

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



**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**

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Awoko  
Friday, 5 July 2013

# At Bar's AGM... OMBUDSMAN BLASTS LAWYERS

By Poindexter Sama  
The Ombudsman of Sierra Leone, Justice Edmond Cowan has chastised legal practitioners including luminaries for being

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## At Bar's AGM... Ombudsman blasts Lawyers

From front page

ineffective in taking up matters that affect the implementation of the rule of law and the building of democracy in the country.

Justice Cowan, who was Keynote Speaker, was expatiating on the theme: 'enforcing the rule of law in a democratic state: Challenges and Opportunities' at the opening session of the Annual General Meeting (AGM) of the Sierra Leone Bar Association.

The former Speaker of Parliament started off by observing that members of the Bar have over the years held several general meetings in which brilliant themes were couched and resolutions reached, but that immediately those meetings ended were the reports and recommendations reached gathered and put to shelves and no appropriate actions are taken until the next AGM when a new theme is selected.

In the presence of the Chief Justice of Sierra Leone,

Madam Umu Hawa Tejan Jalloh and the President of the Special Court for Sierra Leone, Justice George Gelaga King; the Ombudsman mentioned that Sierra Leone as a post war state is faced with numerous challenges that have to do with the operation of constitutional provisions, implementing the principles of the rule of law and the consolidation of peace. "In all of these, it is saddened to note that lawyers over these periods, have been so ineffective and introverted in contributing to the fight against some of these societal malaises," the Ombudsman stated.

Justice Cowan maintained that instead of lawyers and legal practitioners taking their rightful place in defending the rights of citizens as they relate to legal and constitutional issues, they have left it at the behest of civil society organizations and the media who, he claimed, are mostly not legally equipped to handle them appropriately to achieve

their desired national effect.

The erudite Justice asserted, "More unfortunately, there has been a progressive retrogression in the legal profession in the country in the past decades," recalling that there was a time in Sierra Leone when lawyers were exported to other countries like the Gambia and Botswana when in fact there was no Law School in the country.

He went on to charge, "but with a Law School in the country, we are experiencing the hiring of foreign Judges, which is as a result of lawyers' inactiveness, inefficiency and ineffectiveness because of their your irresistible desire to make wealth."

To corroborate Justice Cowan's assertions, Justice George Gelaga King in his remarks recalled that the Sierra Leone Bar Association used to be "one of the strongest pressure groups" that stood against impunities and issues that undermined democracy in the late sixties.

He specifically recalled the period after the 1967 election, when the Bar exhibited its vibrancy in ensuring the return of the country to a legitimate government following a military coup.

He therefore called on the Bar Association "to wake up from its abysmal slumber and tackle issues bordering on the rule of law with brilliance and in fearlessness and ardently work towards the enforcement of Act No. 6 of the 1991 Constitution" which he said amongst other issues outlines the principle of the rule of law.

The Chief Justice of the Supreme Court Umu Tejan Jalloh also spoke briefly on the need to maintain the principle of the rule of law in a democratic state as postulated by the British Statesman, Professor Alfred Venn Daisy in his theory of the rule of law.

She buttressed that the rule of law is a viable tool in promoting human dignity, especially in a democratic country like Sierra Leone,

where various forms of human rights arise. She noted that the rule of law is of paramount importance, which degree of execution should be seen and examined with keen interest.

However, the outgoing President of the Bar Association, James Blyden Jenkins Johnston called on his colleagues to hold on to the tenet of the profession which depict fairness and justice. He noted that the topic was carefully selected to identify challenges facing the dispensation of justice in the area of rule of law and the need to empower law enforcement agencies to technically and professionally handle issues that border on the rule of law.

The two-day conference ends today with elections for the various executive positions. The incoming President and his Executive will steer the ship of the association for a one-year term.



# Policymic

Monday, 8 July 2013

## This is What Liberia Looks Like 10 Years After a Devastating Civil War

Jonathan Booth



This is What Liberia Looks Like 10 Years After a Devastating Civil War

Ten years ago, the former Liberian president, Charles Taylor, resigned and went into exile. A decade before that, Liberia was in the middle of one of the most horrific civil wars of the 20th century. Today, the country is at peace and under the administration of Ellen Johnson-Sirleaf, Africa's first female president. Since early 2013, Taylor has been on appeal at a UN-backed special court in The Hague, the Netherlands, due to his recent sentence of 50 years' imprisonment for arming rebels during the Sierra Leone Civil War of the 1990s. In order to mark these events and the ensuing decade of peace, I travelled overland from Sierra Leone to Liberia's capital, Monrovia, to listen to the memories and views of two Liberians in their mid-20s who, despite being related to each other, differ greatly in their opinions of the war.

### Local Viewpoints

With African and American R&B booming from speakers, regular hassle from passing prostitutes, and clouds of red dust settling from moving vehicles, I drank a bottle of Club beer at one of the many roadside bars in Barnesville, a busy suburb of Monrovia. Joining me were two local residents, John Dupor — a slim, helpful, and polite 27-year-old — and his cousin, the 24-year-old Mike Johnson, who enthusiastically informed me about his future career plans (both individuals requested pseudonyms). As the night progressed, the conversation started to focus on the teenage years of the two men. The stories were fascinating, and at times harrowing and emotionally charged. Yet what struck me most about this evening was the great and at first hidden divergence that exists between the two family members, reinforcing not only the horrors of war, but that in every event there is more than one viewpoint, which can differ greatly from how such an event is portrayed by the media.



Child soldier fighting in 1999, during the Second Liberian War

In early 2003, after returning home from the neighboring Ivory Coast for the school holidays, John was captured by the rebel group known as the Movement for Democracy in Liberia, which was based in the east of the country. Over the following eight months, John, aged 17 at the time, was forced into the life of a teenage soldier, surviving on whatever means possible, trusting no one, and using provided arms to fight and protect himself. Speaking with a soft accent reminiscent of America's Deep South, John recalled some of the events: "I killed people, yes. I had to survive. I took a bulletproof shirt [vest] from a dead man to save me. This gave me hope."

Welcoming peacekeepers in the latter months of 2003 and the subsequent end of the war, John was reunited with his family who had been hiding in the surrounding rainforest with no supplies. Initially shocked by their son's recent lifestyle, John's parents understood his reasoning and began rebuilding their lives. Today, John is completing his education and hopes for continued stability in his country.

Sat opposite John was Mike. Aged 14 when the war ended, Mike's memories and views are quite different from John's. To appreciate why, it is important to understand the events that led Liberia to civil war.

### **Buildup To War**

Originally proposed as a resettling ground for freed American slaves (known as American Liberians), Liberia gained its independence in 1847. The young country was influenced heavily by the United States, and the small American Liberian population dominated all economic and political institutions, while indigenous communities were refused national citizenship. By the mid-20th century, Liberia prospered under the presidency of American Liberian William Tubman, and the country became a founding member of the United Nations and African Union. Despite such achievements, mounting inequalities between American Liberians and local populations escalated, which led to increased hostilities. Although all Liberians were given the right to vote in 1963, government corruption continued. During 1971, William Tolbert succeeded Tubman as president. Nine years later, Tolbert was assassinated by 28-year-old Sergeant Samuel Doe in a coup due to food-price riots. Doe became the country's first non-American Liberian president.

Under the Doe administration, corruption combined with poor international relations continued to devastate the economy, which led to the rise of opposition groups. On December 24, 1989, Charles



Taylor, the former head of Doe's government procurement agency, launched an invasion from the Ivory Coast, marking the start of the First Liberian War. Taylor controlled many rural areas, while Doe kept a stronghold around the capital. During the conflict, which was funded by the illegal trading of tropical hardwoods and diamonds (to purchase arms from the civil war in Sierra Leone), over 200,000 people were killed, while millions more fled as refugees. In 1996, a peace agreement was signed, and Taylor was elected as president during the subsequent year. The Second Liberian War broke out in 1999 when the Liberians United for Reconciliation and Democracy rebel group launched an insurgency on Taylor from the northeast of the country. This was followed by an attack in 2003 from the Movement for Democracy in Liberia, another rebel group originating from the Ivory Coast border, which led to Taylor's resignation and exile to Nigeria.



Johnson-Sirleaf, Liberia's current president, is a figure of peace, hope, and stability for many Liberians.

### Contrasting Views

Listening to John and Mike recall their youth in the side-street Monrovia bar certainly focused my attention away from the biting mosquitoes and sweat dripping down my spine. Three years younger than John, Mike, a charismatic, lively, and proud young Liberian, bristled with confidence and thoroughly enjoyed living the highlife. Mike was the son of Alfred Jackson, the procurement director for Taylor's government who died in 2007. Responsible for killing at least 300 individuals, Jackson supported Taylor — they were friends since university — from 1989 to 2002. Unlike John, who was forced into rebel fighting, Mike was exiled for safety during the conflict. Thus, Mike's memories of the war only stem from a young age. Despite his father's actions, Mike was proud of his immediate family's place in his nation's history, noting that many developed countries pass through a period of civil war prior to socio-economic

prosperity. In other words, the events that ended a decade ago were important for Liberia and the country's future socio-economic growth.

"In the U.S. there was civil war and then development," said Mike. "In England there was war and then industrialisation. France had their revolution and then economic growth. Liberia had its war, and now we are moving forward." Today, Mike is an accountant and hopes to embark on his own career in politics over the forthcoming decade.

Hot, steamy, and chaotic, with wide, dusty roads clogged with motorbikes and flanked by low-rise buildings, clothing stalls, food vendors, and busy bars, modern Monrovia and its inhabitants display resilience, optimism, and a sense of looking forward. The shadows of war, however, have not faded, as poignantly portrayed by John and Mike – a blunt reminder of how civil war can sever family bonds. The relationship between the two cousins also demonstrates the multifaceted nature of a major event and the impacts that such an occurrence has on a population. John was forced into fighting for the rebels for his own survival, while Mike's parents supported the Taylor regime for a variety of reasons, including loyalty and the hope for their own family's survival. The horrors of war can never be justified, yet the personal motives of individuals in such events are complex and made during times of desperation. Something to remember next time we make judgments about conflicts or other events we see portrayed in the news, and the people who are involved.

## Standard (Kenya)

Tuesday, 9 July 2013

### **Concern as International Criminal Court lets William Ruto skip court appearances**

By Felix Olick

International legal experts and human rights groups in Kenya have strongly criticised a decision by judges at the International Criminal Court (ICC) for their decision to allow Deputy President, William Ruto not to attend most of his trial in The Hague for crimes against humanity.

Some lawyers question the legal basis of the judges' ruling on June 18, which permits Ruto to absent himself from most of the proceedings.

He will still have to be present in court at certain key points, including the opening and closing statements by all parties, sessions at which victims of the crimes in question present their concerns in person, the judgement, and any sentencing hearings.

The judges issued their decision after Ruto's lawyers requested that rather than their client having to be present in The Hague throughout the trial, he should be allowed to remain in Kenya so that he can attend to his duties as deputy head of state.

President Uhuru Kenyatta, too, faces trial at the ICC for orchestrating the bloodshed that brought Kenya to its knees following the disputed result of the 2007 presidential election.

A third defendant, journalist Joshua Arap Sang, is similarly charged with responsibility for the violence which left 1,100 Kenyans dead and around 650,000 displaced from their homes.

Rights groups are concerned that following the pressure put on the court and the international community by the Kenyan government and the African Union to halt the cases in The Hague, this decision gives the impression that the court is making concessions to the new state leaders.

The judges' ruling stated that allowing Ruto to be absent from his trial "was strictly for purposes of accommodating the demanding functions of his office as deputy head of state of Kenya and not merely to gratify the dignity of his own occupation".

Prosecutor Fatou Bensouda has asked the judges for permission to appeal against the decision.

The decision has drawn criticism from legal experts who believe the judges have bypassed a clause in the court's founding treaty, the Rome Statute, which states that defendants "shall be present during trial".

Despite the provision, two of the three judges ruled that it was possible to grant an exception based on Ruto's specific circumstances.

The two – Judge Chile Eboe-Osuji and Judge Robert Fremr – emphasised the presumption of innocence and ruled that rather than enforce the provision, it was more important to do what is "fair, reasonable and just" under the court's procedures.



The third judge, Olga Herrera Carbuccion from the Dominican Republic, disagreed with her colleagues and said the Rome Statute provision could not be ignored.

Danya Chaikel of the International Bar Association in The Hague questioned the judges' decision to apply a flexible interpretation to the rule that makes it plain that defendants "shall be present during trial".

"In legal drafting 'shall' normally imposes a duty, not a right," Chaikel said. She also said that a second rule makes it a right for the accused to be present at trial.

"This means presence is both a duty and a right [for defendants], meaning a trial shall not carry on if an accused is not present, whether they wish to be so or not," she said.

Chaikel pointed out that while the Rome Statute provides for suspects to be absent during the pre-trial stage of proceedings, there is no such provision when it comes to the actual trial.

"Whether justified or not, the drafters of the Rome Statute clearly decided to include this duty to be present during the trial," she said.

The judges' reasoning that Ruto warrants special treatment because he is deputy president has worried many legal experts.

The judges stressed that heads of state and other senior government officials were not immune from prosecution at the ICC, but said this did not prevent concessions being made on the grounds that a defendant was in public office.

They cited "the traditional concern of international law to avoid undue hindrance of heads of state and senior state officials in their performance of legitimate functions on behalf of their states".

However, lawyers are concerned that taking Ruto's new status as deputy president into account violates another provision in the Rome Statute that says the court will treat all defendants equally, with no exceptions for those in senior government positions.

According to Chaikel, Ruto is no different to other defendants who come before the court.

"All suspects and accused persons sacrifice employment and personal commitments to attend trials that can go on for years and years," Chaikel said. "To say this is a special case because of Mr Ruto's political status seems to go against the principle that all accused persons are treated equally."

Since Kenyatta and Ruto were elected, the Kenyan government has argued that the ICC cases are no longer valid, given that the two men have been democratically endorsed by the Kenyan electorate.

For its part, the ICC has gone to great pains to point out that the outcome of the March election will have no effect on the trials of Kenyatta and Ruto in The Hague.

Esther Waweru, legal affairs programme officer at the Kenya Human Rights Commission, says the new decision can only be interpreted as the court bending its own rules to accommodate those in powerful positions.

“The Rome Statute is clear that at the time of trial, the accused must be present throughout,” she told the Standard. “So for us, that decision can only mean that for so long as you are in high office, even the legal provision of the ICC can be twisted.”

David Donat Cattin of the NGO Parliamentarians for Global Action believes that the seeds of the June 18 ruling were sown when pre-trial judges took a decision in March 2011 not to issue arrest warrants for the Kenyan suspects, who were instead asked to appear voluntarily before the court whenever requested to do so.

He believes that this “extraordinary situation”, where senior officials accused of mass crimes are allowed to remain at large, has placed the judges in a tight spot, and that they decided to grant Ruto’s request in order to secure his further cooperation with the ICC process.

“[The judges] sort of gave in partially to this request to keep this presumption of cooperation valid,” Donat Cattin said. “With this decision the majority of the judges are saying, ‘Let’s see how far we can go in ensuring the full cooperation of the accused.’”

So far, all three accused have pledged to cooperate with the court.

In Kenya, some suspect that the judges were swayed by the recent requests from the Kenyan government and the African Union for the cases at the ICC to be halted altogether.

“It appears the court is finally curving to political pressure,” Godfrey Musila, an international lawyer in Nairobi, told the Standard

Speaking during a trip to Nairobi two weeks ago, ICC spokesman Fadi El-Abdallah dismissed such claims.

“ICC judges only consider the merits of an application and cannot be swayed by political declarations. ICC proceedings are purely a judicial process,” El-Abdallah said.

“No one can be above the law simply because they won an election. The excusal was simply to accommodate the demanding functions of his [Ruto’s] office.”