

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



“Barbed Wire Beauty”. Photographer: Simona Arnold

**PRESS CLIPPINGS**

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

**as at:**

Wednesday, 30 July 2008

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

### Local News

Riot as Soldiers Challenge Judiciary / <i>Awareness Times</i>	Page 3
Balancing the Rights of the Defendants in the RUF Trial / <i>The Monitor</i>	Pages 4-8

### International News

UNMIL Public Information Office Complete Media Summaries / <i>UNMIL</i>	Pages 9-11
Ex-Rebel to Appear Before TRC / <i>AFP</i>	Page 12
Karadzic Extradited to The Hague for Genocide Trial / <i>The Guardian</i>	Pages 13-15
Karadzic in Tribunal's Custody / <i>CNN</i>	Pages 16-17
Karadzic Arrives in Hague for Trial Despite... / <i>New York Times</i>	Pages 18-20
Why Karadzic Wants No Lawyer / <i>Time</i>	Pages 21-22

Awareness Times  
Wednesday, 30 July 2008

# Riot as Soldiers Challenge Judiciary

*By Morray Boima*

A military officer of the Republic of Sierra Leone Armed Forces (RSLAF) who was yesterday Tuesday 28th July 2008, arraigned before Magistrate Deen Tarawallie of Magistrate Court No. 1A for wounding with intent, was denied bail and ordered remanded in custody. In what was an obviously planned move, the officer broke loose and went on a rioting spree with some other military colleagues. Their riotous acts with weapons, placed the Law Courts under siege and in a state of pandemonium as people ran helter skelter for shelter.

Court sources and eye-witnesses inform this medium the military officer (name withheld) was denied bail because he had earlier threatened any one who would show up to testify against him. At this point, right inside the dock, he took off the civilian clothing that he wore on top of a concealed military combat outfit and removed a huge sharp knife that was tucked in his trousers and whilst leaving the Courts, threatened to kill anybody who will stand on his way.

Just outside the courtroom, according to witnesses, he was immediately joined by one Captain Smart and three non commissioned officers who aided

him, as if it was a prearranged act. The officer, accompanied by Captain Smart, went to the court cell and beat up a Prison Sergeant Warden using his belt. He also manhandled some police officers who attempted to arrest him before the Captain and the other officers whisked their colleague away to Ministry of Defence Headquarters in a vehicle suspected to have been brought into Court by Captain Smart.

Report of the incident got to the Master and Registrar, Elwin Bailor who immediately notified the Chief Justice, Umu Hawa Tejan Jalloh, Supreme Court Judge, Justice Tolla Thompson and others. An impromptu meeting was summoned in which the Chief Justice issued a summons to the military authorities. This resulted in the Courts being swarmed with the top brass of the Sierra Leone Military who showed

up to first apologise and then to formally hand over the accused officer whom they brought back to the Courts for remand at Pademba Road Prison. It was disclosed to this press that Military officials have promised the Chief Justice that drastic action against Captain Smart and others for interfering with court proceedings and for the gross disrespect showed to such an important arm of the Government.

### Balancing the Rights of the Defendants in the RUF Trial

By Alison Welcher

The use of joint trials by international tribunals has been protested by defendants and subjected of close examination by legal practitioners, court monitors and judges alike. However, despite numerous decisions from international tribunals on both the fairness of joinder and the acceptable grounds for the severance of trials, difficult questions still arise as to how to best assure the rights of *all* of the accused once a joint trial has begun. One such question recently became a subject of heated debate during the RUF trial in Trial Chamber I of the Special Court for Sierra Leone, as the Gbao defense fought for the chance to present its evidence fully despite the risk of incriminating co-defendant Morris Kallon in the process. Overall, the Trial Chamber showed its respect for the importance of ensuring all rights of each of the accused, treading carefully through multiple days of questioning and objections to try to find the appropriate balance.

The controversy arose in the context of counts 15-18 of the indictment, which deal with the defendants' alleged involvement in the taking of UNAMSIL personnel as hostages in May 2000. Witnesses for the prosecution had previously asserted that both Kallon and Gbao had ordered the attacks on UN personnel, had been at the DDR camp from which UNAMSIL personnel were abducted on the day in question and had returned to Makeni with captured UN personnel. Morris Kallon chose to defend himself from these charges with an alibi defense, putting forth witnesses to testify that he was not present during the hostage-taking situation. As Second Accused, Kallon had the opportunity to present his defense before Gbao, the Third Accused; it was only this month that the Gbao defense called witnesses to testify to his version of what happened during the UNAMSIL incident.

Cammegh, Gbao's counsel, explained the defense, in short, as being that Gbao was indeed present at the camp but became upset at the threat of violence, tried his best to prevent the crime from occurring, and left before any hostages were taken.

Tensions first arose on June 16, when Presiding Judge, Justice Itoe, warned Cammegh that he must not use DAG-047 or DAG-111, two of Gbao's defense witnesses, to incriminate any other defendant. Cammegh replied that his overall motive was simply to exonerate Gbao, but that it would be unethical for him to coach the witness, and therefore he could not absolutely guarantee what the witness was going to say. Greatly concerned with the protecting the rights of Morris Kallon, the judges emphasized that they would be overly vigilant to ensure that the accused were granted all the rights they would have if they had been tried separately. At the same time, Justice Boutet did at least acknowledge Cammegh's concerns, saying that if a witness's testimony was essential to Gbao's defense, the court would have to struggle with the best way to receive that evidence, as one accused cannot be favored over another. Still, Cammegh vehemently insisted that limiting the witnesses' testimony in any way would deny Gbao the chance to exonerate himself. For its part, the Kallon defense team stated that it objected to the lack of notice it had as to any possible incriminating evidence against its client, particularly because the witness summaries it had previously received from Cammegh made no mention of its client's name. At this point, Justice Itoe said he felt the matter had been appropriately discussed, and questioning of witness DAG-047 concluded without problem.

Still, controversy arose again the next day when witness DAG-111 described the actions of an unnamed commander at the DDR camp in Makumb. Originally, Justice Itoe agreed with the Kallon defense team that Cammegh could not proceed to ask about that unnamed commander, as it may

Page 11

implicitly lead to the incrimination of one of Gbao's co-accused (assumedly from circumstantial evidence given by previous witnesses). However, Cammegh insisted on being allowed to proceed with the line of questioning, analogizing to a hypothetical situation of the bench refusing to admit a videotape that exonerated one defendant at the expense of another in order to highlight how prejudicial he felt Itoe's decision would be to his client. Cammegh also angrily asserted that it seemed the Trial Chamber had already chosen one defendant over the other by putting Kallon's rights before those of Gbao. As discussion amongst the parties continued, Cammegh emphasized that the bench had repeatedly proclaimed themselves as professionals who would be able to divorce their minds from certain pieces of evidence when the time came in order to reach a fair and impartial judgment for all three defendants, citing an ICTY precedent containing a similar argument. He also pointed out that the witness had not even incriminated Kallon but had only referred to an unnamed person, meaning that the existence of the Second Accused didn't even have to be considered when the judges evaluated the evidence from witness DAG-111. After a lengthy recess, the Chamber, apparently swayed by Cammegh's arguments, returned to announce that the line of questioning would now be permitted. Even further, upon cross-examination, the Prosecution was allowed not only to elicit that Morris Kallon was indeed the previously unnamed commander but also to ask questions as to his actions at the Makumb camp, despite objections from the Kallon defense.

Article 17 of the Statute of the Special Court for Sierra Leone, aptly titled "Rights of the Accused," lays out the basic rights guaranteed to all defendants. These include the right of all accused to be equal before the court,<sup>1</sup> the right to a fair and public hearing,<sup>2</sup> the right to be presumed until proved guilty,<sup>3</sup> and the right to examine the witnesses against him or her<sup>4</sup>. As for the joinder of

<sup>1</sup> Statute of the Special Court for Sierra Leone, Article 17(1)

<sup>2</sup> *Id.*, Article 17(2)

<sup>3</sup> *Id.*, Article 17(3)

<sup>4</sup> *Id.*, Article 17(4)

trials, Rule 48 and 82 of the Rules of Procedure and Evidence for the SCSL govern joint trials. Most relevantly, Article 82(A) states that in joint trials, each accused shall be accorded the same rights as if he were being tried separately, a principle likewise followed by each of the *ad hoc* tribunals that paved the way for the Special Court<sup>5</sup>. Further, in circumstances not otherwise provided for, Rule 89(B) provides that the Chamber shall apply rules of evidence that best favor a fair determination of the matter and are consistent with both the statute and with general principles of law<sup>6</sup>. Therefore, the Chamber is given a fair degree of discretion in deciding how to deal with novel questions or difficult considerations related to evidence, as was the case here.

In the ICTY case of *Brdjanin and Talic*, appropriately cited by the Gbao defense, defendant Momir Talic submitted a motion for a separate trial based on a conflict of interest among co-defendants that he claimed led to serious prejudice. Talic asserted that this conflict arose because each of the accused had a fundamentally different approach in their defenses; specifically, co-defendant Radoslav Brdjanin placed full responsibility for certain events on Talic. Thus, Talic felt he would be deprived of a "right" to be tried without incriminating evidence being put against him by his co-accused. In dismissing the application, the Trial Chamber II of the ICTY stated, "A joint trial does not require a joint defense, and necessarily envisages the case where each accused may seek to blame the other."<sup>7</sup> Essentially, the Trial Chamber rejected the claim that serious prejudice would result from one co-defendant giving incriminating evidence against another. The court went on to say that in the event one co-defendant tried to blame the other, it would be in the interest of justice for the other to be able to give evidence refuting that attempt<sup>8</sup>. Finally, the

<sup>5</sup> Rules of Procedure and Evidence of the Special Court for Sierra Leone (amended 27 May 2008).

<sup>6</sup> *Id.*

<sup>7</sup> *The Prosecutor v. Radoslav Brdjanin and Momir Talic*, "Decision on Motions by Momir Talic for a Separate Trial and For Leave to File a Reply." Trial Chamber II, IT-99-36-PT, 9 March 2000, para. 29.

<sup>8</sup> *Id.*, para. 30.

court pointed out the professionalism of the judges who preside over international criminal tribunals, stating their capability to determine guilt or innocence individually and to ensure that the rights of each accused are respected<sup>9</sup>. Talic's attempts to appeal the decision were denied. Thus, even where problems such as the one that arose in the RUF trial are foreseen at early stages, international tribunals have continued forward with joint trials, relying on the full disclosure of evidence and judicial expertise to balance the interests of each accused in a fair manner.

A similar situation arose before the ICTR in 2006 when Pauline Nyiramasuhuko filed a motion for separate proceedings, a new trial and stay of proceedings based on her belief that a conflict of interests arose from having her trial conducted with two other accused. More specifically, Nyiramasuhuko claimed that her co-defendants' strategies were not only contradictory to her own but also incriminated her, in that they claimed she was responsible for specific charges in the indictment<sup>10</sup>. In turn, Nyiramasuhuko's strategy was to show that neither she nor the government of which she was a member ever planned or executed killings<sup>11</sup>. Again, the Trial Chamber in this case ruled that serious prejudice does not automatically result from one of the accused attempting to shift blame to co-defendant; therefore there was not the "extraordinary and exceptional circumstances necessary<sup>12</sup>" to warrant severance of the proceedings. The Chamber also referenced the availability of other much less extreme remedies if such became necessary later on to ensure Nyiramasuhuko's rights, including cross-examination, additional cross-examination, the recall of witnesses, and the presentation of rebuttal evidence<sup>13</sup>. As in *Talic*, this ICTR case dealt with a motion for severance at an early stage in the

proceedings, and the judges still chose to proceed with a joint trial and to allow the full presentation of evidence even after considering how to best afford the defendant her rights.

Finally, in a decision made in regards to a motion filed in the CDF case, Trial Chamber I of the SCSL stated that none of the tribunals had rules to address the type of examination that should be permitted in joint trials by counsel for the defendants who have not called a given witness as a common witness<sup>14</sup>. In that instance, dealing with the different but related issue of the cross-examination of a witness called by one accused that leads to the incrimination of a co-defendant, the Chamber held that eliciting evidence that may potentially incriminate a co-defendant from a witness not his own was not an acceptable purpose of cross-examination<sup>15</sup>. Thus, the Prosecution was not allowed to try to strengthen its case against one accused by asking a witness not his own questions that were outside of the scope of the direct examination. While this issue differs from the one in the RUF trial, it shows the lack of guidance and the difficulties faced by the Chamber in dealing with this controversy.

Although the law adopted by international tribunals is a unique combination of principles from both common law and civil law traditions, the practices of two influential jurisdictions, the United States and the United Kingdom, are both telling on this subject. The United States Supreme Court has repeatedly dealt with questions related to the rights of co-defendants in joint trials, most extensively in the area of the admissibility of confessions proffered by or against one defendant that effectively incriminate a co-defendant. The long-standing rule, announced in *Bruton v. U.S.*, is that in some instances, the admission of a confession incriminating a co-defendant may have too prejudicial of an effect on a jury to be admitted, even with limiting instructions

<sup>9</sup> *Id.*, para. 32.

<sup>10</sup> *The Prosecutor v. Nyiramasuhuko and Ntahobali*, "Decision on Nyiramasuhuko's Motion for Separate Proceedings, a New Trial and Stay of Proceedings." Trial Chamber II, ICTR-97-21-T, 7 April 2006, para. 1.

<sup>11</sup> *Id.*, para. 13.

<sup>12</sup> *Id.*, para. 68.

<sup>13</sup> *Id.*

<sup>14</sup> *Prosecutor v. Sam Hinga Norman, Moinina Fofana, Allieu Kondewa*, "Decision on the Impermissibility of Eliciting Evidence Involving the Second Accused through Cross-Examination of Witnesses called by the Third Accused." SCSL-04-14-T, 10 Nov. 2006, para. 17.

<sup>15</sup> *Id.*, para. 23.

given by the judge<sup>16</sup>. However, this ruling was narrowed in *Richardson v. Marsh*, when the Supreme Court held that even if circumstantial evidence linked a co-defendant to a crime detailed in a confession, if all references to the existence of that co-defendant were eliminated from the confession, there would be no irreparable prejudice<sup>17</sup>. The Supreme Court then refined its ruling once again in *Gray v. Maryland*, stating that a redacted confession, in which the co-defendant's name was replaced with the word "deleted" or a similar symbol, was too prejudicial to be admitted<sup>18</sup>. In the Court's view, the signs of deletion attracted too much attention and would lead to speculation<sup>19</sup>.

While obviously dealing with the distinct issue of a live witness's testimony rather than a voluntary confession, the evidence that Gbao wished to (and eventually did) elicit from witness DAG-111 is analogous in many ways and would seem to fall somewhere in between the holdings of *Richardson* and *Gray*. Like the case in *Richardson*, the testimony from DAG-111 does not incriminate Kallon on its face; it is only with circumstantial evidence adduced from other witnesses in the trial that Kallon could be blamed, and therefore the testimony would be admitted. However, at the same time, the testimony is similar to the situation in *Gray* in that the existence of the co-defendant is not entirely removed from the testimony. Great attention is likely to be drawn to the fact that the commander is unnamed, especially because witnesses throughout the entire trial have been asked to give very specific details, including names. Thus, American precedent sheds some light on the issue but still does not give a clear answer on to how Trial Chamber I should have proceeded. While the U.S. Supreme Court was particularly worried about the prejudicial effect that confessions may have on a jury, as the judges of Trial Chamber I have stated repeatedly, they constitute both judge and jury in the RUF trial. Even

though they are professionals who are experienced with criminal law and have sworn to consider the guilt of each accused individually, when the time comes, it may be difficult for them in actuality to not speculate as to the identity of that unnamed commander and import guilt on Morris Kallon.

As for persuasive precedent from the United Kingdom, the House of Lords has similarly dealt with numerous cases regarding the admissibility of confessions by one defendant that potentially or definitely incriminate a co-accused in a joint trial. In discussing the case *Regina (Respondent) and Myers (Appellants)*, the House of Lords stated, "It is commonplace that in criminal trials one defendant's interest may be that the prosecution's case against a co-defendant should be strengthened and should succeed. A defendant is therefore entitled to lead admissible evidence that is relevant to the proof of the case against the co-defendant if in so doing the defendant is advancing his own case."<sup>20</sup> The House of Lords also agreed with precedent and the lower courts that it was for the jury to determine the issues based on all the relevant and available evidence adduced between the three parties: the Crown and the two defendants<sup>21</sup>. As, again, the members of Trial Chamber I are both judges and jury in this case, they have agreed to take on the difficult task of sorting out the multitude of evidence before them and determining which evidence is to be believed and which should be set aside. English precedent would more strongly indicate that the bench acted correctly in deciding to put the evidence on the record and determine what should be given weight later on during the judgment stage.

The Rules of Procedure and Evidence for the Special Court allow persons accused jointly under Rule 48 to be tried separately if the Trial Chamber deems it necessary to avoid a conflict of interests that might cause serious prejudice to one of the accused<sup>22</sup>. This was the option discussed in the ICTY and ICTR

<sup>16</sup> *Bruton v. United States*, 391 U.S. 123 (1968).

<sup>17</sup> *Richardson v. Marsh*, 481 U.S. 200 (1987).

<sup>18</sup> *Gray v. Md.*, 523 U.S. 185 (1998).

<sup>19</sup> For a discussion of these cases, see Richard F. Dzubin, "Casenote: The Extension of the *Bruton* Rule at the Expense of Judicial Efficiency in *Gray v. Maryland*," *Univ. of Richmond Law Review*, March 1999.

<sup>20</sup> *Regina (Respondent) and Myers (Appellants)*, AC 124 (1998).

<sup>21</sup> *Id.*

<sup>22</sup> Rules of Procedure and Evidence of the Special Court for Sierra Leone (amended 27 May 2008).

precedents above, which both referred to it as a remedy that would only be appropriate in extraordinary circumstances. In the RUF trial, such a remedy would likely be deemed too extreme in any case due to the late stage of the proceedings, which have only now drawn to a close after four years of testimony. At the same time, the possibility of having an appeals chamber find prejudicial error and order a new trial would be highly undesirable and potentially embarrassing. Therefore, Trial Chamber I had limited options in deciding how to best proceed. If it had chosen not to allow Cammegh to ask about the actions of the unnamed commander, the witness would not have been able to testify as to how Gbao allegedly tried to stop the crime from occurring, an important fact that, if believed, adds strongly to his defense. In contrast, in allowing the evidence to be put on the record, the Chamber admitted testimony that circumstantially implicated Morris Kallon (indeed, every person present in the courtroom was likely aware of whom the unnamed commander was presumed to be). Still, even with that evidence on the record, the Chamber has not yet chosen one version of events over the other. Further, the Kallon's defense team was given the opportunity to cross-examine the witness and possibly undermine either the facts as he stated them or his credibility as a truthful source. If the ultimate aim of the judges was to balance the rights of each accused, as opposed to protecting one defendant at the expense of another, it would seem this latter course of action better fulfills that goal.

The logic behind joint trials is largely related to the desire for consistency, efficiency and the conservation of resources<sup>23</sup>. Joint trials reduce the funds spent on witnesses, court management, document reproduction and the innumerable other trial-related expenses, along with freeing up precious judicial resources by simultaneously clearing multiple cases from the docket<sup>24</sup>. Multi-defendant trials also potentially ease the burden on

witnesses, who otherwise may be called to testify at multiple trials. Further, international tribunals in particular want to avoid the possible embarrassment of Trial Chambers issuing sharply contrasting verdicts or sentences in cases based on similar facts or events through the use of joint trials. However, many prosecutors who seek the joinder of trials are likely also aware of the benefits that may come from each defendant having his own counsel, along with his own defense strategy. This too often leads to infighting and disorganization, especially when each defendant seeks to exculpate himself at the expense of his co-defendants<sup>25</sup>. While international tribunals need be given credit for moving forward in the face of numerous obstacles, including financial, resource, and administrative restraints, at some point the international community may decide that preserving the rights of the accused is simply more essential than all the benefits that joint trials may bring.

No matter how one feels about the correctness of the SCSL Trial Chamber's decision in the instant case, the deliberation and determination of the matter holds important lessons for the judiciary and other legal institutions of Sierra Leone. Many of the same matters that continually plague the Special Court (and other international tribunals) are also problems endemic to Sierra Leone, including lengthy pre-trial detentions without provisional release, overloaded court dockets leading to a backlog of cases, and resource limitations leading to infringements on the rights of the accused. The Special Court is surely unique in the gravity of the crimes that it deals with. However, Sierra Leoneans both inside and outside the legal system should adopt a page from Trial Chamber I and begin discussing these issues seriously. While many times there will be no clear-cut answers, conversations alone will remind the judiciary of the importance of ensuring the rights of the accused, even in the face of overwhelming challenges. It is time for Sierra Leone to move forward with much needed legal reform and a better awareness of what it truly means to afford a defendant a fair trial.

<sup>23</sup> See Gregory S. Gordon, "Toward an International Criminal Procedure: Due Process Aspirations and Limitations," 45 *Colum. J. Transnat'l L.* 635, 2007.

<sup>24</sup> Richard F. Dzubin, "Casenote: The Extension of the *Bruton* Rule at the Expense of Judicial Efficiency in *Gray v. Maryland*," *Univ. of Richmond Law Review*, March 1999, pp. 240-243.

<sup>25</sup> *Id.*, p. 241.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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**UNMIL Public Information Office Complete Media Summaries  
29 July 2008**

*[The media summaries and press clips do not necessarily represent the views of UNMIL.]*

**Newspaper Summary**

**Liberian President Nullifies Tax Waiver Agreement with Major Company**

(The Parrot, Heritage, New Democrat, National Chronicle, The Analyst, The Informer, Daily Observer, The News)

- President Ellen Johnson Sirleaf on Monday declared null and void a recent agreement signed by the National Investment Commission (NIC) granting 100 percent tax waiver to the Buchanan Renewable Energy (BRE).
- President Sirleaf was extensively quoted in the local press as saying the US\$150 million agreement with a 100 percent tax waiver is not enforceable. The President's statement followed a declaration of a "Vote of no Confidence" in the Chairman of the National Investment Commission, Dr. Richard Tolbert by the House of Representatives.
- Most dailies said besides Tolbert, two deputy ministers - Tarnu Mawolo and Cianneh Johnson – linked to the granting of a 150-million US dollars contract to the Buchanan Renewable Energies are to appear before the House Tuesday. The officials are expected to justify why trust should continue to be reposed in them by the House for allegedly violating the Investment Incentive Law.
- According to reports, Tolbert, like Mawolo and Cllr. Johnson, also affixed their signatures to the 150-million US dollars contract. The ministers signed the contract with BRE as proxies of their respective principal Ministers.
- According to two publications – The News and Daily Observer - Tolbert said while he has been advised to await the rehearing of the motion on Tuesday before making any extensive press comment, his record at the NIC speaks for itself.

**Former US President Bill Clinton Visits Liberia Saturday**

(The News, Daily Observer)

- Former United States President, Bill Clinton, is expected in the country Saturday for one day visit. This marks his second visit to the country since the sitting of the Ellen-led administration.
- Presidential Press Secretary, Cyrus Badio told reporters yesterday that the former President will hold discussions with President Ellen Johnson Sirleaf as well as other stakeholders in the country.
- Besides, he will hold a press conference before departing during his visit to Liberia.
- He is coming to enforce his initiative against the deadly disease AIDS, which he began since leaving office about seven years ago.
- Clinton, who is regarded as the most revered president of the US in the 21st Century, will use his trip to appeal against the high price for drugs. He has been campaigning across Africa, Europe, Asia and other places for international attention for AIDS victims.

**Liberian Senators Split over 'Plot' to Remove Nyenabo**

(The Analyst, The Parrot, Daily Observer)

- Reports speak of split in the Liberian Senate over the reported plan to dethrone the President Pro Tempore, Isaac Nyenabo. It is gathered that the Senate is split into two opposing blocs, South Eastern and North-South Eastern.

- The South-Eastern bloc, which comprises 10 members, is made of senators from the South-Eastern region - Sinoe, Maryland, Grand Kru, River Gee, River Cess and Grand Bassa Counties while the North-South Eastern bloc which also comprises of about 20 members is made up of the rest of the other counties.
- Per the demarcation, it is safe to say that the embattled President Pro Tempore, who is representing Grand Gedeh County as Senior Senator belongs to the South-Eastern bloc.
- Several lawmakers who are behind the scheme to remove him claimed he is a bedfellow of President Ellen Johnson Sirleaf, meaning that he is sympathetic of her actions.

### **UN Envoy Tours Mercy Ship**

(The Informer, The News)

- The Special Representative of the UN Secretary-General (SRSG) to Liberia, Ms. Ellen Margrethe Løj on Wednesday had a pleasant coincidence when she visited M/V Africa Mercy in Monrovia. A release said Løj's visit was sparked when she heard that the M/V Africa Mercy was formerly the Dronning Ingrid, a Danish Rail Ferry owned by Scand lines A/S. The SRSG worked with the rail ferry line, Scand lines AG and Scand lines A/S from 1998 to 2001 as a board member, during which time Mercy Ships acquired the Dronning Ingrid from the Rail Ferry Company.

### **Shooting on Johnson Street - Armed Robbers Victimized Two Persons**

(The Analyst, Daily Observer, The Informer)

- Two men believed to be armed robbers Sunday attacked some residents of Johnson Street and in the process wounded two persons, Chernor Jalloh, a Fulani businessman and Momoh V. Kamara, a Liberian who operates a pharmacy in the area. The Daily Observer reports that the victims of the robbery attacks said the armed bandits carried machetes and guns and rampaged several homes in the area.

## **Radio Summary**

**Star Radio** *(News culled today from website at 8:00 am)*

### **President Sirleaf Nullifies BRE Agreement – Two Deputy Ministers Linked**

*(Also reported on Truth F.M. and ELBC)*

### **President Sirleaf Promises Consultations on Orator's Proposals**

- President Ellen Johnson Sirleaf says she would hold consultations on the proposals by this year's National Independence Day Orator, Dr. Sakui Malakpa.
- Dr. Malakpa proposed the change of name of the capital, Monrovia and other streets as well as a critical look at the national symbols.
- President Sirleaf assured that she would take the proposals to the cabinet and town-hall meetings across the country and hopes the Legislature will begin a debate and dialogue on the proposals.

*(Also reported on Truth F.M. and ELBC)*

### **Media Regulatory Body under Public debate**

- The first public hearing on the draft media law reform has received backing for the passage of the independent broadcast regulatory Act.
- Panellists at the discussion stressed it was important to have the independent media regulator in place void of government's interference.
- The head of the Mass Communication Department at the state-owned University of Liberia, Associate Professor Joe Mulbah said the media watchdog would facilitate strict adherence to professionalism.
- Journalist Aaron Kollie said if set-up, the body would not undermine the work of the Liberia Telecommunications Authority, which he said is a mere tax collection agency.
- However, LTA Commissioner Lamini Waritay said the subject of the regulator issuing broadcasting frequency bands is in conflict with the LTA Act.

**Crisis Deepens In Local Lutheran Church**

- A group of Pastors and Laymen in the Lutheran Church has called for the immediate resignation of the Bishop, Sumowood Harris.
- The group known as the "Lutheran Reformers" accused Bishop Harris of hijacking power and intimidating Pastors who oppose his leadership.
- They claimed the Bishop has outlived the 25 year retirement period ascribed in the church's constitution and alleged that he has lost the confidence of the local congregation.
- According to the Chairman of the Reformers, Momo Kamara there was a split in the church and that they have secured a large following.
- The Office of the Bishop has however denied a split in the church but admits that some Pastors of the church were aggrieved.

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## Agence France-Presse

Tuesday, 29 July 2008

### **Ex-rebel to appear before TRC**

Monrovia - Former Liberian rebel leader Sekou Damateh Conneh said on Monday that he would return to the West African country to appear before its Truth and Reconciliation Commission (TRC).

"I have received an invitation from the TRC in Monrovia to appear before August 28, and I can assure the Liberian people that I will soon be coming," Conneh said.

The former leader of the disbanded Liberians United for Reconciliation and Democracy (LURD) had not set foot in Liberia for more than two years.

It would mark the first time a warlord testifies before the commission, which started hearing witnesses of the brutal 14-year conflict more than a year ago.

The commission, modelled on South Africa's truth and reconciliation commission, which catalogued crimes committed during the apartheid era, could not force anyone to take the stand.

'No one should be exonerated'

Conneh said: "I have warned the TRC to be careful with partiality by making sure that all those who took active part in the war are invited. No one should be exonerated because of their position.

"I insist that all former warlords be invited. We need to explain to the Liberian people what we did."

Until now the TRC had been unable to get former warlords to testify. The former rebel leader did not give an exact date for his planned appearance before the commission.

Conneh became the leader of LURD, which began a fight to oust former Liberian president Charles Taylor in 1999.

"I will explain to the Liberian people what made me take arms and how I formed LURD. It is through the efforts of LURD that we have democracy in Liberia today," Conneh said.

Under the terms of its remit, the Liberian TRC would submit a detailed report to the government, which would then decide whether to pursue any official charges.

The commission was created after the peace accord of 2003 to compile an account of all human rights abuses during the successive civil wars, which plagued the English-speaking West African country between 1989 and 2003.

The Guardian  
Wednesday, 30 July 2008

# Karadzic extradited to The Hague for genocide trial

- **Ian Traynor**, Europe editor



Armed police board a helicopter believed to be carrying Radovan Karadzic in Rotterdam as he is transferred to UN custody in The Hague. Photograph: John Thys/AFP/Getty Images

Radovan Karadzic, the Bosnian Serb genocide suspect, went into a jail cell in the Netherlands this morning awaiting trial on 11 charges of war crimes, after being whisked from Belgrade to The Hague in the middle of the night.

Several thousand hardline nationalists had a few hours earlier rallied in the Serbian capital to protest at the arrest and try to block Karadzic's transfer to the international war crimes tribunal for the former Yugoslavia. But around 4am the former Bosnian Serb leader was put in a convoy of darkened jeeps, taken to Belgrade's district court and then to the airport for the flight to Rotterdam, from where he was transferred to a cell at the tribunal's remand centre in Scheveningen on the North Sea – the whole process taking about four hours.

Karadzic was arrested on a Belgrade bus last week after 12 years as a fugitive.

The Hague tribunal has effectively closed down for the summer holiday, but a duty judge will be available for the obligatory plea hearing, which must take place within 30 days. The chief prosecutor, Serge Brammertz of Belgium, is to hold a press conference later today.

The new pro-western government of Boris Tadic, the Serbian president, waited until last night's protests in Belgrade had subsided before transferring Karadzic, the political leader of the Bosnian Serbs during the 1992-95 war. He faces 11 counts of genocide, war crimes and crimes against humanity, specifically for the 42-month siege of Sarajevo in which 10,000 people were

killed, and for the massacre of almost 8,000 Muslim males at Srebrenica in eastern Bosnia in July 1995.

Karadzic was arrested on a city bus in his heavily disguised new persona as a new-age guru of alternative medicine. He and his lawyers tried to delay extradition to The Hague by prolonging or confounding appeal procedures. It was not clear whether he had actually lodged an appeal, but the deadline had expired.

Last night's pro-Karadzic rally in Belgrade failed to live up to its billing, suggesting that the hardline nationalism that has predominated in Serbia for the past 20 years is a fading force, and that the pro-western democrats of the Tadic government have the upper hand.

While up to 100,000 people had been predicted to take over the streets of central Belgrade, the organisers could muster less than 15,000, a handful of whom scuffled with riot police. Protesters held portraits of Karadzic and banners demanding "freedom for Serbia".

The lukewarm response to the calls for protest from the main opposition Radical party of extreme nationalists, whose leader, Vojislav Seselj, is also on trial at the Hague for war crimes, will encourage Tadic in his pro-western policy shift. A Radical leader, Aleksandar Vucic, had called on the protesters to demonstrate against Tadic's "treason and dictatorship".

Tadic said the protesters, being bussed into Belgrade from all over Serbia and neighbouring Bosnia, had a right to demonstrate peacefully. But he added: "There's no patriotism in hooliganism."

Rasim Ljajic, a Muslim official in the Serbian government responsible for cooperating with The Hague tribunal and a hate figure for nationalists, said his phones had not stopped ringing with threats for three days. "It is clear that it is all organised," he told a Sarajevo newspaper.

Tadic has been receiving death threats, according to the Belgrade media. European diplomats say that before last week's arrest, the boldest move by a Serbian government in years, Tadic had made it clear he feared for his own safety if he broke with nationalist coalition partners and pursued pro-western policies.

Despite last week's breakthrough and quick moves to put allies in key posts in the country's powerful security services, Tadic's grip is fragile in a country with a penchant for political violence. But the pro-western democrats now running Serbia may take comfort from the lacklustre opposition demonstrations last night.

Tadic's pro-western predecessor, Zoran Djindjic, was assassinated in 2003 after he arrested and extradited the former president Slobodan Milosevic and sought to join the European mainstream. Radical party leaders have been openly declaring that Tadic could face the same fate as Djindjic.

"We warn Tadic that treason has never gone unpunished in Serbia. This is not a threat, but a warning of the fate that followed traitors throughout Serbian history," said Vjerica Radeka, a Radical party MP.

Ljajic described the mood in Belgrade as the most menacing since 2003. "The worst thing is a very bad political climate is being created, the worst since the Djindjic murder. There is a dramatic rise in political tension."

The Karadzic arrest is proof of Tadic's determination to end years of isolation and put Serbia on a fast track to European integration. But while EU leaders were exultant at the arrest, they remain split over how quickly to reward the Serbs. A final meeting of EU member states before the summer break yesterday failed to agree on whether and when to award Serbia trade benefits.

CNN

Wednesday, 30 July 2008

### **Karadzic in tribunal's custody**

THE HAGUE, Netherlands (CNN) -- Former Bosnian Serb leader Radovan Karadzic arrived Wednesday morning in The Netherlands to answer to war crimes charges at The Hague.

The International Criminal Tribunal for the Former Yugoslavia at The Hague said in a statement that it took custody of Karadzic after his extradition from Serbia. Karadzic has been admitted to a UN detention center at The Hague, the statement said.

Karadzic faces 11 charges of genocide, crimes against humanity and violations of the law of war. The charges stem from the 1992-95 war in Bosnia-Herzegovina, when Karadzic was president of a breakaway Serb republic.

The war-crimes tribunal accuses Karadzic of leading a campaign that killed thousands of men, women and children -- mainly Bosnian Muslims and Bosnian Croats who were killed by Serbs as part of a violent effort to rid the region of non-Serbs.

Forces under Karadzic's command rounded up tens of thousands of non-Serbs and held them in camps where, an indictment says, the Serbian forces "tortured, mistreated, sexually assaulted and killed non-Serbs," the tribunal said Wednesday. Watch what awaits Karadzic »

"The indictment also charges Karadzic with responsibility for a protracted campaign of shelling and sniping of civilian areas of Sarajevo, killing and wounding thousands of civilians, including children and the elderly," a tribunal statement said.

Serbian authorities arrested Karadzic July 21 in Belgrade, Serbia, ending his more than 13 years as one of Europe's most wanted men -- a time during which he disguised himself by growing a long white beard and mustache and re-invented himself as a practitioner of alternative medicine.

The authorities in Serbia took the first steps to extradite him around 3:30 a.m. Wednesday (9:30 p.m. Tuesday ET), when black Range Rovers driven by masked men pulled into a detention center where the former leader was being held.

In the next day or two, the former leader is likely to face a judge to hear the formal charges against him. Karadzic will have the chance at that hearing to enter a plea -- or defer entering a plea for 30 days.

A trial probably is several months away.

The transfer from Serbia began in the pre-dawn darkness, several hours after thousands of Karadzic's supporters waved flags and chanted nationalist slogans in a rally in Belgrade.

The onetime psychiatrist and aspiring poet was arrested July 21 after more than a decade as a fugitive.

During the rally on Tuesday night, Karadzic supporters decried the prospect of his transfer to an international war-crimes tribunal.

"I'm here to support the movement of the people, to defend Karadzic from those cannibals in The Hague -- so-called judges," one man told CNN. "That is not judgment. That is inquisition."

A few dozen demonstrators clashed with police about a block from the square as the rally broke up, some setting fire to garbage cans. Police used tear gas to disperse them, and no injuries were reported.

Ultrnationalist Serb parties organized the rally in central Belgrade, but Serbian President Boris Tadic reaffirmed his support for Karadzic's extradition, saying his government is "obeying our own laws."

"Those who are organizing and supporting this protest had the opportunity to change the law while they had a majority in parliament," said Tadic, whose government wants closer ties with the West. "They did not change this law because they did not want to or because they did not have enough political courage to change it."

The Bosnian war was Europe's bloodiest conflict since World War II and the longest of the wars spawned by the breakup of Yugoslavia in the early 1990s. Backed by the government of then-Yugoslav President Slobodan Milosevic, Bosnian Serb forces seized control of more than half the country and launched a campaign against the Muslim and Croat populations that introduced the term "ethnic cleansing" to the world.

Karadzic was removed from power in 1995, when the Dayton Accords that ended the Bosnian war barred anyone accused of war crimes from holding office. Though he portrayed Serbs as victims, Karadzic is accused of responsibility for the massacre at Srebrenica, a U.N. "safe area" Serb troops overran in July 1995.

Nearly 8,000 Bosnian Muslim men and boys were killed at Srebrenica, the worst European massacre since World War II.

Milosevic died in 2006 while on trial at The Hague. The highest-ranking figure to remain at large is Gen. Ratko Mladic, the Bosnian Serb military commander during the Bosnian war.

New York Times  
 Wednesday, 30 July 2008

## **Karadzic Arrives in Hague for Trial Despite Violent Protest by Loyalists**

By MARLISE SIMONS and DAN BILEFSKY

THE HAGUE — Long one of the most-wanted fugitives in the world, Radovan Karadzic, the Bosnian Serb leader blamed for inciting his followers to join him in a brutal ethnic war, was delivered Wednesday to a prison cell in The Hague for eventual trial by a United Nations war crimes tribunal.

Mr. Karadzic, who was arrested in Serbia last week, was taken from the Belgrade war crimes court at roughly 3:45 a.m., escorted by masked Serbian security officers, according to the Serbian war crimes prosecutor, Vladimir Vukcevic. Mr. Karadzic's plane landed in Rotterdam, not far from The Hague, about two hours later. He was then transferred by helicopter to the Scheveningen penitentiary in The Hague, where the United Nations has its own modern cellblock.

He is the highest-level politician to be transferred to the court dealing with war crimes committed in the former Yugoslavia since Slobodan Milosevic, the former Serbian president, who was arrested in 2001 and died in his cell there in 2006 while awaiting a verdict.

The indictment of Mr. Karadzic charges that as president of the Bosnian Serb republic in the early 1990s, he helped orchestrate a 43-month siege of the city of Sarajevo, devised a systematic campaign to kill or drive out tens of thousands of non-Serbs from Serbian towns and villages, set up concentration camps and was an engineer of the massacre of nearly 8,000 unarmed men and boys captured at the United Nations-protected enclave of Srebrenica, in Europe's worst mass execution since World War II.

To avoid too much commotion at the prison, Mr. Karadzic may be kept separate from the other inmates for a few days, a court official said. Ahead of his arrival, the cellblock had held 37 men, among them former foes, allies and even subordinates of the former Bosnian warlord.

Before his transfer to The Hague, about 15,000 of his supporters, some bused in from across Serbia and Bosnia by the far-right Radical Party, gathered in Belgrade on Tuesday to protest the new government that arrested him on July 21.

Loyalists wearing T-shirts emblazoned with Mr. Karadzic's image waved Serbian flags and chanted "Long Live Radovan!" and "Uprising! Uprising!" About 100 ultranationalists wearing masks, who had separated from the group, burned flares, attacked traffic lights with clubs and hurled stones at storefront windows. The police responded with tear gas, and the Serbian news media said more than 45 people suffered minor injuries.

"Karadzic is a hero because he defended Serb lives during the terrible wars of the 1990s," said Elena Pavovski, 24, a supporter of the Radical Party, whose members sang patriotic songs next to a banner on Republic Square that threatened Serbia's pro-Western president, Boris Tadic. "Everyone knows that the war crimes tribunal in The Hague was designed to try Serbs while the war criminals who killed Serbs are set free."

The rally was seen as a test of the new government, which is made up of Mr. Tadic's Democrats and the Socialist Party of the former Serbian strongman, Mr. Milosevic, which controls the Interior Ministry and the police.

Before the rally began, Mr. Tadic implored the protesters to remain peaceful. He was determined to avoid a repeat of demonstrations in February, when thousands of radicals rampaged through Belgrade to protest Kosovo's declaration of independence, looting shops and setting part of the United States Embassy on fire.

The embassy warned Americans to stay away from central Belgrade on Tuesday night, while the embassy itself was guarded by troops with machine guns.

Mr. Karadzic, a former psychiatrist, evaded arrest for more than a decade, living openly in Belgrade for at least part of that time as an ascetic New Age guru with an assumed name, a bushy beard, a mistress and a fake family in the United States.

Belgrade had made clear it was determined to send Mr. Karadzic to The Hague as swiftly as possible to prevent an escalation in tensions and to satisfy the European Union, which considers handing over war crimes suspects a prerequisite for Serbia to join the union. Diplomats for the European Union said Brussels postponed a trade deal with Serbia on Tuesday to wait for Mr. Karadzic's transfer to take place.

Serbian analysts said the emotional and violent outpouring of support for Mr. Karadzic showed that Serbia had yet to reckon with its role in Srebrenica, 13 years after the massacre.

"Our elites refuse to confront openly what Serbia did, for fear of being branded as traitors," Brankica Stankovic, one of the country's leading television journalists, said Tuesday.

The demonstration coincided with an announcement by Bosnia's war crimes court that it had sentenced seven Bosnian Serbs to prison terms ranging from 38 to 42 years for taking part in the mass killing of Bosnian Muslims in Srebrenica.

Ms. Pavovski, the Radical Party supporter, said she was unmoved by what had happened at Srebrenica.

"Nobody has proved that a massacre took place," she said. "Srebrenica is the product of a media war against Serbia and the Serbian people. Karadzic was fighting to defend Serbia."

An opinion poll published three years ago by Strategic Marketing Research in Belgrade found that more than half of 1,200 respondents either did not know about war crimes in Bosnia, or did not believe they had taken place..

The failure to grapple with the past, analysts said, has been exacerbated by the belief of some Serbs that the United Nations tribunal in The Hague is an unjust entity meant to prosecute Serbs.

According to legal experts, as of early this year, 45 Serbs, 12 Croats and 4 Muslims were convicted of war crimes in connection with the Balkan wars of the 1990s. More Croats than Muslims have been indicted on war crime charges, but several were acquitted because of insufficient evidence, the experts said.

Mr. Karadzic's supporters said they were incensed by the recent release of high-profile suspects accused of war crimes against Serbs, including Naser Oric, a Bosnian Muslim, and Ramush Haradinaj, an ethnic-Albanian former commander of the Kosovo Liberation Army.

Western diplomats said public perceptions of war crimes in Serbia would be critical to the country's drive to rejoin the Western fold by demonstrating a willingness to cooperate with the court.

Natasa Kandic, director of the Humanitarian Law Center in Belgrade, said the Serbian public had been graphically confronted with the facts of Srebrenica for the first time in June 2005, when Serbian television broadcast a video of the killing of six Muslim men by members of a Serbian paramilitary unit.

But while the video showed irrefutable proof that Serbia's police had taken part in the massacre, she said there remained public amnesia about the killings.

"Srebrenica is not taught in our history books in schools, it is not widely shown in popular culture," Ms. Kandic said. "This country needs to have a historical reckoning about the past."

*Dan Bilefsky reported from Belgrade, Serbia.*

## Time

Tuesday, 29 July 2008

### Why Karadzic Wants No Lawyer

By Kristina Dell

It should have come as no surprise that accused war criminal Radovan Karadzic had no use for a lawyer once he was apprehended for trial in the Hague. Choosing to represent themselves is a time-honored tactic in trials where the accused reject the authority of the court and the legitimacy of the proceedings, seeing the trial instead as a platform for political protest. Gandhi did it; Fidel Castro did it; Nelson Mandela did it; and, more recently, so did former Yugoslavian President Slobodan Milosevic and accused 9/11 mastermind Khalid Sheikh Mohammed.

About 15,000 Serbian nationalists took to the streets Tuesday in Belgrade to show support for the former Bosnian Serb leader they consider a hero. Karadzic, awaiting extradition to the Hague, is facing a life sentence for genocide and crimes against humanity at the International Criminal Tribunal for Former Yugoslavia (ICTY). He is unlikely to fancy his chances of acquittal on some fine point of law that a better litigator than himself might be able to argue: "He has nothing to lose and wants to enter into history," says Mirjan Damaska, professor at Yale Law School, who is from Croatia and has practiced with the ICTY. "Frankly, if I was in [Karadzic's] situation, I would also defend myself."

In fact, choosing to conduct their own defense is a mechanism by which the accused can signal their rejection of the trial itself: "They don't recognize the authority of the court so they don't want to submit to its procedures in any way," says Alex Whiting, Harvard law professor who was a senior trial attorney at the ICTY and who worked on Milosevic's case. "And these are capable, strong people who are used to being in charge. They think they can do a better job of telling their story than anyone else."

"Pro se" defense, as it's called in the legal profession, offers the accused more than simply the opportunity to play the hero to their supporters back home and go down swinging — it can be a very effective means of delaying and disrupting proceedings, as the Milosevic trial amply demonstrated. Another pro se defendant, former Liberian strongman Charles Taylor, became so disruptive that the Special Court for Sierra Leone eventually forced him to use a lawyer. Similarly belligerent, Serbian nationalist Vojislav Seselj, also currently on trial in the Hague, had counsel imposed on him — but the appeals court overturned that ruling, allowing him to resume a pro se defense after he staged a four-week hunger strike that nearly killed him. "The court's greatest challenge right now is how to prevent Karadzic's trial from turning into a circus," says Cristian DeFrancia, a lawyer in the Hague.

Pro se defendants in highly politicized trials often succeed in slowing down the trial and skirting legal procedures because their very lack of expertise usually prompts judges to grant them more leeway than would be allowed a trained lawyer. "The defendants think — rightly — that because they are not lawyers they can say and do things that lawyers would not be permitted to say or do," says Yale Law School professor Steven Duke. "They can get information in that would otherwise not be there." While cross-examining a witness, for example, a pro se defendant can immediately rebut the testimony of a witness in a way that a lawyer simply cannot. The defendant might also hope that his antics provoke an error by the court or tribunal that ultimately requires a reversal — as has occurred in the Seselj trial — thus further postponing the ultimate decision.

The notion that the pro se defendant stands alone before the power of the court is, of course, a little misleading. More often than not, they avail themselves of the advice of lawyers following the case to help

them build their defense. And lawyers are always available in the courtroom should the defendant change his mind and opt to use an attorney going forward. This way, counsel is ready to pick up where the defendant left off so there is no need to start the trial over.

The model pro se defense for Karadzic is presumably that of his old ally, Milosevic, who used the strategy to essentially take charge of his own trial and drag out the proceedings for four years until his death in custody. "He was able to use his self-representation to control the proceedings and turn it into a political show," says Whiting. Karadzic knows the trial will probably be televised in Serbia, which gives the erstwhile fugitive a bully pulpit from which to rouse his supporters back home. "The cost of self-representation is that trials will last longer and defendants get the chance to spread their ideologies," says Damaska. Which is why some lawyers have called for an end to self-representation at the tribunals altogether or at the very least, a tighter leash on defendants.

Although the technicalities of establishing the guilt of a political leader like Karadzic for the murderous actions of his followers can be legally tricky, the former Bosnian Serb leader, already 63-years-old, may be assuming that he'll spend the remainder of his life behind bars. "Karadzic knows he can't defend himself against the most serious charges," says Damaska. "I don't think there is any downside to representing himself."