

**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

as at:

Monday, 14 January 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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A Turbulent Year For Transitional Justice In The Balkans / *Eurasia Review* Pages 7-9

Independent Observer
Monday, 14 January 2013

Special Court for Sierra Leone - PRESS ALERT - Prince Taylor contempt trial opens Monday, 14 January 2013

The contempt trial of Prince Taylor will open, subject to confirmation at Saturday's Pre-Trial Hearing, at 10:00 a.m. on Monday, 14 January 2013 at the Special Court's Courtroom 1.

Prince Taylor, a former Special Court investigator working for the Charles Taylor (no relation) defence team, was charged on 4 October 2012 in an Order in Lieu of an Indictment with 9 counts of contempt. The first eight counts relate to four Prosecution witnesses who testified against Charles Taylor, and the ninth relates to Eric Koi Senessie, who was convicted of contempt on 21 June. A Pre-Trial Hearing in the contempt case of *The Independent Counsel v. Prince Taylor* will take place on Saturday, 12 January 2013 at 10:00 a.m. On the agenda is confirmation that the trial will open on Monday, 14 January. We assume this will be confirmed and that the

trial will open at 10:00 a.m.

Counts 1, 3, 5, 6 alleged that Prince Taylor offered a bribe to a witness to recant testimony given before a chamber through instructions to Eric Senessie, and counts 2, 4, 7, 8 allege that he otherwise interfered with a witness who had given evidence before a chamber through instructions to Eric Senessie. Count 9 alleges that he interfered with a witness who was about to give evidence before a chamber by instructing and persuading Eric Senessie to give false information to the Independent Counsel appointed by the Registrar.

At his initial appearance on 6 October 2012, Prince Taylor pleaded not guilty to all counts.

He is being represented by Rodney Dixon.

*Outreach and Public Affairs Office
Special Court for Sierra Leone
Website: <http://www.sc-sl.org>
Twitter: @SpecialCourt*

African Press Organization

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Prince Taylor contempt trial opens Monday

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Capital FM (Nairobi)

Friday, 11 January 2013

Kenya: Bensouda Needs Two Years to Present ICC Kenya Cases

By Wambui Ndonga

Nairobi — International Criminal Court (ICC) Prosecutor Fatou Bensouda says she will require at least two years to present evidence against four Kenyans charged with crimes against humanity.

In an application sent to Trial Chamber V on Wednesday, Bensouda said she would require 826 hours of court time to lay out her case against Eldoret North MP William Ruto and radio personality Joshua arap Sang and another 572 hours in the case against Deputy Prime Minister Uhuru Kenyatta and former Head of Civil Service Francis Muthaura.

The ICC Prosecutor explained that she would use this time to question 74 fact witnesses and six proposed experts in addition to allowing the defence time for cross-examination.

"The estimate does not include time that the chamber may grant to the Office of Public Counsel for Victims or the common legal representative to question prosecution witnesses, or time that the chamber may use to question witnesses," cautioned Bensouda.

She added that the prosecution might also ask for additional time to gather more evidence to strengthen its cases.

Bensouda noted that there was a chance that her office would obtain evidence that it had not had accessed to support the cases.

"Furthermore, the prosecution has also requested the transcription and translation of 41 audio/video materials it seeks to rely upon, which are not available in any of the official languages of the Court. Some of these materials are already the subject of a separate filing before the chamber," read the application.

She also observed that some of the restrictions to provide evidence, placed by the government of Kenya or some institutions, could be lifted and that could have a bearing on the time taken on the cases.

"As such, the prosecution submits that the new availability of access will constitute 'good cause' to vary the time restrictions," argued Bensouda.

This comes at a time when Kenyatta's campaigns for the presidency, with Ruto as his running mate, continue gathering momentum.

The two have remained confident and dismissive of the looming trials maintaining that they will still be able to run the country even as they attend the trials.

"What is wrong with that? A president can go to court and answer charges and if they are not confirmed he will continue to do his job," said Ruto last October.

"We are in an ICT world; we can do many things on the Internet and make sure Kenya is running so we can chew gum and scale the stairs at the same time."

Their opponents and several civil societies have used the trials to discredit their campaigns arguing that Kenya will face serious economic and social sanctions if their bids are successful.

Kenyatta, Ruto and their supporters however argue that these concerns are nonsensical as Kenya can survive the restrictions.

Some activists even moved to the High Court seeking to have the two barred from vying for the top seats.

The Independent Electoral and Boundaries Commission (IEBC) has also added its opinion to the debate saying it will only give them the green light if they are cleared by the court.

"Uhuru and Ruto may be qualified to contest for elections because they are not guilty of any electoral offence. On the other hand somebody may say that Chapter Six of Constitution is very clear on leadership and integrity," said IEBC chairman Issack Hassan last November.

"But as far as we are concerned if the court decides that they are eligible to contest that is the people's choice; let the people decide who is going to be their leader."

The two have been charged at The Hague-based court for crimes including rape, murder and wilful displacement of people.

A Turbulent Year For Transitional Justice In The Balkans – Analysis

By: TransConflict

With four key verdicts delivered by the Hague Tribunal, 2012 proved to be turbulent year for transitional justice in the former Yugoslavia; one that threatens to further endanger already damaged regional co-operation.

By Marija Ristic

The year started promisingly for Croatia-Serbia relations, as the newly-formed socialist government in Croatia announced the possible withdrawal of the genocide lawsuit against Serbia, which was filed before the International Court of Justice (ICJ) in 1999. In February, both Serbian and Croatian presidents gave their backing to a three-state agreement on the joint prosecution of war crimes, but Bosnia-Herzegovina's tripartite presidency was unable to reach a unanimous agreement. However, after a year of delay, Serbia and Bosnia will sign the protocol on prosecuting war crimes in January 2013, while an accord between Croatia and Bosnia is yet to be agreed.

Nikolic's election affects regional cooperation
Balkans

Balkans

Recent improvements in regional cooperation came to a halt in May with the election of a new Serbian president, Tomislav Nikolic. Bearing in mind his nationalistic past as None of the comrades of Vojislav Seselj, the leader of the Serbian Radical Party (SRS) who is currently on trial at the Hague, the countries in the region were sceptical about Serbia's choice. Nikolic sparked controversy shortly afterwards when he stated that the Croatian town of Vukovar, scene of some of the fiercest fighting, is "a Serbian town" and that a "greater Serbia" was his "unrealised dream". Croatian officials described the statements as "shocking and absolutely unacceptable for Croatia." "If Mr Nikolic's statement means a return to the ideas of the nineties, I can say in the name of all Croatian citizens that those ideas will not be realised," said the Croatian President, Ivo Josipovic.

And yet Nikolic did not stop at Croatia, instead continuing to provoke both the EU and regional leaders by stating that war crimes committed in 1995 in Srebrenica did not constitute genocide, but a mass crime committed by individuals. Speaking to the Montenegrin state television on May 31st, he said, "There was no genocide in Srebrenica...No one has proved it so far. One officer has been convicted and now all those that were in cooperation with him will be convicted as well. But it is hard to tell that there was an intention [of genocide]." The Bosniak member of the Bosnian Presidency, Bakir Izetbegovic, accused Nikolic of irrevocably harming the relations between Bosnia and Serbia and offending the victims, while EU officials slammed Serbia for rewriting history. The European Union said then that it is expected that all leaders in the Balkans should admit what happened during the nineties and should acknowledge the verdicts of international courts which ruled that genocide took place in Srebrenica. Serbian human rights activists also accused Nikolic for endangering regional cooperation between Serbia, Croatia and Bosnia, which according to their annual report is at its lowest level since 2000.

Legal wrap-ups

As almost all the countries of the Western Balkans are on their way towards EU membership, 2012 was marked by a number of changes to countries' legislations and legal systems. Montenegro started its

accession negotiations with the screening of its preparedness for the opening of Chapter 23 (on Judiciary and Fundamental Rights) and Chapter 24 (on Justice, Freedom and Security).

The most dramatic change took place in Macedonia, which – following in the steps of many former Communist states – has enacted lustration laws as a way of addressing past injustices stemming from politically-motivated judicial proceedings by exposing former police collaborators who snitched on people. Macedonia established a Lustration Commission, tasked with conducting the process, which was often a subject of criticism that it “has become the government’s instrument for the tendentious and selective stigmatization”. Originally passed in 2008, Macedonia’s Lustration law stirred wide public controversy, with critics and opposition members accusing the government of prime minister Nikola Gruevski of misusing it as a witch hunt against its opponents and critics. Macedonia’s parliament passed a new lustration law in June, after the Constitutional Court scrapped many key provisions from the 2008 law, narrowing its time span and the range of professions subjected to checks.

However, the new law and the government’s insistence that it only wants to see past injustices amended has not silenced criticism Macedonia’s Helsinki Committee for Human Rights has contested key provisions of the law before the Constitutional Court, arguing that they are largely the same as those previously scrapped. A group of intellectuals, meanwhile, sued legislators from the ruling parties and Macedonian president, Gjorgje Ivanov, for voting and approving provisions in the new law that were previously struck down as unconstitutional.

The ICTY rulings

In May this year, the trial of one of the most wanted ICTY fugitives, Ratko Mladic, began at the Hague. Witness testimony finally started on July 9th, after several delays due to problems with the disclosure of evidence to the defence. Mladic, the former commander of the Bosnian Serb army, who was arrested in May last year, pleaded not guilty to charges of genocide, crimes against humanity and violations of the laws and customs of war during the Bosnian conflict.

The second half of the year was marked by four ICTY verdicts which caused divergent reactions in the states of the former Yugoslavia – being either welcomed or harshly criticized.

On November 16, the Hague Tribunal quashed the 2011 first-instance verdict that jailed two Croatian generals, Ante Gotovina and Mladen Markac, for 24 and 18 years, respectively, for crimes against Serb civilians during operation “Oluja” [“Storm”] in the summer of 1995. Serbian officials condemned the acquittals, accusing the Hague Tribunal of undermining its own credibility and offending the victims, whilst in Croatia the generals received a heroes welcome. Meanwhile, Vuk Jeremic, the Serbian president of the UN General Assembly, took the battle to a higher level, scheduling a UN debate on the issue of UN tribunals in April 2013. At the same time, Serbia is preparing for a hearing before the ICJ, scheduled for February 2014, to prove its claim that the Croats committed genocide against Serbs in Operation Storm, when around 200,000 Serbs fled Croatia.

On November 29, the ICTY acquitted three former Kosovo Liberation Army, KLA, commanders for war crimes committed in Kosovo in the late 1990s. Kosovo’s former prime minister, Ramush Haradinaj, who was among the defendants, returned to Kosovo as free men to a rapturous welcome, while Serbia expressed anger at the verdict. Despite the verdict, however, Serbia’s leadership continued negotiations with Kosovo. Kosovars, meanwhile, expect Haradinaj to return to politics and to gain a top Kosovo government position.

The acquittals of Kosovo’s Ramush Haradinaj and Croatia’s Ante Gotovina and Mladen Markac provided hope for many Macedonians that Johan Tarculovski, the only Macedonian national convicted for war crimes by the Hague Tribunal, could soon be released. Tarculovski, a former police officer, has already served eight of a 12-year sentence for committing war crimes against civilians during the 2001 armed

conflict between Macedonians and ethnic Albanians. In March 2013, after serving two-thirds of his sentence, he will be eligible to appeal for an early release.

In December, the ICTY imprisoned for life two Bosnian Serb leaders. On December 4, the Appeals Chamber of the Hague Tribunal upheld the first instance verdict which sentenced Milan Lukic to life imprisonment and partly accepted the appeal of his cousin, Sredoje Lukic, reducing his sentence from 30 to 27 years. Eight days later, Zdravko Tolimir, a close wartime aide to the former Bosnian Serb army chief, Ratko Mladic, was found guilty of the Srebrenica and Zepa genocide and sentenced to life imprisonment.

Despite the harsh criticism of its work, the United Nations has extended the mandate of the Hague Tribunal judges until the end of 2014 in order to finish on-going cases. In its resolution adopted on December 17th, the UN has requested that the ICTY take “all possible measures to complete its work as expeditiously as possible to facilitate its closure by 31st December 2014,” and to present a completion strategy by 15th April 2013, which will enable closure and transition to the International Residual Mechanism for Criminal Tribunals. The Residual Mechanism was set by the UN in 2010 in order to complete the remaining tasks of the ICTY once its mandate expires and, according to current plans, it is scheduled to begin on July 1, 2013.

Marija Ristic is the Balkan Transitional Justice initiative’s Serbian correspondent.

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