

**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 New Dawn (Liberia)

Friday, 9 March 2012

"Change Verdict Date"- Taylor Lawyers

Othello B. Garblah

A request by lawyers representing ex-president Charles Taylor for a change of date in the delivery of judgment has sparked a serious disagreement between Defense and Prosecution lawyers in The Hague.

Prosecution Says No Deal

The UN-backed Special Court for Sierra Leone announced on March 1, 2012 that it will hand down its judgment in the protracted trial on April 26, 2012. But in a motion filed five days later before judges of the Sierra Leone Special Court, a copy of which is in the possession of this paper, Taylor's lead counsel Courtenay Griffiths request that the trial judgment date be pushed to April 30, due to his prior legal engagements on the 25 and 26 of April.

He also stated that the timing of the ruling, which is on the eve of Sierra Leone's Independence Day, is in bad taste because a conviction would make Taylor appear as an offering to the people of Sierra Leone.

"The defense submits that announcing the verdict at a time when the nation is in a festive mood and the streets are already thronged with people poses a direct security threat and runs counter to the Court's responsibility to maintain peace.

Thus, to the extent that the Trial Chamber might have considered these issues when determining the judgment date, the defense respectfully requests the chamber to reconsider its decision.

If, however, the date was deliberately chosen to coincide with the Independent Day Celebration, the Defense respectfully submit that the timing would appear to be in bad taste in the event of a conviction, the timing would give the impression that Taylor is being offer to the people of Sierra Leone as part of the Independent Day celebration," the defense said..

In their 19-points motion, the defense also argued that since June 2011, it has proactively requested the registry and the Trail Chamber to consult the parties prior to setting a date for judgment.

It said the request had been so owing to the fact that the legal services contracts for most Defense team members were temporarily suspended at the close of the proceedings in March 2011 and this compelled counsel to seek interim employment elsewhere, adding that they foresaw the potential that any judgment date set by Trail Chamber could conflict with prior legal commitments. "The defense thus beseeched the Court for prior consultations as to any possible date," the defense requested.

"Lead defense counsel is affected the most in this regard," Griffiths said, adding: "Lead Counsel is scheduled to represent another client in a High Court matter on 25 and 26 April 2012. This hearing has been scheduled since September 2011. As counsel had already committed himself, it is now too late to change this date; it is also too late for counsel to find a suitable replacement due to the complexities of the case and obligation to client."

But Prosecution lawyers have however objected to this request. In a response to the defense motion that was filed on March 7, 2012, the Prosecution has urged the judges to reject the defense request because

“the Defense has failed to establish that the Accused would be prejudiced if the judgment in this case was delivered on 26 April 2012 as scheduled.”

Prosecutors argued that if in fact the date for the delivery of judgment was moved from April 26, it will affect Mr. Taylor’s right to a fair and expeditious trial. Prosecutors further argue that the Defense motion only talks about the absence of lead defense counsel and does not say anything about the presence or absence of other members of the defense team.

Prosecutors say it is safe to assume therefore that in the absence of lead defense counsel, co-counsel, and the Principal Defender will be present in court with capacity to give advice to Taylor if the need arises.

The New Dawn (Liberia)

Thursday, 8 March 2012

Taylor Cries For Pension Benefit!

Othello B. Garblah



Information available to this paper indicates that ex-president Charles Taylor is said to be putting together a legal team to push for his severance benefits for services he rendered here as former president of the Republic of Liberia, an aide has disclosed.

Mr. Taylor currently faces 11 charges of war crimes and crimes against humanity for allegedly arming Sierra Leonean rebels. But he had since denied all charges.

The UN-backed Special Court for Sierra Leone prosecuting Taylor in The Hague announced last week that it will hand down verdict on April 26.

“Mr. Taylor has not received a dime from this government in terms of his pension benefits as former president,” a Taylor’s aide said. “Taylor told me sometime last month that he was getting a lawyer to pursue it (the case),” said the aide.

The aide said he finds it very difficult to understand why the Government of Liberia would be paying severance benefits to former transitional chairman Gyude Bryant and Taylor’s successor Moses Blah, but would refuse to do same for Taylor himself.

The Taylor aide believes that his boss is not on trial for crimes in Liberia but rather in Sierra Leone and, therefore, he deserves his pension benefits as former head of state here.

One local lawyer, who is said to be linked to the pursuit of ensuring that Taylor gets his pension money denied the link, but questioned whether it is prudent to discuss the issue of Taylor’s benefits in the press and not with the proper source.

“If it were true (meaning that I was Taylor’s lawyer), I would be talking to the proper sources and not discussing this in the press,” Cllr. Pear Brown-Bull told this paper Wednesday.

She further stated that assuming she was representing Taylor’s interest, it would still not be proper to discuss the matter in the press because Taylor or the appropriate sources, including the Government, may not want the matter to be discussed in the press. On whether she thinks Taylor should be paid his pension money, Cllr. Bull said if the former president is entitled to it, then he should get it.

Efforts to get officials of the Liberian Government to comment on the issue proved futile, as newly

appointed Presidential Press Secretary Jerolimick Piah, who was preoccupied in knowing the source of the information rather than its veracity or falsity, when asked on Tuesday, only promised to get back to this paper after consulting with his boss. However, he failed to do so as at press time.

Information Minister Lewis Brown, a one-time National Security Advisor and Acting Foreign Minister under the Taylor regime, failed to return a call after this paper called, leaving a message with a female aide, who said he was in a meeting Wednesday. Taylor is the first former African head of state to be tried by an international court. If convicted, he could face a maximum life sentence.

The Special Court said last Thursday that the Judgment will be delivered at 11:00 a.m. on April 26 in a courtroom that belongs to the Special Tribunal for Lebanon in The Hague, where the Taylor trial has been taking place.

Human Rights Watch

Thursday, 8 March 2012

Belgium/Senegal: World Court Should Order Habré Extradition

Senegal Refuses to Prosecute Chad's ex-Dictator; Trial Should Move to Belgium

The International Court of Justice (ICJ) should order Senegal to extradite the former Chadian dictator Hissène Habré to Belgium, Human Rights Watch and Chadian victims groups said today.

Hearings on Belgium's application for an order requesting Senegal to move forward with Habré's prosecution or extradition are scheduled to begin at the court on March 12, 2012.

"The Senegalese government has made it quite clear that it will not prosecute Habré," said Souleymane Guengueng, who nearly died during almost three years of mistreatment in Habré's prisons before founding an association of victims to seek justice. "The International Court of Justice should order Senegal to send Habré to Belgium so we can finally have our day in court before all the survivors pass away."

Habré, 69, who has been living in Senegal for 21 years, is wanted by Belgium on charges of crimes against humanity, war crimes, and torture committed during his rule, from 1982 to 1990. Belgium recently filed its fourth request seeking Habré's extradition after Senegal rebuffed the first three, part of what Nobel Peace Prize winner Bishop Desmond Tutu has described as an interminable political and legal soap opera for the victims.

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Senegal must either prosecute or extradite Habré. In papers filed with the International Court of Justice, Senegal contends that it still intends to prosecute Habré. Senegalese officials, however, including President Abdoulaye Wade, have on numerous occasions publicly ruled out putting Habré on trial.

During 2011, Senegal's foreign minister, Madické Niang, said time and again that Habré would not be tried in Senegal. In July, Wade announced that he was expelling Habré to Chad – where he has already been condemned to death in absentia for unrelated crimes – only to retract that decision in face of an international outcry. In announcing the retraction, Senegal's foreign minister again ruled out holding Habré's trial in Senegal.

The government of Chad also announced in July that it was in favor of extraditing Habré to Belgium. In 2002, the Chadian government waived Habré's immunity so he could be prosecuted in Belgium.

Habré was first indicted in Senegal in 2000, but after political interference by the Senegalese government, Senegalese courts held that they had no jurisdiction to prosecute Habré for extraterritorial crimes. They said Senegal had not incorporated provisions of the Torture Convention requiring states to establish their jurisdiction over acts of torture committed abroad when the alleged perpetrator is in their territory. The decision and the surrounding political interference were denounced by UN rapporteurs on torture and judicial independence.

Other victims of Habré, including several Belgian citizens, then filed a case against Habré in Belgium. After four years of investigation, a Belgian judge in September 2005 requested Habré's extradition. A Senegalese court ruled that it lacked jurisdiction to decide on the extradition request, however.

Senegal then asked the African Union “to indicate the jurisdiction which is competent to try this matter.” When the African Union called on Senegal to prosecute Habré “on behalf of Africa,” Wade accepted. The next four years were taken up with wrangling over the trial budget and framework.

As negotiations dragged on, and after Wade threatened to let Habré leave Senegal, Belgium filed suit against Senegal at the ICJ in February 2009. In May 2009, in response to a request from Belgium for the indication of provisional measures, Senegal formally pledged not to allow Habré to leave Senegal pending the ICJ’s final judgment.

In November 2010, the Court of Justice of the Economic Community of West African States (ECOWAS) held that Habré’s trial should be carried out by “a special ad hoc procedure of an international character.” Later that month, nations coming together at a Donors Round-Table fully funded the projected trial budget while the African Union responded to the ECOWAS court decision by proposing a special court within the Senegalese justice system with some judges appointed by the African Union. In May 2011, however, Senegal withdrew from negotiations with the African Union over creation of the court.

Since then, a Senegalese appeals court has refused to rule on two more Belgian extradition requests because it concluded that the legal papers were not in order. In both cases, the Senegalese government apparently did not transmit the Belgian legal papers intact to the court.

“The Senegalese government has given the victims the run-around for 21 years, and is now trying to pull the wool over the ICJ’s eyes,” said Jacqueline Moudeïna, lawyer for the victims and president of the Chadian Association for the Promotion of Human Rights. “The ICJ should call a halt to Senegal’s shenanigans.”

The ICJ, which sits in The Hague, is the United Nations’ highest court. The court deals generally with cases between UN member states and it has no jurisdiction to prosecute individuals. Its rulings can be legally binding on states.

Belgium’s application charges that Senegal has violated the Torture Convention and its obligations under customary international law by failing to prosecute or extradite Habré.

In May 2006, the United Nations Committee against Torture found that Senegal had violated the Torture Convention and called on Senegal to prosecute or extradite Habré. In July 2011, Navi Pillay, the UN high commissioner for human rights, reminded the Senegalese government that “[i]t is a violation of international law to shelter a person who has committed torture or other crimes against humanity, without prosecuting or extraditing him.” In November 2011, the Committee against Torture’s rapporteur again reminded Senegal of its obligations.

In July 2011, the Chadian government complained that “[w]hile some victims have died and others wait for over two decades for justice, Hissène Habré, accused of extremely serious crimes, continues to enjoy his comfortable exile in Dakar, Senegal.”

The public hearings at the ICJ will extend until March 21. A ruling is not expected for a few months.

Habré ruled Chad from 1982 until he was deposed in 1990 by President Idriss Déby Itno and fled to Senegal. His one-party regime was marked by widespread atrocities, including waves of ethnic campaigns and systematic torture. Files of Habré’s political police, the Direction de la Documentation et de la Sécurité (DDS), which were discovered by Human Rights Watch in 2001, reveal the names of 1,208 people who were killed or died in detention and 12,321 victims of different human rights violations.

The New Times (Rwanda)

Friday, 9 March 2012

Rwanda: Archives for UN Genocide Tribunal to Remain in Arusha

By Edwin Musoni

The United Nations Security Council voted to retain the archives of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania.

The development was announced, yesterday, by the spokesman of the ICTR, Roland Amoussouga, during a news briefing in Kigali.

"The UN Security Council resolved that the archives of the court will be handled by the residual mechanism. However, Rwandans should know that all unsealed information will still remain accessible on the website of ICTR," said Amoussouga.

On December 22, 2010, the Security Council voted to establish the International Residual Mechanism for Criminal Tribunals. Resolution 1966 establishes separate Mechanisms for the International Criminal Tribunal for the Former Yugoslavia (ICTY) and ICTR to be located in the Hague and Arusha, respectively.

According to Amoussouga, the Mechanism for the ICTR will continue the "jurisdiction, rights and obligations, and essential functions" of the ICTR beginning July 1, 2012.

"Rwandans should take full advantage of Umusanzu mu Bwiyunge (contribution to reconciliation), the Information and Documentation Centre of the ICTR, which has a lot of important information," he said.

Based in Kigali, the centre holds public information on ICTR activities and documentation. According to the spokesman, nine other centres will soon be set up in various parts of the country.

Although the ICTR repository is not coming to Rwanda, Kigali had prepared the National Commission for the Fight Against Genocide (CNLG) to host of the archives.

Speaking to The New Times, Rwandan judicial officials were not happy with the UNSC decision but remained optimistic that the final destination of the repository will be in the country since it's about the 'history of Rwanda'.

"Under the Residual Mechanism, it is not the final decision... it is unreasonable to retain the archives in the Arusha during the residual mechanism work, but when the ICTR closes completely, then the archives should be brought to the original home, Rwanda," said the Minister of Justice, Tharcisse Karugarama.

"The archives are about the history of Rwanda and should be based here where the crimes were committed," he added.

Part of the information in the archives may be referred to or used by the Rwandan prosecution to prosecute some Genocide suspects still at large and not wanted by the ICTR.

Prosecutor General, Martin Ngoga, equally expressed interest in the archives being brought to Rwanda.

"The best decision would have been to bring them here where they make more meaning than anywhere else. Unfortunately, that hasn't happened. It is good they have not been handed over to other countries that were competing with us for them," said Ngonga.

"The current arrangement will form a basis for us to continue making our case. "These archives mostly originated here and they form an essential part of our history. Any other usefulness elsewhere is secondary".

Part of what is contained in the archives are testimonies of Genocide survivors, and according to Dr Jean Pierre Dusingizemungu, the president of IBUKA, the umbrella association of Genocide survivors, Rwanda should focus on setting up a state-of-the art facility to host the archives.

"It's a property of Rwanda and will have to come here whatsoever... it may take long but it's our property and should be given to us.

The biggest question is, are we well prepared to host the archives? What we need to do is to start talks on how we can set up a secure place that meets international standards and we start negotiating on hosting the archives, that way, we will be ahead of everybody," Dusingizemungu added.