

**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.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

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The New Dawn (Monrovia)

Tuesday, 20 August 2013

Liberia: Taylor's Verdict Due Next Month

By Othello B. Garblah

A verdict into the appeal filed by ex-President Charles Taylor against his 50-years prison term is due to be handed down by judges at the UN back Special Court for Sierra Leone next month (September 2013), this paper has learnt.

An aide to Taylor told this paper Monday that the actual date scheduled for the verdict next month will soon be confirmed. A source at the Special Court neither told this paper via telephone Monday that he could neither confirmed nor deny the information but it was left with judges to make the pronouncement.

Final arguments by prosecutors and lawyers representing Taylor was done in mid-January this year before judges in the Appeals Chamber after days of submissions by both parties. Mr. Taylor had told judges of the Appeal Chambers that he was pleased with the proceedings after both prosecution and defense presented their final arguments.

"I'm very appreciative of the handling of the proceedings so far, and I have the belief that the right thing will be done by the grace of Almighty God," he told the Judges.

Taylor was found guilty on all 11 counts of the indictment, which includes planning of crimes, and of aiding and abetting crimes, committed by rebel forces in Sierra Leone, on April 26 April 2012 by the Trial Chamber. On 30 May 2012, the Trial Chamber sentenced him to a prison term of 50 years.

During their argument before the five Appeal Judges and one Alternate Judge, lawyers representing Taylor presented 42 grounds of appeal, arguing that the Trial Chamber made systematic errors in the evaluation of evidence and in the application of law sufficiently serious to "reverse all findings of guilt entered against him" and to vacate the judgment.

Mr. Taylor's lawyers also questioned the fairness of the trial and the judicial process itself, and challenged the 50 year sentence imposed by the Chamber as being "manifestly unreasonable."

The Prosecution has also appealed the judgment on four grounds, arguing that Mr. Taylor should have been found guilty of other modes of liability, and that he should have received a significantly longer sentence.

A verdict into the Taylor's appeal will bring an end to a long standing trial full of drama and intrigue. It will also come at the time the court is nearing the completion of its mandate.

The Perspective

Tuesday, 20 August 2013

Poetic Tribute to Charles “Gangster” Taylor

By Nvasekie N. Konneh

Time does fly as they say. It’s unbelievable that it’s been 10 years since the former Liberian Dictator, Kleptocrat, Murderer in Chief, Rebel Kingpin Charles “Gangster” Taylor disgracefully abdicated his throne under the combined pressure from the international community, the rebel forces of LURD and MODEL. As Liberia celebrates a decade of peace in August 2013, there is no sign of Charles Taylor fulfilling his promise of “God willing I shall be back.” Instead the Rebel Kingpin is spending 50 long years in European prison after his conviction of crime against humanity in the Sierra Leonean war.

No politician has impacted the lives of my generation of Liberians like Charles Taylor. He was the man who plunged our country into endless war on December 24, 1989. The whole period of the 90s was the decade of war in which so many of our young brothers, sisters, and friends were drafted into various warring factions to either fight for or against Charles Taylor. So many of our civilian relatives and friends, both old and young, were also killed during the war. Like one newspaper columnist put it at the time, “the Liberian civil war has many variables, only one constant,” which was Charles Taylor. Volumes of articles have been written about him in both the national and international press. As long we are living, he will continue to be the subject of newspaper and magazine articles as well as books written by Liberians or those interested in Liberia.

If the main objective of the war Charles Taylor launched was to remove dictator Samuel Doe from power and usher in a democratic system, that objective was met nine months into the war as President Doe was captured and dismembered by another war lord, Prince Johnson. When President Doe died, some of us jubilated, thinking the war was over and we would return home. I remember while in Abidjan, Ivory Coast, when the news broke out that Doe had been killed, some of our Ivorian friends were saying to us, “your war is finished, now so you can return home.” Despite the fact that Doe was killed nine months into the rebellion, the war continued for seven years, all because of Charles Taylor’s insatiable desire to be president by all means necessary. We became convinced that no matter what we did, if Taylor did not achieve his objective of becoming president, the war was not going to be over. And so we gave in to him as some sang the song, “you kill my pa, you kill my ma I will vote for you.” Were we in our right mind when we sang this song? Probably not. The rest of the world might have looked at us to be such strange creatures. How could we overwhelmingly support and vote for the man who had only wreaked so much havoc on us? Made us homeless, motherless and fatherless? You could only compare us to a woman staying with a man no matter how much brutal beatings she has received from him. Could it be because of the sex that the woman will stay with the man that abuses her so terribly? In the case of Charles Taylor, he was such a charismatic sweet talking con artist. No matter how much terror he inflicted on us, there were enough of us to sing his song of praise. That’s why he was elected overwhelmingly in 1997 as president.

Did he change his bad boy way or image when we surrendered to him in 1997 by electing him president? He remained the “l'enfant terrible” of West Africa, or royal kingpin of war and terror, exporting same to neighboring countries such as Sierra Leone, Guinea, and Ivory Coast. While he went free and was even rewarded with the presidency in Liberia, he envisioned himself of being the kingmaker in the sub-region, wanting to install his puppets in neighboring countries. That’s how he got to Sierra Leone, Guinea, and Ivory Coast and that’s where his downfall came from. Guinea and Ivory Coast backed another rebel factions against him as payback and was indicted for his role in Sierra Leone. Now that he’s convicted not

for the terror he inflicted on us Liberians but for “aiding and abetting the war in Sierra Leone,” some of his supporters are angry that he may spend the rest of his life in prison. But for the Sierra Leoneans, and for some of us Liberians who have stood up to Mr. Taylor all these years, his conviction was a big sigh of relief and we don’t give a damn how his supporters feel.

Though I did not join my brothers and sisters in ULIMO and LURD to fight against the man, I wrote many poems and articles in both newspapers in Liberia as well as on various Liberian websites. In this article, I will share with you some of the poems that were inspired, for good or for worst, by this enigmatic character called Charles Taylor. One of the first poems I wrote is entitled, “A Dream or Nightmare.”

Last night I had a dream.
 Doe was my bedfellow
 As Taylor sprang on him like a tiger
 and strangled him to death,
 tore him into many pieces.
 I was lying helplessly
 in the pool of blood and pieces
 of the flesh of the dead god.
 Taylor spared me
 when I read him a praise poem.
 Taylor was celebrating in the dark
 never expecting any challenger.
 Surreptitiously, Johnson leapt on him.
 Group of neutral observers
 joined him to fight Taylor
 in a life or death battle.
 Taylor emerged with the crown of victory,
 ever stronger and boastful.
 Last night that was my dream,
 I am searching all over the war,
 for a qualified dream teller.

This poem was written in the early 90 while I was a refugee in Abidjan. Months later, Doe was killed and I was thinking that the war would be over and I would be returning home. But as time went by, I realized I was just dreaming as the scenario portrayed in this poem above. I returned to Liberia in 1992 and then Taylor launched the Operation Octopus with the plan to take over Monrovia. The Operation Octopus became my actual experience of the war, dodging bullets here and there and thanked God for ECOMOG, AFL, and ULIMO because without their combined efforts to save Monrovia and save us, some of us might have been dead by now. Over the years I have written other poems, one of which is “My Gio Girlfriend.”

She was the daughter
 of a prominent Gio chief of Kpaytuo
 and I the son of a Mandingo shop owner.
 We met and fell in love with each other.
 It was a love affair consummated
 with tender loving care and devotion

nurtured over the years
 until the trumpet of war sounded from the east.
 She had to run for her life from Doe's forces
 and I had to run for mine from Taylor's forces.
 With our unborn baby,
 she went away to Taylor land
 while I remained where I felt safe.
 We prayed and hoped to meet again
 when situation stabilized.
 The last romantic moment we spent
 was characterized by rivers of painful tears
 running down our cheeks
 as we considered our soon to be separation.
 We took solace in the feeling that
 it's better to live to see another day,
 to renew our love and devotion to each other.
 Deep inside Taylor land
 she was brought to the CO for questioning
 and discovered to be a "Mandingo loving bitch"
 carrying a Mandingo baby.
 That amounted to a crime punishable by death.
 She was stripped naked, raped dozen times
 and her stomach split open
 and the baby sentenced to early death.

My Gio girlfriend whose memory inspired this poem was (is) called Doris Duo. Doris and I were very good friends. We went so close to being intimate but we didn't get there. The last time I saw her was 1987 in Kpaytuo. Even though we did not cross that line of intimacy, Doris and I knew we had some romantic feeling for each other. When we last met in 1987 it was hoped we would meet again. No, we did not meet again until the war. From the people who fled from the war in Nimba County, we heard so many stories of how Gio and Mano women were killed by their own people for falling in love with Mandingo and Krahn boyfriends or husbands. When I listened to those sad stories, I imagined Doris Duo going through similar experience on the account of her relationship with me. So this is the inspiration behind this poem, "My Gio Girlfriend." Unfortunately since the war ended, I have never met Doris Duo, nor have I heard from anyone who may know her. I hope she survived the war and hope I will meet her again. We may not be able to rekindle that romantic feeling because of distance of time and current commitments we both have with other people we met later on in life.

If we ever thought the war was going to be over and Liberia would become a paradise when he was elected, we were surely day dreaming. We constantly heard the song, "he was popularly elected" but popularly elected my black African ass. The nightmare was not over when he was elected. He became a popularly elected despot, chasing all his "enemies" into exile. Those who lived in his Liberia had to put their tails between their legs like scared dogs and those brave enough to criticize had to flee or risk going to jail or being killed. I was moved by this development to write this poem, "Taylor's Democracy" in 2002.

Democracy begins
 And ends
 With election.
 Whatever else don't ask any question
 Till the next election.

He who is elected
 Must steal as much as he feels,
 Must kill as much as he will
 Chase as many as he can into exile
 Simply because he was elected
 To own the country till another election.

Charles Taylor is the president
 Only he can decide who to be a resident
 And those he disapproves of
 Will have to run to another place
 Or risk going to jail for life.
 In our democracy
 Some will have no say
 In whatever we do

And some will have to be sacrificed
 Like sheep and goats.
 The Dokies and Nowad Flomos
 Are the perfect examples for all to see,
 Learn and behave like obedient children,
 They are necessary sacrifice for our democracy.
 Our gallant forces of the ATU and SOD
 Are the guarantors of peace and security
 Who chased out Sawyer, and Commany Wisseh
 And other trouble makers
 And will continue to run all them bastards
 Out of here until the day we will be no more.

We fought seven years of war
 And killed more than 200 thousands people
 To rid Liberia of Democracy
 and now we have the Taylorcracy
 Something to get used to and be proud of.
 So submit yourself
 Or we will crush you out like trash.
 Don't even think of war to remove us
 That's when we shine bright like daylight
 And we will surely outgun all you mother fuckers.

We have been witnesses to the rise and fall of Charles Taylor. Many of us can still remember that first interview he had with BBC's Robin White. That was the beginning of the chapter of the Liberian history we may call "Chapter Charles Taylor." We saw him rise like a king with unlimited power. His answer to the arrogant western leaders who always want to boss the rest of the world was, "There is no small president," meaning he was as powerful in his part of the world as George Bush or Vladimir Putin in their parts of the world and we believed in him. Then we saw him being pushed off the throne and off into exile in Nigeria and back in Liberia in handcuffs being led like a common criminal. So for the past few years

he's been locked up after his conviction in The Hague where the world has been watching him as he answered questions or spoke of what he did or didn't do in Sierra Leone. As the verdict came finding him guilty of all the 11 counts, resulting into conflicting pictures in Freetown and Monrovia, this is my latest Charles Taylor poem inspired by this verdict and I call this, "Poetic Tribute to Charles "Gangster" Taylor." Just like we alluded to in one of the poems above, yesterday, he was the one deciding other people's fates, who to live or die and today someone else is deciding his fate and it seems like he's put away for the rest of his life. If he can only be put in jail for however long it may be, he may still count himself lucky because his friend, or boss, Muammar Kaddafi and Saddam Hussein before him were not so lucky as they were killed in much more gruesome fashion.

Charles Gangster Taylor,
 Liberia's Al Capon,
 The fiercest mafia boss
 Overseeing the takeover and destruction
 of country and sub-region.
 He carried the biggest guns
 as we trembled in fear.
 His charm and charisma,
 so magnetizing, hallucinating,
 as we sang the song,
 "you killed my pa, you killed my ma,
 I will vote for you."
 His charm put us out of our minds
 reducing us to scary little children
 who must do as they are told.
 Many were deprived of their normal childhood.
 Our lollipops and play toys
 were replaced by Kalashnikov riffles
 that were taller than us in length.
 Yesterday, he who growled like a lion,
 walked and controlled like a Gambino,
 popped Champagnes like impresario
 is now tamed like a caged bird
 crawling like a little baby.
 Who are those crying for him now,
 pitying his sorrowful lot at this hour?
 Who are those shedding tears for him?
 Are these tears of joy or tears of sorrow
 for the man who was not too long ago a king
 with unlimited power over submissive subjects
 who had resigned their fates to him
 to do whatever he felt like?
 They must be those who are yet
 to recover from being hypnotized
 by his charm and bravado.
 We say to them, wake up from your slumber,
 it's a new day with brand new sun in the sky.
 We can no longer go back to the days
 when we were drugged to sing the song,

“you kill my pa, you kill my pa,
I will vote for you.”
Replace that with the new song,
“thousand days for the thief, one day for the master.”
He’s now getting the same does of medicines
he prescribed for thousands of others
and we can only look and feel
amazed that this too could happen.

Sudan Tribune

Monday, 19 August 2013

Nigeria hints it was preparing to arrest Sudanese president during his visit

August 19, 2013 (WASHINGTON) – The Nigerian government was deliberating on actions to be taken regarding the Sudanese president Omer Hassan al-Bashir during his visit to Abuja last month where he attended a health summit organized by the African Union (AU), according to formal filing by Abuja released today.



Sudan's President Omer al-Bashir takes part in the African Union Summit on health focusing on HIV/AIDS, TB and malaria in Abuja on July 15, 2013 (PIUS UTOMI EKPEI/AFP/Getty Images)

Nigeria at the time defended receiving Bashir who is subject to two arrest warrants issued by the International Criminal Court (ICC) for alleged war crimes and genocide committed in Sudan's western region of Darfur.

As a member of the Hague-based court, Nigeria was theoretically obligated to apprehend the Sudanese leader during his stay.

But officials in Abuja said that they are adhering to AU resolutions directing member states not to execute the warrants against Bashir.

Later Nigerian newspapers quoted unnamed officials who said that they were caught by surprise as the invitation to Bashir was made by the AU and not by Abuja.

Those officials stressed had they known in advance they would have made efforts to keep him away.

The visit drew the ire of rights groups inside and outside Nigeria who argued that Nigeria was in breach of its international obligations under the Rome Statute.

The Nigeria Coalition on the International Criminal Court (NCICC) filed a motion during Bashir's short stay with the federal high court in Abuja seeking a domestic arrest warrant for him. .

Observers and AU officials believe this prompted the Sudanese president to abruptly leave Abuja less than 24 hours after arriving and without attending the main event of the summit which he was scheduled to address.

Sudanese diplomats gave different explanations for Bashir's sudden departure with some saying he had other engagements back home and others saying that leaders do not usually attend the entire events of conferences they are invited to.

Diplomats at the conference said, that during the afternoon session, when Bashir was scheduled to speak, he was called to the podium but could not be found confirming the unexpected nature of his absence even by the organizers of the conference and the host nation.

The Nigeria-based Guardian newspaper quoted AU officials last month as saying that Bashir "hurriedly left the VIP room amidst heavy security while the main conference was going on at the main hall" and apparently headed to the airport.

In a filing made with ICC judges made public today, the Nigerian government suggested that prior to Bashir's sudden exit it was in the process of initiating arrest procedures against him.

"President Al-Bashir made a brief appearance at the opening of the AU summit and without delivering any statement, left the country" said the letter signed by Nigeria's Justice minister Mohammed Bello Adoke who is also the country's Attorney General.

"The sudden departure of President Al-Bashir prior to the official end of the AU summit occurred at a time that officials of relevant bodies and agencies of the Federal Government of Nigeria were considering the necessary steps to be taken in respect of his visit in line with Nigeria's international obligations" it read in part.

It is not clear if Bashir was tipped off on the thinking of the Nigerian government thus pushing him to rush home.

The Nigerian official stressed his country's "firm commitment" to the ICC and "readiness for continued cooperation" with the court "to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community".

Adoke noted Nigeria's decision to arrest and send back Liberia ex-president Charles Taylor to stand trial in the Special Court for Sierra Leone (SCSL).

Global Research

Tuesday, 20 August 2013

State of Israel Charged for “Crime of Genocide and War Crimes”, Kuala Lumpur Tribunal

Tribunal Hearing against Israel and General Amos Yaron

By Kuala Lumpur War Crimes Commission (KLWCC)

“WHY is it that the murder of one man is considered a criminal act whereas the killing of hundreds of thousands of innocent people committed in wars, is not considered so? -Tun Dr Mahathir Mohamad, former Prime Minister of Malaysia

KUALA LUMPUR, 19 August 2013 – The Kuala Lumpur War Crimes Tribunal (KLWCT) will be hearing war crimes and genocide charges against Amos Yaron, a retired Israeli army general and the State of Israel from 21 to 24 August in Kuala Lumpur.

This is the first time that war crimes charges will be heard against the retired general and the State of Israel in compliance with due legal process. The Kuala Lumpur War Crimes Commission (KLWCC), having received complaints from victims from Palestine (Gaza and West Bank) and the Sabra – Shatila refugee camps in Lebanon, in 2012, investigated these complaints resulting in the institution of formal charges on war crimes against the accused.

The suffering of the Palestinian people have been well documented over the decades without any legal recourse being open to these people. Legal obstacles are placed in their path denying them the right to be heard. The international community too has failed to recognise their fundamental human right to be heard. The KLWCC founded in 2008 was established to fill this void and act as a peoples’ initiative to provide an avenue for such victims to file their complaints and let them have their day in a court of law.

Witnesses are scheduled to testify against the accused during the course of the tribunal hearing. Eyewitnesses of the Sabra – Shatila massacre will be testifying at the hearing and one of them include prominent surgeon and author Dr Ang Swee Chai. Other witnesses at the hearing will also include those from Gaza during the Operation Cast Lead 1 that resulted in the loss of numerous civilian lives and destruction of property where even children were victims.

Expert witness Paola Manduca, a retired Professor at University of Genoa, Italy who is an expert Geneticist will testify on the impact of weapons on reproductive health arising from the attacks in Gaza, especially to children. There will also be witnesses from the West Bank to testify on alleged Israeli state violence and atrocities against the Palestinian people.

The first charge against Amos Yaron for War Crimes, Crimes Against Humanity, and Genocide is as follows:

The defendant Amos Yaron perpetrated War Crimes, Crimes Against Humanity, and Genocide in his capacity as the Commanding Israeli General in military control of the Sabra and Shatila refugee camps in Israeli occupied Lebanon in September of 1982 when he knowingly facilitated and permitted the large-

scale Massacre of the Residents of those two camps in violation of the Hague Regulations on Land Warfare of 1907; the Fourth Geneva Convention of 1949; the 1948 Genocide Convention; the Nuremberg Charter (1945), the Nuremberg Judgment (1946), and the Nuremberg Principles (1950); customary international law, 'jus cogens', the Laws of War, and International Humanitarian Law.

The other charge, which is against the State of Israel for the Crime of Genocide and War Crimes, is as follows:

From 1948 and continuing to date, the State of Israel (hereafter 'the Defendant') carried out against the Palestinian people a series of acts namely killing, causing serious bodily harm and deliberately inflicting conditions of life calculated to bring about physical destruction.

The conduct of the Defendant was carried out with the intention of destroying in whole or in part the Palestinian people. These acts were carried out as part of a manifest pattern of similar conduct against the Palestinian people. These acts were carried out by the Defendant through the instrumentality of its representatives and agents.

Such conduct constitutes the Crime of Genocide under international law including the Convention on the Prevention and Punishment of Genocide 1948 ('the Genocide Convention') in particular Article II and punishable under Article III of the said Convention. It also constitutes the crime of genocide as stipulated in Article 10 of the Charter of the Kuala Lumpur War Crimes Commission.

Such conduct by the Defendant as an occupying power also violates customary international law as embodied in the Hague Convention of 1907 Respecting the Laws and Customs of War on Land, and the Fourth Geneva Convention of 1949. Such conduct also constitutes War Crimes and Crimes against Humanity under international law.

The trial will be held before the Kuala Lumpur War Crimes Tribunal, which is constituted of eminent persons with legal qualifications.

The judges of the Tribunal will be headed by retired Malaysian Federal Court judge Tan Sri Dato Lamin bin Haji Mohd Yunus Lamin, who also served as an ad litem judge at the International Criminal Tribunal for the former Republic of Yugoslavia.

The other judges in the Tribunal include notable names such as Mr Alfred Lambremont Webre, a Yale graduate, who authored several books on politics, Tunku Sofiah Jewa, practising lawyer and author of numerous publications on International Law, Prof Salleh Buang, former Federal Counsel in the Attorney-General Chambers and prominent author, Prof Emeritus Datuk Dr Shad Saleem Faruqi, prominent academic and professor of law, Michael Hourigan, an internationally renowned human rights lawyer and Prof Eric David, an International Humanitarian Law expert who was counsel at the International Court of Justice and the International Criminal Tribunal for Rwanda.

The Tribunal will adjudicate and evaluate the evidence presented as in any court of law. The judges of the Tribunal must be satisfied that the charges are proven beyond reasonable doubt and deliver a reasoned judgement.

In the event the tribunal convicts any of the accused, the only sanction is that the name of the guilty will be entered in the Commission's Register of War Criminals and publicised worldwide. The tribunal is a tribunal of conscience and a peoples' initiative.

The prosecution for the trial will be lead by Prof Gurdial S Nijar, prominent law professor and author of several law publications and Prof Francis Boyle, leading American professor, practitioner and advocate of international law, and assisted by a team of lawyers.

The trial is open to the public and will be held on August 21-24, 2013 at the premises of the Kuala Lumpur Foundation to Criminalise War (KLFCW) at 88, Jalan Perdana, Kuala Lumpur.

For further information, please contact

Dato' Dr Yaacob Merican
Secretary General of the KIWCC Secretariat
Tel: +6012-227 8680

Ms Malkeet Kaur
Media Representative of KIWCC
malkeet@dbook.com.my
Tel: +6012-3737 886

About Kuala Lumpur War Crimes Commission (KIWCC)

The KLFCW established the Kuala Lumpur War Crimes Commission (The Commission), to investigate cases of war crimes that have been neglected by established institutions such as the International Criminal Court. The Commission seeks to influence world opinion on the illegality of wars and occupation undertaken by major Western powers.

The aim of The Commission is thereby to hold perpetrators of war crimes accountable for their actions especially when relevant international judicial organs fail to do so.

The Commission

The commission's function is to:

i) receive complaints from any victim(s) of any conflict on:

- (a) Crimes against peace
- (b) Crimes against humanity
- (c) Crimes of genocide
- (d) War crimes

ii) investigate the same and prepare a report of its findings. To further call for more evidence or where The Commission is satisfied to recommend prosecution

The Legal Team

The legal team's aim is to present the complaints of victim(s) of any conflict and to act on the recommendation of The Commission's report and to frame charges and prosecute accused person(s).

The Tribunal

The Tribunal shall adjudicate on the charges filed against the accused person(s) The applicable standard of proof shall be beyond reasonable doubt.

About the Kuala Lumpur Foundation to Criminalise War (KLFCW)

Malaysia's fourth Prime Minister Tun Dr Mahathir Mohamad founded the Kuala Lumpur Foundation to Criminalise War (KLFCW), a non-governmental organisation established under the laws of Malaysia on 12 March 2007.

The main objectives of the Foundation, as stated in its Statutes are, inter alia:

1. To undertake all necessary measures and initiatives to criminalise war and energise peace;
2. To provide relief, assistance and support to individuals and communities who are suffering from the effects of war and armed conflict wherever occurring and without discrimination on the grounds of nationality, racial origin, religion, belief, age, gender or other forms of impermissible differentiations;
3. To promote the education of individuals and communities suffering from the effects of war or armed conflict;
4. To foster schemes for the relief of human suffering occasioned by war or armed conflict;
5. To provide for mechanisms or procedures in attainment of the above purposes.

Dawn.Com

Tuesday, 20 August 2013

Generals could evade justice over war crimes

LONDON: Generals and politicians could evade responsibility for war crimes in future because of a ruling requiring proof that they “specifically directed” atrocities, say international lawyers and senior judges.

A series of acquittals by the International Criminal Tribunal for the former Yugoslavia (ICTY) have created a novel judicial precedent that human rights groups fear will make it difficult to deliver justice in the wake of massacres.

Three senior Serbian generals or police officers have been cleared of all charges in recent months. The judgements relate to charges of “aiding and abetting” war crimes levelled against those who were not on the ground when civilians were systematically murdered by paramilitary or specialist forces. The issue of their complicity revolves around legal interpretations of what constitutes mens rea, or intent, and how far “specific direction” must be proved to find a defendant guilty.

The dispute has touched off a debate within the international law community that has global political implications. Accusations that the US and Israeli governments applied improper pressure on the tribunal to ensure military commanders could never be convicted of war crimes are among allegations in circulation. Other commentators have dismissed such fears as conspiracy-mongering.

An early test of how persuasive the legal precedent has become will be the appeal by the former president of Liberia Charles Taylor, who was sentenced to 50 years in prison last summer. The 65-year-old was convicted of “aiding and abetting” rebel groups in neighbouring Sierra Leone in a long-running conflict involving the use of child soldiers, enforced amputations, sexual slavery and the control of so-called blood diamonds.

The UN-backed special court for Sierra Leone in The Hague is expected to release its judgment on Taylor’s appeal against conviction and sentence within the next two months.

Among submissions made by his lawyers this year were arguments that the tribunal had misinterpreted the mens rea standard and had wrongly found the evidence to have met a required proof of specific direction. Taylor’s logistical support of the rebels in Sierra Leone was not intended to facilitate their atrocities, his lawyers argued. The prosecution, by contrast, is seeking to have his sentence increased to 80 years. If the conviction is upheld Taylor is scheduled to serve out his sentence in a British prison. One of the first judgments that overturned legal expectations was handed down by the ICTY in February. The presiding judge on its appeal chamber was Theodor Meron, an 83-year-old Holocaust survivor who has served as an Israeli diplomat and now holds American nationality. By a 4-to-1 majority, the judges quashed a 27-year jail sentence for Momcilo Perisic, a former chief of staff of the Yugoslav army, for providing military support for the Bosnian-Serb Army of the Republika Srpska between 1993 and 1995.

Perisic was freed immediately by ICTY appeals chamber, which concluded: “Evidence establishing a direct link between the aid provided by an accused individual and the relevant crimes committed by principal perpetrators is necessary.” There had been no such “specific direction” by Perisic to the Bosnian-Serb forces, the judges found. Only one of the five judges on the panel disagreed. In May the court’s lower tribunal returned not guilty verdicts by a 2-1 majority in the case of two Serbian intelligence

officers, Jovica Stanisic and Frank Simatovic. A French judge, Michele Picard, dissented, stating: “If we cannot find that the accused aided and abetted those crimes, I would say we have come to a dark place in international law ... I believe the majority has erred by acquitting them.”

Other ICTY judges have sounded an even louder alarm. A non-permanent Danish judge, Frederik Harhoff, sent an email to 56 international lawyers and friends in which he expressed his despair at the acquittals. “You would think,” Harhoff speculated, “that the military establishment in leading states [such as USA and Israel] felt that the courts in practice were getting too close to the military commanders’ responsibilities ... in other words: the court was heading too far in the direction of commanding officers being held responsible for every crime their subordinates committed. Thus their intention to commit crime had to be specifically proven.”

But military commanders are paid to ensure that crimes are not committed, Harhoff said. Had US or Israeli officials exerted any political pressure on the court? “Now the commanders must have had a direct intention to commit crimes — and not just knowledge or suspicion that the crimes were or would be committed.” Those defending Meron point out that he was not on the panel that acquitted Stanisic and Simatovic. Marko Attila Hoare, a reader in south-east European history at Kingston University in London, has accused Meron’s detractors of feeding “off familiar antisemitic themes of alleged Jewish power and manipulative behaviour; which explains the vibrancy of the campaign”.

By arrangement with the Guardian