

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



Flashback to October 2003: The head of the Market Women's Association pours a libation at the groundbreaking for the SCSL courthouse.

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:

Friday, 4 March 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Awoko

Friday, 4 March 2011

Taylor Defence scores legal victory

The Defence team of former Liberian leader Charles Ghankay Taylor yesterday scored a moral and legal victory as the Appeals Chamber of the Special Court ordered the Trials Chamber to reverse its earlier decision not to accept the final arguments of Taylor's lawyers because they were filed late and they exceeded the limit ordered by the court.

The Appeals Chamber with its five Judges including Justice Jon Kamanda as President, Justice Emmanuel Ayoola, Justice Renate Winter, Justice Shireen Avis Fisher and Justice George Gelaga

King, in their ruling concluded that "had it been established that the accused understood and agreed with the representations and actions of his counsel and understood that the consequences of that argument constituted a waiver of his right to present written and oral arguments, then there would have been no error in that the accused had forfeited his opportunity to file a final trial brief and the trial chambers refusal to accept the deficient filing would have been justified. However in the face of the silence of the Accused, and given the ambiguous and contradictory representations made on his behalf,

the conclusion that the Accused had waived his right to have his written final arguments considered by the court was an error of fact which, if uncorrected, could occasion a miscarriage of justice. To rule otherwise would be to disadvantage the uninformed Accused for the actions of his counsel, which would be unfair, particularly as there are other means by which the Trial Chamber can sanction Counsel without affecting the Accused's fundamental rights."

The Judges of the Appeals Chamber therefore granted the motion and reversed the decision of the Trial Chamber.

Reuters

Thursday, 3 March 2011

Charles Taylor war crimes lawyer allowed to complete case

AMSTERDAM (Reuters) - Former Liberian president Charles Taylor's defence team will be allowed to file a crucial case summary, the Sierra Leone war crimes court ruled on Thursday, ordering a new hearing for its closing arguments.

The trial of Taylor, the first African leader to stand trial for war crimes, has dragged on for more than three years at the Special Court for Sierra Leone in The Hague and had been scheduled to end last month with closing arguments from the prosecution and defence.

But defence lawyer Courtenay Griffiths stormed out of court in protest after judges refused to accept an overdue filing of his final 547-page case summary and eventually won the right to appeal the ruling preventing the filing of the document.

Taylor has denied 11 charges of instigating murder, rape, mutilation, sexual slavery and conscription of child soldiers during a brutal civil war in Sierra Leone in 1991-2002.

Appeals judges said in their ruling on Thursday that failure to accept the filing of the summary could lead to "a miscarriage of justice" and directed the court to accept the document.

They also directed the court to set a date to hear the defence's closing oral arguments.

Griffiths had argued that Taylor was being denied a fair trial by the court's refusal to accept the document and both he and Taylor boycotted the prosecution's closing arguments over two days last month.

In response to his boycott, judges started disciplinary proceedings against Griffiths, warning that he could be removed as Taylor's lawyer or fined.

But in an unusual twist last week, one of the court judges, Julia Sebutinde, refused to attend a disciplinary hearing on February 25, saying she was opposed to punishing Griffiths.

The defence has since lodged a motion to dismiss the disciplinary action, but the court is still to decide what step it will take next.

(Reporting by Aaron Gray-Block; Editing by Jon Hemming)

Associated Press
Thursday, 3 March 2011

Appeals court: Trial judges at Charles Taylor war crimes trial must accept his closing summary

By The Associated Press (CP)

LEIDSCHENDAM, Netherlands — Appeals judges say a trial panel at the Special Court for Sierra Leone must accept former Liberian President Charles Taylor's final written summary of the case, even though it was filed three weeks late.

Taylor's lawyer had argued he could not file it on time because the court had not ruled on several motions.

The former president and his British lawyer both boycotted closing arguments in court following the rejection of the written summary.

Taylor has pleaded innocent to 11 charges alleging that he armed and supported murderous rebels in Sierra Leone's civil war in return for so-called "blood diamonds."

The appeals panel ruled Thursday that trial judges failed to check if Taylor understood the consequences of refusing to file the final brief on time.

Agence France-Presse

Thursday, 3 March 2011

Judges allow Charles Taylor's closing arguments

THE HAGUE — Appeals judges on Thursday said Liberian ex-president Charles Taylor should be given a chance to make a statement at the conclusion of his three-year-old war crimes trial.

The trial chamber last month refused to accept Taylor's closing brief, which was filed late, prompting him to boycott the proceedings in protest on the day set aside for his closing statement.

The appeals chamber of the Special Court for Sierra Leone said Thursday that their colleagues in the trial chamber had erred in failing to ascertain whether Taylor fully understood the gravity of such a boycott, adding that a closing statement was a "fundamental right" of any accused.

Taylor's waiver had been communicated through his lawyer, Courtenay Griffiths.

"The trial chamber did not establish that there was a knowing, intelligent and voluntary waiver by the accused (Taylor)," the appeals judges said.

Their failure "could occasion a miscarriage of justice".

"The accused's final trial brief is ordered accepted... and the trial chamber is instructed to expeditiously set a date to hear the defence closing argument," said the ruling.

On February 11, the day the trial was scheduled to close after three years of arguments and evidence, judges instead adjourned the case pending the appeals ruling finally rendered on Thursday.

Taylor, 62, has pleaded not guilty to 11 counts of war crimes and crimes against humanity on allegations of arming Revolutionary United Front rebels who killed and maimed Sierra Leone citizens.

The Sierra Leone civil war claimed some 120,000 lives in the 10 years to 2001, with RUF rebels, whom prosecutors described as Taylor's "surrogate army", mutilating thousands of civilians by hacking off their limbs.

Taylor and his lawyer were absent for the last two days of hearings in protest against the judges' refusal to accept his filing, 20 days late, of a final trial brief -- a summary of the defence's evidence.

Griffiths faces disciplinary sanctions for the walkout.

Appeals Chamber Directs Trial Chamber to Accept Defense Final Brief And Schedules Defense Closing Argument

Alpha Sesay

Today, Appeals Chamber judges at the Special Court for Sierra Leone issued a decision granting an appeal by Charles Taylor's defense team. The Appeals Chamber judges reversed the decision of the Trial Chamber to reject the defense final brief and also ordered the Trial Chamber to schedule a date and time for Mr. Taylor's defense to make their closing argument.

Mr. Taylor's trial, which has seen dramatic scenarios unfold recently, was supposed to have been completed in early February after closing arguments by all parties. However, the closing arguments did not take place as Mr. Taylor's defense lawyers made a boycott after the Trial Chamber judges rejected the defense final brief on the grounds that it had been filed 20 days after the due date of January 14, 2011. Mr. Taylor's lead defense counsel, Courtenay Griffiths, said then that if the defense final brief was not accepted, he saw no role for himself and his client in the proceedings. Mr. Griffiths eventually walked out of court and, together with Mr. Taylor, stayed away from the Prosecution's closing arguments. The Trial Chamber later granted the defense leave to appeal the decision rejecting their final brief. Defense lawyers eventually filed an appeal before Appeals Chamber judges of the Special Court.

The Appeals Chamber of the Court, made up of five judges, today issued a decision on the matter. In the decision, the Appeals Chamber judges discussed the decision in the light of Mr. Taylor's fair trial rights as an accused as well as drawing a line between the actions of his counsel and his own approval of those actions.

"The right to be heard at the conclusion of the trial is the right of the accused, not his Counsel...it is the discretion of the accused that must be exercised, not his Counsel," Appeals Chamber judges said in the decision.

The Appeals Chamber judges said that if it were not for the fundamental rights of the accused, the Trial Chamber would have been right to conclude that the defense final brief was filed out of time and would not be accepted.

The Appeals Chamber judges noted that "had the fundamental rights of the accused not been at issue...the Trial Chamber would have committed no error in concluding that the defense had forfeited its opportunity to file the final brief as ordered and had no right to file at a latter date of its own choosing."

"However, when...the forfeiture signifies a waiver of a fundamental right of the accused, there is an obligation on the Court to assure itself that the accused understands that the consequences of the actions and representations of Counsel could be construed to be a waiver of the accused's right to be heard and to defend at the conclusion of the trial," they added.

According to the Appeals Chamber judges, the Trial Chamber judges acted unreasonably when they concluded that the silence of Mr. Taylor meant he agreed with his lawyer's actions and that he understood that by such silence, he was waiving a fundamental right to present his defense.

The Trial Chamber judges erred when they "did not establish that there was a knowing, intelligent and voluntary waiver by the accused."

The Appeals Chamber judges noted that right through the process, the accused was silent and such silence should not have been construed as giving his consent to what his lawyer did.

"In the face of the silence of the accused...the conclusion that the accused had waived his right to have his written final argument considered by the court was an error of fact which, if uncorrected, could occasion a miscarriage of justice," the Appeals Chamber said.

"To rule otherwise would be to disadvantage the uninformed accused for the actions of his Counsel, which would be unfair, particularly as there are other means by which the Trial Chamber can sanction Counsel without affecting the accused's fundamental rights."

The Appeals Chamber judges concluded that "the accused's final trial brief is ordered accepted...and the Trial Chamber is instructed to expeditiously set a date to hear the defense closing argument and rebuttal arguments of the Prosecution and the Defense."

The Trial Chamber will communicate with both prosecution and defense on when the court will reconvene to hear the defense closing arguments as well as rebuttal arguments from both parties.

UN News Centre
Thursday, 3 March 2011

UN transfers security for Sierra Leone war crimes court to local authorities



The Special Court for Sierra Leone

3 March 2011 – The Security Council today authorized the withdrawal of United Nations peacekeepers protecting the court trying indicted war criminals in Sierra Leone, handing over responsibility to local forces at the request of the Government of the West African country.

Since 2005, a detachment of troops from the UN Mission in neighbouring Liberia (UNMIL) has ensured security in Freetown, Sierra Leone's capital, for the UN-backed Special Court for Sierra Leone, which was set up in 2002 to try those most responsible for serious violations of international humanitarian law in the civil wars that plagued the country, starting in 1996.

In a unanimous resolution, the Council called for the 150 UNMIL troops to be withdrawn by 7 March following the training of local security personnel to take over their responsibilities.

In a letter to the 15-member body passing on the Government's request, Secretary-General Ban Ki-moon noted that the court's registrar had informed him that the UNMIL guard force was no longer needed since the evidence and archives have been transferred to The Hague, Netherlands, and its international staff have been reduced accordingly.

In the resolution, the Council asked the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) to include within existing security contingency evacuation arrangements relevant court officials.

The court has indicted 13 people. Eight of these have been sentenced to terms of up to 50 years in prison, while the trial of former Liberian president Charles Taylor is continuing in a chamber of the court sitting in The Hague for security reasons. Two others died before trial and two more before sentencing.

The war was marked by extreme brutality, including massacres and the severing of arms and legs of living victims.

Xinhua

Friday, 4 March 2011

UN Withdraws Security Guards from Special Court for Sierra Leone

The UN Security Council on Thursday unanimously adopted a resolution requesting the withdrawal of the UN mission in Liberia (UNMIL)'s military personnel providing security for the Special Court for Sierra Leone.

The resolution requests the withdrawal of the military personnel by March 7.

Referring to a letter received by the Special Court, the resolution notes that "the UNMIL military guard force would no longer be required beyond February 2011, and the request by the government of Sierra Leone that withdrawal be postponed to late February or early March."

Jointly established by the government of Sierra Leone and the United Nations, the Special Court for Sierra Leone is tasked with trying cases of violations of international law committed in Sierra Leone's brutal civil war since Nov. 30, 1996.

Voice of America

Thursday, 3 March 2011

Former Special Court Prosecutor Once Considered Indicting Gadhafi

Joe DeCapua

"And if the facts show he's committed international crimes that justice be done."

The former chief prosecutor for the U.N.-backed Special Court in Sierra Leone says he once considered indicting Libyan leader Moammar Gadhafi.

David Crane, who's now a law professor at Syracuse University, is the man who signed the war crimes indictment against former Liberian president Charles Taylor. He says evidence showed Col. Gadhafi's involvement in West African turmoil in the 1990s.

"Involvement of Moammar Gadhafi in the affairs of sub-Saharan Africa are well known," he says, "Moammar Gadhafi was a center point in the West African joint criminal enterprise that was essentially the blood diamond story and had a direct involvement in the tragedy that was the civil war in Sierra Leone.

What investigators found

Crane says, "He had a geo-political plan to place surrogates in various countries in West Africa, starting with Burkina Faso, then Liberia, followed by Sierra Leone, then Cote d'Ivoire, Guinea, Gambia and Senegal."

Crane began work as chief prosecutor in 2002.

"We realized very quickly that Moammar Gadhafi was involved in setting up and creating the conditions by which the Sierra Leonean civil war kicked off in March of 1991."

He says unraveling the evidence found that "both Moammar Gadhafi, [and] Blaise Campaore, the current president of Burkina Faso, as well as then-president Charles Taylor, were very much involved in this joint criminal enterprise to move guns, diamonds, gold and timber about and using diamonds as a basis by which they were able to create cash to buy guns to further their rebellions in West Africa."

Indicting Gadhafi?

"I considered indicting Moammar Gadhafi, but again, there were several challenges, one of which was political. But also there was some evidentiary challenges," he says, adding, "In paragraph 17 of Charles Taylor's indictment, we name and shame Moammar Gadhafi as an unindicted coconspirator."

Crane denies suggestions that some countries pressured him not to indict Gadhafi.

"That is just not true. I received no political pressure regarding any of the cases that I ran."

Would Crane like to see Gadhafi indicted, possibly by the International Criminal Court?

"I think a careful look should be given by the International Criminal Court as to what he is allegedly doing to his own people during this particular rebellion. And if the facts show he's committed international crimes that justice be done," says Crane.

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Radio Netherlands

Wednesday, 2 March 2011

JCE: Just Convict Everyone?

The former Serbian police chief, Vlastimir Djordjevic, 62, stood in silence and blinked as presiding Judge Kevin Parker passed sentence. Twenty-seven years in prison for participation in a joint criminal enterprise (JCE) whose aim was to change the ethnic balance in Kosovo, where Albanians make up a 90-percent majority.

By Geraldine Coughlan, The Hague

Judges said that Djordjevic played a crucial role in a JCE, headed by the former Yugoslav president Slobodan Milosevic, that coordinated the murder, persecution and deportation of Kosovo Albanian civilians in 1999.

The judges said Djordjevic was criminally responsible for failing to prevent atrocities and punish Serbian troops for crimes in Kosovo. The defence had argued that there was no JCE and that the crimes were isolated incidents by Serbian forces against terrorists, therefore legitimate actions under customary international law.

The notion of JCE is controversial. It first appeared at the ICTY and is now applied by other international courts such as the SCSL and the ECCC. The JCE doctrine considers members of an organized group to be responsible for crimes committed by the group – for instance, if one person in a group of three, kills one person during a robbery, the law considers all three guilty of murder.

The JCE theory, nicknamed “Just Convict Everyone”, has been criticised by legal scholars since its inception in the Tadic case at the ICTY in 1999. Critics claim that rulings by international courts rely too easily on the notion of JCE responsibility, as it does not require proof of superior responsibility, a significant contribution, or even proof of intent to commit a crime. A defendant may be held responsible even if he was not in agreement with the other members of the group, or if he did not in fact contribute to those crimes. Guenael Mettraux of the International Criminal Law Bureau, said that the law of JCE has the effect of “a distorting mirror, of magnifying many times over the responsibility of the accused and attaching to him criminal responsibility for acts and conduct that cannot, in any reasonable sense, be said to be personally attributable to him. Through that legal prism, the individual may be held liable for the collective and not just the personal.”

Judge Parker said Serbian forces controlled by Djordjevic, expelled at least 200,000 Kosovo Albanians from Kosovo and murdered civilian women, children and the disabled.

Parker also said Djordjevic played a “key role” in trying to cover up more than 800 killings by having bodies removed from Kosovo, sometimes in refrigerated trucks, and buried in mass graves in Serbia.

Djordjevic, who was arrested in 2007 in Montenegro, denied the charges, saying he had no control over the Serb forces.

“I did not know, I did not have reason to know that my subordinates committed widespread crimes against the Albanian population,” he told judges during his trial.

The defence also underlined that the plan for establishing control in Kosovo was legitimate, since Kosovo was Serbian territory.

But the tribunal rejected that defense, saying Djordjevic had “effective control” of police and other Serbian forces. It said he was a crucial player in a plot led by Milosevic to drive Albanians out of Kosovo, the province that has since declared independence from Serbia.

Mettraux believes the JCE doctrine could trigger unlimited negative consequences against an accused. “Under such an all-encompassing theory of liability, a local drug dealer could for instance be held responsible for the country’s drug trade, a local polluter for global warming and a train conductor carrying Jews to Auschwitz for the Holocaust” said Mettraux.

Legal experts say the legacy of international criminal tribunals will be judged not by the number of convictions, but by the fairness of their proceedings.

It is argued that a law that punishes unfairly would not serve the legacy of these institutions. Mettraux claims the doctrine of JCE appears to have done just that – is this doctrine “a development that we should applaud or fear?” he asks. Critics are now asking if the JCE is the start of a new legal trend – of “Just Convicting Everyone”.

The verdict marked the end of the Yugoslav war crimes tribunal’s final trial dealing with atrocities in the Kosovo conflict. The court will, however, conduct a partial retrial of former Kosovo Prime Minister Ramush Haradinaj for alleged crimes against Serbs.

UKPA

Thursday, 3 March 2011

Man on trial over OAP sex attacks

The trial of a man accused of a prolific campaign of sex attacks on elderly victims in south east London over a 17-year period is set to begin.

Delroy Grant will appear in court charged with a string of burglaries and violent attacks on pensioners across south east London.

The 53-year-old former minicab driver denies the offences in Warlingham, Shirley, Beckenham, Bromley, Addiscombe, Orpington and West Dulwich.

Grant, of Brockley Mews, Honor Oak, was arrested after his car was stopped by police in November 2009.

A jury of five women and seven men is expected to be formally sworn in by trial judge Peter Rook QC on Thursday morning before the case at Woolwich Crown Court begins.

Jonathan Laidlaw QC will open the prosecution over two days, with **Courtenay Griffiths QC defending**.

Grant, who has already appeared in court with close cropped hair and a pinstripe blue suit, remains in custody at Belmarsh Prison.

The trial is due to finish by March 25.