SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE

Cape lighthouse at night

PRESS CLIPPINGS

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Friday, 19 March 2010

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Local News

International News

The Monitor
January-February 2010

Decision on Prosecution Motion to the Applicable Legal Standards Governing the Use and Admission of Documents by the Prosecutor during Cross-Examination

By Joseph A K Sesay

Introduction

On 30 November 2009 Trial Chamber II handed down a decision on the Prosecution motion regarding the use and admission of new documents by the Prosecution during cross-examination.[1] The Trial Chamber decided that the Prosecution is not required to disclose documents introduced for the purpose of impeaching the credibility of the Accused, but is required to disclose any documents that are probative of the guilt of the Accused.

Brenda Hollis, SCSL Prosecutor (Courtesy of SCSL)

Background

On 11 November 2009, two days into the cross-examination of Charles Taylor, the Prosecution introduced a bundle of documents, which were presented to Mr. Taylor during his cross-examination to 'impeach and challenge his testimony'. These documents had not been previously disclosed to the Defence or to the Trial Chamber. The Defence objected to the use of these documents, arguing that it would 'ambush' them, while compromising Mr. Taylor's right to a fair trial. The Trial Chamber requested that the Prosecution file a formal submission, justifying the introduction

of new documents, and to refrain from using such documents till a decision was rendered.

Prosecution submissions

The Prosecution requested that it should be allowed to use fresh documents during its cross-examination for the purpose of challenging Mr. Taylor's credibility, and in certain circumstances to demonstrate his guilt. The Prosecution requested that, the admissibility of these documents be made on a case-by-case basis at the conclusion of Mr. Taylor's testimony.

The Prosecution argued that it is well established that they can introduce fresh evidence for the purpose of impeaching the credibility of a witness during cross-examination, therefore they are not required to disclose such documents. They argued that the use of new documents enables them to 'maintain the element of surprise' and does not constitute a 'trial by ambush' as suggested by the Defence. Secondly, the Prosecution stated that new issues were raised during the examination-in-chief of Taylor, and that they should be permitted to challenge Taylor's credibility on these issues. The Prosecution also stated that in limited circumstances new evidence can be introduced during cross-examination to demonstrate the guilt of the Accused.

Defence response

The Defence requested that the motion be dismissed and that the Prosecution not be permitted to use new documents during cross-examination. The Defence, however, requested that, if the Trial Chamber did decide that the Prosecution is permitted to showcase new documents, the Defence be granted disclosure of all new documents and an adjournment of 30 days and access to the Accused to advise him on the documents.

The Defence argued that the Prosecution is required by Rule 85(A)(i) of the Rules of Procedure and Evidence (***Rules***) to present all documents supporting its case prior, as evidence for the Defence. The Defence argued that the fresh evidence was 'material that was available during the currency of the Prosecution case but 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...'. The Defence also argued that documents already in the Prosecution's possession, or which it 'reasonably could have anticipated would form an important part of its case' should have been presented during the Prosecution case.

Secondly, the Defence argued that the Accused has rights over and above regular witnesses, including the right to know the 'nature and the cause of the charges against him' pursuant to Article 17(4)(a) of the Statute of the Special Court for Sierra Leone. The Defence also argued that the disclosure of new documents during cross-examination would compromise Taylor's rights under Article 17(4)(a) to challenge fully the evidence against him. The Defence also denied that new issues were raised during the examination-in-chief of the Accused.

Decision of the Trial Chamber

The Trial Chamber noted that the general principle is that the Prosecution presents all evidence it seeks to rely on as part of its case-in-chief, to enable the Accused an opportunity to know the case against him and adequately prepare his defence.

The Trial Chamber made a distinction between evidence submitted solely for the purpose of impeaching the credibility of the Accused, and evidence that is probative of the guilt of the Accused. Regarding the first category, the Trial Chamber ordered that the Prosecution is not required to disclose these documents prior to cross-examination. The Trial Chamber will determine the admissibility of these documents on a case-by-case basis.

Regarding the second category, the Trial Chamber ordered that, the Prosecution must disclose these documents to the Defence. The Trial Chamber will then hear submissions from both parties and consider the use and admission of the documents on a case-by-case basis. The Trial Chamber noted that the use of these documents will only be

permitted in exceptional circumstances and will not be permitted unless (a) it is in the interests of justice; and (b) it does not violate the fair trial rights of the Accused. In making a determination the Trial Chamber will consider (i) when and by what means the Prosecution obtained the documents; (ii) when the documents were disclosed to the Defence; and (iii) why they are being offered after conclusion of the Prosecution's case. The Trial Chamber ordered that the Defence be granted access to the Accused to take advice on any document in the second category.

Practical application of the Order

On 2 December the Trial Chamber clarified the practical application of its orders. When introducing a new document during cross-examination the Prosecution is required to state what the document is, and the purpose for which they intend to use it. The document is then shown to the Accused and the Defence, who has the opportunity to object to the document. If the document is considered to be probative of the guilt of the Accused it should be disclosed, regardless of the Prosecution's intention. To avoid wasting the Court's time, Presiding Judge Justice Lussick ruled that any new documents that the Prosecution intends to use to cross-examine the Accused must be served on the Defence before Court on the day they are to be used.

The Monitor
January-February 2010

Admissibility of Hearsay Evidence in the Special Court for Sierra Leone

BY ANGELA Stavrianou

I INTRODUCTION

The rule against hearsay is a fundamental rule of evidence applicable in most common law jurisdictions.[1] The adhoc international criminal tribunals and the International Criminal Court are more flexible in the admissibility of evidence. It is well established that hearsay evidence is admissible in the Special Court for Sierra Leone (*Special Court*), the International Criminal Court, the International Criminal Tribunal for Yugoslavia (*ICTY*) and the International Criminal Tribunal for Rwanda (*ICTR*).[2] When determining whether evidence will be admitted these courts and tribunals are concerned with the relevance of a statement, rather than its reliability which is assessed at the end of the trial.

The decision to allow hearsay into evidence has perplexed many international commentators, who argue that this compromises the right of the accused to a fair trial. This paper examines the rule against hearsay, the position taken by the Special Court, and arguments for and against the admissibility of hearsay evidence. It asks the question: Should the court continue to admit hearsay, or limit admissible evidence to direct evidence?

II THE RULE AGAINST HEARSAY

The rule against hearsay operates as follows:

> An assertion other than one made by a witness while testifying in the proceedings is inadmissible as evidence of any fact asserted.[3]

Hearsay encompasses statements made by a witness that are based on what someone else has told them. Such statements are inadmissible if the object of the evidence is to prove the truth of what was said. It is not hearsay and is admissible when the object of the evidence is to establish not the truth of the statement, but the fact that the statement was made.[4]

The effect of the rule is that witnesses are only permitted to testify in relation to what they have personally seen and heard. They are not permitted to testify as to the assertions of others.

III. ADMISSIBILITY OF HEARSAY IN THE SPECIAL COURT

A. *Statute*

While the Rules of Procedure and Evidence for the Special Court for Sierra Leone (***Special Court Rules***) do not directly address the issue of hearsay, the Trial Chamber has discretion under Rule 89(C) to admit any relevant evidence, including hearsay.[5] Similar provisions exist in the Rules of Procedure and Evidence for the ICTY and ICTR, however they specify that the evidence must also be probative.[6] It was pointed out by the Prosecution in the Fonfana Bail Appeal Decision that while the Rules for the ICTY explicitly refer to the probative value of the evidence, and the Special Court Rules do not, the requirement that the evidence is relevant is essentially the same as the requirement that it be probative.[7]

B. *Case Law*

The Special Court has consistently decided in favour of admitting hearsay into evidence, finding that relevance is the only condition for the admission of evidence, and that its reliability is considered at a later stage.[8] Hearsay is admitted on the basis that the Trial Chamber consists of professional Judges who are capable of evaluating the weight to be given to it. Determinations on the admissibility of hearsay are considered to be a waste of the court's time.[9]

On 24 May 2005 the Trial Chamber in the AFRC case[10] handed down a decision on a joint defence motion to exclude the evidence of a witness on the grounds that it was hearsay. The disputed evidence of the witness was that he was present when a man named Mr. Saj Alieu reported to his uncle that a person referred to as "55" (an alternative name given to the accused) shot a woman.

Defence counsel argued that hearsay evidence should only be admissible where there are difficulties in obtaining first-hand accounts. The Trial Chamber disagreed, stating that it is not necessary for the Prosecution to establish that the other people involved in the conversation are not available to give evidence. The Trial Chamber decided that this issue goes to the weight, rather than admissibility, of the evidence.[11]
In reaching a decision the Trial Chamber considered the decision of the Appeal Chamber in the *Fonfana Bail Appeal Decision*.[12] In that decision the Appeal Chamber found that the Trial Chamber erred in law in refusing to admit hearsay evidence. The Appeal Chamber interpreted Rule 89(C) as follows:

> Rule 89(C) ensures that the administration of justice will not be brought into disrepute by artificial or technical rules, often devised for jury trial, which prevent judges from having access to information which is relevant. Judges sitting alone can be trusted to give second hand evidence appropriate weight, in the context of the evidence as a whole and according to well-understood forensic standards.[13]

With this in mind, the Trial Chamber found that the reliability of evidence does not affect its admissibility. The Trial Chamber confirmed that its decision to admit hearsay evidence 'does not imply that it accepts it as reliable and probative.' The Trial Chamber will admit evidence on the basis of its relevance, and at the end of the trial it has the responsibility of 'evaluating the evidence as a whole, in light of the context and nature of the evidence itself, including the credibility and reliability of the relevant witness.'[14]

The Trial Chamber ruled that the evidence was relevant and therefore admissible under Rule 89(C). This decision was consistent with the *Fonfana Bail Appeal Decision* where the Appeal Chamber remarked that '[e]vidence is admissible once it is shown to be relevant: the question of its reliability is determined thereafter, and is not a condition for its admission.'[15] These decisions reflect the view taken by the Special Court that the trials are conducted by professional judges who are capable of determining the weight to be given to hearsay evidence.

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8 *Prosecutor v. Brima, Kamara and Kanu (AFRC Case)*, Case No. SCSL-04-16-PT, Decision on joint Defence motion to exclude all evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95, 24 May 2005, para. 15; *Prosecutor v. Sam Hinga Norman et al*, Case No. SCSL-04-14-AR65, Fofana – Appeal against Decision Refusing Bail, 11 March 2005, para. 24.

9 *Prosecutor v. Sam Hinga Norman et al*, Case No. SCSL-04-14-AR65, Fofana – Appeal against Decision Refusing Bail, 11 March 2005, para. 26; *Prosecutor v Enver Hadziha Sanovic Amir Kubura*, Case No. IT-01-47-T, Decision on the Admissibility of Documents of the Defence of Enver Hadzihasanovic, 22 June 2005, para. 14.

10 *Prosecutor v. Brima, Kamara and Kanu (AFRC Case)*, Case No. SCSL-04-16-PT, Decision on joint Defence motion to exclude all evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95, 24 May 2005.

11 *Prosecutor v. Brima, Kamara and Kanu (AFRC Case)*, Case No. SCSL-04-16-PT, Decision on joint Defence motion to exclude all evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95, 24 May 2005, para. 19.

12 *Prosecutor v. Sam Hinga Norman et al*, Case No. SCSL-04-14-AR65, Fofana – Appeal against Decision Refusing Bail, 11 March 2005.

13 Ibid, para. 26.

14 *Prosecutor v. Brima, Kamara and Kanu (AFRC Case)*, Case No. SCSL-04-16-PT, Decision on joint Defence motion to exclude all evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95, 24 May 2005, para. 15.

15 *Prosecutor v. Sam Hinga Norman et al*, Case No. SCSL-04-14-AR65, Fofana – Appeal against Decision Refusing Bail, 11 March 2005, para. 24.

IV. Arguments for and against the admission of hearsay evidence

The following section considers the arguments for and against the admission of hearsay evidence.

A. *The reliability of hearsay*

The rule against hearsay reflects the fact that hearsay evidence is not as reliable as direct evidence. This section examines factors undermining the reliability of hearsay evidence.

1. *No opportunity to cross-examine the primary witness*

Juries, and in international tribunals, Judges, have the onerous task of evaluating the evidence of each witness. The reliability of their testimony is affected by their honesty, perception, memory and narration.[16] These factors can be tested in cross-examination; however, in the case of hearsay evidence as the primary witness is not coming before the court this is not possible.[17] If a witness providing secondary evidence has misheard or misremembered a statement, or taken it out of context, this is not evident to the court unless the primary source of the statement is cross-examined. Cross-examination gives the court the opportunity to test the reliability of evidence and assess the credibility of a witness by observing their demeanour. The Special Court has ruled that whether or not evidence can be tested by cross-examination goes to the weight of the evidence, not its admissibility.[18]

Hearsay evidence coming before the Special Court is of an even more extraordinary nature as in many cases it is not just second-hand but third and fourth-hand accounts. In countries with a largely rural population, such as Sierra Leone, the majority of information travels by word of mouth. When a witness testifies it is impossible to test how many individuals a statement they are making has passed through before it reached them. This further compromises the reliability of such a statement.

2. *Hearsay evidence is not provided under oath*

The reliability of hearsay evidence is further undermined because it is not provided under oath. When evidence is provided under oath a witness is required to testify in the solemn context of proceedings in court, being instructed as to their obligation to tell the truth and the consequences for not doing so. It is common for people to mislead others, particularly when they are not aware of the implications of their statements. It is a lot less likely that someone will make misleading statements before a courtroom, while under oath.

3. *Requirement of reliability*

The ICTY has imposed an additional requirement that evidence be reliable. The Special Court has a lower threshold, requiring only that the evidence be relevant. The probative value of evidence is the 'tendency of evidence to establish the proposition that it is offered to prove.'[19] It has been argued that evidence 'may be so lacking in terms of the indicia of reliability that it is not "probative" and is therefore inadmissible.'[20] It could be argued that the approach taken by the ICTY to impose a test of reliability overcomes this issue. However, the Judges of the Special Court retain a discretion by virtue of Rule 89(C) over which relevant evidence they deem appropriate to admit, and can exclude evidence of this nature on that basis.

B. *Rights of the Accused*

An argument against the admission of hearsay evidence is that it compromises the right of the accused to a fair trial. Article 17(4)(e) of the Special Court Statute entitles the Accused '[t]o examine, or have examined, the witnesses against him...' It could be argued that this right is compromised when hearsay evidence is

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16 Heydon, J.D. & Cross, R, 2004, Cross on Evidence, 7th edition, LexisNexis Butterworths Sydney [Chapter 16, 31020].

17 Ibid.

18 *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-03-1-T. Decision on Defence application to exclude the evidence of proposed Prosecution expert witness Corinne Dufka or, in the alternative, to limit its scope and on urgent Prosecution request for decision, 19 June 2008, para. 25.

19 Charles T. McCormick, *McCormick on Evidence*, 4th edition, 1992, p. 339 and 340.

20 *Prosecutor v. Kordic and Cerkez*, Decision on Appeal Regarding Statement of a Deceased Witness, IT-95-14/2-AR73.5, 21 July 2000, para 24.

admitted, as they are not given the opportunity to examine the primary source of the evidence.

The Trial Chamber in the ICTY has held that the admission of hearsay does not compromise the rights of the accused as the Defence has the opportunity to cross-examine the witness and undermine the weight of the evidence. The Tribunal made it clear that the provision in the ICTY Statute akin to Article 17(4)(e) of the Special Court Statute[21] applies 'to the witness testifying before the Trial Chamber and not to the initial declarant whose statement has been transmitted to this Trial Chamber by the witness'.[22] Cross examination of a witness providing secondary evidence cannot be used to test the truth of such a statement, but it can be used to test whether or not such a conversation took place. This is the rationale for the traditional rule against hearsay, which only allows hearsay to be admitted to demonstrate that a statement was made.

The Special Court explained how cross-examination could be used to undermine the weight of hearsay evidence, stating that:

> ...It was open to the defence to ask Mr White to be called and to cross-examine him or to controvert his evidence by calling their own witnesses or by arguing that it was speculative or rumour-based, in order to undermine its weight."[23]

Cross-examination can be used to determine the identity and characteristics of the primary witness and other facts and circumstances that might assist the court in evaluating the evidence. For example, in regards to the allegation that Taylor exercised command and control over members of the Sierra Leonean rebel group the Revolutionary United Front (*RUF*), the Judges of the Special Court are likely to give more weight to hearsay statements made by someone who held a senior position in the RUF than statements made by an individual who had no association with the RUF.

C. ***Inability to evaluate hearsay evidence***

A key argument against the admission of hearsay evidence in common law trials is a lack of trust in juries' capacity to evaluate it. The Special Court is confident that its Judges can be trusted with the task of evaluating and assigning appropriate weight to hearsay evidence. Similarly, the ICTY determined that its Judges are 'professionals capable of evaluating the probative value of testimony...', including hearsay evidence.[24] The Special Court Rules were specifically drafted differently to that of most domestic statutes to reflect the unique fact that the court is sitting with Judges alone and not a jury.[25] In limited circumstances, hearsay is admissible before juries in common law courts. In such instances, the Judge will warn the jury of the need to exercise caution when considering the evidence and the weight to be given to it. If juries are trusted to evaluate hearsay evidence, it is reasonable to consider that a panel of professional Judges are capable of doing the same.

Contrary to this it has been argued that given the substantial amount of prejudicial hearsay evidence coming before the Court in the Prosecutor v. Charles Taylor trial, it is difficult for the Judges to remain impartial and this is affecting Charles Taylor's right to a fair trial. It has been suggested that as a number of witnesses are repeating the same hearsay evidence to the Court this will subconsciously act on the Judges' perception of the facts. Charles Taylor himself has expressed concern that evidence before the Court is 'repeated and repeated and repeated until...it begins to sounds

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[21] Article 21(4)(e) Statute of the International Criminal Tribunal for the Former Yugoslavia.

[22] *The Prosecutor v. Tihomir Blaskic*, Case No. IT-95-14, Decision on Defence Objection to the Admission of Hearsay, 21 January 1998.

[23] *Prosecutor v. Sam Hinga Norman et al*, Case No. SCSL-04-14-AR65, Fofana – Appeal against Decision Refusing Bail, 11 March 2005, para. 29.

[24] *Prosecutor v. Enver Hadziha Sanovic Amir Kubura*, Case No. IT-01-47-T, Decision on the Admissibility of Documents of the Defence of Enver Hadzihasanovic, 22 June 2005, para. 14. This point is firmly entrenched in ICTY case law, see 15 - *See* for example, *Brdanin* Order, paras. 5-26 ; *Prosecutor v. Zejnil Delalic et al*, Case No. IT-96-21-T, Decision on the Motion of the Prosecutor for Admissibility of Evidence, 19 January 1998 ("Delalic Decision"), para. 20.

[25] *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-03-1-T, Decision on Prosecution notice of appeal and submissions concerning the decision regarding the tender of documents, 6 February 2009, para. 36.

like it's true'.[26]

D. *The value of hearsay*

A significant difference between domestic and international criminal courts is the nature of the alleged crimes. In international criminal courts people are generally tried for crimes that have been committed on a mass scale, in a widespread and systematic matter, over a period of time.[27] The nature of these crimes makes it difficult for the Prosecution to present a case without the use of hearsay evidence. Stephen Rapp, former Chief Prosecutor in the Prosecutor v. Charles Taylor trial, supports the admissibility of hearsay evidence in the Special Court. He commented that while direct evidence usually receives more weight, hearsay evidence does add 'value' to the trial. He remarked that 'particularly when combined with other evidence [hearsay] can provide a very accurate picture of events.'[28]

Stephen Rapp identified some examples of hearsay evidence, and explained how the admission of such evidence can be used to demonstrate a 'pattern' of evidence, contributing to the guilt of the accused:

> ... it may involve testimony from individuals who have spoken to someone who directly overheard a significant and memorable communication. Other times, it may include information imparted to a witness on a contemporaneous basis – for instance when a witness was standing next to someone who was on the line with the leader and got the relayed message, "attack that village." There can be situations where a witness has heard reports from persons who say that they were buying arms at the direction of a leader, while others have testified that shortly thereafter groups supported by the leader were found to have arms of the kind that were being purchased. This can show a pattern that the judges can consider together with the totality of evidence.[29]

Complex political, legal, cultural and social factors affect the Prosecution processes of investigating and gathering evidence and presenting a case. Stephen Rapp referred to the difficulties in obtaining evidence for use in international criminal courts, stating that it is important to be able to use hearsay evidence 'when you are dealing with powerful leaders who pull the strings behind the scenes'. Another example he provided is that hearsay can include the 'results of a thorough investigation by a reliable independent human rights observer who has received the information on the strict condition that identities will remain confidential'. Rapp emphasised that by restricting admissible evidence to direct evidence, the court will not be making a decision on all available evidence.[30]

E. *Trial efficiency*

An argument favouring the admissibility of hearsay is in the interests of trial expediency. The Special Court Rules provide that the Trial Chamber 'shall exercise control over the mode and order of interrogating witnesses and presenting evidence so as to...avoid the wasting of time'.[31] The Appeals Chamber in the Fonfana Appeal Bail Decision suggested that the reason for the relaxed rules regarding evidence is to 'avoid sterile legal debate over admissibility so the court can concentrate on the pragmatic issue of whether there is a real risk that the defendant will not attend the trial or will harm others.'[32] Similarly, in the ICTY the Tribunal has noted that it does not need to be 'hindered by technicalities'.[33]

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[26] Transcript of Proceedings, *Prosecutor v. Charles Ghankay Taylor* (Special Court for Sierra Leone, Lussick, Doherty, Sebutinde JJ., 7 December 2009).

[27] The indictment against Charles Taylor covers crimes committed over a period of seven years, from 1996 to 2002.

[28] Tracey Gurd, '*Stephen Rapp, Special Court Chief Prosecutor, Answers Your Questions – Part 1*', (2009), The Trial of Charles Taylor <http://www.charlestaylortrial.org> at 2 September 2009.

[29] Ibid.

[30] Ibid.

[31] Rule 90(F) of the Rules of the Special Court for Sierra Leone.

[32] *Prosecutor v. Sam Hinga Norman et al*, Case No. SCSL-04-14-AR65, Fofana – Appeal against Decision Refusing Bail, 11 March 2005, para. 26.

[33] *Prosecutor v Enver Hadziha Sanovic Amir Kubura*, Case No. IT-01-47-T, Decision on the Admissibility of Documents of the Defence of Enver Hadzihasanovic, 22 June 2005, para. 14.

A counter-argument is that the Court wastes a great deal of time considering evidence that is given very little weight. A commonly cited problem with hearsay is that it raises peripheral issues that are not before the Court. The rule against hearsay limits the raising of such issues, reducing the time wasted by the Court.

V. Conclusion

Considering the unique mandate, structure and nature of the cases coming before the Special Court, it is submitted that the Judges of the Special Court are capable of evaluating hearsay evidence and using their discretion to exclude evidence that is too prejudicial or unreliable. It is submitted that the Special Court Rules do not need to be amended to limit evidence to direct evidence, as this would have the effect that the Court would not be considering all relevant evidence when making its decisions.

Charlestaylortrial.org
Thursday, 18 March 2010

RUF Rebels Did Not Commit Crimes Of Rape, Did Not Recruit Child Soldiers, Witness Says

By Alpha Sesay Sierra Leonean rebel forces did not commit crimes of rape, nor did they recruit and use children for combat purposes as alleged by prosecutors, Charles Taylor's defense witness told Special Court for Sierra Leone judges today under cross-examination in The Hague.

A Liberian national who was a member of Sierra Leone's Revolutionary United Front (RUF) rebel group today disputed prosecution claims that RUF rebels committed heinous crimes such as rape, destruction of civilian property and recruitment of children for combat purposes during Sierra Leone's 11-years civil conflict.

The witness, who has been testifying with protective measures, also denied claims in Sierra Leone's Truth and Reconciliation Commission (TRC) report that the RUF was the most notorious group among all warring factions in Sierra Leone's conflict. According to the TRC report, portions of which were read in court today, in Kailahun District in eastern Sierra Leone alone, the RUF committed more than 1,000 violations of forced labor, rape, sexual slavery and destruction of civilian property among many others. Mr. Taylor's defense witness today dismissed the claims as lies, telling the court that RUF leader, Foday Sankoh, forewarned the RUF about the commission of the crimes mentioned in the TRC report.

Speaking specifically about allegations of rape by the RUF, the witness told the court that "I said, there was a law concerning raping, that any soldier who raped, the instruction from Foday Sankoh was that any soldier who raped should be executed but I did not see any soldier, nor did I get any report that a soldier raped and be disciplined in my presence. I did not see that," the witness said.

Prosecution counsel Mohamed Bangura who conducted the witness's cross-examination, asked the witness about his denial of the RUF taking women as "bush wives" in Sierra Leone

"You also denied that the RUF took women as bush wives, you denied that, didn't you?" Mr. Bangura put to the witness.

In his response, the witness explained that "I said, most of the men who went to the base to be trained, they had their women but I did not see people forcing women to take them to be their women. I did not see that."

Mr. Taylor is on trial for allegedly providing support to RUF rebels in Sierra Leone. RUF commanders have already been convicted by the Special Court for Sierra Leone for crimes of rape, sexual slavery, recruitment of child soldiers and terrorizing the civilian population committed in Sierra Leone during the country's civil conflict. Prosecutors claim that Mr. Taylor, while in Liberia, exercised control over the RUF rebels in Sierra Leone and that he knew or had reason to know that these crimes were committed but failed to prevent those crimes from being committed, nor punished those who committed the crimes. Prosecutors say that Mr. Taylor aided and abetted the RUF in the commission of these crimes. Prosecution witnesses, comprising RUF insiders and victims of the conflict in Sierra Leone, have testified to the commission of these crimes by the RUF.

Mr. Taylor has consistently denied the allegations, saying that he did not provide any support to the RUF and that he did not know that any such crimes were being committed in Sierra Leone. The former Liberian president's witnesses testifying on his behalf have also dismissed prosecution allegations against him as lies. The current witness, an RUF insider, also now insists that Mr. Taylor did not support the RUF and that prosecution allegations that the RUF committed crimes in Sierra Leone are false.

Also in his cross-examination today, the witness denied prosecution allegations that the RUF recruited and used children for combat purposes in Sierra Leone. According to the witness, no fighters in the RUF were below the age of 17 years.

“They told us that it’s from 17 upwards before you’ll be recruited on the base, so I believe that everybody who was on the base, their ages were above 17, from 17 upwards,” the witness said.

Asked by Mr. Bangura to say who told him “that the fighters should be 17 upwards,” the witness replied that “it was Foday Sankoh who gave the instruction.”

The witness would be surprised, he said, if somebody told the court that there were fighters in the RUF who were below the ages of 15 and 17.

“I did not see children, so it will surprise me because where I was, all the soldiers who carried arms, they were not children,” he said.

Certain portions of the witness’s cross-examination today were heard in closed/private session for purposes of protecting the witness’s identity.

The witness’s testimony continues Monday.

Charlestaylortrial.org
Thursday, 18 March 2010

Charles Taylor's Defense Counsel, Courtenay Griffiths Answers Your Questions – Part I

By Tracey Gurd

Dear Readers,

Here is the first installment of the interview we did with Charles Taylor's lead defense counsel, Courtenay Griffiths, last week. The next two installments will be posted over the coming days. Enjoy!

QUESTION 1. Why did you take on this case? And are you winning or losing?

Based on the following comments:

On March 5, 2010 at 8:59 pm, john thompson said:

Why did he decide to take on this case and how much is CT paying him or is his work pro-bono.

n March 5, 2010 at 10:07 pm, Noko4 said:

I will like to know

1. What MOTIVATED him to take this case??

On March 6, 2010 at 8:48 am, Harris K Johnson said:

1.Why did you choose to defend Mr. Taylor, a man who Washington and London see as a terrorist planted in West Africa, and what do stand to gain?

2. From a legal stand point what do you make of this case so far, are you wining or loosing?

MR. GRIFFITHS:

Well, I took on the case because, throughout my career I always acted for – or tried to act for — the underdog. Particularly in those cases where the media have created the idea that the person is guilty even before a trial has taken place. Charles Taylor was tried and found guilty in the court of public opinion long before he was even arrested. It is very difficult to shift such public perceptions once they have been created. However, I strongly believe that every suspect is innocent until proven guilty following a fair trial and it is my responsibility to ensure that his trial is fair and that the judges arrive at the right verdict despite the odds.

QUESTION: And can you comment on whether you think you're winning or losing?

MR. GRIFFITHS:

I think we are winning. I think, based on the damage we did to the prosecution's case, that this man ought to be acquitted. I have tried to be as objective as possible. My yardstick is: if this case was being tried before me in an English court, and I sit as a part-time judge in the Crown Court in London, what would my independent view be. Based on the quality of the evidence presented the verdict would have to be one of not guilty.

QUESTION 2. Charles Taylor initially challenged the Special Court's legitimacy, now he is working within the system. What caused his change of heart?

Based on the following comments:

On August 26, 2009 at 1:10 am, Shelby Grossman said:

Mr. Griffiths,

Your client originally denied the legitimacy of the Special Court and wanted to defend himself. Now he seems to respect the Court, utilizes you and the rest of the defense team, and is attempting to work within the system to prove his innocence. Do you know what caused this change of heart?

Thanks,

Shelby Grossman

MR. GRIFFITHS:

Well, that change of heart took place before I came on board. And frankly, I haven't questioned him about it. But it is a novelty to find a former head of state who is willing to cooperate with the authorities in this way. And in fact, you will note, that in all political trials since Charles the First in the mid 17th century, that those leaders have always questioned the legitimacy of the courts and the court's jurisdiction to try them. I think Mr. Taylor is the first leader of a country to have followed the procedures and accepted the authority of the court in the way he has. This is because he has an abiding belief in justice and he is willing to trust the Special Court for Sierra Leone to dispense justice.

QUESTION 3. Is Charles Taylor getting a fair trial and can you live with whatever result he gets?

Question based on the following comment:

On March 5, 2010 at 6:22 pm, Political-guru said:

Mr. Griffiths, let me first and foremost register my sincere thanks to the moderator and especially to you for your esteemed time. My question : Do you believe that Mr. Taylor is receiving a fair trial and no matter the result you would be able to live with it? And secondly, were he to be convicted, would his defense seek an appeal?

MR. GRIFFITHS:

I'd say that I believe he is receiving a fair trial. I think the prosecution investigation was totally unfair and dishonest. Investigative techniques were adopted which have no place in a civilized court of law. But, nonetheless, I think these judges have striven since the beginning to ensure that the proceedings are fair. I think they do realize that their professional reputations are on the line. Unfortunately, the reality is, because the primary funders of this court want to see a Taylor conviction, I appreciate that these judges are under a great deal of pressure to convict. And I just hope that they will stay strong and sufficiently independent of mind not to bow to that pressure.

QUESTION 4. Are you confident that the judges can make an impartial decision free from international influence and pressure? Do you trust the judges?

Based on the following comments:

On March 5, 2010 at 7:21 pm, Jose Rodriguez said:

Mr. Griffiths,

First of all, I will like to thank you and the entire defense team for the superb and splendid job performed over the years For President Taylor. Your heroic intiative and great personal value in the face of intense international media blitz and pressure and yet able to do your job diligently is just phenomenally awesome.

My question is, how confident are you when it comes to the making of an impartial judgement free from international influence and pressure by the judges? Do you really trust the judges and their final verdict? Why/why not

MR. GRIFFITHS:

Well, I trust the judges, and I trust the integrity of the judges. But it is a fact that they're operating under enormous international pressure, particularly from the United States and the United Kingdom. And there are real political reasons for that, because an acquitted Charles Taylor will be able to return to Liberia. And if he returned to Liberia and contests the election against the current incumbent, Charles Taylor would win. But can you see either the United States or the United Kingdom, having invested so much in this court, allowing such a democratic possibility to take place? Despite their alleged support of democracy and the rule of law! Can you see it? I cannot, because the economic interests at stake for them are too great.

QUESTION 5: If in fact there was a conviction, the questions are whether you would appeal it, and whether you would act on his behalf if you did appeal?

On March 6, 2010 at 4:15 am, Big B said:

Hi Mr. Griffiths,

First of all I would like to congratulate you for such an outstanding performance. You are the best in the business.

Hope you don't mind if I referred to you as Perry Mason (AKA). My question to you is this. What if President Taylor is found guilty, which is highly unlikely, would you represent him at the appeal level? Even though, we are not at the bridge yet, but it's nice to plan how to cross the bridge before reaching to it.

MR. GRIFFITHS:

Well, what I'd say is this: whether there is an acquittal or a conviction, there will be an appeal. Because, as you are aware, and many of your readers are, I'm sure, aware, if Taylor is acquitted, the prosecution can appeal that decision. And I'm very concerned about the prosecution appealing, and the Appeals Chamber in this court having to decide on such an appeal, because frankly, I consider the Appeals Chamber of this court to be biased. And that can be seen from their decision in the RUF appeal. They have bastardized important legal principles governing the central mode of liability in Mr Taylor's case. Such has been the departure from customary international law that one of the appeal judges, Justice Fisher, interestingly an American judge, described the appellate decision as "dangerous". Indeed one legal expert has opined that "..[the decision] sets a precedent for the trial of Charles Taylor, who, the prosecution alleges, participated in a joint criminal enterprise, along with the RUF, to take control of Sierra Leone by criminal means. If the Special Court for Sierra Leone applies this flawed logic [The decision in the RUF appeal] in Taylor's case, another wrongful conviction could result."

QUESTION: So you trust the trial chambers, but not the appeals chambers. You're worried they're biased.

Mr. GRIFFITHS:

I'm extremely worried about this Appeals Chamber. Some of their decision-making is really totally wrong. There is an absence of logic and intellectual honesty about some of their decisions. The appeals chamber appears to be motivated solely by political and pragmatic considerations. Vengeance seems to colour much of their thought. And those kinds of issues have no place in the rule of law. So frankly I don't trust the Appeals Chamber.

QUESTION 6. Do you think this trial has been a waste of time and money? What do you think is the appropriate role of international criminal trials/domestic trials (war crimes tribunals) in post-conflict countries? Do you think the cost is warranted given their role in re-establishing rule of law? Do you think there are alternatives that are better use of money, time and political will? Would you have preferred that the trial was held in Sierra Leone?

Based on the following comments:

On March 8, 2010 at 12:41 am, j.fallah menjor said:

At the beginning of this trial, Sir, there was out cry, especially from taylor's fan that "this was a waste of time and money" and not to mention how this trial was about a conspiracy by the West(USA&Britain),supporters claimed. Now that sufficient time has been spent on this trial and democracy being in practice, why would you say to those that still believe this whole trial was a waste of time and money?

On March 8, 2010 at 10:08 pm, questions said:

13. a) What legal precedents/theories are likely to come from this trial?
b) What will be its lasting impact on international law?
c) What do you think is the appropriate role of international criminal trials/domestic trials (war crimes tribunals) in post-conflict countries? Do you think the cost is warranted given their role in re-establishing rule of law? Do you think there are alternatives that are better use of money, time and political will?
d) Would you have preferred that the trial was held in Sierra Leone?

MR. GRIFFITHS:

Yes, I do. I think it's been a complete waste of time and money, because one of the suggested objectives of this trial was to imbed the rule of law in West Africa and to reaffirm that principle. And yet the prosecution has gone about paying witnesses. So many people in Sierra Leone and Liberia now associate the giving of evidence with the idea of making money. And it's the prosecution who polluted the minds of those people in West Africa in that way. And so consequently, the legacy, the supposed legacy, is just not going to happen. And this has been an absolute waste of money. To what extent have the people of Sierra Leone gained? Nothing at all! These trials were conducted in Freetown, in a fortified oasis in the middle of Freetown, to which the vast majority of Sierra Leoneans had no access. Then Taylor's trial is being conducted thousands of miles away. And their only means of accessing it is over the Internet if you've got a broadband connection. How many people in Sierra Leone and Liberia have such a broadband connection? So the supposed legacy, it's just not going to happen. It is a mirage. It is the window dressing to justify their economic interests in the area. In the same way that non-existant weapons of mass destruction justified a terrible war in Iraq, the rule of law is being used here to disguise real neo-colonialist interests.

If there had to be a trial, nobody is going to convince me that it had to take place in The Hague. Are the authorities who have made that suggestion really suggesting that there's nowhere in Africa stable enough for this trial to have been conducted there? ….To my mind, the whole idea of international criminal justice at this particular historical juncture is about neo-colonialism. It is a way of controlling certain countries. I will have a firm belief in international criminal justice the day George Bush and Tony Blair are put on trial for the illegal war in Iraq. Then I'll believe in it. Until then, I have no belief in it as a form of international justice. At all At all, to borrow a Krio phrase.

QUESTION 7: Why haven't you been waging a public relations campaign to make your case in the media?

Based on the following comment:

On March 6, 2010 at 3:03 am, King Gray said:

Mr. Griffins, I want to thank you very much for taking such a heavy case that is against the people of Africa. I think the people of America are good people and if they get to understand the reality of this political trial, they will cry out against using their name to suppress others. So why have the defense not been able to wage a serious public relations campiagn in the United States , on CNN and other media outlets, regarding the politcal nature of this trial?

MR. GRIFFITHS:

Well, half of the problem, Tracey, is that in all criminal trials – what I've noticed in the thirty years that I've been working mainly as a defense advocate, is that the media are interested in the prosecution opening of the case. They may want to come back when there's a celebrity witness, and then you see them again right at the end of the case. And so consequently, this blog is one of the few places where people can actually get regular updates of what is

going on in the trial. And the major media houses are just not interested. And part of the reason, I believe, for that lack of interest, is because at the end of the day, having got Charles Taylor in custody, they see it as job done. And they don't feel the need to educate the public as to the reality of the evidence in the trial. Indeed, I believe that their view is that the less the public sees how shoddy this prosecution case is, the better it is for them. And so whereas in Africa there has been a great deal of coverage, and we've made major strides in getting the message out, in the West no one is interested.

BBC WORLD SERVICE TRUST

John Kollie

NEWS ITEM

March 18, 2010

The Defence Liberian Witness testifying in Mr. Charles Taylor's case under anonymity has denied a Sierra Leone Truth and Reconciliation Commission report that the RUF committed the highest number of violations ranging from rape to forced labour against civilians in 1991. Continuing his cross-examination on Thursday the witness also denied that the RUF used child soldiers. John Kollie has this transcribed report from the Hague on the trial of former Liberian President Charles Taylor...

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A Sierra Leonean TRC report read in court Thursday stated that the RUF which Mr. Charles Taylor allegedly supported was the most notorious group among all the factions in the Sierra Leone civil war.

Former Liberian President, Charles Taylor is accused of committing sexual slavery, rape, forced labour among others against the civilian population of Sierra Leone.

The TRC reported that the RUF committed over thousand violations of rape, destructions of property, forced labour, sexual slavery among others in the Sierra Leonean District of Kailahun alone in 1991.

But the Defence witness testified that Former RUF Leader, Foday Sankoh forewarned the RUF fighters about the crimes mentioned in the TRC report.

The recruitment of child soldiers is one of the counts against Former Liberian President, Charles Taylor. The Prosecution stated in its indictment that the RUF which Mr. Taylor allegedly supported, recruited children less than 15 years.

But the Liberian witness testifying in defence of Mr. Taylor said none of the RUF fighters were below 17 years.

At the time of this report the court had gone into private session to hear evidence that might expose the identity of the witness.

United Nations Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary
18 March 2010

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

International Clips on Liberia

Man sentenced to 3 years in sexual assault

http://www.pantagraph.com/news/state-and-regional/illinois/article_60e5f7db-17dc-5e11-85f2-fa54f68e50e4.html

A Rock Island County Judge has sentenced 22-year-old Amos Swen Collins to three years in prison for the sexual assault of a 16-year-old Liberian immigrant who later hanged herself in his Rock Island apartment. Collins, who is also of Liberian decent, pleaded guilty Jan. 8 to aggravated criminal sexual abuse. In passing sentence Wednesday, Judge Michael Meersman granted Collins credit for the eight months he has already served in jail. He said Collins also must serve two years of mandatory supervision and be required to register as a sex offender. Meersman added that because Collins is not an American citizen, he could also be deported. The assault victim, Naomi Wehjalah (way-JAH'-la) was found hanging from a ceiling fan in Collins' kitchen last July 27. Her death was ruled a suicide.

International Clips on West Africa

Sierra Leone

Military steps in as health workers strike in Sierra Leone
AFP

Health workers in Sierra Leone's capital downed tools Thursday over poor working conditions, and military doctors and nurses stepped in to help at two affected hospitals in Freetown. Paediatrician David Mbayo, who works at the Princess Christian Mission Hospital maternity facility, said "our plight is appalling." "I am the only child specialist in the country yet my take home pay is only 200 dollars (150 Euro). We are not taking in new patients," he told AFP. The strike was taking place across the western province of the country. The striking workers are demanding that a new package for health workers be disclosed to them before April 27, when a free health-care program for children under five, pregnant women and lactating mothers will kick off. Sierra Leone's Deputy President Sam Soumana visited both hospitals in the capital to assess the situation, state radio reported. "The strike action has created a deplorable situation," he was quoted as saying. "The package for health workers has been developed by the government and its partners and will be presented to the workers soon. In as much as you are protesting for your welfare, be mindful that you are dealing with lives." Doctors also went on strike in February over poor working conditions and low salaries in the country whose healthcare system was left in tatters after a decade-long civil war which ended in 2001. According to official statistics, a junior doctor earns an entry-level salary of around 90 US dollars a month and the World Health Organisation estimates there is less than one physician per 10,000 inhabitants.

Ivory Coast ruling party urges 'quick polls' after UN snub

ABIDJAN (AFP) – Ivory Coast's ruling party Thursday said it wanted quick presidential elections, a day after the United Nations slammed the West African nation for dragging its feet on the poll originally due in 2005. "We are in a hurry, we want to go to the polls but at the same time we want transparent elections," said Martin Sokouri Bohui, in charge of poll affairs in President Laurent Gbagbo's Ivorian Popular Front (FPI) party. "Why does the question of transparency pose a problem to people?" he said. Polls have been repeatedly put off in Ivory Coast, the world's top cocoa grower and a former regional powerhouse, since an abortive 2002 coup against Gbagbo. The ruling party's declaration on the long-delayed ballot -- which has allowed Gbagbo to stay in power for a decade without seeking a second term -- comes after criticism by a UN official over delays in releasing a new voters' list. "It is quite regrettable to see the elections once again delayed," UN special representative for Ivory Coast Choi Young-Jin told the UN Security Council on Wednesday. "Our disappointment is all the more acute as elections which have been prepared for so long appeared within our grasp at the time of the establishment of the provisional electoral list last November, which was highly credible and well balanced," he said. The Security Council also voiced concern at the series of electoral delays since last January and urged Ivorian stakeholders to revive the process "without delay."

Local Media – Newspaper

New Swedish Ambassador Meets Defense Minister
(The Inquirer, Heritage)

- Swedish Ambassador to Liberia, Ms. Carin Wall says her government will increase the volume of assistance to Liberia by 100 per cent.
- Ambassador Wall said in comparison to the 2009 support, Sweden will increase its allocation from US$100 million to US$200 million this year.
- According to her, the Swedish government has decided to focus on strengthening two sectors including democracy and human rights, and agriculture and trade.
- The Swedish diplomat made the disclosure Wednesday when she paid a courtesy call on authorities of the Ministry of National Defense.

USAID To Hand-over Project Today
(The News, The Informer)

- The US Government through US Agency for International Development (USAID) will today Thursday formally hand over the rehabilitated University of Liberia Engineering Building on Fendell Campus to the Liberian government.
- According to a US Embassy release, the project put at a cost of US$1.2 million was funded through a grant from the American people to the Liberian government.
- The rehabilitated 80,000 square foot educational facility would provide a quality learning environment for a variety of engineering disciplines at the university.

Government Representatives Push For Passage Of Investment Act
(The Inquirer)

- A team of government representatives has called for the immediate passage of the draft Investment Act of 2009.
- The government team stressed the draft Act was a major tool toward reaching the Heavily Indebted Poor Countries (HIPC) initiative completion point.
- Finance Minister Augustine Ngafuan said meeting the HIPC completion point was crucial to enabling Liberia borrow from international lenders.
- Minister Ngafuan made the statement Wednesday during a hearing on the draft Act by the joint Investment and Concessions Committee of the National Legislature.
- The Fula Business Association and the Liberia Chambers of Commerce also expressed support for the draft Investment Act.
- The draft Investment Act seeks to make the Liberian business sector open compared to the current system which sets aside twenty six businesses exclusively for Liberians.

President Sirleaf To Handle Firestone-Kparnyah's Pollution Issue
(The News, The Inquirer, Heritage)

- President Ellen Johnson Sirleaf has pledged to handle a long-standing dispute between the residents of Kparnyah Town and Firestone, a concession Company operating in Margibi County since 1926. "Let me be your lawyer.
- I want you to have a future and if you keep looking back you can't see in front of you," President Sirleaf told the residents of Kparnyah.
- The visit to Kparnyah Town which was the crux of her tour in parts of Margibi County yesterday, President Sirleaf said, "let's leave the lawsuit and go back to negotiate as you say in your paper presented to me."
- She admitted that the dispute between the residents who are close to the Firestone concession areas has been long and that it was about time that together they find a win-win solution.
- President Sirleaf made the appeal when the residents in their statement requested for a dialogue between them and the company.

Liberia To Host ECOWAS Peace Confab
(The Inquirer)

- An international conference on "Two Decades of Peace Processes in West Africa: Achievement, Failures, Lessons Learned" is expected to commence Monday at the Samuel K. Doe Sports Complex in Paynesville.
- The conference organized by the Economic Community of West African States (ECOWAS) Commission is in a bid to consolidate gains made in conflict prevention, management, resolution and peace building.
- The conference will run from Monday, March 22-27.
- The week-long conference will consider subject on peace agreements signed in the region over the past two decades.
- The conference is also aimed at exploring qualitatively new frameworks for cooperation at all levels in response to conflicts in the region.
- It will also explore feasibility of establishing a West Africa specific framework for linking conflict response to peace building and peace consolidation.

Star Radio *(News monitored today at 09:00 am)*

State Starts Production Of Evidence In Jubah's Case Today

- Criminal Court 'A' will today begin hearing state evidence in the Keith Jubah murder trial.
- It follows the removal of key procedural hurdles, including the confinement of jurors.
- According to Court documents, the Judiciary has resolved the sequestration issue.
- The records show the jurors will be kept at a local motel in Monrovia, since the jury quarter at the Temple of Justice is under renovation.
- Keith Jubah, a former chairman of the Public Procurement and Concession Commission was killed in November 1, 2009.
- Nine men indicted for his murder have already denied the act.

New Swedish Ambassador Meets Defense Minister
(Also reported Truth FM, Sky FM, and ELBC)

US Ambassador Intensifies Youth Empowerment

- US Ambassador Linda Thomas Greenfield has broken grounds for the construction of the Traditional Village Elementary School in Dudu Town, Parker Corner in Montserrado County.
- Ambassador Greenfield said when constructed the school will help empower the youthful population of the Community.
- She said the new School will also help discipline children and prepare them for the task of nation building.
- Ambassador Greenfield disclosed the US Embassy will carryout the construction of the School.

USAID To Hand-over Project Today

Liberia Gains WTO Observer Status

- Liberia has finally achieved an observer status with the World Trade Organization (WTO) after weeks of training in Japan.
- Assistant Commerce Minister Wilmot Paye said it would take Liberia what he called intense effort to achieve full membership.
- According to Minister Paye Liberia will need to build its capacity in commerce, by making available products for trade.
- He said Liberia will also have to understand trade negotiation as a requirement for gaining full membership with the organization.
- Assistant Minister Paye said Liberia's observer status was announced at the just-ended training programme of the WTO in Japan.

Government Representatives Push For Passage Of Investment Act

Radio Veritas *(News monitored today at 09:45 am)*

"US Human Rights Report On Liberia Should Serve As A Wake Up Call" Says JPC Boss

- The Catholic Justice and Peace Commission (JPC) says the US State Department Human Rights Report on Liberia should serve as a wake up call for the Liberian government.
- JPC National Director, Cllr. Augustine Toe said the issues raised by the US State Department Human Rights Report was not different from the one released by his institution.
- The US Human Rights Report on Liberia for 2009 spoke widely of corruption in every sector of the Liberian society and widespread human rights abuses.
- Cllr. Toe said human rights conditions in Liberia can be compared to the past when police brutalities, detention of prisoners without trial, mob violence were the order of the day.
- The Catholic human rights advocate has at the same time appealed to the US government to increase its financial support to the justice system in Liberia and build the capacity of local human rights groups.

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Radio Netherlands Worldwide
Wednesday, 17 March 2010

Camera Justitia film festival starts next week

By Thijs Bouwknegt

The Hague, Netherlands

The Movies that Matter festival, the successor to the Amnesty International Film Festival, opens on March 26th in The Hague. The weeklong festival will present some 70 human rights films and documentaries along with daily talk shows and debates featuring international guests.

Camera Justitia
Camera Justitia is a special programme within the festival focusing on international justice and the fight against impunity - the field in which the International Criminal Court and several other tribunals in The Hague operate.

This year's Camera Justitia programme includes seven documentaries:

Petition, which follows Chinese citizens who dare to face the authorities and complain about the corruption of their local officials.

Mugabe and the White African deals with the resistance of white farmers against land expropriation in Zimbabwe.

War Don Don looks at the trial of convicted Sierra Leonean war criminal, Issa Sesay, before the Special Court for Sierra Leone (SCSL) in Freetown, Sierra Leone.

The Trial follows the war crimes trial of the of Kosovo's prime minister before the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague.

My Neighbour, My Killer goes inside Rwanda's Gacaca courts, where perpetrators of the Rwandan genocide are forced to confront their victims.

Crude, an award-winning documentary about the thirty thousand Ecuadorians who filed a lawsuit against Texaco in 1993.

And finally, Getting Justice sheds light on the impunity that followed the 2008 post-election violence in Kenya.

Camera Justitia kicks off on Friday March 26th with the Dutch premiere of the documentary War Don Don, followed by a daily programme of selected films and debates with international guests, until 31 March.

More information: Camera Justitia or Movies That Matter

The Hague Justice Portal
Thursday, 18 March 2010

Former Rwandan Deputy Prosecutor's sentence reduced

On 18 March 2010 the Appeals Chamber at the International Criminal Tribunal for Rwanda (ICTR) partially allowed the appeal of Siméon Nchamihigo. The Chamber reversed a number of Nchamihigo's convictions, most notably reducing his sentence from life imprisonment to 40 years' imprisonment.

Siméon Nchamihigo, ex-Rwandan Deputy Prosecutor for Cyangugu Prefecture, was found guilty by the Trial Chamber of genocide, as well as extermination, murder and other inhumane acts as crimes against humanity on 24 September 2008. The Chamber found Nchamihigo responsible for the deaths of more than 2,000 Tutsis, and in sentencing him to life imprisonment noted that there were few mitigating circumstances, particularly in light of the zeal with which he had perpetrated his crimes.

Working at the ICTR

The Appeals Chamber reversed several of Nchamihigo's convictions for genocide and murder as a crime against humanity in relation to a number of specific situations, with Judges Fausto Pocar and Liuy Daqun appending partially dissenting opinions. The Chamber granted Nchamihigo's appeal in relation to six grounds of appeal, including reversing convictions in relation to several massacres. Consequently, the Chamber, Judge Pocar dissenting, set aside his life sentence and instead sentenced him to 40 years' imprisonment.

Nevertheless, the Appeals Chamber affirmed all of Nchamihigo's other convictions for genocide and murder as a crime against humanity, rejecting each of his additional grounds of appeal.

Nchamihigo was arrested in Tanzania in May 2001 after being recognized by a witness. Remarkably, at the time Nchamihigo was working at the ICTR as a defence investigator.

ECCC

Wednesday, 17 February 2010
http://www.eccc.gov.kh/english/news.view.aspx?doc_id=337

ECCC enters into agreement for the creation of a "virtual tribunal"

Today the Extraordinary Chambers in the Courts of Cambodia (ECCC) signed an agreement with the Hoover Institution, Stanford University and the War Crimes Studies Center of the University of California, Berkeley for the establishment of a ECCC Virtual Tribunal Legacy Project.

The Virtual Tribunal will be a ground breaking way for the ECCC to digitally make available to the public all trial related materials such as decisions, filings, trial transcripts and videos of the court proceedings. The ECCC Virtual Tribunal will link together all these resources and combine them with expert commentary, educational introductions and explanations, interviews and other multimedia resources.

The ECCC Virtual Tribunal will be available to the public during and beyond the operation of the Court. To make it easily accessible for people in Cambodia, information Centers where the ECCC Virtual Tribunal can be accessed will be created at schools, universities, law faculties and other sites.