

**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:

Friday, 11 December 2009

Press clips are produced Monday through Friday.
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Concord Times
Friday, December 11, 2009

Local News

Nicholas Koumjian, who has been leading the cross-examination of Charles Taylor at the Special Court for Sierra Leone, ended the last hearing of the year with a dramatic piece of evidence: a previously unseen statement from a personal bank account opened by the defendant in December 1999.

The former Liberian president is charged with 11 counts of war crimes and crimes against humanity relating to his role in Sierra Leone's civil war.

Taylor - who has always claimed that "no one, no human being has ever come up and said, 'Here is a bank

Taylor's secret account revealed

account with a million dollars belonging to Mr. Taylor" - acknowledges the existence of the account at the Liberian Bank for Development and Investment, but rejects prosecutors' suggestions that he used it to hide illicit funds. It was a "covert account opened up by the government of Liberia during this period, to fight our war", Taylor told the court. The prosecution focused on two major deposits made in 2000: 2 million dollars from Natura Holdings, whose Dutch owner was accused and later acquitted of illegal arms sales; and 3.5 million dollars from the Taiwanese embassy in

Monrovia.

"The total for nine months, Mr. Taylor, \$10,842,268.93," said Koumjian. "Why is it covert? Because it's going into your pocket?"

"No, Mr. Koumjian. We were accumulating money. That's how we managed to pay for the arms that I have said that I ordered in 2001," Taylor replied. Arms paid "in cash" to Serbia, he added, but said he "can't remember" millions of dollars of transactions shown by the bank statement. "It was used for covert activities," admits Taylor.

Taylor's cross-examination will continue when the trial resumes in January.



Salone to benefit from projected \$368M UN fund

The West Africa division of the U.N. Office of Humanitarian Affairs has launched an appeal for \$368 million to continue its work in the region in 2010.

lution.

The appeal is part of a larger U.N. drive to raise money for humanitarian projects throughout Africa, for a total of \$7.13 billion.

gency relief, while we will start early recovery programs," said Palavigna. "We will start assistance to the judiciary system, we will start reinforcing law and

The Exclusive
Friday, December 11, 2009

Taylor Speaks Out

From last edition

In fact, the camera - we were told that the camera that was supposed to be used for this so-called documentary where they insisted on interviewing me contained some beam or something that fired at me would, over a period of time, lead to cancer that -

we were told by a major western intelligence source."

NOVEMBER 25 2009

Context: The Prosecution asking Mr. Taylor about the number of murders, killings and rapes during the Liberian civil conflict. NGO estimates of killings during the conflict are in the range of 250,000. Per the below, Mr. Taylor says it was between 5,000 and 7,000.

Q. To your knowledge, you don't know about massive killings of civilians - let me just take that question and break it to down into two - in Liberia during the conflict?

A. Massive? I am not aware of the massive killing of civilians in Liberia.

Q. Sir, how many civilians do you think - I mean, you're the former President of Liberia. You lived there throughout the conflict. How many civilians do you think were killed, murdered during the civil conflict in Liberia?

A. Now you've asked two questions, Mr Koumjian; how many were killed and how many were murdered. Now which question do you want me to answer; the ones that were killed or those that were murdered?

Q. Those that were murdered. By murdered let me be clear, I mean those that were killed not be accident, not by stray fire.

Those that were slaughtered.

A. Well, those that were murdered, I would - from the - and I can only speak frankly to this Court about the NPFL side. I cannot account for the other side. I would put it to, I would say, under 200 that were murdered throughout the entire crisis and most of those people paid for it.

Q. Sir, I'm asking you about all the factions. I'm talking to you about the suffering of the Liberian people. The Liberian people. How many Liberians were killed, civilians? And let me use the word "killed" now. How many Liberians were killed in the civil conflict?

A. I would say - I would put the amount of Liberians that died during the Liberian civil conflict to 5 to 7,000.

Q. Sir, how many Liberian women do you estimate were raped,

suffered sexual assault, during the civil conflict in Liberia?

A. I really do not know. I really do not know. I can only speak about the NPFL side. I can speak about the NPFL side and I would put them to a very, very few, and those - and I can put it to a very few because of the number of executions that were done of rape by my soldiers, yes. Context: Mr. Taylor claiming to be unaware of child soldiers or sexual slavery committed by the RUF rebel group in Sierra Leone.

Q. When were you aware, Mr Taylor, of the use of child soldiers by the RUF?

A. I was not aware of any - that was not amongst the ECOMOG reports that there were child soldiers. No, I was not.

Q. You had never received any information that there were child soldiers among the RUF?

A. No, I had never - I never received any such information, no.

Q. Had you heard about women being abducted and kept basically as sex slaves by the RUF?

A. No, no, I had not. I had not heard about that.

Q. Was that information that would interest you, or these were matters that were outside of your interest?

A. Well, they would be issues that would interest me, but I didn't go out asking questions.

Context: Mr. Taylor admitted his government paid bribes to officials

in the Niger and Serbia to obtain weapons in violations of the UN Weapons ban to Liberia.

Q. When you say how much you're willing to pay you are talking about bribing officials?

A. That's the whole point of corruption, yes.

Q. How many times have you done that?

A. It depends on - during the war we went through countries, I don't know who was involved but if we wanted to get something done we would do it and we've done it at least I would say once, twice.[Bribing of officials of the Niger]

Q. What countries were you bribing officials in in order to allow arms to pass through those countries in violations of the United Nations arms embargo?

A. I talked about the violation. We traversed material through Niger, the Government of Niger didn't know. Simple. We came through Niger a few times, the government knew nothing about it.[Bribing of Serbian officials for arms]

Q. but in fact the UN panel of experts discovered that you had brought in arms from a company in Serbia without the knowledge of the Serbian government through the use of a false End User Certificate, and I'm sorry I don't have prepared with me right now that country, but I believe it was Niger. Isn't that the truth?

Continued next edition

The African Champion
Friday, December 11, 2009

Guinea, Yenga Problems Discussed

*By Momoja
Lappia*

At the official opening yesterday of the Economic Community of West African States (ECOWAS) Chiefs of Defence Staff (CDS) conference in Freetown participants bitterly frowned at problems caused by insecurity.

Although piracy at high seas has not yet frequent West Africa, it was equally attacked at the conference by top military ranks,

police bosses, politicians and diplomats like the on going junta regime in Guinea and illegal occupation of Sierra Leone's Yenga.

Addressing the colourful and well attended conference Vice President Alhaji Sam Sahr Sumana expressed delight since it will enhance security status of ECOWAS member states. He used the occasion to reflect on the host country's - Sierra Leone - concluded rebel war; thus commended Ni-

geria Guinea, Ghana and Mali among other ECOWAS members for roles well played in bringing peace, stability and development in an impressive stretch of time.

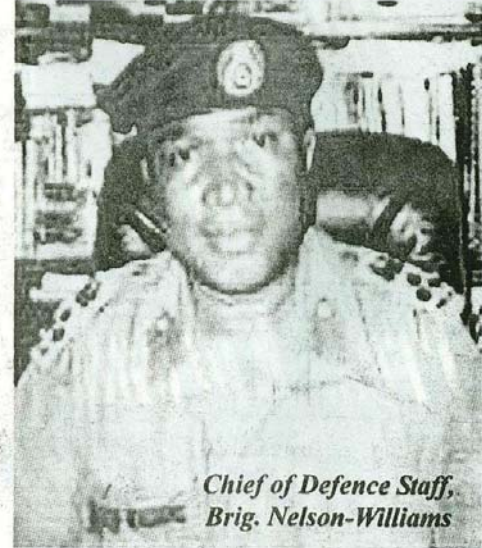
Considering the human and financial sacrifices made during that period by sister states, Vice President Sumana stressed on the benefit of cooperation. He cautioned both the military to respect their respective responsibilities.

Hammering his point home, CDS Nigeria, Air Marshall Paul Dike stated that the confer-

ence is an opportunity for participants to objectively watch insecurity, so as to, bring up possible solutions.

Air Marshall Dike disclosed the causative factors like the proliferation of small arms, drug and human trafficking must be viewed with all sense of responsibility.

According to the CDS of Sierra Leone, Major General Claude Nelson-Williams, the 26th ECOWAS CDS Conference which Sierra Leone is hosting for the first time sounds timely.



*Chief of Defence Staff,
Brig. Nelson-Williams*

This he said is because situation in the Mano of the appalling security River Basin.

Daily Observer

Wednesday, 9 December 2009

Prosecutors Uncover Taylor Account Worth Millions



*Accused former president, Charles Taylor
Taylor Claims Personal Account Was Created for
"Covert Operations"*

THE HAGUE – Accused former Liberian president, Charles Taylor, told the Special Court for Sierra Leone this week that a bank account opened in his name and worth millions of dollars was operated to fund "covert" operations on behalf of the Government of Liberia.

Taylor insists it was not a personal account used to squirrel away money for himself, gained from activities such as the trading of arms in exchange for Sierra Leone's diamonds, as prosecutors allege.

Prosecutors challenged Mr. Taylor on the truthfulness of this claim.

"This account is a covert account opened by the Government of Liberia at this time. It had to be opened in my name," Taylor told the judges when confronted by prosecutors about the existence of an account in his name.

Prosecutors have been seeking to impeach the former warlord's credibility as a witness testifying in his own defense. From July 14 to November 10, 2009, Taylor testified under direct examination as a witness in his own defense. He denied all allegations against him, including the charge that he enriched himself through receipt of Sierra Leone's conflict diamonds from Revolutionary United Front (RUF) rebels. Prosecutors say Taylor stashed away large amounts of money and stored them in numerous bank accounts.

The accused former president has denied operating any secret accounts and has challenged prosecutors to bring evidence of any secret accounts that bear his name. On Friday, December 4, 2009, prosecutors disclosed to the defense several documents, some of which alleged that Taylor operated an account with the Liberian Bank for Development and Investment (LBDI).

When court resumed, prosecutor Nicholas Koumjian read portions of Taylor's past statements in which he challenged anybody to bring evidence of any secret account that he is alleged to have operated.

"I challenge any human being on this planet to bring one bank account that I have money there. If anyone on this planet knows of any asset or bank account anywhere, I authorize you to come forward. There are no bank accounts in the world that I have. If anyone can bring any evidence that Charles Taylor has money in a bank account, then Charles Taylor is a liar," Taylor was quoted as having said during direct examination on July 20, 2009.

After Taylor's assertion that he did not have a personal bank account at the LBDI, Koumjian read from an LBDI document dated December 8, 1999, indicating the opening of a new bank account with

account number 00201-32851-01. The document indicated the person opening the account as "Charles G. Taylor," home address "White Flower." The business address listed was the Executive Mansion, with an initial deposit of US\$1,000. The appended signature on the document was Taylor's.

"It is my signature," Taylor agreed with Koumjian.

Koumjian also submitted a "checking account signature card" dated December 15, 1999 bearing Taylor's signature as well as a second authorized signatory named Khadiatou Darra.

Taylor agreed that the details on the card were correct. Darra served as personal assistant to Taylor while he was president of Liberia.

Koumjian further read that as of July 17, 2000, a business operated by Dutch businessman, Guus Kouwenhoeven, deposited US\$1,999,975 USD into an account at LBDI. In June 2006, Koewenhoven was convicted in a Dutch court on charges of "arms smuggling and complicity in war crimes in Liberia," but was acquitted on appeal in March 2008.

"I told this court that monies were deposited into a special operating account," Taylor responded, but denied that the account belonged to him.

"I had no personal accounts. Khadiatou Darra and Charles Taylor had the same bank account. This account is a government of Liberia account. I am a signatory to that account, Khadiatou is a signatory. It is an operational account," Taylor said.

"Why is this account in your name and stated as a personal account?" Koumjian asked the former warlord.

"This account is opened by the Liberian government under my authorization. This account is a covert account opened by the government of Liberia at this time. It had to be opened in my name," Taylor responded.

In response to Koumjian's assertion that the account was opened in Mr. Taylor's personal name and only listed Darra as a co-signatory, Taylor said that "it does not matter."

Taylor explained that the United Nations had imposed an embargo on the Government of Liberia at that time, and that any transactions coming from a GOL account for certain operations would have been blocked since the clearing house for LBDI's foreign transactions was with Citi Bank in New York.

"And you put that account in the name of the president?" Koumjian asked Mr. Taylor.

"Yes, with the authorization of the Legislature," Taylor said.

The former president explained that monies were needed for covert operations such the purchase of arms and ammunition to confront rebel forces who were threatening to unseat his government in Liberia. He said that the Liberian Legislature gave him authority to use "any and every means" to protect the Republic of Liberia; and having a covert account to finance covert operations for the protection of the Liberian people was necessary. He said that all monies deposited into the government's account at the Central Bank of Liberia were monitored by the International Monetary Fund (IMF) and World Bank.

Koumjian also pointed to records indicating that on March 30, 2000, the "Embassy of ROC" in Monrovia deposited US\$3,500,000 into the same account. The "Embassy of ROC" was referenced as the Taiwanese embassy.

"I acknowledge that US\$3,500,000 went into this account," Taylor said.

When asked by Koumjian why the government of Taiwan would “give covert money” to the Government of Liberia, Taylor responded, “Because it was covert. That is it. It was covert and was used correctly, and I am under no obligation to explain to you what covert operations included. It is for the Liberian people to ask me.”

During direct examination as well as cross-examination, Taylor has admitted that in 1996-1997, while preparing for presidential elections in Liberia, he received a personal donation from the Taiwanese government in the amount of US\$1,000,000.

He further told the court that in 2000, amounts withdrawn from this ‘covert’ account were used for the purchase of arms and ammunition from Serbia, in violation of a UN arms embargo on Liberia. The arms and ammunition, the former Liberian warlord has consistently stated, were purchased to fight against rebel forces in Liberia.

Taylor said that the account was also used to pay Special Security Service (SSS) and Anti-Terrorist Unit (ATU) salaries, and to “carry out humanitarian acts on behalf of the president.”

“Covert military operations” were paid for under this account, Taylor said.

Koumjian also read records of other transactions that were conducted using the account such as a debited amount of US\$917,000, credited amounts of US\$6,975,500 and US\$3,400,000, and the withdrawal of US\$4,700,000 in about 68 transactions.

“I was kept informed but I do not recall individual amounts. I do not remember the specific details,” Taylor responded.

Taylor also said that he could not recall the source of US\$2,000,000 deposited into the account on December 4, 2000, records of which were read by Koumjian.

“I don’t recollect. This could have been from the government of Liberia,” Taylor said.

Prosecutors have sought to prove that Taylor enriched himself through his involvement in the conflict in Sierra Leone. It is alleged that the accused former president received diamonds from RUF rebels and in return supplied them with arms and ammunition, which were then used to commit atrocities in Sierra Leone.

The former warlord is also accused of involvement in a joint criminal enterprise with RUF rebels and of bearing the greatest responsibility for crimes such as rape, murder and terrorizing the civilian population, committed by RUF rebels in Sierra Leone from November 30 1996 to July 18, 2000. Taylor has denied these allegations, asserting that his involvement in Sierra Leone was only for peace making purposes, in concert with other West African leaders.

Upon his arrest and detention by the Special Court for Sierra Leone, Taylor declared himself partially indigent, indicating that he does not have money to pay for his defense. The court has been paying all bills related to the conduct of his defense. Prosecutors now seek to prove that Taylor lied when he testified that he does not have money in any secret bank accounts.

With the court rising last Friday for its end of year recess, Taylor’s cross-examination will continue on January 11, 2010.

Voice of America

Friday, December 11, 2009

Human Rights Watch Supports a War Crimes Tribunal in Liberia

James Butty

The U.S.-based Human Rights Watch said it supports the Liberia Truth and Reconciliation Commission's (TRC) recommendation to prosecute those who committed the most heinous crimes during the country's brutal civil war.

In a briefing paper released Thursday, the group called on Liberia's international partners to support efforts to ensure accountability in Liberia.

Elise Keppler, senior counsel for the International Justice Program at Human Rights Watch said the countless victims of Liberia's civil war deserve justice.

"Human Rights Watch believes it is essential that serious past crimes committed in Liberia be tried...horrific abuses were committed. The TRC has documented or brought together a discussion of those abuses. And the TRC report moreover recommends that there be a tribunal to address those crimes," she said.

Former Liberian President Charles Taylor

In its final report, the TRC said all warring factions were implicated in serious abuses against civilians.

The TRC recommends the setting up of a hybrid international tribunal to try the perpetrators of serious crimes, including economic crimes.

Keppler said the tribunal would be somewhat similar to the U.N.-backed Special Court for Sierra Leone.

"Their proposal provides that the tribunal will function with both internationally appointed and Liberian-appointed judges. And the tribunal would function in some ways similar to the Special Court of Sierra Leone," Keppler said.

Five months after releasing the unedited version of its final report, the TRC this week released its consolidated final report.

TRC sources said the Liberian government had yet to make available about \$500,000 the commission had requested to pay its staff and finalize its work.

Keppler said her organization strongly believes Liberia's international partners should the setting up of a tribunal to ensure accountability.

"From Human Rights Watch's perspective, it's essential that key international partners, including the United Nations, the United States, the European Union step forward to support Liberia's efforts to bring justice to past crimes and work with the Liberian government to move ahead to see prosecution," Keppler said.

She said Human Rights Watch's support for the setting up of a war crimes tribunal does not mean that the group endorses all the recommendations in the TRC final report.

“Human Rights Watch doesn’t take a position on the TRC report overall. We really singled out this aspect of accountability as it’s an issue we felt very strongly needs to be taken forward,” she said.

Among the commission’s many recommendations, it said that nearly 40 individuals who cooperated with the TRC should not be prosecuted.

Keppler said that aspect of the TRC recommendations is inconsistent with international law which stipulates that violators of serious crimes against humanity should benefit from an amnesty.

“When it comes to the worst abuses there can be no amnesty, and it’s absolutely essential that cooperation with the TRC not be used as a basis to exempt anyone from investigation and prosecution if appropriate,” Keppler said.

Although the TRC’s final report leaves open the possibility of the death penalty in the case of conviction of certain crimes, Keppler said the death penalty is not consistent with international law and her organization does not support the death penalty because it is cruel and inhumane punishment.

The Liberian legislature is expected to take up the TRC recommendations early next year. Keppler said Human Rights Watch is urging the legislature to support prosecution for serious crimes during Liberia’s civil war

AllAfrica.com

Friday, December 11, 2009

Liberia: Justice for Country - the Truth and Reconciliation Commission's Recommendation for an Internationalized Domestic War Crimes Court

On December 1, 2009, Liberia's Truth and Reconciliation Commission (TRC) issued its final report detailing its findings on the causes and impact of that country's social turmoil between 1979 and 2003. The TRC's report represents a major undertaking on the part of the commission to expose the abuses committed against civilians during Liberia's two devastating armed conflicts, which lasted from 1989 to 1996 and 1999 to 2003.

One of the key recommendations included in the final report is the establishment of an internationalized domestic criminal court to ensure justice for the worst crimes committed. Human Rights Watch fully supports the use of a hybrid international-national accountability mechanism to hold perpetrators of past crimes in Liberia to account. Prosecutions for serious crimes in violation of international law—including war crimes and crimes against humanity—are crucial to ensuring redress for the countless victims of Liberia's brutal armed conflicts. Liberian citizens were subjected to horrific abuses, including summary execution and numerous large-scale massacres, widespread and systematic rape and other forms of sexual violence, mutilation and torture, and large-scale forced conscription and use of child combatants. The violence blighted the lives of tens of thousands of civilians, displaced almost half the population, and virtually destroyed the country's infrastructure. Prosecutions are vital to building respect for the rule of law, especially in a society like Liberia that has been devastated by conflict, thus making justice an important component to establishing sustainable peace.

Human Rights Watch believes it is essential for the Liberian government and the international community to take prompt steps to ensure that prosecutions for serious past crimes committed in Liberia are conducted, and that such proceedings are carried out in accordance with international standards. Toward that end, this memorandum analyzes the strengths and shortcomings of the TRC's proposal for an Extraordinary Criminal Court for Liberia (ECCL) and makes recommendations aimed at ensuring the fairness, effectiveness, and legitimacy of any criminal proceedings. Consistent with this memorandum's focus on the ECCL proposal, it does not cover wider strengths and weaknesses of the TRC's analysis, conclusions, and recommendations that are unrelated to that proposal.

In summary, we believe that the TRC's proposal has many elements that can contribute to fair and effective trials. These include: international and Liberian judges working together to try cases with a majority of internationally-appointed judges serving on each judicial panel; a combination of international and Liberian staff working in the prosecutor's office; a commitment to witness protection; and plans to conduct outreach to local communities about trials. At the same time, the proposal has a number of significant weaknesses. These include: the recommendation that certain individuals who cooperated with the TRC not be prosecuted; failure to focus on those perpetrators most responsible for serious crimes; no requirement that the judges' bench will have sufficient criminal trial experience; the prosecutor is not appointed by international actors; international crimes and modes of individual criminal liability are not fully defined; a number of crucial fair trial protections are not explicitly provided for; individuals may be excluded from working at the ECCL on the basis of a public perception of involvement in abuses or supporting the conflict; and the death penalty is available as a punishment for some crimes. These weaknesses must be addressed if Liberia's efforts to address serious past crimes are to be fair, effective, and consistent with international standards.

II. Summary of TRC Proposal for an Internationalized Domestic Criminal Court

The TRC calls for the establishment of the "Extraordinary Criminal Court for Liberia," an "internationalized domestic criminal court" that would be empowered to try individuals accused of war crimes, crimes against humanity, and other serious violations of international humanitarian law, such as recruitment of child soldiers, as well as certain domestic crimes, including economic crimes.[1] In effect, the TRC proposes a form of hybrid international-national war crimes tribunal, similar to the Special Court for Sierra Leone and the Bosnia War Crimes

Chamber, both of which try serious crimes and have varying degrees of international involvement in their operations.[2]

The TRC proposes a draft statute for the ECCL, which is contained in Annex 2 of its final report. Under the proposal, eight judges will serve in two chambers—three in the trial chamber and five in the appeals chamber. Three of the judges are to be appointed by the Liberian president, with the remaining five to be appointed by international actors, namely the secretary-general of the United Nations, the president of the European Union, and the chairman of the Commission of the African Union.[3] The prosecutor is to be appointed by the Liberian president in consultation with the UN secretary-general, and the prosecutor's office is envisioned to include Liberian and international staff.[4] The proposal also specifies that the registrar is to be a foreign national appointed by a majority of the judges.[5]

In addition to proposing a structure for the court, the report recommends that nearly 40 individuals, "though found to be responsible," not be prosecuted because "they cooperated with the TRC process, admitted to the crimes committed and spoke truthfully before the Commission and expressed remorse for their prior actions during the war[.]"[6] Moreover, the TRC names and recommends over 120 individuals for prosecution in the new court, including persons associated with all the major warring factions.[7]

III. TRC Recommendations Regarding Selection of Persons to be Prosecuted

Any judicial process must be independent and, as such, devoid of influence from any external actors. Accordingly, the TRC's recommendations to prosecute, or not, particular individuals should not be binding on any criminal investigations and prosecutions for serious past crimes.[8] This will keep prosecutions in line with international standards, and position the judicial process to make a significant contribution to restoring the rule of law and addressing the suffering of victims.

The TRC's recommendation that certain persons not be prosecuted on the basis of their cooperation with the TRC significantly undermines the TRC's own recommended ban on amnesties for serious crimes. The TRC's express rejection of amnesties in its report is important:[9] the prohibition on amnesties for serious crimes is a hallmark of modern international criminal law, and in Human Rights Watch's experience, setting a precedent of impunity can encourage further abuses.[10] While cooperation with a truth and reconciliation body can make a significant contribution to the truth-telling process and might be an appropriate consideration for reduction of sentences for those found criminally responsible for serious crimes, cooperation with a truth-telling process should not be a basis for enabling an individual to avoid prosecution altogether.[11] This approach risks fundamentally undermining efforts to ensure justice for the worst crimes and threatens to compromise the prosecutor's independence.

As for the TRC's recommendations of individuals who should be prosecuted, it should be underscored that, as recognized by the TRC, truth commissions are not a substitute for criminal investigations and cannot be determinative of individual criminal liability, which must be established beyond a reasonable doubt before a properly constituted tribunal.[12] Therefore it is important to emphasize that while the work of the TRC serves as a useful starting point to identify potential indictees, it does not replace the need for a criminal investigation into each suspect.

Moreover, as a practical matter and for the development of an effective prosecution strategy, we are concerned by the large number of persons recommended for prosecution. We believe that it would serve the ECCL and accountability process better if prosecutions have a clear focus on high-level perpetrators, including those in the political or military leadership, who tend to be the most difficult for ordinary courts to prosecute.

The proposed mandate does not represent a focus on high-level perpetrators, but rather would make the prosecutor responsible for investigating and prosecuting "persons referred to the Court by the TRC . . . , any persons or members of armed groups or rebel factions the TRC has determined are responsible" for crimes under the court's jurisdiction, and "any other person(s) that the Prosecutor determines committed" crimes under the court's jurisdiction between January 1979 and October 14, 2003.[13] The lack of a focus on high-level perpetrators creates a risk that the proposed tribunal—which will undoubtedly have limited judicial and prosecutorial resources—could be overwhelmed by its caseload.

Accordingly, we recommend a mandate to prosecute "persons most responsible" for the alleged crimes. According to the United Nations secretary-general, the term "persons most responsible" includes those in the political or military leadership, but also would comprise others down the chain of command who may be regarded as "most responsible" based upon "the severity of the crime or its massive scale." [14] This would allow a certain degree of flexibility to pursue lower-ranking officials who are, for example, suspected of committing particularly gruesome crimes, including sexual violence crimes, against a large number of victims. It would also allow the pursuit of lower-level officials if considered necessary for the overall prosecutorial strategy.

IV. Composition of the Court

Ensuring that the bench-the judges trying cases-and prosecutor have proper qualifications and experience is crucial to fair, effective trials. As discussed below, the TRC's proposal has a number of key elements that will contribute toward these objectives. At the same time, the proposal lacks other important elements. Most notably, the requirement that a judge have "expertise in public international law or Liberian criminal law" will not ensure that the bench has sufficient criminal trial experience. Other elements lacking in the report include: key court officials may be appointed by a single member of the Liberian government; the prosecutor is not appointed by international actors; and persons may be excluded from serving at the ECCL based on mere public perception of wrongdoing. [15]

A. Composition of chambers and trial experience

The TRC proposes that each trial and appeals chamber be composed of judges appointed by international actors and the Liberian president, with a majority of judges in each chamber appointed by international actors. This framework is an excellent set-up to ensure the bench's actual and-just as importantly-perceived independence, impartiality, and relevant expertise.

The Liberian armed conflict was characterized by deep fissures along regional, ethnic and economic lines which both predated the armed conflict and continue to undermine national cohesion. Moreover, the Liberian judiciary has long been regarded as "historically weak and unreliable" and people "have had little faith in judicial institutions to protect their interests or fundamental rights." [16] Cases involving serious crimes tend to be politically charged and involve highly specialized legal and procedural questions relating to emerging issues in international law. In such a charged environment, it is essential that the bench is seen as scrupulously unbiased and possesses relevant expertise.

Past experience in hybrid international-national courts such as the Special Court for Sierra Leone and the Bosnia War Crimes Chamber underscores that having domestic and international judges serve together in panels with a majority of judges appointed by the international community can play an important role in: 1) insulating the bench from domestic political pressures, thereby promoting the actual and perceived independence and impartiality of the judges; and 2) ensuring that judicial panels have adequate understanding of local law, culture, and history, as well as international criminal law and practice. [17] The ECCL proposal will position the bench to reap the benefits of a mixed composition with a majority of international judges.

At the same time, the proposal does not specify that judges should be required to possess previous practical experience trying cases. [18] Our efforts assessing the work of international and hybrid courts-including the ad hoc international criminal tribunals for the Former Yugoslavia and Rwanda, the International Criminal Court, and the Special Court for Sierra Leone-have underscored that judges with criminal trial experience are often better placed to promote effective courtroom management and ensure fair trial rights are upheld while conducting proceedings expeditiously. [19] Accordingly, prior experience in criminal proceedings-whether as judges, prosecutors, or defense attorneys-is an important qualification that should be required of at least some of the judges in both the trial and appeals Chambers. Indeed, a majority of judges in each chamber should have such experience.

B. Appointment procedures for judges and the prosecutor and exclusions from serving at the court

We are also concerned that the TRC proposal, by placing responsibility for appointments of several judges and the prosecutor in the hands of a single individual in the Liberian government-the president-opens the door to concerns

over domestic political maneuvering.[20] Such concerns would be minimized if full discretion is not left in the hands of one official.

In addition, we recommend that the prosecutor be appointed by international actors, such as the UN secretary-general, rather than the Liberian government, as this will better position the prosecutor to be insulated-and be perceived as insulated-from domestic political pressures in conducting what will be extremely sensitive work.[21] Notably, appointment of the prosecutor by the UN secretary-general is mandated for the Special Court for Sierra Leone.[22]

Finally, while the ECCL may be well-served by efforts to exclude those individuals implicated in abuses during the conflict from involvement with the tribunal, proposed requirements that appointments for judicial, registry, prosecutorial and defense counsel positions be withheld where there is a "public perception" that the nominee committed abuses or supported the armed conflict could unjustifiably eliminate qualified Liberian nationals.[23] Facts and evidence, as opposed to public perception, should determine who is eligible to serve in the tribunal. To this end, clear, objective standards and transparent, fair procedures should be used to determine whether an appointee's past actions should exempt him or her from service.

V. Definitions of Crimes & Modes of Liability

Trials can only be effective if the proper law regarding crimes against humanity, war crimes, and other serious violations of humanitarian law is applied. The TRC proposes that the ECCL cover some crimes and modes of individual criminal liability that are commonly utilized by international and hybrid criminal courts, but a number of provisions in the proposal are in tension with international standards. Below we highlight a few of the most serious concerns with regard to the TRC's proposal on crimes and liability. Human Rights Watch further recommends that crimes and modes of individual criminal liability for serious crimes in Liberia be drawn more directly from the statutes of international and hybrid courts-such as the International Criminal Court and the Special Court for Sierra Leone-as they better reflect fully internationally-accepted standards.[24]

A. War crimes and other serious violations of international humanitarian law

While some elements of the TRC's proposed definitions with regard to war crimes and other serious violations of international humanitarian law are in keeping with international standards, other aspects are not. Two listed crimes raise particular concerns:

Terrorism: The proposed statute defines the crime of terrorism to include, among other things, any criminal act that damages property and is intended to "disrupt any public service" or "the delivery of any essential service to the public." [25] Including this broad language extends beyond the emerging definition of terrorism in international law, which is itself a controversial and undefined concept. We recommend that the crime of terrorism should be defined more narrowly to ensure that the crime consists of acts and threats specifically intended to spread terror among the civilian population.[26]

Child soldiers: As currently drafted, the definition proposed by the TRC for the crime of using, conscripting, or enlisting child soldiers, though comprehensive, applies only in "international armed conflicts." [27] The prohibition on the use or conscription of children in both international and internal armed conflicts is firmly entrenched in international law and practice and therefore, any definition of the crime should include the use of child soldiers in either international or internal armed conflicts.[28]

B. Domestic crimes

In past practice, internationalized and hybrid courts have been empowered in certain instances to prosecute serious domestic crimes. Nevertheless, domestic crimes that are included in such courts' jurisdiction should not conflict with international standards. In this regard, the TRC's proposed statute's treatment of domestic crimes of sexual violence is highly problematic. Specifically, the definition excludes the possibility of rape or sexual assault where the persons in question are married, makes these crimes lesser offenses where the person is a "voluntary social companion" or has previously "permitted sexual liberties to be taken," and does not cover the possibility of rape

between members of the same sex. [29] All sexual activity without valid consent, regardless of the current or prior relationship between the parties in question or their gender, should be criminalized.

Further consideration should also be given to the practical and resource implications of calling for prosecution before the Extraordinary Criminal Court for Liberia for apparently less serious offences graded as "first degree misdemeanor", such as "Official Oppression". Similar questions should also be asked about some of the proposed financial offenses, which could be considered more technical in nature and appropriate for prosecution before ordinary domestic courts as is envisaged in the legislation, namely: Fraud on the Internal Revenue of Liberia; Theft and/or Illegal Disbursement and Expenditure of Public Money; Possession, Distribution, Transportation and/or Use of Tools and Materials for Counterfeiting Purposes; Misuse of Public Money, Property or Record.

While all these offenses merit appropriate prosecution, it is questionable whether the limited judicial and prosecutorial resources of the ECCL would be best used to this end, and why domestic prosecution of such crimes would not suffice. We believe prosecutions in internationalized courts like the proposed ECCL should be focused on the most serious international and domestic crimes relating to violations of human rights. Notably, even if the crimes referred to in the above paragraph were removed from the ECCL's jurisdiction, the "Economic Crime" offense would remain, which deals more specifically with economic gain related to rights violations.[30]

C. The death penalty

Several of the domestic crimes defined in the draft statute leave open the possibility of the imposition of the death penalty as punishment. For example, the crime of mercenarism found in Article 14(1) of the draft statute explicitly includes the death penalty as a possible form of punishment.[31] Human Rights Watch, in keeping with a large and growing body of international law and practice, believes that the death penalty should never be permitted, as it is an inherently cruel punishment.[32] International and UN-backed hybrid tribunals, including the International Criminal Court, Special Court for Sierra Leone, and the International Criminal Tribunals for Rwanda and the Former Yugoslavia, do not permit the imposition of the death penalty. The death penalty should, therefore, not be available as a punishment for any crime.

D. Modes of individual criminal liability

The TRC's proposed forms of individual criminal liability differ from international standards in potentially problematic ways, including by providing a "preponderance of the evidence" standard relating to command responsibility (the mode of liability with respect to leaders who did not physically commit crimes but bear responsibility) and by failing to include attempt liability (the mode of liability that assigns responsibility to individuals who intend to commit a crime but whose plans are not fully executed).[33] Defining crimes properly goes only part of the way towards enabling accountability for human rights abuses; individual criminal liability must also be properly defined. The experience of the International Criminal Court should be considered in achieving this end.[34]

VI. Fair Trial Standards

Any criminal tribunal that does not adhere to fair trial procedures will eventually see its legitimacy-and therefore its effectiveness-erode away. Basic fair trial standards accepted under international law are articulated in the International Covenant on Civil and Political Rights (ICCPR), to which Liberia is a party.[35] Aside from their inherent value, fair trial standards and procedures help ensure that judicial proceedings are perceived as unbiased by victims and society, as well as perpetrators and their supporters. While the TRC's proposed statute includes some internationally-accepted fair trial guarantees, a number of crucial protections are not explicitly provided for, while elements of others are lacking or unclear. As with the definitions of crimes and modes of liability discussed above, Human Rights Watch recommends that fair trial standards be drawn more directly from the statutes of international and hybrid courts and the ICCPR in order to fully adhere to international standards.

A. Key fair trial protections absent from TRC proposal

Crucial fair trial guarantees that are not explicitly included in the TRC's proposal but must be ensured in any criminal prosecutions for serious crimes include the accused person's rights to:

Be informed of his or her right to legal assistance of his or her choosing;

Have adequate time and facilities for the preparation of his or her defense;

Be tried without undue delay; and

Examine the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her.[36]

These minimum guarantees should be ensured for prosecutions of serious crimes committed in Liberia.

B. Presumption of innocence

International standards, as enshrined in the ICCPR, require that the presumption of innocence for those being tried under international law be absolute and unambiguous.[37] The TRC properly proposes that accused persons appearing before the ECCL "shall be considered innocent of a crime until guilt has been established beyond a reasonable doubt by a final verdict of the Court." [38] However, this provision is inconsistent with language immediately following it, which distinguishes between "alleged perpetrators" and "perpetrators," with the latter being those "that the TRC has determined are responsible for committing" serious crimes.[39] This proposed distinction is not appropriate as it risks creating the impression of two classes of accused persons: one that enjoys the right to a presumption of innocence, and a second that would come to the ECCL subject to a presumption of guilt, as predetermined by the TRC.

C. Right to counsel

The ICCPR requires that the right to effective defense counsel remain absolute and unambiguous.[40] The TRC's proposed statute is unclear on this point as certain provisions suggest only that the ECCL "may" appoint and retain defense counsel for the accused while other provisions mandate that the accused "will be provided a qualified counsel by the Court" in the event that he or she is not able to afford defense counsel.[41] There should be no ambiguity in the guarantee of all accused persons' access to capable and effective counsel, even if indigent.

D. Trials in absentia

The TRC's proposal, which states that the "[c]ourt may make judgments in absentia," could be read to permit trials in absentia, i.e., where the accused is not present at his or her own trial.[42] Trials in absentia compromise the ability of an accused person to exercise key rights under article 14 of the ICCPR, including the right to defend him or herself, and the right to examine witnesses.[43] By compromising these key rights, trials in absentia could well give rise to questions of fundamental fairness, and should be explicitly prohibited.

VII. Witness Protection and Support

Witness protection is essential to ensure the physical and mental well-being of victims and witnesses, as well as the effective functioning of the judicial process. Witnesses and victims face serious ongoing risks, including threats to their personal safety and that of their families, and may be in need of psychological and social support even after testifying.[44] Without such support, witnesses may not come forward, hampering the ability of the prosecution and defense to conduct a full and fair trial. By calling for the enactment of a witness protection statute, the TRC is in keeping with the important developments in international criminal practice to ensure witness protection and support.[45] Toward that end, below are several key elements that experience has shown should be ensured to achieve adequate witness protection and support:

Pre-trial and post-trial risk assessments for each witness;
 In-court protective measures based on the risk assessments and duly authorized by the ECCL on an individual basis;
 Safe transportation to and from the court and safe accommodation during court attendance;
 Access to psychosocial support, including counseling;
 Post-trial follow-up and threat monitoring; and
 Relocation arrangements-including international relocation agreements-for the most at-risk witnesses.[46]

By implementing these measures, the ability to secure essential testimony of at-risk witnesses and victims will be enhanced by assuaging fears about additional mental or physical trauma as a result of testimony.

VIII. Communications and Outreach

An effective outreach and communications strategy is essential if trials are to have resonance with the local population, including by managing possible frustration as a result of a lack of understanding of the legal process.[47] The TRC report acknowledges the importance of disseminating information about the ECCL to the wider public.[48] Important experience to date can be drawn from the Special Court for Sierra Leone, which has a robust, innovative communications and outreach program. Notably, an effective outreach and communications program should be empowered to implement initiatives that will serve to maximize public understanding of trials for serious crimes and impact. In this regard, outreach and communications could:

Develop materials explaining the role of the judge, the prosecutor, and the defense counsel in a fair trial, and basic explanations of complex legal issues like jurisdiction and challenges to the tribunal's establishment;
 Base staff in the countryside in order to tap into local social networks to disseminate information including through workshops, trainings, and screenings of specially prepared video or audio materials; and
 Conduct workshops with the Liberian legal profession about the ECCL and international criminal law generally, in order to prevent misperceptions among this important constituency and strengthen the legal community's understanding of fair trials, rule of law, and the important role of international standards.[49]

[1] The proposed ECCL will have the authority to prosecute "gross violations of human rights (GVHR), serious humanitarian law violations (SHLV) and egregious domestic crimes (EDC) as enumerated by this Statute." Republic of Liberia Truth and Reconciliation Commission, Final Report (TRC Report), Annex 2, Draft Statute: Extraordinary Criminal Court (Draft Statute), art. 1(2).

[2] See generally Human Rights Watch, *Bringing Justice: The Special Court for Sierra Leone*, September 2004, <http://www.hrw.org/en/reports/2004/09/08/bringing-justice-special-court-...> Human Rights Watch, *Justice in Motion: The Trial Phase of the Special Court for Sierra Leone*, vol. 17, no. 14(A), October 2005, <http://www.hrw.org/en/reports/2005/11/02/justice-motion>; Human Rights Watch, *Narrowing the Impunity Gap: Trials Before Bosnia's War Crimes Chamber*, February 2009, <http://www.hrw.org/en/reports/2007/02/11/narrowing-impunity-gap-0>.

[3] Draft Statute, art. 3.

[4] *Ibid.*, art. 22(4), (5).

[5] *Ibid.*, art. 21(5).

[6] TRC Report, section 12.4.

[7] *Ibid.*, section 12.3.

[8] In this regard the ambiguity of article 1(2) of the draft statute which provides "[t]he Court shall have all of the necessary power and jurisdiction to prosecute persons referred to it by the TRC" is problematic as it may be read to suggest that only persons referred by the TRC can be prosecuted. This is inconsistent with other provisions such as

article 22 (1) which bestows on the prosecutor the responsibility to prosecute not only those referred by the TRC but "any other person(s) that the Prosecutor determines committed GVHR, SHLV and EDC . . ." Article 1 (2) should be amended to make clear that the jurisdiction of the court is broader than the prosecution of those referred by the TRC.

[9] See Draft Statute, art. 17 ("The Court shall not recognize any amnesty granted to a person falling within the temporal jurisdiction of the TRC and the criminal jurisdiction-Articles 11 to 13-of this Statute"); art. 37(4) ("The Court may not recognize any amnesty or pardon granted prior to, or after, the adoption of this Statute for persons that the TRC has determined are responsible for committing, or is otherwise accused of, GVHR, SHLV and EDC."). See also art. 39(3) ("A state enforcing a sentence shall not grant amnesty, pardon or commute the sentence of any convicted and imprisoned person.").

[10] See generally Human Rights Watch, *Selling Justice Short: Why Accountability Matters for Peace*, July 2009, <http://www.hrw.org/en/reports/2009/07/07/selling-justice-short>.

[11] Indeed, amnesties need not be formalized in law to contribute to encouraging further conflict. Any time criminals are allowed escape accountability-as in situations where courts cannot or will not prosecute-the risk of renewed conflict is heightened. For example, in Afghanistan and Sudan, where amnesties have been de facto rather than de jure, alleged perpetrators have apparently been emboldened to commit further crimes by a sense of immunity from accountability. Human Rights Watch, *Selling Justice Short*, pp. 35-43, 68-74.

[12] In this connection, it should be noted that while the list is largely comprehensive, consistent with Human Rights Watch research, it does appear to omit a few individuals implicated in serious abuses.

[13] Draft Statute, art. 22(1).

[14] Report of the Secretary-General on the establishment of a Special Court for Sierra Leone, October 4, 2000, U.N. Doc. S/2000/915, <http://daccess-ods.un.org/TMP/3870835.html> (accessed September 30, 2009), para. 30.

[15] Draft Statute, art. 4(1).

[16] TRC Report, sections 1.3-1.4.

[17] Letter from Human Rights Watch to Cllr. Jerome J. Verdier, Chairman of the Truth and Reconciliation Commission of Liberia, June 16, 2009, <http://www.hrw.org/en/news/2009/06/16/letter-liberias-truth-and-reconcil...>, p. 4.

[18] Draft Statute, art. 4.

[19] Human Rights Watch, Memorandum for the Sixth Session of the International Criminal Court Assembly of States Parties, November 2007, <http://www.hrw.org/en/node/76660/section/5>; Human Rights Watch, *Bringing Justice*, <http://www.hrw.org/en/node/11983/section/4>.

[20] Draft Statute, arts. 3(1)(i)-(ii), 22(4).

[21] *Ibid.*, art. 22.

[22] Statute of the Special Court for Sierra Leone (SCSL Statute), January 16, 2002, <http://www.scs-l.org/LinkClick.aspx?fileticket=uCInd1MJJeEw%3D&>, art. 15(3).

[23] Draft Statute, arts. 4(2), 21(7), 27(5), 22(6).

[24] The tribunals have also developed rules of procedure and evidence that could serve as important models from which to draw for prosecutions of serious crimes in Liberia. See, e.g., Rome Statute of the International Criminal Court (Rome Statute), U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, arts. 5-8, 25, 28;

SCSL Statute, arts. 2-4, 6; ICC Rules of Procedure and Evidence, ICC-ASP/1/3, <http://www.icc-pi.int/NR/rdonlyres/F1E0AC1C-A3F3-4A3C-B9A7-B3E8B115E886...> (accessed December 4, 2009).

[25] Draft Statute, art. 13(11).

[26] The SCSL, for example, was empowered to try individuals for the crime of terrorism, but only within the confines of the Geneva Conventions. SCSL Statute, art. 3. The Geneva Conventions prohibit "acts of terrorism" against persons who do not take direct part or who have ceased to take part in hostilities. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978, art. 4(2). In particular, the Geneva framework prohibits "[a]cts or threats of violence the primary purpose of which is to spread terror among the civilian population." *Ibid.*, art. 13(2).

[27] Draft Statute, art. 13(14) (specifying that the criminal conduct in question "took place in the context of and was associated with an international armed conflict.").

[28] Protocol II, art. 4(3) (c); Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 38(2); Rome Statute, art. 8(2) (e) (vii); Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted May 25, 2000, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002, arts. 3(1), 4.

[29] Draft Statute, art. 14(5)-(6).

[30] *Ibid.*, art. 14(11).

[31] In addition, it is unclear whether other domestic crimes included in the Draft Statute may be subject to the death penalty under certain circumstances. The legislature should make clear that the internationalized tribunal may not impose the death penalty for any crimes.

[32] Wherever it is in force, the death penalty is plagued by arbitrariness, unfairness, and racial, class, or other bias, highlighting the necessity of its abolition. It is a violation of fundamental human rights—the right to life and the right not to be subjected to cruel, inhuman, and degrading punishment. The death penalty has been legally abolished by 94 countries, and only a small minority of countries—25 in 2008—continues to carry out executions. See Human Rights Watch, *Papua New Guinea: Don't Regress on the Death Penalty*, July 14, 2009, <http://www.hrw.org/en/news/2009/07/14/papua-new-guinea-don-t-regress-dea...> Moreover, on December 18, 2007, the U.N. General Assembly adopted by a wide margin a resolution calling for a global moratorium on the death penalty. United Nations General Assembly, "Moratorium on the Use of the Death Penalty Resolution 62/149," A/RES/62/149 (Dec. 18, 2007); see also <http://www.un.org/News/Press/docs/2007/ga10678.doc.htm>.

[33] See Draft Statute, art. 15. We note that the proposed statute acknowledges attempt liability with regard to the crime of genocide in art. 12. However, as a general principle of criminal law, attempt liability should be a form of individual criminal responsibility for all crimes under the tribunal's jurisdiction. See Rome Statute, art. 25(3) (f).

[34] The Rome Statute makes superiors individually responsible for crimes committed by persons under their control where they were aware of the crimes and failed to either prevent the crimes or submit the matter for investigation and prosecution. Rome Statute, arts. 25(3) (b) and 28. Under the Rome Statute, individuals can be held criminally responsible for committing a crime with or through another person, inducing the commission of a crime, assisting in the commission of a crime, or contributing to a crime that is committed by a group that shares a common purpose. *Ibid.*, arts. 25(3) (a), (c), and (d). With regard to attempt liability, the Rome Statute imposes criminal liability on an individual who takes a "substantial step" towards committing a crime, but is prevented from completing the crime because of circumstances outside of the individual's control, provided the individual did not voluntarily abandon the attempt to commit the crime. *Ibid.*, art. 25(3) (f).

[35] See United Nations Treaty Collection, Multilateral Treaties Deposited with the Secretary-General, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&c... (accessed Oct. 28, 2009).

[36] See, for example, SCSL Statute, art. 17.

[37] International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A.

Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S.

171, entered into force March 23, 1976, art. 14(2).

[38] Draft Statute, art. 24. See ICCPR, art. 14(2) ("Everyone charged with a criminal offense shall have the right to be presumed innocent until proved guilty according to law.").

[39] Draft Statute, art. 25(1) ("The term perpetrator refers to those persons that the TRC has determined are responsible for committing [human rights violations and egregious domestic crimes]") (emphasis added).

[40] ICCPR, art. 14(3) (d) ("In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: . . . to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it").

[41] Compare Draft Statute art. 25(3) ("alleged perpetrators have the right to request and have present defense counsel at any and all questioning. If the perpetrator or alleged perpetrator is deprived of liberty, he/she has the right to request the presence of defense counsel, if he/she is not able to afford defense counsel due to his/her financial circumstances, he/she will be provided a qualified counsel by the Court") with art. 27(3) ("If a perpetrator or alleged perpetrator fails to, or is not able to, engage a defense counsel on his/her own, defense counsel may also be engaged ex officio or by [the alleged perpetrator's legal representative or relatives]. The court may also appoint and retain defense counsel for the accused.") (emphasis added).

[42] Draft Statute, art. 25(6).

[43] ICCPR, art. 14. See Letter from Human Rights Watch to the Secretariat of the Rules and Procedure Committee of the

Extraordinary Chambers of the Courts of Cambodia, November 17, 2006,

<http://www.hrw.org/en/news/2006/11/17/extraordinary-chambers-courts-camb....> Moreover, since the creation of the ad hoc court for the former Yugoslavia, international and hybrid tribunals have rejected trials in absentia, making it clear that there is an increasing international acceptance of a standard prohibiting these sorts of proceedings. *Ibid.*

[44] See Human Rights Watch, *Judging Dujail: The First Trial Before The Iraqi High Tribunal*, <http://www.hrw.org/en/node/11112/section/5>, November 2006; Human Rights Watch, *Justice in Motion*, pp. 20-27.

[45] TRC Report, section 12.6 ("The TRC recommends the immediate enactment of a comprehensive Witness Protection Statute for the express purpose of securing protection; domestic or external for witnesses of the court [sic]."). Compare SCSL Statute, art. 16(4) ("The Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide . . . protective measures and security arrangements, counseling and other appropriate assistance for witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses. The Unit personnel shall include experts in trauma, including trauma related to crimes of sexual violence and violence against children.").

[46] Human Rights Watch, *Judging Dujail*.

[47] Ibid.

[48] See Draft Statute, art. 44 ("This Law, after enactment, shall be published without delay in at least three newspapers in the Republic of Liberia.").

[49] Human Rights Watch, *Justice in Motion*, pp. 28-33; see also Human Rights Watch, *Bringing Justice*, pp. 33-35.

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AllAfrica - All the Time

Associated Press

Thursday, 10 December 2009

Liberia victims to face Taylor's son in US court

By CURT ANDERSON

MIAMI — Five Africans who claim they were tortured and abused in Liberia when former President Charles Taylor ruled will come to a U.S. courtroom next week seeking millions of dollars from the man they say ordered the atrocities: Taylor's son, Charles McArthur Emmanuel.

Emmanuel, also known as Charles "Chuckie" Taylor Jr., was convicted in federal court in Miami last year of violating U.S. anti-torture laws as a high-level enforcer for his father. He is serving a 97-year prison sentence.

The five Liberian victims filed a lawsuit against him earlier this year, winning a default judgment in May that leaves only the question of damages for a trial that begins Monday.

"No amount of money could ever undo the wrongs Taylor Jr. committed or fully restore the lives he destroyed," said Piper Hendricks, an attorney for Human Rights USA who represents the victims. "However, a significant award would allow them to cover the financial burdens they face because of Taylor Jr. and stand a better chance of making the most of the lives they now lead."

Emmanuel, 32, did not initially contest the lawsuit but will appear in court and apparently act as his own lawyer in the bench trial next week before U.S. District Judge Adalberto Jordan. He has already been transferred from a federal prison in Marion, Ill., to Miami's downtown detention center and has filed several handwritten motions.

In one of them, he asks an attorney for the Liberians for details about the victims and their case, but says it's doubtful he'll take the witness stand next week.

"I will not be testifying in the December proceeding, nor do I have anything to disclose at this time," Emmanuel wrote. "That could change based upon the information requested."

The five Liberians did not request a specific amount of damages but cited numerous similar cases involving Haiti, El Salvador, Bosnia, Chile and other countries in which amounts awarded run into the tens of millions of dollars per person. They are bringing their case under the Alien Tort Statute, which can allow damages for violations of international law, and the Torture Victims Protection Act that permits damages for torture and illegal killings abroad.

Emmanuel, a U.S. citizen born in Boston, joined his father in Liberia in 1997 and eventually led the brutal Anti-Terrorist Unit or ATU, a paramilitary unit known as the "demon forces." It was used by Charles Taylor to silence opposition and train soldiers — including children — for combat in neighboring African countries, according to trial testimony.

Torture was a favorite tactic. Victim Rufus Kpadeh, who testified in the criminal case and is a plaintiff in the lawsuit, showed jurors scars on his arms where molten plastic was dripped on them. People were routinely held in water-filled pits covered with iron bars; had biting ants shoveled onto their bodies; were burned with cigarettes and hot irons; were raped at gunpoint; forced to play soccer barefoot with heavy rocks; and were shocked with electric probes.

It's not clear whether Emmanuel has any assets to pay damages. He was represented by a public defender in the criminal case.

"The opportunity to face the man who so gravely wronged them is reason alone to pursue the civil case," Hendricks said.

Last year's conviction was the first and only under a 1994 law allowing U.S. prosecution for torture and other atrocities committed overseas. The trial was held in Miami because Emmanuel was arrested here in 2006 on charges of falsifying his father's name on a passport application. Emmanuel is appealing his conviction.

The elder Taylor, meanwhile, is embroiled in a long-running trial before a United Nations tribunal in The Hague, Netherlands, accusing him of war crimes and crimes against humanity for allegedly overseeing the murder, rape and mutilation of thousands of people during neighboring Sierra Leone's 10-year civil war. Taylor denies the charges and claims the U.S. orchestrated a scheme to drive him from power.

Star Radio (Liberia)

Thursday, 10 December 2009

Prosecution exposes Charles Taylor's first home-based account

Written by Matthias Daffah

The prosecution in the trial of Former Liberian President Charles Taylor has exposed a bank account at the Liberia Bank for Development and Investment.

According to the prosecution, the bank account is titled: Charles Ghankay Taylor.

Prosecution lawyer Nicolas Koumjian revealed the checking account was opened December 1999 with a one thousand US dollar initial deposit.

Mr. Koumjian said several million US dollar deposits were credited to the account at different points since its establishment.

Mr. Koumjian said deposits into the account totalled more than fourteen million US dollars.

The account in question has two signatories-Charles Ghankay Taylor and Kadiatu Diarah, a personal Assistant to the Former President.

Details into the discovery of Mr. Taylor's account were read by Prosecution Lawyer, Nicholas Koumjian.

He said a logging company, Natorah Holding, in collaboration with Dutch business man Gus Kouwnhowen made a second deposit of more than 1-million US dollars.

Mr. Taylor agreed that the account carries his name but argued it was a Government of Liberia account set aside for covert operations to buy arms and ammunition.

Mr. Koumjian also disclosed that the Republic of China or Taiwan made a deposit of three point five million dollars into the account.

Mr. Taylor has long challenged the prosecution to produce any evidence of his personal bank account or that of anyone acting on his behalf in any part of the world.

Meanwhile, the trial has been adjourned to resume January next year.

UNMIL Public Information Office Media Summary 10 December 2009

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Liberian torture victims seeking damages to face ex-President Taylor's son

MIAMI (AP) December 10, 2009— Five Africans who claim they were tortured and abused in Liberia when former President Charles Taylor ruled will come to a U.S. courtroom next week seeking millions of dollars from the man they say ordered the atrocities: Taylor's son, Charles McArthur Emmanuel. Emmanuel, also known as Charles "Chuckie" Taylor Jr., was convicted in federal court in Miami last year of violating U.S. anti-torture laws as a high-level enforcer for his father. He is serving a 97-year prison sentence. The five Liberian victims filed a lawsuit against him earlier this year, winning a default judgment in May that leaves only the question of damages for a trial that begins Monday. "No amount of money could ever undo the wrongs Taylor Jr. committed or fully restore the lives he destroyed," said Piper Hendricks, an attorney for Human Rights USA who represents the victims. "However, a significant award would allow them to cover the financial burdens they face because of Taylor Jr. and stand a better chance of making the most of the lives they now lead."

Liberia: Support War Crimes Prosecutions Act on Truth and Reconciliation Panel's Recommendation for Trials

Human Rights Watch (HRW)

NEW YORK - December 10 - The Liberian government should investigate and prosecute war crimes and crimes against humanity committed during Liberia's brutal armed conflicts, Human Rights Watch said today. Key international partners - including the United Nations, European Union, and United States - should support efforts to ensure accountability, the organization said. Liberia's Truth and Reconciliation Commission (TRC), which released its final edited report on December 1, 2009, recommends prosecutions for serious crimes in violation of international law committed in Liberia. Human Rights Watch released a briefing paper today on this recommendation. "The Truth and Reconciliation Commission took an important step in acknowledging that Liberia's countless victims deserve justice," said Elise Keppler, senior counsel for the International Justice program at Human Rights Watch. "The government and Liberia's international partners alike should pursue these prosecutions without delay."

International Clips on West Africa **Sierra Leone**

Thousands of civil servants to go in S.Leone efficiency drive

FREETOWN, Dec 10, 2009 (AFP) - The authorities in Sierra Leone announced Thursday that they will retire and fire some 5,000 civil servants in the first quarter to 2010 in an efficiency drive to streamline bureaucracy. "We are targetting some of the obsolete jobs whose skills are no longer required in the various ministries, departments and agencies because of improved technology,"

Abubakarr Kamara of the Human Resources Management Office (HRMO), the government employment agency, said. "The objective is to enable the government to beef up the salary structure of workers and we want the service to deliver quality output," he added. Sierra Leone has announced a crack down on the 40,000-strong civil service to make it more efficient. In July officials of the HRMO surprised hundreds of tardy civil servants who regularly turned up late at work in a campaign against tardiness and absenteeism.

Guinea

Why Guinea Conakry matters

Source: [AfriMAP](#)

Date: 10 Dec 2009

The world is watching, with folded arms it seems, a cauldron boil to the brim, hoping that it will cool itself off and simmer. All the signs point to one conclusion: that Guinea Conakry had long reached boiling point. It is now in a phase where the chances of civil war far outweigh the chance for stability and peace. The country borders Sierra Leone, Liberia and Ivory Coast to its south; all three countries have been in conflict. Two had no stable government for more than 15 years. Both combined, saw a death toll of a quarter of a million people, and 1.5million more fleeing as refugees. Liberia and Sierra Leone are still recovering, but with Guinea Conakry at a knife's edge, their chances of surviving the spillages and spoilage of war will be slim. Fighters, although demobilized in both nations, are still poor, unemployed and vulnerable to being lured to a job that pays them to fight. Ivory Coast is in limbo, and an uneasy peace looms.

Cote d'Ivoire

Thai Press Reports: Vietnam: Diplomat confirms Vietnam's supports to reconstruction in Cote d'Ivoire

General News – Dec 10, 2009 - At a UN Security Council debate on the situation in Cote d'Ivoire in New York on December 7, Ambassador Bui The Giang underlined that Vietnam continues to support the role played by UN agencies, the AU, the ECOWAS, the Facilitator, President Blaise Compaore of Burkina Faso, and the international community in helping Cote d'Ivoire advance its nationally-owned agenda of post-conflict stabilization and reconstruction. The Vietnamese Deputy Representative to the UNSC also expressed concern about the postponement of the first round of the presidential election scheduled for November 29 to late February or early March 2010. He said this delay, if continuously repeated, may exert complicated impacts on the political process in Cote d'Ivoire. Recognizing the importance of overcoming technical and financial constraints and fulfilling the remaining electoral tasks, Ambassador Giang urged all parties in Cote d'Ivoire to renew commitments to and redouble efforts of dialogue and reconciliation towards open, free, fair and transparent presidential elections in accordance with the agreed time-frame.

Local Media – Newspaper

Fate of Several Liberian Embassies in Limbo, Government Launches Probe

(New Vision, National Chronicle, The Informer, New Democrat, Heritage, The Inquirer, The Monitor)

- Government has broken silence on the sale of some of its Embassies abroad allegedly by former ambassadors.
- Speaking at a news conference yesterday, Foreign Minister Olubanke King-Akerele said a vigorous investigation is ongoing on the status of the diplomatic missions.
- Minister Akerele named the Liberian chanceries in London, Paris, Nairobi, Belgium, and other areas as missions being initially probed.
- The Foreign Ministry statement comes barely a day after Cllr. Winston Tubman clarified his role relative to the alleged sale of the Liberia Embassy in Paris, France.

- Minister Akerele clarified the Ministry has never indicted Cllr. Tubman saying he and others were only asked to provide affidavits on circumstances surrounding the sale of the Chancery in Paris, France.

Incidents of Rape on the Increase As Sinoe, Grand Gedeh Top Rape Cases

(National Chronicle, New Democrat, Heritage, Daily Observer, The Inquirer, The Informer)

- The United Nations Mission in Liberia on Wednesday launched a report on the incidents of rape in the country.
- The report which was launched by the Deputy Special Representative of the Secretary General for Rule of Law, Henrietta Mensa-Bonsu during the mission's weekly press briefing listed two southeastern counties, Sinoe and Grand Gedeh as registering the highest number of rape cases in the country.
- The report which is a direct result of efforts of the UN Response to Rape Group was to determine the prevalence of the offense in all 15 counties.
- The group was established by the United Nations in 2008 to assist Government to combat the increasing level of rape offense in the country

UN Deputy Envoy Impressed with Fight against Corruption

(Heritage)

- The Deputy Special Representative of the Secretary-General for Recovery and Governance, Moustapha Soumaré says he sees a strong political will on the part of government to fight corruption in the country.
- In an interview, Mr. Soumaré however said the fight against corruption is a process which requires time to address, given the resource constraints faced by government.
- The assertion by the Deputy SRSG coincided with his visit to the General Auditing Commission.
- The top UNMIL Official said the mission will continue to assist the GAC with technical support and training to enhance its function.

Liberia, Equatorial Guinea sign Cooperation Agreement

(The Inquirer, Daily Observer, National Chronicle, The Analyst, Heritage)

- The Governments of Liberia and Equatorial Guinea have signed an agreement on bilateral benefits between the two countries.
- An Executive Mansion release issued in Monrovia said the agreement provides a framework for corporation between Liberia and Equatorial Guinea and it prioritizes the areas of economy, science, technology and culture.
- It maintains that Liberia and Equatorial Guinea establish a Joint Commission which will meet every two years alternatively in the two countries' capitals.
- The agreement was signed when President Ellen Johnson Sirleaf visited Equatorial Guinea for the inauguration of President Teodoro Obiang Nguema Obasogo.

TRC Final Report Maintains President Sirleaf', and Others Name

(New Vision, The Analyst, The Informer, New Democrat, The News, The Monitor)

- The media reports that former Speaker Nyondweh Monokonmanah and John T. Richardson are among the new entries in the TRC final report.
- The report shows the former speaker and Mr. Richardson alias General Octopus fall under the most notorious perpetrators column.
- According to the report, President Ellen Johnson Sirleaf's Ambassador-at-large Dan Morias was also placed in the most notorious perpetrators' category.
- This means, the name of Mr. Morias was removed from the public sanctions column where it was earlier placed in the TRC unedited report.
- Other notorious perpetrators identified are Joseph Montgomery, Momoli Jibba, Moses Samukai, Gola Red, Charles Breeze, Edwin Voker and Gen. James Freeman.

- The TRC report listed the most notorious perpetrators as people who among others committed massacre, rape, sexual slavery and abduction.
- Other new names added for public sanctions include K.B.K. Sando, Grace Minor, Wilfred Clarke, Edward Massaquoi and Counsellor Momo Kpaka Rogers.
- Correspondents say despite protests, the TRC maintained the names of Senators Prince Johnson, Adolphus Dolo, Jonathan Bannie and Representative Saar Gbolie for prosecution.
- Also, the names of President Ellen Johnson Sirleaf, Jackson E. Doe, Isaac Nyenabo, Kabineh Ja'neh, Ignatius Clay, Weade Kobbah Wureh, and Paul E. Mulbah were retained for public sanctions.

Government Clarifies Embassy Sale Report

(The Inquirer, Daily Observer, The Informer, Liberian Express, National Chronicle, Heritage)

- Government has clarified reports linking the Political Leader of the Liberia National Union (LINU), Counselor Winston Tubman to the sale of the Liberian Embassy in Paris, France.
- Earlier this week, a local daily ran two separate articles in which it labeled Counselor Tubman as a "common criminal" for his alleged involvement in the sale of the Liberian Embassy complex in Paris.
- The former presidential candidate has however denied his involvement in the "sale" of embassy saying it remains under the jurisdiction of the Liberian Government and that the Foreign Ministry was only trying to reclaim the chancery.
- Addressing a news conference yesterday, Foreign Minister Olubanke King Akerele clarified that country's Embassy was still in tact in France but said Mr. Tubman and others were asked to provide affidavits on circumstances surrounding the sale of the Chancery in Paris, France.
- Meanwhile, reports say Government has launched a vigorous investigation on the status of its diplomatic missions abroad and the Liberian chanceries in London, Paris, Nairobi, Belgium, and other areas are missions being initially probed.

Liberia, China Sign US\$8M Agreement

(The Informer, New Vision, Heritage, The Inquirer, The Monitor)

- The Governments of Liberia and the People's Republic of China have signed a grant of 50 million RMB Yuan an equivalent of nearly US\$8 million to support projects agreed on by the two countries.
- An Foreign Ministry release issued in Monrovia said the Minister of Foreign Affairs, Olubanke King Akerele signed on behalf of the Liberian Government while Chinese Ambassador to Liberia, Zhou Yuxiao signed for his Government.
- Speaking during the signing ceremony, Minister King-Akerele said the grant was a manifestation of China's support to Liberia's recovery programme.
- For his part, the Chinese Envoy said the signing of the agreement would further cement the bilateral cooperation between the two countries.

Local Media – Star Radio (*culled from website today at 09:00 am*)

Fate of Several Liberian Embassies in Limbo, Government Launches Probe

(*Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC*)

National Correction Palace Director Suspended

- The Ministry of Justice has suspended with immediately effect the Director of National Corrections Palace in Zwedru, Grand Gedeh County.
- Mr. Samuel Tarley was suspended for what the ministry called increased cases of sicknesses at the correction palace.
- The Justice Ministry accused Director Tarley of feeding inmates one meal a day saying act runs contrary to regulations of the Bureau of Corrections and Rehabilitation.
- Assistant Minister for Correction at the Justice Ministry, Fatumata Sheriff said medical report indicates most of the sick inmates suffered are from protein and vitamin deficiencies and emphasized the need for a balanced diet.

- Assistant Minister Sheriff said this has contributed to the increased caseload of more than forty –eight inmates treated for various sicknesses.

(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)

UN Deputy Envoy Impressed with Fight against Corruption

Liberia, Equatorial Guinea sign Cooperation Agreement

(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)

UNFPA Official identifies Gap between HIV/AIDS Awareness and Attitude

- The Assistant Representative of United Nations Population Fund (UNFPA) in Liberia, Dr. Philderald Pratt says there is a huge gap between the level of awareness among people on HIV/AIDS prevention and their attitude toward the spread of the virus.
- Dr. Pratt observed that people are still involved in risky sexual behavior despite their knowledge on HIV/AIDS.
- The UNFPA official spoke Wednesday after the release of a survey report on the knowledge, attitude, practice and behavior on STIs and HIV/AIDS in Nimba County.
- The survey, which was a pilot project in the Mano River Union Basin, also took place in Danane Ivory Coast, Nzerekore Guinea and Kenema in Sierra Leone.

Cape Mount Supt in corruption charge...but Supt threatens legal action

- A local pro-democracy group in Grand Cape Mount County has warned that county officials continue to unilaterally withdraw funds from the county's coffers.
- The Progressive Citizens Union of Grand Cape Mount believes the unilateral withdrawal of funds from the County Development Account violates the budget law.
- Citizens of Cape Mount set up an investigative panel to probe the misapplication of US\$62,000 from the county's development budget.
- The group alleged that despite the ongoing investigation into the scandal, Superintendent Catherine Khasu continues to dip into the county's funds.
- The Superintendent challenged her accusers and has threatened legal action.
- *(Also reported on Truth F.M. and ELBC)*

Radio Veritas *(News monitored today at 9:45 am)*

Public Works Ministry Says Budget Shortfall Hampers its Operations

- The Ministry of Public Works says the budget shortfall is greatly affecting its operations.
- The Ministry's initial budget of US\$39 million has been sliced to US\$22million.
- In an interview, Public Works Minister, Samuel Kofi would said despite the cut in its budget allocation, the ministry remains committed to ensuring that the rehabilitation of roads is carried out across the country.

Truth F.M. *(News monitored today at 10:00 am)*

TRC Commissioners List Four-count Several Recommendations for

- Commissioners of the Truth and Reconciliation Commission of Liberia (TRC) have listed a number of recommendations they said should be considered in addressing their well-being after the commission is dissolved.
- The four-count recommendation named honourable retirement, personal security for commissioners, their families and bearing and retaining diplomatic passports for life.

Cocorioko

Thursday, 10 December 2009

Anxiety mounts in Guinea , as junta leader's return "not imminent "

Written by Saliou Samba

Guinea's military junta chief is in a "difficult" condition after an assassination attempt and a return to Guinea is not imminent, a junior French minister who works on relations with African countries said on Wednesday. Captain Moussa Dadis Camara was shot on December 3 and later evacuated to Morocco, where he has been treated for head wounds. He has left behind a power vacuum and a divided military in the world's number one bauxite producer. "Camara is in a condition that is apparently rather difficult, but in any case his life is not in danger," said Alain Joyandet, France's Secretary of State for Cooperation, speaking to reporters after the weekly cabinet meeting in Paris. "In terms of his capacity to return to Guinea, I don't think it's reached that stage yet. For now he is in Morocco and for a certain amount of time, it would seem," Joyandet added.



Moroccan officials said on Sunday Camara was stable after an operation to treat "trauma of the cranium" but they have not given details on when he could be discharged from hospital.

Camara's Defence Minister Sekouba Konate has taken over as junta chief but as uncertainty about Camara's future grows, so does the risk of instability in Guinea spreading across a historically volatile region.

Bordering countries Liberia, Sierra Leone and Ivory Coast are trying to rebuild their economies and infrastructure after civil wars and are acutely sensitive to local disturbances.

Sierra Leone's President Ernest Bai Koroma said his country was securing its frontier with Guinea and preparing for a possible influx of refugees.

"We're all very, very concerned. All of us believe the situation in neighbouring Guinea is as important to us as even to Guineans themselves," he told journalists late on Tuesday. "Anything happening there ... will have a direct impact on our activities."

In Guinea's capital Conakry, where gunshots are heard almost daily as soldiers loyal to Camara pursue those linked to his would-be assassin, many residents have grown weary of the latest round in years of power struggles within the army.

"The hardest thing is that I haven't seen my husband's body," said widow Salimatou Bah, whose husband was killed when security forces opened fire on a pro-democracy rally on September 28, a crackdown which witnesses said slew more than 150 people.

"The attempt on the life of the president leaves me cold," Bah told Reuters. "More than anything else what I want to is to find what's left of my husband."

Institute for War & Peace Reporting (London)

Wednesday, 9 December 2009

Sierra Leone: ICC Trials Hit by Budget Cuts

Rachel Irwin

The Hague — The International Criminal Court, ICC, faces serious logistical and legal challenges in 2010 as financial constraints could force three major trials into a single courtroom.

Part of the problem is that the ICC's second courtroom is being used by the Special Court for Sierra Leone for the trial of former Liberian president Charles Taylor, which is expected to last until at least mid-2010.

But even if the second courtroom was available, analysts say it might not make any difference, as the ICC cannot currently afford to operate more than one courtroom at a time. The court based next year's budget projections on the idea that trials would run one at a time or in rotation.

Practically, this means that one trial will likely be held in the morning, another in the afternoon. When one of those trials enters recess, a third could resume.

So three separate cases - against Thomas Lubanga; Germain Katanga and Mathieu Ngudjolo; and Jean-Pierre Bemba, all from the Democratic Republic of Congo, DRC - are likely to share a single courtroom in order to save money.

Observers say this could cause major logistical problems and also threaten the right of defendants to be tried within a reasonable amount of time.

"It's a concern to think that we can finally get to the stage where we have ... defendants before the court and we're told there aren't enough resources to facilitate the trials in an expeditious manner, and of course that impacts on the fair trial rights of the defendants," said Lorraine Smith, who monitors the ICC for the International Bar Association.

Proceedings in the case of former militia leader Lubanga have been stalled for several months but are now scheduled to resume on January 6.

The trial of ex-militia chiefs Katanga and Ngudjolo, which began on November 26, was adjourned on December 2 and will resume on January 26.

The case of former vice-president Bemba, accused of crimes in the Central African Republic, will start on April 27.

In addition, there are likely to be hearings related to Sudanese rebel leader Abu Garda - who recently had his confirmation of charges hearing - and court activity surrounding the prosecutor's recent request for judges to authorise an investigation in Kenya.

Analysts are wondering how the ICC will cope.

"It's quite difficult to manage all of those [cases] with limited facilities and limited resources," said Elizabeth Evenson, a lawyer with the international justice programme at Human Rights Watch.

While its budget only allows for consecutive trials, the ICC has indicated that it has at least thought of how it would be able to cope with parallel proceedings, if they were deemed necessary.

Speaking at a recent press conference, ICC registrar Silvana Arbia said that "three trials running ... will create difficulties, but we will manage and try to minimise risks".

Sonia Robla, head of public information at the ICC, elaborated in a statement to IWPR, which said, "In case there are simultaneous trials, and if all existing resources are [used] up, the court has the possibility to use the contingency fund."

The contingency fund is a ten million euro pot of money, which allows the ICC to pay for events that were not foreseen when the budget was drafted.

But the idea that the fund could be utilised to fund the scheduled trials has raised some concern with court observers.

"We are not comfortable with resorting to the contingency fund where the particular activity is foreseeable," Smith said.

Robla said that the court is about to finalise a plan that will consider how the three trials anticipated for next year can be held. She declined to give further details.

Over the long term, running trials consecutively will cost about the same as running trials in parallel, since the number of resources that each trial needs is similar.

But for the next year, the period for which the budget is approved, holding trials in one courtroom - though not necessarily completing them - will save money.

The court has to pay translators - usually for at least three languages - and also manage the technologies required to stream hearings on the court's website and deliver real-time transcripts to those inside the courtroom.

In addition, trials need court officers to assist with various aspects of the proceedings as well as security guards, who are required to monitor the public gallery and the defendants inside the courtroom.

The court has been under growing pressure by the countries that support it not to increase costs.

The budget for 2010 was thrashed out at this year's Assembly of States Parties, ASP, which met in The Hague in late November. Each year, the 110 countries who fund the court decide on a final budget, which this year amounts to about 103 million euro.

While that budget still does not provide funds for simultaneous trials in the coming year, it is an improvement over last year when the states decided to cut five million euro from the recommended budget of about 100 million euro.

Jonathan O'Donohue, a legal adviser for Amnesty International, said last year's decision to make cuts "undermined the integrity of the process" and ignored the advice of experts who scrutinised the court's proposed budget and made the final recommendations to the ASP.

The process went more smoothly this year, but the ASP did make certain cuts, including a seven per cent reduction in legal aid for defence - although it may be possible to use funds from other programmes.

One of the main factors behind the funding shortfall, O'Donohue said, is a sense among some states that all the money invested so far has produced few results.

"You're looking at a court that's seven years old and has only recently begun its first case," he said, referring to the trial of Lubanga, which finally started on January 26, 2009 after numerous and widely-criticised delays.

"At this particular point in the court's history, there are concerns that there is a lot of investment without a lot of results."

However, O'Donohue said it would be a mistake for the states to total up "the first seven budgets and Rachel Irwin is an IWPR reporter in The Hague. conclude those hundreds of millions of euro are the cost for the one trial that is taking place".

There is also a growing awareness that international justice is a very expensive venture, as already seen by the International Criminal Tribunal for the Former Yugoslavia, ICTY, and the International Criminal Tribunal for Rwanda, ICTR. Both are temporary tribunals that have cost millions of euro since they began work in the mid-Nineties.

"International justice can be very expensive in terms of setting up and running a court," O'Donohue said, pointing to the costs of salaries, building space, travel, investigations, translators, and legal aid for defendants and victims, among other expenses.

Some states also claim that the global financial crisis has hit hard and they have competing priorities in their own countries, O'Donohue said.

All of these issues play a role in how the ASP sees the court, said Francisco Aguilar-Urbina, the Costa Rican ambassador to The Netherlands and the facilitator of the 2010 ASP working group on the ICC budget.

While acknowledging there is concern among some states that the court has not met expectations, he added that the current economic climate was perhaps a more pressing consideration.

"We are enduring an economic crisis in proportions not seen since the great depression," he said. "It's very difficult to give more money [to the ICC] when at home people are left without hospitals, schools, and basic services."

He insisted that there had not been undue pressure on the court to reduce costs, but pointed out he was not at last year's ASP meeting when the five million euro was cut.

Still, he emphasised that "states have the right to question the use of their own money".

As far as the coming year goes, Smith said that the court will have to figure out a way to hold three different trials in a way that is "effective and expeditious".

And efforts to save money by conducting consecutive trials might not end up being more cost-effective, O'Donohue said.

"This is an example of a situation where... efforts to be efficient can actually result in inefficiencies," he said. "Trials may be delayed or not move as fast as the court wants them to."

Smith agreed, adding that the slow progress of proceedings could end up being expensive.

"You still have to pay staff, you still have to protect witnesses, and you still have to facilitate victims," she said.

There are also concerns that the desire to cut the budget could end up shaping policy at the ICC.

"If you have states that are just interested in reducing the bottom line, and you have cuts that are being recommended not on the basis of really understanding what resources [are needed], you sort of have de facto policy, even if the goal is just to cut costs," Evenson said.

Rachel Irwin is an IWPR reporter in The Hague.