

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



Diamond mining in Kono.

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:

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

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Taylor's defense to counter prosecutor sentencing recommendation

The defense for Charles Taylor is expected to submit its counter-recommendation Thursday after prosecutors said the former Liberian president deserves an 80-year sentence for a war crimes conviction.

Taylor was found guilty last month of aiding and abetting war crimes in neighboring Sierra Leone's civil war.

"Should the trial chamber decide to impose a global sentence, 80 years' imprisonment would be appropriate," said Brenda Hollis, chief prosecutor for the Special Court for Sierra Leone.

In the statement last week, the prosecutor said the sentence reflects the gravity of the crimes.

"But for Charles Taylor's criminal conduct, thousands of people would not have had limbs amputated, would not have been raped, would not have been killed," Hollis said. "The recommended sentence provides fair and adequate response to the outrage these crimes caused in victims, their families and relatives."

Last month's landmark ruling by the international tribunal was the first war crimes conviction of a former head of state by an international court since the Nuremberg trials of Nazi leaders after World War II.

Taylor, 64, was found guilty of all 11

counts of aiding and abetting rebel forces in a campaign of terror that involved murder, rape, sexual slavery, conscripting children younger than 15 and mining diamonds to pay for guns.

Prosecutors accused Taylor of financing and giving orders to rebels in Sierra Leone's civil war that ultimately left 50,000 dead or missing. His support for the rebels fueled the bloody war, prosecutors said.

Prosecutors, however, failed to prove that he had direct command over the rebels who committed the atrocities.

There is no death penalty in international criminal law, and he would serve out any sentence in a British prison.

Taylor has been a pivotal figure in Liberian politics for decades, and was forced out of office under international pressure in 2003. He fled to Nigeria, where border guards arrested him three years later as he was attempting to cross into Chad.

His trial was at the special court for Sierra Leone in The Hague, Netherlands. U.N. officials and the Sierra Leone government jointly set up the tribunal to try those who played the biggest role in the atrocities. The court was moved from Sierra Leone, where emotions about the civil war still run high.

PC Backs Charles Taylor's Judgement

Liberian president Charles Taylor for aiding and abetting rebels in Sierra Leone's eleven years rebel war. PC Jalloh says that the work by the international community is appreciating and a step in the

Paramount Chief of Nieni Special Court for Sierra Leone for the guilty verdict handed down on the former

right direction. The chief has also noted that the Special Court for Sierra Leone has Contd page 10

PC Backs Taylor's Judgement

provided opportunities for good number of Sierra Leoneans in the country.

He insisted that the Hague trial has served as a warning for leaders that human rights of people must be respected. Speaking about the development of his chiefdom, he said the challenges are many but that there are successes.

He highlighted the government's strides in infrastructural development including roads, energy and health among others. Chief Jalloh noted that projects implemented by the government are not small given that huge amount of money

is needed to implement them. The chief warned colleague paramount chiefs to dispense justice in their various chiefdoms judiciously, adding that the rights of people must be respected and promoted. "As chiefs you should condemn all forms of violence and abuse of human rights."

He said. He also stated that he has been working closely with the relevant stakeholders in the chiefdom including NGOs in the promotion of health and education. He said he has also provided scholarships for pupils and students a bid to build their capacity in the chiefdom.

AllAfrica.Com

Friday, 11 May 2012

Opinion

Africa: Courts in Charge of (Re)writing History?

By Vincent Larochelle

Are international criminal courts serving political agendas rather than upholding legal principles of justice? The recent ruling on the Charles Taylor case raises troubling questions.

'[M]y only worry is that the whole system is not consistent with all the principles we know and love, and the system is not consistent with all the values of international criminal justice, and I'm afraid the whole system is under grave danger of just losing all credibility, and I'm afraid this whole thing is headed for failure'.

- Justice Sow, alternate judge at Charles Taylor's trial.

Judges of International Criminal Law sit in the no man's land between international politics and law. The judgement given by the Trial Chamber II of the Special Court for Sierra Leone (SCSL) on 26 April 2012 - convicting former President of Liberia Charles Taylor of war crimes and crimes against humanity - is not just a legal declaration. It is also a politically sensitive statement of fact. Indeed, the Trial Chamber II's judgement conferred the weight of International Criminal Law's authority on a particular narrative of what happened in Sierra Leone during the civil war, and the extent of Charles Taylor's responsibility for these events.

What Justice Sow was trying to say last Thursday in his 'impromptu dissent', before his microphone was cut and the curtains dropped on the public gallery, is that the SCSL has a political agenda that is incompatible with some of the fundamental procedural and substantive requirements of a legal system. So long as this remains the case for the SCSL and similar courts, International Criminal Law is bound to remain a form of soft power used by and against governments in repentance of their past failures rather than a vehicle for the legal accountability of political actors, and the impunity of these actors is far from being a thing of the past.

One can only speculate as to what precisely Justice Sow meant when he said that 'there were no serious deliberations' in Charles Taylor's case. Less equivocal is his statement that 'under any mode of liability, under any accepted standard of proof, the guilt of the accused from the evidence provided in this trial is not proved beyond reasonable doubt'. What transpires from these statements is that the guilt of Charles Taylor was not established through a legal process, or at least not one in which judges give serious consideration to the proof presented by the Prosecution and Defence, and certainly not one which adheres to the principle of presumption of innocence (embodied in the necessity to prove culpability beyond reasonable doubt). This might explain why the SCSL has an almost perfect track record of conviction (with only one acquittal) despite hearing complex and time consuming cases. In mature legal systems, cases with a similar complexity and scope are notoriously unsuccessful. In the U.S. for example, the DiNorscio trial, which lasted years, was such a fiasco that it was made the subject of a movie.

Justice Sow's statement is not a dissenting judgement. It is an accusation brought against the SCSL which needs to be taken seriously. Other UN-mandated courts, for example the International Criminal Tribunal for Rwanda (ICTR), are open to the same criticism. Despite having jurisdiction to do so, the ICTR has refused to bring any indictments against any of the officers of the Rwandan Patriotic Army (RPA). In 2006, Human Rights Watch published, to no avail, its concern for the ICTR's failure to address violations

of Humanitarian International Law by the RPA during 1994.¹ In 2004, Filip Reyntjens commented that the post-genocide regime in Rwanda has prevented the ICTR from carrying out its full mandate. The ICTR's subjection to politics has caused it to fail in two respects. Firstly, it means that the RPA's actions were committed with impunity despite the existence of a jurisdiction to try them, which contradicts the very purpose of International Criminal Law. Secondly, and perhaps more importantly, the ICTR has contributed to rewriting history: the Rwandan genocide has obscured the fact that there was a civil war in Rwanda during the genocide.

Many are of the opinion that Charles Taylor deserves to spend the rest of his life in prison, and have hailed his conviction as a triumph of international justice. Nevertheless, if we are sacrificing the fundamental principles of legal systems in order to appease the exigencies of politics and public opinion, we are lynching both Charles Taylor and the ideal of international criminal law itself at the same time.

SAPA-AFP

Friday, 11 May 2012

Defence says 80 years for Charles Taylor 'excessive'



*Former Liberian President,
Charles Taylor
Image by: ISSOUF SANOGO*

Lawyers defending convicted Liberian warlord Charles Taylor on Friday sought a lesser sentence than the 80 years requested by the prosecution, which they said was "excessive".

"The 80-year sentence as advocated by the prosecution is manifestly disproportionate and excessive; it is not justified," the former Liberian president's lawyers said in papers filed before Sierra Leone's UN-backed court.

"The suggestion [that] but for Mr Taylor, the war in Sierra Leone would not have happened the way it did is an outright fallacy, or wild speculation at best," they added in a document made public by the Special Court for Sierra Leone.

Prosecutors and the defence will present their arguments to the court, based just outside The Hague, next week. Taylor, once one of the most powerful men in west Africa, will be sentenced on May 30.

Taylor, 64, was found guilty last month of helping Sierra Leone's Revolutionary United Front (RUF) rebels wage a terror campaign during a civil war that claimed 120 000 lives between 1991 and 2001.

In the first judgement against an ex-head of state by a world court since the World War II Nuremberg trials, he was convicted on all 11 counts including acts of terrorism, murder and rape committed by the rebels, who paid him for arms with diamonds mined by slave labour.

Last week, the Special Court for Sierra Leone's chief prosecutor Brenda Hollis said an 80-year jail term would be fair given Taylor's role in arming and aiding the rebels who killed and mutilated thousands in neighbouring Sierra Leone during the war.

Should Taylor get jail time, it will be spent in a British prison.

The Patriotic Vanguard

Friday, 11 May 2012

Charles Taylor and the Fallacy of the Special Court

Commentary

By Alfred Munda SamForay, USA.

Before we get to the matter of Prosecutor versus Charles Ghankay Taylor and the myths and fallacy of the Special Court for Sierra Leone, let's address some myths about Charles Taylor himself. In particular, the myth that the former Liberian president escaped from the Plymouth County Correctional Facility in Massachusetts in 1985 and somehow landed in Liberia without the knowledge and assistance of state or federal officials of the United States. Anyone who has ever worked in any state or federal prison in the United States as I have knows that no inmate escapes from such an institution without the assistance or knowledge of someone in the system itself. Of course, Mr. Taylor himself has testified under oath at his trial that his so-called prison break was in fact engineered and funded by the government of the United States and that he walked freely in the country before returning to Liberia to start his revolution that eventually spread to neighbouring Sierra Leone. Common sense also dictates that even if Taylor had somehow singlehandedly masterminded his escape, there was no reasonable chance of him flying out of the United States with a passport bearing his true name and likeness.

Much Ado About Nothing.

It may have been only coincidental – or perhaps not – that the Special Court for Sierra Leone has lasted almost as long as the Sierra Leone civil war itself which lasted from 1991 to February 2002. Or that the trial of Mr. Taylor would have lasted half as long as the war by the time the appeals are heard and disposed of. It may also have been purely coincidental that the justices sitting at the Dutch legal capital, The Hague, to try Mr. Taylor for war crimes and crimes against humanity for his alleged involvement in the war, dilly-dallied with the trial and the verdict until one day before Sierra Leoneans were to celebrate their country's fifty-first independence anniversary on April 27, 2012. If the timing of the verdict was to tap into the euphoria surrounding independence from Britain, which has culminated in fifty-one years of permanent dependence on the very colonial masters we wanted to separate ourselves from in the first place, it was a partially successful charade.

Last week, after convicting Mr. Taylor on eleven counts of Article II common to the Geneva Conventions known as war crimes and crimes against humanity for his alleged role in providing the fuel that drove the rebel war in Sierra Leone, the Prosecutor asked for an eighty year prison sentence for Mr. Taylor. Sentencing the sixty-five year old Taylor to eighty years in prison is clearly a form of judicial masturbation – an act to satisfy one's basic human instincts with no meaningful outcome. It is a nonsensical performance for the American and European overlords of the Special Court that serves no practical purpose whatsoever. The only significance for it is to justify the enormous amount of international taxpayer money that the court has expended on itself to conduct this trial as well as those of the other nine convicted people presently incarcerated at Mpanga Prisons in Rwanda.

The Killer Court

Throughout its ten years of existence in Sierra Leone, the Special Court has acquired a well-earned reputation as a killer court. A sort of judicial Bermuda Triangle where people entered as accused persons, innocent before the law, and exited as corpses or simply ceased to exist as human beings. As promised by its original Chief Prosecutor, David Crane, the role of the court was to make sure that those accused would "never see the light of day". Crane, a former United States military intelligence officer with no prior experience before an international tribunal was a master of nonsense and a grandstand artist of the baser sort. His failure to properly indict the CDF according to the court's own Rules of Evidence was a case in point.

It is worth noting that of the fourteen individuals accused, tried and or convicted by the court as bearing the greatest responsibilities for alleged atrocities committed in the civil war, four escaped trial or punishment by reason of death while in the custody of the court, or as fugitives from the court. In the case of AFRC leader, Johnny Paul Koroma, the man who allowed the RUF rebels to enter the city of Freetown in January 1999 and massacre a reported six

thousand people, his case was simply declared closed when the court unable or unwilling to locate him conveniently declared him dead although no body was ever presented to ascertain his alleged death. In the case of RUF field commander, Sam “Maskita” Bockarie, he was allegedly killed in Liberia or Sierra Leone under unexplained circumstances. In the case of RUF leader, Foday Saybana Sankoh, the previously robust sixty-something year old former army corporal and Second Vice-President of Sierra Leone, he slowly deteriorated into a zombie while in the custody of the court before he died of “natural causes.”

Then there was the case of the court’s and the country’s most celebrated accused person, former Deputy Minister of Defence and later Minister of Internal Affairs and leader of the government’s own Sierra Leone Civil Defence Forces (SL-CDF), Chief Samuel Hinga Norman. He was a former army captain and a robust sixty-three year old when the Sierra Leone Police arrested him on March 10, 2003 on orders from the Special Court and with the presumed knowledge of his boss, President Ahmad Tejan Kabbah. Norman was handcuffed behind his back and tortured on his way to prison at Bonthe Island. As a result of his mistreatment at the hands of agents for the court, he suffered a permanent hip injury for which he was flown to a prison hospital in Dakar, Senegal four years after his injury. Two weeks after a botched-up operation, Norman bled to death as a result of gross medical negligence and extreme cruelty to his person.

In a recently published book, *From SAS to Blood Diamond Wars*, authors Hamish Ross and former British Special Air Service operative, Fred Marafono, who should know a thing or two about covert operations, Marafono states in no uncertain terms that his former friend and comrade-in-arms, Sam Norman’s death was the result of someone purposefully injecting him with a drug that mimics a heart attack leading to chemically-induced myocardial infarction. As with Foday Sankoh, Mr. Norman’s death was ruled to be from “natural causes”. His family and the family doctor representing them at the autopsy, former Vice President of Sierra Leone, Dr. Albert Joe Demby, rejected the autopsy result and the subsequent inquest by the court. Mr. Norman had no previous history of heart disease. Uncontroverted evidence from Mr. Norman’s personal diary also clearly indicate that he was killed by agents of the court in collaboration with the then government of Sierra Leone to keep Norman from becoming a challenger or potential challenger to Mr. Kabbah’s anointed heir to the Sierra Leone presidency. Notwithstanding, Kabbah’s anointed one and his party still lost the general and presidential elections of 2007. In the case of Charles Taylor, rumors began circulating in mid-2010 that Mr. Taylor was suffering from heart ailment. Shortly thereafter, Taylor’s supporters began circulating rumors of their own that if Mr. Taylor died an untimely death in the custody of the court, as did Hinga Norman and other Special Court victims, “rebels” would enter Sierra Leone in broad daylight. Shortly thereafter, reports about Taylor’s alleged heart troubles quickly vanished from the rumor press.

The Charade at The Hague In April 2010, I had the unique though not entirely pleasant opportunity to spend a week in The Hague as a civil society observer at the Charles Taylor trial. Although my one-week in The Hague did not necessarily represent the true scope of the exceedingly long six-year trial, it did represent a snapshot of the futility of the whole judicial charade. I had anticipated prior to my arrival at The Hague that with the super-star status accorded Mr. Taylor, holding his trial in Europe instead of Sierra Leone where all the other defendants had been tried, that the balcony would be filled with curious spectators representing a cross-section of the international community. To my amazement, I was surprised to see that hardly any one attended the trial. During the morning session of the third day I was at the trial, I was actually the only spectator in the audience until a few hapless souls showed up later for the afternoon session.

This was not the only fallacy of the Taylor trial. During the time that I observed the trial, the prosecuting attorney, one Joseph Kamara, faced off with an RUF defence witness for Mr. Taylor. So unprepared and unprofessional was the prosecutor that in my official report to the court back in Sierra Leone, I opined that the court would fail to convict Mr. Taylor based on the strength of Taylor’s defence team and the awkward and lackluster performance of the prosecution team. In reality, of course, there is no way the court would allow itself to lose such a high profile and expensive case in full view of the people who financed the court into seemingly perpetual existence. In my interviews with the British Broadcasting Corporation later broadcast in Sierra Leone and Liberia, I advised the Liberian government not to give any consideration to setting up a “special court for Liberia” as was being rumored about. Whether Liberia harkens to this unsolicited advice remains to be seen. What is certain is that, more than the war itself, the establishment of the court remained the most divisive action in Sierra Leone in the country’s history.

How the Court Divided Rather Than Healed Sierra Leone

While the war itself did not divide the country along regional, tribal or religious lines, the court clearly did. By indicting only the leaders of the Kamajors, composed mainly of the Mende and Mende-related ethnic groups of the south and east of the country, the court, in Achebean terms, set a knife upon the things that held us together so that our people could no longer act as one – socially and politically. Accordingly, the largely south-eastern based ruling Sierra Leone People’s Party (SLPP) became, in the words of Jesus, a house divided among itself that ultimately could not stand and the SLPP lost the 2007 election. This was primarily because two of its principal pillars, Charles Francis Margai – a principal defence counsel for the CDF - and Samuel Hinga Norman, first accused of the SL-CDF, pulled out of the party to form the rival People’s Movement for Democratic Change led by Margai with strong backing from supporters of Chief Hinga Norman. As Robert Butler Yates said, “Things fall apart because the center cannot hold”.

These are some of the reasons, I advised the Liberian representatives present with me at The Hague including one Member of Parliament not to entertain the thought of establishing a special court for Liberia. The enormous cost of running the court – over two hundred million United States dollars in the case of Sierra Leone – which could better have been used to improve the lives of the living rather than avenging the dead is another compelling reason against the establishment of such a court. And what did Sierra Leoneans get for two hundred million dollars spent in their name? A divided nation, a set of ramshackled buildings along Jomo Kenyatta Road in Freetown and ten convictions at the cost of \$20 million per person all held outside Sierra Leone. For a country with the highest infant and maternal mortality rate in the world, we could have built ten universities or ten hospitals for women, infants and children. In short, for those who derive great satisfaction from blaming their own failures on other people, the fictional American boogey-man or the spirit of our ancestors, the Taylor verdict is a cause for celebration. For those of us with a more critical mind who think that Sierra Leoneans and only Sierra Leoneans bear the greatest responsibilities for slaughtering and hacking off the limbs of their own kith and kin, the Taylor verdict is tantamount to what American economist, John Kenneth Galbraith, calls intellectual ineptitudeness - or stupidity.

The first phase of the Taylor trial is over. It is now left with the sentencing and the subsequent appeals that will follow. Mr. Taylor will likely spend the rest of his natural life in prison in the United Kingdom as will the nine others presently imprisoned in Rwanda. Will the trials deter future war crimes and make the world safe for democracy? Did the Nuremberg trials following World War II deter the Khmer Rouge, the Rwandans or Sadaam Hussein from killing millions of their own people? Did it deter the United States and its NATO allies from killing innocent men, women and children in Libya? Or does the death of Samuel Hinga Norman, Muamar Kadhaffy, Laurent Gbagbo, the hunt for Bashir of Sudan and the conviction of Charles Taylor only prove that international justice is selective against the weak, the poor and, in particular, the Africans? You be the judge – or the jury.

Note: The author, Alfred Munda SamForay, is a former member of Civil Defence High Command and head of the CDF support group, the Sierra Leone Action Movement (SLAM). Unlike the former substantive head of the CDF, Minister of Defence, Commander-in-Chief and President of Sierra Leone, Ahmad Tejan Kabbah, who refused to testify on behalf of the CDF which he created, SamForay testified in writing before both the Truth and Reconciliation Commission as well as the Special Court. For the past ten years he has remained an unrepentant critique of the Special Court for usurping the Sierra Leone judicial system, unlawful and immoral payments to prosecution witnesses for false testimonies, lack of judicial independence from Sierra Leone politics and mismanagement of international taxpayer funds to run the court. The views expressed in this article are entirely those of the author.

The New Dawn (Liberia)

Thursday, 10 May 2012

Reparation Will Be Resisted, If...

The April 26, 2012 guilty verdict passed against the former President of Liberia, Charles Taylor by Chamber II of the Special Court for Sierra Leone sitting in The Hague has been described as one that was long anticipated.



The former Deputy Speaker of the House of Representatives, now Bong County District #1 Representative J. Togbah Mulbah of the main opposition Congress for Democratic Change told this paper Monday that Taylor's indictment, arrest, detention and prosecution were politically influenced by the west, and that his guilty verdict was of no surprise to many people in Liberia, including himself.

"Should there be anything like reparation for Sierra Leone, America and the UK will shoulder that responsibility because they undertook their project and not the Liberian Government," Legislator Mulbah told a New Dawn interview.

Also reacting to the guilty verdict, the Chairman of the Committee on National Defense of the House of Representatives, George S. Mulbah noted that it would be unthinkable for anyone to bring before the Liberian Legislature the issue of reparation to Sierra Leone if required by the Court.

Chairman Mulbah described the Court as a Sierra Leonean Court established by the Laws (Parliament) of that country backed by the United Nations, and that Liberia was never a signatory to that Court and will therefore not be "mixed up" in such things as paying reparation.

"There should be nobody dreaming about the Liberian Government paying money or whatever to Sierra Leone because they themselves know that we were never a signatory to that Court. We will resist any attempt to make the Liberian Government to pay reparation-it will not work here at this Legislature," the House Committee Chairman on National defense said.

He described Taylor guilty verdict as not only politically motivated, but a sad day for Liberia it was something demeaning happening to the country as evidenced by the "rainbow which encircled the sun" on the day of the ruling.

The two Liberian Legislators further noted that thousands and thousands of Liberians across the country mourned the day because of Taylor may have been a victim of the circumstances involving western economic interest in Liberia, as evidenced by the current debate on the country's oil.

Immediately following the verdict on April 26, an executive of the ruling Unity Party, David Kortie told a live BBC interview in Monrovia that the fact that Taylor was a former President of Liberia, it was a sad moment for the nation and its people.

Kortie describe the entire process as a "make up and manipulation" by certain western powers to eliminate Taylor.

Former President Moses Z. Blah, in reaction to the verdict, told a Monday, April 30 BBC interview that he should not be held responsible because his testimonies were never intended to entrap Taylor.

He claimed to have been threatened with indictment by the Prosecution of the Special Court for Sierra Leone had he failed or refused at the time to honored its invitation to testify against his predecessor.

“Being that I was threatened with an arrest warrant I was forced to go and testified, but not at my own freed mind,” the former president noted.

Many listening to radio stations and watching television in Bong, Margibi, Lofa and Nimba Counties looked on in tears and sorrow after Judge Richard Lussick of the Republic of Samoa and chamber II of the Court read the ruling.

The early morning sunny weather had also become very mal with the sun completely in the middle of a rainbow just as it was in Monrovia for several hours during and following the BBC live broadcast.

Some Liberians claimed that the nation was mourning the decision of the International Court against their former president, as others said justice was being aborted, and that it was only God’s intervention that could have set Taylor free.

Expressing their concerns about the timing of the ruling by the Special Court, many harbored the belief that it was actually a “gift for the Sierra Leoneans” because the ruling against their former President was made on the eve of Sierra Leone’s Independence Day which was on Friday, April 27.

Arab News.Com
Thursday, 10 May 2012

ICC must not succumb to selective justice

By ALEMAYEHU G MARIAM

After 420 days of trial (over nearly four years), 115 witnesses, over 50,000 pages of testimony, and 1,520 exhibits, Charles Taylor, warlord-turned-president of Liberia, was found guilty on 11 counts by the UN Special Court for Sierra Leone.

Taylor was found guilty of war crimes and crimes against humanity committed in Sierra Leone from Nov. 30, 1996, to Jan. 18, 2002. Over 50,000 people died in that conflict. Taylor “aided and abetted” the notorious warlords Foday Sankoh, Sam “the Mosquito” Bockarie and Issa Sesay of the Revolutionary United Front (RUF) in Sierra Leone. Taylor participated in the planning, instigation and commission of these crimes and provided weapons and military support in exchange for “blood diamonds” mined by slave laborers in Sierra Leone. Taylor will be sentenced next month.

There were some problems in the prosecution’s evidence. There were few documents to show the depth and scope of Taylor’s involvement with the rebels. There was no evidence that Taylor was at the scene of the rebel crimes. There was little evidence showing the Liberian troops Taylor sent to Sierra Leone were directly involved in the war crimes and crimes against humanity. However, prosecutors were able to use radio and telephone intercepts and the testimonies of Taylor’s close associates and security detail and show that Taylor had shipped weapons to the rebels in exchange for (blood) diamonds.

The International Criminal Court (ICC) has issued arrest warrants for other current and former African heads of state, including Cote d’Ivoire’s former President Laurent Gbagbo and Sudan’s President Omar Bashir (and the late Muammar Qaddafi). In November 2011, Gbagbo was quietly whisked away to the Hague from house arrest in Cote d’Ivoire to face justice before the ICC on charges of crimes against humanity (murder, rape and other forms of sexual violence, persecution and other inhuman acts) that were allegedly committed during the post-election period. Gbagbo will soon be warming Taylor’s chair.

Bashir sneered at the ICC indictment in 2009: “Tell them all, the ICC prosecutor, the members of the court and everyone who supports this court that they are under my shoe.” (In time, he may come under the ICC’s shoes.) The UN estimated well over 300,000 people have perished under Bashir’s regime. Along with Bashir, the ICC has also issued warrants against other Sudanese nationals including Ahmed Haroun, a lawyer and minister of humanitarian affairs, Ali Kushayb, a former senior Janjaweed (local militiamen allied with the Sudanese regime against Darfur rebels), Bahr Idriss Abu Garda, a rebel leader and two others.

The ICC has also indicted criminals against humanity in Kenya. Uhuru Kenyatta, finance minister and son of Kenya’s famed independence leader Jomo Kenyatta, resigned following an ICC ruling that he will face trial for crimes against humanity in connection with the communal post-election violence between supporters of presidential candidates Raila Odinga and Mwai Kibaki in 2008. The UN estimates some 1,200 people died in weeks of unrest between December 2007 and February 2008, and 600,000 people were forcibly displaced. Cabinet secretary Francis Muthaura, a close ally of president Mwai Kibaki, former Education Minister William Ruto and radio announcer Joshua arap Sang face similar charges.

In Uganda, the ICC has indicted senior leaders of the “Lord’s Resistance Army” including the notorious Joseph Kony, his deputy Vincent Otti and three other top commanders. In the D.R. Congo various rebel and militia leaders and Congolese military officers and politicians including Thomas Lubanga Dyilo,

Jean-Pierre Bemba Gombo, Bosco Ntaganda, Mathieu Ngudjolo Chui and two others have been indicted. The ICC has issued arrest warrants for Muammar Qaddafi's son Saif Al-Islam and Libyan intelligence chief Abdullah Al-Senussi who was arrested in Mauritania in March of this year. Libya is contesting ICC jurisdiction so that it may be able to try the two suspects in Libyan courts.

While seeking out war criminals and criminals against humanity in the Sudan, Kenya, Uganda, the DR of Congo, Libya and other places, the ICC and UN Security Council have avoided "Crimes Against Humanity Central-Ethiopia". The evidence of crimes against humanity and war crimes in Ethiopia is fully documented, substantial and overwhelming.

An official Inquiry Commission appointed by Meles Zenawi in its 2006 report documented the extrajudicial killing of at least 193 unarmed protesters, wounding of 763 others and arbitrary imprisonment of nearly 30,000 persons in the post-2005 election period in Ethiopia. The commission was limited to investigating the "violence that occurred on June 8, 2005 in Addis Ababa and violence that occurred from Nov. 1 to 10, 2005 and from Nov. 14 to 16, 2005" in other parts of the country.

The commission's evidence further showed that nearly all of the 193 unarmed protesters died from gunshot wounds to their heads or upper torso. The Commission found substantial evidence that professional sharpshooters were used in the indiscriminate and wanton attack on the unarmed protesters. These and many other shocking facts were meticulously documented by the Inquiry Commission which examined 16,990 documents, received testimony from 1,300 witnesses and undertook months of investigation in the field. There is also documentary evidence to show that there are at least 237 named police and security officials directly implicated in these crimes and subsequently dismissed from their positions. No person has even been criminally investigated, arrested, charged, prosecuted or in any way held accountable for any of these crimes.

It is historic and commendable that the ICC UN Special Tribunal for Sierra Leone has convicted Charles Taylor for war crimes and crimes against humanity. The verdict is undoubtedly a giant step forward in ending the culture of official impunity and criminality in Africa. African dictators and tyrants may no longer assume automatic impunity for their criminal actions. David Crane, the former prosecutor who indicted Taylor in 2003 correctly pointed out, "This is a bell that has been rung and clearly rings throughout the world. If you are a head of state and you are killing your own people, you could be next." UN Secretary General Ban Ki-moon described the Taylor verdict as "a significant milestone for international criminal justice" that "sends a strong signal to all leaders that they are and will be held accountable for their actions."

But the ICC and the UN Security Council must not succumb to the shameful practice of selective justice. It is hypocritical to indict criminals against humanity in the Sudan, Kenya, Uganda and the D.R. Congo and pretend to "hear no evil, see no evil and speak no evil" on the war criminals and criminals against humanity in Ethiopia. There cannot be a double, triple or quadruple standard of justice tailored for different grade of war criminals and criminals against humanity. There is no such thing as a good war criminal or criminal against humanity. There can be no beauty contest among warhogs.

What is good enough for the Sudan, Kenya, Uganda and the DR Congo must be good enough for Ethiopia because what is good for the goose is good for the gander. Based on the compelling and substantial readily available evidence, the ICC has a legal duty and a moral obligation to at least open an investigation into war crimes and crimes against humanity committed in Ethiopia since 2002 when the court was created.

Kimberley Process Diamond Certification Scheme Chair Reflects on Charles Taylor Trial Verdict

By Pauline

“The Special Court for Sierra Leone (SCSL) has convicted former Liberian President Charles Taylor for aiding and abetting and planning crimes against humanity, war crimes, and other serious violations of international law in 2003, in connection with some of the worst atrocities in Sierra Leone’s civil war. This trial was an important step toward delivering justice and accountability for the victims in Sierra Leone, and restoring peace and stability in the country and the region.”

“The court’s verdict is also a vivid reminder of the importance of the Kimberley Process (KP) and the numerous other international initiatives undertaken to address the terrible problems of child soldiers, corruption, and small arms trade. For the KP’s part, much has been achieved since the KP launched its Certification Scheme for rough diamonds in January 2003. In the 1990s, conflict diamonds, which helped finance conflicts in Sierra Leone and Liberia, among other countries, represented an estimated 4-15 percent of the global market. Today, that number has been reduced to less than one percent, thanks in part to the efforts undertaken by governments, industry, and civil society through the Kimberley Process to bring improved governance and transparency to the trade,” reflects the KP Chair.

“As we reflect on the progress made by the Kimberley Process to stem the trade in conflict diamonds, we must also look to the future to ensure the KP remains credible, effective and relevant. This historic moment is an opportunity both to see how far we have come and to reflect on what remains to be done,” reflects the KP Chair.

Source: DiamondNews (<http://s.tt/1bo7y>)

80 years for Charles Taylor would be ‘excessive’: defence

Charles Taylor during a past hearing/FILE

Lawyers defending convicted Liberian warlord Charles Taylor on Friday sought a lesser sentence than the 80 years suggested by the prosecution, which they said was “excessive.”

“The 80-year sentence as advocated by the prosecution is manifestly disproportionate and excessive; it is not justified,” the former Liberian president’s lawyers said in papers filed before Sierra Leone’s UN-backed court.

“The suggestion (that) but for Mr Taylor, the war in Sierra Leone would not have happened the way it did is an outright fallacy, or wild speculation at best,” they added in a document made public by the Special Court for Sierra Leone.

Prosecutors and the defence will present their arguments to the court, based just outside The Hague, next week. Taylor, once one of the most powerful men in west Africa, will be sentenced on May 30.

Taylor, 64, was found guilty last month of helping Sierra Leone’s Revolutionary United Front (RUF) rebels wage a terror campaign during a civil war that claimed 120,000 lives between 1991 and 2001.

In the first judgement against an ex-head of state by a world court since the World War II Nuremberg trials, he was convicted on all 11 counts including acts of terrorism, murder and rape committed by the rebels, who paid him for arms with diamonds mined by slave labour.

Last week, the SCSL’s chief prosecutor Brenda Hollis said an 80-year jail term would be fair given Taylor’s role in arming and aiding the rebels who killed and mutilated thousands in neighbouring Sierra Leone during the war.

Should Taylor get jail time, it will be spent in a British prison.

Samoan judge Richard Lussick stressed in his conviction ruling last month that although Taylor had substantial influence over the RUF, including over its feared leader Foday Sankoh — who died in 2003 before he could be convicted by the SCSL — “it fell short of command and control” of rebel forces.

Taylor's lawyers argued that to give him a fair sentence, judges should "pay close attention to the nature and extent of the accused's participation ... not merely the nature and extent of the crimes committed."

The hearings, which saw model Naomi Campbell give headline-grabbing testimony over a gift of diamonds Taylor gave to her at a charity dinner hosted by then South African president Nelson Mandela, lasted nearly four years, wrapping up in March 2011.

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Prosecutors alleged that the RUF paid Taylor with illegally mined so-called blood diamonds worth millions, stuffed into mayonnaise jars.

The rebels would in return get arms and ammunition provided by Taylor.

Prosecutors said "but for Charles Taylor's criminal conduct, thousands of people would not have had limbs amputated, would not have been raped, would not have been killed."

Taylor, Liberia's president from 1997 to 2003, had dismissed the charges as "lies" and claimed to be the victim of a plot by "powerful countries."

Authorities in Nigeria arrested Taylor in March 2006 and he was transferred to The Hague in 2006 after security fears in the west African country.

During Taylor's trial, which began on June 4, 2007, 94 witnesses took the stand for the prosecution and 21 for the defence.

Taylor himself testified for 81 hours, calling the trial a "sham" and denying claims that he ever ate human flesh.

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<http://www.thenation.com/article/167809/if-charles-taylor-can-be-tried-war-crimes-why-not-kissinger>

If Charles Taylor Can Be Tried for War Crimes, Why Not Kissinger?

Reed Brody

Brussels

Should Vladimir Putin be studying the conviction of Charles Taylor, the former Liberian president? What about Henry Kissinger?

In April a United Nations–backed special tribunal in The Hague convicted Taylor of “aiding and abetting” the rebels in neighboring Sierra Leone as they committed horrific abuses against civilians. The rebels’ crimes, which included their signature atrocity of cutting off victims’ arms and legs, as well as forcing children to execute their parents, were among the most heartless I have ever investigated.

The Spanish Supreme Court has effectively ended the career of the judge who dared to revisit the crimes of the Franco era. But the real losers are those who relied on him to defend human rights, from Spain to Guantánamo.

As the war on terrorism gears up, governments around the world are already justifying repression in the name of that cause, while the Bush Administration and its allies send signals that they may look the other way.

The verdict marked the first time since the post–World War II Nuremberg trials that a former head of state has been convicted by an international tribunal of war crimes and crimes against humanity. What may be of more lasting significance, however, is that Taylor was not convicted for oppressing his own people—though he did that as well—but for his material support to abusive forces in another country. In that respect, the decision speaks not just to tinpot dictators but to leaders of countries who fight proxy wars by knowingly giving client states or rebel allies the means to commit atrocities.

Following precedents from the Yugoslavia war crimes tribunal, the court—officially called the Special Court for Sierra Leone—said that “aiding and abetting” requires that the accused give “practical assistance, encouragement, or moral support which had a substantial effect on the perpetration of a crime.” The accused must have known that his acts “would assist the commission of the crime by the perpetrator” or be aware “of the substantial likelihood” that they would.

In Taylor’s case, the court found that he knew of the atrocities being committed against civilians by his Sierra Leonean allies “and of their propensity to commit crimes.” Nevertheless, the court said, Taylor continued to ship arms to the rebels and provide them with political and moral support and encouragement. The principle is akin to giving more ammunition to an armed man on a killing spree.

It’s striking that the very same legal reasoning could apply to those in Washington, Moscow or elsewhere who provide military assistance to abusive forces half a world away. Take, for example, the case of former US Secretary of State Henry Kissinger and East Timor. Declassified documents reveal that after the Timorese declaration of independence from Portugal in 1975, Kissinger and President Gerald Ford, fearing that the new country would become a communist outpost, gave Indonesian President Suharto the green light to invade the island in a Jakarta meeting the day before the invasion.

The United States was then supplying Indonesia's military with 90 percent of its arms, and Kissinger himself described their relationship as that of "donor-client." As the civilian death toll from the invasion climbed into the tens of thousands and the reports of atrocities mounted, Kissinger ensured that US arms continued to flow to the invading forces despite Congressional strictures. Estimates of those who died from military action, starvation or disease range from 100,000 to 180,000—roughly one-seventh to one-fourth of the entire population of East Timor.

The reasoning might also apply to Russian leaders if it were found that they gave Syrian President Bashar al-Assad the means to massacre his own people. Russia (and before it the Soviet Union) has long supplied Syria with the bulk of its weapons. But even during the latest crackdown, which has become increasingly brutal—including the shelling of Syrian cities with heavy artillery—Russian exports of arms and ammunition have continued. While Russian officials say the weapons are used for defensive purposes, others allege that the shipments include sniper rifles of the kind used by Syrian government forces against protesters.

To be sure, it is hard to imagine a case against a Russian or American leader reaching an international court. Neither country has ratified the statute authorizing the International Criminal Court, and both can veto any Security Council referral to the ICC. Unfortunately, the most powerful, and those whom they protect, still appear to be beyond the reach of the developing architecture of international justice.

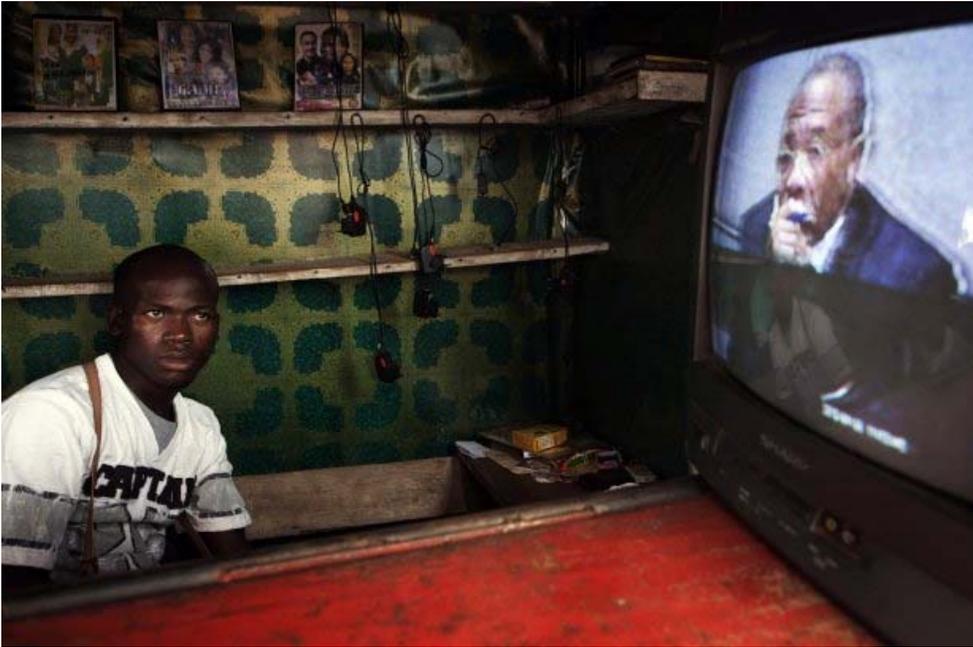
Even so, the Taylor decision should give pause not only to leaders who kill their own people but also to those who would arm and support them. As such, it could be a major advance for human rights.

About the Author, Reed Brody is Counsel and Spokesperson for Human Rights Watch in Brussels. Also by the Author, The Conviction of Baltasar Garzón

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D-Day for the ICC in Africa



Africa and the ICC have an intense and complicated relationship. The African Union would like to change this and have Africa take responsibility for enforcing its own justice, and it's meeting to do exactly this. But don't expect the ICC to go anywhere yet. By SIMON ALLISON.

In Addis Ababa, the Ethiopian-flavoured African capital with a less than stellar reputation for justice, a select group of African lawyers, jurists and diplomats is meeting to discuss one of the most contentious issues: the International Criminal Court and how Africa should deal with it.

They'll have a lot to discuss. Africa and the ICC have a short, but difficult history. The international court tasked with prosecuting the very worst of humanity, mass murderers and the war criminals, is a recent invention. This year, it's only a decade old, but already its influence stretches far beyond its fancy courtroom in The Hague.

The court has been particularly busy in Africa. In fact, African leaders believe it's only been busy in Africa. Look at its list of ongoing cases and situations being investigated by the court, and you will see a succession of African faces. There's Joseph Kony, warlord extraordinaire and social media phenomenon, President Omar Al-Bashir, Sudanese president and the first sitting head of state to be indicted; a selection of top Kenyan politicians, including two presidential candidates and a few Gaddafis, among others.

There are no Asian faces, no white faces, no Latin American or Arab faces (Gaddafi, I will remind you, clung vociferously to the concept that he was African before he was anything else). This has created a perception that Africans are being unfairly targeted. "We are neither against justice nor against the court, we are against the way justice is being rendered," said African Union Commission chairman Jean Ping. "Why is nobody else except Africans being tried by this Court? This is the question we are asking ourselves."

Indisputably, the court does appear to have a bias towards trying Africans and investigating African conflicts. There is, however, some reason for it. The ICC is the product of a very delicate set of negotiations that resulted in the Rome Statute, an international treaty which among other things established the ICC. However, the court was given strict guidelines on how to operate and what exactly it could investigate. Its investigations are limited to those requested by a specific country, when it doesn't have the capacity to administer justice itself and those referred to it by the United Nations Security Council. Much as it might want to, the court is at the mercy of international

diplomacy. Countries with the smallest voice and least power are far more likely to be investigated than others. Unfortunately, most African countries fall into this category.

This is not necessarily a bad thing. After all, many African countries – especially those in or emerging from conflict – do not have the capacity to administer justice. They need help. Look at Sierra Leone, for example, which appealed to the international community to establish a special court to investigate abuses during its civil war. The government understood it had neither the resources nor the political stability to prosecute alleged war criminals, so it asked for support. The result was the Special Court for Sierra Leone, which recently delivered a landmark guilty verdict against former Liberian president Charles Taylor – the first former head of state to be successfully prosecuted in an international court.

So perhaps we should just accept the ICC's help. The court's next chief prosecutor, Fatouh Bensouda, certainly thinks so. And she's African. "Anytime I hear this about ICC targeting Africa, ICC doing double justice, it saddens me, especially as an African woman, also knowing that these conflicts are happening on the continent of Africa. We say that ICC is targeting Africans, but all of the victims in our cases are African victims. They are not from another continent."

This argument is unlikely to sway the delegations in Addis Ababa. The ICC is not popular among African leaders, who have been notoriously unwilling to enforce international arrest warrants. Bashir has had his warrant hanging over him since 2009, and this has not prevented him being welcomed in a number of African capitals. Perhaps some leaders are wary of acknowledging the ICC's legitimacy, nervous that they too could one day end up before its judges.

As a result, the agenda of the meeting is heavily tilted in favour of finding a way to move war crimes and human rights abuses from an international jurisdiction into an African one. "The purpose of this meeting is to expand the jurisdiction of the African Court of Justice and Human and Peoples' Rights so that it can deal with international crimes such as genocide, crimes against humanity and war crimes as well as trafficking in hazardous waste, illegal exploitation of natural resources and corruption," said an African Union statement.

But not everyone is behind this African consensus. South Africa has been leading the small minority of countries in favour of enforcing ICC interdicts. Bashir knows he can't come to Pretoria. Botswana too would arrest him, and now Malawi (under President Joyce Banda) asked not to be put in the difficult position of making a choice on the matter. Malawi's capital Lilongwe will host the next African Union summit in July, and Banda has requested that Bashir send a representative in his place.

The chances of the pro-ICC lobby exerting much influence in Addis are small. However, there are other considerations that might work in favour of the ICC. Cost is a major factor. International trials cost tens of millions of dollars, money the African Union can't afford. They also require a huge amount of organisation and oversight – something the African Union, running without an elected chairperson for its commission, is unable to do at present. And until Africa can provide a viable alternative, the ICC is duty-bound by its own regulations to continue its investigations and prosecutions in Africa.

So for now, as much as African leaders may whine about it, the ICC is here to stay, and a meeting in Addis Ababa won't be enough to change this. DM