SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE

An aerial view of Lumley Beach after a heavy downpour.

PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office
as at:
Monday, 13 August 2012

Press clips are produced Monday through Friday.
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The New Dawn (Liberia)
Monday, 13 August 2012

Taylor Wants Appeal Judges Removed

Lawyers representing ex-president Charles Taylor have filed a motion requesting the voluntary withdrawal or disqualification of Appeals Chamber judges from his (Taylor's) appeals hearing.

Mr. Taylor's lawyers are requesting that a new appeal panel composed of judges who did not participate in the decision and sanction against Justice Sow, the alternative judge whose statement of dissent at the April 26 verdict of Taylor sparked concern.

In a motion dated July 19,2012,Taylor's lawyers argued that Taylor's notice of Appeal also arises from the statement made by Justice Sow (Ground of Appeal) and that all of the members of the Appeals Chamber voluntarily withdraw from deciding these grounds.

"It is requested that a separate appeal panel, composed of judges who did not participate in the decision and sanctions against Justice Sow, should determine those Grounds of Appeal." Taylor lawyers said.

"In the event that the Appeals Chamber Judges do not withdraw voluntarily on the basis of the present motion, they are respectfully invited to refer the present request to a separate and impartial panel of judges for a determination as a motion for disqualification.

The basis of this motion is that a reasonable observer, properly informed, would apprehend bias on the part of the Judges of the Appeal Chamber, because they have already made an adverse finding in the plenary and therefore pre-judged a critical aspect of the credibility of a source of evidence which is fundamental to the Grounds of Appeal. Thus they are precluded from deciding on these grounds."

But in response to their motion, the prosecution the defense motion is without merit, and should be dismissed.

"The Motion does not meet the "high burden" required to overcome the "presumption of impartiality which attaches to a Judge", deriving from the Judge's oath of office and qualifications for appointment?

This presumption cannot easily be rebutted' and has not been rebutted," the prosecution said in response dated July 27, 2012.

The prosecution said the Defence failed t adduce reliable and sufficient evidence which "firmly establishes" a reasonable apprehension of bias by reason of prejudgement." Although the standpoint of an accused is a relevant consideration, it is not decisive. But Mr. Taylor's lawyers maintained in a response to the Prosecution that the Defence submissions are based on apprehended bias and not actual bias.

"The Defense has adduced a sufficient factual basis and applied the correct legal test to demonstrate that there is a reasonable apprehension of bias in the circumstances," the defense said.

The defense countered that "Firstly, the Motion sets out Justice Sow's statement in open court on 26 April 2012 ("Justice Sow's Statement" or "Statement")" and explains its fundamental importance to the Grounds of Appeal.

The defense wonders why Justice Sow's statement was deliberately removed from the court's record arguing that the Statement was considered significant enough to form the factual basis for the finding and sanction against Justice Sow for judicial misconduct, but was not considered important enough to be maintained in the official trial transcripts in the interests of accuracy and transparency.

Fox News
Saturday, 11 August 2012

Firm that paid Obama adviser in business with warlord-tied official

By Richard Cohen

May 30, 2012: Former Liberian President Charles Taylor listens to the judge at the opening of the sentencing hearing near The Hague. (Reuters)

A South African company in the spotlight for paying $100,000 in speaking fees to White House adviser David Plouffe is also in business with a Liberian official under U.N. sanctions for his ties to convicted war criminal and former Liberian dictator Charles Taylor.

That's among the latest details to emerge on the connections involving MTN Group, a subsidiary of which paid President Obama's former campaign manager for engagements in late 2010, shortly before he joined the White House.

The ties to Liberia's bloody Taylor era center on Benoni Urey, who was commissioner of maritime affairs in Liberia during Taylor's reign. Urey remains on the U.N. assets-freeze and travel-ban list, even though a U.N. committee last month removed more than a dozen other Taylor allies from the list.

Urey is deeply involved with an entity called PLC Investments Limited, which is MTN's business partner in Liberia. MTN confirmed the companies together own Liberia's Lonestar Cell MTN -- MTN owns 60 percent, and PLC Investments owns the rest. MTN has been in Liberia since 2006.

Before MTN got involved, the Lonestar company was suspected of being a "source of funds" for Taylor himself, according to a 2009 U.N. report.

That report also detailed Urey's involvement, saying he and another individual tied to Taylor, Emmanuel Shaw, held positions on the Lonestar board of directors. Urey's current role with PLC is a bit hazy -- according to the U.N. report, one Liberian official reported Urey and Shaw owned PLC Investments,

though other documents disputed that. Still, the report showed both officials were being paid by the company, and according to FrontPageAfrica newspaper, Urey and Shaw have been confirmed as current PLC managers.

A 2005 report by the Coalition for International Justice claimed Urey helped Taylor "siphon off" money from a shipping entity to buy arms. Further, the report said he was a "primary liaison for the illegal purchase of weapons" in Liberia from infamous international arms dealer Viktor Bout.

Investigations of MTN by the United Nations and others have revealed not only its connections with war criminals in Liberia, but also "collusion with the Taliban in Afghanistan and providing surveillance technology to governments keen on cracking down on dissent," in Iran and elsewhere, according to ESG Insider, a news and opinion web site on corporate governance. The firm has subsidiaries in more than 20 countries in Africa, the Middle East and Europe.

The continuing reports on MTN's shady background are sure to fuel criticisms of Plouffe, whose speaking fees from the firm were initially reported this month by The Washington Post. News reports have revealed the company's broad web of sometimes shady connections, plus MTN's efforts to distance itself from Urey. MTN officials have denied any wrongdoing in the affairs.

In a statement to FoxNews.com, MTN Corporate Affairs Director Paul Norman downplayed Urey's role.

"Mr. Urey has no involvement in the day-to-day management or running of MTN Liberia, nor does MTN have the legal authority to remove Mr. Urey from his relationship with PLC Investments," he said. "MTN has been working to ensure that all parties in this joint company operate to the high standards of ethics and governance that are expected by MTN. Given Liberia's recent history and the process of political reconciliation underway, the restructuring of MTN's interests in Liberia is a long and ongoing process."

Republican sources on Capitol Hill said Plouffe's fees and the MTN activities loom as a combustible issue in Obama's re-election campaign.

"It will be a lingering problem for Plouffe and undercuts the White House's central claim that Obama represents hope and change," said a senior House Republican aide. "This is a fly at the picnic that is not going away."

White House Press Secretary Jay Carney dismissed Republican attacks on Plouffe following the Post report as "political criticism after the fact."

A White House official told FoxNews.com on Friday it's "worth noting" the heaviest criticism over MTN -- which came from watchdog United Against Nuclear Iran -- about its dealings in the Iran didn't start until 2012.

"Seems like if MTN was a notable public problem in 2010, they might have started their campaign then, given how attuned they are to the issue," the official said in an email, suggesting Plouffe might have had limited knowledge of this controversy when he accepted the speaking fees.

"David Plouffe referred this proposed speech, as he did others, to counsel for further review," the official said. "No other issues of concern were raised in the course of the review he requested."

As for the Liberia connection, Taylor, who resigned in 2003, had long been out of power when Plouffe gave the speeches for MTN. Urey, though, was still out in the open.

Other concerns with MTN mostly center on its business with Iran. A lawsuit filed by a spurned competitor earlier this year in U.S. District Court in Washington, D.C. claimed the firm engaged in a "premeditated

program of corruption" that allegedly included efforts to arm Iran and secure favorable United Nations votes regarding its nuclear program in exchange for a mobile-phone license.

The claims surfaced in U.S. court long after Plouffe accepted the speaking fees. But the suit alleges that the "corruption" was well under way dating back to 2004, though MTN has denied the accusations.

MTN is trying to get the case dismissed, arguing in a court filing last month that it is "nothing more than a commercial dispute" over competition for a license -- a dispute that does not belong in U.S. court, they say.

The White House has noted Plouffe's interaction with MTN in 2010 was confined to speeches and that he did not meet separately with company executives when he gave those speeches in Nigeria.

In 2009, Plouffe donated $50,000 to a public-interest group after he was criticized for taking the fee for a speech in Azerbaijan.

Christian Science Monitor
Tuesday, 7 August 2012

Is international justice finally finding its footing?

A prison sentence for a Congolese warlord. A court ruling for a Chadian dictator to be tried for torture. Some 67 years after Nuremberg trials, international courts and tribunals are making their mark.

By Mike Eckel, Correspondent

It would appear that July was a good month for the cause of international justice.

A glowering Thomas Lubanga Dyilo entered the pages of history in early July when he became the first person to be sentenced to prison by the International Criminal Court in The Hague. The Congolese warlord's earlier conviction by the ICC was the first time in legal history that recruiting children into armed conflict was found to be a war crime. Score one for universal justice transcending borders and for expanding definitions of war crimes.

Meanwhile, the International Court of Justice — an institution separate from the ICC — on July 20 ordered that a 1984 treaty obligated Senegal to either prosecute former Chad dictator Hissène Habré for torture, murder, and other charges or extradite him to another country. Score one for the respect of state sovereignty, of treaty law and of universal human rights. And just Tuesday, the ICC for the first time ordered that the victims of Mr. Lubanga's crimes were entitled to reparations: monetary payments for their suffering.

So where are we on the long arc of the moral universe? Sixty-seven years after Nuremberg has it finally, conclusively, bent toward justice? Have the Auschwitzes, Khmer Rouges, Srebrenicas, and Rwandas finally been remanded to a dusty back shelf in a library?

The ICC's first sentence coincided with its anniversary. The court opened its doors 10 years ago last month, empowered by treaty to prosecute genocide, crimes against humanity, war crimes, and eventually crimes of aggression. It was a great leap forward for the notion of universal justice: that some crimes are so heinous that their outrageousness transcends borders, language and culture. It's the idea that some crimes are so unspeakably evil that their punishment must shatter the three-century-old bedrock of international relations: that only a nation has supreme authority over the crimes of its citizens.

This is what the nations that negotiated the Rome Treaty establishing the ICC agreed to. Today, 121 of the world's 194 countries are signatories.

What is more noteworthy is what the court has not done and what it cannot do. And may never do.

The ICC as a creature

For all its noble intentions, the ICC is a political creature, the Rome Treaty is the product of intense negotiation and compromise. First and foremost, the court and its legacy are closely tied to the politics of the preeminent organization charged with safeguarding international peace and security: the United Nations Security Council.

Three of its five veto-wielding members — the United States, Russia, and China — have refused to join the court, yet the Rome Treaty gives the Security Council powerful authority over the court's decisions whether to investigate a criminal suspect or not.

Scratch your head at this arrangement while considering a further complication: The United States, Russia, and China have been opposed to the court. In Russia and China's case, you could fault them for many things, but inconsistency is not one of them. Washington, however, after years of actively trying to undermine the court, has now made it a vital part of its policy tool box. David Scheffer, the former US ambassador who helped negotiate the court's existence, says for all intents and purposes the US is a de facto member of the court. Exhibits A and B are the two instances in which the Security Council voted for the ICC to open an investigation, Sudan (with the US abstaining) and Libya (with US backing).

Bias by the court?

Then there are the politics of the court itself, which have been defined — or damaged, depending on your point of view — by its most visible employee: Luis Moreno-Ocampo, the swaggering Argentine lawyer who just ended his term as its first prosecutor.

Under Mr. Moreno-Ocampo, the court investigated seven "situations"— two from Security Council referrals, three based on referrals from member countries, and two based on his own discretion. All seven are situated in Africa, which has led to charges of bias by the court. In fact, the court may may simply need to justify its existence: prosecute the easier cases and prove itself to the nations that pay its bills.

But Moreno-Ocampo's modus operandi hasn't won him hordes of allies: his indictment of the Sudanese president, for example, has been criticized as half-baked, and has been ignored by countries the Sudanese president has traveled to. The prosecutor's brash style didn't win him friends either, and ICC judges reprimanded him repeatedly, all but telling him to stop letting his mouth run wild.

The built-in checks means that the ICC is beholden to its member nations and subject to Security Council meddling, while at the same time having to prove it can administer independent, impartial justice. As University of Chicago law professor Eric Posner wrote in recent op-ed: "the ICC must constantly convince governments to support it while at the same time avoiding the impression that it is a tool of governments. For all the talk of the 'global rule of law,' this is an intensely political process and essentially contradictory."

The other cases

Then there are the cases that the court is not investigating. If you're a protectorate or client state of a Security Council member, chances are that the ICC prosecutor isn't going to be jumping out of his or her chair to open a full-blown criminal investigation. Why Libya and not Bashar al-Assad and Syria's bloody maelstrom? Ask Moscow. Why Cote d'Ivoire but not Mahinda Rajapaksa and the brutal ending to Sri Lanka's civil war? Ask Beijing. Why Kenya but not the violent suppression of protests in Yemen or Bahrain by those governments? Ask Washington.

To be fair, it's worth noting that central to the ICC's mandate is a concept called "complementarity." That's the idea that the ICC is the court of last resort, that nations should get first dibs on prosecuting their own war crime suspects. If they don't, or can't, the suspects should be extradited to a country that can.

That's why the ICJ's ruling on Hissène Habré is heartening. It's an open question whether Senegal will be able to run a credible trial, but they've pledged they will. If it does happen, it would be the first time that a dictator accused of crimes in one country is tried in another country's courts. The ICJ ruling also reinforces a landmark human rights treaty — the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment — and the idea that treaties, once signed, can't be ignored for political expediency.

But political expediency remains the order of the day, particularly for the Security Council's Obstinate Three, and most notably, for the United States. When it works for Washington, international justice

dispensed impartially is a cause to be embraced. When it doesn't fit with the goals of American exceptionalism, it should be ignored, if not undermined. Political expediency yields selective justice.

Charles Taylor and Ratko Mladic

There's cause for optimism no doubt, particularly if you look at other cases from the past year: the conviction of former Liberian leader Charles Taylor by a special "internationalized" court for Sierra Leone; the ongoing trial of Ratko Mladic, the alleged mastermind of the Srebrenica massacre, at the International Criminal Tribunal for the former Yugoslavia.

But whether the lessons of these trials will be absorbed by would-be murderous dictators — that impunity for crimes of atrocities is a notion from the past— will depend on the expectation that all nations large and small, rich and poor, should be equal under the law and that credible justice is as important as justice itself.

The arc of the moral universe does not bend toward selective justice.

Heritage (Liberia)
Friday, 10 August 2012

Many Citizens Lack Confidence in Liberia's Justice System

A disturbing report by the United Nations Mission in Liberia (UNMIL) on Liberia's justice system has revealed that only 3 per cent of cases docketed in 2010 went to trial, leaving thousands of citizens young and old who are innocent until proven guilty rotting in the country's prisons.

The comprehensive report was compiled by the UNMIL's Legal and Judicial Systems Support Division (LJSSD). UNMIL'S Deputy Special Representative of the Secretary-General for Rule of Law, Mr. Louis Aucoinin, offered several recommendations to the government in a bid to improve the country's weak justice system.

According to the report, only 82 of 2,234 cases docketed across the country by the Circuit Courts in 2010 were completely tried. These docketed cases, the report noted, included sexual and gender-based violence such as rape, and crimes like armed robbery and corruption. The report showed that 2,015 cases were untried and carried forward to 2011.

One hundred and thirty seven cases were thrown out without trials due to procedures under the criminal procedure laws. Among the 15 counties, Montserrado has the highest number of cases docketed (70 per cent) followed by Bong and Lofa. Maryland and Gbarpolu had the least number of cases.

Mr. Aucoinin of UNMIL's legal division attributed the massive backlog to poor record keeping, procedures and lack of awareness on legal matters by citizens. He pointed out that many citizens lack confidence in the justice system and because of this, witnesses are not coming forward to testify in trials across the country.

The LJSSD recommended that the Liberian government amend the laws on jurisdiction to balance the case load more evenly among Circuit Courts within Montserrado County. The report called for expanding magisterial court jurisdiction to reduce the burden and backlog on the circuit courts.

The government should also consider placing "more than one judge in each circuit, with a possible division of labor between civil and criminal matters," the report among other things added.