

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



PRESS CLIPPINGS

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

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Press clips are produced Monday through Friday.
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Associated Press

Wednesday, 1 February 2012

Charles Taylor lawyers seek to reopen defense case

By Mike Corder

AMSTERDAM—Lawyers for former Liberian president Charles Taylor have asked a U.N.-backed war crimes court for permission to reopen their defense case, saying a recently published Security Council report could help clear him of charges he sent fighters to commit atrocities in Sierra Leone's civil war.

In the written request filed Tuesday and released Wednesday by the Special Court for Sierra Leone, Taylor's lawyers seek to introduce into evidence about 20 pages of a U.N. panel of experts report on Liberia that discusses the activities of mercenaries.

Taylor's lawyers argued the report supports their claim that Liberian fighters crossed into neighboring countries to fight for personal gain "rather than in furtherance of a sweeping joint criminal enterprise" led by Taylor.

They say the report shows that Liberian fighters were able to cross into Sierra Leone "without being under the direction or control of Mr. Taylor and without the implicit approval of the government of Liberia."

The written filing said that admitting the pages of the report into evidence would not unduly delay the case.

Taylor's three-year trial ended early last year and judges are expected to deliver their verdicts in coming weeks.

He pleaded innocent to 11 charges including murder, torture and using child soldiers. Prosecutors allege he armed and supported rebels notorious for hacking off the limbs of their enemies in Sierra Leone's brutal 1991-2002 civil war.

Prosecutors say from his seat of power in the Liberian capital, Monrovia, Taylor backed Sierra Leone's Revolutionary Front in return for "blood diamonds" illegally mined using slave labor.

His trial marked the first time a former African head of state had appeared before an international war crimes tribunal.

The court did not react to the filing. Judges last month rejected a similar application by Taylor's lawyers to admit into evidence two cables published by anti-secrecy website WikiLeaks.

Charlestaylortrial.org
Wednesday, 1 February 2012

Liberia: Charles Taylor's Lawyers Apply to Reopen Defense Case

By Alpha Sesay

Charles Taylor's defense lawyers have made a request for judges to allow the former Liberian president to reopen his defense, almost one year after arguments in the case were concluded.

The motion, filed on January 31, 2012, requests that the defense be allowed to "re-open its case in order to seek admission of Panel of Experts Report on Liberia."

The motion relates to a December 7, 2011 Panel of Experts Report on Liberia that discusses the participation of Liberian mercenaries in the conflict in neighboring Ivory Coast. Taylor's defense lawyers seek to submit in evidence Section III of the report titled "Liberian Mercenaries and Ivorian Militia." This section, defense lawyers argue "describes the continuing phenomenon and underlying causes of mercenary activities in West Africa."

According to defense lawyers, this section of the report supports the defense "private enterprise" theory that during Sierra Leone's 11 year conflict, many fighters in Liberia exploited the conflict for personal gain.

The report, defense lawyers say, does not blame the current Liberian government for Liberian mercenaries crossing into Ivory Coast in 2010 and 2011 and this, they say, contrasts the Prosecution's argument that any fighters who fought in Sierra Leone and other neighboring countries were sent and controlled by Taylor while he served as Liberian president.

During the conduct of hearings in Taylor's trial, witnesses, including those who were part of Taylor's security apparatus, testified for the prosecution that the former Liberian president sent them to provide support to rebel forces in Sierra Leone. Some witnesses also testified about being sent by Taylor to fight in Ivory Coast and Guinea. Taylor, on his part, argued that porous borders in the West African sub-region and the illicit flow of small arms made it very easy for fighters to move across borders without being controlled by any persons in authority. Taylor's defense also argued during the trial that Liberian fighters who fought in Sierra Leone did so only for their own personal gain and as President of Liberia, Taylor did not have any knowledge of such movement of Liberian fighters into Sierra Leone.

In this present motion, Taylor's defense lawyers now argue this report supports their argument that during the Sierra Leonean conflict, it was possible for fighters to cross from Liberia into Sierra Leone "without being under the direction and control of Mr. Taylor and without the implicit approval of the Government of Liberia."

"Additionally...free agents or mercenaries did so in pursuit of personal profit, rather than in furtherance of a sweeping joint criminal enterprise or aiding and abetting scheme," defense lawyers have submitted.

Defense lawyers pointed out in their motion that the UN Report specifically names Ibrahim Bah, Benjamin Yeaten, Zig Zag Marzah and Sweet Candy" as persons involved in mercenary activities in Ivory Coast. These individuals, defense lawyers say, are continuing to exploit conflict situations in the West African sub-region for personal benefit. Of particular note, "the fact that Prosecution Witness Zig Zag Marzah has participated in the Ivorian Conflict as a free agent is particularly relevant to his overall

credibility - on the witness stand, he seemed unable to act unless he was instructed to do so by Mr. Taylor," the defense motion states.

Defense lawyers now say this report establishes that mercenaries can easily move between Liberia and Ivory Coast without being intercepted by the Liberian government, that command structures in mercenary activities are loosely defined, and that the present Liberian government has demonstrated inadequate response to mercenary activities.

In asking judges to allow them to reopen their case, defense lawyers for Taylor argue that the present report be admitted in evidence because it could not have been obtained by the team during the conduct of its case considering that it was only presented to the UN Security Council in December 2011. They argue further that the probative value of the report is significant and that it poses no threat or concerns to Taylor's rights to a fair and expeditious trial.

This is the second time in two months that defense lawyers for Mr. Taylor have requested that the former Liberian president be allowed to reopen his defense in view of new evidence. On December 9, 2011, Taylor's defense lawyers made a similar request after the release of two WikiLeaks cables suggesting that there was cooperation between former Nigerian President Olusegun Obasanjo and the United States Government to remove Taylor from Liberia with promise of asylum and immunity from prosecution if he were to leave willingly and that Obasanjo provided support to Liberian rebels who were fighting to oust Taylor from Liberia.

The judges, however, on December 21, 2011 rejected the defense application.

With the most recent application that has been made by the defense, the prosecution will have a chance to file a response, with an option to the defense to file a reply before the judges issue a decision on the motion.

Judges have taken several months since the conclusion of hearings in March 2011 to prepare their final judgment, which will determine whether Taylor is guilty or not of the charges against him. It is expected that such judgment will be delivered shortly.

PRIO

Wednesday, 1 February 2012

<http://www.prio.no/About/PeacePrize/PRIO-Directors-Speculations-2012/>

RIO Director's Nobel Peace Prize Speculations 2012

Another Nobel Peace Prize nomination deadline has passed, and PRIO Director Kristian Berg Harpviken once again speculates over who will win the prize. While the PRIO director may be well placed to speculate on this topic, his speculations do not confirm nor endorse any candidate. He has chosen not to nominate anyone himself. PRIO does not have any formal links to the Nobel Institute and the Nobel Peace Prize Committee in Oslo; consequently, the speculation does not reflect their opinion.

The Norwegian Nobel Committee bases its assessment on valid nominations that they receive by 1 February each year. A number of people around the world, including all members of parliaments, have the right to nominate. The members of the Norwegian Nobel Committee can also nominate candidates before their first meeting following the deadline. The Nobel Committee will have its first meeting in late February, after which it will also announce the number of candidates that have been nominated in 2012 (in 2011 there were 241 candidates, 53 of which were organizations). It is common that the winner is announced on the second Friday of October, which this year would be the 12th.

As per usual, we also keep an unofficial list of confirmed and possible nominations toward the bottom of the page.

KRISTIAN BERG HARPVIKEN'S SHORTLIST FOR THE NOBEL PEACE PRIZE 2012

-SNIP-

Other candidates include Richard Goldstone, leader of the UNHRC investigation of human rights and humanitarian law violations in the 2008-09 Gaza war. Within the closely related area of transitional courts, the Special Tribunal for Cambodia and the Special Court for Sierra Leone are possible candidates, despite their somewhat disappointing track record.

-SNIP-

The New Dawn (Liberia)

Thursday, 2 February 2012

Charles Taylor's Case to Re-open?



Reports say defense lawyers of ex-President Charles Taylor have filed a motion before judges of the UN backed Special Court for Sierra Leone asking the Court to permit them reopen their client's defense.

The motion, which was filed on Monday, January 31, and which is based on a Panel of Experts Report on Liberia, released December 7, 2011, seeks to argue that the Liberian fighters that participated in the Sierra Leone war were "fortune fighters," individuals fighting for their own benefits and not a criminal gang set up, supported and monitored by Mr. Taylor.

Section Three of the December 7 Panel of Experts Report on Liberia, titled "Liberian Mercenaries and Ivorian Militia," speaks about the role of Liberian mercenaries in the recent Ivorian crisis that saw the ouster of President Laurent Gbagbo.

Taylor and his defense lawyers, who are determined to capitalize on the information contained in Section Three of the Report, contend that the section supports their original argument that during the war in Sierra Leone, it was easy and possible for Liberian fighters to exploit the porous borders and cross over from Liberia to Sierra Leone for their own gains, just as they have done under the current Liberian government, arguing, those fighters did it "without being under the direction and control of Mr. Taylor and without the implicit approval of the Government of Liberia."

The defense lawyers further argue in their motion: "Additionally...free agents or mercenaries did so in pursuit of personal profit, rather than in furtherance of a sweeping joint criminal enterprise or aiding and abetting scheme." It is not yet known whether the Court will give credence to the new motion or will reject it.

Speaking to the New Dawn in a telephone interview yesterday evening, Mr. Peter Andersen, the Un-back Special Court for Sierra Leone's Communications Director, said:

“This is the second time they are doing this (filing a motion to reopen their client’s defense). The first was in November 2011, when they filed a motion in relation to a Wikileaks’ report, but was denied. This is not anything big by the way.”

It may be recalled that hearings into the case of former President Charles Taylor ended March of 2011 and judges have since been working on their final decision, with many thinking that the verdict could be delivered anytime soon. However, with a new motion to open Mr. Taylor’s defense filed, many believe that the process could be further delayed.

Special Tribunal for Lebanon

Wednesday, 1 February 2012

Press Release



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

STL Media Advisory – Trial Chamber decision on in absentia proceedings – The upcoming steps

Following a decision by the Trial Chamber, there are a number of necessary steps which need to take place before the actual trial can start.

Assignment of Defence Counsel

One of the first actions of the Pre-Trial Judge will be to request the Head of the Defence Office, François Roux, to assign counsel to the accused. If the accused are apprehended or decide to participate in the proceedings they may appoint counsel of their choice.

Within 30 days of the Trial Chamber decision, the Prosecutor will **disclose to the Defence** copies of the supporting material which accompanied the indictment at the confirmation stage. These include copies of the supporting material accompanying the indictment and the statements of all witnesses whom the Prosecutor intends to call to testify at trial. The Prosecution also has the duty to start providing any evidence they may have gathered that could potentially prove the innocence of the accused.

While the Prosecution continue their investigations, the Defence can now review the entire case and start their own investigations. Although the burden of proof is on the Prosecution, the Defence can challenge the Prosecution's allegations and also present different case theories and call its own witnesses and evidence..

Investigations by the Defence may involve interviewing witnesses, visiting crime scenes, and collecting evidence. The Defence may also request information and assistance from the Lebanese authorities or other States.

With the permission of the Pre-Trial Judge, the Defence may also summon witnesses and execute searches and seizures. The Tribunal's Defence Office helps with legal and logistical matters.

At this stage, the rules also allow for **preliminary motions** challenging the Tribunal's jurisdiction, alleging technical and/or legal defects in the form of the indictment or seeking the severance of some of the counts. These motions can be filed by the parties in writing.

Working plan and trial

The Pre-Trial judge will implement a **working plan and set a tentative date for the start of the proceedings**, at least four months in advance. He will need to provide the Defence with enough time to review the case and prepare for trial.

The Pre-Trial Judge is also responsible for producing a file for the Trial Chamber containing several items such as:

- all the filings of the parties and of the victims participating in the proceedings;
- all orders and decisions that he has made, as well as a summary of those rulings;
- suggestions about the witnesses to be called by the Prosecutor and the witnesses that the victims participating in the proceedings wish to call; and
- points of agreement and disagreement between the Prosecution and Defence.

Appearance of accused during in absentia proceedings

Lebanon has an ongoing obligation to search for, detain and transfer the accused. If the accused are found in the course of the proceedings in absentia or if they choose to participate in the process, they have the right to be retried in their presence.

If the accused appear after an in absentia conviction, once the trial is completely finalised, the accused can:

- accept the conviction or sentence;
- accept the conviction but request a new hearing in respect of the sentence; or
- request a retrial.

Timeline in the case of *Ayyash et al.*

17 January 2011– The Prosecutor submitted an indictment for review to the Pre-Trial Judge.

28 June 2011 – The Pre-Trial Judge confirmed the indictment and ordered that it remain confidential.

30 June 2011 – The indictment was served on the Lebanese authorities, who were given 30 days to report on their efforts to search for, arrest and transfer the accused.

29 July 2011 – The Pre-Trial Judge ordered the partial unsealing of the indictment, to reveal the identity of the accused and the charges against them.

17 August 2011 – The Indictment and the decision confirming it were unsealed.

18 August 2011 – The STL President ordered the public advertisement of the indictment and called for an intensification of efforts to detain those accused.

8 September 2011 – The STL President convened the Trial Chamber in the *Ayyash et al.* case.

17 October 2011 – The Pre-Trial Judge requested the Trial Chamber to decide on in absentia proceedings.

20 October 2011 – The Trial Chamber called for submissions on the in absentia proceedings.

11 November 2011 – The Trial Chamber held its first hearing to receive arguments and submissions from the Prosecution and the Defence Office about starting in absentia proceedings.

23 November 2011 – The Trial Chamber decided to await a response from the Lebanese authorities to the Requests for Assistance made by the Prosecution on efforts to arrest the accused before deciding whether to initiate proceedings in absentia.

15 December 2011 - The Trial Chamber received a report from the Office of the Prosecutor with a few hundred pages of material received from the Prosecutor General of Lebanon in response to the Prosecutor's Requests for Assistance.

ICTJ

Tuesday, 31 January 2012

Court fails obligation to both victims and the law in Duvalier case

A Haitian court's decision to drop charges of crimes against humanity against former president Jean-Claude Duvalier is a blow to the victims of his brutal dictatorship and sends a disturbing signal that the country cannot fulfill its basic legal obligations, the International Center for Transitional Justice (ICTJ) said today.

"Haiti has a responsibility under both its own criminal code and international law to investigate all allegations of grave human rights abuses and bring their perpetrators to justice," said Paul Seils, vice president of ICTJ.

The court confirmed Duvalier will face charges relating to corruption and embezzlement that took place during his 15 year presidency, but has thrown out allegations he is also guilty of crimes against humanity—including torture, disappearances, and extrajudicial killings.

Duvalier's defense argued that Haiti's 10-year statute of limitations expired on these alleged crimes in 1998. International law explicitly states crimes against humanity will not be subject to any statute of limitations.

The written judgment has not yet been made public. The court's decision will be reviewed by the Haitian attorney general.

"We know the investigation was poorly resourced and that victims who came forward have been subjected to intimidation by Duvalier's lawyers and supporters," Seils said. "In addition, President Michel Martelly's comments last week suggesting he may pardon Duvalier raised the concern of possible political interference in the case."

ICTJ urges the attorney general to review the court's decision in accordance with international law. Failure to do so would leave serious questions about the ability and will of the Haitian judiciary at a time when it desperately needs to demonstrate both competence and independence