

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



Charles Taylor in court on Tuesday, 8 February 2011

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:

Thursday, 10 February 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

Local News

Another Courtney Gimmick.../ <i>Concord Times</i>	Pages 3-4
Charles Taylor's Lawyer Storms Out of Court / <i>The Atomic</i>	Page 5
Taylor Boycotts Trial / <i>The New People</i>	Page 6
Charles Taylor The Manipulator / <i>The Punch</i>	Page 7
Naomi Campbell / <i>Global Times</i>	Page 8

International News

Taylor's Defence Fails to Present Closing Arguments / <i>BBC Network Africa</i>	Pages 9-10
Charles Taylor Boycotts War Crimes Trial Again / <i>Associated Press</i>	Pages 11-12
Not Going to Offer War Crimes Court a Fig Leaf, Says Taylor's Lawyer / <i>Radio France International</i>	Pages 13-14
SCSL Taylor Trial Chamber Directs Lead Defence Counsel to Appear.../ <i>iclfement.blogspot.com</i>	Pages 15-16
Trial Chamber Issues Controversial Decision.../ <i>iclfement.blogspot.com</i>	Pages 17-18
Refugee Claimant Who Brought Down African Warlord Facing Deportation / <i>The Vancouver Sun</i>	Pages 19-21

COMMENTARY

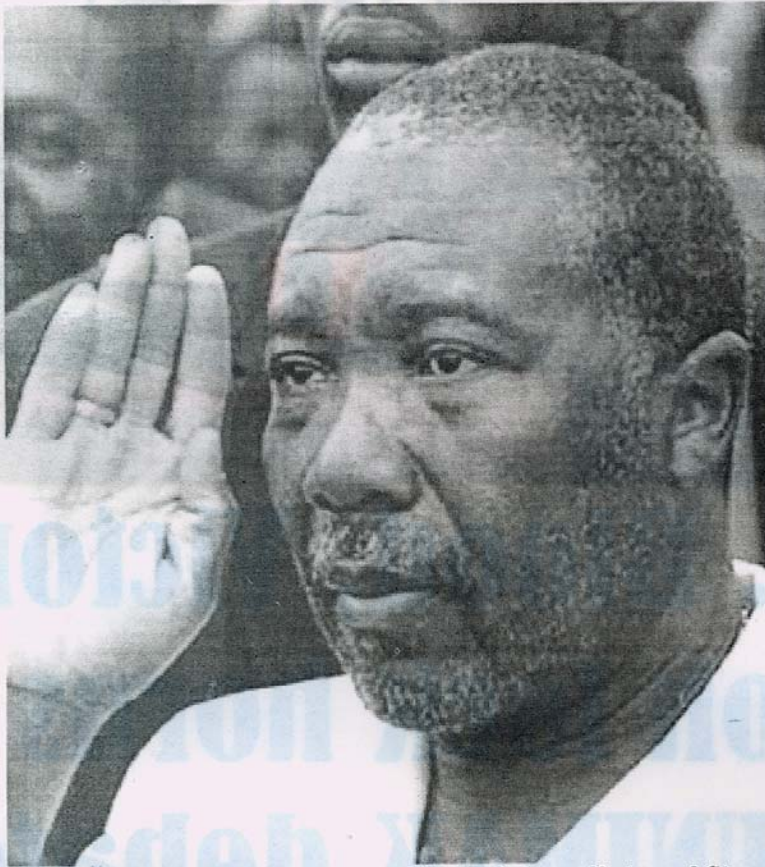
Another Courtenay Gimmick:

Why Charles Taylor's Swashbuckling Lawyer should be Ignored this Time

By Lans Gberie

On a trip to the Netherlands early last year, I visited the court in the Hague where Charles Taylor is being tried for mass murder, sexual slavery,

prosecution. Courtenay Griffiths, Taylor's lead counsel, impressed me as remarkably brilliant and articulate, but also rather cynical and breathtakingly insensitive in his



mass displacement and kindred other offences: in short, for war crimes of the most sordid sort. I had been very critical of the Special Court (for Sierra Leone) trying him, because I felt that it has been needlessly dilatory, expensive, incompetent, and had persecuted to death Hinga Norman, who I still believe was a hero to be admired and celebrated, rather than be so shabbily treated by a smug Western-dominated institution.

At the court, however, I found that this smugness was not limited to the

views of the suffering of Sierra Leoneans and Liberians during the wars that Taylor started and fueled. I agree immediately that his job as defence counsel requires him to take the interest (and wishes) of his (depraved) client over and above other moral or ethical considerations. But for someone who professes to be a Pan Africanist, the Jamaican-born British lawyer appeared extraordinarily cavalier about the well-documented depredations of the Taylor-supported

Contd Page 14

Why Charles Taylor's Swashbuckling Lawyer should be Ignored this Time

From page 2

rebel forces in both Liberia and Sierra Leone.

I suggest that this is a very important consideration. The Taylor trial is obviously not an ordinary trial, not the celebrity misdemeanors and petty gang violence in Manchester (England) that Griffiths so understands, and through whose handling he made his name. This simple fact seems rather beneath the lofty Griffiths. Why else would he affect outrage that American diplomats, as revealed by Wikileaks documents, were concerned about the trial, and were making plans to put Taylor away in case the current trial is messed up? The real news of these revelations is that these diplomats are rather so much more conscientious – caring much more about West African stability and peace – than some of these so-called Pan Africanists and their demented clients.

After years of deliberations and testimonies, with hundreds of millions of dollars spent, the trial is in its final phase. But Griffiths this week dramatically (and rudely) tried to prolong the proceedings. He wanted the Wikileaks documents tendered in court as evidence that the court's prosecutors and American diplomats were sharing information, and were already firmly decided on Taylor's guilt. Who didn't know this all this while? Why should this be any problem? The key document Griffiths should be focused on is the final 538-page submission made by the

prosecution in closing their case to the judges. Griffiths should make his own submission in defence of his client, and spare us the vulgar court room gimmick.

I have gone through the summary of the prosecution's submission, and I know why Griffiths has panicked. It is a very cogently argued and masterful document: any one reading it through will certainly conclude that Taylor is guilty as charged. But the document goes further: it illuminates, in a way that none has so far, the inner workings of a criminal network in West Africa that created so much suffering, and so much destruction. Taylor, of course, was at the heart of that network.

In a subsequent article, I will be reviewing that document, highlighted some of its most important claims and findings. They underlie what every well-informed person in the region already knew, adding important new information, and tying many loose ends. For the moment, whatever the lone protest of the court's ambitious (and slightly theatrical) Ugandan judge, the Taylor case should be concluded this month.

The verdict ought to be announced, and Griffiths should head back to his Manchester chambers. He should be consoled that at least his client will likely be a neighbour: there is a nice room for the former Liberian thug-president at Belmarsh prison in England.

The Atomic

Thursday, 10 February 2011



Former Liberian President Charles Taylor awaits the start of the prosecution's closing arguments

Calling the trial "a farce," Charles Taylor's lawyer stormed out of court Tuesday after judges refused to accept a written summary of the former Liberian president's defense at the end of his landmark war crimes case. British attorney Courtenay Griffiths ig-

Charles Taylor's lawyer storms out of court

nored judges at the Special Tribunal for Sierra Leone who ordered him to stay in court after unprecedented angry exchanges erupted before closing arguments in the three-year case.

"How will posterity judge the credibility of this court if, at this 11th hour, they prevented Mr. Taylor from

presenting ... 90 percent of his closing arguments?" Griffiths said outside court. "We have decided not to participate in these closing arguments because as far as we are concerned it is a complete farce."

But prosecutor Brenda Hollis argued that neither Tay-

Cont. page 8

nor his lawyers had the right to walk out.

"The accused is not attending a social event. He may not R.S.V.P. at the last minute," Hollis said. "He is the accused at a criminal proceeding."

Taylor himself initially remained in court as Hollis began summing up the prosecution case, but did not return after a break.

Claire Carlton-Hanciles, an independent defense lawyer who is not part of Taylor's team, said Taylor told officials "he was very upset and needed some rest." Griffiths said Taylor had wanted to walk out with him earlier, but guards refused to let him leave. "It would have been unseemly" for Taylor to struggle with the guards, Griffiths said. The courtroom fireworks were ignited Monday, when the three-judge panel issued a majority decision rejecting Taylor's final brief in which his lawyers summed up their defense case, because it was filed 20 days after their Jan. 14 deadline.

Ugandan Judge Julia Sebutinde dissented, warning that refusing to accept Taylor's brief "is to deny him his fundamental right to defend himself."

Griffiths said he would file an appeal later Tuesday against the trial chamber's decision to reject the summation. He said he would not appear in court Wednesday as scheduled to present his closing arguments. It was not clear when the appeals chamber would rule on Griffiths' appeal, but the trial continued without Taylor or Griffiths.

Charles Taylor's

Presiding Judge Teresa Doherty said Taylor had voluntarily waived his right to be present. "This court case will proceed to its close as scheduled," she said. Griffiths argued earlier that he could not submit the defense summary on time because the court had not ruled on several outstanding motions, including one challenging the U.N.-backed court's independence based on diplomatic cables released by WikiLeaks. In one leaked cable from the U.S. Embassy in the Liberian capital, Monrovia, diplomats warned that if Taylor is acquitted and returns to Liberia it could destabilize the country's fragile peace. "The best we can do for Liberia is to see to it that Taylor is put away for a long time" said the cable, dated March 10, 2009. It also suggested that building a case against Taylor in the U.S. could be one way of ensuring he does not return to Liberia should he be acquitted by the Sierra Leone tribunal. Griffiths said the cable showed the tribunal is not independent "because the Americans are already putting in place contingency plans so if Mr. Taylor is acquitted they will put him on trial again in the United States."

Taylor, the first former African head of state to be tried by an international court, has pleaded innocent to 11 charges of war crimes and crimes against humanity, including murder, torture and using child soldiers. Prosecutors allege he armed and supported brutal rebels responsible for many of the worst atrocities of Sierra Leone's civil war, which left tens

of thousands of people dead and many more mutilated after enemy fighters hacked off their limbs, noses or lips. Continuing to sum up her case in Griffiths' absence, Hollis laid the blame for the atrocities firmly at Taylor's feet, saying he used the rebels to pillage Sierra Leone's mineral wealth and in particular its diamonds.

"Charles Taylor, this intelligent, charismatic manipulator, had his proxy forces ... carry out these crimes against helpless victims in Sierra Leone," she said. "All this suffering, all these atrocities, to feed the greed and lust for power of Charles Taylor."

Hollis reviewed for the judges some of the war's worst atrocities as described by witnesses, including a villager forced to carry a sack full of severed heads, and "civilians being forced to watch as a child is buried alive and the mother is forced to laugh." Taylor and his rebels "were the gods," Hollis said. "They decided life, they decided death."

Taylor, however, in months testifying on his own behalf, cast himself as a statesman who tried to pacify Western Africa. Taylor boycotted the opening of his trial in June 2007 and fired his defense team, saying he had not had enough time to prepare his defense. The trial got under way again six months later with the first witness.

"We have seen this attempt at manipulation of the proceedings at the beginning and now we are seeing it at the end," Hollis said.



As Closing Arguments Commence...

Taylor Boycotts Trial

Former Liberian President Charles Taylor has boycotted his Hague-based trial for the second day in a row, forcing judges to adjourn the proceedings until Friday. Taylor is charged with 11 counts of war crimes and crimes against humanity for arming rebels in neighboring Sierra Leone who waged a brutal civil war.

Mr. Taylor's no-show comes on the day his lawyers were supposed to make their closing arguments in his three-year war crimes case. On Tuesday, Taylor's lawyer stormed out of court, saying it was not possible to properly defend his

fied judges that he was waiving his right to be present.

"I will note that Mr. Taylor has opted not to come because we have not been given, for example, the medical note we have seen in the past, and accordingly I

client after judges refused to accept his written closing statement because he missed the deadline.

Mr. Taylor did not return to court after a short recess. This morning, he noti-

will rule pursuant to the rules that the matter will proceed." Presiding Judge Teresa Doherty stated.

Mr. Taylor's lawyers have asked for the right to appeal the judges' decision not to accept their final written submission. Prosecutors on Tuesday gave a lengthy closing argument, saying Mr. Taylor is ultimately responsible for using terror to control the people and dia-

Contd. page 9

Taylor Boycotts Trial

From front page

mond wealth of neighboring Sierra Leone for his own greed and lust for power. About 120,000 people were killed and thousands of more mutilated during the country's 10-year civil war.

Judges adjourned the trial until Friday, when the defense is scheduled to reply to the prosecution's closing arguments. Prosecutors were also expected to rebut any defense arguments then, but judges canceled that part of the hearing, noting that there are no arguments for them to refute.

Charles Taylor boycotts war crimes trial again

Charles Taylor's lawyer launched a scathing attack Wednesday on judges in the former Liberian President's war crimes trial, accusing them of putting ego ahead of justice in the landmark case.

Courtenay Griffiths spoke outside the courtroom after he and Taylor again boycotted the closing stages of his trial at the Special Court for Sierra Leone because judges rejected Griffith's written summary of the case, which was filed 20 days after the court's deadline. The summary is a key document setting out the defense side of the case for judges as they consider their verdicts on 11 charges alleging that Taylor supported murderous rebels in Sierra Leone's savage civil war.



Taylor has denied all charges. Former Liberian President Charles Taylor awaits the start of the prosecution's closing arguments during his trial at the U.N.-backed Special Court for Sierra Leone in Leidschendam Tuesday Feb. 8, 2011. Taylor's lawyer stormed out of court Tuesday after judges refused to accept a written summary of the former Liberian president's defense case at the end of his war crimes trial. British attorney Courtenay Griffiths ignored judges at the Special Tribunal for Sierra Leone who ordered him to stay in court after unprecedented angry exchanges erupted before closing arguments in the three-year case. "How will posterity judge the credibility of this court if, at this 11th hour, they prevented Mr. Taylor from presenting ... 90 percent of his closing arguments?" Griffiths said outside court. He said he refused to "lend legitimacy to proceedings" by staying. Former Liberian President Charles Taylor, center rear between guards, awaits the start of the prosecution's closing arguments during his trial at the U.N.-backed Special Court for Sierra Leone in Leidschendam Tuesday Feb. 8, 2011. Taylor's lawyer stormed out of court Tuesday after judges refused to accept a written summary of the former Liberian president's defense case at the end of his war crimes trial. British attorney Courtenay Griffiths ignored judges at the Special Tribunal for Sierra Leone who ordered him to stay in court after unprecedented angry exchanges erupted before closing arguments in the three-year case. "How will posterity judge the credibility of this court if, at this 11th hour, they prevented Mr. Taylor from presenting ... 90 percent of his closing arguments?" Griffiths said outside court. He said he refused to "lend legitimacy to proceedings" by staying.

Charles Taylor the Manipulator

There goes Charles Dakpana Gankay Taylor again, the master manipulator. There goes the former warlord and one time President of Liberia, wanting things to go his way, again. Taylor had always wanted things to go his way. And he has used force and fraud most of his adult life to get what he wants, and when he wants. He is not used to getting things done in a decent and peaceful way acceptable to all parties.

In every arrangement Charles Taylor has always refused to be the underdog, even if that is where he should be naturally. No. Charles Taylor should always be the top dog. Not only the top dog, but the only dog on top

With this kind of mentality, he has refused to see things not going his way at the Special Court for Sierra Leone sitting in The Hague. Charles Taylor and his lawyer Courtney Griffiths yesterday boycotted proceedings of the Court, for the second time. The first was on Tuesday 8th February. Even his lawyer, expectedly, is seeing things from Taylor's point of view. And what is Taylor's point of view? The Special Court is neither independent nor impartial. But no one should blame Courtney Griffiths for doing what he is doing: he who pays the piper calls the tune.

The Special Court is neither independent nor impartial. That is Taylor's point of view. He wants to get away unpunished for all his involvement in the terrible atrocities committed by the R U F in Sierra Leone with his backing, in return for diamonds illicitly mined by the rebels. He has managed all along to hoodwink the Special Court and all those who care to listen to his trash that he is a saint; a saint who has nothing to do with the atrocities committed in Sierra Leone.

And he has done it so well and in a dramatically entertaining way that even the Special Court prosecutors have admired him. They now describe him as an "intelligent, charismatic manipulator."

Whether intelligent or charismatic or both, the fact still remains that Charles Taylor is a master manipulator. That is what he was out of prison bars. That's what he still is behind prison bars. A leopard cannot change its spots, nor can a monkey wash away the blackness of his palm, even with all the detergent in the world.

And so the Special Court Prosecutors need to be careful. They need to be careful not to fall for Taylor's manipulation. He is just playing for time. This is a classic example of a delaying tactic. And he may get away with it, this time again. The people of Sierra Leone are watching and waiting.

Salone News

More than 120,000 people were killed and two million displaced in Sierra Leone's civil war which was marked by brutal atrocities, the use of enslaved child soldiers and widespread use of amputation as a weapon of terror.

Right from the beginning the Revolutionary United Front, insurgents backed by Charles Taylor, a Liberian warlord later to become the country's leader, based their violent strategy on seizing control of Sierra Leone's diamond mines.

First operating from Liberia, from areas controlled by Mr Taylor, the RUF quickly established a reputation for brutality, beheading community leaders and raping women and children to terrorise the civilian population.

The signature terror tactic of the rebels was physical mutilation and an estimated 20,000 civilians suffered amputation, with machetes and axes being used to sever arms, legs, lips, and ears.

The RUF was also became notorious for its Small Boys Units, made up of child soldiers as young as eight who

Naomi Campbell: Sierra Leone War

were forcibly recruited and then drugged and sent to fight with AK47 assault rifles. The children became among the most feared units in what became one of the world's most vicious civil wars.

The war, in the world's poorest country, was officially played out between 1996 and 2002 but the real conflict, and the Liberia backed and Libya trained rebels behind the insurgency, dated back to 1991.

Over a decade of fighting, fuelled by the use of "blood diamonds" to fund insurgents, only ended after Tony Blair sent British troops into the country.

It was an RUF assault on Sierra Leone's capital of Freetown in May 2000 and the taking hostage of hundreds of UN military observers that led to Britain sending 1,500 peacekeepers.

Two years later the conflict had ended

after a Western intervention that still remains model military operation for humanitarians.

Mr Blair, the then British Prime Minister, whose father had taught in Sierra Leone during the 1960s, used the intervention to mount a passionate defence of his "ethical foreign policy" in the run up to the Iraq war.

"Be prepared to be judged by history. A majority of decent and well-meaning people said there was no need to confront Hitler and that those who did were warmongers," he said.

"I am proud of what we've done on regime change in Kosovo and Afghanistan, and in a different way in Sierra Leone. Those who benefited most from military action had been the people of those countries."

BBC Network Africa

Wednesday, 9 February 2011

Taylor's Defence Fails to Present Closing Arguments

LEAD-IN: We go first to the Special Court for Sierra Leone which is sitting in The Hague now where lawyers for former Liberian President Charles Taylor were due to present their closing arguments at his war crimes trial today. But they have said that they won't do so now. Their dramatic announcement followed heated exchanges between Mr. Taylor's lead defence lawyer, Courtenay Griffiths on the one hand, and trial judges and prosecution lawyers at the Special Court.

GRIFFITHS: Justice Lussick, can I respond just to this limited extent, because I really don't want to extend this. I have made a decision. So has my client, and we intend to leave. But the point is, bear in mind Rule 86: "A party shall file a final trial brief with the Trial Chamber not later than five days prior to the day set for the presentation of that party's..."

LUSSICK: Look, that's the Rule, you know we made an order, Mr. Griffiths, to file by the 14th of January. Don't tell me that you think Rule 86 supersedes our order – it doesn't.

GRIFFITHS: And you also have discretion to rethink previous orders made by the Court, if it's in the interests of justice.

LUSSICK: We've decided we're not going to do that, Mr. Griffiths, on more than one occasion. You will not accept the decision of this court, nor will your client. You're not running the court, you know.

DOHERTY: Please sit down while I hear from the Prosecution, Mr. Griffiths.

GRIFFITHS: Well, I'll give that indulgence to the Court.

LUSSICK: Thank you very much, Mr. Griffiths – very kind of you.

DOHERTY: Mr. Griffiths, please sit down and remain as directed by the Court. If you continue to remain on your feet and prevent counsel for the Prosecution speaking by doing so, then I will be obliged to consider that you are coming and verging on a contempt. Please sit down.

A taste of the drama yesterday at the Special Court for Sierra Leone. Well the absence of Mr. Griffiths and later on his client Charles Taylor from the rest of the court proceedings diverted some attention from what the Prosecution said as it began summarizing its case. The lead Prosecutor, Brenda Hollis, described the former Liberian president as an intelligent, charismatic manipulator. [A court] Prosecutor accused Mr. Taylor of profiting from the diamonds and the blood of the people of Sierra Leone. Well, the BBC's Hassan Arouni's following the proceedings for us at The Hague. He explained Courtenay Griffiths later to explain their decision to snub the court proceedings.

GRIFFITHS: Charles Taylor has said from the outset that this prosecution allayed against him was motivated from pressures by the United States and the United Kingdom. Now in December, the Guardian newspaper in London publishes two Wikileaks cables, one of which, emanating from the US Ambassador in Monrovia, makes it quite clear that the Americans have a clear interest in keeping Taylor out of West Africa, and one way in which they seek to do that is by his conviction, the imposition of a lengthy sentence, and if neither of those things occur, then they will attempt to put him on trial again in the States.

AROUNI: But why is that important so late in the day for this case?

GRIFFITHS: By way of example, the Prosecution say that Taylor's NPFL forces terrorized the rural population of Liberia. Yet in that code cable, one of the concerns of the ambassador was that Taylor was still very popular in those areas. How could he be so popular had he terrorized them in the way alleged? So therefore we needed that decision before we filed a final brief, which is why we went before the judges and said, 'on Mr. Taylor's instructions, we don't feel able to file a final brief until all these outstanding decisions have been made.'

AROUNI: So how long do you want them to wait for you?

GRIFFITHS: Well it wasn't a question of how long I wanted them to wait for me; it was a question of how quickly they could discharge their judicial functions and decide these important issues.

AROUNI: Some might say you're just stalling and you're wasting the court's time.

GRIFFITHS: I have no interest in stretching this trial on; neither does Mr. Taylor. He wants a decision on his fate. He wants that, so this isn't delaying tactics, it's a matter of principle.

AROUNI: Mr. Griffiths, when do you think you will be able to go back?

GRIFFITHS: As I said to the judges, I'm withdrawing until such time as the Appeal Chamber decides on our appeal against the decision handed down at the eleventh hour yesterday at 4:00 by these judges who, by a majority say, they don't want to read our final brief.

AROUNI: So if they don't do that it means you won't be making your closing defence argument this week.

GRIFFITHS: Exactly. If the Appeals Chamber take the view that the judges were acting perfectly reasonably, then effectively I have no further role in these proceedings.

Courtenay Griffiths, Defence Counsel for former Liberian President Charles Taylor.

Associated Press

Wednesday, 9 February 2011

Charles Taylor boycotts war crimes trial again



Jerry Lampen / AP

Former Liberian President Charles Taylor argues with a photographer as he awaits the start of the prosecution's closing arguments during his trial at the U.N.-backed Special Court for Sierra Leone in Leidschendam February 8, 2011.

By MIKE CORDER

LEIDSCHENDAM, Netherlands — Charles Taylor's lawyer launched a scathing attack Wednesday on judges in the former Liberian President's war crimes trial, accusing them of putting ego ahead of justice in the landmark case.

Courtenay Griffiths spoke outside the courtroom after he and Taylor again boycotted the closing stages of his trial at the Special Court for Sierra Leone because judges rejected Griffiths's written summary of the case, which was filed 20 days after the court's deadline.

The summary is a key document setting out the defense side of the case for judges as they consider their verdicts on 11 charges alleging that Taylor supported murderous rebels in Sierra Leone's savage civil war. Taylor has denied all charges.

Prosecutors say Taylor armed and provided crucial logistical backing to the rebels in return for so-called blood diamonds mined by slaves in Sierra Leone. A verdict is expected later this year.

Griffiths, a usually mild-mannered British lawyer, angrily accused the trial judges of punishing Taylor for defying their order to file closing summaries by Jan. 14. He had asked before the deadline for more time and has now sought permission to appeal the rejection.

"It's about simply this — 'you're not running this court Mr. Taylor and we're going to show you who's in charge by rejecting your final brief,'" Griffiths said. "So this is about ego not justice, and I really don't see that this kind of personalized politics has any part to play in a court of law."

Griffiths argues he could not file the 547-page document by the deadline because the court had not at that time ruled on eight defense motions. He said the late filing had not inconvenienced judges.

"What prejudice has this court suffered by us filing our final brief 20 days late?" he said. "How have they suffered?"

Griffiths said the rejection of the final brief has "caused me to question the judicial capacity and independence of a couple of these judges."

He did not name them, but he was referring to Presiding Judge Teresa Doherty of Ireland and Samoan Judge Richard Lussick. The third judge, Julia Sebutinde of Uganda has repeatedly issued dissenting views supporting Taylor's stance.

Judges briefly reopened the trial Wednesday but Taylor remained in his cell several kilometers (miles) away and Griffiths stayed out of the courtroom. Doherty quickly adjourned the case until Friday, but Griffiths told reporters he would not be in court then, either.

"It would be totally illegitimate for us to get involved at this stage until they resolve this issue as to whether or not they're going to accept our final brief," he said.

Griffiths risked being held in contempt of court when he stormed out of court Tuesday after judges refused to accept his written summary.

If he continues his boycott, the trial will likely end Friday. It would only reopen for Griffiths' closing statement if Taylor's appeal against the rejection of the final brief succeeds.

In the appeal document, Griffiths wrote it is "patently unfair for the judges to have before them the prosecution's road map to conviction, without being in a position to critically analyze the sufficiency of the evidence through the assistance of the defense's final brief."

"There is a simple route out of this," Griffiths told reporters, "which is for them to rescind the decision they made wrongly in my view on Monday and receive the final brief so they can peruse it over the next few months and incorporate it in their final judgment."

Radio France International

Tuesday, 8 February 2011

Not going to offer war crimes court a fig leaf, says Taylor's lawyer

By Daniel Finnan

Interview - Courtenay Griffiths

Charles Taylor's defence lawyer walked out of the Sierra Leone war crimes court in protest on Tuesday. British attorney Courtenay Griffiths told RFI that the court is a "farce" and riding "roughshod" over his client's rights. The ex-Liberian president denies 11 counts of war crimes and crimes against humanity allegedly committed in Sierra Leone.

What made you decide to walk out of court [1]?

We had filed our final brief last Thursday, only to be told yesterday afternoon that in regards to the almost 600-page document which we submitted, setting out in detail Mr. Taylor's case, two of the judges have refused to look at it because we filed it 20 days later than we should have done. My point is this: in the context of a trial which has lasted three years [2], do your listeners think that it is disproportionate for the judges to refuse to hear, in effect, the whole defence case, because we're 20 days late? They're cutting out Mr. Taylor from putting forward a defence, and as far as I'm concerned, that is totally inequitable.

Why were you late in filing these final submissions?

Since the date was fixed for when the final brief was to be submitted, a number of issues arose which we felt we had to take up as legal issues before the court. By 14 January, none of those issues had been resolved. Amongst those issues was one very central to our case. Mr. Taylor had, since 2000, been saying that certain powerful countries were out to get him. Then, in December last year, the Guardian newspaper published a couple of cables [3], one of which emanated from the US ambassador to Monrovia. In effect, it said that the US government would have to do everything within its power to ensure that either Mr. Taylor was convicted or got a long sentence, or if neither of those happy outcomes came about, that steps should be taken to try him in the United States [4]. So, here we had at the last minute confirmation of a central plank of our case. Were we supposed to overlook that? And how were we supposed to serve a final brief when issues as central as that were still outstanding? Tell me, have you ever heard of legal proceedings where your final address to a jury or a court is made when several important legal issues are yet to be decided?

Did you tell the judges that you wanted an extension for the time to file your closing arguments?

We did it on no less than three occasions. The first occasion being right at the start of January, when we suggested that they might consider adjourning the deadline for a few weeks. Not only to give us more time to file our brief, but also to give them more time to properly address the issues we were raising and which were still

outstanding. But in any event, what they did do was this: after we told them that we would not be filing until those issues were decided, within a few days we had these rapid decisions by them, none of which truly addressed the issues raised by us. But merely to get them out of the way so we no longer had an excuse to file. Is that the way a court is supposed to operate? Particularly when they're dealing with a case as grave as this – the first African leader ever put on trial – what kind of example is this setting? Are African people, with only Africans currently awaiting trial before the ICC [5], supposed to look at this standard of justice, given this primary example?

You are asking for closing arguments to be rescheduled prior to a final ruling. How hopeful are you?

What I'm asking for is a right to appeal to the Appeals Chamber [6], for them to consider whether it was equitable and just for our trial chamber to refuse to look at our final brief by a majority. Frankly, I am not prepared to provide a fig leaf to this court whilst they ride roughshod over my client's rights. What am I suppose to do, sit in court and give some kind of credibility to what's going on when I know that it's a farce? I'm sorry, this is not the way in which a trial as important as this should be conducted and I'm not going to be party to it.

How do you feel about possibly being ruled in contempt of court and receiving a fine or prison sentence?

It's for the judges to decide whether they think it's the right thing to do, to be considering such punitive measures against me. That's out of my hands, if they wish to go ahead with that. There's nothing I can do about it.

iclferment.blogspot.com

Monday, 7 February 2011

SCSL Taylor Trial Chamber Directs Lead Defence Counsel to Appear and Apologize, Citing Prospective Misconduct

Today, at the Taylor Trial in The Hague, neither the Accused (Mr. Charles Taylor) nor his Defence Counsel (Mr. Courtenay Griffiths, Q.C.) showed up in Court. According to media reports (see, e.g., BBC News and Bloomberg News), Mr. Taylor sent a note to the judges indicating that he had waived his right to be present.

There appeared to have been some confusion as to whether he was ill or just voluntarily choosing to stay away. The Presiding Judge (Justice Teresa Doherty) clarified that it seemed to be the latter, and continued with the proceedings. In principle, once there is an express or implied waiver of the right to be present, the proceedings could continue pursuant to Rule 60 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone - even in the absence of the defendant.

While both national and international judges prefer that accused persons be present for proceedings relating to them, as they are entitled to be in order to mount a proper defence, that SCSL rule - like similar provisions in other tribunals - essentially provides that an accused may be tried in his absence if he has been afforded the right to appear but refuses to do so. In such cases, the accused may be represented by counsel of his choice, or as directed by a Judge or Trial Chamber.

Though the Chamber seems to have appointed the current SCSL Principal Defender, Ms. Claire Carlton-Hanciles, as Duty Counsel to represent Mr. Taylor's interests after Mr. Griffiths left court yesterday, the Chamber today decided to adjourn the proceedings as the Defence Team was scheduled to present its oral arguments.

The Principal Defender, who is a lawyer employed by the SCSL to run the legal aid system, told the court that she had not been instructed by the accused nor by counsel. Of course, as someone who had been in the same position when the same chamber appointed me Duty Counsel at the opening of the Taylor case on 4 June 2007, I know that she would not be in a position to make closing submissions in relation to the substantive matters in the case.

Regarding Lead Counsel Mr. Griffiths, he had indicated yesterday that he did not have the intention to return to court until the Appeals Chamber rules on the Defence Appeal of the Trial Chamber's decision to receive the Final Defence Brief. However, his position might have to change by tomorrow because the majority of the judges, Justice Julia Sebutinde dissenting, have in the late afternoon on February 9, 2011 issued a "Direction to Lead Counsel to Appear Before the Chamber" in which it:

"Directs Lead Counsel for the Accused, Courtenay Griffiths to attend court on Friday 11 February 2011 at 11:30 and warns Lead Counsel that unless he apologises for his behavior on 8 February 2011 the Trial Chamber may impose sanctions pursuant to Rule 46 of the Rules of Procedure and Evidence".

As Rule 46 has now become so central to the latest development in the Taylor Trial, and could be resorted to by the Trial Chamber as stated by the plain language of its decision, it is worth setting out in full:
Rule 46: Misconduct of Counsel (amended 29 May 2004)

(A) A Chamber may, after a warning, impose sanctions against or refuse audience to a counsel if, in its opinion, his conduct remains offensive or abusive, obstructs the proceedings, or is otherwise contrary to the interests of justice. This provision is applicable to counsel for the prosecution.

- (B) A Chamber may determine that counsel is no longer eligible to represent a suspect or accused before the Special Court, pursuant to Rule 45. If declared ineligible, removed counsel shall transmit to replacement counsel all materials relevant to the representation.
- (C) Counsel who bring motions, or conduct other activities, that in the opinion of a Chamber are either frivolous or constitute abuse of process may be sanctioned for those actions as the Chamber may direct. Sanctions may include fines upon counsel; non-payment, in whole or in part, of fees associated with the motion or its costs, or such other sanctions as the Chamber may direct.
- (D) A Judge or a Chamber may also, with the approval of the President, communicate any misconduct of counsel to the professional body regulating the conduct of counsel in his State of admission.
- (E) If a counsel assigned pursuant to Rule 45 is sanctioned by being refused audience, the Chamber shall instruct the Registrar to replace the counsel.
- (F) This Rule is applicable to counsel for the Prosecution as well as counsel appearing for the Defence and to any counsel appearing as *amicus curiae*.
- (G) The Registrar may set up a Code of Professional Conduct enunciating the principles of professional ethics to be observed by counsel having right of audience before the Special Court, subject to adoption by the Plenary Meeting. Amendments to the Code shall be made in consultation with representatives of the Prosecutor and Defence counsel, and subject to adoption by the Plenary Meeting. If the Registrar has strong grounds for believing that counsel has committed a serious violation of the Code of Professional Conduct so adopted, he may report the matter to the President for appropriate action under this rule.
- (H) Decisions made by a Trial Chamber under Sub-Rules (A) to (C) above may be appealed with leave from that Chamber. Where such leave is refused, the Party may apply to a bench of at least three Appeals Chamber Judges for leave.

Posted by Professor Charles C. Jalloh

iclferment.blogspot.com

Monday, 7 February 2011

Special Court for Sierra Leone Trial Chamber Issues Controversial Decision Refusing to Accept the Late Filing of the Taylor Defence Final Brief

In a striking and perhaps even unprecedented decision for the rights of the accused in a major international criminal trial, the majority of Trial Chamber II at the Special Court for Sierra Leone (SCSL) has just today refused to accept the late filing of the Defence's Final Brief in the trial of former Liberian President Charles Taylor.

By way of background, the Chamber had, on October 22, 2010, ordered the parties to file their closing trial briefs by close of business on January 14, 2011. The Prosecution filed its brief on the due date. The Defence filed its closing brief on February 3, 2011, approximately 13 working days after it was due. There were various reasons for the late filing. In particular, a motion filed by the Defence on January 10, 2011 had asked the Chamber to stay the proceedings, or alternatively, for a one-month extension to allow sufficient time for both the Defence and the Prosecution to file their closing briefs. The majority of the Chamber, Justice Julia Sebutinde dissenting, had in response to that request for a stay refused to suspend the proceedings or to extend the deadline for the closing briefs in a controversial decision taken on January 12, 2011.

In today's majority decision that is as short as it is significant (only one and half pages in total), the majority comprised of Justices Teresa Doherty (Presiding) and Richard Lussick, the judges summarily dismissed the Defence explanation for the delay on the form accompanying its final brief as not advancing "any new grounds for rescinding the original filing order". The Chamber stopped there, providing little in the way of reasoning to support its breathtaking finding.

Most significantly, the Chamber completely failed to address the impact of its decision on the rights of the accused to properly defend himself in a trial of such magnitude given the seriousness of the crimes contained in the 11-count Prosecution indictment. The Chamber also failed to address the reality that the case is at such a crucial closing stage, with the only formal step remaining after the filing of the brief being oral arguments which are in fact scheduled to start tomorrow and to end on Friday this week (i.e. February 8 to 11, 2011).

In stark contrast, in a lucid eight-page dissenting opinion, Justice Julia Sebutinde found that the interests of justice and demands of a fair trial for Mr. Taylor required the Chamber to accept his brief even if it is late and contravened an earlier order made by the Court. She offered six compelling arguments supporting her conclusion. In this regard, she reasoned that a procedural irregularity such as a late filing by an accused is insufficient to displace the fundamental rights that the former Liberian President is guaranteed under Article 17(4) of the Statute of the SCSL. Under that provision which also reflects customary international law, the accused is entitled, as an absolute minimum guarantee, to have adequate time to prepare his defence against the kinds of serious [crimes against humanity and war crimes] charges that he faces.

I am not aware of any decision in modern international criminal law as that taken today by the majority of Trial Chamber II in *Prosecutor v. Charles Taylor*. Of course, the decision raises both issues of law and legitimacy in this historic trial of the first former African head of state for alleged involvement in international crimes in a neighboring country. The majority opinion goes against international tribunal practice. Indeed, as Justice Sebutinde rightly noted, it is in fact quite common in cases of this magnitude for the parties on both sides of the adversarial divide to want to put their best foot forward by presenting

as comprehensive and accurate a brief as is possible before the judges retire for deliberations. The written brief, which is the final step before oral closing arguments by the Prosecution and Defence, in fact goes a long way to assist the judges in drafting their judgment and disposing of the case.

Ironically, just last week (on February 4, 2011 to be precise), the Prosecution, which apparently got some credit for having complied with the Chamber's January 14, 2014 deadline, filed a motion asking for judicial permission to "substitute" its entire brief with what is apparently a "revised and refined version". In other words, though the Chamber is yet to rule on that motion, even the Prosecution would have appreciated the one month of additional time to properly wrap up the most important written part of its case against Mr. Taylor. For some curious reason, the fact that this is a huge and complex trial with mountains of testimonial and documentary evidence which both sides needed to review and properly integrate into their briefs did not seem to evoke any sympathy from the two judges.

In conclusion, it may be that the Chamber is under pressure to close the trial and wants to send a message to the accused and his counsel that it is in control of its proceedings. However, one is hard pressed to see how it will benefit the Court by refusing to accept the final defence brief which will inevitably raise appealable issues and therefore potentially prolong the case - even at this stage. Worse, if indeed the Chamber does not change its mind and permit the Defence Team to submit a final brief, or the Appeals Chamber fails to correct this manifest error, it would have effectively put Mr. Taylor in jeopardy to such an egregious extent that a reasonable observer might legitimately wonder whether it would not tarnish the legacy of the SCSL.

Posted by Professor Charles C. Jalloh

The Vancouver Sun
 Wednesday, 9 February 2011

Refugee claimant who brought down African warlord facing deportation

By Rebecca Lindell, Postmedia News



Former Liberian president Charles Taylor is on trial for war crimes in The Hague.

Photograph by: Miguel Medina, Getty Images, Postmedia News

Cindor Reeves risked his life to help end the bloody reign of his brother-in-law, Liberian warlord Charles Taylor, but it

threatens to cost him refugee status in Canada and to wrench him from his wife and children.

Since January he's been living under the threat of deportation. He told Postmedia News he would be applying to the Federal Court of Canada this week for leave to appeal the Immigration and Refugee Board's decision to reject his claim for refugee status.

For Reeves, it's bitter recompense for risking his life to bring Taylor before the UN-backed Special Court for Sierra Leone. Having escaped what he calls Taylor's vengeance by fleeing to Canada in 2006, he said he now feels like Canada has turned its back on him.

"We have a saying in Africa, 'The white men will use you, get what they want from you and then they are done with you,'" Reeves said.

Taylor came to power in Liberia after a bloody civil war that left 200,000 dead. He is accused of extending his power by engaging in the blood diamond trade with the Revolutionary United Front in neighbouring Sierra Leone — a group that was known for recruiting child soldiers and forcing people to mine the diamonds that financed the decade-long civil war.

Reeves said he was Taylor's eyes and ears in the blood diamond trade coming out of Sierra Leone, and all the while conspired to bring Taylor down.

Reeves documented every weapons delivery, meeting, person, diamond and crime related to his brother-in-law — evidence that he handed over to the Special Court for Sierra Leone in 2002. They formed the basis of the case against Taylor, who is now on trial in The Hague accused of war crimes including murder, rape, mutilation and conscription of child soldiers during Sierra Leone's civil war.

"I was living good. I gave up everything because I thought I was doing the right thing," Reeves said.

Building a case against his brother-in-law was dangerous, and after an arrest and an assassination attempt, Reeves and his immediate family fled, eventually landing in Canada, where they claimed refugee status.

Canada's Immigration and Refugee Board accepted in January the claims of his wife and two children, but rejected Reeves' application because of his association with Taylor and the RUF — the same association that enabled him to be a key player in the quest to bring justice to West Africa.

If he is deported to Liberia, Reeves said he will be killed.

That's a decision that should be reconsidered according to Alan White, former chief of investigations with the UN-backed special court, and David Crane, a former prosecutor at the special court.

"This isn't a man that has blood on his hands," said White. "Respectfully, I would ask that they reconsider based on the totality of the circumstances. I feel strongly that the international community owes this man a great debt of gratitude for what he did."

Crane said the fact that Reeves co-operated with the special court shouldn't erase his past or mean automatic citizenship, but Canada has to realize he will be killed if he returns.

"If they send him back to Liberia they are signing his death warrant," he said. "I want for them to consider all that he has done, the impact he had on justice for West Africa and look at how is conducting himself in Canada and allow him in Canada as a political refugee."

Both men also said Reeves was not paid for any of the information, nor did he ever ask for anything except protection for his family.

Reeves said he spent four years tracking diamonds and weapons shipments going through he country. The chance to expose his brother-in-law came when Taylor asked him to tour around with reporters from the Washington Post. Reeves handed his cache of evidence to the journalists.

When the articles were published Taylor started getting suspicious, said Reeves.

"Things were closing in around me. Taylor was killing people. He was eliminating witnesses," he said.

Reeves said he was then arrested; his wife, Precious, was arrested and beaten. With the help of bribes, they both fled to Ghana in 2002.

In Ghana, White contacted Reeves and told him a hit squad was in town to assassinate them.

The court spirited the family to Amsterdam in January 2003. They lived in the Dutch city for a year before they were transferred to Germany.

In Germany, the family would make the tough decisions that would lead them to Canada. Reeves said that by 2005 the police stopped bringing the family food and financial support, saying that the special court had lost contact and was no longer footing the bills.

"We had some fiscal challenges and he got caught up in that situation. This is not the first individual the court has done that to," said White.

Not able to work in Germany and facing death threats from Taylor's associates, the family booked a flight to Canada.

When they arrived in August 2006, Reeves said he was welcomed to Toronto by the Canadian Border Services Agency with handcuffs and an orange jumpsuit. He said he was held in Toronto West Detention Centre for three months. He still reports to the agency every two weeks.

Precious and Reeves opened a hair salon in a Toronto suburb. Now they are both waiting to see if the Federal Court will keep their family together.

Reeves said he doesn't have much hope when it comes to winning his case, instead he's trying to come to terms with an eventual return to Liberia.

"I don't regret doing what I did. If it costs my life, so be it."

rlindell@postmedia.com