SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office
as at:
Wednesday, 30 October 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

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Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 30 October 2013

Appeals Chamber Overturns Contempt Conviction of Former Defence Investigator Prince Taylor

A three-judge panel of the Appeals Chamber, by a majority, today overturned the contempt conviction of former Special Court defence investigator Prince Taylor.

The panel, consisting of Justice Emmanuel Ayoola (presiding), Justice Renate Winter, and Justice Jon Kamanda, delivered their judgement in The Hague. Prince Taylor and his counsel participated in Freetown by video link.

In their judgement, read out by Justice Ayoola, the majority of Judges (Justice Winter dissenting) overturned Prince Taylor's conviction on the grounds that it relied heavily on testimony by Eric Koi Senessie, who had admitted giving false testimony in his own contempt trial. The Judges found that the evidence used to corroborate Senessie's testimony was either circumstantial and could be subject to another interpretation, or did not in fact corroborate Senessie's evidence.

The Court, by a majority, found that no reasonable trier of fact could have placed decisive weight on Senessie's evidence to convict Prince Taylor, and therefore acquitted Taylor on the five counts for which he had been convicted. Four of those related to "otherwise interfering" with Prosecution witnesses who had testified against former Liberian President Charles Taylor, and the other was for "otherwise interfering" with Senessie, at the time he was about to give evidence in contempt proceedings before a Chamber.

Justice Winter read out a dissent which would have upheld Prince Taylor's conviction on all counts.

On 14 May 2013, the three-judge panel of the Appeals Chamber had dismissed Prince Taylor's appeal for being filed out of time, and for failing to either apply for additional time or to file with a deficient filing form, meaning that the appeal was not properly before the Chamber. On 4 June 2013 the Judges accepted a re-filed appeal which included an application for additional time.

This was the last judicial proceeding before the Special Court, which will formally close later this year.

#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.

Produced by the
Outreach and Public Affairs Office
Special Court for Sierra Leone
Mobile: 232 76 655732
Email: SCSL-pressoffice@un.org

Visit our website at www.sc-sl.org

The Exclusive
Wednesday, 30 October 2013

Taylor Appeal Judgment Today

Appeal Judgment in the contempt case of Independent Counsel v. Prince Taylor will be delivered on 30 October 2013 at 10:00 a.m. Freetown time. The judgment will be delivered in The Hague by a three-judge appeal panel consisting of Justice Emmanuel Ayoola (presiding), Justice Renate Winter, and Justice Jon Kamanda.

Prince Taylor and his counsel will participate by video link from Courtroom 1 at the Special Court in Freetown. The media and the general public are welcome to attend.

This will be the last judicial proceeding before the Special Court, which will close later this year.

On 25 January 2013, Prince Taylor was found guilty on four counts of "otherwise interfering" with prosecution witnesses who had testified against former Liberian President Charles Taylor, and on one count of interfering with a witness in the contempt proceedings. On 3 February 2013 he was sentenced to a term of imprisonment of 2-1/2 years.

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Global Times
Wednesday, 30 October 2013

Prince Taylor Appeal Judgement Scheduled For 30 October At 10:00 a.m.

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Politico
Wednesday, 30 October 2013

Dateline Africa

By Achieng Maureen Akena

Africa: at the crossroads with the ICC

The debate around the International Criminal Court (ICC) in Africa is one that has polarised the continent, with equal-opportunity-mud being slung at African countries and the African Union (AU), as well as the ICC and the international community.

Among the myriad of arguments, the international community is accused of imposing its notions on Africa and having little regard for Africa's sovereignty. The AU argues that the Court has become a tool of Western experimentation of justice on the continent and that the international community has ignored its priority concerns over peace and security in the region. On the other hand, justice fundamentalists argue that Africa did in fact refer itself to the Court in line with individual countries' obligations under the Rome Statute, and that nothing should subvert the course of justice. They accuse Africa of reinforcing its tendencies towards impunity.

Moderate voices have accorded responsibility to all sides. They argue that although Africa is not the only place where bad things happen, all the situations currently under investigation by the ICC - DRC, Uganda, Central African Republic, Mali, Sudan, Libya, Kenya and Côte d'Ivoire - are in Africa. This lends some credence to Africa's cry about prosecutorial bias. The neutrals also point to some of the weaknesses in the UN Security Council (UNSC) referral system.

The UNSC referred the cases of Sudan and Libya to the ICC, but 3 of the Permanent Members (Russia, China and USA) have not committed themselves to the Rome Statute. This, they cite as a further demonstration of bad faith on the part of some of these countries in that they are willing to impose a judicial system on countries which have not signed up to the treaty, but not on themselves or their allies. However, despite this perceived bias, they point out that there are millions of African victims of atrocities who stand little or no chance of getting justice, alluding to the lack of real and tangible commitment by African countries to anti-impunity.

Focusing on Africa

Africa's angst over international justice goes back to 2008 when concerns arose regarding the application of justice and, in particular, universal jurisdiction by the international community. At the time, alarm was raised regarding the selective use of the principle by European Courts which had pending warrants of arrest against Government officials in Rwanda, Chad and DRC. The AU meeting of Ministers of Justice termed it "the increasing nature of indictments issued in Non-African countries against African personalities". This matter escalated on the arrest, and subsequent transfer to France, of the Rwandese Chief of Protocol who was on an official trip to Germany. This, despite a call by the AU for a moratorium on the execution of such warrants pending negotiations, and allegations by Rwanda that such warrants were merely retaliatory following Rwanda having investigated and exposed France's own role in their genocide.

Since then there have been several AU decisions that, among other things, requested the UNSC to defer the indictment of the Sudanese President Omar Hassan Al Bashir on grounds of regional peace and security concerns. They also supported Kenya's request for a deferral, endorsed Libya's request to try its own citizens and condemned hasty prosecutorial conduct with regard to the situation in Libya; and refused to extend cooperation to the ICC as far as the Sudan and Kenya cases were concerned. In addition, the AU refused to allow the ICC permission to establish a liaison office in Addis Ababa, requested AU institutions to document and publicise Africa's actions in situations of mass atrocities, and called on members to balance their obligations to the AU with their obligations to the ICC. They also started a process to extend the jurisdiction of the African Court to include international crimes.

Until July 2012, the decisions of the AU had spanned a wide range of concerns that Africans had in relation to the application of international criminal justice. However, there was a marked change in May 2013 when it seemed the AU decided to focus almost exclusively on the Kenyan situation. The decision from the AU Extraordinary Summit held 2 weeks ago in Addis was even more bizarre as it reached conclusions that are not within the realm of the AU to actualise.

The Regional Integration Agenda?

How did the AU get from an arguable position of threat to regional peace and security, to the untenable position where they now find themselves in, issuing idle threats? African countries know that there is no mechanism that allows for one treaty body to respond to threats from another treaty body, to which there are no linkages beyond a couple of shared Member States. Therefore, this latest decision coming out of the Extraordinary Summit on Africa's Relationship with the ICC is ridiculous at best, and at the very least, is a blow to Africa's positioning in global politics. It purports to reinforce the position that although Africa sits on the UN Security Council (currently represented by Rwanda and Togo), holds the largest voting block at the ICC's Assembly of State Parties (ASP) and has strategic international partnerships, the continent is still unable to reinforce her collective standing on the global agenda. Is it acceptable that after 50 years of the Union, Africa still does not know how to utilise the appropriate channels of international diplomacy to ensure an effectual voice in the international arena? Perhaps instead of all the resources going into crafting a Vision 2063, Africa and the African Union should just get serious!

If we cut out all the noise, who then can we honestly say is undermining the African agenda? Is it really the so-called West with their purported neo-colonialist agenda, or is it countries like Kenya that will spend more money subverting the course of justice than on an integrationist agenda? Estimates on the amount of monies Kenya has spent since 2010 on shuttle diplomacy from country to country seeking support to avoid the ICC prosecutions, far outweigh the 0.6% contribution Kenya makes to the current $278 million AU budget.

To be taken seriously AU Member States must begin to show real commitment to regional integration by supplying sufficient resourcing for and independence of their own institutions at national, regional and continental levels. They must begin to give due credence to the purpose for which the AU exists and therefore not allow the agenda and credibility of the Union to be undermined by one or a few States with personal questionable motivations. They must act towards the realisation of the principles and tenets on which the Union was built which recognise the aspirations of African peoples for justice, peace and human rights. Most importantly, Africa must begin to act strategically and in concordance at international fora. Too many times we have heard repeated, even in AU decisions, that Africa neither fronts nor sustains, in a coordinated manner her agenda at international negotiations whether on climate change, trade, peace and security or international justice. In fact, Africa's reaction to developments in international justice on the continent has neither been consistent nor streamlined. A clear illustration was the decision by ECOWAS in July 2012 to refer the situation in Mali to the ICC despite the existing decisions of the African Union on non-cooperation with the ICC. We have also too many times heard stories about African state officials spending their time at these international meetings enjoying the luxury of fancy hotels and on shopping sprees instead of with the politics and mechanics of the meetings they are attending. Our member states are better known for grandstanding with lofty public statements than for working the system with equal tenacity and vigour.

Most importantly, Africa must begin to act strategically and in concordance at international fora. Too many times we have heard repeated, even in AU decisions, that Africa neither fronts nor sustains, in a coordinated manner her agenda at international negotiations whether on climate change, trade, peace and security or international justice

Achieng Maureen Akena is a human rights and democracy practitioner with several years of experience working on Africa in growing democracies as well as in post conflict states. She has worked with the AU,UN and with local and international civil society organisations. She is a lawyer by profession and writes from Nairobi.

Agence France Presse
Tuesday, 29 October 2013

Ex-warlord Charles Taylor's family say he is being 'ill-treated' in British jail

Ex Liberian warlord Charles Taylor, who was sentenced to 50 years for war crimes and crimes against humanity, is being "ill-treated" in his British jail, family say

Charles Taylor, the former Liberian warlord, is being "ill-treated" in his British jail, a spokesman for his family has claimed.

Taylor’s family spokesman warned he would “die in jail” after going days without food or water.

The spokesman said friends and contacts had obtained the information on Taylor’s jail conditions and the family had not been in contact with the ex-warlord since his transfer to HMP Frankland in Co Durham earlier this month under tight security from The Hague, where he had been held since the start of his trial in 2007.

A source close to the family said that Taylor’s wife had been able to talk to him 10 minutes on the day he was transferred to Britain, but not since then and she was “very worried.”

“Information we got revealed that he is not given food and even water ... If this continues for the next two days, Taylor may die in jail,” family spokesman Sando Johnson said at a press conference in the Liberian capital Monrovia.

A Prison Service spokesman dismissed the claims as “total nonsense”.

Taylor's sentence on 11 counts of war crimes and crimes against humanity was the first handed down by an international court against a former head of state since the Nazi trials at Nuremberg in 1946.

Taylor had asked to serve his sentence in a Rwandan prison rather than in Britain in order to be closer to his family.

As Liberia's president from 1997 to 2003, Taylor supplied guns and ammunition to rebels in neighbouring Sierra Leone in a conflict notorious for its mutilations, drugged child soldiers and sex slaves, judges ruled.

Taylor was found guilty of supporting the rebels during a civil war that claimed 120,000 lives between 1991 and 2002, in exchange for "blood diamonds" mined by slave labour.

Edited by Chris Irvine

The Point

Tuesday, 29 October 2013

The International Criminal Court and Africa Monday issue 28 October 2013

When the Rome Statute was passed in 1998, creating a permanent international criminal tribunal to try the most serious crimes of international concern, even delegates to that conference remained pessimistic about the success of such a bold step.

At the forefront of such concerns was the perception that the ICC will end up as a tool for settling political scores. Nonetheless the court became operational in the year 2002, modelled largely on the existing International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Presently, all ICC cases are focused on Africa and Africans. As a result its relationship with Africa has been an important denominator in its work.

From Kenya's decision to withdraw from the court to the African Unions reported decision to bar all sitting African heads of state from standing trial before the ICC, it is an opportune timeto look at ICCs relationship with Africa and some of the broader issues it raises.

Perhaps a good starting point would be the controversy surrounding the ongoing trials of the President and Vice President of Kenya at the Hague in relation to the post-election violence that ensued in Kenya in 2007.Kenya has announced its decision to withdraw from the ICC. The withdrawal makes it almost impossible for the ICC to open future investigations in Kenya. It however does not affect, at least overtly, the current judicial process against the Kenyan president and vice president. Perhaps realizing such a limitation, Kenya petitioned the African Union precipitating the recent extra-ordinary summit of the AU. As a result the AU has decided to ask the UN Security Council to exercise its powers under article 16 of the Rome statute and defer the Kenyan trials at the ICC. The African leaders have also resolved that no sitting African head of state should stand trial at the Hague.

For the Kenya case, the AU has a point. These are two individuals (current president and vice-president) who have been voted into office in a democratic election. All this happened whilst the ICC charges were alive. The development should be used as a stepping-stone to promote national reconciliation by the International Community. Indeed, it can be argued that their election is a clear demonstration of the majority of Kenyans readiness to move on from the post-election violence and turn a new page. The Kenyan people deserve leaders who are fully focused on their responsibility of governing its people. The choice of the Kenyan people must be respected.

On the broader perception that the ICC is unfairly focusing on Africa and Africans, the court is always quick to point out that some of the cases were referred by African governments. This position does not sufficiently address the issue. The issue is are Africans the only people committing serious international crimes? A quick glance through current affairs around the world suggests an emphatic No to that question. The International Criminal Tribunal for Rwanda and the Special Court for Sierra-Leone are both International Courts that were set-up to deal with atrocities committed during the Rwandan Genocide and the Civil War in Sierra-Leone respectively. As a result high profile individuals such as Charles Taylor, former president of Liberia and Jean Kambanda, former prime minister of Rwanda were successfully tried

and convicted. Both courts had their own challenges, but the African union never put up the sort of resistance to them as it is manifesting towards the ICC. A simple answer would be this: those courts were country specific whereas the ICC has a broader reach and it is the perceived reluctance of the ICC to fully assume that broader mandate, by seemingly focusing on Africa alone, that is derailing its credibility in Africa.

It is worth noting however that whilst African criticisms of the ICC are not unjustified, Africa also needs to get its house in-order. A lot of time and resources have been invested in confronting the ICC by the African Union-such as the recent extra-ordinary summit on the ICC in Ethiopia-but very little has been done to setup a viable, concrete and effective alternative to the ICC. There was talk of setting-up an African criminal court but the idea does not seem to be driven by the same passion and determination that often characterizes African Union opposition of the ICC. It is evident that Africa does not have a good track-record of appropriately dealing with human rights abuse. The African Commission for Human and Peoples Rights, a front line human rights body in Africa, offers a good example. Whilst this body has issued decisions penalizing various human rights abuses in the continent, many of those decisions have not been fully implemented largely due to lack of will and cooperation by many African governments. A similar challenge faces other African Human Rights Bodies.

The recent backing of investigations into alleged mass atrocities against former Chadian president Hissene Habre, by the African Union, in Senegal offers some hope that international criminal justice has a future in Africa.

Supporting domestic investigations and prosecutions is important considering that most African countries, even where the will exists, are unable to provide the requisite human and material resources needed to fully investigate and prosecute serious international crimes. Therefore a pooling of resources, by the AU, to fund an effective continental court (with jurisdiction over serious international crimes) or support domestic initiatives can be the way forward.

Victims of serious international crimes deserve justice in a timely, effective and impartial manner.

Malick Jallow is a Lawyer and has worked at the International Criminal Court.

Source: **Picture: The Author - Malick Jallow**