

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



Mourning our colleague Eustace Thompson of Court Management
who passed away yesterday. May his soul rest in peace

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 Inquirer

Monday, 31 December 2012

The Two Most Memorable Events In 2012

Story by C. Winnie Saywah



Fmr. Pres. Charles Gankay Taylor

As the year 2012 draws to a close, there were several events that media institutions would capture as being memorable and therefore, the INQUIRER Newspaper has deemed it expedient as their normal tradition to memorialize just two important events that occurred during this year in review.

Our foremost event was on the 11-count verdict of Liberia's 20th President and first former Head of State convicted of war crimes, Charles Gankay Taylor who has been in prison since 2006 in the international court in The Hague, Netherlands, for his alleged role in the atrocities committed in neighboring Sierra Leone during its civil war in the 1990s.

After 420 days of trial, with 115 witnesses, over 50,000 pages of testimony and 1,520 exhibits presented on April 26, 2012, marked the conclusion of a summary of Trial Chamber's long-awaited verdict of nearly six-year long chronicle accusing Mr. Taylor of knowingly assisting the commission of crimes by providing a continuous flow of arms and ammunition to the RUF in exchange for diamonds in Sierra Leone.

Former prosecutor, David Crane, signed the indictment against Mr. Taylor on June 4, 2003 and trial started on January 6, 2008. Defense case started on July 13, 2009; prosecution closed argument on February 8, 2011 while defense closed argument on March 9, 2011.

The Special Court for Sierra Leone convicted Mr. Taylor with a 50-year sentence in prison for what was internationally termed as 'aiding and abetting, as well as planning some of the most heinous and brutal crimes recorded in human history,' which is alleged to have occurred over the course of the five years which is almost the entire years of Mr. Taylor's presidency in Liberia.

In a trial perceived as a 'defining moment case' for modern human rights law, Mr. Taylor is on record as the first former Head of state to also be convicted by an international tribunal since the Nuremberg trials in Germany after World War II. The judge who presided over the sentencing in The Hague, Richard Lussick said the 11-count charge contained among other things; encouraging rebels in Sierra Leone in a campaign of terror, involving murder, rape, sexual slavery and the conscription of children younger than age 15.

Judge Lussick read Mr. Taylor's sentencing statement, which began with a horror cabinet of carnage committed in Sierra Leone by rebels from the Revolutionary United Front (RUF), with the support of Mr. Taylor during his regime as sitting President in Liberia.

He spoke of amputations with machetes, some of which were carried out by child soldiers forced to do so while accounts by witnesses who suffered under the violence were being read. However, the prosecutors failed to prove that Mr. Taylor, 64, assumed direct command over rebels who committed atrocities but promised that he will serve out his sentence in a British prison.

Delivering the court's decision, Judge Lussick said Taylor's crimes were of the "utmost gravity in terms of scale and brutality" alluding that the lives of more innocent civilians in Sierra Leone were lost or destroyed as a direct result of his actions.

Taylor was said to have been "in a class of his own" compared with others convicted by the court and that the special status of Mr. Taylor as a Head of State put him in a different category of offenders for the purpose of sentencing.

Prosecutors had earlier requested the judge to impose an 80-year prison term on Mr. Taylor but Judge Lussick said such a long term would have been excessive as Taylor was convicted of aiding and abetting which "as a mode of liability generally warrants a lesser sentence than that imposed for more direct forms of participation."

While Taylor's lead counsel Courtenay Griffiths said that the verdict was inevitable and that it sets an "unwelcome precedence," and suggested throughout the trial that Mr. Taylor's case was political in nature and that double standards in international criminal justice means that only African leaders are subjected to judicial scrutiny.

Meanwhile, , a leader of the RUF, Issa Sesay, who carried out many of the atrocities, was sentenced to 52 years.

On May 30, 2012, there was no scene of jubilation in the courtroom but there were mixed reactions in some quarters outside the courtroom in Sierra Leone and Liberia and surprisingly, a sun surrounded the moon displaying a rainbow sign in the sky on that afternoon as the verdict was being announced.

The chief prosecutor, Brenda Hollis, told a news conference that the sentence did not replace amputated limbs; it did not bring back those who were murdered; that it did not heal the wounds of those who were raped or forced to become sexual slaves and said that she may appeal the sentence on the grounds that "it is too lenient."

Some were of the opinion that 50 years is a lot of time even though it is also about reinforcing the principle that No Man is Above the Law. Yet others' views were that the Taylor's trial in The Hague seems very far away from the reality of people's actual lives. For a region where peace and political stability are extremely fragile, the trial was of important symbolic value.

In his last address to the tribunal, Taylor denied encouraging human rights abuses during the prolonged civil war in Sierra Leone, insisting how he had in fact been trying to stabilize the region. "What I did to bring peace to Sierra Leone was done with honor. I was convinced that unless there was peace in Sierra Leone, Liberia would not be able to move forward," as he pleaded not guilty.

The Appeals Chamber has now set a new date of January 22, 2013 for the hearing to commence for both prosecution and defense teams. The two teams have appealed the judgment on several grounds, which they will present in court during the January hearing. In those appeals filed in July, prosecutors raised four issues including the judge's failure to find Taylor liable for ordering and instigating the commission of crimes and the 50 year jail sentence.

Among the 45 grounds of appeal that the defense raised are the findings of the judges that Taylor was involved in planning attacks on Kono, Makeni, and Freetown in late 1998 to early 1999 and that there were irregularities in the trial proceedings based on the statement made by the Alternate Judge El-Hadj Malick Sow, who alleged that there had been no deliberations among the judges.

Another episode that the INQUIRER wants to bring to the fore this time of the year is the death of District 11th Montserrado County Representative, Moses Saah Tandapolie which occurred in Gbarnga, Bong County on March 16, 2012.

Representative Tandapolie reportedly collapsed shortly after a retreat organized and held by lawmakers. He was pronounced dead at the Phebe Hospital about 1a.m. Tandapolie was one of the most influential lawmakers in the 52nd Legislature and was therefore able to retain his seat in the 53rd National Legislature.

Tandapolie brought a wealth of legal experience to the National Legislature and prior to his election to that post, he served as Associate Magistrate in various local courts in Montserrado County in Brewerville, Gardnersville, Paynesville, West Point, New Kru Town and at the Monrovia City Court.

Before his demise, Tandapolie was at the center of a controversy during the confirmation hearing of Internal Affairs Minister Nelson Blamo and as the head of the committee responsible to probe into the complaint involving District 6, Montserrado County lawmaker, Edwin Snowe's role during a bachelor's eve at his ELWA residence.

The tough talking lawmaker was perceived to be the major contributor to a radical decision from his committee regarding what stance the House of Representatives would have taken against Rep. Snowe for offering a female US\$1,000 to pageant around a pool nude before a recorded crowd. Also the confirmation hearing of Mr. Nelson was another issue that sparked serious debate with traditional chiefs and Zoes for what he claimed was a breach of traditional rite when they escorted Mr. Nelson for his confirmation hearing before the plenary.

He accused traditional leaders of bribing members of the Liberian Legislature with kola nuts when in truth, traditional kola nuts should not have been presented before the commencement of an exercise without hearing what the visitors had to say. Tandapolie contended that there was no need for such tradition to be exercised since it was a 'usual' confirmation hearing procedure.

“You should have waited for the Senators to do their work before giving them kola nuts as a sign of thanks, not prior to their work,” Rep Tandapolie said.

The statement later sparked anger amongst traditional chiefs and elders from across the country who demanded that Tandapolie apologize in four days or face the wrath of the traditional gods but Tandapolie in his response during one of his many talk shows interview on that matter said, “I apologize for being too harsh on the matter with the chiefs and elders of Liberia.”

After his response, the head of the National Traditional Council of Liberia, Chief Zanzan Karwor also engaged him on the TV station at which time Chief Karwor placed on the lap of Rep. Tandapolie several traditional materials which included the chief's traditional walking stick and the cow tail which he usually uses to fan himself.

“You must apologize here or else we will close the door on you,” Chief Karwor insisted as he was alleged of throwing several traditional signs on the TV show.

Chief Karwor maintained that the presentation of kola nuts to lawmakers was their own way of presenting their son (Nelson) to members of the vetting committee and not a sign of bribery as claimed by the lawmaker. “Whenever you give kola nuts to a person, you give life” Chief Karwor said. “He is our son and we like him. That is why we presented him to the Senators with kola nuts,” the traditional chief's head clarified.

A day following the death of the lawmaker, the House of Representatives instructed the Ministry of Justice to conduct an autopsy and specimens of the dead were sent to the Philipino Police Hospital in Manila by the Government of Liberia following a request from a Philipino Pathologist, Dr. Servillano B. Ritualo for additional medical examination.

Releasing his report on the cause of death, Dr. Ritualo said the lawmaker died from "cardiac arrest" (heart attack). He added that the specimens were sent to Philippines because Rep. Tandapolie had needle marks on his right hand and also wanted to know the kinds of food he consumed on the night of his death.

To date, as many still accuse the traditional elders and chiefs of having a hand in the death of the lawmaker, some citizens are also calling on the House to probe Rep. Snowe and some of his colleagues since they were also accused of being with the lawmaker before his death.

UN Dispatch

Friday, 28 December 2012

Farewell to the Rwanda War Crimes Tribunal

Kimberly Curtis

Yesterday, after 17 years of operation, the International Criminal Tribunal for Rwanda (ICTR) issued its final trial verdict with the conviction of Augustin Ntirabatware for genocide, incitement to commit genocide and rape as a crime against humanity. The court will continue to hear appeals but the conclusion of the trial phase marks a significant milestone in international criminal justice.

The ICTR has always been treated like the smaller and less loved sibling of the International Criminal Tribunal for the Former Yugoslavia but it still has an impressive record. After its founding in 1995, the tribunal indicted 93 suspects and arrested 83, a nearly 90% arrest rate. Of those brought before the tribunal, 9 pled guilty, 10 were acquitted and 75 were convicted and sentenced. The tribunal also broadened international criminal jurisprudence; among notable legal developments, the ICTR marked the first time defendants were brought to account for the crime of genocide and the conviction of rape as an act of genocide.

However the tribunal's most infamous case is probably the so-called Media Case which became the first case before an international court to consider the accountability of media and propaganda makers since the conviction and execution of Julius Streicher by the Nuremberg Tribunal in 1946. While the Trial Chamber convicted all three defendants of crimes related to genocide in 2003 for their role in running radio stations and magazines that spread hate speech and characterized Tutsis as enemies that needed to be eliminated during the years leading up to the genocide, the Appeals Chamber later overturned several of the convictions related to conspiracy to commit genocide and reduced all three prison sentences. To this day, the case remains controversial as it pits the principles of freedom of expression against mass violence and the issue of incitement. The Media Case was just one of many cases that wrestled with complex issues not dealt with since the Nuremberg Tribunal and established precedence that now provides the basis for International Criminal Court proceedings.

However for all of the accomplishments of the tribunal, its legacy remains mixed. A major complaint is the fact that the tribunal only prosecuted members of the Rwandan government and associated militias but not the Rwandan Patriotic Front (RPF), the rebel force that started the civil war in 1990 and is now in power in Rwanda. Likewise, outside actors such as France that financially and militarily supported the Rwandan government were never investigated for their role. While part of this is due to the narrow jurisdiction of the tribunal, it has led to the perception of victor's justice with a one-sided prosecution of a complex conflict.

Nor has the tribunal stemmed violence in the region. The ongoing conflict in the neighboring Democratic Republic of the Congo and Rwanda's involvement there is a testament to the inability of tribunal actions to prevent or deter more violence. Cases emerging from that conflict now fall under the jurisdiction of the International Criminal Court but so far it does not appear likely that the ICC will improve upon the ICTR's record in preventing additional fighting.

Despite its limitations, the conclusion of the trial phase of the ICTR marks the first completion of any of the major ad-hoc international criminal tribunals. As more attention shifts to the ICC, it is important to remember the contributions these tribunals have made to international criminal law as well as their weaknesses in order to advance the cause of holding people accountable for the worst crimes.

Voice of America

Friday, 28 December 2012

Former Tribunal Judge Says Suspects' Infirmity May Thwart Justice

Kong Sothananarith, VOA Khmer

A former investigating judge at the Khmer Rouge tribunal says he is sure that the regime's former social affairs minister, Ieng Thirith, will never be tried.



This combination of three photos released by Extraordinary Chambers in the Courts of Cambodia, shows from left to right: Nuon Chea, former Khmer Rouge's chief ideologist and the No. 2 leader, Ieng Sary, former Khmer Rouge foreign minister, and Khieu Samphan, former Khmer Rouge head of state, during a trial for former Khmer Rouge top leaders, in Phnom Penh, Cambodia, Monday, Nov. 21, 2011. The three top Khmer Rouge leaders accused of orchestrating Cambodia's "killing fields" went on trial Monday before a U.N.-backed tribunal more than three decades after some of the 20th century's worst atrocities.

Ieng Thirith, the wife of the regime's foreign minister, Ieng Sary, was released to house arrest by the UN-backed court earlier this year after she was found mentally unfit to stand trial.

Former judge Marcel Lemonde, who left the tribunal in November 2010, says she will never see trial. "That is assured," he said. But he also said there is a chance the other aged leaders currently on trial may never see justice.

In an interview with VOA Khmer, Lemonde said they may not live to see the end of trial, or they may too become too infirm to participate.

Lemonde, who oversaw the international section for the investigating judges office during the primary indictments of the court, said he would be disappointed if the suspects did not go through a full trial.

But he said the tribunal overall will leave a positive impact, for prompting more discussion in society about the regime, for creating a chance to put Khmer Rouge history in schools, "and an occasion for Cambodians to speak out about the past."

Still, Cambodians may never get the full truth behind the regime, as those leaders on trial may be buried with their secrets, he said.

"We would hope that the accused take the occasion to explain their point of view, and we are here to listen to them too," he said. "But after all, they have the right of silence, which is stated in the proceedings, and victims would probably be disappointed."