

**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

as at:

Tuesday, 26 October 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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AFRC Leader Johnny Paul Koroma was not killed by Charles Taylor

By Alpha Sesay

On Wednesday, October 20, 2010, the Special Court for Sierra Leone judges in The Hague ordered prosecutors to disclose exculpatory evidence in their possession that suggests Charles Taylor did not order the execution of Johnny Paul Koroma, the former leader of Sierra Leone's military junta, the Armed Forces Revolutionary Council (AFRC).

The decision stems out of the "Defense Motion for Disclosure of Exculpatory Information Relating to DCT-032" that was filed by Mr. Taylor's defense lawyers on September 24, 2010.

In the motion, defense lawyers alleged that DCT-032, a defense witness for Mr. Taylor, was previously a potential prosecution witness who spoke extensively to prosecution investigators about the alleged death of Mr. Koroma. The witness, who later became a defense witness informed defense lawyers about the information he gave to prosecutors regarding the alleged death of Mr. Koroma, payments made to him by prosecutors for him to cooperate with their investigators, and a letter that was written to him by the former Chief Prosecutor of the Special Court for Sierra Leone, Stephen Rapp, indemnifying him of any criminal prosecutions for his cooperation. These actions by prosecutors, defense lawyers said, were meant to induce the witness to give false testimony against Mr. Taylor. The witness himself admitted to defense lawyers that he was "making up the story in order to get money from the Prosecution."

During the presentation of the prosecution's case, it was alleged that Mr. Taylor ordered the execution of several persons who had knowledge of his dealings with Sierra Leonean rebel forces. One such person who was allegedly executed on Mr. Taylor's orders was AFRC leader Mr. Koroma. Witnesses who testified about the execution of Mr. Koroma on Mr. Taylor's orders included Mr. Taylor's former Vice President Moses Blah, former member of Mr. Taylor's National Patriotic Front of Liberia (NPFL) rebel group Joseph Zig Zag Marzah, and a protected witness, TFI-375. Though these witnesses did not claim to be present when Mr. Koroma was executed, their evidence implicated several other persons who were subordinates to Mr. Taylor. One subordinate mentioned as being among those who carried out the murder of Mr. Koroma in Foya, Liberia, was DCT-032, the witness who is the subject of the defense motion.

According to the defense motion, when prosecutors were investigating the alleged murder of Mr. Koroma in 2008, they contacted DCT-032, who provided them with information regarding the death of the former AFRC leader and his burial site somewhere in Lofa County, Liberia. Following the disclosure of such information, prosecutors carried out exhumations at two burial sites which were identified by DCT-032. DNA tests were carried out on the remains that were exhumed, but they did not match Mr. Koroma's DNA. In their motion, defense lawyers argued that based on the information provided to prosecutors by DCT-

032, Mr. Koroma may well be still alive. They argued further that based on information provided to them by DCT-032, the payments that were made to him and the indemnity letter that was written to him by prosecutors were meant to induce him to provide false testimony against Mr. Taylor.

The details of the information provided to prosecutors by DCT-032, the results of the DNA tests, the payments, and the indemnity letter provided to the witness by prosecutors "suggest the innocence of the Accused or mitigate his guilt or may affect the credibility of the prosecution evidence," defense lawyers said. Such information must have been disclosed by the prosecution to the defense according to the Court's Rules of Procedure and Evidence, defense lawyers argued. They therefore asked the judges to now order the prosecution to make the necessary disclosures and provide an explanation as to why such material details were never disclosed to the defense.

In response, prosecutors asked the judges to dismiss the defense motion as it was "unfounded and [that] the information requested is not exculpatory." Prosecutors further argued in their response that while they had honored all their disclosure obligations under the court's rules, such disclosure obligations do not require them to operate an "open door policy." Prosecutors also said that DCT-032 was never listed as a prosecution witness. He was only used as a source, and there is no obligation that payments or promises made to sources must be disclosed, prosecutors argued.

On October 20, 2010, the judges dismissed the prosecution's arguments and ruled in favor of the defense.

In response, prosecutors asked the judges to dismiss the defense motion as it was "unfounded and [that] the information requested is not exculpatory." Prosecutors further argued in their response that while they had honored all their disclosure obligations under the court's rules, such disclosure obligations do not require them to operate an "open door policy." Prosecutors also said that DCT-032 was never listed as a prosecution witness. He was only used as a source, and there is no obligation that payments or promises made to sources must be disclosed, prosecutors argued.

On October 20, 2010, the judges dismissed the prosecution's arguments and ruled in favor of the defense.

According to the judges, the fact that DCT-032's name was mentioned as a key player in the alleged execution of Mr. Koroma and the subsequent information provided by him to prosecutors about his background, his role in the Sierra Leone and Liberian conflicts, and his participation in the alleged murder of Mr. Koroma, including the latter's burial site (whether true or false), proves that he was a potential prosecution witness and not merely a source. The judges further said that based on the payments that were made to the witness and the letter that was written by the former Chief Prosecutor assuring the witness that he would not be prosecuted, it is clear that the prosecution intended to seek DCT-032's cooperation, including his testimony. These actions by prosecutors, the judges said, were not done because DCT-032 was a source, but rather because he was a potential prosecution witness.

"The Trial Chamber opines that the Prosecution payments were not used to buy information from a source, but rather were given to a potential witness for his own benefit," the judges said in their decision.

"Accordingly, the Trial Chamber holds that prior to his listing as a Defense witness, Witness DCT-032 was for all intents and purposes, a potential Prosecution witness, notwithstanding that he was never listed by the Prosecution as such."

The judges also agreed with defense lawyers that "the fact that the Prosecution interviewed this alleged murderer and that he led them to a grave or grave sites that



later turned out not to be that of Johnny Paul Koroma is relevant to the issue of whether Johnny Paul Koroma is dead or alive, and may affect the credibility of the Prosecution evidence."

The judges said the fact also that DCT-032 was unable to provide the prosecution with adequate information regarding the death of Mr. Koroma "despite being promised 5000 United States Dollars and indemnity against criminal prosecution, is potentially exculpatory in that it may affect the credibility of the Prosecution evidence" alleging his (DCT-032) involvement in the alleged killing of Mr. Koroma.

"This information with respect to the Prosecution investigation should therefore also have been disclosed to the defense," the judges said.

The judges concluded their decision by ordering the prosecution to disclose:

Full details of all investigations carried out by the Prosecution into the alleged death of Mr. Koroma including results of DNA tests carried out on corpses exhumed from graves identified by DCT-032.

Full details of all monies that were given to DCT-032.

An original duplicate copy of the letter of indemnity against criminal prosecution that was written to the witness by former Chief Prosecutor Stephen Rapp.

In another motion, defense lawyers have asked the judges to order the setting up of an investigation into the conduct of the Office of the Prosecutor during the gathering of evidence against Mr. Taylor. Defense lawyers allege in their motion that prosecution investigators bribed witnesses to testify against Mr. Taylor and that in some cases, potential witnesses were intimidated and physically assaulted to elicit information from them against Mr. Taylor. A decision on this motion is expected soon.

News24

Saturday, 23 October 2010

<http://www.news24.com/Africa/News/Taylor-defence-calls-last-witness-20101022>

Taylor - defence calls last witness

Leidschendam - Defence lawyers for former Liberian ruler Charles Taylor say they will call a final witness at his war crimes trial.

Taylor is on trial at the Special Court for Sierra Leone on charges of arming and supporting notoriously brutal rebels in Sierra Leone's 12-year civil war from his seat of power in neighboring Liberia.

He denies wrongdoing.

Defence lawyer Terry Munyard said the anonymous witness, identified only as DCT-102, was likely to begin testifying on November 1.

Judge Julia Sebutinde said the defence must complete the presentation of its case by November 12.

She said that both teams will present their closing arguments in February.

Taylor is being tried in the Netherlands because of fears that if he stood trial in Sierra Leone that could spark fresh violence.

- SAPA

Voice of America
Monday, 25 October 2010

ECOWAS Committed to Guinea's Vote

Peter Clottey



Photo: AFP

Guinea's acting president General Sekouba Konate, left, speaks with Prime Minister of the transitional government Jean Marie Dore during the inauguration ceremony of Camp Boiro in Conakry, 26 Jun 2010 (file photo)

A top official of the Economic Community of West African States (ECOWAS) said the regional bloc is holding discussions with Guinea's interim government, electoral officials as well as all stakeholders to ensure a peaceful presidential round-off vote.

Sonny Ugoh, communications director of ECOWAS also called for calm following three days of scattered fighting and looting, reportedly sparked by another delay in the country's presidential run-off election.

"What is important is for all the stakeholders to work together to agree on a date, go ahead on election day, vote for the candidate of their choice, wait for the results of the election, and then if anybody has any issue of the elections of course there are procedures to seek a redress. So we can only encourage them to wait for the day of election and go and vote for the candidate of their choice, he said."

Ugoh described the violence as unfortunate, saying "it does not in any way contribute to promoting peace and security in Guinea."

Local media reported Monday that relative calm had been restored after security forces began their patrol following violence in the capital, Conakry and at least four other towns over the past few days.

Communications director Ugoh said the regional bloc wants to ensure peace since, he said, Guinea's instability could be felt throughout the entire West African sub-region.

“We have engaged with the people of Guinea, we have engaged with the stakeholders and we will continue to engage with them because we know that it is important for the stability of West Africa if Guinea returns to constitutional rule. It is important for us so that we can move ahead with the challenges of development. That is what is paramount for us.”

The latest delay was announced last Friday, two days before the country was due to vote. Elections Commission chief General Siaki Toumany Sangare said voting was not feasible because of problems with voter registration.

Both candidates have called on their supporters to remain calm while the electoral commission tries to determine a new election date. The election is meant to return Guinea to civilian rule after years of dictators and 22 months of a military junta. The first round in June went smoothly.

However, preparations for the second round have been hampered by logistical problems, election-related violence, and the death of the original electoral commission chairman in September.

Sangare, who comes from Mali, took over the commission just last week, after Diallo said his predecessor favored Conde.

Diallo won the first-round election with 44 percent of the vote. Conde was second with 18 percent.

The Associated Press

Tuesday, 26 October 2010

Rwanda to charge US lawyer with genocide denial

Rwanda's top prosecutor wants an American professor to appear in a Rwandan court on charges of genocide denial.

Martin Ngoga says Peter Erlinder will be charged with denying Rwanda's genocide. Erlinder, a law professor at the William Mitchell College of Law in St. Paul, Minnesota, was arrested in May and was granted bail in June. Ngoga made his remarks in Arusha, Tanzania, where the International Criminal Tribunal for Rwanda is based.

Erlinder declined immediate comment Thursday.

More than 500,000 Rwandans, mostly ethnic Tutsis, were massacred by Hutus during the 1994 genocide. Erlinder contends it's inaccurate to blame one side. He believes Rwandan authorities intended to make him disappear when he was arrested but his contact with a U.S. diplomat saved him.

Hirondelle News Agency

Monday, 25 October 2010

Ngirabatware intends to call about 100 witnesses for his defence

Genocide-accused and former Rwandan minister of Planning, Augustin Ngirabatware Monday revealed that he intended to call about 100 witnesses in defence of his case whereas the prosecution described the proposed number as "excessive".

"The prosecution called 20 witnesses to prove its case. But the defence intends to call 95. We think this is an excessive number and we call upon the defence to reduce it," Prosecution counsel, Wallace Kapaya told the Chamber in a pre-defence conference.

"Sometimes we will have a witness testifying on a paragraph on certain facts but another witness can also testify on the same paragraph but on a different fact," Mylene Dimitri, Co-defence Counsel elaborated.

Following the arguments before the Trial Chamber, Presiding Judge, William Sekule was equally concerned, stating that "I would like to urge the party (defence) to carefully examine the list to get a clear and precise number of witnesses."

He explained that the Chamber would make a ruling on the matter later but it was necessary for the defence to look into the issue before the final decision was made.

The defence case of Ngirabatware is scheduled to commence on November 15, before the International Criminal Tribunal for Rwanda (ICTR). The defendant is charged with genocide and crime against humanity to which he denied.

Ngirabatware is alleged, among others, to have incited Hutus to kill Tutsis in his native commune of Nyamyumba in Gisenyi prefecture (North Rwanda) in 1994.

He is the son-in-law of a wealthy businessman on the run, Felicien Kabuga, the alleged sponsor of the 1994 genocide.

The former minister fled Rwanda in July 1994 and subsequently worked in various research institutes in Gabon and France. He was arrested in Germany on September 17, 2007 and has been in ICTR custody since October 8, 2008.

NI/FK/ER/GF

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The Daily Star

Tuesday, 26 October 2010

Hague forum tackles coverage of international courts

By Mirella Hodeib

THE HAGUE: The Media Forum for Lebanese journalists organized by the Outreach Office of the Special Tribunal for Lebanon (STL) wrapped up its work over the weekend with roundtable talks on the challenges facing media in reporting on international courts.

Lebanese journalists shared their experiences covering the STL with international colleagues, who covered the Yugoslavian wars in the 1990s and later the work of the International Criminal Tribunal for the former Yugoslavia (ICTY).

Journalists Thomas Verfuss from the Dutch news agency (ANP); Nidzara Ahmetasevic from the Balkan Investigative Reporting Network (BIRN); Nabil Bou Monsef, Lebanon Desk editor of An-Nahar newspaper; and Omar Nashabe Law page editor of Al-Akhbar newspaper were the main speakers at the roundtable.

Nashabe slammed what he described as the “selective nature” of information disseminated by the tribunal. “We need clear explanations,” he said. “The Lebanese should know about the criteria of employment and an explanation for resignations.” The STL has faced several high-profile resignations and its spokesperson’s post is currently vacant.

Verfuss said problems encountered when covering the work of international courts were almost the same. “The press speculates about the date of issuing an indictment in all international tribunals.”

UN Resolution 1757 of 2007 ordered the creation of the tribunal to probe the 2005 assassination of former Lebanese Prime Minister Rafik Hariri. The Hague-based tribunal is a type of hybrid court, which derives first and foremost from Lebanese criminal procedure but also takes account of the rules of procedure and evidence of other international courts.

The roundtable’s speakers touched upon extensive research to be undertaken when covering the work of international tribunals, while stressing the need to seek and rely on facts rather than speculation.

“This is our [Lebanese journalists’] first encounter with international justice and we all ought to double efforts to understand,” said Bou Monsef.

Ahmetasevic said in order to be able to write the facts journalists should ask and research. “A journalist shouldn’t be ashamed to ask,” she said.

Ahmetasevic and Bou Monsef also tackled the issue of personal detachment when covering the work of international courts. Ahmetasevic, a survivor of the Bosnia and Herzegovina conflict between 1992 and 1995, said while she can’t be objective when covering trials due to her personal suffering, she questioned all sides, including the ICTY and the politicians.

Bou Monsef said he too cannot be objective when covering STL news, “because I’m personally concerned.”

“I am not objective. I want this tribunal to fully succeed. I want to know the truth about who killed Prime Minister Hariri so that maybe I’ll learn the truth about Samir Kassir and Gebran Tueni,” said Bou Monsef, in reference to the two An-Nahar journalists assassinated in 2005.

Nashabe suggested that all crimes committed in Lebanon should be looked into by the STL and not only the Hariri killing, adding that this was the right of the victims’ families, in addition to the Hariri family.

“We voice our honest and true commitment to justice, which shouldn’t be selective,” he said. “Selective justice can be easily politicized.”

Read more:

*http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=120799#ixzz13SiOYsEg
(The Daily Star :: Lebanon News :: <http://www.dailystar.com.lb>)*

University of British Columbia

Monday, 25 October 2010

New legal guidelines mark new era in corporate accountability for war crimes

Media Release

A global expert on international crime has published new legal guidelines for prosecuting corporations for the illegal exploitation of natural resources. The legal manual is expected to spark prosecution of companies whose dealings in resources such as diamonds, gold, oil and tin help bankroll atrocity.

Authored by University of British Columbia law professor James Stewart for the Open Society Foundations, *Corporate War Crimes: Prosecuting Commercial Actors for Pillaging Natural Resource* outlines the legal basis for prosecuting corporations and their representatives for the war crime of pillaging natural resources.

A lack of legal clarity has prevented courts from holding companies accountable for war crimes, says Stewart, who will lead a major international conference on the issue of corporate liability for pillaging natural resources from Oct. 29-30 in The Hague, Netherlands. The conference will bring together the world's top experts and practitioners of international criminal law.

Editors: UBC's TV and radio studio is available for double-enders before Prof. Stewart leaves for The Hague. Contact Anna Gouwenberg to attend the conference or interview speakers at a.e.gouwenberg@law.leidenuniv.nl

According to Stewart, launching the 164-page manual with the Open Society Justice Initiative at such a gathering could signify an important milestone in the history of global justice. The conference is sponsored by the Dutch and Canadian Ministries of Justice, the Open Society Justice Initiative, UBC's Faculty of Law and Leiden University.

"These events mark a turning point in accountability for commercial practices that sustain atrocity," says Stewart, who previously worked for the prosecution of the UN's International Criminal Tribunal of the former Yugoslavia and Rwanda.

Since the end of the Cold War, the illegal exploitation of natural resources has emerged as a primary means of financing conflict, especially in countries such as Angola, the Democratic Republic of Congo, Liberia, Sierra Leone, Iraq, East Timor, and Myanmar. The trade in natural resources has provided armies with the funds necessary to purchase arms and maintain hostilities.

After the Second World War, a number of businessmen were prosecuted for pillaging natural resources, but legally similar commercial practices have always escaped accountability in the modern era. The guidelines and conference sound an end to that history.

Download the manual, *Corporate War Crimes: Prosecuting Commercial Actors for Pillaging Natural Resource* here:

http://www.soros.org/initiatives/justice/focus/anticorruption/articles_publications/publications/pillage-manual-20101025.

The Independent
Tuesday, 26 October 2010

Crimes against humanity and international law: Justice without borders?



By Dr Tara McCormack



Who could be against international law? Surely the establishment of institutions of international justice like the International Criminal Court (ICC) and the ad-hoc criminal tribunals for the former Yugoslavia and Rwanda are representative of a new and more progressive era of international politics in which tyrants and dictators can no longer oppress and murder their people behind the barrier of state sovereignty? Organisations such as Amnesty International have argued that during the 1990s a new era of accountability has come into being, bringing the end of impunity, and peace and justice for all wherever they live.

Currently the president of Sudan, Omar al-Bashir, has been indicted by ICC on counts of crimes against humanity and of war crimes. Other commentators have argued that Israeli leaders should be indicted for the bombardment of Gaza. Crusading human rights lawyer Geoffrey Robertson has even called for the pope to be arrested and tried by the ICC for crimes against humanity.

However, the case for international law is far from being cut and dried. Scratch the surface and one will find that far from bringing in a new era of peace and accountability, so-called international justice serves to prolong conflict and disempowering people in weak states.

For example, the indictment of President Bashir has served to acerbate the conflict in Darfur, removing any onus upon anti-government forces to negotiate. Ultimately peace must be a political process of agreement and negotiation rather than a judicial one. International judicial intervention has prolonged the conflict in Darfur and increased the number of dead.

However, there are more problems with international justice – it is simply a fiction. The international judicial institutions established after the Cold War are institutions established by the West, for the West. When the ICC was being set up several years ago, the late Robin Cook (then UK foreign secretary) assured the nervous British and American establishments that ‘this is not a court set up to bring to book prime ministers of the United Kingdom or presidents of the United States’. Cook was being absolutely truthful – only African conflicts and African leaders are being tried and investigated at the ICC.

But this is not to argue for a more ‘equal opportunities’ international justice. When cheerleaders for international justice talk of a new era of accountability and the end of impunity, what exactly do they mean? In theory, domestic law is derived from the will of the citizens. In reality citizens of a state can

vote against a government that has introduced laws that they do not like and change their government and the law of the land. Even in authoritarian states, governments can be held accountable by their citizens, as growing protests in China from both working and middle classes demonstrate. However, the people of Darfur (for example) can in no way hold the governments of the powerful states that have set up the ICC to account.

Whatever one might feel about the injustices of the world, no one should be under any illusion that international law can bring either peace or justice to anyone.

Throughout October and November, The Independent Online is partnering with the Battle of Ideas festival to present a series of guest blogs from festival speakers on the key questions of our time.

Dr Tara McCormack is a lecturer in international politics, University of Leicester; author, Critique, Security and Power: the political limits to emancipatory approaches. The debate Crimes against humanity and international law: justice without borders? Is taking place at the Battle of Ideas festival on Sunday 31 October.

Metronews

Tuesday, 26 October 2010

<http://www.metronews.ca/vancouver/local/article/673031>

Profiting from conflict is a war crime

VANCOUVER - A professor from the University of British Columbia says corporations that exploit conflicts to profit from natural resources should be charged with war crimes.

James Stewart, an expert on international crime in Vancouver, is in The Hague this week to present a legal manual for prosecuting companies that profit from diamonds, gold, oil and land and other resources during wars.

He says corporations that profit from conflicts in places such as the Democratic Republic of the Congo and Liberia typically escape scrutiny even though they effectively finance rebel groups and brutal regimes that perpetuate violence.

He says such companies knowingly fund these groups, either by directly dealing with them or buying resources they know were obtained illegally.

Stewart has compiled a document that argues the war crime of pillaging — or theft during war — should apply to corporations that profit from conflicts.

He'll present his manual at a conference in The Hague, which will be attended by prosecutors and war crimes investigators from around the world, including those from the International Criminal Court and the International Court of Justice.