

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



Hearing-impaired visitors toured the Court yesterday and performed a dance and a skit on domestic violence for Special Court staff. See pictures in today's *'Special Court Supplement'*.

**PRESS CLIPPINGS**

**Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office**

**as at:**

Tuesday, 25 May 2010

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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**Special Court for Sierra Leone**  
Outreach and Public Affairs Office

## **PRESS RELEASE**

Freetown, Sierra Leone, 24 May 2010

### **Fidelma Donlon Named Deputy Registrar**



Fidelma Donlon, an Irish lawyer and academic, has been named Deputy Registrar of the Special Court for Sierra Leone. Ms. Donlon will take up the post in late June.

Ms. Donlon is a graduate of University College Dublin, and she trained as a solicitor at the Law Society of Ireland.

From 1999 to 2005 she headed the Criminal Institutions and Prosecutorial Reform Unit for the Office of the High Representative of Bosnia and Herzegovina, where she oversaw the establishment of the hybrid War Crimes and Organised Crimes Chambers in the Bosnian State Court. She was appointed Deputy Registrar of the Bosnian War Crimes Chambers in 2005.

Ms. Donlon specializes in international criminal law, international human rights law, and transitional justice, and she has written extensively on international courts. In 2008 she served as an advisor to the Special Court on transitional issues – the Court’s ongoing legal obligations after the completion of trials and appeals – and authored the report “The Residual Functions and Residual Mechanism Options for the Special Court for Sierra Leone”.

Ms. Donlon is currently completing her Ph.D. at the Irish Centre for Human Rights, National University of Ireland.

#END

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.

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## Radio operator contradicts Taylor's account

By Alpha Sesay

A defense witness and former radio operator for Charles Taylor's rebel group in Liberia has contradicted the former president's account about the existence of radio stations belonging to the rebel group in Liberia. The witness also said that there were no communications between Taylor's Liberian rebel group and Sierra Leonean rebels in the early 1990s, contrary to what the accused himself had told the court in his testimony as a witness in his own defense.

Joseph Menson Dehmie, Taylor's 12th defense witness who served as a radio operator for the National Patriotic Front of Liberia (NPFL) rebel group, told Special Court for Sierra Leone judges that he did not know anything about a radio station belonging to the NPFL that was called "Tree Top." The witness, who has testified as being a senior radio operator for the NPFL, has, using a map of Liberia, identified the various posts where the NPFL installed communication radios and the names used for the said radio stations. However, he said that he did not know about any NPFL radio station called "Tree Top." As he was being cross-examined, lead prosecutor, Ms. Brenda Hollis, sought to know why the former NPFL radio operator did not know about the existence of "Tree Top" after Taylor himself,

along with previous witnesses, have testified about the radio's existence.

"You have told the judges that you were a radio operator for the NPFL and you did not know about Tree Top?" Ms. Hollis asked the witness.

In his response, the witness said, "I did not know any information about Tree Top, that is what I am telling you."

Ms. Hollis pointed out that on September 19, 2009, Taylor himself, testifying as a witness in his own defense spoke about the radio station "Tree Top" when asked by his defense lawyers.

"Tree Top, to the best of my recollection - Tree Top was a radio - the principal - I think one of the principal radio posts in Gbarngaha, if I am not mistaken, was called Tree Top," Mr. Taylor told the court in September 2009.

Ms. Hollis also read from a February 24, 2010 transcript in which she quoted Taylor's first defense witness Yanks Smythe, himself a former member of the NPFL who said that the "radio station Tree Top was located in Gbarngaha."

Mr. Dehmie still insisted that he did not know about "Tree Top."

When asked to explain why is it that Taylor and Smythe knew about "Tree Top" but him, as the person who monitored radio communications on all NPFL radio stations did

not know about it, Dehmie said, "Mr. Taylor was the leader, he was busy and did not remember everything."

When Ms. Hollis asked him whether he was suggesting that Taylor had told the court the wrong thing about this radio station, the witness responded, "That is not what I am saying. I am telling you that I did not know about Tree Top."

Taylor also in his testimony told the court that the NPFL maintained a radio station at Foya in Lofa County and that in the early days of the Sierra Leonean conflict in 1991-1992, there was radio communication between Revolutionary United Front (RUF) rebels in Sierra Leone and his NPFL in Liberia. Dehmie denied the existence of any NPFL radio station at Foya, insisting also that there was no radio communication between the RUF and the NPFL in the early 1990s.

"There was no radio communication between Charles Taylor's radio operators and RUF radio equipments," Dehmie told the judges.

"I monitored all communications but I did not monitor any communication with the RUF," Mr. Dehmie added.

When asked whether other people would be lying if they said there was communication between the two groups, the witness said, "In my view, they will be lying because

In line with the justice, I did not monitor that, I did not know that."

Ms. Hollis read from an October 27, 2009 transcript in which Taylor's defense counsel Courtenay Griffiths asked him (Taylor) about radio communications with the RUF in the early 1990s.

"If you wanted to communicate some information to an individual in Sierra Leone, how would you do that?" Griffiths had asked Taylor in October 2009.

"I would instruct my radio operator Butterfly to transmit a message," Taylor had responded.

When this was read out to Dehmie, he responded that "I am not convinced that this is what Mr. Taylor said but if this is from Mr. Taylor, he would have communicated on a radio that I did not know about."

When asked then whether "there were communications between the NPFL and outside groups that you did not know about," Dehmie said "I did not know about this, I cannot tell you."

Dehmie is the 12th witness to have testified on behalf of the former Liberian leader, who is responding to charges that he provided support to RUF rebels in Sierra Leone. There will be no court hearings this week as the judges will be busy with the plenary meeting of Special Court for Sierra Leone judges. Dehmie's testimony will continue on Monday May 31, 2010.

Independent Observer  
Tuesday, 25 May 2010

## New Special Court Registrar



Fidelma Donlon, an Irish lawyer and academic, has been named Deputy Registrar of the Special Court for Sierra Leone. Ms. Donlon will take up the post in late June.

Ms. Donlon is a graduate of University College Dublin, and she trained as a solicitor at the Law Society of Ireland.

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## NAOMI CAMPBELL'S AGENT ADMITS TAKING BLOOD DIAMOND

*Supermodel Naomi Campbell  
 Subpoena Request over 'Blood  
 Diamond'*

*(May 23, '10, 6:26 Edahn Golan)*

Being pretty and known proved to be not just a good source of income for supermodel Naomi Campbell, but also for trouble. Prosecutors on Thursday asked to subpoena Campbell to testify about a diamond she allegedly received as a gift from former Liberia President Charles Taylor. UN war crimes prosecutors filled the request with the special court for Sierra Leone, which was formed to try those responsible for war crimes and crimes against humanity committed during the country's civil war. Actress Mia Farrow told ABC News in the U.S. that the model got a "blood diamond" from deposed Liberian President Taylor in September 1997. Farrow claimed that Campbell told her that she was given such a diamond from Taylor. Taylor is standing trial for his role in inflaming a civil war in Sierra Leone, a war that



*Campbell (above) allegedly received a rough conflict diamond from former Liberian president Taylor*

gave rise to the use of diamonds to pay for weapons, otherwise known as Blood Diamonds or Conflict Diamonds. In a short interview with ABC News, Campbell denied that she receives such a diamond. When the interviewer continued to ask about the diamond, Campbell stormed off the set, punching the camera held by the producer in the

**Charles Taylor Monthly Trial Report: March 2010**

By U.C. Berkeley War Crimes Studies Center Charles Taylor Monthly Trial Report (February 22, 2010 – March 31, 2010)[1]

**1. Overview**

The Defense called its second witness, Yankuba Samateh, a.k.a. Yanks Smythe, on Monday February 22, 2010. By the second week of March, the Defense had increased the pace at which it was calling witnesses, with six witnesses completing testimony during this reporting period. The witnesses testified primarily about Taylor's time in Libya, the use of child soldiers, and how the RUF acquired guns and ammunition. Many witnesses during this period were granted protective measures, and much of their testimony took place in closed session.

Witnesses who testified during this reporting period include:

- 1) DCT-179, Yankuba Samateh (a.k.a. "Yanks Smythe")
- 2) DCT-125
- 3) DCT-068
- 4) DCT-025
- 5) DCT-146, Charles Ngebeh
- 6) DCT-215, John Vincent

The legal issue of most importance during this reporting period involved Prosecution requests for access to Defense witness statements. With three of the witnesses who testified, the Prosecution argued that the summaries provided by the Defense were inadequate for the Prosecution to prepare its cross-examination of the witness. The Prosecution argued that there were inconsistencies between the witnesses' in-Court testimony and the Defense summaries. On one occasion, the Court granted the Prosecution's request, and on two, granted more time for preparation but denied disclosure of the witness statement.

During the first week of this reporting period, Senior Trial Lawyer for the Prosecution Brenda Hollis was named the Special Court Prosecutor, taking over from Deputy Prosecutor Joseph Kamara, who had been Acting Prosecutor since Stephen Rapp's departure from the OTP. Also during this reporting period, Binta Mansaray was confirmed as the Registrar, after having served as Acting Registrar since June 2009.

With the conclusion of testimony by the Accused, this report marks a return to our regular monthly reporting intervals on the Taylor trial. This report summarizes witness testimony heard during the period of February 22 through March 31, 2010, and identifies important issues that have arisen at trial. As with previous WCSC monitoring reports, this document is available online at [http://socrates.berkeley.edu/~warcrime/SL\\_Monitoring\\_Reports.htm](http://socrates.berkeley.edu/~warcrime/SL_Monitoring_Reports.htm).

**2. Defense Themes and Strategies**

Continuing the Defense's chronological approach to its case, evidence during this period focused on disputing the Prosecution's allegation that there was a connection between Taylor and Sankoh in the late 1980s. The Defense also called witnesses that could testify about RUF operations, in particular where the RUF received its guns and ammunition. The Prosecution has alleged that Taylor supplied arms and ammunition to the RUF, which the RUF used to commit heinous crimes against the civilian population of Sierra Leone. The Defense also questioned witnesses about the RUF using child soldiers and rape during the Sierra Leonean conflict; the witnesses denied that these crimes were committed.

### 3. Prosecution Themes and Strategies

The Prosecution's primary strategy with Defense witnesses has been to try to impeach the witnesses through prior inconsistent statements and suggesting bias. The Prosecution alleged that one of the Defense witnesses had been paid large sums of money to testify, mirroring prior Defense arguments regarding alleged payments to Prosecution witnesses. The Prosecution also used cross-examination as an opportunity to elicit evidence that could strengthen its case, as well as discredit Taylor's testimony.

### 4. Legal and Procedural Issues

#### a. Prosecution's Application for Access to Defense Witness Statements

A frequent issue in the Taylor Defense case has been whether or not the Prosecution can have access to Defense witness statements (Defense case documents based on interviews with the witness), in addition to the witness summaries (summaries of what the witness will testify about, written by the Defense) provided by the Defense to the Prosecution before the witness's testimony. This issue initially arose with the first Defense witness called after Taylor. Just before the Prosecution commenced cross-examination of Yanks Smythe, it filed an application for the Trial Chamber to order the Defense to provide the Prosecution with the Witness's statements. It argued that Rule 73ter allowed the Trial Chamber to make such an order.[2]

The Prosecution argued that this application was in the interests of justice, and essential in order to conduct a thorough cross-examination of Smythe. According to the Prosecution, this was necessary for the Trial Chamber to get all information relevant to making a determination of the truth of his testimony. Counsel for the Prosecution said that the witness summary and a short letter from the Defense, which in total allegedly amounted to about a page, was the only information they had in order to prepare for its cross-examination. The Prosecution felt that this was an unfair representation of the Witness's testimony, since transcripts of his direct examination reached 600 pages. They further explained that according to the summary given by the Defense, the Witness was present when Taylor travelled to Voinjama in 1991. The Prosecution hoped to determine exactly when Taylor went to Voinjama. March 1991 was when the attack on Sierra Leone was launched, and there has been evidence in the case about Mr. Taylor's presence in Voinjama in March 1991 before the attack. According to the Prosecution, Smythe's statement gave the date as March 1991, but he later testified in Court that the date was October 1991.

Citing a February 21, 2006 decision from Norman et al.[3], the Defense replied that the Prosecution had no right, as a matter of course, to disclosure of Defense witness statements. Rather, according to the Defense, although it is not in Rule 73ter, the presumption is that the Prosecution will receive summaries of a witness's statement, not the complete statements. According to the Defense, for the Court to order disclosure of Defense witness statements, the Prosecution must prove by prima facie evidence that it would suffer undue or irreparable prejudice should it not receive a witness statement.[4] The Defense argued that the jurisprudence of the SCSL, ICTR, and ICTY supported its contention that Defense witness summaries need not be as detailed as those provided by the Prosecution to the Defense. In this situation, the Defense maintained that it had provided a sufficiently thorough witness summary. The Prosecution, counsel argued, had given no showing of an undue burden or irreparable prejudice, and was therefore not entitled to receive the Witness's statement.

The Judges agreed with the principle laid down by the ICTY Appeals Judgment in Prosecutor v. Tadić, where the Appeals Chamber held that there is no blanket right for the Prosecution to see the witness statement of a Defense witness.[5] The Taylor Trial Chamber held that the Prosecution only has the right to apply for disclosure of a statement after a witness has testified, with the Chamber retaining the discretion to make a case-by-case decision. The Judges noted that Rule 73ter is not applicable to the circumstances of this particular case because that rule applies to disclosures before the commencement of the Defense case—and therefore is limited to witnesses that the Defense intends to call in the future. The Judges further agreed with the principle in the Tadić judgment that once a witness has testified, it is for the Trial Chamber to ascertain the credibility of his or her testimony. If he or she has made a prior statement, the Court opined, a Trial Chamber must be able to evaluate the testimony in light of this statement in its quest for the truth and for the purpose of ensuring a fair trial.

The Trial Chamber agreed with the Prosecution that there was an apparent contradiction between the information provided in the Witness's summaries and in his evidence-in-chief regarding a period relevant to the indictment. They did not feel that the explanation given by Defense counsel explaining the apparent contradiction was



sufficient, especially considering that the contradiction did not come from the Witness himself but from the Defense team. The Court therefore agreed with the Prosecution that in the circumstances, it was in the interests of justice for the Defense to disclose DCT-179's witness statement to the Prosecution before cross-examination could commence. The Chamber did not rule on the matter of undue or irreparable prejudice, as was the practice of their colleagues in Trial Chamber I, but apparently limited its determination to a consideration of the interests of justice.

The Prosecution again requested a full witness statement following the direct examination of DCT-125, arguing that the summary given by the Defense was too short and inadequate in light of the Witness's testimony. The Prosecution noted that the summary curiously claimed no witness statement was available. They further complained about late disclosure, noting that the Defense released the name of the Witness to the Prosecution on February 15, 2010, just over two weeks before he appeared in Court.[6] Lastly, Counsel for the Prosecution said that they were told that direct examination of DCT-125 would last five days, but it had only taken three. For these reasons, they felt inadequately prepared for cross and insisted they needed access to the witness statement.

The Defense objected to the application for the Witness's statement, on the same grounds as it had with the first. The Defense also noted that Witness DCT-125 had been referred to by Prosecution witnesses TF1-371, Moses Blah, Suwandi Camara, and others. This, the Defense maintained, was enough for the Prosecution to prepare for its cross-examination by conducting at least an internet search of this widely referenced witness. The Defense did concede that they had not disclosed the summary in time, but argued that this did not prove irreparable damage. The Defense told the Court that the summary did not mention a statement because they had received the statement after the summary was filed.

The Judges ruled that there was no great divergence between DCT-125's summary and his testimony, and that the Prosecution had not demonstrated a contradiction between the two. They therefore felt that a statement need not be given to the Prosecution. However, as the Defense agreed that they did not comply with disclosure rules, the Prosecution was allowed an adjournment before commencing on cross-examination. The Prosecution began the cross-examination of DCT-125, but asked for the next Defense witness to be called the next day, and resumed DCT-125's cross after the next witness's direct-examination.

The issue arose a third time, on similar grounds, with Defense Witness DCT-146. The Prosecution and the Defense reiterated their previous arguments. This time, the Defense emphasized that the test is not merely that it is in the interests of justice to order the disclosure, although the Defense conceded that this was an important part of what it characterized as a conjunctive test (presumably, that disclosure is both within the interests of justice and necessary to either protect the Prosecution from an undue burden or irreparable prejudice). The Defense conceded that there might appear to be some sort of contradiction between the first two paragraphs of the witness summary. However, Counsel for the Defense contended that the Witness's evidence as a whole was completely consistent. The Defense also reiterated that the summary was not meant to capture detail; it was meant to describe the essence of what the Witness would testify about, and that is precisely what they argued this summary had done.

The Trial Chamber found that in this particular instance, the summary pertaining to witness DCT-146 fell short of describing the essence of the Witness's testimony and did not adequately enable the Prosecution to cross-examine the Witness. However, the Trial Chamber was of the view that although the summary was inadequate, it was not necessarily inconsistent with the Witness's testimony. The Trial Chamber therefore allowed the Prosecution extra time (the rest of the day) to prepare its cross-examination, but did not order the Defense to disclose the witness statement.

#### **b. Admitting Witness Statements as Evidence**

After Smythe concluded his testimony, the Defense moved to have his witness statement entered as evidence. The Prosecution objected to the statement being admitted in its totality. Counsel for the Prosecution argued that only those sections that were dealt with in cross-examination or redirect should be considered, because that Prosecution had not cross-examined the Witness on everything in his statement, due to the inconsistencies between Smythe's statement and his testimony. The Defense countered that the statement was important for the Judges to have a proper idea of who the Witness is and the context in which to evaluate his evidence, and that in any event, the Prosecution had used the statement extensively in cross-examination. Counsel for the Defense pointed out that, although the Prosecution cited the Voinjama issue in its disclosure motion, the Prosecution spent very little time cross-examining on that topic, addressing Voinjama only on the last day.

The Judges noted that it was not the Defense who initially introduced this statement into the record; rather, it was the Prosecution that obtained a court order for the disclosure of the statement, intending to use it in cross-examination, inter alia, to impeach the credibility of the Witness. The Judges said that the Prosecution had unfettered opportunity to cross-examine the Witness on the entire contents of the document, and that the Prosecution could not claim to suffer irreparable prejudice arising from its tender into evidence. They added that since the credibility of the Witness had been called into question arising from the alleged inconsistencies between his testimony in Court and his prior statement, the Trial Chamber could not evaluate his evidence by referring only to the parts of the statement that had been referred to by the parties in Court. The Judges concluded by saying that it was in the interests of justice to admit the whole document into evidence.

### c. **Courtroom Management**

The Special Court for Sierra Leone has faced numerous logistical challenges stemming from its move to the Netherlands for the Taylor trial. In early 2010, the Court faced a new administrative challenge—the ICC needed the SCSL to relinquish time in the courtroom where the Taylor trial has been conducted to date. The SCSL was forced to share the courtroom schedule with the ICC, reduce courtroom hours, and maintain a frequently-changing trial schedule. However, in spite of the challenges this presented, the Court and the parties managed the new schedule efficiently. The Judges made an effort to use all available courtroom time and ensure a speedy process. The Court also made arrangements to move the trial to the courtroom at the Special Tribunal for Lebanon, which is not currently in use. This move will likely take place in early May, allowing the SCSL uninterrupted use of dedicated courtroom facilities.

Departing from the more passive courtroom management style of previous Presiding Judges in the Taylor case, Justice Sebutinde seems to be taking an active role in managing courtroom interactions and witness testimony. This is a refreshing change, and will hopefully yield more efficient trial sessions. For example, Defense witness Yanks Smythe was a difficult witness for the Prosecution to cross-examine. There were several tense moments with the Prosecution, causing Justice Sebutinde to intercede in the exchanges. With previous Presiding Judges, such interjections from the Bench were less common, rendering proceedings less efficient.

## 5. **Witness Testimony**

### a. DCT-179, Yankuba Samateh (a.k.a. “Yanks Smythe”)

Mr. Smythe is a Mandingo Gambian who gained Liberian citizenship in 1998. He served as Taylor’s bodyguard in the early 90s, and in 1999 he became the Assistant Director of Operations of the SSS. He later became Liberia’s ambassador to Libya.

The Defense questioned Smythe primarily on the veracity of the testimony of various Prosecution witnesses. The Defense used Smythe to discredit the testimony of a key Prosecution witness, ZigZag Marzah, who Smythe claims was a low-level bodyguard for Benjamin Yeaten with no access to Taylor or Taylor’s residence, White Flower. Smythe denied that Taylor and his NPFL recruited child soldiers. Possibly detrimental to the Defense, Smythe directly contradicted Taylor’s testimony that Benjamin Yeaten was not involved in the death of Samuel Dokie and his family; Smythe claimed that Yeaten was involved, and was subsequently punished by Taylor.

#### i. **Challenging Suwandi Camara’s Testimony**

The Prosecution has alleged that Taylor met RUF leader Foday Sankoh and Gambian dissident Kukua Sambasanja, a.k.a. “Doctor Manneh” in Libya in the 1980s and that the three men formulated a common plan to destabilize Sierra Leone, Liberia and Gambia, starting with Liberia. Taylor has denied these allegations, and the second Defense witness, Yanks Smythe, testified to this. Smythe was asked if he knew that Suwandi Camara (also a Gambian) testified as a Prosecution witness. Smythe answered that he read it in the newspapers in Monrovia. The Defense went back to Camara’s testimony where Camara said that in 1990 he met Taylor with Sankoh and Doctor Manneh at the Mataba, a guesthouse for the revolutionaries in Libya.[7] Smythe refuted this, saying that to the best of his knowledge, Taylor was at the Liberian border and that Sankoh was not at the Mataba. Smythe added that there was no way Camara was at the Mataba, as he did not have enough status to live there.

The Defense introduced more testimony from Camara, including his claim that Taylor, Sankoh and Manneh made a deal while in Burkina Faso to help each other in their respective wars.[8] Smythe responded that he did not see

Taylor meet with Sankoh, and added that since he was Taylor's bodyguard at the time, he would have known. The Defense asked if Manneh sent Smythe and other Gambians to protect Taylor in exchange for assistance in Manneh's conflict, to which Smythe responded in the negative. Camara had also testified that he was trained in four locations in Libya, including Sebha, Tripoli and Benghazi, that he met with Smythe during his time there, and that he left Libya in 1991. However, Smythe disputed this, saying that Gambians were only trained in Tripoli, that he never met Camara there, and that he was the last Gambian to leave Libya in November 1989. Camara also testified that Ibrahim Bah brought diamonds from the RUF to Taylor in Liberia sometime in 2002.[9] Smythe responded that around 1992, Ibrahim Bah did something, which Smythe could not remember, but that when Smythe went to arrest him, Bah had already been tipped and ran away to Burkina Faso. Since then, Smythe said, Bah never returned to Liberia.

ii. **Challenging TF1-371's Testimony**

The Defense also questioned Smythe about statements made during the testimony of TF1-371, a protected Prosecution witness who testified in entirely closed sessions. Witness TF1-371 said during his testimony on January 25, 2008, that Taylor and Sankoh met in March 1991 in Voinjama to discuss the Sierra Leone attack. Smythe answered that he was Taylor's bodyguard at the time and would go everywhere with Taylor, and was not aware of any such meeting. TF1-371 had provided the Court with the NPFL command structure between 1990-1991. Smythe testified that many things were wrong in this hierarchy. For example, Smythe said that people like Foday Sankoh, Benjamin Yeaten, Sam Bockarie, Morris Kallon, and Dr. Manneh were not in the NPFL hierarchy. TF1-371 had also provided the Court with the RUF command structure after the invasion of Sierra Leone between March and June 1991. According to TF1-371, Taylor was at the top of the command. Smythe disagreed with the whole structure.

iii. **Small Boys Unit**

Smythe refuted Prosecution allegations that Taylor and his NPFL recruited children and assigned them into groups called Small Boys Units (SBUs) also known as Ghankay Tigers. Prosecution witnesses testified that children younger than 15 years old were used for combat purposes by the NPFL. Taylor had himself testified that children were used to man gates.[10] Smythe told the Court, "We the commanders created that name because most of the commanders have these orphans with them, some of their families, some people, . . . they go to the front and found this child who has no father no mother, bring him with you and he stays with you, so you can call him a Small Boys Unit." [11] He added that he had five of these small boys who he took care of. This testimony is significant because although Smythe admits that NPFL commanders did have SBUs, it places direct responsibility for these children onto the commanders and individuals, and not Charles Taylor. It also negates that the children were used for military purposes, and suggests that they were kept as orphans, not soldiers.

iv. **Benjamin Yeaten**

During cross-examination, Taylor told the Judges that the arrest and execution of Samuel Dokie and his family was not ordered by Benjamin Yeaten, as alleged by Prosecution. The former president said that those responsible for the arrest and execution of the Dokie family did so without the orders of Yeaten, and that those responsible were punished. However, Taylor claimed, no action was taken against Yeaten because he did not bear any responsibility for such actions. Taylor has also repeatedly said that even in hindsight he would hire Yeaten again. However, Smythe contradicted Taylor's account, saying that Yeaten was indeed suspended by Taylor for ordering the arrest of Dokie and his family, and their subsequent execution. "Benjamin was suspended by President Taylor because he ordered the arrest of Dokie and that was not an instruction from Mr. Taylor," Smythe told the Court.[12]

v. **Zigzag Marzah**

Yanks Smythe was also asked about Zigzag Marzah, who Smythe explained was not a member of the SSS but a private bodyguard hired by Benjamin Yeaten. In his 2008 testimony for the Prosecution, Marzah told the Judges that he was an SSS officer who had access to Taylor and that on numerous occasions he acted on direct instructions from Taylor to take arms and ammunitions to RUF rebels in Sierra Leone. Asked if he knew if Marzah had testified on behalf of the Prosecution, Smythe answered that he had read in a newspaper in Monrovia about Marzah testifying that he fed on human beings with Taylor. Smythe added that this was ridiculous because he never saw Marzah inside White Flower. This supports Taylor's testimony that Marzah was an ordinary orderly with whom he could not have interacted.

## vi. **Cross-Examination**

The cross-examination saw heated exchanges between the Prosecution and the Witness. On some occasions, the Witness blatantly refused to answer the questions posed by the Prosecution and only answered after the Bench intervened. The Prosecution attempted to impeach Smythe's testimony, questioning him on several inconsistencies between his prior statements and his in-court testimony, and also sought to elicit information in support of its case.

### 1) **Child Soldiers**

During the Prosecution's case-in-chief, several witnesses, including Taylor's former vice president Moses Blah, testified that child soldiers were used by Taylor's NPFL, and that some served as bodyguards for the former president and other NPFL commanders. This was used by the Prosecution to prove a pattern of conduct related to the charges he faces for similar crimes committed in Sierra Leone. Under cross-examination, Smythe testified to the contrary. He reiterated that the NPFL did not use child soldiers.

### 2) **Arms in Liberia**

The Prosecution asked Smythe if, as part of Taylor's security between 1998 and 2000, he had arms. Smythe responded that the security had arms. The Prosecution read from Taylor's testimony where Taylor had reiterated that he did not send any arms to Sierra Leone as there were no arms in Liberia in 1997, 1998, and 1999. Taylor had also added that the situation was so bad that his security did not have arms.[13] This was one of the many instances that the Witness's testimony contradicted Taylor's.

### 3) **Dokie's Death**

The Prosecution asked Smythe about Dokie's death. Smythe testified that he had heard about it and that Yeaten was placed under house arrest when word got around about what had taken place without Taylor's orders. Smythe testified that to the best of his recollection, Taylor would generally not re-appoint somebody who had disobeyed his orders. This was of course contrary to the fact that Taylor did re-appoint Yeaten after the Dokie incident. The Prosecution showed a photograph of Benjamin Yeaten where Yeaten was dressed in army clothes and asked if Yeaten was promoted to four stars before or after the arrest and subsequent killing of Dokie and his wife. Smythe responded that he did not know.

### 4) **Suwandi Camara**

The Prosecution referred to Smythe's transcript where he was asked about Suwandi Camara. Smythe testified that he did not listen to, or follow, Camara's testimony and that he never discussed Camara's testimony with anyone.[14] The Prosecution introduced Smythe's written statement, taken by Defense lawyers in 2009. In his statement, Smythe said that he heard Camara's testimony in The Hague, and that after that he started asking around. Smythe explained this inconsistency by denying that he had spoken to anyone about Camara's testimony. By "asking around," he claimed to have meant he checked previous newspapers that contained Camara's testimony.

Smythe testified that Camara did not go to Libya with Dr. Manneh. However, in his statement, Smythe said that Camara came to Libya with a group brought by Manneh. Smythe conceded that he said this in his statement but claimed that after "reflecting in his mind," he realized that Camara was not with Manneh. Smythe was asked by the Prosecution if there was training in Benghazi, Libya, to which he answered that he did not know of any training in Benghazi as he was training in Tajura camp in Tripoli, Libya.[15] However, in his statement, Smythe said that he knew there was training in Benghazi, but said it was too specialized for him to participate. Confronted with this inconsistency by the Prosecution, Smythe responded that he was told there was training in Benghazi, but since he did not see or know it himself, he decided to say what he knew in his testimony (that he was not aware of training in Benghazi.) This is important, as Smythe has been trying to discredit Camara's testimony. Camara, whose sister is married to Smythe's uncle, had said that he had been trained in four places, including Benghazi.

### 5) **Inconsistencies in Smythe's Testimony**

The Prosecution asked Smythe about when and where he first saw Taylor in Libya. Smythe answered that he saw Taylor once or twice at the Mataba. His statement says that the first time he saw Taylor was in Tajura in 1987, and

not at the Mataba. Smythe explained that the inconsistency must be a typing error in his statement or a misrepresentation of his words[16], as he never saw Taylor in Tajura. Smythe's statement says that he believes Taylor met Sankoh in Tajura. However, Smythe again changed his testimony in Court, saying that he would not know if the two had met as he was never in Tajura. He insisted that at the time of the statement he was just speculating but had decided to stop speculating during his testimony. Smythe added that his statement was inconclusive because his signature was not on it and he had not had the opportunity to correct his statement before approving it.

**b. DCT-125**

Witness DCT-125 testified with protective measures granted by a Trial Chamber decision dated January 22, 2010.[17] To ensure privacy, the Defense did not provide any background information on the Witness. All that is publically known is that DCT-125 is an insider, as he was present in meetings at the Mataba in Libya, specifically one meeting discussed at length, held March 15-18, 1986. This meeting was held for revolutionaries from all over the world including Africans, Palestinians, Latin Americans, Filipinos, persons from the Caribbean, Native Americans, and also revolutionaries from the Kurdish regions and Green movements in Europe. This meeting also coincided with the Reagan administration bombing of Libya. The Witness explained that contrary to information that these meetings led to the rise of terrorist groups, these meetings were held for revolutionaries fighting against imperialism.

**i. Libya**

DCT-125 testified that at the Mataba, there was a revolutionary body which stood against Zionism, colonialism, Apartheid and racism. This body was led by Col. Gaddafi and was located in Tripoli. The Defense asked whether it was possible that revolutionaries from different groups had access to each other. The Witness claimed that one of the principles of the Mataba was non-interference in the internal affairs of other movements. The Defense can use this testimony to show that there was no way Sankoh, Taylor and Dr. Manneh could have met to plan the destabilization of West Africa, given that they were from different revolutionary groups. According to DCT-125, they would not have had access to each other. The Witness also said that he saw Sierra Leoneans in Libya led by Alie Kabbah. He added that he knew Kabbah as Kabbah studied in Cape Coast, Ghana.

**ii. Charles Taylor**

The Witness maintained that he had heard of Taylor when Taylor was arrested in Ghana, accused of being an agent for the CIA (after Taylor's escape from an American prison). The Witness then met Taylor in 1985 at the Mataba. The Witness testified that in matters of opinion, he differs with Taylor, as he is a Marxist and Taylor "a pure product of the capitalist system." [18] However, he added that he was impressed by Taylor, as Taylor felt genuine concern for Liberians and was a nationalist. He added that he also felt that Taylor was a "bourgeois capitalist intellectual." [19] This last comment elicited a rare smile from Taylor.

The Witness then said that he left Libya for Burkina Faso in 1987 where he lived "not even a mile" from Taylor. DCT-125 said the two would meet frequently to talk about revolutionary ideas promulgated by people like Nkrumah, Gaddafi, Nyerere and others.

**iii. Conspiracy to Destabilize the West African Region**

The Defense then told the Witness of the Prosecution allegation that Taylor had conspired with the Witness and others to destabilize the West African region. The Witness responded that this was a deep insult as he, Taylor and others were fighting for the downtrodden. The Witness said that he moved to Liberia to help provide security for Taylor, after the NPFL was split into two when Prince Johnson led his breakaway faction from the NPFL. He added that there was no conspiracy and that they only went to Liberia to protect Taylor, whose life was threatened.

**iv. Cross-Examination**

The Prosecution began cross-examination of DCT-125, but paused while the Defense called witness DCT-068. The Prosecution had requested disclosure of DCT-125's witness statement, which the Court denied. The Court did however grant additional time to prepare for cross-examination. The Prosecution began by asking the Witness about

the RUF and Foday Sankoh before re-commencing during the fourth week of this reporting period to question DCT-125 on monies received from the Defense and ECOMOG.

### 1) **RUF and Foday Sankoh**

DCT-125 testified that he did not consider the RUF a terrorist organization, or Foday Sankoh a terrorist. Judge Sebutinde asked the Witness to describe what he thought a terrorist organization was. He answered that a terrorist organization is one that destroys lives and property without meaning.

The Prosecution then re-introduced the BBC Mary Harper interview where Taylor can be clearly heard saying, “. . . it is known by everyone that I have been friendly with Sankoh for many years before the revolution.” The Prosecution asked DCT-125 what revolution Taylor was talking about. The Witness replied that he only knew of one revolution that took place in 1989. This was helpful to the Prosecution as their case alleges that Taylor and Sankoh met in the 80s. Taylor had insisted that he met Sankoh for the first time 1991.

### 2) **Witness Bribed to give Testimony**

Mirroring the Defense’s constant arguments that Prosecution witnesses had been paid to testify—an allegation the Prosecution has staunchly denied—the Prosecution asked the Witness if he received money to testify for the Defense. The Witness vehemently denied the allegation. The Prosecution alleged that the Witness received 424,400 Leones (approximately \$109 USD) through a Western Union transfer, \$2,000 USD as an advance to his Daily Subsistence Allowance (DSA) before coming to The Hague and €100 after arriving. The Witness responded that the only money he received was for the purchase of his visa, the transportation to go to the Dutch embassy and back to the hotel and also some money through Western Union from the Special Court in Sierra Leone. He however said that to his knowledge, this was all part of the DSA. The Prosecution further asked the Witness about some \$10,612 USD he received as part of his DSA while in The Hague. The Witness denied that he had been paid and told the Court that the funds were to cover expenses during his stay.

The Defense objected that the line of questioning was “unfair and uncalled for.”[20] Counsel for the Defense added that Yanks Smythe and Moses Blah stayed in a hotel and received DSA from the Witness and Victims Service. The Prosecution responded that the Defense had used the same line of questioning directed to the Prosecution witnesses and it was therefore hypocritical for it to object. The Presiding Judge overruled the objection and allowed the questions.

### 3) **Arrest National from ECOMOG Contributing States**

The Prosecution then pointed out inconsistencies between Taylor’s testimony and that of the Witness. Asked if he recalled Nigerians and nationals of other countries that contributed to ECOMOG being detained in Liberia when he was in Liberia, the Witness responded that the NPFL did not arrest any foreign nationals from West Africa. This is inconsistent with Taylor’s testimony, as Taylor said that the NPFL began a process of picking up certain nationals, especially targeting Nigerians.[21] Asked by the Prosecution who was lying between the two, the Witness reiterated that he was telling the truth.

## v. **Re- Direct Examination**

### 1) **Libya**

Asked about Libya, and whether the various movements could meet inside the Mataba, the Witness reiterated that the various groups could not meet. He added that there was a central kitchen but only one member of the group was allowed to get the food and thus meetings between groups were impossible. This line of questioning can help disprove Prosecution allegations that Sankoh and Taylor met in Libya.

### 2) **Suwandi Camara**

The Witness denied ever introducing Suwandi Camara to Taylor either in Libya or Burkina Faso. Suwandi Camara had testified before the Court that he met Taylor in Libya and that Taylor, Sankoh and Dr. Manneh conspired in Libya to destabilize the West African region.

### 3) **Alleged Bribe**

The Witness told the Court that he has a real fear for his life—he feels threatened by the President of the country he is from (the identity of which was not disclosed due to protective measures). The Defense asked the Witness what he valued more, money or his life. The Witness answered that he valued his life more than money. The Prosecution had alleged that the Defense offered the Witness approximately \$11,000 in exchange for his testimony. The Defense thus tried to show that a man who fears for his life would not travel all the way to The Hague just for money.

#### c. **DCT-068**

The Witness, known as DCT-068, is a former non-combatant member of the RUF. He testified in open session but his name and personal information were not shared with the public.

DCT-068 testified about his life in Sierra Leone growing up. He discussed the corrupt nature of the government and student protests. The Witness said that he and some friends started a group that would meet to discuss the bad state of their country. This is allegedly how he met Foday Sankoh around 1980. The Witness stated a number of times that this group did not have a name or a leader. He said they all felt inspired by revolutionaries like Nkrumah, Mandela, Castro, and Nasser. Asked by the Defense if he had heard of Charles Taylor at this time, the Witness said no.

The Defense asked the Witness if was aware of people going to Libya in the 1980s. DCT-068 maintained that although he knew of people who went to Libya in the 1980s, he chose not to go because he believed that fight against the oppressive must be done internally. He said that of course there were those who chose to fight externally and went to Libya. The Witness claimed he last spoke to Sankoh before Sankoh went to Libya in 1986, and did not speak with him again until after the war began. From 1986 to 1991 when the war started, the Witness maintained he had not heard from or of Sankoh, and was mining diamonds. He said he fled to Freetown when the war started, afraid of arrest or persecution due to his previous association with Sankoh.

#### i. **Cross Examination**

The Witness testified that he first heard of the RUF in 1991, when Sankoh broadcast an ultimatum to Sierra Leonean President Joseph Momoh. DCT-068 testified that in 1992, he went to meet Sankoh in Kenema. The Witness claimed that he saw civilians being mistreated, and felt his security was at risk. Therefore, he testified, he went to see Sankoh. He became a civilian coordinator for the RUF, and later joined the RUF/AFRC secretariat.

### 1) **Kailahun Massacre**

The Prosecution questioned DCT-068 about crimes allegedly committed by the RUF, including a 1998 massacre in Kailahun. The Witness explained that he was sent to Kailahun, but was in Dodo (a village on the way to Kailahun) when the massacre occurred. He explained that he heard that Bockarie and his men had captured some CDF members. However, he testified that he got to Kailahun a month after the massacre. The Prosecution asked if, when he arrived, the Witness could smell the rotting bodies that were still on the streets. The Witness answered that he did not see any dead bodies but could smell a stench and did not know where it was coming from. The Witness said that he did not know if it was Bockarie who had ordered the killing.

### 2) **Child Soldiers**

The Prosecution referred to an RUF ideology book, “Footpaths to Democracy,” that discussed how the RUF should urge everybody to be a fighter, to protect their rights, and therefore to give arms and training to children, youth, men and women. The Witness said that he recognized the book but said that by “arming,” the RUF probably meant arming with words and ideology. Asked by the Prosecution what age a child can be able to handle an AK-47, the Witness said 14-years-old. The Witness testified that SBUs were boys who were enthusiastic to join the RUF. The Witness claimed that although these persons were small in size, he could not be sure of their age or whether they were under eighteen.

### 3) **Liberians in the RUF**

As explained earlier, the Prosecution has alleged that Taylor formed the RUF in Liberia. Counsel for the Prosecution introduced an RUF logbook. The book contained a couple names of commanders in the RUF, amongst them Major Mingo a.k.a. “Superman,” Major Isaac, Major Raki, and Major Rambo. The Prosecution asked the Witness if he knew who these people were and where they came from. The Witness responded that he could not tell where they were from but that they all had Liberian accents. This is significant in that it suggests that high commanders in the RUF were Liberians, and therefore possibly under the control of Taylor.

#### 4) **Rape in the RUF**

The Prosecution asked if the RUF commanded women to go with particular commanders. The Witness responded that he never heard of this. He added that he never heard of the RUF raping women or of any civilian complaints. The Prosecution again referred to the logbook, which had two columns—one with names of civilian women and the other containing names of RUF/AFRC commanders. Counsel for the Prosecution alleged that the women were assigned to those commanders as wives. The Witness responded that these commanders had wives of their own and therefore the women in the list could not have been assigned as wives. He added that he thought the list indicated women who had been helped by the commanders. He explained that during the war civilians would come to the commanders to seek protection.

#### 5) **Diamonds**

The Witness, a diamond miner himself, admitted to the Prosecution that diamonds were important to advance the war. The Prosecution asked about Peleto, the mining commander of the RUF. The Prosecution told of how Peleto found a big diamond (of “twenty-something” carats, according to the Witness) and alleged that the diamond was given to Issa Sesay who later gave it to Taylor. The Witness agreed that the diamond was given to Issa Sesay, but claimed that he was there when it was given to Foday Sankoh and that it never crossed the border. He added that the diamond was still in Sankoh’s house when his house was raided by forces sent by Tejan Kabbah. The Prosecution then asked about mining, how taxation worked and whether the RUF paid landowners for their mining. The Witness answered that it was lawless at the time and taxation was impossible. He evaded the question on whether the RUF paid landowners, saying that the RUF was the government at the time and therefore had no one to pay. The Prosecution pointed out that in the mining fields there were RUF forces with guns, and alleged that these guns were to force civilians to work and dissuade them from stealing. The Witness responded that the guns were there to protect the civilians.

#### d. **DCT-025**

This Witness testified in open session, but his name and personal information were not shared with the public. He is a Liberian member of the RUF that trained under Foday Sankoh at Camp Naama in Liberia in the early 1990s.

##### i. **Training in Camp Naama**

The Witness testified that he trained in Camp Naama with Issa Sesay, Morris Kallon, and Augustine Gbao, amongst others. Asked how many Sierra Leoneans were at the training base, the Witness responded that there were many and that they were trained by four commanders, including Foday Sankoh. He added that there were 300 Liberians and Sierra Leoneans. The Prosecution has alleged that RUF rebels were trained at the camp but Taylor has denied the allegations.

The Witness also testified that on March 20, 1991, he left Camp Naama with a group of 150 trainees. This group purportedly went to the Sierra Leone border, from where the Witness claimed Sankoh led a group of 100 men to attack Koindu. The Witness, not in the group that carried out the attack, said he was told that the group attacked the police station in Koindu and took over the town.

##### ii. **Arms and Ammunition**

The Defense asked the Witness if he knew of a trip that Sankoh made to Gbarnga where he allegedly gave Taylor diamonds in exchange for arms and ammunition. This is in reference to testimony by Prosecution Witness TF1-567, who said that Sankoh informed them that he gave Taylor some diamonds in exchange for some arms and ammunition.[22] The Witness said he knew nothing about it, and added that the RUF traded coffee and cocoa with Guineans in exchange for arms and ammunition. According to the Witness, the RUF also captured arms and



ammunition from enemy forces. The Prosecution has alleged that the RUF means of obtaining weapons was through an exchange of diamonds and arms with Taylor.

iii. **Rape**

Charles Taylor is charged with three counts of sexual violence, including rape, sexual slavery, and outrages upon personal dignity. The Prosecution introduced a significant amount of testimony relating to these crimes during its case-in-chief. The Defense asked Witness DCT-025 if the RUF captured women for sexual purposes. The Witness said that Sankoh had instructed that if any such thing occurred, the soldier was to be severely punished. The Defense then wanted to know if any soldier was punished for this. The Witness responded that he did not hear or see of any punishment as he also did not hear of rape cases.

iv. **Cross-examination**

1) **NPFL Fighters amongst the RUF**

DCT-025 denied that there were NPFL fighters in Sierra Leone helping to train RUF fighters from August 1991 to May 1992. The Witness also denied that anyone ever brought supplies from outside Sierra Leone during that period. The Prosecution then asked DCT-025 whether it would be a lie if another witness testified before the Court that between August 1991 and May 1992, NPFL fighters were in Sierra Leone fighting alongside the RUF. The Witness said it would be a lie. The Prosecution then introduced Taylor's testimony where he said that he sent NPFL soldiers to Sierra Leone from August 1991 to May 1992.[23] Asked by the Prosecution if Taylor was telling a lie, the Witness responded that if Taylor had forces there he did not know about it. He added that he would not believe that NPFL soldiers were there, since he was not a frontline fighter and had not heard anything about it.

2) **Child Soldiers and Rape**

The Prosecution asked DCT-025 about the use of child soldiers in Naama. The Witness responded that Sankoh instructed C.O. Mohammed (an RUF field commander) to recruit only people seventeen years and above. The Witness added that he would be very surprised if somebody told the Court that there were children present, as he did not see any. The Witness testified that he did not receive any reports about rape or women being taken by the RUF as bush wives. Counsel for the Prosecution referred to the Sierra Leone Truth and Reconciliation Commission report, which reported on the RUF use of child soldiers, rape, and bush wives. The Witness again reiterated that he did not know of any such thing and that if it had happened, it was not to his knowledge.

e. **DCT-146, Charles Ngebeh**

Witness DCT-146, Charles Ngebeh, was born in Kailahun district in 1965. After school, he started working as a miner. He claimed he was then captured by the RUF and trained as a guerilla by what he called a combined system of RUF/NPFL. He testified that he was trained to repair arms.

i. **RUF/NPFL Infighting**

The Witness testified about infighting between the RUF and the NPFL in 1991, when they realized that there were more Liberians than Sierra Leoneans in the RUF. Ngebeh claimed that Bockarie ordered Sierra Leonean Vanguard and Commandos to kill the Liberians. The Witness said that an investigation was conducted which resulted to the jailing of C.O. Mohammed and Issa Sesay, but that Bockarie managed to escape to the jungle. Ngebeh said that Taylor then sent an investigator and later ordered that all Liberians should evacuate within seventy-two hours and bring all their weapons with them.

ii. **Help from Taylor**

The Defense asked Ngebeh what kind of help the RUF received from Taylor. The Witness, who refers to Taylor as "Pa Taylor," said that they received some ammunition but mostly food. He added that most of their ammunition came from attacking the Sierra Leone Army and the Guineans. Ngebeh testified that after the RUF/NPFL infighting, Taylor withdrew his support. The Witness testified that the RUF received arms and ammunition from ULIMO in 1996.

iii. **RUF Treatment of Civilians**

The Prosecution has alleged that the RUF committed the crime of forced labor by forcing civilians to mine diamonds, which would in turn go to Taylor in exchange for arms and ammunition. Asked about this by the Defense, the Witness said that indeed the soldiers would go out to look for civilians and force them to do the mining. Telling the Court what would happen if the civilians did not follow RUF orders, Ngebeh said, “If you [were] unlucky, they would kill you. If you [were] lucky, they would beat you up.”[24]

f. **DCT-215, John Vincent**

The seventh Defense witness, DCT-215, is John Vincent, a Liberian from Bomi County, who joined the NPFL in 1990. Before receiving any training from the NPFL, he was recruited by the RUF and served as training commandant for the RUF and later as Colonel in the Armed Forces of Liberia (AFL).

i. **RUF Training Child Soldiers**

The Witness testified about the RUF training children between the ages of ten and eighteen. The Defense asked the Witness why children under seventeen were trained, to which the Witness said that they would follow the soldiers everywhere and therefore needed to know how to escape in case of trouble. He claimed that the children were not used as fighters, but only for domestic work.

ii. **Training at Camp Naama**

The Witness testified that he was trained in Camp Naama at a training site they called Crab Hole. Asked by the Defense if he saw or met Taylor at the site, the Witness responded that he did not. “No I did not even know him. Not even a day,” he said.[25] The Prosecution has alleged that both Liberians and Sierra Leoneans were trained at Camp Naama before the invasion of Sierra Leone, with the knowledge and assistance of Taylor. Taylor has denied this allegation.

iii. **Invasion of Sierra Leone**

The Defense referred to Prosecution Witness Isaac Mongor’s testimony where he said that just before the invasion of Sierra Leone in March 1991, Taylor and Sankoh met in Voinjama.[26] The Prosecution has alleged that Taylor helped Sankoh invade Sierra Leone. However, Vincent told the Court that if Sankoh met Taylor, he would have told them, and if Taylor was there, he would have seen Taylor. Additionally, Mongor testified that the NPFL left Voinjama with trucks full of arms and ammunition that were passed out to RUF troops in Foya.[27] Vincent disputed this, saying that to the best of his knowledge, nothing of the sort happened.

iv. **Cross-Examination**

**Witness’s Switch from NPFL to RUF**

In an attempt to demonstrate a fluid relationship between the NPFL and the RUF, two groups which the Prosecution alleges were under the joint control of Taylor, the Prosecution questioned the Witness on how he transferred from the NPFL to the RUF. The Prosecution asked whether John Kagbo (who had recruited the Witness into the RUF) was part of the NPFL at the time of the recruitment. The Witness responded that Kagbo was in the RUF at the time. “A person can turn from NPFL to RUF at any moment, isn’t that true?” asked Counsel for the Prosecution.[28] The Witness responded that it was not that easy. Noting that the Witness switched from the NPFL to the RUF, the Prosecution asked if anybody could just as easily switch to the Kamajors. The Witness responded that no one announced switches as it would cost them. He explained that people left quietly. The Prosecution asked how the Witness got past the checkpoints to join the RUF, to which the Witness responded that he did not tell anyone what he was up to. The Prosecution asked the Witness if he hid the fact that he was in the RUF when he went back to Liberia. The Witness responded that he did not.

**Child Soldiers**

The Prosecution has alleged the use of child soldiers at the frontline by both the RUF and the NPFL. The Witness had earlier testified that children as young as ten and eleven years old were in the military base. The Witness testified that the boys left their families for military training with their older brothers as they had nowhere to go. Additionally, the Witness said that the SBUs (Small Boys Unit) would also be referred as Small Boys Soldiers. The

Witness said that he trained the boys on how to assemble an AK-47 so that when they got to the required age, they could go to battle and fight. Vincent told the Court that he had an SBU called Mortiga.

### **RUF Rituals**

The Prosecution introduced documentary evidence from an RUF investigation concerning vanguards (including the Witness) who met together on November 15, 1999 for a sacrifice. The Prosecution asked the Witness if the RUF sacrificed people, to which the Witness responded that this was just a memorial ceremony for the dead. The Prosecution asked the Witness if he knew about the sacrifice of Alice Pyne's child. The Witness responded that he heard that Bockarie buried Alice Pyne's child alive but that nobody dared ask Bockarie about it. "We did not support it nor did we take action because he was the highest in command," he said.[29]

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 [1] This report was written by Judy Mionki and Jennifer Easterday.

[2] Rule 73ter(B) states that "The Trial Chamber or the said Judge may order the Defence to provide the Trial Chamber and the Prosecutor with copies of the written statements of each witness whom the Defence intends to call to testify."

[3] Prosecutor v. Norman et al, Case No. SCSL-04-14-T-562, "Decision on Prosecution request for order to Defense pursuant to Rule 73ter(B) to disclose written witness statements," 21 February 2006, pg. 6.

[4] Id.

[5] Prosecutor v. Tadić , Case No. IT-94-1-A, Appeals Judgment, July 15, 1999, ¶ 319.

[6] See Taylor, Case No. SCSL-03-01-T-782, "Decision on Urgent Defence Application for Protective Measures for Witnesses and for Non-Public Materials," 27 May 2009, ¶ 31.

[7] Taylor, Trial Transcript, 7 February 2008, pg. 97 (lines 21-25).

[8] Taylor, Trial Transcript, 8 February 2008, pg. 15 (lines 6-11).

[9] Taylor, Trial Transcript, 11 February 2008, pg. 79 (lines 22-28).

[10] Taylor, Trial Transcript, 16 July 2009, pg. 109 (lines 7-9).

[11] Taylor, Trial Transcript, 23 February 2010, pg. 79 (lines 25-29).

[12] Taylor, Trial Transcript, 24 February 2010, pg. 89 (lines 20-21).

[13] Taylor, Trial Transcript, 30 September 2010, pg. 97 (lines 24-26).

[14] Taylor, Trial Transcript, 1 March 2010, pg. 137 (lines 6-7).

[15] Taylor, Trial Transcript, 26 February 2010, pg. 60 (lines 17-27).

[16] An excuse frequently used by Prosecution witnesses faced with such inconsistencies.

[17] Taylor, Case No. SCSL-03-01-T-885, "Decision on public with Annex A and B and confidential Annex C urgent Prosecution request for an order for the Registry to disclose non-privileged information," January 22, 2010.

[18] Taylor, Trial Transcript, 4 March 2010, pg. 26 (line 9).

[19] Taylor, Trial Transcript, 4 March 2010, pg. 27 (lines 5-6).

[20] Taylor, Trial Transcript, 19 March 2010, pg. 6 (line 15).

- [21] Taylor, Trial Transcript, 20 July 2009, pg. 12 (lines 6-9).
- [22] Taylor, Trial Transcript, 2 July 2008, pg. 53 (lines 17-23).
- [23] Taylor, Trial Transcript, 23 November 2009, pg. 35 (lines 2-5).
- [24] Taylor, Trial Transcript, 23 March 2010, pg. 69 (lines 7-9).
- [25] Taylor, Trial Transcript, 25 March 2010, pg. 39 (line 13).
- [26] Taylor, Trial Transcript, 10 March 2008, pg. 78 (lines 6-15).
- [27] Taylor, Trial Transcript, 10 March 2008, pg. 81 (lines 17-24).
- [28] Taylor, Trial Transcript, 30 March 2010, pg. 62 (line 13).
- [29] Taylor, Trial Transcript, 31 March 2010, pg. 27 (lines 15-16).


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United Nations Mission in Liberia (UNMIL)

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**UNMIL Public Information Office Media Summary**  
**24 May 2010**

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

**UN News in Liberia**

**UNMIL**

**“UNMIL Drawdown may Cause Problem for Liberia and the Sub Region” – Says Dr. Moses Jarbo**  
 [The Inquirer]

- Liberian disarmament specialist Dr. Moses Jarbo has told an international conference that a further drawdown of the UN peacekeepers in Liberia would reverse the gains made in the security sector and put the country and the sub region at a serious security risk.
- In his remarks, Dr. Jarbo said many of the 100,000 former combatants disarmed and demobilized by the National Commission on DDDR in the first phase of the programme were still loitering around unemployed or not yet rehabilitated, reintegrated and resettled as required in the second phase.
- Stanley Foundation in collaboration with the International Peace Institute held the one-day conference in New York City to discuss “The Larger Lessons for Peace building: What Worked in Liberia” during the seven years.
- The former NCDDRR boss was amongst several panelists including former US Ambassador John Blaney, former UNMIL boss Jacques Paul Klein, Professor Sean McFate, and Liberian Ambassador to the United States M. Nathaniel Barnes that presented papers.

**Other UN News**

**President Sirleaf Addresses WHO 63rd Assembly**  
 [Liberian Express]

- President Ellen Johnson Sirleaf has called for improvement in Liberia’s healthcare delivery and other developing countries as targeted in the MDGs.
- In an address to the 63rd Assembly of the World Health Organization (WHO), President Sirleaf called for concerted efforts to ensure that the MDGs are achieved.
- The Liberian leader said although much has been done to achieve the goals, additional support was needed for developing countries.
- President Sirleaf informed the world body, Liberia’s health sector has made some progress.
- She named the building and renovation of medical facilities as well as training of health workers across the country as key improvements.

**Local News on Liberian issues**

**President Sirleaf Frowns on NSA over Attempted GAC Arrest**  
 [The Analyst, The Inquirer, The News]

- President Ellen Johnson Sirleaf has expressed what the Executive Mansion terms as outmost dismay and total dissatisfaction with the action of NSA Director Fumbah Sirleaf attempting to arrest a staff of the General Auditing Commission (GAC).
- The President according to an Executive Mansion release does not and will not result to the abuse of human rights or arrest any one with out due process of law.
- The release said while those accused by the GAC are frustrated, they too must follow the rule-of-law and exercise their constitutional rights under the law if they feel the accusation by the GAC is not true.

- The release said the president has always conveyed to the Auditor General that the use of the media of getting their message across undermines the processes that will address the ills in society, especially in the fight against corruption.
- The President has meanwhile conveyed a message to Vice President Joseph Boakai to ensure that the tension is calm and responses are restrained on all sides.

### **GAC Announces US\$30 Million Libel Lawsuit, Indefinite Boycott**

[New Democrat, New Vision, The Monitor, The Inquirer, Public Agenda, Front Page Africa, Heritage, The Analyst, The Monitor, Liberian Express, The Independent]

- The General Auditing Commission (GAC) has announced a US\$30 million lawsuit against suspended GAC employee Ruth Yeaher for libel.
- The commission's spokesman Ernest Maximore claimed Mrs. Yeaher has failed to prove her sexual harassment claim against Auditor General John Morlu.
- Mr. Maximore disclosed more than ten lawyers from the United States have begun piecing together evidence against Mrs. Yeaher and would shortly begin the case.
- He said the American team of lawyers would render free legal service in defense of the Auditor General.
- Meanwhile, the commission has announced a nationwide boycott of its activities beginning today Monday May 24.
- In a statement the GAC says the go-slow is in protest to the alleged harassment and intimidation of its staff by state security and would remain in force until government guarantees the safety of its employees.
- The auditing body says it would also boycott the current inter-ministerial league because of what it calls the grave psychological impact of the unexpected threat from the National Security Agency.
- The GAC says it has a bundle of audit reports to conclude and sees the current action by state security as an attempt to divert attention from the real issues.

### **CDC Flag Bearer to Work with Political Parties, Not Movements**

[New Democrat, Liberian Express, The Independent, The Analyst, The Inquirer]

- The standard bearer of the opposition Congress for Democratic Change (CDC) has clarified his party is prepared to work with any political entity but not a movement.
- The CDC standard bearer had earlier declared he was not interested in joining the Lewis Brown-led Democratic Alliance which is inviting political parties on board.
- Ambassador George Weah believes political entities must ally with political entities to foster ideologies that are identical.
- According to Ambassador Weah, political parties with like-minds must work together to determine the future of the country.
- He vowed never to compromise the people's future for personal gains, a reference to reports that he was striking a merger deal with the ruling Unity Party.
- Ambassador Weah however could not confirm or deny report that Senator Jewel Howard Taylor could be his running mate in the 2011 Presidential election but described her as an intelligent woman and a good citizen who is welcomed to join the CDC.
- The CDC flag bearer spoke Friday during a visit to his private school, the George Weah Foundation Institute in Monrovia.

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

### **President Sirleaf Addresses WHO 63rd Assembly**

### **GAC Announces US\$30 Million Libel Lawsuit, Indefinite Boycott**

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

### **Chaos at GAC: Government Declares Spokesman wanted**

- State security from the National Security Agency (NSA) Saturday stormed the offices of the General Auditing Commission (GAC) on Ashmun Street.
- The raid was intended to arrest the commission's spokesman Ernest Maximore for allegations he made against the office of President Ellen Johnson Sirleaf.
- Mr. Maximore Wednesday accused the Executive Mansion of involvement in the damaging sexual harassment allegation against Auditor General John Morlu.
- The GAC alleged the Executive Mansion planted suspended GAC employee Ruth Yeaher at the entity to damage the Auditor General's character and subvert the audit process.
- NSA personnel stormed the offices of the GAC Saturday in an attempt to arrest Mr. Maximore but were prevented from advancing into the main building.

- Following the incident, GAC Spokesman Ernest Maximore hurriedly arranged a press briefing and announced that the lives of GAC auditors were under threat.
- Meanwhile, government has confirmed that GAC spokesman Maximore is wanted by the NSA for statement he made against the President.
- Acting Information Minister Norris Tweah said Mr. Maximore will be formally invited for questioning and was free to take along his personal lawyer.

### **CDC Flag Bearer to Work with Political Parties, Not Movements**

#### **Government Vowed To Reach HIPC Completion Point**

- Government has maintained that it is set to meet the HIPC completion point by the end of June this year despite the audit report which indicted some of its key ministries.
- Finance Minister Augustine Ngafuan says Liberia is at the verge of reaching all of the benchmarks required for the completion point.
- Minister Ngafuan noted that the international community was impressed with the performance of post war Liberia in its fiscal management policy.
- The Finance Minister said as a demonstration of the confidence, Liberia has regained its rights to vote at the International Monetary Fund and the World Bank.
- According to him, Liberia now has the right to vote at national gatherings of these institutions to decide policy issues.
- Mr. Ngafuan again declared his innocence in the GAC's audit report and challenged his accusers to prove their case.

#### **Radio Bomi in Flames**

- Reports from Tubmanburg, Bomi County say Radio Bomi has burnt to ashes.
- The Station Manager Justin Cole said fire gutted the station Sunday evening and spread throughout the building.
- According to Mr. Cole the fire was started by an electrical spark.
- He said only a laptop computer was retrieved from the flame.
- Radio Bomi is one of the long-serving community radio stations in the Country.

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

##### **Information Ministry Clarifies GAC – NSA Commotion**

- Authorities of the Information Ministry say Saturday's incident involving GAC's Communications Director Ernest Maximore and agents of the National Security Agency (NSA) was exaggerated.
- The Information Ministry authorities clarified that the NSA agents went to the GAC to follow-up a communication citing Mr. Maximore to a conference, and did not go to arrest him.
- The commotion erupted Saturday at the GAC's offices in Central Monrovia, when employees of the commission and others prevented NSA agents from contacting Mr. Maximore.
- The Information Ministry authorities said, had the NSA agents gone to arrest Mr. Maximore, he would have been issued an arrest warrant and no one could stop NSA from arresting him.

##### **Pro-democracy Group Wants Government Explain US\$50 Million**

- The Global Call for Action (GCAP-Liberia), a Pro-democracy group says, it wants explanation from the government on how over USD\$50 million can not be accounted for in government's expenditure.
- GCAP-Liberia in a statement is asking the government to give account of the money.
- An audit report of the General Auditing Commission has revealed that the Sirleaf Government can not account for over USD\$50 million.
- Auditor General John Morlu said he will resign if the government gives account of the money.
- GCAP-Liberia in a press statement said progress toward the achievement of the MDGs is slow because of rampant corruption in governments across the world.

##### **Widows of Ex-servicemen Press For Benefits, But...**

- A widows group demanding the benefits of their dead security husbands has challenged authority of the Defense Ministry to prove that they pay them all benefits due them.
- Deputy Minister Othello Warrick said, as far as he was concerned, the government of Liberia did not owe the widows a penny.
- But a spokeswoman of the group has reacted to the Ministry's claim, and said it is tantamount to creating chaos.
- Mrs. Musu Karmo said at no time did the current e government give them money.

- She said the last time the widow received LD\$20,000 each was during the government of the Transitional Government, headed by Charles G. Bryant.
- Last weekend the widows staged a peaceful sit-in action during which they set road blocks at some major streets in Monrovia.

**Truth FM** *(News monitored today at 10:00 am)*

**President Sirleaf Frowns on NSA over Attempted GAC Arrest**

## International Clips on Liberia

**President Sirleaf's Reaction to GAC Arrest**

[www.isria.com](http://www.isria.com)

President Ellen Johnson Sirleaf expresses utmost dismay and total dissatisfaction with the action taken by NSA Director Fombah Sirleaf, in an attempt to arrest a staff of the General Auditing Commission (GAC). The President reaffirms that this Government does NOT and will NOT resort to the infringement of human rights or arrest of anyone without due process. One can understand the frustration of many who have been accused by the GAC, but they, too, MUST follow the rule of law and exercise their constitutional rights under the rule of law, if they feel the accusations by the GAC are unfounded, or untrue. The President has always conveyed to the Auditor General that the use of the media as a means of getting their message across undermines the processes that will address the ills in the society, particularly corruption. The President has conveyed a message to the Vice President, to ensure that tempers are cooled and responses are restrained on all sides.

**Naomi Campbell: welcome to her diamond life**

[www.telegraph.co.uk](http://www.telegraph.co.uk)

Naomi Campbell's 40th birthday has been overshadowed by allegations that she received a 'blood diamond' from Charles Taylor, Liberia's former president. Naomi Campbell, the serially stropky south London supermodel, is well known for two other things: being beautiful and being late. Make a date with Naomi and she'll make Godot look punctual. David Bailey, the fashion photographer, says he once had to wait three days for her. Yesterday, though, she had no option but to keep an appointment with her 40th birthday, and found it wasn't the same thing as growing up. Her tantrum-of-the-moment concerns a claim that she was given "a huge diamond" by the disgraced ex-president of Liberia, Charles Taylor. The fallen African strongman, 61, is currently on trial for alleged war crimes, committed during a 1990s conflict with neighbouring Sierra Leone, in the course of which – according to the evidence – he ordered his troops to eat their prisoners so as to demoralise the enemy.

## International Clips on West Africa

**Guinea**

**Tehran, Conakry keen on expanding mineral cooperation**

[www.tehrantimes.com](http://www.tehrantimes.com)

The Iranian industries and mines minister and his Guinean counterpart in a meeting in Tehran on Sunday called for further cooperation in mining industry. Ali-Akbar Mehrabian met with the minister of mines and geology from Guinea-Conakry and pointed out that Iran has made good progress in producing aluminum and stated that its production will exceed 900,000 tons, IRINN news network reported. Mehrabian underlined Iran's need for bauxite, and said that a plan has been devised to import it from that country. The Guinean minister explained that aluminum is a strategic product which has huge demand in his country, and added that Iran's cooperation with his country in this field would lead to stronger ties between the two nations.

**CIF to fund \$2.7bn Bellzone Guinea project**

[www.ft.com](http://www.ft.com)

The race to tap Guinea's vast stocks of iron ore accelerated on Monday when Hong Kong investment company China International Fund confirmed plans to fund a \$2.7bn infrastructure project to develop a mining facility held by Bellzone, an Aim-listed explorer. The plan to develop Bellzone's Kalia concession builds on last year's agreement with Guinea's military-backed government in which CIF undertook to fund infrastructure ventures worth some \$7bn in exchange for access to minerals and oil-prospecting rights. The binding memorandum of understanding with Bellzone comes amid feverish mining interest in the commodity and the region and follows the \$2.5bn purchase by Vale of Brazil, the world's biggest iron miner, of a 51 per cent stake in a Guinean concession from a group controlled by Beny Steinmetz, the Israeli diamond-trading billionaire.



## **Ivory Coast**

### **Clashes in Ivory Coast capital ahead of Africa bank meeting**

**AFP**

Clashes erupted in Ivory Coast's Abidjan Monday as authorities tried to clear out a volatile anti-French area in the heart of the business district ahead of an African Development Bank summit. Around 100 occupants of the area known as the Sorbonne hurled stones at municipal police in hours of clashes that were only put down when national police arrived, an AFP reporter said. Both sides said they had suffered injuries in the skirmishes, which come ahead of the May 27-28 African Development Bank annual meeting expected to draw heads of government and other senior officials from across the continent and beyond. The "Sorbonnards" support the government of President Laurent Gbagbo in the divided country, while the mayor of the city's Plateau quarter which includes the Sorbonne backs the opposition Democratic Party of Ivory Coast. "We decided on a 'clearing out' operation of the Sorbonne to spruce up our community" before Thursday's opening of the African Development Bank (AfDB) meetings, said Plateau mayor Akossi Bendjo.

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## Human Rights Watch (Washington, DC)

Monday, 24 May 2010

### **Africa: Civil Society Declaration on Africa and the Review Conference of the Rome Statute of the International Criminal Court**

We, the undersigned African civil society organizations and international organizations with a presence in Africa, call on African governments to make the most of the upcoming review conference of the Rome Statute of the International Criminal Court (ICC), which will take place from May 31 to June 11, 2010 in Kampala, Uganda.

The review conference comes at a critical time in the development of the ICC. The court has made important progress since the Rome Statute entered into force in 2002 and is already providing a measure of justice for victims of genocide, war crimes, and crimes against humanity. But the court faces important challenges to implementing its mandate successfully. These include challenges in conducting court operations, such as obtaining adequate support to engage in outreach to affected populations. They also include external attacks on the institution, such as those advanced by some African leaders following the ICC arrest warrant for Sudanese President Omar al-Bashir in March 2009.

The review conference offers an exceptional occasion for African governments to help advance the global fight against impunity by restating their commitment to justice for the victims of grave crimes and offering views on the development of international criminal justice and the ICC. In addition to addressing several proposed amendments to the statute - including on the crime of aggression - the conference will have a general debate followed by two days of "stocktaking" of the Rome Statute system. The stocktaking exercise will provide a unique opportunity to provide input that can help to constructively shape accountability efforts domestically and internationally.

The review conference's location in Uganda only adds to its significance, as the event can help forge a stronger link between the ICC and Africa. The review conference will also be an important opportunity for victims and civil society to be heard on the ICC.

This Declaration provides observations and recommendations on the review conference, which is consistent with the African Union's call for attendance and effective participation at the conference (Decision on the Report of the Second Meeting of States Parties to the Rome Statute on the ICC, Assembly/AU/Dec.270(XIV), 2010). This Declaration focuses on high-level attendance and a high-level declaration, pledging, and the stocktaking exercise at the conference. The Declaration does not discuss proposed amendments under consideration.

#### **I. High-level Attendance and Declaration**

High-level attendance by ministers and other senior officials at the review conference - especially during the general debate and the stocktaking exercise - and adoption of a high-level declaration on the conference are two important ways governments can send a strong message of support for accountability for grave crimes in violation of international law. We have heard that a number of African states will have ministerial level participation at the conference, which is very positive and should be encouraged among all African ICC states parties. With regard to a high-level declaration, a draft that underlines core aims of the Rome Statute and commitments of states parties to the court has been prepared and should be available in Kampala for consideration. The adoption of the draft declaration would be a tangible outcome of the conference and a renewed expression of support for the fight against impunity at the highest political level.

#### **II. Pledges**

Pledges are a way in which states may commit to undertake specific actions to advance support for the ICC, such as by pledging to adopt ICC implementing legislation by a specific date. Pledges - which can be made by individual states, groups of states, and regional and other groups - are a major, significant initiative around the review conference and an important way to help ensure the conference has impact beyond discussions in Kampala. Pledges should comprise tangible objectives to be attained within a specific time period and should be communicated to the

Netherlands and Peru, as focal points on pledges, ideally by May 14. Pledges may be kept confidential until the review conference, although making them public in advance could help encourage pledges by other governments.

For African governments that are not yet parties to the court, a priority pledge is ratification of the Rome Statute by a particular date. As the ICC is a court of last resort, becoming a party to it is an essential way to demonstrate commitment to the fight against impunity. For African governments that are states parties, a priority pledge should be adoption of domestic implementing legislation for the Rome Statute by a particular date. To our knowledge, only five states in Africa - Burkina Faso, Central African Republic, Kenya, Senegal and South Africa - have enacted comprehensive ICC implementing legislation. Such legislation makes genocide, war crimes, and crimes against humanity crimes under domestic law and provides for cooperation with the ICC. (While Uganda's parliament has also adopted such legislation, Uganda's president had not signed the bill into law as of this writing.)

Another important area for pledges is to work toward the timely establishment of an ICC Liaison Office in Addis Ababa. This office would be an important way to create an avenue for essential discourse and access to the ICC by the African Union and to strengthen cooperation and engagement between the two entities. Work toward conclusion of a memorandum of understanding (MOU) between the AU and the ICC would also be a valuable pledge. MOUs already exist between the court and the United Nations, as well as the European Union, and are under consideration by other regional groups. The conclusion of a memorandum of understanding would be an important way to facilitate cooperation between the AU and ICC and a logical step in line with article 4 of the AU's Constitutive Act, which rejects impunity.

There are many other areas that merit consideration as possible pledges. These include: ratifying the Agreement on Privileges and Immunities by a specific date; building ICC support across ministries, and at regional and international organizations; promoting ratification or the adoption of implementing legislation in other countries; appointing a national ICC focal point or intra-agency task force; contributing to arrest operations and executing warrants; concluding agreements on sentence enforcement, witness relocation and interim release; and actively participating in sessions of the ICC Assembly of States Parties.

### **III. The Stocktaking Exercise**

The stocktaking exercise will focus on four issues that reflect key challenges in bringing to account perpetrators of serious crimes in violation of international law: the impact of justice on victims and affected communities, state cooperation, complementarity, and peace and justice. Substantive and constructive discussions during stocktaking thus have the potential to enhance future accountability efforts. However, thoughtful preparation and participation will be essential: the exercise can only be as valuable as the contributions made to it.

It is crucial that views from Africa be heard in these discussions and we encourage African states to make interventions on relevant stocktaking topics. We also encourage African states to consider resolutions on topics where they are put forward.

As your government prepares for the stocktaking exercise, we would like to draw attention to several issues related to each of the topics that will be considered:

#### **Impact of justice on victims and affected communities**

The work of the ICC is at its core about victims who have suffered grave crimes. The ICC has unique elements to help realize victims' rights and expectations for justice, such as victim participation in proceedings and reparations. Hundreds of victims are already participating in situations and cases before the ICC and the victims' trust fund has undertaken projects to assist victims. With the court's first cases focused in Africa, African victims have been the primary beneficiaries to date of the ICC's efforts to promote justice for victims. At the same time, lack of execution of arrest warrants, lengthy proceedings, and limited cases are only a few of the areas where victims have expressed disappointment and frustration with the ICC. A key challenge is ensuring victims have adequate access to information about the court.

The stocktaking session provides an important opportunity for African governments to reflect on the central role of victims in the accountability process and key issues related to victims, such as: the significant advances included in the Rome Statute of the ICC in terms of promoting victims' rights; areas where more work is needed by the ICC, such as strengthening outreach and communications; and observations on best promoting victims' rights in domestic

prosecutions for serious crimes. In addition, the draft resolution on victims merits attention as it includes important elements, such as on the need to deliver effective justice to victims and the priority of victims' rights and interests.

### **Cooperation**

The ICC relies on cooperation to fulfill its mandate as the court lacks any police force. Cooperation includes two main components: judicial assistance and logistical support - such as facilitating investigations and witness relocation, and putting in place domestic frameworks that enable effective response to cooperation requests; and strong political support - including mainstreaming support for the court in regional and international organizations. One of the most significant areas of cooperation that relates to both of these components is apprehension of suspects. The ICC cannot bring justice to victims if suspects are not brought to the dock. Notably, the ICC has outstanding arrest warrants in three of the five situations where it is conducting investigations. Some of these warrants have been pending for several years and suspects continue to be involved in committing atrocities against civilians.

The stocktaking session on cooperation provides a valuable opportunity to discuss experiences thus far in addressing cooperation requests or providing political and diplomatic support to the court. Pledges and expressions of support to cooperate with the court and identify ways to strengthen domestic, regional, and international cooperation with the court - including with regard to arrest operations - would also be important. Finally, the session is a good occasion to consider publicly supporting the establishment of a working group by the Assembly of States Parties on cooperation to ensure continued focus on this important issue by states parties.

### **Complementarity**

One of the most important ways to expand the fight against impunity is through complementarity. This principle concerns the role of national courts in assuming their primary responsibility in prosecuting serious crimes. It also touches on efforts to strengthen national courts to make sure they are able and willing to assume their responsibility to prosecute serious crimes. Too many national systems in Africa currently lack the capacity or the will to address serious crimes. The stronger the ability and willingness of national courts to prosecute these crimes, the more the ICC can truly act as a court of last resort.

The stocktaking session on complementarity is a significant opportunity for African governments to discuss how to ensure their national courts take up their responsibilities in investigating and adjudicating Rome Statute crimes. This includes overcoming lack of political will to prosecute, and promoting targeted assistance to enable fair, effective domestic prosecutions, including by enabling proper witness protection, and support for victims. Finally, a resolution on complementarity has been prepared, which discusses the key elements of the principle and merits due consideration.

### **Peace and Justice**

As the ICC conducts its work in different situations where conflict is ongoing, concerns that efforts to achieve peace will be undercut by efforts to ensure justice have consistently arisen. Few deny that peace and justice must go hand in hand in the long-term, but the analysis often becomes more difficult during particular periods of conflict or peace negotiations.

The stocktaking session on peace and justice is an important moment for reflection on identifying ways to pursue peace and justice simultaneously, and to recognize several core principles that are fundamental to state parties' commitment to the ICC in the context of debates on peace and justice. These include that perpetrators of serious crimes should not go unpunished; that the ICC should function as an independent institution; and that accountability for grave crimes is a key way to contribute to sustainable peace, including by promoting the possibility to deter future crimes.

These principles are central to the Rome Statute, and have been consistently supported by African governments since before the ICC came into existence. This is reflected by the Southern African Development Community (SADC) Principles, adopted in 1997, and Dakar Declaration in support of an international criminal court, adopted in 1998.

Organizations supporting this Declaration:

1. Abubu-Dukire (Association for the Rights of the Missing and the Victims of Mass Killings), Bujumbura, Burundi
2. Access to Justice, Lagos, Nigeria
3. Action Against Impunity for Human Rights (ACIDH), Lubumbashi, Democratic Republic of Congo (DRC)
4. Action of Christian's Activists of Human Rights in Shabunda (ACADHOSHA), South Kivu, DRC
5. Action of the Christians for the Abolition of Torture (ACAT - Burundi), Bujumbura, Burundi
6. Advocates of Public International Law-Uganda (APILU), Kampala, Uganda
7. African Assembly for the Defense of Human Rights (RADDHO), Dakar, Senegal
8. African Assembly for the Defense of Human Rights (RADDHO), Guinea
9. African Association for the Defence of Human Rights (ASADHO), South Kivu, DRC
10. African Centre for Justice and Peace Studies, Sudan
11. African Development and Peace Initiative (ADPI), Adjumani, Uganda
12. Amnesty International, Dakar, Senegal
13. Article 19, Nairobi, Kenya
14. Association for Human Rights and the Penitentiary World (ADHUC), Brazzaville, Republic of the Congo
15. Association of the Christians for the Abolition of Torture, Senegal
16. Association of the Shipowners on Lake Kivu (ASSALAK), South Kivu, DRC
17. Association of the Women Lawyers, Bangui, Central African Republic
18. Association of Victims of Crimes and Political Repression in Chad (AVCRP), Chad
19. Association pour la Promotion et la Défense de la Dignité des Victimes, DRC
20. Barefoot Women Solar Engineers Association of Sierra Leone, Freetown, Sierra Leone
21. Burkinabe Coalition for the International Criminal Court (CB/CPI), Ouagadougou, Burkina Faso
22. Burkinabe Movement for Human and Peoples' Rights, Ouagadougou, Burkina Faso
23. Burundi Coalition for the International Criminal Court (ICC-CB), Bujumbura, Burundi
24. Cairo Institute for Human Rights Studies (CIHRS), Cairo, Egypt
25. Cameroon Coalition for the International Criminal Court, Douala, Cameroon
26. Campaign for Human Rights in Burundi (CADRHO-BURUNDI), Burundi
27. Capacity Builders, Freetown, Sierra Leone
28. Center for Democratic Empowerment, Monrovia, Liberia

29. Center for Human Rights and Rehabilitation (CHRR), Lilongwe, Malawi
30. Center for Justice Studies and Resolution 1325 (CJR/1325), Kinshasa, DRC
31. Center for Media Studies and Peace Building (CEMESP-Liberia), Monrovia, Liberia
32. Center For Reparation and Rehabilitation (CRR), Gulu, Uganda
33. Center for Trauma Counseling and Conflict Resolution (CETCCOR), Monrovia, Liberia
34. Central African Republic Coalition for the ICC, Central African Republic
35. Centre for Citizens with Disabilities (CCD), Ikeja, Lagos, Nigeria
36. Children and Women's Empowerment Society, Freetown, Sierra Leone
37. Children Education Society (CHESO), Dar es Salaam, Tanzania
38. Cite des Droits de l'Homme et de Paix (CIDHOP), DRC
39. Citizens Coalition for Constitutional Culture (4Cs), Nairobi, Kenya
40. Civil Resource Development and Documentation Centre (CIRDDOC), Enugu, Nigeria
41. Civil Society of Congo (SOCICO/NK), North Kivu, DRC
42. Club of the Friends of Law in Congo, DRC
43. Coalition for Justice and Accountability, Freetown, Sierra Leone
44. Congolese Foundation for the Promotion of Peace and Human Rights (FOCDP), Kisangani, DRC
45. Congolese Initiative for Justice and Peace (ICJP), Bukavu, DRC
46. Congolese Observatory of Human Rights (OCDH), Brazzaville, Congo
47. Conscience International, Freetown, Sierra Leone
48. Consortium for the Empowerment and Development of Marginalized Communities (CEDMAC), Nairobi, Kenya
49. Darfur Artists Union (SAD), Darfur, Sudan
50. Darfur Bar Association (DBA), Khartoum, Sudan
51. Darfur Democratic Forum (DDF), Darfur, Sudan
52. Darfur Displaced People and Refugees Union, Cairo Egypt
53. Defence for Children International (DRC), Freetown, Sierra Leone
54. DITSHWANELO - The Botswana Centre for Human Rights, Gaborone, Botswana
55. East and Horn of Africa Human Rights Defenders Project (EHAHRDP), Kampala, Uganda
56. Fédération des Jeunes pour la Paix Mondiale, DRC
57. Formerly Abused Development Program-Uganda (FADEPU), Uganda

58. Foundation for Human Rights and Democracy (FOHRD), Monrovia, Liberia
59. Foundation for International Dignity (FIND), Monrovia, Liberia
60. Grassroots Initiative, Freetown, Sierra Leone
61. Group Agora for the Education on Rights of the Child and Peace (GRA-REDEP), Dakar, Senegal
62. Groupe Equitas, DRC
63. Heirs of Justice, Bukavu, DRC
64. Human Rights and Advocacy Network for Democracy (HAND), Khartoum, Sudan
65. Human Rights Concern, Eritrea
66. Human Rights Network-Uganda (HURINet), Kampala, Uganda
67. Human Rights Watch, Johannesburg, South Africa
68. Human Rights, Justice and Peace Foundation, Aba, Nigeria
69. International Center for Policy and Conflict, Nairobi, Kenya
70. International Crime in Africa Programme (ICAP), Institute for Security Studies, Pretoria, South Africa
71. International Refugee Rights Initiative (IRRI), Kampala, Uganda
72. International Society for Civil Liberties and the Rule of Law (Inter-Society), Anambra state, Nigeria
73. Ivorian Coalition for the International Criminal Court (ICC-CI), Abidjan, Ivory Coast
74. Justice Plus, DRC
75. Kenya Human Rights Commission (KHRC), Nairobi, Kenya
76. Kolan Kissy Rural Development Agency, Freetown, Sierra Leone
77. League for Human Rights, Jos, Nigeria
78. League for Peace and Human Rights in the DRC (LIPADHO), DRC
79. Legal Defence and Assistance Project (LEDAP), Lagos, Nigeria
80. Légalité, DRC
81. Liberia Democratic Institute, Monrovia, Liberia
82. Liberia Media Center, Monrovia, Liberia
83. Lira NGO Forum, Lira, Uganda
84. LOTUS, Kisangani, DRC
85. Nagaad Umbrella for Somaliland Women NGOs, Hargeisa, Somaliland
86. National Coalition for the International Criminal Court in DRC (CN-CPI/RDC), Kinshasa, DRC

87. National Organization of Human Rights, Senegal
88. Network Movement for Democracy and Human Rights, Freetown, Sierra Leone
89. Network of the NGOs in Congo, North-Kivu Province (REPRODHOC/NK), RDC
90. Nigerian Coalition for the International Criminal Court (NCICC), Abuja, Nigeria
91. One Family People, Freetown, Sierra Leone
92. Parents without Partners and Victims Forum, Freetown, Sierra Leone
93. Peace Pen Communications, Nairobi, Kenya
94. Peace Youth Association (PYA), Darfur, Sudan
95. People's Educational Association, Freetown, Sierra Leone
96. Prison Watch, Freetown, Sierra Leone
97. René Cassin Institute (IRECA), South Kivu, DRC
98. Rights and Rice Foundation, Monrovia, Liberia
99. Samotalis Coalition of Human Right Organization, Hargeisa, Somaliland
100. Social Action for Peace and Development (ASPD), Goma, DRC
101. Social Reform Centre (SOREC), Nairobi, Kenya
102. SocialJustice Advocacy Initiative (SJAI), Lagos Nigeria
103. Socio-Economic Rights and Accountability Project (SERAP), Lagos, Nigeria
104. Solidarity for Social Advancement and Peace (SOPROP), Goma, DRC
105. Solidarity of the Women for Peace and Integral Development (SOFEPADI), North Kivu and Orientale, DRC
106. Somali Human Rights Defenders Network (SOHRIDEN), Mogadishu, Somalia
107. Somaliland Impartial Human Rights Organizations Network (SOHIRA-Net), Somaliland
108. South African Coalition for the International Criminal Court (SACICC) Durban, South Africa
109. Southern Africa Development Community (SADC) Lawyers Association, Gaborone, Botswana
110. Southern Africa Litigation Centre, Johannesburg, South Africa
111. Synergy of Congolese NGOs for the victims (SYCOV), DRC
112. Synergy of Women for the Victims of Sexual Violence (SFVS), North Kivu, DRC
113. The Africa Freedom of Information Centre (AFIC), Kampala, Uganda
114. The Center for Research on Environment, Democracy and Human Rights (CREDDHO), Goma, DRC
115. The Kenyan Section of the International Commission of Jurists, Nairobi, Kenya

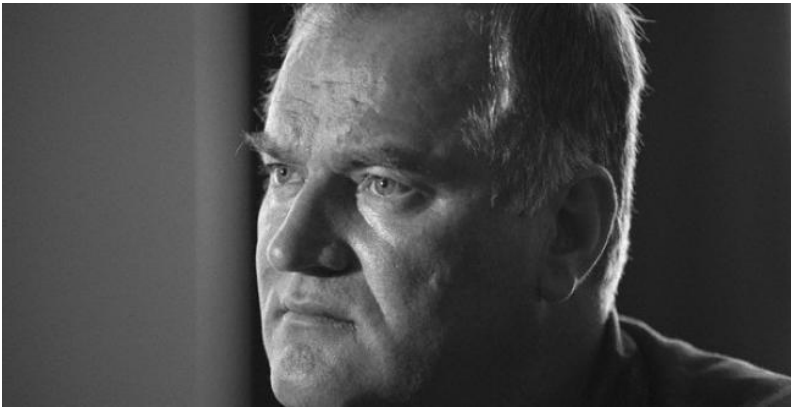


116. The League of Human Rights in the Great Lakes region, Rwanda
117. Uganda Coalition for the International Criminal Court (UCICC), Kampala, Uganda
118. Ugandan Victims Foundation, Lira, Uganda
119. Unit of Service and Assistance, Harare, Zimbabwe
120. Women and Law in Southern Africa Research and Educational Trust (WLSA), Zambia
121. Women's Advocates, Sierra Leone
122. Women's Forum, Sierra Leone
123. Youth Empowerment Organization, Freetown, Sierra Leone
124. Zimbabwe Lawyers for Human Rights, Harare, Zimbabwe

Reuters

Monday, 24 May 2010

## Family wants Mladic declared dead



*Belgrade, Serbia*

The family of Serbia's long fugitive war crimes suspect Ratko Mladic is preparing a request to have him declared legally dead, the family lawyer said on Tuesday.

Such a declaration, if granted, would allow Mladic's wife to collect a state pension or sell his property. But since he has not been proven dead, it would not advance Serbia's European Union aspirations, on hold pending the arrest of Mladic. Commander of Bosnian Serb forces in the 1992-95 Bosnia war, Mladic was indicted 15 years ago for genocide in the Srebrenica massacre of 8,000 Muslim men and 43-month siege of Sarajevo.

The chief United Nations war crimes prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY), Serge Brammertz, said earlier this month that he believes Mladic is in Serbia. Authorities in the former Yugoslav republic say that they are doing everything they can to apprehend him. Serbia last year applied for EU membership, but further progress is contingent on its arrest of two fugitives, Mladic and Croatian Serb leader Goran Hadzic, who is indicted for crimes against humanity. Serbian officials said the family's legal move would not affect their search for the country's most wanted fugitive.

"We can even imagine the court after long deliberations approves their motion and the family regulates its property and inheritance issues," said Dusan Ignjatovic, director of the government's Office for Cooperation with the Hague War Crimes Tribunal.

"But as far as our cooperation with the tribunal is concerned, this means nothing because we either have to prove physically that he is dead or locate and arrest him if he is alive." Mladic family lawyer Milos Saljic said the move to have Mladic declared legally dead had been driven by "persecution of the family".

He said that under Serbian law, a person could be declared dead if he or she was older than 70 and there was no information about the person for more than five years. However, Mladic would turn 70 only in March 2012, which would complicate such legal proceeding. Mladic's wife and their adult son and his two children live in the Serbian capital Belgrade. Declaring Mladic dead would allow the wife to collect his relatively high general's pension and the family to use his property and assets as they wish.

"It is best for the family. If he is declared dead, they can live peacefully," said a family friend who added he had not been in touch with Mladic himself in many years. "It is the advice of the lawyer....It is only an economic thing."

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