

**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:

Tuesday, 12 January 2010

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

Tuesday, 12 January 2010

"I Never Met Foday Sankoh"



Charles Taylor speaks to troops in Roberts Field on July 21 1990

I Never Met Foday Sankoh

From front page

Prosecutors are accusing former Liberian President Charles Taylor of lying to judges at his war crimes trial about when he first met a brutal Sierra Leone rebel leader he is accused of helping commit atrocities.

The accusation has come at the resumption

of Taylor's cross examination after the Special Court for Sierra Leone's Christmas break.

Taylor said Monday he never met Foday Sankoh before Sankoh unleashed a savage attack on Sierra Leone in 1991 that spawned a 12-year civil war.

Prosecutors allege the pair hatched a plot

to attack Sierra Leone years earlier at a military training camp in Libya. The claim is central to charges that Taylor supported and funded Sierra Leone rebels from his presidential mansion in the Liberian capital, Monrovia.

Also read this story on www.exclusivepress.net

Premier News

Tuesday, 12 January 2010

Using 'Fresh Evidence' What Does This Mean With Taylor's Trial Restarting?

Charles Taylor will take the stand again tomorrow, as prosecutors continue to challenge his version of events and of his role during Sierra Leone's brutal conflict. The excitement continues as both sides continue to battle it out to see who walks away from the highlight of this trial Mr. Taylor's testimony with the greatest credibility in the eyes of the judges.

As we gear up to follow the action this week, let's take a minute to think about the big issue that emerged before the trial recessed last year: the judges' decision to allow the prosecution to introduce "fresh evidence" either to try to discredit Mr. Taylor's testimony or to try to show his guilt during cross-examination.

The prosecutor's ability to introduce fresh evidence is not open ended the judges made this clear in their decision in November last year. While the judges placed no restriction on the number of documents that the prosecution should disclose, they did ask the prosecution to make sure all the documents they planned to use were given to the defense by December 11.

Prosecutors indicated the court last month that if Mr. Taylor brings up new issues during cross-examination (or other new information otherwise emerges), the prosecution may seek to use additional documents, and then potentially seek submit them as evidence once the testimony is finished.

Now, let's go into the nuts and bolts of this "fresh evidence" issue so we have a framework for understanding the use of new documents as Mr. Taylor's testimony moves ahead.

Understanding this issue is particularly important at this point, as the judges have been asked to help work out how these new documents can be used (and which ones can be used) so that cross-examination can move ahead smoothly. This week, then, we are likely to be finding out much more about the judges' thinking on these documents as they return from studying them over the break.

We'll start with an overview of the problem of "fresh evidence" and arguments about its use, as they emerged last year; we'll look at the judges' initial decision on November 30; and we'll look at how and why this decision was modified when it became clear that all documents including documents intended to discredit Mr. Taylor's evidence, and not just ones which could be used to try to prove Mr. Taylor's guilt needed to be disclosed because of the difficulty, at times, in making the distinction between the two.

But be warned: below is probably everything you have ever wanted to know (and more) about this "fresh evidence" issue, so get yourself a strong cup of coffee, a comfy chair, and buckle in with us for a while.

Introducing "Fresh Evidence": Normal Practice or Undermining Mr. Taylor's Rights?

Way back on November 11, 2009, the trial hit an unexpected delay as prosecutors started their second day cross-examining Mr. Taylor. The prosecutors wanted to ask Mr. Taylor about the Lome Peace Accord a peace agreement signed between the Sierra Leonean government and the country's main rebel group, the Revolutionary United Front (RUF) in the Togolese capital, Lome, in 1999. As lead prosecutor, Brenda Hollis, went to show Mr. Taylor a copy of the peace accord, his defense team objected. Lead counsel, Courtenay Griffiths, called this a trial by "ambush" and questioned the prosecution's ability to put forward "fresh evidence" after the prosecution had closed its case. The judges asked the prosecution team

to submit a motion to “justify the presentation of this fresh evidence at this late stage.” The bench adjourned the trial early to allow more time for the prosecution to re-organize its case without the new documents, in order to allow the trial to move forward while the issue of using “fresh evidence” was being decided by the judges. (You can read more about the discussion on the day here: <http://www.charlestaylortrial.org/2009/11/11/judges-caution-prosecution-on-the-introduction-of-new-evidence-in-the-cross-examination-of-charles-taylor/>).

In the submissions that followed by both the defense and prosecution, the key argument was this: whether guidelines for the introduction of “fresh evidence” were a necessary and normal development, simply following the well-worn path of other international criminal tribunals (and the Special Court for Sierra Leone itself), or whether this process was fundamentally unfair and would undermine Mr. Taylor's rights as an Accused.

What did the Prosecution say?

The Prosecution argued that it was standard practice in other international criminal tribunals and consistent with previous practice of the current Trial Chamber in another SCSL case that “fresh evidence” (new documents like the Lome Peace Accord) could be put to Mr. Taylor during cross-examination to try to refute his previous testimony but that such documents need not necessarily be admitted into evidence (that is, as formal exhibits on record with the court). The main point, the team said, was to get Mr. Taylor's answer on the record in response to the new documents. A decision could be made at a later stage that is, after the testimony is finished about whether to seek to admit the new documents used by the prosecution during cross-examination as evidence.

And not only that, if the Prosecution did seek to have them admitted into evidence at a later stage, it was settled practice in other international courts for such new documents that were introduced during the cross-examination stage to in fact be admitted into evidence, the team said. (They pointed to cases in the International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY) both set up by the UN to try people respectively for crimes committed in Rwanda during its genocide in 1994 and in the Balkans war of the early 1990s).

Meanwhile, this “fresh evidence” could also be put to other uses. Specifically, new documents aiming to demonstrate the alleged guilt of the accused could also be used during cross-examination. These documents could be admitted into evidence as well in “exceptional circumstances” and in the “interests of justice,” the team argued, pointing to a recent ICTY decision in the Prlić case. (In that case, the Appeals Chamber made a distinction between the two categories of documents [that is, those used to refute an accused's testimony, and those which go towards showing guilt] because there is a greater risk of prejudice created by admitted documents which are probative of guilt, so more restrictions and care needed to be taken in deciding whether to admit them. For this reason, such documents could only be admitted in “exceptional circumstances.”)

All of this, they argued, was consistent with the rights of the Accused. And in terms of disclosure (or handing the documents to the defense in advance), the prosecution said it had no obligations to the defense when it came to cross-examination. Again relying on decisions from other international criminal tribunals, the team argued that “the Prosecution is not under any obligation to disclose any or all documents relevant to cross-examination.” It is okay, they said, to “maintain the element of surprise” without it amounting to “trial by ambush.”

The Prosecution concluded by asking the judges to issue

guidelines on the introduction of “fresh evidence” that was consistent with their previous decisions and with those of other tribunals. Here is what the prosecution asked the judges to order:

That fresh evidence can be put to the Accused or Defense witness for the purpose of eliciting a response from that witness; the witness' response because the evidence in the case and whether the new document is also admitted into evidence falls to be decided at the end of the Accused or Defense witness' testimony;

That fresh evidence which impeaches the testimony of the Accused or a Defense witness can be admitted by the Trial chamber, and its admission should be determined on a case-by-case basis and

That fresh evidence going to the guilt of the Accused can be admitted in exceptional circumstances and in the interests of justice and its admission will be determined on a case-by-case basis.

And how about the Defense?

Lead defense counsel, Courtenay Griffiths, disagreed, and made three key arguments:

Lack of Necessity: the principles relating to the “use and tendering of new documents are clear” and so the guidelines requested by the prosecution were “unnecessary.” Instead, the Prosecution was “seek[ing] a general licence from the court to ambush the Accused.”

Failure to Address the Judges' Question: The judges asked the prosecution to submit a motion justifying “the presentation of this fresh evidence at this late stage.” The prosecution failed to justify the admission of new documents, Mr. Griffiths argued, and so they were simply seeking to “postpone the inevitable and necessary argument over the admissibility of individual documents for future oral hearings.”

Undermining Mr. Taylor's Fundamental Rights: Finally, the guidelines that the prosecution was seeking undermined Mr. Taylor's guaranteed rights as an Accused to be informed promptly and in detail the nature of the case against him, Mr. Griffiths argued. Such guidelines would also undermine “the fairness of the trial as a whole.”

The Prosecution, he said, was under an obligation to present all evidence supporting its case before the start of the defense case to allow Mr. Taylor to know the nature of the case against him. The type of material the Prosecution was seeking to introduce now such as the Lome Peace Agreement was not new material, but available to the prosecution throughout its case. This material, he argued, “has been deliberately kept up the prosecution's sleeve in order to deny the Accused an opportunity to give the material considered thought and seek legal advice thereon, if necessary.” The Trial Chamber should exercise its discretion in admitting such evidence, he said, only in “exceptional circumstances” and where the “interests of justice” demanded it.

In making his argument, Mr. Griffiths sought to distinguish his client from just any ordinary witness he was an Accused person with rights that don't apply to other witnesses.

“....an Accused does not stand in all respects in the same position as any other witness, this is because the Accused is guaranteed rights not enjoyed by other witnesses. Indeed, the Accused enjoys greater protection than defense witnesses in general as he benefits from the rights enshrined in Article 17 even when appearing as a witness, such as the right not to incriminate himself.”

..... The Accused is guaranteed under Article 17 a right to legal advice in relation to the case against him: to have such advice, his counsel must have access to the documents which allegedly prove his guilt. To permit such documents to be introduced in court as a “surprise” plainly infringes this right.

Awoko

Tuesday, 12 January 2010

"Taylor's conspiracy theory is nonsensical" - Prosecutor

By Betty Milton

Critics of the trial of Charles Taylor have said that his trial was political and is being manipulated by the West especially America. Similar accusations have been made by Taylor's defence counsel.

The Acting Prosecutor of the Special Court for Sierra Leone Joseph Kamara has reacted to this conspiracy theory of the West as "nonsensical."

In an interview with Awoko, Mr Kamara said that the statement "is unfortunate and the fact of politics is that the defence have politicized the trial to a large extent to their liking."

He noted that they "have been stuck

to the evidence and we would intend to focus on the evidence. Taylor's umbrella conspiracy theory of the West is only sensible to him, to us the prosecution that is nonsensical. This trial is about an issue and the conflict in Sierra Leone for which we all know of the atrocities that were committed in this country. We are saying that he is responsible by being directly supplying, providing material support to the RUF."

He questioned "so what is the business of the United States in this? And if the International Community has risen to the task that the atrocities that were so heinous and that there is the need for someone to come in and say it's

enough. Is that a conspiracy?

He answered "No! I think not and I think it is the United Nations not the American or British government. It is the responsibility of the United Nations to secure the welfare of mankind and that is what they have done." The prosecution team during their cross examination has revealed to the court that Charles Taylor has a covert bank account. Questioned what they will do with the money in that account, Joseph Kamara said that the procedure in law about the account is that Taylor is also charged with pillage and until they secure conviction on pillage then they will get to the issue of accessing the fund.

Awoko Online

Monday, 11 January 2010

As Charles Taylor trial resumes today? Prosecution not satisfied with his evidence

The Acting Prosecutor of the Special Court Joseph Fitzgerald Kamara, has told Awoko in an interview that he is satisfied with the cross - examination that the Prosecution has done so far but am certainly not satisfied with the evidence of Charles Taylor because his evidence at best has been the historical sketch of Liberia ... they e been quite evasive about addressing matters raised in the indictment and that is what our task is now - is to bring back matters on the indictment to him and getting into specific responses on the issues we raised in the indictment.?

Questioned on the length of time that the Prosecution team will need in their cross examination of the accused taking into consideration that Charles Taylor spent four months in his examination in chief, Mr. Kamara said that it will be contingent on the fact of the cooperation of the accused that is if he becomes less evasive and answer questions directly.

He added that if the Prosecution does not have undue intervention by way of motions from the defence to interrupt the smooth flow of the Prosecution they definitely will not stay that long with him - as he was on the stand during his examination in chief.

The Acting Prosecutor further said that the time the witness has used will certainly impact on the end date of the trial. 掬ut it will also be dependent on whether the defence intended to call so many witnesses. Other than that there will be no significant impact because he has been so expansive on trial that there is no need to call so many other witnesses if they can limit their witness list to maybe 10 or 20 people then there will be no impact on the end date.?

n previous cases of the court, defence teams had brought in rebuttal witnesses even though they had finished their case as they were aiming to refute certain evidence brought before the court? the prosecutor said.

Questioned whether the Prosecution will need rebuttal witness as they are claiming that the evidence of Taylor is mainly out of the indictment he said o bring in a rebuttal witness in a trial takes a lot of consideration and among the considerations is the fact that there has to be something very fresh and it is not something you contemplate on in the beginning. And we have not gone to that point as yet that is an analysis that has to be made after the completion of the defence case. But so far we have been looking into it but there is no decision yet in that regard?

Charles Taylor is a former President of Liberia who was charged by the Special Court of Sierra Leone and he is indicted on 11 counts charges of war crimes and crimes against humanity committed in Sierra Leone during the war in the country.

Taylor has been testifying in his defence for 13 weeks and the Prosecution will continue with cross examination today.

By Betty Milton

Charlestaylortrial.org

Tuesday, 12 January 2010

Oh no.....

By Tracey Gurd

Well, folks, I have some very bad news. It seems that the technical difficulties beat us today and we are unable to post today's update. For that, I am profusely sorry – I know everyone has been waiting anxiously to hear what happened as we have been counting down until this first day back.

This is deeply unfortunate and I will try to find out more information tomorrow about the problem – we will also try to ensure that we get the reporting on today's events to you as soon as possible. I am just so sorry that it could not be today. We should be back to our regular daily reporting tomorrow.

Sometimes, it seems, technology is not our friend.....

Until tomorrow, dear readers, with my deep apologies – goodnight.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 11 January 2010

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

International Clips on Liberia

Prosecutors accuse Liberia's Charles Taylor of lying about when he met top Sierra Leone rebel

THE HAGUE, Netherlands (AP) January 11, 2009— Prosecutors accused former Liberian President Charles Taylor on Monday of lying at his war crimes trial. Taylor has repeatedly claimed he never met rebel leader Foday Sankoh before Sankoh unleashed a savage attack on Sierra Leone in 1991 that spawned a 12-year civil war. Sankoh founded and led the Revolutionary United Front, one of the most brutal rebel groups in a war characterized by savagery. He died in 2003 while awaiting trial at the Sierra Leone court. Prosecution lawyer Brenda Hollis dismissed Taylor's denial as "just another attempt to sow doubt to cover up your lies." Taylor snapped back that Hollis was "totally, totally incorrect." Prosecutors say the pair hatched a plot to attack Sierra Leone years earlier at a military training camp in Libya. Taylor has pleaded innocent to 11 counts of murder, torture and recruiting child soldiers for supporting rebels in Sierra Leone's civil war, whose signature atrocity was hacking off hands or arms of civilians to terrorize the population into submission.

Foreign interests spend \$87 million lobbying in U.S.

Journal Sentinel January 11, 2010

Washington — Over the years, Rep. Gwen Moore has grown so passionate about helping Liberia that she championed legislation to speed delivery of U.S. foreign aid to the West African nation. Her measure - which became law as part of a federal spending bill in 2007 - was a major victory for the Liberian government. The country was one of at least two that have lobbied Moore on federal issues in recent years, according to a new database compiled by the Sunlight Foundation and ProPublica. The Republic of Congo was the other. More than 340 foreign entities - from governments to separatist groups to for-profit companies - spent at least \$87 million on lobbying efforts in the United States between July 2007 and December 2008, according to the two watchdog groups' analysis of data kept by the Justice Department. In 2008 alone, Liberia spent nearly \$560,000 on U.S. lobbying efforts; Congo spent \$340,000, according to the analysis. Moore's amendment in 2007 did not increase funding for Liberia but made it easier for the country to access U.S. foreign assistance dollars. Liberia received \$163 million in U.S. funding in fiscal year 2008, and \$200 million in 2009.

International Clips on West Africa

Sierra Leone

Sierra Leone government bans logging

afrol News, 11 January - The **Sierra Leone** government has banned all logging and export following a warning by environmentalists that indiscriminate deforestation practices in the country poses real environmental hazards to the country. According to the statement issued by the Presidency, illegal logging has negative effects on the country's environment and depleting the ozone, stating that the practice should be banned. "Any violations of the logging export ban could result in court fines and confiscation of property," a statement from the presidency read. According to reports, the ban has

not only come as a result of environmental fears, but also as a need to check the largely unmonitored industry. Trade and customs officials say logs of wood worth tens of millions of dollars were smuggled out of the country to the Middle East and Southeast Asia. However, economists have argued that the ban of logging will adversely affect the local economy given the logging industry is a multimillion dollar industry.

Ivory Coast

Cote d'Ivoire electoral commission ends check of electoral list complaints 18:02, January 11, 2010

Cote d'Ivoire's Independent Electoral Commission (CEI) has ended weeks of operation to tackle contentions over the electoral list, with 512,755 cases corrected out of the 558,623 filed in the run-up to the presidential elections. The CEI declared an end to the operation on Saturday, an important step toward the polls set for late February and early March, although its chief was accused of having fraudulently put people on the list. "The time to make electoral complaints over the provisional electoral list came to an end on Jan. 9, 2010 in the entire national territory and beyond the borders," according to a CEI press statement released on Sunday. It also denied its president Robert Beugre Mambe having given instruction for the registration of any ineligible person. On Saturday, the spokesman of the presidency blasted the CEI chief on state television, accusing him of registering 429,000 people on the electoral list in "a unilateral and fraudulent manner."

Local Media – Newspaper

National Legislature Resumes Regular Session Today

(FrontPage, New Republic, Daily Observer and The Monitor)

- The 52nd National Legislature today resumed regular session following almost three months of annual break.
- The resumption of legislative session is in line with article 32 of the Liberian Constitution, which provides that the Legislative assembles in regular session once a year on the second working Monday in January.
- House spokesman Isaac Redd said all was now set for the formal opening ceremony.
- Mr. Redd described the fifth session of the Legislature as very crucial as several issues including the Threshold Bill and the Truth and Reconciliation Commission (TRC) report remain unresolved.
- Since the Legislature took its recess in September 2009, views have been divided over the handling of the Threshold Bill and the TRC report.

Senegalese Delegation Delivers 'Special Message' To President Sirleaf

(The News, The Monitor, The Informer, New Vision, The Inquirer and Public Agenda)

- A four-man Senegalese delegation headed by Foreign Minister Maitre Madieke Niang has delivered a special message to President Ellen Johnson Sirleaf.
- An Executive Mansion release did not give details of the message from President Abdoulaye Wade but said it centred on issues relating to ECOWAS and commendation to President Sirleaf for her paramount role in confronting critical issues affecting the sub-region.
- In response, President Sirleaf acknowledged the challenges in the sub-region but said she was satisfied that Liberia enjoys good relations with all countries.

PUL Opens 3-Day Workshop

(The Monitor, Public Agenda and The Inquirer)

- A three-day intensive skills development workshop for 35 middle level journalists including ten community radio reporters has opened in Monrovia.
- The workshop is organized by the Press Union of Liberia (PUL) with support from the West African Journalists Association (WAJA), under the WAJA Capacity Building Programme for member organizations.
- According to the PUL, the workshop will cover basic writing for radio and newspapers, media law and ethics, online and news agency reporting, women's rights issues, human rights and development reporting among other topics.

Monrovia City Corporation Jackpot Scam Busted...Sums Vanish, Donors Warn

(New Democrat)

- [SIC]A World Bank document detailing how thousands of dollars left the Monrovia City Hall via calculated schemes under former Mayor Ophelia Hoff Saytumah now the Vice President for Administration at the Liberia Oil Company (NICOL) has been unearthed.
- The document, which the World Bank Municipal Governance Advisor prepared along with GEMAP Advisor, Thomas Downing, who has now left the country, reveals that donor funds totalling over US\$26,000 were disbursed from the City Corporation's account without proper documentation.
- The document also revealed that over US\$90,000 intended for vendor payments was transferred to senior City Hall officials with no record to show that the vendors received the money or that the goods were actually delivered.

Finance Ministry Announces Special Allowance Validation Certificate

(New Democrat, The Informer, The Inquirer)

- As part of efforts to ensure transparency and accountability in the payment of allowances for Government Ministries and Agencies, the Ministry of Finance has launched a validation certification process for the payment of salaries and allowances to Government employees effective this month.
- In a release the Ministry said under the new scheme, senior Government officials and Ministers will be required to validate and certify their monthly payroll and allowance listing before the Ministry of Finance would commence the printing of salary and allowance checks for said Government Ministries and Agencies.

Angel Togbah Murder Trial Reaches Crucial Stage

(Daily Observer, The Informer)

- Amidst claims and counter-claims on the result of autopsies and investigations conducted on the body of 13-year Angel Togbah, state lawyers have invited the Ghanaian-based Cuban pathologist and a team of Ghanaian police investigators to testify in murder case involving Hans Williams and his Fiancée, Mardea Paykue today.
- The two Ghanaian officers assisted the pathologist conduct a second autopsy on the body of Angel.
- The Liberian Government conducted two autopsies in the little Angel's murder case indicting her Guardians, Hans Williams and his Fiancée, Mardea Paykue as perpetrators of the alleged murder.
- The body of the Little Angel Togbah was in late 2007 found hanging in the bathroom of the suspects who claimed that she had committed suicide. Despite the claims the prosecution has maintained that the accused created the bathroom scene to hide the truth.

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

Senegalese Delegation Delivers 'Special Message' To President Sirleaf

National Legislature Resumes Regular Session Today

(Also reported on Truth FM, Sky FM, and ELBC)

Finance Ministry Monitors Revenue Collection

- A newly established division at the Finance Ministry has begun monitoring the compliance of government's ministries and agencies to the Revenue Code.
- The Director of the Sector Ministry Division Richardson Ndorbor said analysts are out in the field monitoring and reviewing reports of revenue collection and also ensuring that people who pay fees for services are given receipts and the money deposited into government's account.
- According to Mr. Ndorbor, the action is in line with section 2101 of Liberia's Revenue Code and primarily intended to enhance transparency and improve government's revenue base.
- Director Ndorbor said the analysts have already noticed some irregularities at the passport section at the Foreign Ministry and have asked officials to correct them.

Women Rally Support For Two Under Fired Female Officials

- A prominent Liberian woman, Madam Mary Brownell has given support to the Gender Minister and the head of the Liberia Anti-Corruption Commission (LACC) who are under pressure for prosecution and resignation.
- Minister Gayflor is at the centre of allegations of misappropriation of public funds while Cllr. Morris is being criticized for shielding the Gender Minister.
- In a statement Madam Brownell said those behind the campaign have developed what she called 'crab mentality' to destructively criticize their colleagues
- Meanwhile, the Chairperson of the ECOWAS Women in Liberia, Madam Chinyere Nwabudike has issued a statement denouncing campaigns against the two female government officials saying they were not part of calls for the removal of the Gender Minister and head of the Anti-Corruption Commission.
- The head of the other ECOWAS Women group, Ms. Oretha Dennis said Minister Gayflor must be prosecuted for alleged misappropriation of public funds.

(Also reported on Radio Veritas, Truth FM, Sky FM, and ELBC)

Radio Veritas *(News monitored today at 10:00 am)*

LNP Launches Investigation In Missing Jordanian M-16 Machine Gun

- [SIC] Credible reports say an M-16 machine gun belonging to the Jordanian UNMIL Formed Police Unit has gone missing.
- According to the reports, the gun got missing Wednesday night from the German Embassy where the troop is presently using as its headquarters.
- The Liberian National Police (LNP) is currently investigating the matter according to the reports.

AFL Soldiers Storm New Kru Town Police Depot

- A group of Armed Forces of Liberia (AFL) soldiers reportedly stormed the New Kru Town Police Depot and bodily took away a suspect who was undergoing police investigation for alleged aggravated assault.
- According to reports, the AFL officers led by senior officer Sallue Sheriff of the G-2 Battalion had gone to the Police Depot to secure the release of his brother Hassan Sheriff.
- Hassan Sheriff was taken to the Police Depot for allegedly beating a six-month pregnant woman, Korto Massaquoi who is undergoing treatment at a local hospital in Monrovia.

PUL Opens 3-Day Workshop

(Also reported on Truth FM, Sky FM, and ELBC)

Voice of America

Monday, 11 January 2010

Independent Monitors Keep Eyes on Charles Taylor Trial

Nico Colombant

As the trial of former Liberian President Charles Taylor resumes at the special tribunal in The Hague, monitors based in the United States are keeping close tabs on proceedings and making sure their information is available for the whole world on the Internet. They also say they are providing coverage traditional media have been unable to deliver.

"Mr. Taylor, it is true isn't it that in 1990, you moved your headquarters from Harbel to Gbanga?" asked the prosecutor.

"That is not true," responded Taylor.

Charles Taylor answered a prosecutor about his past as he was cross-examined on Monday in his trial, where he is accused of war crimes during Sierra Leone's recent civil war, allegedly backing brutal rebels to trade in lucrative diamonds.

Proceedings at the Special Court for Sierra Leone in The Hague play out on live streaming video on the Charles Taylor trial Web site (www.charlestaylortrial.org), operated by the New York-based Open Society Justice Initiative. The site was set up with the cooperation of the tribunal, and gives people a chance to voice their opinions.

Text on the site explaining what is going at the trial is often followed by dozens of comments.

The group's legal officer for international justice, Tracey Gurd, says the site has taken on a life of its own.

"It has been one of the unanticipated outcomes of our Web site which was really set up for journalists but the outcome was that a lot of people from Liberia and Sierra Leone got on and started commenting on the site so we have had about 7,000 comments since Mr. Taylor took the stand," said Tracey Gurd.

She said the range of comments also surprised her.

"We have had the spectrum of opinion on there," she said. "Some people exhort Mr. Taylor's innocence and daily express their hope that he will come back, to be set free, and contest the next elections. Others are worried about whether he will get a fair trial and they are concerned that the court might be influenced by Western powers, like the United States or the United Kingdom. Others are hoping that he gets convicted and he never gets out of jail. And some say that he is on trial for the wrong war, that he should not be prosecuted for the Sierra Leonean war crimes but that he should be for those in his own home space, back in Liberia."

Gurd says the postings are also being picked up by African news agencies and reprinted in newspapers across West Africa.

"Information about the trial is getting back to the place where it really matters the most, which is West Africa, so that people can follow the trial even though it is being held half a world away over in The Hague," said Tracey Gurd.

The founding chief prosecutor of the Special Court for Sierra Leone, David Crane, now a professor in the United States, started another Web site called Impunity Watch. The site(www.impunitywatch.com) also has regular updates and commentary about the Charles Taylor trial, in addition to information about current tragedies.

"Most importantly is to make people aware of atrocity going on around the world, 24 hours a day, seven days a week, 365 days a year," said David Crane. "One of the challenges that I found when I was chief prosecutor over in the West African tribunal was that there is so little awareness of the tragedy that took place there in Sierra Leone and most of the time when I was talking to people or giving speeches around the world they would come up to me and say 'had I only known', and so the motto of 'Impunity Watch' is 'Had I only known.'"

As it resumes in the new year, the Special Court is again running against financial shortfalls. But Crane, who has seen this scenario before, says he is not overly concerned.

"It is amazing," he said. "I have always called the Special Court the little engine that could because again it was one of those same comparable tribunals like Rwanda and Yugoslavia, etc, but yet it was always challenged by money. I began work with no pay as did all my staff so again that has been lingering and has been a sort of Damocles over the head of that court ever since it was created. It will be done, it is a challenge. The world knows that this has to be done and they will give them the money but it just does not happen in the efficiency that it should, so it always comes to the brink and then money is paid."

Crane is expecting a guilty verdict this year. Charles Taylor has pleaded innocent, and his defense team has portrayed him as a peacemaker acting in the interests of Africans. The defense is planning to bring nearly 100 witnesses to the stand in the coming months. Trial watchers can now turn to U.S.-based Web sites on the Internet to get their fill of live coverage, analysis and commentary.

Lubanga Trial Website (The Hague)

Tuesday, 12 January 2010

Congo-Kinshasa: Three Victims To Testify This Week

Wairagala Wakabi

Three of the 103 victims participating in the Thomas Lubanga trial will this week give evidence in what is the first opportunity for victims to testify in this capacity at the International Criminal Court (ICC).

The victims have to date played a unique role in the trial. Their legal representatives always attend court hearings and have up to now mainly been engaged in questioning some of the witnesses called by the prosecution. Additionally, mid last year they applied – unsuccessfully – for the court to bring additional charges of sexual crimes and inhumane treatment against Lubanga, which was unheard of international tribunals. Lubanga is accused of enlisting, conscripting and child soldiers under 15 years.

In an interview with the Lubanga Trial website, Luc Walley, one of the legal representatives of the victims, explained the importance of victims taking part in the trial: "In practice you can see clearly that the questioning of the Prosecutor is not the same as the representatives of victims," he said.

He said while the Prosecutor is normally very interested in the chain of command in the Union of Congolese Patriots (UPC) – the group Lubanga is alleged to have led – as well as the individual responsibility of the accused, victim's legal counsels are more interested in showing what the reality on the ground was for children who took part in the armed conflict. Victims' lawyers argue that once the judges understand the circumstances of how the children joined armed conflict, and the suffering they underwent, these elements can then be taken into account if the accused is convicted and reparations are determined for the victims.

Besides, Walley added, "it is important for the communities who are following the trial to hear the voices of those victims and to understand that these young people who were in that group are not to be considered as criminals but as victims."

In the interview to be published on the Lubangatrial.org website this week, Walley talks about the opportunity missed by not charging Lubanga with sexual crimes, provides some thoughts on the issue of reparations for victims, and explains why the victims' legal representatives are not happy with Lubanga's defense team.

Last Friday, the defense team was given the details of the three participating victims who will testify this week. But the court granted a request by the victims' counsels for information such as their telephone numbers and current residences not to be disclosed.

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Witnesses at risk, warns lobby

By DENNIS ODUNGA

There might be no witnesses when the International Criminal Court (ICC) settles down to try suspected perpetrators of the post election violence, a human rights lobby has said.

According to the Kenya National Commission on Human Rights (KNCHR), about 22 potential witnesses who gave evidence during the Waki Commission sittings were living in fear.

“The witnesses claim to have received verbal and text message threats from people known to them, some of whom are allied to powerful politicians,” said a statement from the commission, which was read by vice chairman Hassan Omar Hassan in Eldoret Town.

Widespread

Mr Hassan said the threats were a spill over of the violence that erupted after the December 2007 elections and were widespread. Victims, he said, were ethnically targeted, with some being harassed by people from their ethnic communities.

“The threats intensify during ICC chief prosecutor Luis Moreno-Ocampo’s visits and when there is a debate around the prosecutor’s visit or next course of action about the post-poll situation in Kenya.”

The commission cited lack of an effective witness protection programme as the main challenge bedevilling the quest for justice. He regretted that some witnesses said some security officers were not treating their complaints seriously and had even betrayed them to suspected masterminds of the orgy of violence that left about 1,133 people dead and 350,000 displaced.

“How the names were leaked to the public yet witnesses testified in camera is still a mystery. We need an independent witness protection unit to check such anomalies,” said Mr Hassan.

He said the office of the Attorney General, through the witnesses protection programme and security officers, should protect witnesses who report threats and who hold crucial evidence.

The Witness Protection Act, which came into effect in September 2008, he said, should be fully applied as witness protection was central to the fair trial of those behind the chaos that threatened to disintegrate Kenya along ethnic lines.

Relent

Mr Hassan maintained that the commission would not relent in its efforts to cooperate with the ICC. Mr Ocampo is waiting approval to prosecute key masterminds of post-election violence in Kenya.