

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



Justice Teresa Doherty delivering the judgement in the contempt trial of Prince Taylor.

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

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Press clips are produced Monday through Friday.
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Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

The Hague, 23 January 2013

Oral Hearings Conclude in Taylor Appeal, Judges Will Now Retire to Deliberate and Consider Judgement

Lawyers for the Prosecution and Defence made their final arguments before the Appeals Chamber this week in the trial of former Liberian President Charles Taylor. The five Judges and one Alternate Judge heard Appeal Submissions from the parties on Tuesday, and their Responses and Replies on Wednesday.

On 26 April 2012, the Trial Chamber found Mr. Taylor guilty on all 11 counts of the indictment, finding that he had participated in the planning of crimes, and of aiding and abetting crimes, committed by rebel forces in Sierra Leone. On 30 May 2012, the Trial Chamber sentenced him to a prison term of 50 years.

The Defence has presented 42 grounds of appeal, arguing that the Trial Chamber made systematic errors in the evaluation of evidence and in the application of law sufficiently serious to “reverse all findings of guilt entered against him” and to vacate the judgement. The Defence brief also questioned the fairness of the trial and the judicial process itself, and challenged the 50 year sentence imposed by the Chamber as being “manifestly unreasonable.”

The Prosecution has also appealed the judgement on four grounds, arguing that Mr. Taylor should have been found guilty of other modes of liability, and that he should have received a significantly longer sentence.

For the oral arguments, the Appeals Chamber asked both the Prosecution and the Defence to address six questions (set forth in full below), looking at the application of international law to modes of liability, the extent to whether uncorroborated hearsay evidence may be relied upon in determining findings of fact, and how existing jurisprudence relating to adjudicated facts should be applied to a Defence motion to admit adjudicated facts after the Prosecution had closed their case.

Both parties expressed appreciation for the opportunity to address “these important legal questions”.

At the end of Wednesday’s proceedings, Charles Taylor was allowed to make a statement. “I’m very appreciative of the handling of the proceedings so far, and I have the belief that the right thing will be done by the grace of Almighty God,” he told the Judges.

This week’s hearing is the last in the Taylor case before the appeal judgement is delivered. It also marks the achievement of an important milestone as the Court nears the completion of its mandate. The Judges will now retire to deliberate and consider their judgement, expected before the end of 2013.

#END

- i. Whether the Trial Chamber correctly articulated the *actus reus* elements of aiding and abetting liability under customary international law. The differences and similarities between aiding and abetting, instigating and ordering as forms of liability under Article 6(1) of the Statute. Whether customary international law recognizes that certain forms of liability set forth in Article 6(1) of the Statute are more or less serious than other forms of liability for sentencing or other purposes.
- ii. Whether the Trial Chamber's findings meet the *mens rea* standard of purpose.
- iii. Whether acts of assistance not "specifically directed" to the perpetration of a crime can substantially contribute to the commission of a crime for aiding and abetting liability. Whether the Trial Chamber's findings meet the "specific direction" standard.
- iv. Whether the acts of assistance not to the crime "as such" can substantially contribute to the commission of the crime for aiding and abetting liability. Whether the Trial Chamber's findings meet the "as such" standard.
- v. Whether the sources of law identified in Rule 76 *bis* (ii) and (iii) establish that uncorroborated hearsay cannot be relied upon as the sole basis for specific incriminating findings of fact.
- vi. How the Appeals Chamber should apply existing jurisprudence relating to adjudicated facts under Rule 94(B) in the context of a defence motion for the admission of adjudicated facts following the close of the prosecution case.

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

INFORMATION FOR MEDIA - NOT FOR ADVERTISING

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The Exclusive
Friday, 25 January 2013

Prosecution Calls for 80 Yrs

Liberia's former warlord and President Charles Taylor's appeal against his fifty years sentence handed down by the UN backed Special Court for Sierra Leone sitting in The Hague in May 2012 for his role in aiding the rebels responsible for war crimes during Sierra Leone's decade-long civil war started past Tuesday. The court's sentence last May against Taylor, 64, for "some of the most heinous crimes in human history" was widely welcomed around the world at the time.

Taylor, wearing a black suit, white shirt and red tie listened intently as the prosecution began its appeal at the Special Court.

The court should "hold responsible not only those who perpetrate the crimes but also those who promote them," said prosecutor Nicholas Koumjian.

"They are just as important, including the lords of war who sell arms in these conflicts," he said.

Judges at his trial from the evidence adduced by the prosecution in their verdict agreed that he aided and abetted rebel forces fighting against the government during Sierra Leone's 10-year civil war known for its mutilations, drugged child soldiers and sex slaves. Trial judges also found Taylor was paid in "blood diamonds" mined by slave labour in areas kept under the control of ruthless RUF rebels.

Dissatisfied prosecutors argue that trial judges made a mistake by only convicting Taylor of aiding and abetting the notorious Revolutionary United Front and other rebel groups.

They say the court should have convicted Taylor for actively issuing orders to the RUF and its ally, the Armed Forces Revolutionary Council (AFRC).

Taylor was convicted of aiding and abetting terrorism, murder and rape, committed by the RUF, who waged a terror campaign during a civil war that claimed 120,000 lives between 1991 and 2001.

The initial trial, which saw model Naomi Campbell testify she had received a gift of "dirty" diamonds, said to be from the flamboyant Taylor, wrapped up in March 2011.

His sentence was the first handed down against a former head of state in an international court since the Nazi trials at Nuremberg in 1946. Koumjian said that as a result, the trial is "of great consequence".

Tuesday's hearing was dominated by particularly complex legal arguments - with both sides saying judges made legal mistakes in convicting Taylor in April last year and sentencing him in May.

The prosecution wants Taylor jailed for 80 years, "in order to reflect the totality of his overall conduct and culpability".

The prosecution attacked Taylor's lawyers, who they said would argue that the former warlord had merely benefitted by obtaining blood diamonds.

"In their view as long as their purpose is not crimes, but advantages, in the case of Charles Taylor and the diamonds of Sierra Leone, then it's OK, they're not responsible for aiding and abetting," Koumjian said.

"That would be a great step backwards in international law."

Taylor's defence has filed 42 grounds of appeal, calling the trial chamber's decision a "miscarriage of justice", and asked appeals judges to reverse the conviction and quash the sentence.

"The colossal judgement, over 2,500 pages in length, is plagued throughout by internal inconsistencies, misstatements of evidence and conflicting findings," Taylor's lawyer Morris Anyah said in court papers.

His lawyers say that many of the 94 prosecution witnesses who testified during Taylor's nearly four-year trial provided "uncorroborated hearsay evidence".

Taylor, said Anyah, "was never in Sierra Leone when these crimes were committed" and furthermore he was so "engulfed at the time in many other domestic issues that it was not possible for him to be leading rebels in other countries to fight wars."

But SCSL chief prosecutor Brenda Hollis told the six judges that the trial chamber relied not only on hearsay evidence, but on multiple other sources during the trial.

"There has been no showing that the trial chamber relied solely on uncorroborated evidence as a basis for this conviction," she said.

Appeals judges are expected to have a decision by September, with the Liberian ex-president remaining behind bars at the UN's detention unit in The Hague until appeals proceedings are finalised. If his appeal fails, Taylor will serve his sentence in a British jail.

Liberia's Charles Taylor appeals at The Hague



Liberia's jailed ex-President Charles Taylor has started his appeal at a UN-backed special court in The Hague.

Last May, the court sentenced him to 50 years in prison for aiding and abetting rebels in neighbouring Sierra Leone during the 1991-2002 civil war.

Defence lawyers have called the verdict a "miscarriage of justice" and want the conviction to be quashed.

The prosecution, however, wants the sentence extended to 80 years, saying he also gave orders to the rebels.

In the court's original judgement, he was acquitted on these charges, with the judge finding that the prosecution had failed to prove its claims.

Taylor became the first former head of state to be convicted of war crimes by an international court since the Nuremberg trials of Nazis after World War II.

Throughout his trial, the former Liberian leader, who was arrested in 2006, maintained his innocence.

Last week Taylor, 64, reportedly wrote to MPs demanding a presidential pension of \$25,000 (£15,600) in Liberia.

Describing the withholding of his state presidential pension as a "mammoth injustice", Taylor was quoted in the

letter as saying that he was entitled to consular access and diplomatic services at The Hague, but he had been "denied that right".

'Heinous crimes'

The prosecution addressed the court first on Tuesday, reports the AFP news agency.

The court should "hold responsible not only those who perpetrate the crimes but also those who promote them", said prosecutor Nicholas Koumjian.

Taylor timeline

- o 1989: Launches rebellion in Liberia
- o 1991: RUF rebellion starts in Sierra Leone
- o 1997 : Elected president after a 1995 peacedeal
- o 1999: Liberia's Lurd rebels start an insurrection to oust Taylor
- o June 2003: Arrest warrant issued; two months later he steps down and goes into exile to Nigeria
- o March 2006: Arrested after a failed escape bid and sent to Sierra Leone
- o June 2007: His trial opens - hosted in The Hague for security reasons
- o April 2012: Convicted of aiding and abetting the commission of war crimes
- o May 2012: Sentenced to 50 years in jail
- o June 2012: His lawyers say he will appeal against his conviction

Taylor's lawyers have filed more than 40 grounds of appeal, arguing that the trial chamber's findings were based on "uncorroborated hearsay evidence".

"The colossal judgment, over 2,500 pages in length, is plagued throughout by internal inconsistencies, misstatements of evidence and conflicting findings," his lawyer

Morris Anyah said in court papers quoted by AFP.

Prosecutors, meanwhile, are expected to argue that the court made a mistake by convicting Taylor only of aiding and abetting the Sierra Leone's Revolutionary United Front (RUF) rebels and their allies, the Armed Forces Revolutionary Council.

"The Trial Chamber erred in law and in fact by failing to convict Mr Taylor for ordering crimes committed by RUF/AFRC forces who were implementing his instructions," the prosecution said in court papers.

The court was set up in 2002 to try those who bore the greatest responsibility for the war in Sierra Leone in which some 50,000 people were killed.

It found Taylor guilty on 11 counts of war crimes, relating to atrocities that included rape and murder, and described by one of the judges as "some of the most heinous crimes in human history".

In return for so-called blood diamonds, Taylor provided arms and both logistical and moral support to Sierra Leone's Revolutionary United Front (RUF) rebels - prolonging the conflict and the suffering of the people of Sierra Leone.

Taylor started Liberia's civil war as a warlord in 1989, and was elected president in 1997. He governed for six years before being forced into exile in southern Nigeria. He was arrested in 2006 while trying to flee Nigeria.

The trial was moved to the Netherlands due to concerns that the case might spark fresh instability in Sierra Leone and Liberia.

West Africa News

Liberia mulls Taylor's pension

In a war crimes court in the Hague, former Liberian president Charles Taylor is appealing his 50-year jail term. He also wants the Liberian government to grant him his ex-president's pension.

Former Liberian President Charles Taylor, who insists he is innocent, is fighting for his 50-year jail sentence to be overturned or reduced. More than a dozen different grounds of appeal will be presented by his defense lawyers against his conviction and sentence. But prosecutors are appealing for his sentence to be increased.

Taylor was found guilty of backing Sierra Leone's Revolutionary Front rebels during that country's civil war last year.

In Liberia, debate about Taylor is heating up after he wrote a letter to the Liberian parliament demanding his annual pension entitlement as an ex-president from the Liberian government.

He told parliament that the Liberian government had so far refused to pay him his legitimate benefits as a former president of Liberia.

Quoting a Liberian pension law which contains provisions for pension benefits for former senior government officials, Taylor wrote that "a former President of the Republic who shall honorably retired to private life and who is not in any other way gainfully employed by the Government, shall receive pension equal to 50 percent of

the salary of the incumbent President."

The letter also mentioned that the pension "shall not be less than \$25,000 (19,000 euros) per annum."

Taylor's correspondence with parliament prompted mixed reactions among Liberians in Monrovia with some supporting him and others saying he was not entitled to any benefits.

But the Liberian parliament is set to open discussions about his demands.

Former Liberian President Moses Blah, who succeeded Taylor after his resignation, said Taylor's demand is in line with the law. He also confirmed that he himself receives pension benefits from the Liberian government.

"Yes, I receive money from the current president of Liberia. She is paying me \$ 2,000 (1,500 euros) a month," Blah insisted.

"The law says I must have 50 percent from her salary added to my salary. They must pay this money to President Taylor," he added.

Clarence Farley, a Liberian legal expert, dismissed former President Blah's argument. He said because of his resignation and his conviction on war crimes charges (pending appeal), Taylor does not deserve pension benefits.

"Mind you if you are a convict, by international laws, certain civil rights are diminished, you understand. You cannot be behind bars and expect taxpayers' to still be paying you. It is unfortunate," Farley said.




Independent Observer
Friday, 25 January 2013

Taylor's Appeal Hearing DAY 2

...judgement in September

Two days Appeal arguments in the case of The Prosecutor v. Charles Ghankay Taylor began yesterday and is closing today. This is the last time that lawyers for the prosecution and the defence will argue a case before the Special Court. After the arguments conclude today, the Judges of the Appeals Chamber will retire to consider their judgement. That judgement is expected in September 2013.

Also yesterday, Justice Doherty convene a brief hearing at 1:00 p.m., also in Courtroom 1, to close the contempt trial of Independent Counsel v. Prince Taylor.



IWPR

Wednesday, 23 January 2013

African Leaders to Discuss Regional War Crimes Court

Ahead of an African Union summit in Addis Ababa this week, legal experts are urging caution over plans to expand the jurisdiction of the African Court on Human and Peoples' Rights to allow it to try individuals for mass crimes.



The proposal is likely to be on the agenda for the African Union meeting taking place on January 21-28.

Some experts see the idea of strengthening the African court as a reaction by the continent's political leaders against the role played by the International Criminal Court, ICC, in

The Hague. Other observers, however, say any plan to deliver justice on African soil has to be worth pursuing.

Under the proposal, the African Court on Human and Peoples' Rights would adopt legislation allowing it to try cases of crimes against humanity, war crimes and genocide.

To date, such crimes have been addressed by the ICC and by two United Nations-backed tribunals, the International Criminal Tribunal for Rwanda, ICTR, which operates in Tanzania; and the Special Court for Sierra Leone, based in the country.

The ICC has launched investigations in Uganda, Kenya, Sudan, the Central African Republic, CAR, the Democratic Republic of Congo, DRC, Ivory Coast and most recently Mali. It has tried cases relating to DRC and CAR, and four Kenyans will go on trial in The Hague in April.

The African court's powers are currently limited to applying the African Charter on Human and Peoples' Rights, which came into effect in 1986. The court itself has only been in operation since 2006.

The proposal to use it for criminal cases was drafted in July 2012, by a team of legislators who included Kenyan justice minister Eugene Wamalwa. It came soon after the Council of Ministers of the East African Community adopted a resolution asking the ICC to transfer the cases against four Kenyans to the East African Court of Justice.

Kenya's Deputy Prime Minister Uhuru Kenyatta, member of parliament William Ruto, former public service chief, Francis Muthaura, and radio journalist Joshua arap Sang face charges of crimes against humanity for orchestrating the violence that engulfed Kenya following the 2007 presidential election.

Since their trials are due to get under way in The Hague in April, it is no longer feasible that these cases could be transferred to a regional court.

As Charles Kanjama, a member of the legislative committee of the Law Society of Kenya, explained, “A court will not act retrospectively to take over the Kenyan ICC cases given the stage these trials have reached.”

POLITICS OF JUSTICE

Talk of a regional court places the African Union’s own commitment to delivering justice under the spotlight. In the past, African leaders have displayed a tendency to protect one another.

In 2009, the African Union asked the United Nations Security Council to quash the ICC’s charges against Sudanese president Omar al-Bashir on the grounds that they were inhibiting the peace process in Darfur. The African Union’s impartiality was further questioned during the uprisings of 2011 which toppled Libyan leader Muammar Gaddafi, Tunisian president Zine El Abidine Ben Ali and Egypt’s Hosni Mubarak.

“The African Union lacks a track record to stand up to bad leadership and the commission of international crimes,” Dr Adams Oloo of the Institute of Development Studies at the University of Nairobi told IWPR. “The uprisings in the North African states, as well as the Ivory Coast crisis of April 2011, exposed this.”

There are more practical issues to consider, too, notably how the expanded African court would handle international criminal cases given the financial and technical implications of doing so effectively.

Apollo Mboya, chief executive officer of the Law Society of Kenya, welcomes the idea of expanding the African court but says it would take serious planning to make it happen. As well as adequate funding, the court would need guarantees of independence, and its prosecutors would need to have the right to enter any African state freely to investigate human rights violations.

“In principle, there is nothing wrong with the expansion [of the court]. However, the standards required for it to function require a lot of resources, a burden which I am sceptical Africa is ready to bear,” Mboya said.

Such a transnational institution would need powers to investigate, and also mechanisms to protect its witnesses.

“All these structures, as well as the relationship the court will have with African governments must be spelt out clearly. Otherwise, we are heading nowhere and the whole exercise will be in futility,” added Mboya.

International commentators on justice issues have expressed scepticism about the idea. Stephen Lamony, an adviser at the Coalition for the International Criminal Court, a non-government organisation that backs the ICC’s work, says lack of funding would be a major obstacle.

It cost an estimated 200 million US dollars to set up the Special Court for Sierra Leone in Freetown, for example.

“With the cost of a single international criminal trial estimated at nearly 20 million dollars – almost double the combined approved 2009 budgets of the African Union Commission and the African court – financing is a major issue,” Lamony said in an opinion piece for the African Arguments website in December.

Koki Muli, a law lecturer at Kenya's South Eastern University College who was recently appointed as the country's permanent representative at the UN, fears that African states lack the capacity to expand the court's current remit.

"With the right crop of people and leaders, of course African structures and solutions to African problems are the best approach, but we must do it with adequate capacity and infrastructure," Muli said.

Others, however, believe the project will have long-term benefits, and that this should outweigh immediate concerns about cost.

"For me, anything African is welcome," said Justin Muturi, chairman of the Centre for Multi-Party Democracy in Kenya. "If we decide to have the court's jurisdiction expanded, so be it, because we already have the infrastructure in Arusha given that the International Criminal Tribunal for Rwanda is already in place, and Africa has in the last decade been the only region to register uninterrupted economic growth."

Gershom Otachi, who represented Kenya's former police commissioner, Mohammed Hussein Ali, at the ICC's confirmation of charges hearings in 2011, and has acted for defendants at the Rwandan tribunal in Arusha, agrees that the goal of delivering justice locally is worth pursuing.

"Africa may have its own unique weaknesses – mainly resources – but that should not be a basis to deny it the opportunity to try international crimes locally," Otachi said.

Pointing out that many African states have made progress in terms of democracy and transparent governance, he said, "The question of [judicial] independence is not a major one, because if you look across Africa, we are moving towards more open societies."

TWO COURTS, NOT ONE?

While some have seen the proposed African justice mechanism as a riposte to the "foreign" ICC, others believe the two could actually sit well together.

"The whole of Africa coming together to establish such a court is... logical," Charles Kanjama of the Kenyan Law Society said. "If the individual nations cannot prosecute, then the next stop should be at the continental level before seeking the ICC's help."

Granting criminal jurisdiction to the African court would be in tune with a doctrine called "positive complementarity" set out in the ICC's founding treaty, the Rome Statute. This envisages bolstering national judiciaries in countries where the ICC has opened investigations, so that the state in question can build up the expertise and capacity to allow it to try suspects itself in the future.

"Complementarity" currently refers to the judiciaries and laws of individual states rather than transnational structures, so it is unclear how the ICC could cooperate with a regional-level court.

However, some experts believe this could easily be changed.

"The [view] that the ICC cannot cooperate with regional courts is not cast in stone. The Rome Statute is itself a compromise among state parties, who can agree to amend it," Otachi said.

ICRC

Thursday, 24 January 2013

Tanzania - Moi University of Kenya Wins Moot Court Competition

Press release

Moi University, Kenya, has won a moot court competition on international humanitarian law (IHL) that took place from 24 November to 2 December 2012 in Arusha, Tanzania. Thirty-six students from nine African countries took part in the contest organized by the ICRC.

This 12th edition of the moot court, called the "all Africa international humanitarian law competition", is one of the many initiatives taken by the ICRC to raise awareness of that body of law. "The participants' knowledge was challenged on subjects of humanitarian law and action as they were placed in fictional conflict scenarios where they were required to play the roles of the various parties and demonstrate their legal knowledge and debating skills," said Prof. Umesh Kadam, the ICRC's regional legal advisor.

For example in one of the role-plays, the students played the roles of three ICRC delegates in a conflict situation where they were expected to meet armed group leaders to discuss the challenges they were facing in carrying out their humanitarian work. "In this type of scenario, the students were expected to raise some of the violations of IHL committed by the combatants and basically convince them to change their behaviour in conformity with their obligations under the law", explained Mr Kadam.

This year's IHL moot court competition brought together 36 undergraduate students from Ethiopia, Kenya, Lesotho, Nigeria, Sierra Leone, South Africa, Tanzania, Uganda and Zimbabwe from 24 November to 2 December 2012. The students were provided with an opportunity to experience a real courtroom as the final round of the competition was held at the International Criminal Tribunal for Rwanda (ICTR) on Saturday, 1 December 2012. "It was quite a surprise for the finalists who had the honour of presenting their summons before the president of the tribunal, judge Vagn Jonson, who along with four other judges presided over the final round," observed Mr Kadam. Staff of the ICRC and the ICTR gave lectures on IHL as well as judging the various rounds of the competition.

"It makes IHL more realistic"

The competition was stiff between Moi University, University of Abuja, Uganda Christian University and the University of Zimbabwe, which had made it to the semi-finals. However, only the teams from Uganda Christian University and Moi University made it to the final round.

Winners in other categories were Uganda's Jonathan Kiwana, who was awarded Best Speaker overall. In the preliminary rounds, Dorothy Pasipanodya from Zimbabwe was awarded Best Speaker and the Henry Dunant award went to the Catholic University of Kenya.

"The moot court experience made IHL more realistic by showing us it applies in real life and that made us understand how it complements other branches of law," said Dorothy Pasipanodya, after the award ceremony.

The competition gave the students a unique experience combining tutorial and multicultural sessions where students sang and dressed in their cultural attire, in addition to the competitive rounds. "The experience has been amazing. We have interacted with people from different African countries. It has been more than a competition but also a learning experience on IHL," said Chukwu from the University of Abuja in Nigeria.

"The competition generates a lot of interest among young law students in Africa," concluded Prof. Umesh Kadam, the ICRC's regional legal advisor. "This often inspires them to pursue a career in international law." Since its inception in 2001, more than 360 students from different African universities have taken part in the competition.