

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



Aerial view of a village near Makeni, northern Sierra Leone.

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, 22 December 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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UN Chief Warns Ivory Coast Risks Return to Civil War / *Voice of America* Pages 15-16

Why Kenya Would Regret Pulling Out of ICC / *Daily Nation* Pages 17-19

UN urges recognition of Ouattara as Ivory Coast leader

The UN Security Council has urged all parties in Ivory Coast to recognise opposition leader Alassane Ouattara as president and extended the mandate of the peace-keeping force for six months.

Incumbent President Laurent Gbagbo had ordered the 10,000-strong force to leave the country after the UN said he lost November's disputed runoff vote. He and Ouattara have both headed a cabinet amid a stalemate in Abidjan. Meanwhile, officials said the EU would impose a travel ban on Mr Gbagbo. A spokeswoman for EU foreign policy chief Catherine Ashton told the BBC that an agreement had been taken in principle to bar Mr Gbagbo, his wife and 17 other close associates, from member states. The travel ban would come into effect by Wednesday, she said, adding that the EU was also hoping to freeze Mr Gbagbo's assets. The US also said it was preparing to impose sanctions on Mr Gbagbo and his allies "in the coming days". "The election was clear, its result was clear, and it's time for him to go," White House spokesman Rob-



The UN accused Mr Gbagbo of distorting its position and threatening its personnel

ert said. The UN is trying to manipulate public opinion and is looking for a pretext for a military intervention" End Quote
Toussaint Alain Adviser to Laurent Gbagbo
There are widespread fears that the election dispute could reignite civil war in the world's largest cocoa producer. About 50 people have been killed in recent days, according to the UN High Commissioner for Human Rights, Navi Pillay. She said she had received reports of hundreds being snatched from their homes by people in military uniforms. Some were later found dead. 'Going through hell' The resolution adopted unanimously by the Security Council increased pressure on Mr Gbagbo to admit defeat, which he has refused to do.

The resolution urged all Ivorian parties and stakeholders "to respect the will of the people and the outcome of the election" in view of the recognition of Mr Ouattara by the African Union and the West African regional group, Ecowas. In a further public challenge to the incumbent, the mandate of the UN peacekeeping mission in the country (Unoci) was extended until 30 June. The Security Council also said it might be possible for more UN peacekeepers to be redeployed from Liberia if necessary. A separate statement said it was "deeply concerned" by reports of violence in Abidjan and warned those "responsible for attacks against peacekeepers and civilians that they will be held accountable and will be brought to justice in accordance with international law".



Alassane Ouattara was initially declared the winner by the independent electoral commission

Daily Observer (Liberia)

Wednesday, 22 December 2010

Special Court Rejects Taylor's Transfer to US

By: Stephen Binda



Special Court for Sierra Leone in Freetown, Sierra Leone and insert above are Mr. Taylor and Justice Sebutinde

The United Nations backed Special Court for Sierra Leone has rejected calls for the transfer to the U. S., of the trial of former Liberian President Charles Taylor, indicted for war crimes and crimes against humanity.

Taylor was indicted for his alleged role in the Sierra Leonean armed conflict in which an estimated 200,000 persons were killed and properties destroyed.

But, the former president has scoffed at the charges, saying they were levied at the behest of Washington and the UK.

The Special Court's comment came in more than 42 hours after local media outlets, quoting WikiLeaks cables, reported that the current United States (US) Ambassador to Liberia, Linda Thomas Greenfield, had expressed the need for the Liberian ex-president's transfer from the Netherlands to the US for trial.

Among others things, the cable said that the US lacks confidence in the proceedings against Taylor at the Special Court for Sierra Leone, sitting in The Hague.

The cable further quoted Ambassador Greenfield as saying, should Taylor be acquitted in the Hague or given a light sentence, his return to Liberia could tip the balance of the country's fragile peace and that the International Community must consider steps should Taylor not be sent to prison for a long period of time.

However, when the Daily Observer yesterday contacted the US Embassy in Monrovia for its reaction on the well-publicized WikiLeaks cable, the embassy said as a matter of policy, the Department of State and the Embassy do not comment on alleged leaked documents.

The head of the Public Affairs Office at the U. S. Embassy in Monrovia, Madam Dehab Ghebream, told the Daily Observer that any unauthorized disclosure of documents or information by Wikileaks has harmful implications.

"The Embassy condemns unauthorized disclosures and would take every step to prevent security breaches," she said.

However, the Special Court, through its outreach and public affairs officer, Patrick Fatoma, yesterday told reporters in Monrovia that reports of Mr. Taylor's transfer were false and misleading.

"There is no plan to transfer Mr. Taylor," he stressed.

Fatoma contended that US and other countries were all strong financial supporters of the case and there have been no discussion of such.

Speaking at an interactive forum in Monrovia yesterday, Mr. Fatoma told the gathering the Taylor trial was at its concluding stage and that judges were currently reviewing over 45,000 documentary and other evidences presented by the prosecution and the defense teams.

“The trial of the former Liberian President is on course and if all goes well, the case will come to a close by next year (2011). The news of a transfer, I want to believe is from someone within the US Embassy in Sierra Leone but it is untrue, we are on course,” Mr. Fatoma noted.

“And, come the second week in January, 2011, the Special Court for Sierra Leone would hear final arguments from opposing counsels outlining their respective reasons why Mr. Taylor should be set freed, or found guilty.

Fatoma who is also national outreach coordinator of the Special Court further told the forum that following final arguments next January, the court would release final judgment in June 2011.

Following the final judgment in June, sentencing would follow in August of 2011, he disclosed.

Asked by a reporter whether the court has so far gotten any elements of truth or falsehood relative to the testimonies of witnesses, Mr. Fatoma retorted: “I am not the Court, neither am I the judge.”

However, he disclosed that the prosecution presented 91 witnesses before the court while Mr. Taylor brought 21 witnesses.

He added, “The Court will now have to decide since, in fact, both parties have presented their cases.”

He said as far as the court was concerned, Mr. Taylor was still innocent of the 11 counts brought against him until he was proven guilty beyond all reasonable doubt.

Fatoma: “If Mr. Taylor is found guilty, he would be given the opportunity to seek an appeal to the appeal chambers.”

According to him, the verdict from the appeal chamber will be final, after which the Special Court for Sierra Leone in The Hague would be dissolved.

They intend using the Court as the Supreme Court of Sierra Leone or an Appeal Court for convicted war criminals, he said.

Commenting on allegations that one of the judges of the Special Court, Ugandan-born Julia Sebutinde, was intentionally slowing down its proceedings, the Court Outreach Officer said the information was untrue.

Mr. Fatoma said all of the judges on the bench have tried to speed up proceedings, adding, it was judge Sebutinde who requested for a deadline from the defense team during their presentation.

Asked by the Daily Observer as to who will knock the gavel on the day of Judgment, the Special Court representative said presiding judges of the Court were selected on a rotational basis.

“It is hard for me to say whether Judge Julia Sebutinde will be the one or another person. All that I know is that Julia Sebutinde's term as expired and that she would be replaced next year. If she will remain, I don't know, but that will be decided by the Special Court,” Mr. Fatoma intoned.

Asked by another reporter about the court's source of funding, Fatoma said there were over 39 countries funding the Taylor's trial.

He named some of the supporting countries as Nigeria, United States, France, Great Britain, Japan, South Africa, The Netherlands and The United Kingdom, among others.

He told reporters that recently, the United States Government provided over US\$4.2M while the United Nations has also provided US\$20M.

The former Liberian president is standing trial for several international crimes ranging from Acts of terrorism, unlawful killings, murder, violence and rape, among others.

BBC Network Africa

Wednesday, 22 December 2010

LEAD-IN: In its controversial report, the whistle-blower website Wikileaks quotes US officials as accusing Judges of the Special Court for Sierra Leone trying former Liberian President Charles Taylor in The Hague of deliberately slowing down proceedings. The Presiding Judge, Ugandan Julia Sebutinde, is particularly accused of dragging the proceedings so that she remains the one to personally hand down the verdict in the case next year. Mr. Taylor is accused of war crimes, charges that he denies. Well, the Outreach Coordinator for the Special Court is Patrick Fatoma and he's at the moment in Liberia. The BBC's Jonathan Paye-Layleh asked him for his reaction.

FATOMA: That was an unfortunate cable, and I'm sure Justice Sebutinde would not be able to comment now on any issue like this because the trial is not yet concluded. But what I can assure you, Jonathan, is that Justice Sebutinde and the other Judges of the Trial Chamber have been doing their very best to speed up the Taylor trial. In fact, they've been working extra time to make sure that the trial is as expeditious as possible. This is one of the few times that they requested that the witnesses complete giving their testimony by a particular date. And I don't know what impressions was in the mind of the person who sent the cable, but I can tell you it is untrue that the Judges are trying to drag feet.

PAYE-LAYLEH: But does she, Sebutinde, feel discredited, because Wikileaks (is) quoting US classified documents as saying that she wants to present the verdict.

FATOMA: I hope she doesn't feel that way, because we don't feel she's a discredited person. She's a very good lawyer; she's an honourable woman, and she's been doing her best throughout the trial. So this is just an unfortunate information coming from someone, we don't even know. But I think she has been doing her very best at the Special Court, and I would want to give her as much credit as possible.

PAYE-LAYLEH: But if a powerful country like America comes [forward] to take the Judges to task, maybe America wants to influence the verdict.

FATOMA: This is not America speaking; this is an individual sending (a) cable that is not true, so I don't think America has that intention of trying to involve, and even if they do they are going to be unable because this court is completely independent of any authority outside it. We're doing the right thing now, clarifying to the public that this particular report from the cables is untrue and that the that the Judges are honourable people and [cut]

PAYE-LAYLEH: But they say where there is smoke there's got to be fire. Don't you think that in the end, America will actually [unheard] what Wikileaks put out?

FATOMA: Such a smoldering fire is actually not going to become a flame. All I can say is I have no reason to believe that the State Department is behind this or the government is behind it. I continue to say that this is an individual information and I think it is wrong.

New Democrat (Monrovia)

Tuesday, 21 December 2010

Liberia: Feared Taylor's Threats

The controversial WikiLeaks cables, detailing classified communication between governments, continue to provide more details on international concerns for Liberia's shaky peace, with warnings that even as he stands trial for alleged atrocities, Mr. Charles Taylor remains feared and presents serious threats to peace.

According to cables from US embassy here, leaked by WikiLeaks, Mr. Taylor remains a popular figure amongst rural people in Nimba, Bong, and Lofa Counties, etc. The cables also warn that his loyalists remain emboldened by and confident of his triumphant return, explaining why many of them refused to appear before the Truth and Reconciliation Commission. The cables also reveal that command structures of former rebel factions remain in tact with the capacity to organize and lead uprisings.

The cables underline the government's helplessness in freezing assets belonging to Mr. Taylor and his associates, adding that they remain hopeful of his triumphant return.

"The press accounts of The Hague have also emboldened the pro-Taylor factions here, including his extended family members, financiers and National Patriotic Party (NPP) loyalists, raising their hopes that Taylor might be acquitted soon," the classified cables note.

Rebel Command Structures Alive

The cables reveal how various rebel factions have maintained their command structures:

"Lines of communications within Taylor's faction, the National Patriotic Front of Liberia (NPFL) remains in tact. Former NPFL commanders Roland Due (the only senior Taylor supporter to have testified before the TRC), Christopher "General Mosquito" Vambo and Melvin Dogbandi (none of whom are on the sanctions list remain in contact with the ex-combatants, and would have the capability to organize an uprising or even criminal activity..."

."Certainly, the same is true for the other factions, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL).

Allies Remain Confident & Defiant

"The threat of a return of Taylor strengthens their hands and for now they see no need to give in at all. However, if Taylor is put away for a long time, the government may feel a bit bolder in recovering assets and bringing Taylor backers who committed war crimes to justice..."

Destabilization Strategy Via Armed Robberies

The pro-Taylor forces still have the ability to organize themselves. An NPP rally in December 2008 gathered a sizeable crowd, and Taylor supporters in June 2008 succeeded in preventing FBI investigators from entering Taylor's residence "White Flower" to obtain evidence for Chucky Taylor trial in Florida Americo-Liberia Hero Popular With Rural Communities.

Assets Remain Protected

The government itself is caught in the middle. There is quite little the GOL can do legally to arrest, prosecute or freeze assets of those who were close to Taylor, even if the political will were, there, which means an open question.

See full text below:

Tuesday, 10 March 2009, 12:51_CONFIDENTIAL SECTION 01 OF 02 MONROVIA 000188

SIPDIS

EO 12958 DECL: 03/10/2019_TAGS PREL, PGOV, UNSC, PHUM, KCRM, LI_SUBJECT: PRO-TAYLOR ELEMENTS STILL A FORCE TO BE RECKONED WITH _Classified By: Ambassador Linda Thomas-Greenfield for reasons 1.4(b) and (d)

Summary_

A

US Ambassador warns that a cash shortfall could jeopardize the case against the former Sierra Leonean President, stirring up old resentments in Sierra Leone and Liberia.

Key passages highlighted in yellow.

1.(C) Summary: The recent remarks by Special Court for Sierra Leone prosecutor Scott Rapp suggesting Charles Taylor may go free because of budgetary reasons caused alarm within the GOL and has emboldened Taylor supporters. Communication inside the Taylor camp remains intact and those in leadership roles continue to be active and unrepentant. Should Taylor be acquitted in The Hague or given a light sentence, his return to Liberia could tip the balance in a fragile peace. The international community must consider steps should Taylor not be sent to prison for a long time. We should look at the possibility of trying Taylor in the United States. End Summary.

RAPP'S COMMENTS RAISE CONCERN WITH THE GOL

2.(C) Chief Prosecutor Stephen Rapp's ill considered announcement in the press February 24, that Charles Taylor may walk free because of a supposed budget shortfall for the Special Court for Sierra Leone, where Taylor is presently on trial, made headlines in the local press and raised anxiety here about Taylor's imminent return. The GOL was alarmed enough that President Sirleaf called Ambassador on February 28 to raise her concerns. She pointed out that Liberia's stability remains fragile, and such remarks reverberated throughout the country as people are still traumatized by Taylor and the war.

3.(C) The press accounts of The Hague have also emboldened the pro-Taylor factions here, including his extended family members, financiers and National Patriotic Party(NPP) loyalists, raising their hopes that Taylor might be acquitted soon. Despite their rhetoric about "moving on", they have thus far refused to appear before the Truth and Reconciliation Commission(TRC) to account for their activities, and those on the UN sanctions lists continue to request delisting on the basis they have done nothing wrong rather than demonstrating what they have done to provide restitution for their activities.

4.(C). The government itself is caught in the middle. There is quite little the GOL can do legally to arrest, prosecute or freeze assets of those who were close to Taylor, even if the political will were, there, which means an open question. The TRC has recommended a domestic war crimes court be set up, but under statute, an independent National Human Rights Commission(INHCR) would implement the recommendation, and the legislature(some of whom had close ties to Taylor) has thus far failed to establish the INCHR. The Legislature has also refused to pass any law that would allow the GOL to freeze assets of those on the UN sanctions list, and the Supreme Court has ruled that any confiscation of property can be done only after a trial.

5. (C). The Accra Comprehensive Peace Agreement(CPA)of August 2003 that ended he 14-year civil war, did not require the NPP to disband and in fact permitted the NPP to participate in the transitional government and in the 2005 elections. The NPP now holds seven seats in the Legislature(which may be one reason the legislation is being blocked). As well, none of Taylor's properties have been seized by the government and they remain in good shape and remarkably free of squatters, as no one dares to take the risk of retribution.

COMMUNICATIONS AMONG TAYLOR SUPPORTERS REMAIN STRONG

6.(C) The pro-Taylor forces still have the ability to organize themselves. An NPP rally in December 2008 gathered a sizeable crowd, and Taylor supporters in June 2008 succeeded in preventing FBI investigators from entering Taylor's residence "White Flower" to obtain evidence for Chucky Taylor trial in Florida. The most recent example was their effort on March 7 to disrupt the international women's colloquium. Taylor remains popular within many rural communities, especially in Bong, Lofa, and Nimba counties, and is seen as someone who was able to unite Liberia's different ethnic groups. We also suspect that there is some sympathy within the Americo-Liberian population who saw him as their deliverance from their losses following the 1979 coup. While we do not suggest they would want Taylor to return, we are sure that they do not want too many rocks to be turned over.

7.(C). Although we do have any direct evidence to support the belief that pro-Taylor factions are behind much of the armed on the premise that crime will keep the government weak and the country unstable, the GOL is certainly convinced of this, and has taken steps to counteract the threat. The most recent act was to put Taylor-era head of police Paul Mulbah into the LNP as an "advisor" that some accuse (and the government denies) was in order to placate the Taylor people in advance of the March 7-8 International Women's Colloquium. That the Taylor crowd can still motivate such a reaction in the government is a testament to their influence.

8.(C) Lines of communications within Taylor's faction, the National Patriotic Front of Liberia (NPFL) remain in tact. To be sure, the disarmament of the factions following the CPA has been extremely successful, and we have thus far been unable to confirm the existence of any large weapons caches, despite the persistent rumors, But the reintegration of the ex-combatants is far from complete. Former NPFL commanders Roland Du (the only senior Taylor supporter to have testified before the TRC), Christopher "General Mosquito" Vambo and Melvin Dogbandi (none of whom are on the sanctions list remain in contact with the ex-combatants, and would have the capability to organize and uprising or even criminal activity.

9.(Certainly, the same is true for the other factions, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL). While apparently unarmed and not active in Liberia, we continue to receive reports that LURD is recruiting ex-combatants for militias in Guinea and MODEL is doing the same for Cote d'Ivoire.

THREAT OF TAYLOR'S RETURN ADVANCES THEIR CAUSE

The threat of a return of Taylor strengthens their hands and for now they see no need to give in at all. However, if Taylor is put away for a long time, the government may feel a bit bolder in recovering assets and bringing Taylor backers who committed war crimes to justice.

The international community has just a few tools to pressure the Taylor people into accepting the new reality. The UN sanctions appear to have the intended effect of keeping them somewhat marginalized and fearful of further attempts to strip them of their ill-gotten gains. However, we have regularly heard of travel outside Liberia of those on travel ban list without travel approval.

NEXT STEP FOR INTERNATIONAL COMMUNITY

13. (C). However, the best we can do for Liberia is to see to it that Taylor is put away for a long time and we cannot delay for the results of the present trial to consider next steps. All legal options should be studied to ensure that Taylor cannot return to destabilize Liberia. Building a case in the United States against Taylor for financial crimes such as wire fraud would probably be the best route. There may be other options such as applying the new law criminalizing the use of child soldiers or terrorism statues.

The peace in Liberia remains fragile, and its only guarantee is the robust and adaptable UNMIL presence. The GOL does not have the ability to quell violence, monitor its borders or operate independently to fight crime. A free Taylor Could tip the balance in the wrong direction.

THOMAS GREENFIELD

"The government itself is caught in the middle. There is quite little the GOL can do legally to arrest, prosecute or freeze assets of those who were close to Taylor, even if the political will were, there, which means an open question. The TRC has recommended a domestic war crimes court be set up, but under statute, an independent National Human Rights Commission(INHCR) would implement the recommendation, and the legislature(some of whom had close ties to Taylor) has thus far failed to establish the INCHR. The Legislature has also refused to pass any law that would allow the GOL to freeze assets of those on the UN sanctions list, and the Supreme Court has ruled that any confiscation of property can be done only after a trial."

LINDA THOMAS GREENFIELD, U.S. AMBASSADOR TO LIBERIA, FROM LEAKED WIKILEAKS DOCUMENT

US EMBASSY CABLES:

"Judges Slowing Things Down?"

Wednesday, 15 April 2009, 15:00

CONFIDENTIAL THE HAGUE 000247 _DEPARTMENT FOR S/WCI-WILLIAMSON/DOHERTY, L-DONOGHUE,

L/UNA-BUCHWALD, L/AN-OHAS_EO 12958 DECL:0415/2019_TAGS PREL, PGOV, KAWC_SUBJECT: SCSL'S TAYLOR TRIAL MEETS KEY MILESTON, BUT SCSL_STILL FACES SERIOUS HURDLES_REF: A. REF: A) 2008 THE HAGUE 00021 B.B.) 2008 THE HAGUE 00220_Classified By: Legal Counselor Denise G. Manning per reasons 1.5(b,d).

Summary

US official wonder why a special court judge might be interested in slowing down the prosecution case against the former Sierra Leonean president. Key passage highlight in yellow.

SUMMARY: SCSL MEETS A KEY MILESTONE, BUT FACES UNCERTAINTY IN TERMS OF TIMING, FINANCES, AND COMPLETION ISSUES.

1. (SBU) On February 27, 2009, the Special Court for Sierra Leone(SCSL or Court took another step toward completing its work when the Prosecution rested its case against former Liberian President Charles Taylor - the last SCSL case at the trial stage. The Court could potentially complete its work before the end of 2010. A number of open issues, however, may affect timing, including the start and length of the Taylor Defense case. Timing may be particularly important given expected funding shortfalls and the possible loss of courtroom space this coming September. Additionally, the current Registrar, Herman von Hebel(Netherlands) has resigned effective June 1, and his successor will inherit a host of difficult issues and complex transition during the final days of the court's operations.

2. - BACKGROUND: A SMALL COURT WITH SEVERAL FIRSTS - _2.(U) A Trailblazing Court. The hybrid SCSL, created in 2002 through an agreement between the United Nations and the Government of Sierra Leone (GOSL) and funded entirely by voluntary contributions, has jurisdiction over those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leone law committed in Sierra Leone after November 30, 1996. Although established almost ten years after the creation of the International Criminal Tribunals for the former Yugoslavia and Rwanda(ICTY and ICTR, the SCSL is poised to complete its work before these tribunals. The SCSL has also been the first international criminal tribunal to:1) issue and indictment for an African head of state(Liberian President Charles Taylor); 2) enter convictions for the crime of recruiting and using child soldiers and 3) successfully prosecute forced marriage as a crime against humanity and intentional attacks on U.N. peacekeepers as a serious violation of international humanitarian law.

2.(U) Last Trial Standing. In 2003, the SCSL indicted Charles Taylor, the leader of the National Patriotic Front of Liberia from 1989 to 1997 and the President of Liberia from 1997 until the 2003 indictment. The indictment alleges Taylor's deep involvement in the Sierra Leone conflict including his role in the arming, training and acting in concert with the RUF and in trafficking the Sierra Leonean & Blood diamonds that fueled and financed the fighting . The SCSL charged Taylor with eleven counts, including inter alia, terrorizing the civilian, unlawful killings, sexual violence, abductions and forced labor, and conscripting child soldiers.

(TIMING: TAYLOR TRIAL LINKED TO CLOSING SCSL)

4. (SBU) Status of Trial. As the only ongoing SCSL trial, the Taylor trial is the linchpin to the SCSL completing its work. From April 6-9, 2009, the Court held the judgment of acquittal hearing. With Defense arguing for acquittal on all the charges. Comment: In the judgment of acquittal hearing, the Court considers whether Prosecution has presented any evidence that could sustain conviction on the charges, acquitting only if Prosecution has presented no evidence to sustain in Sierra Leone but argued that the Prosecution had failed to 1) present evidence linking Taylor to those crimes and 2) establish that Taylor had been part of a joint criminal enterprise(JCE) because, if a JCE existed, it existed before November 30, 1996, the date at which the temporal jurisdiction of the SCSL begins. The Prosecution responded to these arguments by summarizing Taylor's responsibility for the crimes and pointing to Taylor's liability for JCE crimes committed after November 30, 10996, even if the planning of the JCE took place before that date. (Comment: The court will most likely not issue its Rule 98 decision in April, especially since the Judges may recess through May. An acquittal does not seem likely. End Comment.

5. (SBU) Next Up: Defense Case. A contact in the Registry has indicated that Defense will likely request three months to prepare for trial and four months to present its case. If the Court grants this request, the Defense case may start at the end of August. However, the same Registry source predicts that the Trial Chamber may order Defense to begin its case as early as June, working through July and August with a possible recess in September. One wild-card factor, however is the Defense's pending interlocutory appeal arguing that the Prosecution failed to properly plead the JCE theory of liability. The Trial Chamber may not schedule the Defense case before the appeals decision so the Defense knows which mode(s) of liability it must defend against.

(Comment: Currently, the Registry's budget milestone document projects an October 31 trial termination date, a March 2010. If however, the Defense case starts in August, the timeline could be pushed back by approximately two months. End. Comment.)

6. (U) Spill-Over Timing Effects. A delay in the timing for the Taylor trial may create additional challenges. First, the International Criminal Court(ICC), the location of the Taylor trial has informed the SCSL that it will need its second courtroom as of September 2009. (The ICC schedule its second trial to start September 24th, and will likely need the courtroom prior to September 24th for pre-trial work). Back-up options explored by the Registry include finding other space or working during gaps in the ICC schedule. Second, according to Registry sources, each additional month of trial time costs approximately one million dollars.

(THE JUDICIAL FACTOR)

7. (Judges Slowing Things Down? Further muddying the predictions, Court employees have intimidated that the Trial Chamber could more expeditiously. The Taylor Chamber consists of three judges who take turns presiding: Justice Richard Lussick(Samoa, Justice Teresa Doherty(Nothern Ireland) and Justice Julia Sebuntinde(Uganda), along with an alternate judge, Justice El Hadji Malick Sow(Senegal). A couple of Court employees have grumbled that when the last Prosecution witness testified on January 30, 2009, the Court still had 11 outstanding motions, some over a year old. Additionally, one Chamber contact believes that the Trial Chamber could have accelerated the Court's work by excluding extraneous material and arguments. Moreover, contacts in Prosecution and Registry speculate that Justice Sebutinde may have a timing agenda. They think she, as the only African judge, wants to hold the gavel as presiding judge when the Trial Chamber announces the Taylor judgment. Reportedly, her next stint as presiding judge begins in January.

8.(SBU) Expedited Appeals? The Appeals Chamber with one empty seat, consists of President Renate Winter(Austria); Vice President Jon Kamanda(Sierra Leone); Justice George Gelaga King(Sierra Leone); and Justice Emmanuel Ayoola(Niylgeria). President Winter reportedly has indicated that that Appeals Chamber intends to expedite any Taylor trial appeals. Up for election in May, Winter may not however, preside over the appeals

Chamber for any Taylor trial appeals, reportedly she will step down after the RUF appeal if she is not re-elected President.

(DEFENSE STRATEGY: WHO ME?)

9. (SBU) Drama-Bound Defense Case. A British Queen's Counsel, Courtenay Griffiths, heads Charles Taylor's top-notch and quick-tongued defense team, which reportedly finds itself in the midst of identifying and proofing witnesses. All signs indicate that Taylor himself will take the stand as their first witness possibly staying in the box for 6-8 weeks, and based on Defense's actions to date, the Defense team will likely argue that although the crimes may have occurred, Taylor has no link to the crimes.

10.(C) Funding shortfall. The Registry fears that the Court will run out of money as early as next month, although an expected Canadian USD 6 million contribution would keep the Court financed until early July 2009. In a marathon campaign, Registrar Von Hebel attended 250 meetings in 15 months to drum up funds from potential donor countries, but with, according to Von Hebel, little traction, due to donor fatigue, the difficult economic situation, and contributions going to other tribunals(e.g., the Special Tribunal for Lebanon(STL) or the Extraordinary Chambers in the Courts of Cambodia). Von Hebel wants to make another run at the United Arab Emirates. He also believes that a letter from UN Secretary General Ban Ki Moon asking countries to contribute might help open wallets. According to Von Hebel, when Ban sent out a similar letter in 2007, a number of countries made first-time donations. In addition a couple of traditional donor countries have advised him they may need a similar letter in order to donate this year.

11. (U) Cost-cutting Measures: Concerned About the looming financial crisis, the Registry has undertaken cost-saving measures, reducing staffing costs by downsizing, incorporating liquidation clauses in contracts, and encouraging The Hague staff to use leave during the break between prosecution and defense cases. The Registry also plans to hand over the Freetown facilities to the GOSL in July 2010, reserving some space for its own continued use. Finally, Registry may look to consolidate the Appeals Chamber and the Taylor trial operations in The Hague, after the Appeals Chamber finalizes the RUF appeal.

12. (SBU) Help from Washington. The Registry may also seek USG's assistance on financial issues. First, it may press the USG not to reduce its FYI2009 contribution by 2 million, but to stay at last year's level of 9 million USD. (Comment: The extra sum would not solve the Court's immediate financial problem, since the USG generally contributes in the fall. End comment.) Second, the Registry may ask for USG political support in the form of demarches to Arab countries, impressing upon the targeted Arab countries the critical nature of the SCSL's financial situation.

(COMPLETION HICCUPS AND ISSUES)

13. (SBU) Registrar Musical Chairs. On April 8, 2009, the Court announced Registrar Von Hebel's resignation, effective as of June 1, 2009. Von Hebel will assume the Deputy Registrar position at the newly-established Hague-based STL. (According to Embassy contacts, STL offered Von Hebel the position at the insistence of and to placate the Dutch, who believe the Dutch ICTY Registrar had been treated unfairly when the ICTY President unexpectedly declined to renew his contract). Given that the STL Registrar Robin Vincent (UK) recently resigned, Von Hebel may eventually step into Vincent's shoes. Von Hebel is also tying up as many SCSL loose ends as possible, including signing a sentence-enforcement agreement with the Government of Rwanda. In terms of a successor Registrar, a registry contact believes the current Deputy Registry Binta Mansary(Sierra Leone) will surface as a strong candidate.

(COMMENT: RESIDUAL ISSUES)

14. (SBU) A Larger Role for the Hague? Although currently headquartered in Freetown, Sierra Leone, the Registry has toyed with the possibility of locating any Residual Mechanism toyed with the possibility of locating any Residual Mechanism) or parts thereof) in The Hague. For instance, Von Hebel believes that the Court may need to move its archives out of Sierra Leone in order to properly maintain and secure them. The City of The Hague has indicated its willingness to provide archiving facilities in connection with the ICTY 's closure. Some have also suggested combining some or part of the SCSL's residual functions with those of The Hague-based ICTY and the

Arusha-based ICTR. A combined residual mechanism might prevent duplication, but it would also face significant hurdles, given SCSL's structural differences, e.g. funding oversight mechanism and applicable legal framework. Furthermore, GOSL desires will be key, since a joint GOSL-UN agreement created the Court.

GALLAHGER

Voice of America

Tuesday, 21 December 2010

UN Chief Warns Ivory Coast Risks Return to Civil War

Larry Freund | New York



Photo: AP / Sunday Alamba

UN forces patrol outside the UN headquarters in Ivory Coast, Abidjan, Ivory Coast, Tuesday, Dec. 21, 2010.

United Nations Secretary-General Ban Ki-moon said Tuesday

there is a real risk of a return to civil war in Ivory Coast as the situation there grows increasingly volatile.

Warning of a return to civil war in Ivory Coast, U.N. Secretary-General Ban called for decisive action. Ban pointed to what he called an alarming increase in the use of intimidation by elements of the national security forces loyal to incumbent president Laurent Gbagbo.

He told the U.N. General Assembly the tactics include abductions and killings and the propagation of hate speech through the state broadcasting corporation. The Secretary-General added the intention of Mr. Gbagbo and the security forces loyal to him is clearly to blockade the U.N. peacekeeping mission and to suffocate the government of president-elect Alassane Ouattara.

"The international community must act and act decisively. I emphasize again today what I have said earlier: any attempt to starve the United Nations mission into submission will not be tolerated. Any attack on the United Nations and its staff must be considered an attack on the international community," Ban said.

U.N. Secretary-General Ban urged the General Assembly to rescind the credentials of the representative of incumbent Ivory Coast president Gbagbo and replace him with a representative of president-elect Ouattara.

In separate comments, the head of United Nations peacekeeping operations, Alain Le Roy told reporters mercenary troops from Liberia and possibly Angola have been

used in Ivory Coast to attack and provoke the civilian population and U.N. peacekeeping personnel. Le Roy referred to an appearance on Ivory Coast television by incumbent president Gbagbo in which he said he does not want another war and does not want any more Ivorian blood to be spilled.

"We appreciate this appeal for restraint for everyone. And therefore we expect that any act of provocation should stop, any act of violation of human rights should stop, any act of blockading or strangling the U.N. mission should stop. Mr. Gbagbo has been very clear. He wants no violence, no more blood, so all the forces loyal to him should stop immediately provocations, instigating violence," he said.

Le Roy said the United Nations has a mandate to fulfill and, he added, we will fulfill that mandate.

The U.N. Security Council on Monday renewed the mandate for the 10,000 U.N. peacekeeping troops in Ivory Coast. The U.N. refugee agency says more than 6,000 Ivorians have already fled to neighboring countries and the agency is preparing for up to 30,000.

Why Kenya would regret pulling out of ICC

By ALPHONCE SHIUNDU ashiundu@ke.nationmedia.com



File | Nation Motion sponsor Chepalungu MP Isaac Ruto (speaking) and other MPs accuse ICC chief prosecutor Moreno-Ocampo of politicising the prosecution of post-election violence suspects at Parliament Buildings three weeks ago.

In Summary

Mutula warns if Kenya withdraws from Rome Statute the six suspects fingered by the ICC will be on their own

Kenya's Justice Minister Mutula Kilonzo has termed as "dangerous" the push by MPs to force the government to cut links with the International Criminal Court.

"This is the single most dangerous thing, in fact those people who are seeking to withdraw from the Rome Statute are making it so bad (for the suspects). You will regret it for the rest of your life," the minister warned.

In an interview with the *Nation*, the minister noted that if Kenya withdrew, then the six suspects fingered by the ICC as being behind the post-election violence in late 2007 and early 2008 will be on their own.

"In fact, as a citizen, you'll be picked up like chicken. Sudan is not a signatory to the Rome Statute, yet (its President Omar Hassan el) Bashir cannot set foot out of there. The son of (ex-Liberia President Charles) Taylor was arrested in the US and prosecuted for international crimes," Mr Kilonzo said.

Charles McArthur Emmanuel Taylor, a US citizen, was sentenced to 97 years in prison early last year for "crimes of universally condemned torture" committed while he was the head of Liberia's anti-terrorist services during his father's 1997-2003 rule. He was arrested in 2006 in the US.

That, in itself, the minister said, should be warning enough that Kenya is safer under the Rome Statute than "outside it".

"No country has ever withdrawn from the Rome Statute at all. You'll be the first. The moment a country withdraws, you'll be answerable to customary international law whether it's in your Constitution or not" he added.

The Justice minister warned that the six suspects — Cabinet ministers Uhuru Kenyatta and Henry Kosgey, Head of Civil Service Francis Muthaura, MP William Ruto, journalist Joshua Sang and ex-top cop Hussein Ali — risked being arrested by even pariah states if MPs succeeded in passing the motion and the government initiates the withdrawal.

Mr Kilonzo added: “You can be arrested by Somalia. Without warrant, without safeguards, no judge (Kalpana) Rawal to take statements... *hii kitu hatari!* (this is very dangerous!)”

His statement came ahead of debate on a motion filed by Mr Isaac Ruto (Chepalungu, ODM). The motion is addressed to the Minister for Internal Security, Prof George Saitoti, under whose docket the operations of the International Crimes Act (2008) falls.

Mr Kilonzo has vowed to oppose the bid by MPs terming the motion as unconstitutional.

His vow comes against a backdrop of massive push by other lawmakers to have Kenya sever links with the international court. It also comes amidst propositions by the government to write to the ICC at The Hague to defer the cases facing the six.

On Tuesday, there were whispers in the corridors of Parliament that MPs would censure House Speaker Kenneth Marende if he attempted to rule the motion as being out-of-order.

The MPs were banking on the hope that the Speaker would agree with them and give the motion the green light, then amend it to remove the inconsistency with the Constitution.

The government-led House Business Committee, where also the government has the majority of members, had slotted the motion for debate Tuesday afternoon. The government has been keen on shielding the top ministers and key government officers from prosecution.

The Justice minister is of the view that even if Parliament succeeds, the government will still remain obligated to the ICC.

He cited article 127 of the Rome Statute: “... (the) withdrawal shall not affect any cooperation with the Court in connection with criminal investigations and proceedings in relation to which the withdrawing State had a duty to cooperate and which were commenced prior to the date on which the withdrawal became effective, nor shall it prejudice in any way the continued consideration of any matter which was already under consideration by the Court prior to the date on which the withdrawal became effective.”

Still, Kenya will have to wait for a full year for the withdrawal to be effected. The right way for MPs to go about the motion, the minister said, was to first repeal the International Crimes Act, which has the Rome Statute as a schedule, and then, for Kenya to write to the secretary general of the UN giving notice to withdraw.

A total of 139 countries are signatories to the ICC, of which 111 have ratified.

“Even the US, refused to ratify, but they signed,” said Mr Kilonzo. “I am sorry, I may look harsh, but that’s the law.”

The minister said the on-going push to shield the ICC suspects was a “combination of politics, money, genuine fear and a lot of ignorance”.

“This is a very complex law. It says you have a right to prosecute your citizens, but the day you fail, the ICC will take over,” Mr Kilonzo added.

The minister said MPs were wrong by saying the new Constitution had improved the country's ability to deal with its cases.

“The circumstances now are much worse than before, because first of all there's the process of implementing the new Constitution. Why haven't we appointed a prosecutor, why is AG Amos Wako still handling criminal cases?” he asked.

Such questions can only be aptly answered by the minister himself, but he says, he's already made his case. He says he's not the country's legal advisor, but that, he does come up with policy on the execution of legal issues in government.

On Tuesday, Deputy Speaker Maalim Mohamed ruled: “The proposed motion is ... contrary to the law...” He made the ruling after MPs, led by Mr Kilonzo last Thursday questioned the motion's constitutional validity.