

**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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The Jurist

Tuesday, 7 February 2012

Charles Taylor wants to re-open defence

Amsterdam - Lawyers for former Liberian president Charles Taylor have asked a UN-backed war crimes court for permission to re-open their defence 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 request released on Wednesday by the Special Court for Sierra Leone, Taylor's lawyers seek to introduce into evidence about 20 pages of a UN panel of experts report on Liberia that discusses the activities of mercenaries.

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

The Daily Star (Lebanon)

Tuesday, 7 February 2012

STL hopes to finish work within 3 years: Youssef

By Willow Osgood, Thomas El-Basha



Youssef said timing comes second in importance to the fairness of the trial.

BEIRUT: The Special Tribunal for Lebanon spokesperson said Monday that the court hopes to complete its mission within the next three years, and asked the Lebanese public to withhold judgment of the tribunal until the defense has its say.

“International justice takes time ... our hope is that we can complete our mandate in the second round of renewal [of the court’s mandate]. Assuming we get three years [for the second mandate], we’re hoping that we’ll be able to finish trial and appeal in those three years,” Marten Youssef told The Daily Star in a wide-ranging interview.

United Nations Secretary-General Ban Ki-moon said last month that if the work of the tribunal is not completed by Feb. 29, its mandate is to be extended automatically.

Youssef noted, however, that the pace of the trial comes second.

“The most important thing, the pillar for us, is fairness of trial. And then, after that, it’s timing. Timing comes after fairness of trial.”

Youssef added that if one of the accused is apprehended when the trial is under way, he has the right to request a retrial, which could extend proceedings.

Last week, the STL decided to try in absentia four members of Hezbollah who were indicted last June in the 2005 assassination of former Prime Minister Rafik Hariri. If the accused come forward or are apprehended after the trial begins or after a conviction, they may request a new trial, accept the verdict but request a hearing on the sentence or accept both the verdict and the sentence.

On criticism of the politically divisive court, Youssef urged the Lebanese public to wait for the defense to present its case before judging its fairness.

Hezbollah and its allies have described the court as Western tool targeting the resistance, while others maintain that it is the only way to end impunity and ensure justice.

“What I do tell some of the Lebanese is: Let’s wait. So far we have only heard from the prosecution. Let’s hear what the defense has to say,” he said. “The court’s legacy will not be remembered by the allegations by the prosecution or the allegations of the defense, it will be judged by the fairness of the trial.”

According to Youssef, the court would prefer that the accused participate in proceedings but stressed that it has measures, including an independent Defense Office, to ensure that the rights of the accused are protected.

“If you look at the amount of ... responsibility and duty given to the defense counsel, it’s actually quite unique. They’re able to present other scenarios [than those presented by the prosecution], they’re able to challenge evidence and to summon witnesses ... There’s an agreement that the Defense Office has with the Lebanese government to assist the defense counsel in their investigation.”

Among the scenarios put forward by the court’s detractors, Hezbollah has claimed Israeli involvement in the attack that killed Hariri and 21 others.

In addition to the independent Defense Office, the spokesperson highlighted the court’s use of Lebanese law, which allows for in absentia trial, as a measure that ensures a fair trial.

In response to criticism of the STL’s establishment, Youssef said the court was founded by a Security Council resolution at the request of Lebanese officials, but the court’s rules provide even for challenging this basis.

“The defense will get the opportunity during the preliminary motions to challenge the jurisdiction of the tribunal. This is very fair and within their right to do,” he said.

Following the decision to move to trial, the prosecution is required to disclose to the defense attorneys information supporting the indictment within 30 days. The defense will have an additional 30 days to file preliminary motions after which the pretrial judge will set a tentative trial start date, allowing appropriate time for the defense attorneys to conduct their investigation.

On recent media reports that Prosecutor Daniel Bellemare was preparing to submit a second indictment in the case before the end of February, Youssef emphasized the autonomy of the court’s bodies, including the Office of the Prosecutor.

“When the prosecutor feels he has enough evidence to submit to the pretrial judge, he’ll submit it. It’s his prerogative to decide when and if to submit and for the pretrial judge to decide. The four organs [of the court] operate with autonomy and independence,” he said.

“The prosecution has said before that their investigation is ongoing. This is not a secret,” he added.

Bellemare announced last December that, for health reasons, he would not seek to be appointed as prosecutor during the court’s second mandate. Youssef said that efforts to appoint Bellemare’s successor were “under way.”

Associated Press
Monday, 6 February 2012

Khmer Rouge chief jailer gets life in prison

A U.N.-backed tribunal's Supreme Court lengthened the sentence for the Khmer Rouge's chief jailer to life imprisonment on Friday because of his "shocking and heinous" crimes against the Cambodian people.



In this photo released by the Extraordinary Chambers in the Courts of Cambodia, former Khmer Rouge S-21 prison commander Kaing Guek Eav, also known as Duch, sits in the courtroom for a session of U.N.-backed tribunal in Phnom Penh, Cambodia, as the court gives verdict on appeal filed by Duch against his conviction Friday, Feb. 3, 2012. Duch was sentenced last July to 35 years in prison for war crimes and crimes against humanity during the "killing fields" regime of the 1970s. EDITORIAL USE ONLY Photo: Extraordinary Chambers In The Courts Of Cambodia, Nhet Sok Heng / AP

The surprise ruling increased a lower court's 19-year sentence for Kaing Guek Eav, known as Duch. Prosecutors had appealed the sentence as too lenient, and outraged survivors had feared the man who oversaw the torture and killing of thousands could one day walk free.

Duch was the first defendant to be tried by the tribunal. He was commander of Phnom Penh's top-secret Tuol Sleng prison, code-named S-21. He admitted to overseeing the torture of his prisoners before sending them for execution at the "killing fields."

A coalition of 23 local civic groups, the Cambodian Human Rights Action Committee, welcomed Friday's decision and said Duch's victims had finally received justice.

In July 2010, the tribunal's lower court convicted Duch (pronounced DOIK) of war crimes, crimes against humanity, torture and murder.

He was sentenced to 35 years in prison but had 16 years shaved off for time served and other technicalities. The sentence was appealed both by prosecutors, who called for life imprisonment, and by Duch, who argued it was too harsh because he was merely following orders.

Judge Kong Srim, president of the Supreme Court Chamber, said Friday that the upper court felt the penalty should be more severe because the former jailer was responsible for the brutal deaths of so many.

"The crimes of Kaing Guek Eav were of a particularly shocking and heinous character based on the number of people who were proven to have been killed," the judge said. The tribunal says Duch oversaw the deaths of at least 12,272 victims but estimates have placed the number as high as 16,000.

The court said the high number of deaths and the extended period of time over which they occurred — from 1975 to 1979 — "undoubtedly place this case among the gravest before international criminal tribunals."

Duch, 69, stood calmly without emotion as the sentence was read. He then pressed his palms together and drew them to his chest in a show of respect to the judge, before being led away by court guards. The ruling is final with no other chance for appeal.

Andrew Cayley, the British co-prosecutor, said Duch can request a pardon after serving 20 years, or about seven years from now.

Duch trained, ordered and supervised his staff to conduct "systematic torture and execution of prisoners" and showed "dedication to refining the operations of S-21, which was the factory of death," the court said in a separate statement.

Prosecutors called the ruling a long-awaited victory.

"We can say that justice has now been served after more than 30 years," Chea Leang said. "To us and to the victims, this is a great success."

The tribunal is seeking justice for an estimated 1.7 million people who died from torture, starvation, exhaustion or lack of medical care during the Khmer Rouge's rule in the 1970s.

Three senior Khmer Rouge figures are currently on trial in what is known as Case 002. Unlike Duch, who admitted his role and asked for forgiveness, the others claim no wrongdoing.

They are 85-year-old Nuon Chea, the Khmer Rouge's chief ideologist and No. 2 leader; 80-year-old Khieu Samphan, an ex-head of state; and 86-year-old Ieng Sary, the former foreign minister. They are accused of crimes against humanity, genocide, religious persecution, homicide and torture.

In its ruling Friday, the court said Duch did not deserve a lighter sentence just because he was not a senior Khmer Rouge official, and there was no rule that reserves the highest penalties for those at the "top of the chain of command."

That position reflects a key area of contention involving possible future trials. Cambodian Prime Minister Hun Sen has insisted the tribunal should end its operations after the current trial of the three senior leaders.

Human rights groups and international prosecutors, however, favor an extension of the proceedings to a third and fourth trial, where defendants would be second-level Khmer Rouge officials suspected of heinous crimes.

The matter has not yet been settled and has led to tension between the tribunal and the Cambodian government.

UPI News

Monday, 6 February 2012

The other 'Killing Fields' trial continues

Defense lawyers continued to attack the Document Center of Cambodia, claiming its archival material presented to the U.N.-sanctioned genocide tribunal is biased.

Four former senior Khmer Rouge leaders remain on trial for their part in the brief but brutal Khmer Rouge government of 1970s.

The Document Center was started in 1995 as a field office for Yale University's Cambodian Genocide Program with U.S. State Department funding. In 1997 it became an independent non-government organization with funding from several countries, including the United States, Australia, Japan and Canada.

The trial of the four Khmer Rouge leaders continues after the tribunal, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia, turned down the appeal of another Khmer Rouge member, Duch.

Also known as Kaing Guek Eav, Duch is a former math teacher and Christian convert who ran the feared Tuol Sleng prison, also known as S-21, in Phnom Penh under the Khmer Rouge government.

Duch became the first high-ranking official to be sentenced by the Chamber in Cambodia's highly political genocide trials. In 2010 he was sentenced to 35 years in prison, less five years for time already spent in custody, and appealed the sentence last March.

On top of turning down Duch's appeal, the Chamber increased the 69-year-old's sentence to life in prison.

The Chamber said on its Web Site that it had considered the high number of deaths for which Duch is responsible -- a minimum 12,272 lives -- along with the extended period over which the crimes were committed -- more than three years.

These facts "undoubtedly place this case among the gravest before international criminal tribunals," the Chamber said.

The fact that Duch wasn't "on the top of the command chain in the regime" doesn't mean he should get a lighter sentence.

"There is no rule that dictates reserving the highest penalty for perpetrators at the top of the chain of command," the Chamber said.

Duch's increased sentence last week was met with cheers as well as relief by victims and their families -- fearful it might have been reduced.

However, many more Cambodians await the outcome of the ongoing trial of four former Khmer Rouge cadres who were "top of the chain of command."

Ieng Sary, 86, was the regime's minister of foreign affairs and Nuon Chea, 85, was the Khmer Rouge's main ideologist.

Chea was "Brother Number Two" to "Brother Number One," Pol Pot, who died in 1998. Pot fled the country after an invading Vietnamese army toppled the regime in 1979.

Khieu Samphan, 80, was the president.

Ieng Thirith, 79, wife of Ieng Sary and Khmer Rouge social affairs minister, has been absent from proceedings because of suspected advanced Alzheimer's disease.

Their lawyers have focused on the work of the Document Center.

Jasper Pauw, a lawyer representing Chea, questioned the veracity of material collated under the Document Center's Accountability Project and handed to the prosecution, The Phnom Penh Post newspaper said.

He also asked why it was necessary for the center to, in its own words, "illuminate chains of command" during the time of Democratic Kampuchea, as the Khmer Rouge called Cambodia.

"Because we want to know who actually killed two million Cambodians," center Director Youk Chhang said. "We want to know what happened in our history."

Pauw asked if, through the Accountability Project, the center was trying to implicate senior Khmer Rouge leaders in "alleged atrocities."

Chhang said the Accountability Project's purpose was to "gather historical information for the court in order to find the culprits who committed crimes during that period," the Post reported.

Arthur Vercken, defense lawyer for Samphan, asked Chhang about the potential fabrication of documents, including one deemed by the center to have been a fake, the Post report said.

Chhang said it would be "virtually impossible" to fabricate 1 million documents.