macifiierran Momo Jibba, and Chuckie Taylor. Others are: Sumo Dennis, Charles Taylor and Benjamin Yeaten. The rest are: Joseph Tuah, Benoni Urey and Benjamin Taylor.

Meanwhile, the UN Security Council has also maintained couple of Liberians on its Assets Freeze List. Those maintained by the UN Security Council on its Assets Freeze List are: Charles, Chuckie Taylor, Benoni Urey and Benjamin Yeaten. The UN Security Council's Committee maintains that it will continue to update the list on a regular basis.
Saif al-Islam Gaddafi seeks Hague trial

Col Gaddafi's son has said he wants to be put on trial in The Hague, rather than in his home country, his lawyers have said.

Saif al-Islam said if he was executed after a trial in Libya then it would be tantamount to murder, according to documents submitted to the International Criminal Court.

The 40-year-old is being held by militia in the city of Zintan.

He has been indicted by the ICC for crimes against humanity.

Libya's interim government has so far refused to hand him over for trial in the Netherlands, where the international court is based, arguing that he should face justice in his own country.

Col Gaddafi, whose autocratic rule lasted for 42 years, was killed in unclear circumstances after being captured by rebels in October, in an act criticised by rights groups.

'Fake guard'

"I am not afraid to die but if you execute me after such a trial you should just call it murder and be done with it," Saif al-Islam was quoted by lawyers as saying.

In June, a team sent by the ICC were arrested after meeting Saif al-Islam, and held for more than three weeks.

The documents filed to the court said that during that meeting an official who had pretended to be an illiterate guard had stopped an ICC lawyer from taking a sworn statement from Saif al-Islam.

"The 'guard', who is actually Mr Ahmed Amer - a councillor who speaks several languages - was planted in the room to deliberately trick the delegation," the filing said, according to Reuters.

"He came back into the room and (in the presence of the ICC interpreter), started shouting that this statement was very dangerous, violated Libyan national security, and that the Defence could not have it back."

The meeting was cut short after 45 minutes and their documents were confiscated, the lawyers said. The team were later detained.

The actions of the authorities appeared to show they viewed it as "illegal, treason, or a violation of national security for either Mr Gaddafi or his Counsel to indicate that Mr Gaddafi does not wish to be tried before Libyan courts", the lawyers said in the filing.

Libyan officials accused lawyer Melinda Taylor, who was leading the ICC delegation, of smuggling spying devices and a coded letter to Saif al-Islam during the meeting.