

**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

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Press clips are produced Monday through Friday.
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The News (Pakistan)

Tuesday, January 17, 2012

Revisiting the concept of presidential immunity — II

Lahore: Coming to Liberia, Article 50 of the Constitution here does grant immunity to a sitting president, but the country's 22nd head of state Charles Taylor was indicted for corruption by the Special Court of Sierra Leone in March 2003 while he was still in office.

Even though Taylor was an incumbent head of state at the time of his indictment, he was barred by the court from invoking his presidential immunity to resist the charges against him—a decision that had signaled a changing direction in international law on this issue.

On August 11, 2003, Charles Taylor had stepped down as president and went into exile in Nigeria and in December 2003, the Interpol had issued a “Red Notice” (international arrest warrant) for the former Liberian head of State.

On June 16, 2006, the United Nations Security Council agreed unanimously to allow Taylor to be sent to The Hague for trial and on June 20, 2006, he was extradited and flown to the Netherlands.

On March 11, 2011, the closing arguments in Taylor's trial at The Hague had ended and it was announced that the court would reach a verdict months later.

(Reference: Al- Jazeera TV report of March 11, 2011)

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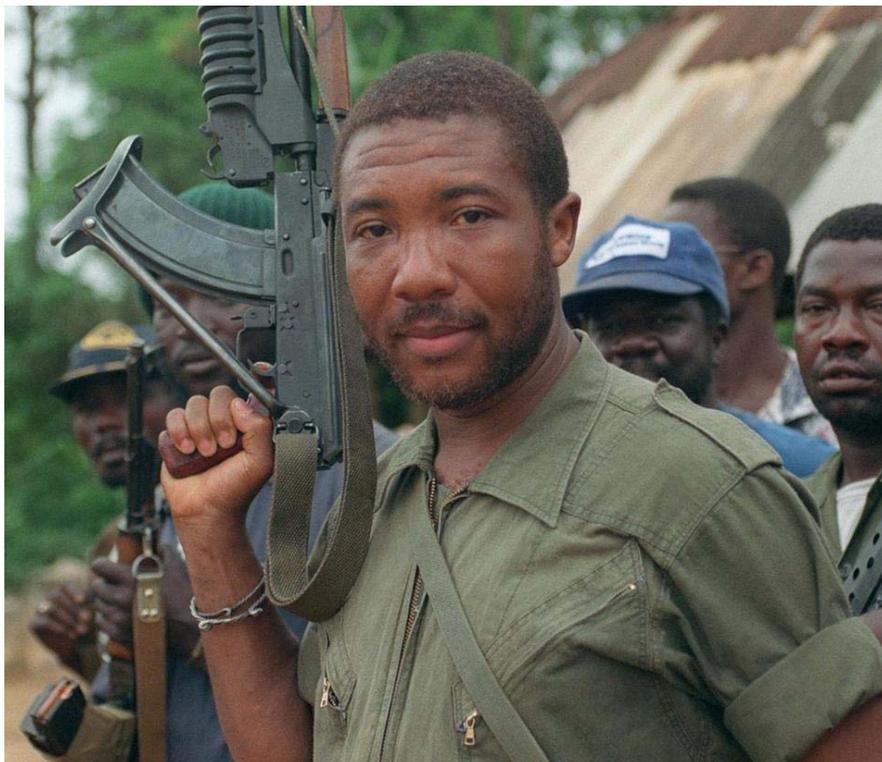
The Boston Globe

Tuesday, January 17, 2012

Mass. escapee turned Liberian dictator had US spy agency ties

Officials confirm Charles Taylor was valued source of information in early 1980s

By Bryan Bender



An assault rifle-toting Charles G. Taylor as a rebel leader in Liberia in 1990.

WASHINGTON - When Charles G. Taylor tied bed sheets together to escape from a second-floor window at the Plymouth House of Correction on Sept. 15, 1985, he was more than a fugitive trying to avoid extradition. He was a sought-after source for American intelligence.

After a quarter-century of silence, the US government has confirmed what has long been rumored: Taylor, who would become president of Liberia and the first African leader tried for war crimes, worked with US spy agencies during his rise as one of the world's most notorious dictators.

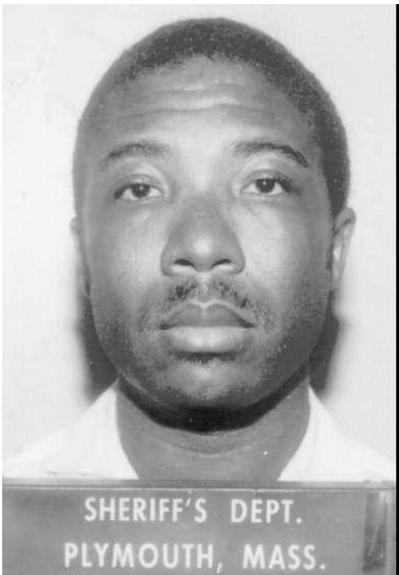
The disclosure on the former president comes in response to a request filed by the Globe six years ago under the Freedom of Information Act. The Defense Intelligence Agency, the Pentagon's spy arm, confirmed its agents and CIA agents worked with Taylor beginning in the early 1980s.

"They may have stuck with him longer than they should have but maybe he was providing something useful," said Douglas Farah, a senior fellow at the International Assessment and Strategy Center in Washington and an authority on Taylor's reign and the guns-for-diamonds trade that was a base of his power.

The Defense Intelligence Agency refused to reveal any details about the relationship, saying doing so would harm national security.

Taylor, 63, pleaded innocent in 2009 to multiple counts of murder, rape, attacking civilians, and deploying child soldiers during a civil war in neighboring Sierra Leone while he was president of Liberia from 1997 to 2003. After a proceeding that lasted several years, the three-judge panel of the UN Special Court for Sierra Leone is now reviewing tens of thousands of pages of evidence, including the testimony of about 100 victims, former rebels, and Taylor himself, whose testimony lasted seven months.

"We hope the verdict will come in the first quarter of this year," said Solomon Moriba, a spokesman for the court in The Hague.



Moriba said any relationship Taylor had with American intelligence was not related to his case before the court, but those who investigated the atrocities said it might explain why some US officials seemed reluctant to use their influence to bring Taylor to justice sooner.

After Taylor stepped down as Liberian president in 2003 following his indictment, he lived virtually in the open for three years in exile in Nigeria, a US ally. The Bush administration came under intense criticism from members of Congress for not intervening with the Nigerian government until Taylor was finally handed over to the court in 2006.

Charles Taylor as an inmate at the Plymouth County House of Correction in 1984.

Allan White, a former Defense Department investigator who helped build the case against Taylor on behalf of the United Nations, said the news reinforced suspicions he had for years.

"I think the intelligence community's past relationship with Taylor made some in the US government squeamish about a trial, despite knowing what a bad actor he was," White said in an interview.

Taylor's lawyer in the war crimes trial, Courtenay Griffiths, did not respond to several calls or e-mails seeking comment.

The Pentagon's response to the Globe states that the details of Taylor's role on behalf of the spy agencies are contained in dozens of secret reports - at least 48 separate documents - covering several decades. However, the exact duration and scope of the relationship remains hidden. The Defense Intelligence Agency said the details are exempt from public disclosure because of the need to protect "sources and methods," safeguard the inner workings of American spyecraft, and shield the identities of government personnel.

Former intelligence officials, who agreed to discuss the covert ties only on the condition of anonymity, and specialists including Farah believe Taylor probably was considered useful for gathering intelligence about the activities of Moammar Khadafy. During the 1980s, the ruler of Libya was blamed for sponsoring such terrorist acts as the Pan Am Flight 103 bombing over Lockerbie, Scotland and for fomenting guerrilla wars across Africa.

Taylor testified that after fleeing Boston he recruited 168 men and women for the National Patriotic Front for Liberia and trained them in Libya.

Over time, the former officials said, Taylor may have also been seen as a source for information on broader issues in Africa, from the illegal arms trade to the activities of the Soviet Union, which, like the United States, was seeking allies on the continent as part of the broader struggle of the Cold War.

Liberia, too, was of special interest to Washington. The country was founded in 1847 by freed American slaves who named its capital, Monrovia, after President James Monroe. The American embassy was among the largest in the world, covering two full city blocks, and US companies had significant investments in the country, including a Firestone tire factory and a Coca-Cola bottling plant.

A former ally of Taylor's, Prince Johnson, told a government commission in Liberia in 2008 that he believed US intelligence had encouraged Taylor to overthrow the government in Liberia, which had fallen out of favor with Washington for banning all political opposition.

Taylor's ties to Boston reach back four decades.

He arrived in 1972 and attended Chamberlayne Junior College in Newton and studied economics at Bentley College in Waltham. While in Boston, he emerged as a political force as national chairman of the Union of Liberian Associations. In 1977 he returned to Liberia and joined Samuel Doe's government after a coup in 1980.

Taylor served as chief of government procurement in the Doe regime but fled Liberia for Boston in 1983 after being accused of embezzling \$1 million from the government. He was arrested in Somerville in 1984 and jailed in Plymouth pending extradition.

The acknowledgment now that Taylor worked with US intelligence agencies at the time raises new questions about whether elements within the government orchestrated the Plymouth prison break in 1985 - as Taylor claimed during his trial - or at least helped him flee the United States.

Four other inmates who also escaped that night were soon recaptured.

"Why would someone walk out of a prison that's never been breached in a 100 years?" said David M. Crane, who was the chief prosecutor for the Sierra Leone war crimes court from 2002 to 2005 and now teaches at Syracuse University College of Law. "It begs the question: How do you walk out of a prison? It seems someone looked the other way."

Taylor recounted the episode during his trial testimony, insisting that a guard opened his cell for him.

"I am calling it my release because I didn't break out," Taylor testified. "I did not pay any money. I did not know the guys who picked me up. I was not hiding [afterwards]."

He said two men - he assumed they were American agents - were waiting for him outside the prison and drove him to New York to meet his wife. Using his own passport, he said, he traveled to Mexico before returning to Africa.

Brian Gillen, the superintendent of the maximum security jail in Plymouth who was director of security at the time of Taylor's escape, declined to comment when reached last week by the Globe.

Taylor reemerged in Liberia in 1989 as head of a rebel army.

"I assigned an officer to maintain a watch on the Taylor people," recalled James Keough Bishop, US ambassador in Liberia from 1981 to 1989.

Bishop said he was not aware of ties between American intelligence and Taylor.

After a series of bloody civil wars that lasted much of the 1990s, Taylor eventually assumed power. He was elected president in 1997.

Several former officials and specialists believe US intelligence had probably cut ties with Taylor by the time he became president, but Farah said he believes that even in the early years of their associations with Taylor, US intelligence agencies knew what kind of character he was.

"Even at the time, there were atrocities going on," he said. "He wasn't clean when they hooked up with him. We had a high tolerance for people who were willing to inform on Khadafy. The question is whether he actually provided anything useful."

Jurist

Monday, 16 January 2012

<http://jurist.org/forum/2012/01/charles-jalloh-mugesera.php>

A Date With Justice: Mugesera's Inevitable Deportation from Canada

JURIST Columnist Charles Jalloh of the University of Pittsburgh School of Law says that Léon Mugesera, who allegedly incited genocide in Rwanda and subsequently obtained asylum in Canada, must finally be deported to Rwanda to face trial for his role in the 1994 genocide...



Léon Mugesera, the Rwandan refugee in Canada who gave an inflammatory speech that allegedly helped to foment the worst and speediest genocide of the twentieth century, succeeded in evading justice by fleeing to the most unlikely safe haven: Canada. Eighteen years after he arrived in Québec, his luck appears to have run out as the legal saga that prevented his deportation to Rwanda, where he is expected to face trial for inciting genocide, draws to a dramatic end.

Canada, a liberal, multicultural and tolerant society that takes great pride in pioneering the concept of peacekeeping and steadfastly supporting the UN, is the most unlikely safe haven for Mugesera, an extremist Hutu politician who quickly rose through the ranks of a hard line Rwandan political party which opposed the Arusha peace negotiations that could have ended the ethnic tension between the majority Hutu population and minority Tutsis and averted the slaughter of up to a million people in just 100 days between April and July 1994.

It all began with an eloquent "four points" speech that Mugesera gave to a crowd of about 1,000 people at a national party rally held at Kabaya in Gisenyi Prefecture, Rwanda on November 22, 1992. In that textbook example of hate speech constituting direct and public incitement to genocide, which was recorded on tape and subsequently widely disseminated throughout Gisenyi and Rwanda, he skillfully used a mix of dramatic, emotional and vitriolic language in his native Kinyarwanda tongue to incite fellow Hutus to massacre Tutsis. His message was simple, his logic Machiavellian: "know that the person whose throat you do not cut now will be the one who will cut yours."

He went on to implore the presumably all Hutu audience not to leave themselves open to invasion, telling them that "[t]hese people called [i]nyenzi [cockroaches] have set out to attack us." He recalled historic instances of ethnic confrontation between Hutus and Tutsis that dated back to colonial days, when the Belgians ruled Rwanda, playing on common Hutu fears and negative stereotypes of Tutsis. He then offered a self-defense justification for extermination, warning that if the Hutus in the audience hesitated to stamp out the "cockroaches", the enemy (Tutsi) would stamp them out instead. Not surprisingly, in the weeks that followed the infamous speech, Tutsis were reportedly murdered throughout the Gisenyi region of Rwanda.

The outrage that Mugesera's speech apparently generated within more moderate Hutu political circles in Kigali led President Juvenal Habyarimana's government to issue a warrant for his arrest for, among other things, inciting others to commit mass murder and threatening national security. Habyarimana's regime, which later collapsed after the former military strongman was killed with the mysterious downing of his airplane at Kigali Airport on the evening of April 6, 1994, could seemingly not afford for Mugesera's public anti-Tutsi vitriol to derail peacemaking efforts aimed at resolving the feud between the two groups through a power sharing deal with the minority Tutsis, some of whom had organized themselves into the rebel Rwandan Patriotic Front and invaded the country from neighboring Uganda in October 1990. Habyarimana was reportedly killed by the Hutu Power extremists within his party, who preferred to

exterminate Tutsis instead of share power with them; in other words, the same characters within the Kigali political and military establishment that saw the world through eyes like those of Mugesera.

With the threat of arrest hanging over him, Mugesera escaped to Spain with his wife and five children. He quickly found the Canadian Embassy in Madrid and applied for admission into Canada as a refugee on March 13, 1993. Needless to say, he did not mention the content of his political speeches in Rwanda on his application, which was duly approved, thereby enabling him and his family to subsequently land in Canada in August 1993.

Thus began the long legal saga that has exercised the patience of even the most liberal Canadian government officials, whom instead of prosecuting Mugesera for inciting genocide in Rwanda under the principle of universal jurisdiction (as they later successfully did in a case involving Désiré Munyaneza, another Rwandese refugee), sought to deport him in 1995 by fiat of a ministerial order because he omitted material facts from his application that would have rendered him ineligible to enter Canada. He appealed the deportation order, and as part of that process, an independent immigration board adjudicator reviewed Mugesera's wipe out the Tutsi cockroach speech. On July 11, 1996, the adjudicator endorsed the minister's deportation order. He determined that there was a reasonable basis to believe that the Rwandan political operative had incited murder, hatred, genocide and crimes against humanity and was consequently inadmissible in Canada. He thus ordered that Mugesera be deported forthwith.

Mugesera appealed the order for his deportation through several layers of federal court judges all the way to the highest court in the land. Although he definitively lost his case at the Supreme Court of Canada on June 28, 2005, where eight judges unanimously upheld the decision finding him inadmissible in Canada because of his alleged participation in inciting heinous international crimes, Mugesera has since then managed to evade his date with justice in Rwanda. He has done so by using, and some might say, abusing the generosity of Canadian law which, through a complex immigration system laden with rights of appeal and judicial review of adverse lower tribunal decisions, makes it near impossible to expel alleged war criminals like him back to his country of origin.

To many people, it would likely be shocking to learn that the Canadian government has been trying to deport Mugesera back to Rwanda even before he lost his appeal at the Supreme Court of Canada in 1995. This is no doubt partly a function of Canada's liberal democratic commitment to the rule of law, both domestically and internationally. Somehow, however, Mugesera has always successfully found a legal loophole to exploit in order to stay in the country. As part of this, he has managed to outlast the tenure of seven ministers of immigration, all of whom have kept his deportation file open but none of whom have been able to send him back to Rwanda.

Even more strikingly, he has at times not only taken on the executive branch, but also the judiciary, and in both cases, he seems to continue winning. In an infamous application, Mugesera's lawyer, while appearing before the country's highest court, accused the federal ministers of immigration and justice of manipulation, bias and conspiracy with Jewish individuals and organizations to ensure that his client would be deported. Further, he suggested that the manner in which a vacancy on the Supreme Court was filled with Justice Rosalie Abella, who was one of the most distinguished appeals court judges in the country (and also happened to be Jewish), showed the outright manipulation of the political system for problematic purposes. The Supreme Court of Canada, in an uncharacteristic decision, condemned the "unprofessional and unacceptable" motion for its "unqualified and abusive attack" on the integrity of the judges, for displaying "anti-Semitic" tendencies, and for peddling "irresponsible innuendo."

In the latest drama in the Mugesera story, a delegate of the minister of immigration, in a well-reasoned decision issued on November 14, 2011, conducted a meticulous and comprehensive risk assessment and determined that Mugesera should be deported back to Rwanda to stand trial. His continued presence in the country was basically deemed an affront to Canadian values. The minister then scheduled his removal from the country on January 6, 2011.

Of course, within a couple of weeks, Mugesera's lawyers sought yet another stay of his removal order and certification to appeal the latest decision in the federal court. They suggested that he will not obtain a fair trial in Rwanda and that he risked being tortured as well as being subject to cruel and unusual punishment, a position that is at odds with the guarantees given by the Rwandan government, and perhaps more significantly, the judicial findings of international judges at the UN International Criminal Tribunal for Rwanda as well as the European Court of Human Rights (all of which have upheld initial decisions transferring genocide suspects back to Rwanda to face trial). A single judge of the Federal Court of Canada found the reasoning in the risk assessment unassailable and therefore upheld it on January 11, 2012. Justice Michel Shore therefore refused to certify the matter for appeal before a bench of federal judges.

Mugesera, apparently stressed by the news of his pending deportation, took ill and was hospitalized for about two days last week. Upon his release from hospital over the weekend, Canadian immigration enforcement officials arrested him in Québec. He is now in detention, presumably pending his deportation from Canada.

In the meantime, according to Canadian media reports, Mugesera, having now more or less exhausted his options within the federal court system, has taken his fight to evade justice in Rwanda to the Committee Against Torture in Geneva, which has apparently requested that the Government of Canada not return Mugesera back to Rwanda before an investigation into the merits of his allegations of possible torture in his homeland.

Although a legal question now arises as to whether Canada is obligated to continue to keep the alleged genocidaire on its territory, as it awaits a ruling from Geneva, as apparently suggested by a last minute decision issued by a provincial court judge in Québec, Ottawa officials have rightly insisted that they will continue with his removal consistent with the decisions of Canada's highest court.

This is welcome news. For it is time that justice is served, not just for Mugesera, but also for the numerous victims of the 1994 genocide that he allegedly helped to foment.

Charles C. Jalloh is an Assistant Professor of Law at the University of Pittsburgh School of Law. He was formerly an Associate Legal Officer in the International Criminal Tribunal for Rwanda and duty counsel to former Liberian President Charles Taylor at the Special Court for Sierra Leone. Comments are welcome at jallohc@pitt.edu.

Calcutta Telegraph

Tuesday, January 17, 2012

A few more promises to keep

-SNIP-

Liberia's tragedy was enacted during two-and-a-half decades of bad governance that also witnessed brutal suppression of democratic institutions, rampant corruption and a fractured polity. Samuel K. Doe, who captured power in 1980 after killing the president, William Tolbert, and ran the country with 16 junior colleagues of the Liberian armed forces, began the slide. He was assassinated in September 1990. This, however, brought in its wake a chilling civil war that claimed 250,000 lives and sent another 300,000 to exile. It involved seven factions, the most powerful of which was led by Charles Taylor. Taylor controlled two thirds of Liberia that included the areas rich in iron ore, timber and diamonds. Because of his deals with the former Libyan leader, Muammar Gaddafi, and Blaise Compaoré of Burkina Faso, he had also acquired formidable fire power. At the behest of the UN and the Economic Community of West African States, a ceasefire was declared and elections took place in 1997. In a way, Liberians voted for Charles Taylor under duress. If he had not been elected, the bloodshed would have continued.

Taylor repeated all the misdeeds of Doe. Additionally, he created many problems with the outside world. Taylor was obsessed with the idea of extending his political influence and control over the neighbouring diamond-rich states, such as Sierra Leone, Guinea and Ivory Coast, by extending support to the rebels in those countries. The UN, convinced of Taylor's vicious role in the export of terror and in the trade in 'blood diamonds', slapped sanctions on Liberia. Again ECOWAS stepped in and forced Taylor to step down. Taylor is being tried by the International Criminal Court at The Hague for his actions.

-SNIP-