

**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
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BBC

Thursday, 10 October 2013

Liberia's Charles Taylor to serve jail term in UK



Following the ruling last month, Charles Taylor has no further grounds for appeal.

Ex-Liberian President Charles Taylor is to serve his 50-year war crimes sentence in the UK, Justice Minister Jeremy Wright has confirmed.

Sweden and Rwanda had also offered to imprison him following the rejection of his appeal last month by a UN-backed special court in The Hague.

It ruled that his convictions had been proved beyond doubt.

He was sentenced in May 2012 for aiding rebels who committed atrocities in Sierra Leone during its civil war.

Mr Wright made the announcement in a written statement to Parliament.

The Special Court for Sierra Leone (SCSL) found Taylor, 65, guilty of 11 crimes including terrorism, rape, murder and the use of child soldiers by rebel groups in neighbouring Sierra Leone during the 1991-2002 conflict.

He was found to have supplied weapons to the Revolutionary United Front (RUF) rebels in exchange for a constant flow of so-called blood diamonds.

Taylor has always insisted he is innocent and his only contact with the rebels was to urge them to stop fighting.

He is the first former head of state convicted by an international war crimes court since World War II.

Sky News

Thursday, 10 October 2013

Taylor To Serve War Crimes Sentence In UK

Charles Taylor faces a 50-year sentence for crimes against humanity during Sierra Leone's brutal civil war.



Taylor will serve a 50-year sentence in the UK



Child soldiers were used in Sierra Leone

Former Liberian president Charles Taylor will serve his 50-year war crimes sentence in a UK prison, the Government has confirmed.

Justice Minister Jeremy Wright said Taylor would be transferred to a British jail following his conviction by the Special Court for Sierra Leone.

The ex-warlord was sentenced in May 2012 for aiding rebels who committed atrocities during Sierra Leone's civil war.

He was found guilty of 11 crimes including terrorism, murder, rape and the use of child soldiers by groups fighting in the 1991-2002 conflict.

Judge Richard Lussick said Taylor was responsible for "some of the most heinous crimes in human history".



Taylor brandishing an AK-47 in 1990 on his way to ousting Liberia's leader

The conviction made him the first former head of state to be found guilty of war crimes since World War II.

Taylor has always claimed he is innocent, saying he only made contact with the rebels to urge them to stop fighting.

Sweden and Rwanda were thought to be possible destinations for his to serve his sentence, but Mr Wright confirmed his transfer to the UK in a written statement to Parliament.

He said: "International justice is central to foreign policy.

"It is essential for securing the rights of individuals and states, and for securing peace and reconciliation.



Liberia shares a border with Sierra Leone

"The conviction of Charles Taylor is a landmark moment for international justice.

"It clearly demonstrates that those who commit atrocities will be held to account and that no matter their position they will not enjoy impunity."

More than 50,000 people were killed during Sierra Leone's brutal 11-year civil war.

Thousands more were left mutilated in the conflict that became known for the extreme cruelty of rival rebel groups who hacked off the limbs of their victims and carved their initials into their opponents' flesh.

Taylor helped plan attacks in return for "blood diamonds" mined by slave labourers in Sierra Leone and political influence in the volatile West African region.



Naomi Campbell gave evidence at Taylor's war crimes trial

He was convicted not only of aiding and abetting Sierra Leone rebels from Liberia, but also for actually planning some of the attacks carried out by rebel groups such as the Revolutionary United Front and the Armed Forces Revolutionary Council.

Supermodel Naomi Campbell and actress Mia Farrow gave evidence at the trial about Taylor apparently giving Ms Campbell blood diamonds in 1997 after a dinner in South Africa hosted by Nelson Mandela.

It is not the first time Britain has hosted a foreign war criminal - four men convicted of war crimes in the former Yugoslavia served time in British jails.

The men spent time in high-security prisons, with one former Bosnian Serb general stabbed at Wakefield prison apparently in retaliation for the massacre of Muslims in the UN safe haven of Srebrenica in 1995.

The former president of Yugoslavia, Slobodan Milosevic, would have stayed in a British jail on his conviction, but died in 2006 while he was on trial in The Hague.

AFP

Thursday, 10 October 2013

Liberia's Charles Taylor to serve war crimes sentence in UK

London (AFP) - Liberia's former president and warlord Charles Taylor is to serve out his 50-year prison sentence for war crimes in a British jail, Britain confirmed on Thursday.

Taylor, 65, is likely to spend the rest of his life behind bars in Britain after the UN-backed Special Court for Sierra Leone (SCSL) in The Hague upheld his sentence for arming rebels during Sierra Leone's brutal civil war during the 1990s.

"Former president Taylor will now be transferred to a prison in the UK to serve that sentence," Britain's junior justice minister Jeremy Wright said in a statement to parliament.

The justice ministry refused to disclose which jail would house the former strongman. "We don't comment on individual cases," a ministry spokeswoman told AFP.

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

He had been arrested in 2006 and sentenced at The Hague last year for "some of the most heinous crimes in human history".

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

He had maintained his innocence throughout the seven-year trial, which had heard evidence from witnesses including actress Mia Farrow and supermodel Naomi Campbell -- who told of the diamonds she believed she was given by Taylor in 1997.

The British government had offered in 2007 to house Taylor in a British jail if he was convicted, and to cover the costs of his imprisonment.

Sweden, Finland and Rwanda also offered to take in Taylor, and his lawyer had earlier suggested that he would prefer to go to Rwanda to be closer to his family.

"The United Kingdom's offer to enforce any sentence imposed on former president Taylor by the SCSL was crucial to ensuring that he could be transferred to The Hague to stand trial for his crimes," Wright said.

"The conviction of Charles Taylor is a landmark moment for international justice.

"It clearly demonstrates that those who commit atrocities will be held to account and that no matter their position they will not enjoy impunity."

The Independent

Thursday, 10 October 2013

Charles Taylor: Liberia's former president finally faces punishment for his horrific war crimes

He will forever be associated with the conflicts that convulsed West Africa for more than a decade, and cast a long shadow over the region

If there is an enduring image of all the horrific wars in Africa, one in particular has the power to reach across the years. It is the sight of the maimed and mutilated children in Sierra Leone, their limbs hacked off by child soldiers high on drugs who were as young as their victims.

The man responsible for that infamy was Charles Taylor, the president of neighbouring Liberia whose 50-year jail sentence was upheld by a UN-backed appeals court on Thursday, in the first conviction of a former head of state by an international court since Nuremberg. He is to serve out the sentence in Britain.

Mutilation, rape and abductions were the hallmark of the civil war launched by rebels of the Revolutionary United Front (RUF) in the early 1990s. The war was funded by the illegally mined so-called "blood diamonds", from mines in eastern Sierra Leone, which were smuggled to Taylor, the former brutal warlord turned president who in return supplied, trained and armed the rebels. He was convicted by the UN court of "aiding and abetting" the rebels in their reign of terror during the war that claimed 50,000 lives between 1991 and 2001.

Taylor, a flamboyant showman now grizzled at 65, consistently denied any responsibility and pleaded not guilty. He depicted himself as a statesman and West African peacemaker who had only dealt with the rebels "to push the peace process hard", when conducting his own defence over a seven-month period. But after a four-year trial the UN court found him guilty of 11 counts of war crimes and crimes against humanity, including murder, rape, torture and the use of child soldiers.

Taylor will forever be associated with the conflicts that convulsed West Africa for more than a decade, and cast a long shadow over the region where he wreaked violence and havoc from Guinea to Cote d'Ivoire.

He was one of seven children born to an Americo-Liberian father, descended from the freed slaves who founded the country and who remained politically influential. His mother was a native Liberian from the Golah tribe. Like many other Americo-Liberians, Taylor studied in America, and became active in radical student politics as chairman of the Union of Liberian Associations at his college in Bentley, Massachusetts.

He returned home to work with Liberian president Samuel Doe who seized power in 1980. But the two fell out and Taylor fled back to America where he served a short jail sentence after being accused by Doe of embezzling more than \$1m.

He subsequently led a Libyan-backed rebellion in 1989 against Doe who was captured, tortured, mutilated and summarily executed on a Monrovia beach seven months later. "The only good Doe is a dead Doe," Taylor is reported to have said.

The horror was just beginning. Doe's death at the hands of forces loyal to Prince Johnson, triggered a five-year conflict between the Americo-Liberian fighters led by Taylor and Johnson's rival forces. In 1991, the RUF launched their revolt in Sierra Leone, and another civil war was kindled.

Liberian peace accords were finally signed in Monrovia in 1995, paving the way for elections which Taylor won by a wide margin in 1997, amid charges that supporters had been terrorised into voting for him. But his presidency was undercut by domestic opponents who took up arms against him in 1999, and by international pressures stemming from his involvement in the Sierra Leone conflict.

In 2003, with the Liberian rebels gaining strength in the mineral-rich country and having entered Monrovia, he was indicted by a UN-backed Special Court for his role in the Sierra Leone fighting and fled to Nigeria. But he was accused of meddling in Liberian politics from there. A total 200,000 people were killed in the two Liberian civil wars over a 14-year period.

Liberia's fortunes changed for the better following the 2006 election of Ellen Sirleaf Johnson as president. She pushed for Taylor's prosecution by the Sierra Leone war crimes tribunal despite protests by his followers. He was arrested in Nigeria the same year after she requested his extradition.

But in those early days of the UN court, it was by no means clear that regional stability would be restored by Taylor's arrest amid fears that loyalists might take up arms again. As a result, the trial was moved to The Hague for security reasons. The Special Court was set up under an ad hoc arrangement between the UN and Sierra Leone and was not covered by the permanently-sitting International Criminal Court, which can only rule on war crimes and crimes against humanity committed after 2002.

UN prosecutors doggedly pressed the Taylor case, calling such witnesses as the British model Naomi Campbell and the US actress Mia Farrow to the bar, when the trial opened in 2007. Campbell recounted how, after a 1997 dinner party hosted by Nelson Mandela in South Africa, she had found "a few stones" outside her hotel door. "They were small stones, dirty looking stones." According to Farrow, the blood diamonds were a gift from Taylor, who denied any knowledge of the incident and has never admitted to trading in the precious stones to fund the Sierra Leone conflict.

Like another dictator, Slobodan Milosevic of Serbia, Taylor was careful not to take direct command. But he provided essential weaponry, training and safe haven for the Sierra Leone fighters, many of whom were abducted, given marijuana or crack cocaine and sent into the bush with AK47s to kill and maim entire families. Victims would be asked if they preferred "long sleeves" or "short sleeves" before their hands or their arms above the elbow were hacked off.

After being found guilty last year by the Special Court, Taylor appealed. But on Thursday the appeal chamber judges were unanimous in upholding the guilty verdict, which was described as "fair and reasonable". The judges ignored an earlier ruling by the UN court for the former Yugoslavia which ordered the release of the former chief of the former Yugoslav army, General Momsilo Perisic, last February. He too had been accused of "aiding and abetting" human rights crimes, but the judges decided that Perisic had not "specifically directed" aid towards that end.

The Special Court has now heard its last case, but a new chapter opens in which the search for Taylor's suspected hidden assets will resume. Victims of the Sierra Leone rebels' atrocities will, theoretically at least, be able to pursue compensation through civil tribunals.

Looking back on the Taylor trial, John Petrie, formerly the chief of operations at the Sierra Leone Special Court and now a director of Aegis Trust, a British non-government organisation campaigning to prevent genocide worldwide, said: “It is easy now to think it was all inevitable, but that was not the case in 2002-05.

“Some very brave people took brave decisions to break the cycle of violence in the region and removing Taylor was central to that. He did not come quietly, but he has plenty of time to reflect.”

Taylor, a Baptist and one-time lay preacher, will indeed have plenty time to reflect in his cell on being held accountable for his sins. He once compared himself to Jesus Christ, telling the BBC: “Jesus Christ was accused of being a murderer in his time.”

According to Reed Brody, a lawyer and spokesman for Human Rights Watch who devoted 15 years working for the prosecution of Chadian dictator Hissène Habré, Taylor stood out because of his baleful influence over such a wide swath of West Africa.

“On a continent which has, unfortunately, seen its share of untouchable ‘big men’, the crimes of the rebels he supported in Sierra Leone, like their signature atrocity of cutting off victims’ arms and legs, and forcing children to execute their parents, were among the most heartless I have ever investigated,” Mr Brody said.

A Life In Brief

Born: Charles McArthur Taylor born in Arthington, Liberia, on 28 January 1948. He added the name “Ghankay” later, thought to be so that he could gain favour with the indigenous African majority

Family: Americo-Liberian father and Liberian mother. He has married three times and has 14 children

Education: Economics degree from Bentley College, Massachusetts, US

Career: After his studies in the US, Taylor returned to Liberia, just after Samuel Doe’s coup d’etat in 1980. He was given a role running the General Services Agency, in charge of much of Liberia’s budget. After being accused of embezzling, he fled to the US where he was arrested. He returned to Liberia to lead the 1989 overthrow of Doe. Elected president in 1997. A 1999 rebellion led to him seeking exile in Nigeria in 2003. Taylor was arrested and appeared at the Special Court for Sierra Leone in 2006.

What he says: “Jesus Christ was accused of being a murderer in his time”

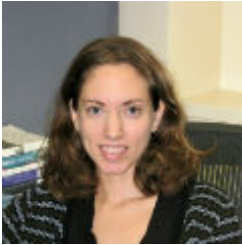
What they say: “I had never heard of Charles Taylor before. I had never heard of the country Liberia before. I had never heard the term blood diamonds before.” Naomi Campbell, model, and witness in the Taylor’s war crimes trial

Jurist

Monday, 8 October 2013

Kenya's ICC Withdrawal: The Wrong Face for ICC-Africa Relationship Debates

JURIST Guest Columnist Jess Kyle, University of Maryland Francis King Carey School of Law Class of 2015, discusses the International Criminal Court's African involvement in light of Kenya's withdrawal...



Ideally, the operations of the International Criminal Court (ICC) toward justice would reinforce the domestic politics of conflict and post-conflict states by promoting peace through deterrence and strengthening accountability norms. Yet, since its 2002 inception, the ICC has frequently been accused of being, on the one hand, insensitive to local political exigencies and, on the other, biased by its own invidious political agenda. Kenyan parliamentarians who recently voted for ICC withdrawal appealed to similar concerns for support, and Kenya's move toward withdrawal has prompted reinvigorated criticism of the ICC by a number of African countries. A hasty embrace of Kenya's withdrawal circumstances as representative of key concerns about the ICC's African involvement, however, risks undermining the productiveness of such debates, rewarding political opportunism and encouraging the institutionalization of impunity in Kenya and elsewhere.

Kenya President Uhuru Kenyatta, Deputy President William Ruto and radio executive and journalist Joshua Sang face charges of crimes against humanity at the ICC. The charges pertain to their roles in the post-2007 election violence in Kenya in which 1,200 were killed and hundreds of thousands displaced. On September 5, 2013, shortly before the trial of Ruto commenced, the Kenya National Assembly passed a motion for withdrawal from the ICC. The Senate passed an expanded version of the motion on September 10. Pending notification of withdrawal by the Kenyan government to the UN (which would take effect after one year), Kenya may be the first state to withdraw from the ICC.

Kenya's withdrawal vote was followed by the announcement of an African Union (AU) special summit for discussion of a possible bloc withdrawal from the ICC. The summit is to be held October 13, 2013 and countries purportedly open to this extreme measure include Uganda, Rwanda, Zimbabwe and Eritrea. Thirty-four of a total of 54 AU members are ICC signatories. In addition to the special summit call, aggressive criticism of the ICC at the UN by some African leaders has continued.

One apparent thread of the withdrawal argument is that the ICC is insensitive to the need for countries to stabilize politically and move forward peacefully. The withdrawal motion itself included references to "the fundamental changes in the circumstances relating to the governance of the Republic" and the fact that "the Republic conducted its general elections ... at which the President and Deputy President were lawfully elected." During his severe criticism of the ICC at the UN, Uganda's President Museveni also pointed to the status of Kenyatta and Ruto as elected leaders and stated, "Kenya is recovering. Let her recover." Further, a recent AU letter to the UN cited the concern that ICC trials were impeding effective governance of Kenya.

There are times when weighty political considerations may point against the ICC's pursuit of justice. One prominent example from the "peace versus justice" debates is the ICC's indictment of former Liberian president Charles Taylor in 2003. His indictment occurred in the context of sensitive peace talks, and has been blamed for the resurgence of violence in Liberia and an additional 1,000 deaths. Greater sensitivity to local political demands might have averted these deaths.

In the case of Kenya, however, Kenyatta, Ruto, and Kenyan voters were aware of the ICC charges going into the March 2013 elections. Kenyatta and Ruto have consistently pledged their cooperation with the ICC, and the ICC has shown flexibility in staggering the leaders' trials and adjourning Ruto's trial so he could deal with the Westgate terror attack. The particular context of the ICC's involvement in Kenya does not seem to contribute much to arguments about the ICC's insensitivity regarding domestic political affairs. Further, it is unclear why the drastic measure endorsed by Kenyan politicians, withdrawal, is a positive step in the name of the growth and stability of Kenya's democracy. Rather than a proposal for a short-term peace-justice trade-off, it is a long-term return to impunity likely to invite future violence.

A much louder criticism heard in Kenya's withdrawal motion debates was the allegation of ICC neocolonialism and political selectivity. National Assembly majority leader Adan Duale emphasized the need to protect the sovereignty of Kenya against attempts at politically motivated interference. In the Senate, majority members characterized the ICC's involvement in Kenya as "an attempt to recolonize Africa" and portrayed the Prosecutor as a rogue actor who can destroy individuals' reputations and lives at will.

There are cases, and also some plain facts, that should raise concerns about political interests promoted (intentionally or unintentionally) by the ICC or about how it chooses its cases. For example, the heat-of-conflict timing of the June 2011 indictment of Muammar Gaddafi not only played a role in thwarting peace efforts but also gave a boost to the controversial intervention by France, the UK and the US. As for facts about the ICC's case selection that have been subject to criticism, it has hardly gone unnoticed that all current ICC cases are in Africa. Criticisms of the ICC's focus on Africa are not without response, but can be expected to subject the ICC's case selection to scrutiny.

The ICC's cases against Kenyatta, Ruto and Sang, however, do not lend much support to accusations of the ICC's "hunting" of Africans. The cases only ended up in the ICC as the outcome of a Kenyan government-sponsored commission and multiple failed efforts to create a Special Tribunal or other alternative to ICC prosecution. These failed efforts were the agreed upon trigger for ICC referral of the situation in Kenya. The names of those suspected most responsible for the post-election violence were provided by the Kenyan investigative commission. It is not clear, then, why the ICC's Kenya cases should raise familiar concerns about the ICC's fairness in initiating cases, even to the extent of catalyzing a movement for mass ICC withdrawal.

It is important to dis-aggregate the many African-based ICC cases with an eye to whether criticisms of them advance substantive debates about the ICC-Africa relationship or instead look like attempts to capitalize on these debates for political gain. Kenyatta and Ruto apparently succeeded in using their indictments to their benefit in the spring election, casting themselves as protagonists of an anti-imperialist struggle. After the election, and well before the parliamentary withdrawal motion the new Kenyan government reached out to other countries for additional support of its ICC-discrediting campaign.

Although withdrawal would formally have no effect on the leaders' trials, steps toward it seem calculated to position President Kenyatta and Ruto for future non-cooperation. It has also led to increased calls, including by China, for transfer of the trials to Kenya. Any political gains secured by the two leaders from so easily moving the issue of Kenyan withdrawal to the center of much broader debates about the ICC's record of involvement in Africa will come as rewards for the dubious and opportunistic use of serious points of debate. They may also carry the cost of an institutionalization of impunity that begins with the derogation of Kenyan victims' rights to justice.

Jess Kyle has a Ph.D. in Philosophy from Binghamton University. She is a member of the Maryland Law Review and in the past has published on the topic of military humanitarian intervention.

Tanzania Daily News

Tuesday, 9 October 2013

Terrorism - Between Authenticity, Criminality (II)

By Fred Mirassi Okumu

WHAT further qualifies terrorists is that they are not only criminals, but are incorrigible, irreconcilable, fanatic, suicidal outlaws who cannot reform under any type of correctional institution.

They never retire nor surrender back to normal life. To them, terrorism is not the means to an end, but the end itself.

It is possible to cite more examples to show that terrorism can never be activism, and how the international community categorically discriminates against acts that are terrorist in nature from lawful struggle.

Not a single regime in the world, not even those regarded as "rogue", has ever come up in the open to recognize terrorism or justify a terrorist attack. We can take another case where force is usually used and in most cases with bloody consequences and terrorism is not implicated: coups.

Let us take an example of two coup makers in Africa, specifically former Ghanaian president Jerry Rawlings who overthrew Gen Fred Akuffo in 1979 and former Sergeant Samuel Doe of Liberia who toppled William Tolbert in 1980. Both conducted bloody coups, but their respective governments were recognized after they assumed power.

Even as Doe was infatuated with power, turned overly dictatorial and killed opposition and subjects indiscriminately, he was not regarded as "threat to global peace and security", but as violators of human rights, democracy and the rule of law.

This is not limited to Doe and his Ghanaian counterpart, but to many other leaders who had assumed power through coups. Such leaders are tolerated by the law-abiding international community simply because they operate within the framework of conventional system of governance.

As a result, the international outcry pouring towards such dictators then was aimed not at condemning them as terrorists, but to demand them to restore democracy, the rule of law and human rights, or quit with dignity.

Only after the international community realize that the actions of such rulers against their subject was intolerably brutal and was not at par with actions needed solely to preserve peace and order, are such rulers totally discredited and subjected to international law.

In this group falls the case of Slobodan Milosevic of Serbia and Charles Taylor of Liberia, who were prosecuted and convicted by the International Criminal Court in The Hague. It is within this context that the ICC issued an arrest warrant for Sudan's Omar Al-Bashir in March 2009 to answer charges of genocide and crimes against humanity.

It is undeniable that taken individually, each of the three leaders has committed atrocities some of which are horrific than some Al- Qaeda, Al-Shabaab actions. Yet, they were wanted for crimes against humanity and not for terrorism. Whether "terrorism" is worse than "crime against humanity" is open to debate.

Suffice it to say that terrorism carries with it a more sinister connotation before the eyes of the international community. To show that terrorism cannot be justified, we can also take an example from warfare by regular armies, which used techniques similar to those used by terrorists.

A good example is the abortive plans by US special forces in "The Battle of Mogadishu", a military operation aimed at capturing then warlord Mohamed Farrah Aidid, who was the self-proclaimed president of Somalia. Heavily armed and with helicopters and armoured personnel carriers, their plan was to storm the hideout in Mogadishu and snatch the warlord and his lieutenants.

However, the operation blotted and 18 US marines were killed and one captured. Interesting to note is that the picture that went all over the world was not of US helicopter gunship spraying fire from above to manage a rescue. It was the photo of the captured US marine, who was killed and dragged naked along the streets of Mogadishu. Why? Because the action defied acceptable rules of engagement as far as prisoners of war are concerned. Who knows: had this well-planned US operation succeeded, may be it would have left behind a trail of blood as wet and as red as that which was splashed during the Westgate Shopping Mall episode. And nobody, absolutely nobody, would have pointed a finger as "American terrorism." This is because the Americans had a universally acceptable cause. They were out to capture one of the protagonists in war-torn Somalia who were responsible for feudal clashes that caused widespread civilian casualties and destruction of infrastructure. In plain, simple terms the US operation was an exercise aimed at restoring peace and security, so that democracy, the rule of law and human rights could flourish. These examples however should not be construed as asserting that all military or armed actions by rebels, freedom fighters, coup plotters, peacekeepers, or dictators are acceptable. They are meant to cast the framework within which the use of force is justified, and the limit of tolerance for the manner in which such actions are carried out. For it is the context within which force is used by rebels, revolutionaries, governments that lends such use justification and tolerance from the international community. Fortunately, repeat, fortunately, the international community has not left a single loophole for Mr Terrorism to stowaway to the Republic of Justification.

L'Indro (Italy)

Wednesday, 9 October 2013

<http://www.lindro.it/politica/2013-10-09/103110-theodor-meron-e-il-marcio-del-tpi>

Translated by Google Translate, with some assistance

Accused of partiality

Theodor Meron and 'rotten' of the ICTY

The American for the third time at the helm of the ICTY. A weak point of the idea of international justice



Sarajevo - On October 1, the American jurist Theodor Meron was elected for the third time (second consecutive) at the helm of the International Criminal Tribunal for crimes committed in the former Yugoslavia (ICTY). For many, it is a tragic choice, which undermines the international credibility of (already low, to be honest) of this institution, and that puts at risk the justice that many victims are waiting for – events dating back to the Balkan wars of the nineties.

Meron, 73, is a judge who holds a degree in International Law at the 'Cambridge University'. Since 1977 he has taught International Law at the Institute of International Studies in Geneva, and then the 'University School of Law' in New York.

Meron was elected for the first time at the helm of the ICTY from 2003 to 2005, then again in October 2011. As well as holding the highest office in the International Criminal Tribunal for the former Yugoslavia, Meron is also the President of the Appeals Chamber and of the International Criminal Tribunal for Rwanda. In addition, he was elected to lead the 'residual mechanism', the body that will deal with cases remaining open when the ICTY shortly closes its doors.

For many, this choice is wrong and gives Meron an exaggerated power, that will result from accumulating so many important posts. The weekly Sarajevo 'Slobodna Bosna' offered ample space last week to an anonymous source, internal to the ICTY, which emphasizes that "the choice of Meron confirms the existence of something rotten within the Court."

"Meron will (have) literally a power of life and death on the future of the ICTY. This situation is contrary to all the rules that govern, usually, the life of international organizations such as ours; Judge Meron has the necessary power to impose his decisions on the rest of the judges, eliminating any internal opposition, as was done in the past in case of Judge Harhoff, who was forced to resign."

Judge Meron, according to some, has already given ample evidence of his partiality in the past, contributing decisively to exonerating several people accused of war crimes. Four that were put on trial by the Tribunal for the

former Yugoslavia (Perisic, Stanisic, Simatovic, Gotovina) and two by the Tribunal for Rwanda (Mugenzi and Mugiraneza).

In particular, Meron is responsible for creating some of the criteria that make it more difficult to judge someone guilty of war crimes. Meron has introduced the concept of "specific direction" of acts that are attributed to the accused. It is therefore (necessary) to demonstrate that such acts were specifically designed to fulfill war crimes: a criterion particularly important in cases where, in the dock, there is a general or a personality that had responsibility in the chain of command of an army .

To understand the importance of rules desired by Meron, it may be helpful to remember the outcome of the case of Momcilo Perisic, former general in the Yugoslav People's Army (JNA) during the war years who helped direct the Serb militias in Bosnia and Herzegovina.

In the case of Perisic, the application of the rules desired by Meron meant to prove his innocence. Because if it is true that the JNA helped the Bosnian Serbs, it is true, in the opinion of Meron, that "this aid had not specifically intended to commit war crimes in Sarajevo and Srebrenica, but rather were intended to support the Serbian armed (forces) in broader context of the remainder of the war."

The attitude demonstrated by Meron would represent a weak point clear idea of international justice. After Perisic, Meron has actively supported the innocence of two other former Croatian generals, Ante Gotovina and Mladen Markac, charged with war crimes for the operation 'Oluja' (storm) in the summer of 1995.

On 6 June, the Danish judge Frederik Harhoff had written a letter accusing the President of the ICC (Theodor Meron , in his second term) to have exercised undue pressure to encourage these acquittals. Meron would have done so on the advice of his Government" To avoid,"writes Andrea Rossini, observer of the Balkans and the Caucasus, "establishing a precedent in international criminal law of the dangerous paths in the area of responsibility in the command, then precedents that could be used in other scenarios against the United States". How did the case end? Harhoff we have already said, was forced to resign, while Meron remained in place.

Not only Meron remained in place but, precisely, on October 1 he was re-elected to lead the ICTY. Now the risk is that the criterion of 'specific direction' becomes the norm to be followed in the trials of war criminals. And that, therefore, will be much more difficult to obtain a conviction.

There is, however, a case that allows us to hope that the influence of Meron will not be so pervasive on the work of the ICTY . Recently, the Tribunal for crimes committed in Sierra Leone has rejected the criterion of specific direction in judging the former President of Liberia, Charles Taylor.

Taylor 's case is very similar to that of the already mentioned Momcilo Perisic: Taylor, during the war in Sierra Leone, had helped the rebels militarily fighting in the neighboring country, and that they were guilty of atrocities and war crimes such as rape and recruitment of children. If the 'doctrine Meron' had been applied, would have made the play of Taylor, helping to prove that the support given to armed rebels in Sierra Leone would not have been a more military aid in the broadest sense .

"In the case of Charles Taylor, the Court considered that the assistance provided by Taylor to the rebels were already sufficient to demonstrate the responsibility of the Liberian President in these war crimes," Florence Hartmann pointed out after the ruling, which sentenced Taylor fifty years ' imprisonment. Hartmann is a French journalist who in the past has been the spokesperson for Carla del Ponte, former prosecutor of the ICTY . "The legal jurisprudence of Meron, in this case, have not been used . And it is an important fact, because otherwise it would have failed justice to the victims. Hopefully in the future , despite the location that now holds Meron, the international jurisprudence is finally able."