

**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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International News

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Front Page

Monday, 8 July 2013

Liberia: 'For the Sake of Charles Taylor' - NPP Lawmaker Quits 2014 Race, Backing Jewel

By Selma Lomax

Gbarnga — Senator Jewel Howard-Taylor's re-election bid Sunday received a boost after her main political rival and fellow partisan Rep. George Mulbah (District 3) abandoned his senatorial intentions to support her quest for another nine years.

The two Bong lawmakers had been at odds for the past two years since Mulbah announced his candidacy for the midterm election next year.

Mulbah, the Bong caucus chair, accused Howard-Taylor - the party's standard bearer - of attacking his retention as caucus chairman.

"For me, I am not contesting in any election until 2017. If Senator Howard-Taylor feels she can fight me by fielding Senator Henry Yallah for the position of caucus chairman, no problem but she will not get my support 2014," Mulbah said prior to last year's caucus election that got disrupted.

Serving as a 2012 commencement speaker at the William V. S. Tubman Gray High School in Gbarnga, Mulbah decried the re-election of Senator Howard-Taylor and claimed that his standard bearer has not done enough for citizens of Bong County since rising to political prominence in 2005.

"You can't be a former first lady for four years and serving as senior senator but refusing to construct a house in the county. Where is the love? Bong County is not a place for political expatriate," Mulbah said.

Declaring Sunday, Mulbah said: "I want to make it clear that I will be abandoning the senatorial race in 2014 to support my standard bearer Jewel Howard-Taylor. Of all the candidates for 2014, I believe Senator Howard-Taylor has the best legislative credential and the experience to lead this county."

'For the sake of Charles Taylor'

Mulbah, a former Bong superintendent, said his decision is tied to love shown by former president Charles Taylor during his 10 year stay in Bong County.

He said it would be an act of ingratitude to the National Patriotic Party and former president Charles Taylor - the party's first standard bearer - if he doesn't support NPP and Senator Howard-Taylor in next year's election.

"Jewel Howard-Taylor and her former husband Charles Taylor did well for me. I gained political relevance when Charles Taylor appointed me as superintendent of Bong County. There is no way I can turn my back on the NPP," Mulbah said.

'We need geo-political balance'

Mulbah said electing another upper Bong senator following the election of Henry Yallah last year would upset political balance.

"Bong County has always had upper and lower Bong senators dating as far back as the time of former senators Francis Garlawolo (lower Bong) and Richard Flomo (Upper Bong). With Henry Yallah already having been elected, voting for another upper Bong senator would be disastrous for the county's peace process," Mulbah said.

With Senator Howard-Taylor facing charges from citizens of being a Lofa citizen because of her father's nativity, Mulbah and his locally run Bong Times newspaper have been critical about the senator's county of origin in the wake of her failure to construct a house in the county despite having served as former first lady and senator for eight years.

Ranney Jackson betrayed?

The Bong caucus chair's declaration for Howard-Taylor appears to be a blow for his closest friend and senatorial candidate Ranney Jackson, who has been in a long-standing feud with Senator Taylor and no doubt would have preferred that Mulbah remain neutral.

Mulbah said his declaration didn't mean to imply the other candidates are weak. "I have got to be a little careful, because I like Ranney Jackson. He stood with me during difficult times. Because of his support for me in the 2011 elections, he is at odds with his sister who opposed my re-election," Mulbah said.

Obediah Weahweah, a Gbarnga-based political activist told FrontPageAfrica Sunday with Mulbah's not-an-endorsement statement, the district #3 lawmaker was probably drawing a distinction for voters around the county who may not be aware about the historic antipathy between the Mulbah and Howard-Taylor camps.

He said Mulbah's decision to support his standard bearer cannot influence the current race which he said still remains wide opened.

"His decision to support his standard bearer can't change the current rhythm of the election. He is just a single individual," Weahweah said.

Human Rights Watch

Tuesday, 9 July 2013

ICTY: A Tribunal's Legal Stumble

Kenneth Roth

The danger of the Perisic precedent is not merely theoretical. The ruling undermines the ability of international criminal law to deter other leaders from similar murderous assistance — so long as they refrain from specifically directing the crimes that they assist.

By most measures, the International Criminal Tribunal for the Former Yugoslavia is the gold standard for international justice.

With 69 convictions, it has brought to justice many of the people behind the ethnic cleansing of the 1990s Balkan wars — the worst atrocities in Europe since World War II. Some three million people were forcibly displaced across the region and well over 100,000 killed in Bosnia alone, including nearly 8,000 murdered in the genocide centered on the town of Srebrenica that began 18 years ago Thursday.

But as the tribunal winds down, it has suddenly established a precedent that, unless changed, could cripple future efforts to prosecute senior officials responsible for human rights crimes.

Senior officials usually work through others to commit atrocities. When they act through their formal subordinates or by explicit agreement with others, their criminal liability is fairly straightforward. But many leaders are too savvy to expose themselves in this way. Instead, they use irregular forces — the janjaweed in Darfur, the shabiha in Syria, paramilitary forces in Bosnia — without formal ties or explicit understandings. The challenge facing tribunals is to determine when support for such forces amounts to responsibility for “aiding and abetting” their crimes.

Aiding-and-abetting liability has long been understood to require proof beyond a reasonable doubt that the accused knew that his conduct had a substantial likelihood of aiding a crime and that the aid had a substantial effect. In its waning days, however, the tribunal has seized on cursory references in earlier cases to require a third element — that the accused “specifically directed” the crime.

This makes little practical sense. Officials who want to facilitate mass atrocities are rarely so dumb as to give explicit orders. Rather, they tend to proceed by indirection, giving aid to a criminal enterprise that is already in motion.

The tribunal had previously mentioned a specific-direction requirement only in a series of cases in which the doctrine made little difference to the outcome. The suspects had been at or near the scene, so the purpose of their aid was obvious.

But in the case of the former Yugoslav military chief of staff, Momcilo Perisic — the first aiding-and-abetting case to reach the appellate stage involving an official operating at a distance from atrocities — the tribunal relied on the doctrine to acquit him.

What was the tribunal thinking? Some have alleged nefarious influence on the tribunal's chief judge, Theodor Meron. But I have known Judge Meron for more than two decades and have always found him to be a man of integrity and principle.

I have not discussed the merits of the case with him or any other judge, so I can only surmise the rationale for the tribunal's ruling. I suspect one factor was fear of creating a precedent that could lead to unfair accomplice liability for anyone who supports a party to a conflict that then commits human rights crimes.

That is a legitimate concern, but it should be sufficient to prove that the provider of aid knew of the substantial likelihood that the forces receiving it would devote it to criminal activity. If that assistance substantially advanced those crimes, the provider deserves criminal liability.

The tribunal acquitted Perisic because, apart from committing atrocities, the Bosnian Serb forces that he aided were engaged in a military effort that was presumed legitimate. Without evidence that Perisic specifically directed that aid be used for atrocities, the tribunal concluded that he could have intended the aid for only the war effort.

But the Bosnian Serb war effort was built on systematic atrocities, as Human Rights Watch and the tribunal itself have found. Since there was no evidence that Perisic gave a specific direction that the arms not be used for atrocities, anyone supplying arms would have known that they would aid atrocities.

The danger of the Perisic precedent is not merely theoretical. It could affect a separate tribunal that is considering whether to uphold the conviction of former President Charles Taylor of Liberia, who was convicted of aiding and abetting atrocities by Sierra Leone rebels. And the ruling undermines the ability of international criminal law to deter other leaders from similar murderous assistance — so long as they refrain from specifically directing the crimes that they assist. Russia's and Iran's assistance to Syria comes to mind.

The Yugoslav tribunal still has an opportunity to correct this damaging new doctrine. A separate panel of tribunal judges is considering a case against other officials charged with aiding and abetting atrocities from a distance. The tribunal should affirm — as other panels have done — that the accused does not have to give specific directions to commit crimes to be held criminally liable for aiding and abetting.

Kenneth Roth is executive director of Human Rights Watch.

AFP

Tuesday, 9 July 2013

Yugoslavia tribunal's credibility hit

THE HAGUE – The International Criminal Tribunal for the former Yugoslavia (ICTY), which saw some of its powers transferred to a new body in The Hague on Monday, has come under fire for a series of recent acquittals.

But analysts say it will be future judgments on Bosnian Serb leader Radovan Karadzic and his army chief, Ratko Mladic, that will leave the longest-lasting impression of the court in the minds of the public.

In a rare and ferocious critique, one of the tribunal's own judges said the recent acquittal of two Croatian generals and three high-profile Serbs set an entirely new legal precedent.

Frederik Harhoff sent a letter to the president of the court, American Theodor Meron, leaked to the Danish press last month, accusing him of establishing a legal precedent in the interests of a "military elite of prominent countries," including Israel and the United States.

Harhoff further claimed that Meron had urged other judges to acquit the officers, possibly pressured by the U.S.



Facing justice: Bosnian Serb Army commander-in-chief Ratko Mladic (center) observes Bosnian government positions in Gorazde, eastern Bosnia, while surrounded by bodyguards in April 1994. Mladic is on trial at the U.N. war crimes tribunal in The Hague, accused of overseeing war crimes that include the slaughter of 8,000 Muslims in Srebrenica during Bosnia's 1992-95 war. | AP

The acquittals would mean that the highest-ranking officers were not automatically responsible for crimes committed by their subordinates, he said, adding wryly, “The American and Israeli military chiefs must be breathing a sigh of relief.”

But according to Goran Sluiter, professor of international law at the University of Amsterdam, the court is still a respected source of authority, regardless of its recent decisions.

“Despite the recent debates, the ICTY remains the benchmark of international courts, because it has succeeded where all others have failed,” he said, referring to the indictment of 161 suspects since 1993 for serious violations of international humanitarian law in the former republic, a feat achieved by no other tribunal.

Meron refused to comment on the damning claims made by his fellow judge.

The court’s chief prosecutor, Serge Brammertz, questioned whether the court president’s continued silence on the issue was helping an already tense situation.

“I would personally consider that, in a world where communication is so important, not reacting at all to criticism was perhaps not the best way to respond,” he said. “Any form of criticism must be seen in a constructive way and become a topic for a debate.”

Without wishing to comment directly on the Harhoff letter, he would only say that the disputes triggered by the acquittals had “surely not helped” the credibility of the tribunal.

Brammertz has said he “shared the disappointment” of victims, and had lodged an appeal to overturn the May 30 acquittals of two Serbian intelligence chiefs, Jovica Stanisic and Franko Simatovic, who were accused of war crimes.

Furthermore, the cases of Mladic and Karadzic could not be compared with those of Stanisic, Simatovic and Yugoslavian army chief Momcilo Perisic, Brammertz added, as they were implicated directly in crimes in Bosnia rather than aiding and abetting from Belgrade.

Experts, however, were confident the trials of Karadzic and Mladic would be foremost in the public consciousness as the court hands the cases to the Mechanism for International Criminal Tribunals, which is tasked with continuing the judicial process and maintaining the tribunal’s legacy.

Christophe Paulussen, a senior international criminal law researcher at the Asser Institute in The Hague, said that although the recent debate could be damaging if judges were seen to have lost their impartiality, “this episode only concerns a very short period in the history of the tribunal.”

Sluiter was more direct. “I don’t think that history will remember this,” he said. “I think people will remember the judgments of Radovan Karadzic and Ratko Mladic, for whom the outcome is relatively predictable.”