

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



Moot Court Presiding Judge Justice George Gelaga King presents the championship trophy to the team from Fourah Bay College. The FBC team defeated IPAM on Friday in the final round of the eighth Red Cross Moot Court competition to be held at the Special Court.

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:

Monday, 23 July 2012

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

Taylor Appeals War Crimes Conviction / <i>The Exclusive</i>	Page 3
Peter Andersen Wins Award / <i>The Exclusive</i>	Page 4
Cholera: 3852 Cases, 66 Deaths / <i>Independent Observer</i>	Page 5

International News

Prosecution and Defense to Appeal Charles Taylor Judgment... / <i>Charlestaylortrial.org</i>	Pages 6-7
World Court: Important Victory for Habré Victims / <i>Human Rights Watch</i>	Pages 8-10
Impunity Over for Heinous Crimes Against Humanity / <i>The Irish Times</i>	Pages 11-12

The Exclusive
Monday, 23 July 2012

Taylor Appeals War Crimes Conviction

Liberian ex-President Charles Taylor has appealed his conviction for war crimes in Sierra Leone and a 50-year jail sentence imposed, the international court handling the case said Thursday.

"Charles Taylor respectfully requests that the appeals chamber reverse all the findings of guilt and conviction entered against him and vacate the judgement," said the defence request made public by the Special Court for Sierra Leone.

Taylor was found guilty in April of war crimes and crimes against humanity over the 1991-2001 civil war in Sierra Leone, the first former head of state to be convicted by an international court since the Nuremberg Nazi trials in 1946.

The former warlord, 64, was sentenced to 50 years in jail after his conviction on 11 counts for arming Sierra Leone rebels in return for "blood diamonds" during the war which claimed 100,000 lives.

Continued page 2

Taylor Appeals War Crimes Conviction

From front page

crimes and crimes against humanity over the 1991-2001 civil war in Sierra Leone, the first former head of state to be convicted by an international court since the Nuremberg Nazi trials in 1946.

The former warlord, 64, was sentenced to 50 years in jail after his conviction on 11 counts for arming Sierra Leone rebels in return for "blood diamonds" during the war which claimed 100,000 lives.

The court found that Taylor was paid in diamonds mined in areas under the control of Sierra Leone's Revolutionary United Front (RUF) rebels, who murdered, raped and mutilated their victims while forcing children to fight and keeping sex slaves.

Taylor maintained his innocence during the trial at the court outside The Hague, which saw a number of high-profile witnesses testify including supermodel Naomi Campbell.



Peter Andersen Wins Award

Peter C. Andersen has come a long way from Maple Plain, Minnesota—both figuratively and literally. And Macalester, he says, was the catalyst for that.

Almost a decade ago, Peter moved back to Sierra Leone, a country he'd grown to love while serving there in the Peace Corps in the late '70s and early '80s working within the Ministry of Agriculture and Forestry.

Since 2003 he has been working for the Special Court for Sierra Leone, an international criminal tribunal charged with trying those who committed atrocities against civilians during the country's civil war.

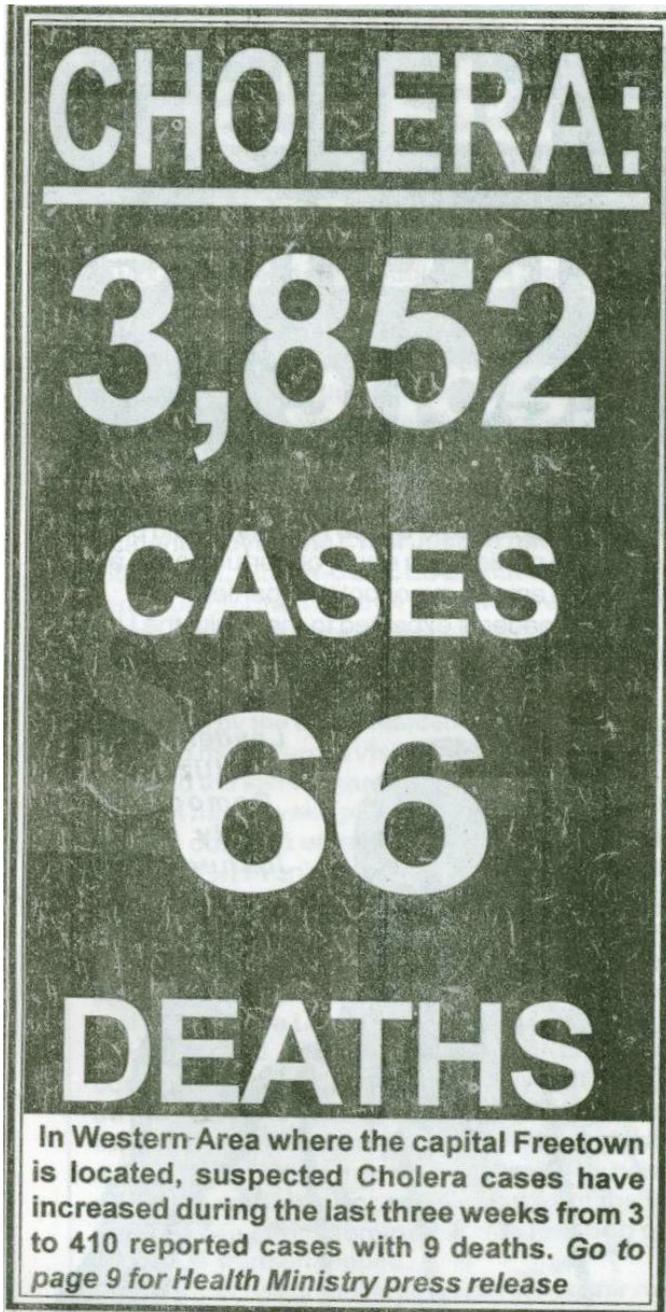
Getting from then-rural Maple Plain, Minnesota, to Africa was a life-transforming event that began to take shape at Macalester. "It was the curriculum, the exposure to fellow students from many countries, and the opportunity to study abroad," that set him off on this path, he says.

Although Peter left Sierra Leone in the early '80s, he never stopped being passionately interested in the country. In March 1991, when the Revolutionary United Front rebels crossed into eastern Sierra Leone from Liberia, people around the world discovered that news about the civil war was almost nonexistent. In

1996, in the midst of brutal conflict, Peter founded the Sierra Leone Web to report credible information on the country and the war. "I soon found myself at the electronic crossroads of Sierra Leone," he says, "communicating daily with government, rebels, opposition, diplomats, journalists, and civil society."

What is Peter proudest of? "When the people of Sierra Leone were in desperate circumstances, I did everything I could to help them, and to make sure that the world could not turn its back on them."

COURTESY: MACALESTER
COLLEGE WEBSITE



CHOLERA:

3,852

CASES

66

DEATHS

In Western Area where the capital Freetown is located, suspected Cholera cases have increased during the last three weeks from 3 to 410 reported cases with 9 deaths. Go to page 9 for Health Ministry press release

Prosecution and Defense to Appeal Charles Taylor Judgment and Sentence

By Alpha Sesay

Prosecution and Defense teams in the case of convicted former president of Liberia Charles Taylor will appeal various aspects of the judgment and sentence delivered by the Trial Chamber judges of the Special Court for Sierra Leone (SCSL).

This was made clear in separate filings made by the parties this week.

The Trial Chamber judges on April 26, 2012 convicted Taylor of aiding and abetting the commission of serious crimes including rape, murder, and destruction of civilian property by Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC) forces in Sierra Leone from November 30, 1996 to January 18, 2002. The judges further found that Taylor helped to plan attacks on three towns, including the diamond rich town of Kono and the country's capital Freetown, in late 1998 to early 1999. On May 30, 2012, the judges sentenced Taylor to a jail term of 50 years for his role in the Sierra Leonean conflict.

Prosecutors had earlier alleged that in addition to aiding and abetting, Taylor was also in command and control of rebel forces in Sierra Leone and that he was involved in a joint criminal enterprise with the rebels. Prosecutors further alleged that Taylor planned, ordered, and instigated the commission of serious crimes during the conflict in that West African country.

Throughout his trial, Taylor maintained his innocence. When the judges delivered their verdict on April 26, they ruled that while Taylor aided and abetted the crimes committed in Sierra Leone, there was not sufficient evidence that he was involved in a joint criminal enterprise with the rebels or that he exercised command and control over them. The judges further ruled that while he was guilty of planning attacks on specific towns in Sierra Leone, the evidence did not support a finding that he ordered or instigated the crimes. As prosecutors requested that Taylor be sentenced to a jail term of 80 years because of the crimes for which he was convicted, the judges on May 30 sentenced him to a jail term of 50 years instead.

On July 19, Prosecution and Defense teams filed notices of appeal, raising several grounds on which they will appeal the findings of the Trial Chamber in both the decision on Taylor's conviction and his sentence.

Prosecutors on their part have raised four grounds on which they will appeal the findings of the judges. These include the Trial Chamber's failure to find Taylor liable for ordering and instigating the commission of crimes, the Chamber's failure to find him liable for crimes committed in certain locations in 5 districts on the ground that they fell outside the scope of the indictment, and then Chamber's decision to sentence the former Liberian President to a single term of 50 years. Prosecutors argue that the judges in making these findings "erred" in fact and in law.

Defense lawyers for Taylor, on the other hand, have raised 45 grounds on which they say the Trial Chamber "erred" in fact and in law as they convicted and sentenced Taylor on April 26 and May 30 respectively. Included in the numerous grounds of appeal are findings of the judges that Taylor was involved in planning attacks on Kono, Makeni, and Freetown in late 1998 and early 1999, the Chamber's finding that he assisted the commission of crimes by providing medical assistance to rebel forces in Sierra Leone, that he assisted the commission of crimes by providing a guesthouse for RUF rebels in Liberia, that the jail term of 50 years that Taylor has been sentenced is "manifestly unreasonable," that the judges "erred" in their failure to consider Taylor's expression of sympathy as grounds of mitigation, that there

were irregularities in the proceedings based on the statement made by the Alternate Judge El-Hadj Malick Sow that there had been no deliberations among the judges, and that Justice Julia Sebutinde's participation in the proceedings after she had already become a judge of the International Court of Justice was irregular. For these and several other reasons, defense lawyers for Taylor want the Appeals Chamber to quash the finding of guilt and sentence against Taylor.

In a separate application, Taylor's defense lawyers have requested that the Appeals Chamber judges voluntarily withdraw from deciding those grounds of appeal that stem out of Justice Sow's statement as delivered on April 26, and that in the event the Appeals Chamber judges do not withdraw voluntarily, that the request for disqualification be determined by a separate panel of judges. This, according to defense lawyers is because a reasonable person, properly informed, might suspect bias if the same judges are to address the issue.

The defense team explains in their application that after Judge Sow made his statement on April 26 pointing out that no deliberations had taken place among the judges and that "the system is not consistent with all the values of international criminal justice," judges of the SCSL, sitting as a plenary subjected him to a disciplinary process and found him "unfit" to continue to sit in the proceedings. Taylor's lawyers now want Judge Sow's comment to become subjects of the appeals process and in doing so, they argue that the same judges who had disciplined Judge Sow for the comment will not be competent to determine appeals on those grounds.

Human Rights Watch

Friday, 20 July 2012

Press Release

World Court: Important Victory for Habré Victims

Senegal Should Bring Chad's Former Dictator to Justice 'Without Further Delay'

(Brussels, July 20, 2012) – The ruling by the International Court of Justice (ICJ) on July 20, 2012, that Senegal must prosecute “without further delay” or extradite Chad’s former dictator Hissène Habré is a great victory for his victims, a coalition of human rights groups said today. The ruling reinforces the obligation on all countries to bring to account people in their jurisdiction who are allegedly responsible for torture.

Habré, 69, is accused of responsibility for thousands of political killings and systematic torture when he ruled Chad, from 1982 to 1990. He has been living in exile in Senegal for more than 21 years but has yet to face justice there. Senegal’s recently elected president, Macky Sall, has said he wants to prosecute Habré in Dakar and ordered that proceedings begin by the end of the year. After prosecution in Senegal stalled, Belgium indicted Habré in 2005 and has since requested his extradition four times.

“The world’s highest court said today that we have a right to justice,” said Souleymane Guengueng, who nearly died during almost three years of mistreatment in Habré’s prisons and later founded an association of victims to seek justice. “Today, my friends who were tortured, the people I saw die in jail, those who never gave up hope, are one step closer to achieving justice.”

The decision brings an end to the suit Belgium filed against Senegal in February 2009 after Senegal refused to extradite Habré and continued to stall on his trial before domestic courts. Belgium charged that Senegal had failed to meet its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under the charter of the United Nations, the World Court’s ruling is binding on Senegal.

The court found that Senegal had failed to meet its international legal obligations under the torture convention and ordered Senegal to bring Habré to justice “without further delay” either by prosecuting him in Senegal or extraditing him to Belgium.

“This decision is a victory for Hissène Habré’s victims, who have been fighting for 21 years for their day in court; it is a vindication for Belgium, which had the courage to stand up for the victims; and it is a strong message to the new leaders of Senegal that they must move swiftly to fulfill their pledge to bring Habré to justice,” said Reed Brody, counsel for Human Rights Watch, who has worked with the victims for 13 years. “The ICJ declared that the Torture Convention means exactly what it says – if someone commits torture, he has to be brought to justice, no ifs, ands, or buts.”

By unanimous decision, the court ordered Senegal to “without further delay, submit the case of Mr. Hissène Habré to its competent authorities for the purpose of prosecution, if it does not extradite him.” All but two judges agreed that Senegal breached the torture convention, first by failing to make an immediate preliminary inquiry into the crimes allegedly committed by Habré once it became aware of the allegations against him, and again by failing to submit the case to its competent authorities for prosecution. The court noted that Senegal could have fulfilled its obligations by extraditing Habré to Belgium.

The court rejected Senegal’s argument that difficulties in securing international financing prevented it from moving faster to bring Habré to trial. It also ruled that Senegal’s obligation to “prosecute or extradite” Habré was unaffected by a 2010 ruling by the Court of Justice of the Economic Community of

West African States (ECOWAS) requiring Habré's trial before a "special ad hoc procedure of an international character."

The court found that it lacked jurisdiction to consider Belgium's claim that Senegal had also breached its obligations under customary international law.

The ICJ, which sits in The Hague, is the United Nations' highest court and generally deals with cases between UN member states. It has no jurisdiction to prosecute individuals.

Reacting to the court decision, the Senegalese government "reaffirm[ed] its commitment to hold [Habré's] trial."

The International Committee for the Fair Trial of Hissène Habré – which comprises the Chadian Association for the Promotion and Defense of Human Rights (ATPDH), the Association of Victims of Crimes of the Regime of Hissène Habré (AVCRHH), the African Assembly for the Defense of Human Rights (RADDHO), Human Rights Watch, and the International Federation of Human Rights (FIDH), among others – said that the decision would increase pressure on Senegal to bring Habré to justice quickly. They also said it sets an important precedent for the 150 countries that have ratified the torture convention.

"Today's decision is a resounding blow to the impunity of torturers and tyrants and a victory for torture victims all over the world," said Souhayr Belhass, president of the FIDH. "We are confident that Senegal will finally initiate legal proceedings against Habré for all crimes perpetrated during his regime."

Abdoulaye Wade, Senegal's former president, raised obstacle after obstacle to preclude Habré's trial in Senegal. However, following Sall's victory in presidential elections in March, he said he wanted to prosecute Habré in Senegal rather than extradite him to Belgium. In June, he called for proceedings to begin by the end of the year, and Senegal and the African Union (AU) are now engaged in talks in Dakar over creation of a special court within the Senegalese justice system to try Habré.

"The decision by the world's highest court marks another important step in the victims' tireless fight for justice," said Jacqueline Moudeïna, lawyer for the victims and president of the Chadian Association for the Promotion of Human Rights. "Now it's up to Senegal to follow through and ensure Habré is tried for his crimes."

The Nobel Peace Prize winner Bishop Desmond Tutu and 117 groups from 25 African countries in July 2010 denounced the obstacles to justice for the victims as an "interminable political and legal soap opera." The ICJ decision and the ongoing negotiations between Senegal and the AU could mark a turning point to bring justice within reach of Habré's victims, the coalition said.

"The new Senegalese government has engaged on a campaign against corruption and impunity at the highest levels," said Alioune Tine, president of the Dakar-based RADDHO. "It should take heart from this ruling and show the world that an African country can deliver justice for crimes committed in Africa."

Background

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. 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 human rights violations.

Habré was first indicted in Senegal in 2000. The country's courts said that he could not be tried there, however, so his victims filed a case in Belgium. In September 2005, after four years of investigation, a

Belgian judge indicted Habré and Belgium requested his extradition, but a Senegalese court ruled that it lacked jurisdiction to decide on the extradition request.

Senegal then turned to the AU, which in July 2006 called on Senegal to prosecute Habré “on behalf of Africa.” Wade accepted the AU mandate and had Senegalese law amended to give the country’s courts extraterritorial jurisdiction over international crimes. However, years of wrangling over the trial budget ensued. Senegal and donor countries finally agreed to a budget of €8.6 million (US\$11.4 million) for Habré’s trial in November 2010. Just days earlier, ECOWAS ruled that Habré must be tried before a “special ad hoc procedure of an international character.”

In January 2011, the AU responded to the ECOWAS court ruling by proposing a plan for a special court within the Senegalese justice system with some judges appointed by the AU. Senegal rejected the plan. Senegal and the AU continued discussions, however, and, in March 2011, agreed in principle to a new plan creating an ad hoc international tribunal. In May 2011, however, Senegal withdrew from negotiations with the African Union over creation of the court.

In July 2011, Senegal threatened to expel Habré to Chad but, days later, retracted its decision in the face of an international outcry. The Chadian government then announced its support for extraditing Habré to Belgium to face trial.

In September 2011, Belgium submitted another extradition request to Senegalese authorities, but in January the Senegalese courts dismissed the request on technical grounds after the Senegalese government apparently failed to transmit the Belgian legal papers intact to the court. Belgium submitted another extradition request shortly thereafter and that request remains pending.

The Irish Times
Monday, 23 July 2012
Opinion

Impunity over for heinous crimes against humanity

PATRICIA O'BRIEN

OPINION: For 10 years, the International Criminal Court has ensured justice and accountability

THIS MONTH we mark the 10th anniversary of the establishment of the International Criminal Court. The court represents the international community's resolve to end impunity for the most heinous crimes and to foster a culture of accountability.

Less than 20 years ago, the prospect of holding individuals personally accountable for international crimes so serious that they shock the conscience of mankind seemed illusory. Impunity for genocide, crimes against humanity and war crimes was tolerated, and the gravest of crimes went unpunished.

For several decades, the voices of victims who suffered unimaginable atrocities went unheard as the international community struggled to build upon the legacy of the Nuremberg and Tokyo tribunals.

The tide has finally turned. Today, those responsible for genocide, war crimes, crimes against humanity and other gross violations of international humanitarian and human rights law are being held accountable. Heads of state and senior officials can no longer hide from justice.

The flame of international criminal justice was rekindled in the early 1990s, when the Security Council established the International Criminal Tribunals for Rwanda and the former Yugoslavia in response to the atrocities in those countries. The successes of these two tribunals emboldened the determination to establish a permanent court.

The International Criminal Court, which took more than a decade to be established, represents one of the major achievements of the past century in international law.

It is currently considering eight situations: four self-referrals (Central African Republic; Democratic Republic of the Congo; Mali; and Uganda); two Security Council referrals (Darfur and Libya); and two prosecutor-initiated situations (Côte d'Ivoire and Kenya). Recently, the ICC has completed its first trial. The Rome Statute has been ratified by 121 states. The ICC enjoys the support of many other states and the UN.

Today, there is no denying that international criminal justice and its centrepiece, the ICC, have become part of the fabric of the international system. The objectives of international criminal justice are closely intertwined with the achievement of stability, as atrocity crimes threaten the peace and security of societies. Its mission to end impunity for serious crimes complements the purposes and principles of the UN.

Jurisprudence has developed that should make potential perpetrators think twice before. The threat of prosecution and punishment hangs over those who commit atrocity crimes. Children cannot be used as soldiers during hostilities. Use of sexual violence as a weapon of war is a serious crime. Rape can be treated as an element of genocide. Attacks against UN peacekeepers are unlawful.

This growing body of jurisprudence makes clear that individuals will be held accountable. Following superiors' orders is neither a defence nor a mitigating factor. The recent conviction of Charles Taylor,

former president of Liberia, by the Special Court for Sierra Leone was the first conviction of a former head of state since Nuremberg. This trial has demonstrated the long reach of international criminal justice.

Ensuring accountability for serious international crimes is neither cheap nor fast. These cases are complex. Their integrity and credibility depend on the highest standards of justice and fairness. In addition, the success of international criminal justice depends upon the co-operation of states: in funding; in providing evidence and facilitating witnesses; in surrendering suspects; and in providing prisons. Thus, in as far as it depends on the political will of states, the system of international criminal justice remains fragile.

International courts are engaged only when national courts are unable or unwilling to investigate or prosecute. In some cases, after a conflict, there is no proper national criminal justice infrastructure. Sierra Leone and some parts of the former Yugoslavia were so devastated by war they did not have the resources for prosecutions. Rwanda did not have the capacity to try the senior public officials responsible for the genocide.

Just as prosecution in domestic courts is not the only solution or deterrent for domestic crimes, international criminal justice is not a panacea for all the evils in the world. The Arab Spring has reminded us that people worldwide strive for the full realisation of their human rights and fundamental freedoms, for justice and for rule of law.

International criminal justice responds to the aspirations of people everywhere by reaffirming faith in fundamental human rights and in the dignity and worth of the human person.

It also does so by upholding the unwavering principle that impunity for the worst crimes known to mankind will never again be tolerated.