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SCSL-03-01-T  
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**THE SPECIAL COURT FOR SIERRA LEONE**

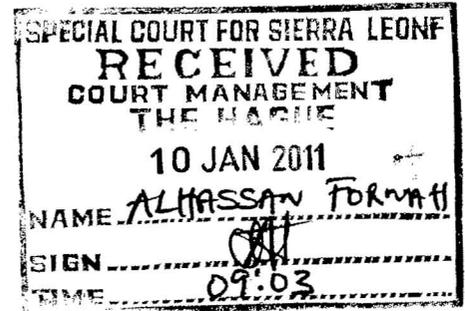
**Trial Chamber II**

**Before:** Justice Julia Sebutinde, Presiding  
Justice Richard Lussick  
Justice Teresa Doherty  
Justice El Hadji Malick Sow, Alternate

**Registrar:** Ms. Binta Mansaray

**Date:** 10 January 2011

**Case No.:** SCSL-03-01-T



**THE PROSECUTOR**

-v-

**CHARLES GHANKAY TAYLOR**

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**URGENT AND PUBLIC WITH ANNEXES A-N**

**DEFENCE MOTION FOR DISCLOSURE AND/OR INVESTIGATION OF  
UNITED STATES GOVERNMENT SOURCES WITHIN THE TRIAL CHAMBER,  
THE PROSECUTION AND THE REGISTRY BASED ON LEAKED USG CABLES**

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**Office of the Prosecutor:**

Ms. Brenda J. Hollis

**Counsel for Charles G. Taylor:**

Mr. Courtenay Griffiths, Q.C.  
Mr. Terry Munyard  
Mr. Morris Anyah  
Mr. Silas Chekera  
Mr. James Supuwood  
Ms. Logan Hambrick, Legal Assistant

## I. INTRODUCTION

1. On 17 December 2010, the Guardian News and Media, Ltd.,<sup>1</sup> published two United States embassy cables relating to the ongoing trial against the Accused at bar, which were leaked through WikiLeaks.<sup>2</sup> The first cable, dated 10 March 2009,<sup>3</sup> makes it clear that the United States Government (“USG”) wants to keep Charles Taylor out of Liberia at all costs. Confirming the position of the USG, the United States Ambassador to Liberia, Linda Thomas-Greenfield, states in that cable that “...the best we can do for Liberia is to see to it that Taylor is put away for a long time and we cannot delay for the results of the present trial to consider next steps. All legal options should be studied to ensure that Taylor cannot return to destabilize Liberia”.<sup>4</sup> The second cable, dated 15 April 2009,<sup>5</sup> reveals that sensitive information about the trial has been leaked to the United States Embassy in The Hague by unnamed contacts in the Trial Chamber, the Office of the Prosecutor (OTP) and the Registry.<sup>6</sup>
2. On 23 December 2010, a Liberian newspaper, the New Democrat, published an article titled, “Sorry for the Leaks: Pres. Sirleaf Acknowledges US Ambassador’s Apology”.<sup>7</sup> Therein, it states that Liberian President Ellen Johnson-Sirleaf says the United States Ambassador Linda Thomas-Greenfield has “apologized for the WikiLeaks classified cables emanating from the American embassy regarding key political developments”.
3. Based on these Cables, the Apology, and other available information, there is an inescapable and axiomatic concern that the impartiality and the independence of the Court may have been compromised. No third party should be privy to such sensitive information about the trial. No third party should have secret sources in all three organs of the Court.<sup>8</sup> The disclosures in

<sup>1</sup> Hereinafter “the Guardian.” The company owns the website, <http://www.guardian.co.uk>.

<sup>2</sup> WikiLeaks is a website run by Julian Assange that allows anonymous disclosure of leaked information. See [www.wikileaks.org](http://www.wikileaks.org).

<sup>3</sup> “March 2009 cable.”

<sup>4</sup> The March 2009 cable is at: <http://www.guardian.co.uk/world/us-embassy-cables-documents/196077> [**Annex A**]. Ms. Thomas-Greenfield was reacting to public statements made by then Special Court prosecutor, Stephen Rapp, regarding funding shortfalls at the Court. References by Ms. Thomas-Greenfield to the results of “the present trial” were to the outcome of the trial at bar. No reference was made by Ms. Thomas-Greenfield to the Accused’s guilt or innocence regarding any alleged crimes in Sierra Leone.

<sup>5</sup> “April 2009 cable.” Collectively, “Cables”.

<sup>6</sup> The April 2009 cable is at: <http://www.guardian.co.uk/world/us-embassy-cables-documents/202468> [**Annex B**]. Sensitive comments, *inter alia*, relate to the pace and efficiency of the trial, as well as funding and personnel issues.

<sup>7</sup> The full text of the New Democrat article is attached (“the Apology”) [**Annex C**].

<sup>8</sup> Article 11 of the Court’s Statute lists its three organs as being (i) the Chambers, (ii) the Prosecutor, and (iii) the Registry.

these Cables, in no small measure, place the integrity of the Court itself on trial, and the Court would have failed (regardless of whatever verdict it ultimately renders) if it is not seen to have been fair, or if it appears that the hidden hand of a third party influenced the proceedings. The Defence submits that the leakage of sensitive information to the USG by multiple officers of the Court suggests that the impartial and independent administration of justice has been interfered with and must be investigated.

4. For these and other obvious reasons, the Defence seeks immediate disclosure by the Prosecution and the Registry of the USG contact(s) within their respective organs, as well as the nature and extent of the relationship and the information that has been exchanged between the contact(s) and the USG. If either organ is unable or unwilling to fully disclose the requested information, the Defence requests that the Trial Chamber order an independent investigation to determine the identity of the sources and the nature and extent of their relationship with the USG, pursuant to its inherent powers and Rule 54 of the Rules of Procedure and Evidence.
5. Likewise, and in respect of the USG contact within the Chambers,<sup>9</sup> the Defence invokes the Court's inherent powers and Rule 54 in requesting that the Court commission an immediate and independent inquiry within its own quarters to determine the identity of the contact and the nature and extent of their relationship with the USG. The results of that internal inquiry should thereafter be made available to the parties and are sought through this motion.
6. The Defence seeks urgent adjudication of this matter given the advanced stage of the proceedings and the current filing schedule for the Final Brief submissions.<sup>10</sup> The Defence attempted to file this motion during the judicial recess on 31 December 2010,<sup>11</sup> but was refused permission by the Registry<sup>12</sup> and subsequently by the President.<sup>13</sup>

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<sup>9</sup> "Chambers" here has the meaning given it in Article 11 of the Statute – i.e., the Trial Chambers and the Appeals Chamber.

<sup>10</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1105, Order Setting a Date for the Closure of the Defence Case and Dates for Filing Final Trial Briefs and the Presentation of Closing Arguments, 22 October 2010.

<sup>11</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1120, Order Scheduling Judicial Recess, 15 November 2010.

<sup>12</sup> See Email from Defence to CMS, dated 31 December 2010 and the Response from the Registry dated the same day [**Annex D**].

<sup>13</sup> See Letter from the Defence to the President, dated 3 January 2011 and the Response from the President, dated 5 January 2011 [**Annex E**].

## II. BACKGROUND

7. The USG has always politically and financially sponsored the arrest, prosecution and *conviction* of the Accused. The USG has also contributed significant if not strategic personnel to the Court. Three of the Special Court's four Prosecutors (David M. Crane, Stephen Rapp, and Brenda J. Hollis), as well as the Court's first Chief of Investigations (Dr. Alan White) and the Court's Chief of Prosecutions (James C. Johnson), are Americans who have been employed by the USG prior and/ or subsequent to their respective tenures as high-level employees of the Special Court.<sup>14</sup>
8. On 8 February 2006, then Special Court prosecutor, David M. Crane, appeared before the Subcommittee on Africa, Global Human Rights and International Operations of the United States House of Representatives' Committee on International Relations. A copy of his address and his written speech are contained in Exhibit D-404, and some portions of his address were quoted during the Defence's Opening Statement on 13 July 2009.<sup>15</sup> Crane's remarks provide clear evidence of the USG's intention to convict Mr. Taylor through the auspices of the Special Court in order to keep him out of Liberia, using whatever monetary and political pressure that is necessary. Crane explained that the USG had decided that if Nigeria (who was hosting Mr. Taylor in exile at the time) did not turn Mr. Taylor over to the Special Court, the United States would not give any further monetary assistance to the Nigerian Government.<sup>16</sup> Crane also highlighted his fear that Taylor would return to Liberia from exile, stating that the United States must "...hand Charles Taylor over to the Special Court for Sierra Leone for a fair trial. This *takes him out* of the local and regional dynamic

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<sup>14</sup> David M. Crane, the Special Court's first Prosecutor, and Dr. Alan White, the Special Court's first Chief of Investigations, worked in the United States Department of Defence for more 30 years [**Annex F**, available at: [http://turtlebay.foreignpolicy.com/posts/2010/02/24/guinea\\_s\\_junta\\_hires\\_ex\\_war\\_crimes\\_prosecutors\\_and\\_gets\\_a\\_favorable\\_report](http://turtlebay.foreignpolicy.com/posts/2010/02/24/guinea_s_junta_hires_ex_war_crimes_prosecutors_and_gets_a_favorable_report)]. Stephen Rapp, the Special Court's third Prosecutor, was previously a U.S. Attorney and left the Court after he was appointed U.S. Ambassador at Large for War Crimes [**Annex G**, available at: <http://www.state.gov/r/pa/ei/biog/129455.htm>]. Brenda J. Hollis, the Special Court's fourth and present Prosecutor served in the United States Air Force as an intelligence officer and Judge Advocate before being seconded by the U.S. Government to the ICTY and starting her career in international criminal law [**Annex H**, available in full at: <http://globetrotter.berkeley.edu/people/Hollis/hollis-con0.html>]. James C. Johnson, presently the Chief of Prosecutions, but with the Special Court since January 2003, served in the United States Army for 20 years, taught at the U.S. Army Judge Advocate General's School, and served as a prosecutor and international / operational law advisor to conventional and special operations units [**Annex I**, available at: <http://www.roberthjackson.org/the-center/events/international-humanitarian-law-dialogs/ihld-2010/james-c-johnson/>].

<sup>15</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Defence Opening Statement, 13 July 2009 ("**Defence Opening Statement**"), p. 24290-93. The pertinent part of Exhibit D-404 is reproduced in **Annex J**.

<sup>16</sup> Exhibit D-404, p. 53. According to David Crane, the United States had "induced" Nigeria to allow Taylor to go into exile in Calabar. Exhibit D-404, p. 79, FN 14.

that is West Africa”.<sup>17</sup> Crane further stated that he had given a copy of Taylor’s Indictment to the U.S. Assistant Secretary of State and the U.S. Ambassador to Sierra Leone at a breakfast meeting two months before the Indictment was officially unsealed in June 2003.<sup>18</sup> Crane acknowledged that during his tenure as Prosecutor, the OTP had developed an “information asset system” and passed along information gleaned through that system to appropriate governments and law enforcement agencies, no doubt including those of the United States and Liberian Governments.<sup>19</sup>

9. Furthermore, Crane declared that the United States has been the biggest financial contributor to the Special Court.<sup>20</sup> The United States is also on the Special Court’s United Nations-sponsored Management Committee.<sup>21</sup> Crane further stated that the United States had given undisclosed sums of money directly to the OTP,<sup>22</sup> in addition to, and separate from, its contributions to the Court as a whole.<sup>23</sup>
10. It will be recalled that Lead Defence Counsel submitted during the Defence’s opening statement that Mr. Taylor was only indicted and arrested because of the USG’s interests and

<sup>17</sup> Exhibit D-404, p. 75.

<sup>18</sup> Exhibit D-404, p. 79, FN 10. A copy of the Taylor Indictment was given to U.S. Ambassador at Large for War Crimes Issues as well, but it is not clear when this happened.

<sup>19</sup> Exhibit D-404, p. 81, FN 25. Footnote 25 reads “[a]ll of this information has been passed to appropriate governments and law enforcement agencies.” While it does not expressly mention the USG, the context of the remarks and appearance by Crane make exceedingly clear that the USG is one of the governments in question. The Defence further recalls allegations included in an affidavit filed as Confidential Annex D of the Defence Contempt Motion, which stated that a potential witness had been arrested for treason by the Liberian National Security Agency on the basis of information given to the NSA by “‘their friends in the sub-Region’, the Prosecution for the Special Court of Sierra Leone”. See *Prosecutor v. Taylor*, SCSL-03-01-T-1090, Public with Confidential Annexes A-J and Public Annexes K-O Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecution and its Investigators, 27 September 2010 (“**Defence Contempt Motion**”).

<sup>20</sup> Exhibit D-404, p. 74. See also, for example, First Annual Report of the President of the Special Court for Sierra Leone, for the period 2 December 2002 – 1 December 2003, Annexes IV (Contributions) and V (Management Committee Member States) [**Annex K**, available in full at:

<http://www.sc-sl.org/LinkClick.aspx?fileticket=NRhDcbHrcSs%3d&tabid=176> ].

<sup>21</sup> The Management Committee is set up in accordance with Article 7 of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, dated 16 January 2002 (“**SCSL Establishment Agreement**”), stating that the Management Committee “shall consist of important contributors to the Special Court” and will “assist the [UN] Secretary-General in obtaining adequate funding, and provide advice and policy direction on all *non-judicial aspects* of the operation of the Court, including questions of efficiency...” (emphasis added).

<sup>22</sup> Exhibit D-404, p. 77, FN 3 (David Crane stated “...the dedicated and professional staff of the House International Relations Committee was very effective in sustaining political *and financial backing for the Office of the Prosecutor* throughout my tenure in Freetown”) (emphasis added). See also, Defence Opening Statement, p. 24294.

<sup>23</sup> The Defence notes, for example, the Budget Summary of the OTP and its budgeted Operational Costs for 2009-2011, and queries whether money donated directly to it by the USG is included in such sums, or if this is purely representative of Registry funds distributed to the OTP. See, Seventh Annual Report of the President of the Special Court for Sierra Leone, for the period June 2009 to May 2010, “Completion Strategy and Completion Budget” [**Annex L**, available in full at: <http://www.sc-sl.org/LinkClick.aspx?fileticket=33ryoRsKMj1%3d&tabid=176> ].

pressure.<sup>24</sup> Mr. Taylor subsequently testified that the USG had a vendetta against him and sought to remove him from power through various means, including by demonizing<sup>25</sup> and destabilizing his government,<sup>26</sup> giving military support to opposition LURD rebels<sup>27</sup> (a contention confirmed by prosecution witness and former Liberian Vice-President Moses Blah),<sup>28</sup> and working to install Ellen Johnson-Sirleaf as President.<sup>29</sup> Mr. Taylor also testified that the United States was attempting to oust him in furtherance of U.S. commercial interests in the sub-region.<sup>30</sup> Other accounts imply the USG targeted Mr. Taylor because of unsubstantiated evidence linking Liberia to Al Qaeda and the attacks on U.S. Embassies in Kenya and Tanzania in 1998.<sup>31</sup>

11. The published Cables provide further insight into this relationship between the OTP and the USG. They also disclose and give fresh insights into what appear to be equally close relationships between the USG and source(s) within Chambers and the Registry, with the clear implication being that the USG has successfully infiltrated all organs of the Court.

### III. APPLICABLE LAW

#### Impartiality and Independence of the Tribunal

12. The notion that courts of law, including international criminal tribunals, must be impartial and independent is enshrined in principles of natural justice as well as international criminal law jurisprudence. The Accused has a fundamental right to be tried before an independent and impartial tribunal. Indeed, this is an integral component of his fair trial rights.<sup>32</sup>
13. United Nations Security Council Resolution 1315 (2000), which called for the creation of the Special Court, emphasized “the importance of ensuring the impartiality, independence and

<sup>24</sup> See, Defence Opening Statement, p. 24290-94 and 24318-19 (likening the Indictment of Mr. Taylor to the U.S. foreign policy of “regime change”). See also, Exhibit D-407, a Los Angeles Times article, stating that the U.S. had pressed President Sirleaf to ask Nigeria to turn over Mr. Taylor, and that she did so in order to attract donor money [Annex M].

<sup>25</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, **Testimony of Charles Taylor**, 27 August 2009, 27903-6.

<sup>26</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, **Testimony of Charles Taylor**, 5 August 2009, p. 25991-2.

<sup>27</sup> See, ex, *Prosecutor v. Taylor*, SCSL-03-01-T, **Testimony of Charles Taylor**, 14 July 2009, p. 24342-3; 24346; and 24405. See also, Confidential Annexes B and I of the Defence Contempt Motion, which are affidavits from potential witnesses suggesting that the LURD was a *de facto* military wing of the SCSL’s Office of the Prosecutor.

<sup>28</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, **Testimony of Moses Blah**, 20 May 2008, p. 10332.

<sup>29</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, **Testimony of Charles Taylor**, 27 August 2009, p. 27872.

<sup>30</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, **Testimony of Charles Taylor**, 10 August 2009, p. 26300-1.

<sup>31</sup> See Exhibit D-392, an article written by Douglas Farah, a Washington Post investigative reporter [Annex N].

<sup>32</sup> *Prosecutor v. Furundzija*, IT-95-17/1-A, Judgement, 21 July 2000, para. 177 and *Ndahimana et al v. Prosecutor*, ICTR-99-52-A, Judgement, 28 November 2007, para. 28.

credibility of the process, in particular with regard to the status of the judges and the prosecutors”. The Statute unequivocally states that the organs of the Court must act independently and impartially, and without instructions from any Government or other source. This prohibits, it is submitted, any member or organ of the Court from disseminating or sharing with outside third parties, any sensitive information which may undermine the integrity of the Court or its proceedings. The Registry, under Article 16 of the Statute, is the official channel of communication with respect to all information relating to the Court properly for public consumption. All officers of the Court are enjoined from conducting themselves in any manner that undermines the integrity of the Court.

14. Article 13(1) of the Statute states: “The judges shall be persons of high moral character, impartiality and integrity ... They shall be independent in the performance of their functions, and shall not accept or seek instructions from any Government or any other source.” By extension and subject to the necessary changes, this must also apply to legal officers and other employees who are in Chambers and enjoy the confidence of the judges.
15. Article 15(1) of the Statute states: “The Prosecutor shall act independently as a separate organ of the Special Court. He or she shall not seek or receive instructions from any Government or from any other source”.<sup>33</sup> Trial Chamber I has opined that “Article 15(1) reinforces, in unambiguous terms, an internationally accepted norm governing the exercise of prosecutorial authority, in International Criminal Tribunals, namely autonomy and independence”.<sup>34</sup> The duty to act independently, by necessary extension, must also apply to all members of the OTP, including support staff and investigators.<sup>35</sup>
16. On the one hand, the Defence appreciates that while the Special Court or any of its organs may not seek nor receive instructions from governments or other entities, it may seek assistance from the same.<sup>36</sup> On the other hand, the distinctions between the two – seeking

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<sup>33</sup> Similar language is found in Article 3(3) of the SCSL Establishment Agreement (stating “The Prosecutor and the Deputy Prosecutor shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source”).

<sup>34</sup> *Prosecutor v. Sesay et al*, SCSL-04-15-T, Decision on Sesay – Motion Seeking Disclosure of the Relationship Between Governmental Agencies of the United States of America and the Office of the Prosecutor, 2 May 2005, para. 22.

<sup>35</sup> See, for instance, Article 28 of the Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone, as amended on 13 May 2006, which states that counsel shall be held responsible for the misconduct of other members of his team in certain circumstances.

<sup>36</sup> See, for e.g., Rule 8(C) which allows the Special Court to invite States to provide assistance on the basis of an *ad hoc* arrangement or any other appropriate basis. Also, Rule 39(iii) gives the Prosecutor the power to seek the

assistance versus the prohibition against receiving instructions – are clear and obvious and must be respected.

Disclosure and/or Investigation

17. The Trial Chamber has the inherent power and duty to ensure that proceedings are fair and impartial. Rule 26bis mandates that the Chamber “shall ensure that a trial is fair and expeditious and that proceedings before the Special Court are conducted in accordance with the Agreement, the Statute and the Rules, with full respect for the rights of the accused...” That Rule and others, such as Rule 54 (which vests the Trial Chamber with the power to “issue orders... as may be necessary for the purposes of an *investigation* or for the preparation or conduct of the trial”), confirm that inherent in the Rules is clear recognition that a Chamber has inherent powers to oversee and regulate the conduct of proceedings before it.
18. Accordingly, this Court has the inherent power to order the Prosecution and the Registry to disclose information which stands to undermine the integrity and impartiality of the proceedings, and/ or to order an investigation into the same. The same applies with equal force to the obligation of the Trial Chamber to investigate, in appropriate circumstances, any one or more of its members.<sup>36</sup>

**IV. ARGUMENT**

19. The Cables and the Apology clearly indicate, *inter alia*, two things: 1) the USG’s desire to ensure that Mr. Taylor not return to Liberia,<sup>37</sup> and 2) proof that there is and have been contacts between the Trial Chamber, the OTP and the Registry, respectively, and agents of the USG outside the official lines of communication.<sup>38</sup> This, it is submitted, raises serious

<sup>36</sup> Compare, for example, the Defence’s instant request for the Trial Chamber to investigate the leak within its own quarters, to Defence requests at the ICTR for disclosure from a Judge of material or information in the possession of the Judge which is capable of demonstrating actual bias or the appearance of bias. *Karemera et al v Prosecutor*, ICTR-98-44-AR73.15, Decision on Joseph Nzirorera’s Appeal Against a Decision of Trial Chamber III Denying the Disclosure of a Copy of the Presiding Judge’s Written Assessment of a Member of the Prosecution Team, 5 May 2009, para. 11 (deeming such requests appropriate and not frivolous).

<sup>37</sup> March 2009 cable, paras. 11, 13 and 14.

<sup>38</sup> April 2009 cable: communication from a source in the Trial Chamber, para. 7 (“one Chamber contact believes that the Trial Chamber could have accelerated the Court’s work by excluding extraneous material and arguments”); communications from sources in the Prosecution and Registry, para. 7 (“contacts in the Prosecution and Registry speculate that Justice Sebutinde may have a timing agenda. They think she, as the only African judge, wants to hold the gavel as presiding judge when the Trial Chamber announces the Taylor judgment. Reportedly, her next stint as presiding judge begins in January”).

- doubts about the independence and impartiality of the Special Court's prosecution of Charles Taylor. Viewed objectively and reasonably, evidence suggests that the indictment and trial of Mr. Taylor by the Special Court is no more than an extension of U.S. foreign policy interests in West Africa, with there being no connection to any alleged crimes in Sierra Leone.
20. This is even more so when the Cables are considered in the greater context of the operation of the Special Court, which was created and funded in large part by the American Government. As indicated earlier, American personnel have also held very important positions in the Prosecution. The OTP and its Investigations division has been led by five employees of the USG: David M. Crane and Alan White (U.S. Department of Defence), Stephen Rapp (U.S. Attorney and presently U.S. Ambassador at Large for War Crimes), Brenda J. Hollis (U.S. Air Force intelligence officer and judge advocate), and James C. Johnson (U.S. Army and special operations instructor).<sup>39</sup> Furthermore, and most disturbing in view of the USG's stated position that Mr. Taylor must be tried and kept away from West Africa for a long time, the OTP has received, directly and separate from the contributions by the USG to the Special Court as a whole, undisclosed and unaccounted for sums of money from the USG to support Prosecution operations. The Defence is at a loss as to what covert operations the Prosecution runs on such clandestine funding, suffice to say that this casts serious doubts on the independence of the prosecution of the Accused. Lead Defence Counsel has often called the trial political and Taylor's indictment selective, especially when considered against the decision not to indict similarly-situated Tejan Kabbah.<sup>40</sup> This confluence of factors leads to the possible conclusion that Mr. Taylor is a target of selective prosecution<sup>41</sup> and that the integrity of the trial process is irreparably tainted.
21. The only way to remove any doubt about the independence and impartiality of the tribunal is for the Trial Chamber to order the disclosure of and/or an investigation into the identity of the source(s) within the Trial Chamber, Prosecution and Registry and the full nature of their relationship with the USG. Specifically, this must include an explanation of the context and circumstances within which each of the comments recorded in the Cables were made to representatives of the USG. Furthermore, in the interests of justice, the Trial Chamber should

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<sup>39</sup> See FN 14 above, and Annexes F-I.

<sup>40</sup> Defence Opening Statement, p. 24321.

<sup>41</sup> To demonstrate selective prosecution, the Defence must show: i) an improper or unlawful motive for prosecution and ii) that similarly situated persons were not prosecuted. *Prosecution v. Delalic et al*, IT-96-21-A, Judgement, 20 February 2001, para. 611.

order disclosure of any information tending to suggest that the Prosecution has sought or received instructions from the USG regarding any aspect of the Taylor trial, as well as an explanation and an accounting of the money provided by the USG to the Prosecution. If the parties are unwilling or unable to provide such information forthwith, then the Trial Chamber should order an investigation into the same.

## V. CONCLUSION & RELIEF REQUESTED

22. Given the seemingly compromised impartiality and independence of the Special Court for Sierra Leone in light of its connection to the USG as alleged herein, the Trial Chamber must order disclosure and/or and investigation into the following:

- i. the identity of the source(s) within the Trial Chamber, Prosecution and Registry who provided the USG with the information in the Cables;
- ii. the full nature of the respective sources' relationship with the USG, specifically including an explanation of the context and circumstances in which each of the comments recorded in the Cables were made to representatives of the USG;
- iii. information tending to suggest that the Prosecution has sought or received instructions from the USG regarding any aspect of the Taylor trial; and
- iv. a full explanation of the money provided by the USG to the Prosecution, including the amounts of money given and when; the purpose of the funds; how the funds were used; and who the OTP was accountable to in the distribution and use of the funds.

23. The Defence further requests that the issue be considered on an expedited basis, given the advanced stage of the proceedings.

Respectfully Submitted,



**Courtenay Griffiths, Q.C.**  
**Lead Counsel for Charles G. Taylor**  
Dated this 10<sup>th</sup> Day of January 2011,  
The Hague, The Netherlands

## LIST OF AUTHORITIES

### *Prosecutor v. Taylor*

*Prosecutor v. Taylor*, SCSL-03-01-T-1120, Order Scheduling Judicial Recess, 15 November 2010

*Prosecutor v. Taylor*, SCSL-03-01-T-1105, Order Setting a Date for the Closure of the Defence Case and Dates for Filing Final Trial Briefs and the Presentation of Closing Arguments, 22 October 2010

*Prosecutor v. Taylor*, SCSL-03-01-T-1090, Public with Confidential Annexes A-J and Public Annexes K-O Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecution and its Investigators, 27 September 2010

*Prosecutor v. Taylor*, SCSL-03-01-T-353, Confidential Decision on Prosecution Motion Requesting Special Measures for Disclosure of Rule 70 Material, 2 November 2007

### *Prosecutor v. Sesay et al.*

*Prosecutor v. Sesay et al*, SCSL-04-15-T, Decision on Sesay – Motion Seeking Disclosure of the Relationship Between Governmental Agencies of the United States of America and the Office of the Prosecutor, 2 May 2005

### ICTR

*Karemera et al v. Prosecutor*, ICTR-98-44-AR73.15, Decision on Joseph Nzirorera's Appeal Against a Decision of Trial Chamber III Denying the Disclosure of a Copy of the Presiding Judge's Written Assessment of a Member of the Prosecution Team, 5 May 2009  
<http://www.ictrcaselaw.org/docs/20090505-dco-9844-01-en.pdf>

### ICTY

*Prosecutor v. Furundzija*, IT-95-17/1-A, Judgement, 21 July 2000  
<http://www.icty.org/x/cases/furundzija/acjug/en/fur-aj000721e.pdf>

*Prosecution v. Delalic et al*, IT-96-21-A, Judgement, 20 February 2001  
<http://www.icty.org/x/cases/mucic/acjug/en/cel-aj010220.pdf>

## **Annex A**

31262

guardian.co.uk

The US embassy cables:  
The documents



# US embassy cables: Rising concern about the Charles Taylor prosecution case

guardian.co.uk, Friday 17 December 2010 21.30 GMT

A [larger](#) | [smaller](#)

Tuesday, 10 March 2009, 12:51

C O N F I D E N T I A L SECTION 01 OF 02 MONROVIA 000188

SIPDIS

**EO 12958** DECL: 03/10/2019

**TAGS** PREL, PGOV, UNSC, PHUM, KCRM, LI

**SUBJECT: PRO-TAYLOR ELEMENTS STILL A FORCE TO BE RECKONED WITH**

Classified By: Ambassador Linda Thomas-Greenfield for Reasons 1.4 (b) a nd (d).

## Summary

A US ambassador warns that a cash shortfall could jeopardise the case against the former Sierra Leone president, stirring up old resentments in Sierra Leone and Liberia. Key passages highlighted in yellow.

1. (C) Summary: The recent remarks by Special Court for Sierra Leone prosecutor Stephen Rapp suggesting Charles Taylor may go free because of budgetary reasons caused alarm within the GOL and has emboldened Taylor supporters. Communication inside the Taylor camp remains intact, and those in leadership roles continue to be active and unrepentant. Should Taylor be acquitted in The Hague or given a light sentence, his return to Liberia could tip the balance in a fragile peace. *The international community must consider steps should Taylor not be sent to prison for a long time. We should look at the possibility of trying Taylor in the United States.* End Summary.

RAPP'S COMMENTS RAISE CONCERN WITHIN THE GOL

2. (C) Chief Prosecutor Stephen Rapp's ill considered announcement in the press February 24 that Charles Taylor may walk free because of a supposed budget shortfall for the Special Court for Sierra Leone, where Taylor is presently on trial, made

31263

headlines in the local press, and raised anxiety here about Taylor's imminent return. The GOL was alarmed enough that President Sirleaf called Ambassador on February 28 to raise her concerns. Sirleaf pointed out that Liberia's stability remains fragile, and such remarks reverberated throughout the country, as people are still traumatized by Taylor and the war.

3. (C) The press accounts out of The Hague have also emboldened the pro-Taylor factions here, including his extended family members, financiers and National Patriotic Party (NPP) loyalists, raising their hopes that Taylor might be acquitted soon. Despite their rhetoric about "moving on," they have thus far refused to appear before the Truth and Reconciliation Commission (TRC) to account for their activities, and those on the UN Sanctions lists continue to request delisting on the basis they have done nothing wrong rather than demonstrating what they have done to provide restitution for their activities.

#### GOL TREADING CAREFULLY WITH TAYLOR FACTIONS

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4. (C) The government itself is caught in the middle. There is quite little the GOL can do legally to arrest, prosecute or freeze assets of those who were close to Taylor, even if the political will were there, which remains an open question. The TRC has recommended a domestic war crimes court be set up, but under statute an Independent National Commission on Human Rights (INHCR) would implement the recommendation, and the Legislature (some of whom had close ties to Taylor) has thus far failed to establish the INCHR. The Legislature has also refused to pass any law that would allow the GOL to freeze assets of those on the UN sanctions list, and the Supreme Court has ruled that any confiscation of property can be done only after a trial.

5. (C) The Accra Comprehensive Peace Agreement (CPA) of August 2003 that ended the 14-year civil war, did not require the NPP to disband and in fact permitted the NPP to participate in the transitional government and in the 2005 elections. The NPP now holds seven seats in the Legislature (which may be one reason the legislation is being blocked). As well, none of Taylor's properties have been seized by the government and they remain in good shape and remarkably free of squatters, as no one dares to take the risk of retribution.

#### COMMUNICATIONS AMONG TAYLOR SUPPORTERS REMAIN STRONG

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6. (C) *The pro-Taylor forces still have the ability to organize themselves.* An NPP rally in December 2008 gathered a sizeable crowd, and Taylor supporters in June 2008 succeeded in preventing FBI investigators from entering Taylor's residence "White Flower" to obtain evidence for the Chucky Taylor trial in Florida. The most recent example was their effort on March 7 to disrupt the International Women's Colloquium. Taylor remains popular within many rural communities, especially in Bong, Lofa and Nimba counties, and is seen as someone who was able to unite Liberia's different ethnic groups. We also suspect there is some sympathy within the Americo-Liberian

31264

population who saw him as their deliverance from their losses following the 1979 coup. While we do not suggest they would want Taylor to return, we are sure that they do not want too many rocks to be turned over.

7. (C) Although we do not have any direct evidence to support the belief that pro-Taylor factions are behind much of the

MONROVIA 00000188 002 OF 002

armed robbery on the premise that crime will keep the government weak and the country unstable, the GOL is certainly convinced of this, and has taken steps to counteract the threat. The most recent act was to put Taylor-era head of police Paul Mulbah into the LNP as an "advisor" that some accuse (and the government denies) was in order to placate the Taylor people in advance of the March 7-8 International Women's Colloquium. That the Taylor crowd can still motivate such a reaction in the government is a testament to their influence.

8. (C) Lines of communications within Taylor's faction, the National Patriotic Front of Liberia (NPFL) remain intact. To be sure, the disarmament of the factions following the CPA has been extremely successful, and we have thus far been unable to confirm the existence of any large weapons caches, despite the persistent rumors. But the reintegration of the ex-combatants is far from complete. Former NPFL commanders Roland Duo (the only senior Taylor supporter to have testified before the TRC), Christopher "General Mosquito" Vambo and Melvin Sogbandi (none of whom are on the sanctions lists) remain in contact with the ex-combatants, and would have the capability to organize an uprising or even criminal activity.

9. (C) Certainly, the same is true for the other factions, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL). While apparently unarmed and not active in Liberia, we continue to receive reports that LURD is recruiting ex-combatants for militias in Guinea and MODEL is doing the same for Cote d'Ivoire.

THREAT OF TAYLOR'S RETURN ADVANCES THEIR CAUSE

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10. (C) XXXXXXXXXXXXXXX

11. (C) The threat of a return of Taylor strengthens their hand and for now they see no need to give in at all. However, if Taylor is put away for a long time, the government may feel a bit bolder in recovering assets and bringing Taylor backers who committed war crimes to justice.

12. (C) The international community has just a few tools to pressure the Taylor people into accepting the new reality. The UN sanctions appear to have the intended effect of keeping them somewhat marginalized and fearful of further attempts to strip them of their ill-gotten gains. However, we have regularly heard of travel outside Liberia of those on the travel ban list without prior approval.

NEXT STEPS FOR THE INTERNATIONAL COMMUNITY

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13. (C) However, the best we can do for Liberia is to see to it that Taylor is put away for a long time and we cannot delay for the results of the present trial to consider next steps. All legal options should be studied to ensure that Taylor cannot return to destabilize Liberia. Building a case in the United States against Taylor for financial crimes such as wire fraud would probably be the best route. There may be other options, such as applying the new law criminalizing the use of child soldiers or terrorism statutes.

14. (C) The peace in Liberia remains fragile, and its only guarantee is the robust and adaptable UNMIL presence. The GOL does not have the ability to quell violence, monitor its borders or operate independently to fight crime. A free Taylor could tip the balance in the wrong direction. THOMAS-GREENFIELD

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## **Annex B**

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The US embassy cables:  
The documents



## US embassy cables: The protracted case against Charles Taylor

guardian.co.uk, Friday 17 December 2010 21:30 GMT

A [larger](#) | [smaller](#)

Wednesday, 15 April 2009, 15:00

CONFIDENTIAL THE HAGUE 000247

DEPARTMENT FOR S/WCI - WILLIAMSON/DOHERTY, L - DONOGHUE,  
L/UNA - BUCHWALD, L/AN - OHAHS

EO 12958 DECL: 04/15/2019

TAGS PREL, PGOV, KAWC

**SUBJECT: SCSL'S TAYLOR TRIAL MEETS KEY MILESTONE, BUT SCSL  
STILL FACES SERIOUS HURDLES**

REF: A. REF: A) 2008 THE HAGUE 00021 B. B) 2008 THE HAGUE 00226

Classified By: Legal Counselor Denise G. Manning per reasons 1.5(b, d).

### Summary

US officials wonder why a special court judge might be interested in slowing down the prosecution case against the former Sierra Leonean president. Key passages highlighted in yellow.

-- SUMMARY: SCSL MEETS A KEY MILESTONE, BUT FACES UNCERTAINTY IN  
TERMS OF TIMING, FINANCES, AND COMPLETION ISSUES --

1. (SBU) On February 27, 2009, the Special Court for Sierra Leone (SCSL or Court) took another step toward completing its work when the Prosecution rested its case against former Liberian President Charles Taylor -- the last SCSL case at the trial stage. The Court could potentially complete its work before the end of 2010. A number of open issues, however, may affect timing, including the start date and length of the Taylor Defense case. Timing may be particularly important given expected funding shortfalls and the possible loss of courtroom space this coming September. Additionally, the current Registrar, Herman von Hebel (Netherlands), has resigned effective June 1, and his successor will inherit a host of difficult issues and a complex transition during the final days of the Court,s operations.

--BACKGROUND: A SMALL COURT WITH SEVERAL FIRSTS --

2. (U) A Trailblazing Court. The hybrid SCSL, created in 2002 through an agreement between the United Nations and the Government of Sierra Leone (GOSL) and funded entirely by voluntary contributions, has jurisdiction over those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in Sierra Leone after November 30, 1996. Although established almost ten years after the creation of the International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR), the SCSL is poised to complete its work before these tribunals. The SCSL has also been the first internationalized criminal tribunal to: 1) issue an indictment for an African head of state (Liberian President Charles Taylor); 2) enter convictions for the crime of recruiting and using child soldiers; and 3) successfully prosecute forced marriage as a crime against humanity and intentional attacks on U.N. peacekeepers as a serious violation of international humanitarian law.

3. (U) Last Trial Standing. In 2003, the SCSL indicted Charles Taylor, the leader of the National Patriotic Front of Liberia from 1989 to 1997 and the President of Liberia from 1997 until the 2003 indictment. The indictment alleges Taylor's deep involvement in the Sierra Leone conflict including his role in arming, training and acting in concert with the RUF and in trafficking the Sierra Leonean & blood diamonds that fueled and financed the fighting. The SCSL charged Taylor with eleven counts, including, inter alia, terrorizing the civilian population, unlawful killings, sexual violence, abductions and forced labor, and conscripting child soldiers.

))TIMING: TAYLOR TRIAL'S LINK TO CLOSING SCSL))

4. (SBU) Status of Trial. As the only ongoing SCSL trial, the Taylor trial is the linchpin to the SCSL completing its work. From April 6-9, 2009, the Court held the & judgment of acquittal hearing, with Defense arguing for acquittal on all of the charges. (Comment: In the & judgment of acquittal hearing, the Court considers whether Prosecution Qacquittal hearing, the Court considers whether Prosecution has presented any evidence that could sustain conviction on the charges, acquitting only if Prosecution has presented & no evidence to sustain the charge. End Comment.) In this hearing, Defense acknowledged that crimes had occurred in Sierra Leone but argued that the Prosecution had failed to 1) present evidence linking Taylor to those crimes and 2) establish that Taylor had been part of a joint criminal enterprise (JCE) because, if a JCE existed, it existed before November 30, 1996, the date at which the temporal jurisdiction of the SCSL begins. The Prosecution responded to these arguments by summarizing Taylor's responsibility for the crimes and pointing to Taylor's liability for JCE crimes committed after November 30, 1996, even if the planning of the JCE took place before that date. (Comment: The Court will most likely not issue its Rule 98 decision in April, especially since the Judges may recess through May. An acquittal does not seem likely. End Comment.)

5. (SBU) Next Up: Defense Case. A contact in the Registry has indicated that Defense will likely request three months to prepare for trial and four months to present its case. If the Court grants this request, the Defense case may start at the end of August. However, the same Registry source predicts that the Trial Chamber may order Defense

to begin its case as early as June, working through July and August with a possible recess in September. One wild-card factor, however, is the Defense's pending interlocutory appeal arguing that the Prosecution failed to properly plead the JCE theory of liability. The Trial Chamber may not schedule the Defense case before the appeals decision so the Defense knows which mode(s) of liability it must defend against. (Comment: Currently, the Registry's budget milestone document projects an October 31 trial termination date, a March 2010 judgment, sentencing in April 2010, and the conclusion of appeals in October 2010. If, however, the Defense case starts in August, the timeline could be pushed back by approximately two months. End Comment.)

6. (U) Spill-Over Timing Effects. A delay in the timing for the Taylor trial may create additional challenges. First, the International Criminal Court (ICC), the location of the Taylor trial, has informed the SCSL that it will need its second courtroom as of September 2009. (The ICC scheduled its second trial to start September 24th, and will likely need the courtroom prior to September 24th for pre-trial work). Back-up options explored by the Registry include finding other space or working during gaps in the ICC schedule. Second, according to Registry sources, each additional month of trial time costs approximately one million dollars.

))THE JUDICIAL FACTOR))

7. (C) *Judges Slowing Things Down? Further muddying timing predictions, Court employees have intimated that the Trial Chamber could work more expeditiously.* The Taylor Chamber consists of three judges who take turns presiding: Justice Richard Lussick (Samoa), Justice Teresa Doherty (Northern Ireland) and Justice Julia Sebutinde (Uganda), along with an alternate judge, Justice El Hadji Malick Sow (Senegal). A couple of Court employees have grumbled that when the last Prosecution witness testified on January 30, 2009, the Court still had 11 outstanding motions, some over a year old. Additionally, one Chamber contact believes that the Trial Chamber could have accelerated the Court's work by excluding extraneous material and arguments. Moreover, contacts in Prosecution and Registry speculate that Justice Sebutinde may have a timing agenda. They think she, as the only African judge, wants to hold the gavel as presiding judge when the Trial Chamber announces the Taylor judgment. Reportedly, her next stint as presiding judge begins in January.

8. (SBU) Expedited Appeals? The Appeals Chamber, with one empty seat, consists of President Renate Winter (Austria); Vice President Jon Kamanda (Sierra Leone); Justice George Gelaga King (Sierra Leone); and Justice Emmanuel Ayoola (Nigeria). President Winter reportedly has indicated that the Appeals Chamber intends to expedite any Taylor trial Qthe Appeals Chamber intends to expedite any Taylor trial appeals. Up for election in May, Winter may not, however, preside over the Appeals Chamber for any Taylor trial appeals, reportedly she will step down after the RUF appeal if she is not re-elected President.

))DEFENSE STRATEGY: WHO ME?))

9. (SBU) Drama-Bound Defense Case. A British Queen's Counsel, Courtenay Griffiths, heads Charles Taylor's top-notch and quick-tongued defense team, which reportedly

finds itself in the midst of identifying and proofing witnesses. All signs indicate that Taylor himself will take the stand as their first witness possibly staying in the box for 6 to 8 weeks, and based on Defense,s actions to date, the Defense team will likely argue that although the crimes may have occurred, Taylor has no link to the crimes.

))AN IMMINENT BUDGET CRISIS))

10. (C) Funding Shortfall. The Registry fears that the Court will run out of money as early as next month, although an expected Canadian USD 6 million contribution would keep the Court financed until early July 2009. In a marathon campaign, Registrar Von Hebel attended 250 meetings in 15 months to drum up funds from potential donor countries, but with, according to Von Hebel, little traction, due to donor fatigue, the difficult economic situation, and contributions going to other tribunals (e.g., the Special Tribunal for Lebanon (STL) or the Extraordinary Chambers in the Courts of Cambodia). Von Hebel wants to make another run at the Arab countries of Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates. He also believes that a letter from U.N. Secretary General Ban Ki-Moon asking countries to contribute might help open wallets. According to Von Hebel, when Ban sent out a similar letter in 2007, a number of countries made first-time donations. In addition, a couple of traditional donor countries have advised him they may need a similar letter in order to donate this year.

11. (U) Cost-cutting Measures: Concerned about the looming financial crisis, the Registry has undertaken cost-saving measures, reducing staffing costs by downsizing, incorporating liquidation clauses in contracts, and encouraging The Hague staff to use leave during the break between prosecution and defense cases. The Registry also plans to hand over the Freetown facilities to the GOSL in July 2010, reserving some space for its own continued use. Finally, Registry may look to consolidate the Appeals Chamber and the Taylor trial operations in The Hague, after the Appeals Chamber finalizes the RUF appeal.

12. (SBU) Help from Washington. The Registry may also seek USG,s assistance on financial issues. First, it may press the USG not to reduce its FY2009 contribution by 2 million, but to stay at last year,s level of 9 million USD. (Comment: The extra sum would not solve the Court,s immediate financial problem, since the USG generally contributes in the fall. End Comment.) Second, the Registry may ask for USG political support in the form of demarches to Arab countries, impressing upon the targeted Arab countries the critical nature of the SCSL,s financial situation.

))COMPLETION HICCUPS AND ISSUES))

13. (SBU) Registrar Musical Chairs. On April 8, 2009, the Court announced Registrar von Hebel,s resignation, effective as of June 1, 2009. Von Hebel will assume the Deputy Registrar position at the newly established Hague-based STL. (According to Embassy contacts, STL offered Von Hebel the position at the insistence of and to placate the Dutch, who believe the Dutch ICTY Registrar had been treated unfairly when the ICTY President unexpectedly declined to renew his contract). Given that the STL Registrar Robin Vincent (U.K.) recently resigned, Von Hebel may eventually step into Vincent,s shoes. Von Hebel is also tying up as many SCSL loose ends as possible, including signing

31271

a sentence-enforcement agreement with the Government of Rwanda. In terms of a successor Registrar, a Registry contact believes that the current Deputy Registrar Binta Mansaray (Sierra Leone) will surface as a strong candidate.

))COMMENT: RESIDUAL ISSUES))

14. (SBU) A Larger Role for The Hague? Although currently headquartered in Freetown, Sierra Leone, the Registry has toyed with the possibility of locating any Residual Mechanism (to toyed with the possibility of locating any Residual Mechanism ) or parts thereof ) in The Hague. For instance, Von Hebel believes that the Court may need to move its archives out of Sierra Leone in order to properly maintain and secure them. The City of The Hague has indicated its willingness to provide archiving facilities in connection with the ICTY,s closure. Some have also suggested combining some or part of the SCSL,s residual functions with those of The Hague-based ICTY and the Arusha-based ICTR. A combined residual mechanism might prevent duplication, but it would also face significant hurdles, given SCSL,s structural differences, e.g. funding, oversight mechanism and applicable legal framework. Furthermore, GOSL desires will be key, since a joint GOSL-UN agreement created the Court.

GALLAGHER

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## **Annex C**

**US SWITCH On Cards For Anelka**

PAGE 15

**NYCHIBO IS Magna Carta Leader**

...when he suggested ...

**CENTRAL BANK OF LIBERIA**

MARKET LEADING AND STABLE RETURNS

10%	15%	20%
...	...	...

*towards the achievement of social justice*

**DEMOCRAT**

NOVEMBER 2010 THE DEB. 2010 PAGE 14-15

**Hints for The Wise: The Redeeming Aspects of Leaked US Cables**

**Cote d'Ivoire Exodus Swells To Over 6000**

As the political stalemate in neighbouring Cote d'Ivoire continues with escalating insecurity, the number of refugees fleeing into Liberia and Guinea is rising, with the UN now



...ing the figure to over 6000, up from 500 last week.

Report: More than 6,000 people have fled Cote d'Ivoire into two neighboring countries of Liberia and Guinea, the UN refugee agency (UNHCR) has said.

Cote d'Ivoire has been plunged into political uncertainty after incumbent President Laurent Gbagbo refused to concede general election to Alassane Ouattara.

The agency said in a statement reaching ... on Wednesday that some

# Sorry For The Leaks

## Pres. Sirleaf Acknowledges US Ambassador's Apology



**P**resident Ellen Johnson Sirleaf said US Ambassador Linda Thomas-Greenfield has apologized for the WikiLeaks classified cables originating from the American embassy regarding key political developments.

The leaked cables, which were accessed by WikiLeaks, have caused significant damage to the country's reputation.

Here, the cables mainly dealt with issues of sustainable peace, primarily the role and continuing influence of former President Charles Taylor, even as he stands trial for war crimes in The Hague.

The cables also reveal the difficulties facing the government in meeting UN Security Council demands, amongst them the freezing of assets belonging to Mr. Taylor's associates.

Portions of the cables read: "The press accounts of The Hague have also im-

# Chinese Envoy Diagnoses Roots Of Underdevelopment



**C**hina's ambassador here, Mr. Zhu Yuxiao, is calling for proper use of materials by transforming them into finished products for a heavily consumer driven country.

Delivering the 9th commencement address for the University of Liberia Wednesday at the Chinese built SKD Sports Stadium, Ambassador Zhou said Liberia has the largest rainforest, but has no furniture production factories, large rubber plantations, but (it) has no tire or sneakers manufacturing factories.

He blamed the huge gap between the "richly endowed" natural resources and their utilization to produce goods and services in Liberia as the main cause of underdevelopment in the country.

**CBL's US\$5m For Liberian-Owned Businesses**

The government has announced that the Central Bank of Liberia (CBL) has committed US\$5m to be pumped into Liberian-owned businesses, although other details are yet to be known.

According to the Executive Managing Director, the money will be for small and medium size businesses.

## Sorry For The Leaks

oped the pro-Taylor factions here, including extended family members, financiers, National Patriotic Party (NPP) loyalists, and their hopes that Taylor might be acted soon. Despite their rhetoric about being on 'the right side', they have thus far refused to war before the Truth and Reconciliation Commission (TRC) to account for their actions, and those on the UN sanctions lists have to request detesting on the basis they did nothing wrong rather than demonstrating what they have done to provide restitution for their activities.

The government itself is caught in the middle. "There is quite little the GOL can do legal-

ly to arrest, prosecute or freeze assets of those who were close to Taylor, even if the political will were there, which means an open question. The TRC has recommended a domestic war crimes court be set up, but under statute, an independent National Human Rights Commission (INHCR) would implement the recommendation, and the Legislature (some of whom had close ties to Taylor) has thus far failed to establish the INHCR. The Legislature has also refused to pass any law that would allow the GOL to freeze assets of those on the UN sanctions list, and the Supreme Court has ruled that any confiscation of property can be done only after a trial."

## Underdevelopment

Dr. Yuxioa lamented that despite all the natural resources present in Liberia, it lacks capacity to produce enough goods for the sustenance of its "tiny population."

As a foreigner, I can easily notice the huge



Witness the richly endowed natural resources and the paucity of locally made products.

shortage of arable land, but it does produce enough food for its tiny population. Liberia has large rubber plantations, but cannot produce a sneaker or a tyre. Liberia exports iron ore deposits, but it does not produce a nail or a nailless. Liberia has the oil fields in the country, but it does not produce a single drop of oil. "I am stressed at the government's inaction Wednesday.

Instead of merely graduating students yearly, Amb. Yuxioa urged Liberian educational institutions to focus on quality education in science and technology to "produce more qualified engineers, geologists, agriculturists" ... to help solve the problem of local production in the country.

With production on course, he said, "the country can better utilize its natural resources, change the lopsided economy, bring peace and stability, improve human rights by generating jobs and national independence."

"One should make a living by utilizing the readily available natural resources around him or her," the Chinese diplomat added.

His candid statement underscores the need for government to woo businesses quickly into manufacturing instead of simply importing manufactured goods and commodities for sale.

The acute shortage of manufacturing factories in the country prompted this piece to reflect that Gardnersville, an industrial zone in prewar time, nowadays contain ruins of so so factories, but without production.

Goods and food commodities flooding the Liberian market are imported mainly from faraway Asian countries and the Indian subcontinent.

---Boima J.V. Boima

## Cote d'Ivoire Exodus

800 Ivorians have fled into eastern Liberia, and another 300 have arrived in Guinea.

UNICEF is boosting its contingency plans for Cote d'Ivoire and had airlifted additional supplies to Liberia and Guinea from its nearest stockpiles in Copenhagen, the UN said.

A statement quoted UNHCR spokesperson Edward as saying that most of Ivorian refugees seeking protective shelter in Liberia and Guinea were women and children.

The agency has deployed additional staff to Liberia's Nimba County, which is hosting 10,000 Ivorian refugees, the spokesperson said. The deployment was to ensure border monitoring, proper registration, and processing, refugees and distribution of aid.

UNICEF had endorsed the victory of opposition leader and President-elect, Ouattara, in the 2010 presidential elections. Gbagbo's claim to have won.

There have been alleged clashes between Ouattara's forces and Gbagbo's military forces. UN estimates that at least 500 people have been killed from the clashes, 200 injured, 470 people arrested and detained and many more displaced.

Monday, the UN Security Council ex-

tended the mandate of its peacekeeping mission in Cote d'Ivoire, initially due to expire on Dec. 31, to June 30, 2011.

The Council rejected Gbagbo's presidential order for UN and foreign troops to leave the country where the UN has more than 10,000 troops.

Meanwhile, the Economic Community of West African States (ECOWAS) announced on Tuesday that it would hold an emergency summit on the situation in Cote d'Ivoire on Friday. The regional body said in a statement reported by Xinhua that ECOWAS Heads of State and Government will be discussing the developments in Cote d'Ivoire.

The ECOWAS Commission said it has learnt with surprise and disappointment, the ultimatum issued by the outgoing President of Cote d'Ivoire, Gbagbo, to UNOCI, the UN Peacekeeping Mission, and the French Forces, Licorne, to leave the country immediately. "ECOWAS wishes to state that the ultimatum, far from helping the situation, would further heighten tensions and worsen the plight of the vulnerable in the country," the body said. "The Commission calls on the outgoing President to desist from his stand-off with the peacekeeping forces but rather to join in the effort in seeking ways of creating an environment of peace and security in the country," it added.

## Accused Taylor Weapons Supplier

flirt areas; they do not have impunity," the environmental group said.

It said Kouwenhoven was sentenced to eight years imprisonment for illegal arms trading in 2007. The landmark decision was one of the few instances of an individual being held to account in their own country for crimes allegedly committed in another. Global Witness first documented the involvement of Kouwenhoven in state-sanctioned illegal logging and arms trafficking in its 2001 report, Taylor Made, and later testified before the court and submitted extensive evidence supporting the prosecution's case.

The release: Kouwenhoven was head of the Oriental Timber Corporation (OTC) dur-

ing the regime of President Charles Taylor who waged a brutal war against the people of Liberia and Sierra Leone, funded largely through the sale of diamonds and illegal logging. OTC, also known as 'Old Taylor's Children' or 'Only Taylor Chops', was the most notorious logging company in the country and dominated the Liberian timber industry with 1.6 million hectares of concessions.

Kouwenhoven's sentence was overturned in 2008 by the Appeals Court. However, the appeal was quashed in April 2010 by the Supreme Court, which sent the case back to the Appeals Court - where the hearing starts today.

## CBL's US\$5m For Liberian-Owned

The Liberian Ministry of Agriculture and Forestry has announced that the World Bank has approved a US\$5 million credit line to support the private sector in the country. The credit line will be used to support the private sector in the country.

The credit line will be used to support the private sector in the country. The credit line will be used to support the private sector in the country.

## 4 Armed Robbers

verdict of the crime armed robbery against Moses Dupo, Vartney Othello, Varilee Kromah and Amose Gathen.

After the men were convicted of armed robbery, they rejected their fate by challenging police in fistcuffs in the full glare of Judge Gilayneh, lawyers from both sides, and spectators, degenerating the courtroom into mo-

mentary chaos.

The men rejected the jurors' verdict arguing that a co-defendant was used as witness against them.

They also accused prosecutors of injustice by entering into a 'deal' with the codefendant a witness.

-Story & Photo Peter N. Tobey

### SALALA RUBBER CORPORATION

#### VACANCY ANNOUNCEMENT

Salala Rubber Corporation has a vacancy for the position of Senior Human Resource Supervisor

Assignment: Full time, and resident at Weala, Margibi County

Salary: Attractive depending on qualification and job experience

Reports: directly to the SRC Human Resource Superintendent

Starting date: As soon as possible

Industry: Rubber

Requirement: University Degree in Management or Public Administration, with at least four years working experience in personnel supervision

#### Job Description:

Coordinate the overall daily operations SRC HR Department, and report to the Human Resource Superintendent. Ensure that SRC Personnel Policies, and Code of Conduct are respected. Monitor monthly payroll preparations for the purpose of timely salary payment. Work along with the HR Superintendent, and his team in strengthening the Human Resource Department, among others.

Address all applications, with two passport size photographs, and all relevant credentials to the Human Resource Department, Salala Rubber Corporation, P.O. Box 6569 Weala, Margibi County, Liberia.

Deadline for the submission of applications is Wednesday January 4, 2010.

Signed: \_\_\_\_\_  
SRC MANAGEMENT

## **Annex D**



Logan Hambrick <logan.hambrick@gmail.com>

## Two Urgent Defence Filings today

Logan Hambrick <logan.hambrick@gmail.com> Fri, Dec 31, 2010 at 9:44 AM  
 To: Elaine Bola-Clarkson <bola-clarkson@un.org>, Advera Nsiima Kamuzora <kamuzora@un.org>, Rachel Irura <irura@un.org>  
 Cc: Courtenay Griffiths <cgxqc@btinternet.com>

Dear Elaine, Advera and Rachel,

Good morning and Happy New Year.

The Defence have two motions that need to be filed this afternoon before the Trial Chamber on an urgent basis, despite the order of the President for CMS not to accept filings during the recess.

Per Article 10 of the Practice Direction on dealing with Documents in the Hague Sub-Office, we understand that urgent documents may be filed with CMS and circulated on an expedited with the authorization of the Chief of CMS.

The documents are urgent because they need to be considered by the parties and the Trial Chamber in advance of the 14 January 2011 date set for filing of the parties' final briefs. If we wait to file until the 10th of January when the recess is over, we may be too late.

I will be in the office (x9741) shortly in case there are any questions. I hope to have both documents ready for filing around 3pm today.

Best,  
Logan

--  
 Logan Christi Hambrick  
 Taylor Defence - Legal Assistant  
 Special Court for Sierra Leone  
 The Hague: +31 68 45 00 436



Logan Hambrick &lt;logan.hambrick@gmail.com&gt;

## Two Urgent Defence Filings today

Advera Nsiima Kamuzora &lt;kamuzora@un.org&gt;

Fri, Dec 31, 2010 at 12:59 PM

To: logan.hambrick@gmail.com

Cc: Binta Mansaray &lt;mansarayb@un.org&gt;, Courtenay Griffiths &lt;cgxqc@btinternet.com&gt;, Elaine Bola-Clarkson &lt;bola-clarkson@un.org&gt;, Eustace Thompson &lt;thompson9@un.org&gt;, Rachel Irura &lt;irura@un.org&gt;

Dear Logan,

I have consulted with the Registrar, re: your filing "two urgent Defence filings" during this judicial recess.

The subsisting President's Order Scheduling this Judicial Recess clearly directs Court Management Section of the Registry not to accept any documents for filing submitted before the Appeals Chamber and Trial Chamber II. Please see attachment below. This President's Order supersedes the principles enshrined in the Practice Direction on Dealing with Documents in The Hague Sub-Office.

Accordingly, unless the attached President's Order is 'relaxed', CMS cannot apply Article 10 of the Practice Direction on Dealing with Documents in the Hague Sub-Office to accept your documents, process and circulate them on an expedited basis.

Best Regards,

\*\*\*\*\*

Advera Nsiima-Kamuzora  
 CMS Coordinator  
 The Hague - Sub-Office  
 Post Box 19536,  
 2500 CM The Hague,  
 The Netherlands  
 Office Tel: +31-70-515-9722

Logan Hambrick &lt;logan.hambrick@gmail.com&gt;

31/12/2010 11:42

To Advera Nsiima Kamuzora &lt;kamuzora@un.org&gt;

cc

Subject Re: Two Urgent Defence Filings today

Thanks, Advera.

On Fri, Dec 31, 2010 at 11:04 AM, Advera Nsiima Kamuzora &lt;kamuzora@un.org&gt; wrote:

Dear Logan,

I will make consultations and get back to you asap.

Best Regards,  
AdveraLogan Hambrick  
<logan.hambrick@gmail.com>

31/12/2010 09:44

To Elaine Bola-Clarkson <bola-clarkson@un.org>, Advera Nsiima Kamuzora  
<kamuzora@un.org>, Rachel Irura <irura@un.org>

cc Courtenay Griffiths &lt;cgxqc@btinternet.com&gt;

Subject Two Urgent Defence Filings today

## **Annex E**



**SPECIAL COURT FOR SIERRA LEONE  
DEFENCE FOR CHARLES TAYLOR**

The Hague Sub-Office, P. O. Box 19536  
2500 CM The Hague, The Netherlands

Telephone: +31 70 515 9744; Facsimile: +31 70 322 2711

E-mail: Courtenay Griffiths, Q.C. (Lead Counsel): [cgxqc@btinternet.com](mailto:cgxqc@btinternet.com);  
Salla Moilanen (Case Manager) [moilanens@un.org](mailto:moilanens@un.org)

---

3 January 2011

*By email*

Honourable Justice Jon Moadeh Kamanda, President  
Special Court for Sierra Leone  
Freetown, Sierra Leone

**RE: Order Scheduling Judicial Recess of 15 November 2010**

Dear President Kamanda,

Compliments of the Season.

We seek clarification of your Order Scheduling Judicial Recess of 15 November 2010 ("Order").<sup>1</sup> The Order states that during the period of the judicial recess, from 20 December 2010 through 7 January 2011 inclusive, "the Court Management Section of the Registry will not accept any documents for filing submitted before the Appeals Chamber and Trial Chamber II". We were wondering if this Order was also intended to preclude the parties from filing applications of an urgent nature during the recess, or whether the Order simply relates to ordinary filings and timetables.

On Friday, 31 December 2010, the Defence sought permission from the Chief of the Court Management Section ("CMS") to make two urgent filings, in accordance with Article 10 of the Practice Direction on dealing with Documents in The Hague – Sub-Office, adopted on 16 January 2008 and as amended on 25 April 2008 ("Practice Direction"). Article 10 titled "Urgent Measures" states that if a party has a document that requires urgent action by a Judge or Chambers, the party shall personally take the document to CMS along with a written explanation of its urgency. Thereafter, the Chief of CMS will determine whether the matter requires urgent attention, and if so, shall

---

<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1120, Order Scheduling Judicial Recess, 15 November 2010.

process the document on an expedited basis. A copy of the relevant correspondence between the Defence and CMS is attached hereto.

CMS, in consultation with the Registrar, however refused to accept the filings on the basis of your Order, which they suggested superseded the Practice Direction, even in relation to urgent filings. We are however of the contrary view. In our opinion, your Order would not have been intended to bar filings of an urgent nature as that would not make sound judicial policy. We therefore seek your clarification in that regard. However, should our reading of your Order be wrong, we respectfully request that you amend your Order to allow for urgent filings during the recess. This would be both in the interests of justice and would assist the expediency of the trial process.

We appreciate your urgent attention to this matter.

Kind Regards,



**Courtenay Griffiths, QC**  
Lead Counsel for Charles Taylor

**CC:** Ms. Binta Mansaray  
Ms. Claire Carlton-Hanciles  
Ms. Brenda J. Hollis  
Ms. Rhoda Kargbo  
Ms. Jennifer Bekou-Betts

**Enclosures**



HON. JUSTICE JON M. KAMANDA  
PRESIDENT: SPECIAL COURT FOR SIERRA LEONE  
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE  
Mobile: +232 76 777 618.  
E-mail: moadeh02@yahoo.com  
moadehkamanda@un.org

---

5<sup>th</sup> January 2011

Courtenay Griffiths, Q.C.  
Lead Counsel for Charles Taylor  
Special Court for Sierra Leone

**RE: Order Scheduling Judicial Recess of 15 November 2010**

Dear Mr. Griffiths,

I am in receipt of your letter dated 3 January 2011 in which you requested clarification of my 15 November 2010 Order Scheduling Judicial Recess in the light of Article 10 of the Practice Direction on Dealing with Documents in The Hague, which provides for "Urgent Measures" on filing documents at the Special Court Sub-office in The Hague.

The above-mentioned Practice Direction deals with matters of procedure relating to the filing of documents pertaining to the Charles Taylor trial in The Hague. Article 10 which you cite does not deal with filings during judicial recess, and is therefore not applicable in this case. There is, in consequence, no means by which filings can be expedited in the judicial recess.

In the exceptional case where I could have overturned the Judicial Recess Order not to file during recess, I would not do so in the absence of the compelling circumstances which necessitate such an action. You have not referred to any such circumstances.

In any event, as the Order for Judicial Recess creates an opportunity for the Judges of Trial Chamber II to receive a well-deserved break, any authorization to file during this period would be impractical and of no consequence since the Judges of Trial Chamber II are currently on official leave out of The Hague.

I take this opportunity to wish you a happy and prosperous new year!

A handwritten signature in black ink, appearing to read 'Jon Moadeh Kamanda', written in a cursive style.

Justice Jon Moadeh Kamanda, President  
Special Court for Sierra Leone

## **Annex F**



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## Guinea's junta hires ex-war crimes prosecutors -- and gets a favorable report

Posted By Colum Lynch ■ Wednesday, February 24, 2010 - 5:00 PM ■ [Share](#)



Two former war-crimes specialists were recently hired as consultants for Guinea's military junta after it was accused of massacring civilians -- and produced a secret report downplaying the violence, *Foreign Policy* has confirmed.

**David M. Crane**, the former U.N. prosecutor for the Special Court in Sierra Leone, and his chief investigator, **Alan W. White**, were once on the front lines of the international effort to hold war criminals accountable for their misdeeds, securing an indictment in 2003 against the former Liberian warlord and president **Charles Taylor**.

The two American war-crimes specialists, who now run a consulting firm called CW Group International, LLC, recently used their expertise on behalf of the government of Guinea's former military leader, **Moussa Dadis Camara** (above left), who stands accused by a U.N. commission of inquiry of responsibility for the Sept. 28, 2009, murder and disappearances of more than 156 civilian protesters in the country's national soccer stadium.

CW Group signed an agreement with Guinea's military junta on Oct. 15, three weeks after the massacre, to "conduct a confidential investigation into recent allegations of shootings and sexual assaults, including gang rapes, that occurred on September 28, at the national stadium." The findings of the investigation were first published early this week by the newsletter *Africa Confidential*, but *Turtle Bay* has independently obtained a copy of the secret report and secured [...foreignpolicy.com/.../guinea\\_s\\_junt...](http://foreignpolicy.com/.../guinea_s_junt...)

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Here's one New York street scene that still hasn't been pkkwd. <http://twitpk.com/3ldrkrz>  
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the first interviews with Crane and White.

The report confirms that an elite Guinean presidential guard -- known by their red berets -- opened fire on opposition demonstrators at the national soccer stadium, and sexually assaulted women inside and outside of the stadium. But the death toll -- 59 -- and the scale of the violence described by Crane and White, is lower than that described by international human rights investigators. The report also downplays the role of the Guinean leadership in the killings or the abduction of scores of civilians and makes no mention of a coverup of the crimes, which has been claimed by the U.N. commission and Human Rights Watch. "Simply stated it appears from the facts extant that a crime against humanity was not committed by government forces on September 28<sup>th</sup>," the report states.

On the contrary, CW cites the efforts of key military commanders to defuse the standoff and to protect the opposition leaders who had gathered in the national stadium to protest Camara's effort to run for president in 2010. CW places some of its greatest emphasis on criticizing the country's opposition movement, Le Forum Des Forces Vives, for carrying out its demonstration in defiance of President Camara's wishes.

The report places most responsibility on the unit's commander, Lt. **Aboubacar Cherif Diakite** (a.k.a. Lt. Toumba), noting that President Camara had instructed the military to stay out of the stadium. "Those military personnel who responded to the stadium were in violation of a direct order issued by President Camara," the report stated. Lt. Toumba later **told Radio France International** that he shot President Camara in retaliation for seeking to place the blame for the killings on him. Toumba is in hiding and Camara is receiving medical treatment in Burkina Faso.

"The CW report is a dishonest and misleading report, and it is shameful that persons formerly associated with the Sierra Leone Special Tribunal authored it," according to an international human rights researcher who investigated the massacre. "It is absolutely clear that they ignored evidence that was widely available to them, both in terms of the scale of the atrocities and the responsibility for the massacre. Their motives in writing a white-wash report for the Guinean authorities have to be questioned."

Crane and White deny that their report was a white wash. But it stands in stark contrast to the U.N.'s investigation, which is based on nearly 700 interviews with witnesses and government officials and concluded that forces under the command of President Camara launched a "widespread and systematic attack" against the demonstrators, killing more than 100 civilians in the stadium, including 40 whose bodies have never been recovered. The U.N. report -- which said the assault constituted crimes against humanity -- says at least 109 women were sexually assaulted, including several who were held for days by soldiers in sexual slavery, and hundreds of others were tortured. The U.N. commission found that "there is a prima facie case that President Camara incurred direct criminal responsibility in the perpetration of crimes."

An investigation by Human Rights Watch echoed those findings, concluding that Guinea's military rulers unleashed a premeditated massacre of more than 150 people in an attempt to silence the political opposition. It also documented an effort by the Guinean military authorities to cover up the crimes.

Crane acknowledged in an interview with *Turtle Bay* that his firm carried out the investigation in order to assess what had taken place in the national stadium, but that the intent was not to clear Camara of responsibility. He also said that his firm's report was merely a preliminary assessment of events that could change as further evidence came to light, including that provided by the U.N. and Human Rights Watch. He noted that the report called on Guinean authorities to set up a 15-member task force to conduct a more extensive investigation, and to interview the more than 1,350 people his report claimed were treated for injuries.

"There were no punches pulled," Crane said. "It was clear to us that crimes were committed against the Guinean people and had to be dealt with under domestic law and possibly international law. We certainly want to see justice for the Guinean people and particularly the victims."

While the report does not hold Camara personally responsible for the killings, Crane and White both insisted that the firm privately warned Camara that he bore ultimate responsibility for the crimes and had to prosecute those responsible for them. "Even though there's no direct evidence in the preliminary assessment that links you directly as commander and chief you are ultimately ...foreignpolicy.com/.../guinea\_s\_junt...

Thanks, Glendora - Happy New Year to you, too...and thanks for reading the blog  
Wednesday, 12/31/10

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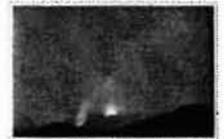


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responsible," White recalled telling Camara. "We told him to his face if you do not take appropriate action and hold those responsible for what happened you could be held criminally responsible: plain and simple."

The two war-crimes experts first appeared on the international justice scene in 2002, when they were appointed to lead the U.N.-backed investigation against Charles Taylor on charges that he provided financial and political support to a ruthless rebel movement, the Revolutionary United Front, that was known for mutilating its victims.

The two men had previously served in the U.S. government for more than 30 years. Crane, now a professor at Syracuse University College of Law, rose within the Pentagon to become a senior inspector general in the Defense Department, and an assistant general counsel of the Defense Intelligence Agency. White served as the director of investigative operations for the Defense Criminal Investigative Services before joining the U.N. court.

Crane and White said their firm is committed to the same principles that drove its two founders to champion the cause of human rights in Sierra Leone. Their consultancy work in Guinea focuses on promoting human rights and the rule of law. In Guinea, the company proposed a plan in December to provide Guinean troops training in the laws of armed conflict, and to promote a series of good governance policies that would lead the country toward "free and fair elections," Crane said. The proposal was dropped after the assassination attempt against Camara. "We were pursuing international justice to ensure that impunity did not continue in Guinea."

Crane and White were paid for their confidential report, but wouldn't reveal how much. White said the amount was "inconsequential."

The two men also insisted that their work on behalf of the Guinean military junta did not constitute lobbying, which would require that they register as agents of a foreign government. "We are not lobbyists," said White. "They try to prop you up publicly. We didn't do that.... At the end of the day, our integrity and ethics and moral standards will never be compromised. We do believe in Africa and know they lack capacity."



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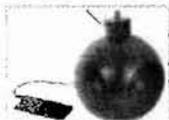
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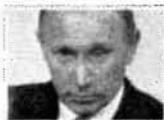
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HMRWAIISI 6:52 AM ET

February 26, 2010

To stop Chinese Expansions and save the USA Economy

I believe the US Foreign policy should be overhauled. The old doctrine failed in these modern days. It is no longer viable to serve the USA

## **Annex G**



Home » Under Secretary for Public Diplomacy and Public Affairs » Bureau of Public Affairs » Bureau of Public Affairs:  
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## Biography



### **Stephen J. Rapp**

Ambassador-at-Large

WAR CRIMES ISSUES

Term of Appointment: 09/08/2009 to present

Stephen J. Rapp of Iowa is Ambassador-at-Large for War Crimes Issues. Appointed by President Obama, he was confirmed by the Senate, and assumed his duties on September 8, 2009. Prior to his appointment, he served as Prosecutor of the Special Court for Sierra Leone beginning in January 2007, leading the prosecutions of former Liberian President Charles Taylor and other persons alleged to bear the greatest responsibility for the atrocities committed during the civil war in Sierra Leone. During his tenure, his office achieved the first convictions in history for sexual slavery and forced

marriage as crimes against humanity, and for attacks on peacekeepers and for recruitment and use of child soldiers as violations of international humanitarian law.

From 2001 to 2007, Mr. Rapp served as Senior Trial Attorney and Chief of Prosecutions at the International Criminal Tribunal for Rwanda, personally heading the trial team that achieved convictions of the principals of RTLM radio and *Kangura* newspaper—the first in history for leaders of the mass media for the crime of direct and public incitement to commit genocide.

Mr. Rapp was United States Attorney in the Northern District of Iowa from 1993 to 2001, where his office won historic convictions under the firearms provision of the Violence Against Women Act and the serious violent offender provision of the 1994 Crime Act. Prior to his tenure as U.S. Attorney, he worked as an attorney in private practice and served as Staff Director of the U.S. Senate Judiciary Subcommittee on Juvenile Delinquency and as an elected member of the Iowa Legislature.

He received his BA degree from Harvard College in 1971. He attended Columbia and Drake Law Schools and received his JD degree from Drake in 1974.

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## **Annex H**

Brenda Hollis Interview: Conversations with History; Institute of International Studies, UC Berkeley

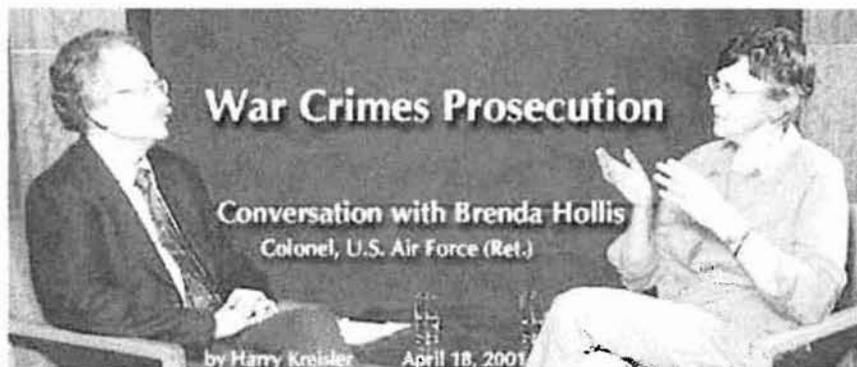


Photo by Jane Scherr

Page 1 of 8

## Background

Colonel Hollis, welcome to Berkeley.

Thank you very much.

Tell us about where you were born and raised.

I was born in Washington, D.C., but I'm told I lived there only about eight weeks; I don't actually recall that myself. I lived in the South, in Alabama; for a short time in Georgia; and then when I was in my pre-teen years, I lived in Ohio, and I went to university in Ohio.

In retrospect, how do you think your parents shaped your character?

I didn't know my father, and I think my mother was probably the person that shaped my character. The way that she shaped it is that my mother, like many women, was a woman who had more strength than she thought she had, and had a very quiet strength and authority. And also was very accepting of all of the crazy things that I did as a child. So I think she instilled in me a sense of fairness and honesty, and dislike for people who aren't fair and honest.

Did you have any other mentors in your youth that made an impact, teachers or others?

In my youth, I guess I'm somewhat ashamed to admit it, but I didn't like school very much. I found it very boring, it was very slow. So I found a lot of guidance in books. I began to read early, I read all kinds of books. I read history. I read books that were philosophical. I read books that dealt with the injustices of our time in the form of a novel. I think those were a very important influence on my life.

Any book that stands out in your mind even today?

Even today, I would say a book that had a great impact on me was the book *To Kill a Mockingbird*.

What about that, in particular? I mean, it moved us all. Was it the courtroom or the relationship of the young girl to her father?

I think the relationship of the girl to her father was important to me, but the most important thing about the book for me was that there was such an obvious injustice in the societal structure, and yet people lived so complacently within that injustice, and it provoked a real sense of outrage and indignation in me, and almost wonderment as to why they couldn't realize how unjust the system was in which they were living and actively participating.

Were these kinds of concerns further developed as an undergraduate? You went to the University of Denver as an undergraduate?

No, actually, I went to undergraduate school in Ohio, I went to Bowling Green State University, a small

31291

university near where I lived. I was a Liberal Arts major. I was very interested in all sorts of topics. My majors and minors included political science, history, philosophy, sociology. So I was very interested in how people relate to each other, and the rationalization by which we support our prejudices. It was a thing of interest to me that I further developed in the university, I think.

And then you decided to enter the military after your graduation?

No.

Tell me what you did.

\* [ Certainly. When I graduated, I had two job offers: I had a job offer from the CIA, and I had a job offer from the Peace Corps. Some people think that those are really incompatible services. I saw them both as a service to my country and the international community. I chose to go in the Peace Corps. I wanted to travel outside the United States, so I went into the Peace Corps as a public health worker in West Africa. I served in Niger second, but first I served in Senegal, in West Africa.

What out of that experience stands out in your mind even today, that public service for your country in an undeveloped part of the world?

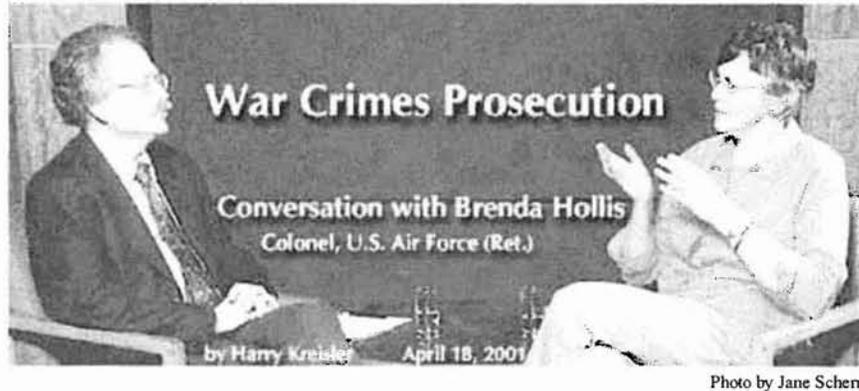
I think when you're doing it, at least when I was doing it, I didn't think every day, "I'm doing a service to my country, in this country." But the things that impacted me were two things. Number one, as a Peace Corps volunteer, you live with the people with whom you work, and so it truly opened my mind and my philosophy to other ways of life, other perspectives. Even the richness of different languages, and how that adds to who you are as a person. The second thing that struck me was the poverty in which they lived. I come from a background that's a relatively poor background, but the abject poverty that I saw in Niger and the inability of people to do things at the most fundamental level to protect their children from diseases and death, because they simply didn't have the means to do that, taught me a lesson that I never forgot. But also, the dignity with which they dealt with almost insufferable conditions.

Next page: [Soldier/Lawyer](#)

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3292

Brenda Hollis Interview: Conversations with History; Institute of International Studies, UC Berkeley



Page 2 of 8

## Soldier/Lawyer

You came back to the United States after this tour of duty [in the Peace Corps], and what did you do then?

I went back to Ohio, and went back to the university; took a few more courses in liberal arts, in psychology mostly. I thought for a time I wanted to get an advanced degree in psychology. But then my sister, who had been in the Air Force as an enlisted woman, talked to an Air Force recruiter about me, and talked to me about the Air Force. I decided I would meet with a recruiter, and he offered me a position as an intelligence officer, which I was interested in. So I decided to go into the Air Force.

One of your tours of duty was in Thailand as part of the Vietnam War.

That's correct. Yes, I was at the Eighth Tact Fighter Wing in Ubon, Royal Thai Air Force Base.

As an intelligence officer, what did you do there?

I was an air intelligence officer, so I was involved in briefing air crews before they flew missions into Vietnam and Laos, and also in debriefing them when they came back, and working on the plans for the major bombing missions into the north, and reporting information up to the higher command.

What impressions or conclusions were you left with by that tour of duty in that war?

I think the basic thing that I was left with was the commitment of the people who were carrying out the mission, and the commitment to do the right thing in the situations, and the commitment that what we were doing there was the right thing. People may disagree with that, and certainly reasonable minds may differ on that. But what I saw were committed people who were putting themselves at risk carrying out missions because they believed that the overall goal was worth doing, both for the people in the area and for the United States.

Has your thinking changed in light of the historical experience after that war, or is that an unfair question to ask?

I don't think my thinking has changed about what I just talked about. The relative strengths or weaknesses of the argument for our involvement, I think my thinking has changed since then. But I play a lot of sports, and I know that it's always possible to call a perfect game after the game has been played. I would say that my thinking has changed, in terms of our overall involvement, but not in terms of the experience I had with the individuals who were involved in our effort there.

After that tour of duty, under what circumstances did you wind up going to law school?

I got an early release from active duty. At the end of the Vietnam conflict, they had trained an awful lot of intelligence officers; we were over-staffed in intelligence officers. And at that time, certainly in the intelligence field, women didn't, in my estimation, have as fair an opportunity as they should have had. So I

31293

got an early release from active duty, but I maintained my commission and went into the Air Force Reserve, into the intelligence service. I went back to Denver. I had trained there to become an intelligence officer, and basically fell in love with the state. So I went back there, and I discovered, not really to my surprise, that in the job market there weren't a lot of jobs for people who had been Peace Corps volunteers and Air Force intelligence officers. So I was looking for a job, and then a friend of mine that I played sports with told me that the law school admission test was going to be given soon; I signed up just in time to take it, and did well enough to go to the University of Denver, the school I wanted to attend because I wanted to stay in Denver.

What in the law school curriculum attracted you most -- all of it, some of it?

To be quite honest, and I think the University of Denver is a good school, so I'm not at all trying to undermine the school, but it was the location that made we want to go to the University of Denver. I wanted to stay in Denver. But once I was involved in the law school, there were a variety of courses that I enjoyed. The ones I enjoyed the most were the international law courses, and the courses that had to do with criminal procedure, criminal evidence.

So then you completed your law work and you went back into the Air Force?

\* Yes. Some of the people that I went to law school with were actually being funded by the military to go to law school, and they talked to me about going back into the Air Force as a judge advocate. So after I had finished law school and was admitted to the bar in Colorado, I interviewed with the Air Force again, and they asked me to come back in as a judge advocate. So then I began my career as a judge advocate.

And this would have been in what year?

I went back onto the Air Force in 1978 or '79, a long time ago.

In the Judge Advocates Corps, in this first phase, what sort of litigation did you undertake?

My first two assignments were at the base level as an assistant staff judge advocate. I was involved in a broad variety of legal work. My first assignment, I was involved in one court-martial case, where I was the assistant to the lead attorney as a prosecutor. My second assignment was a remote tour to Korea, where I was an assistant staff judge advocate. I was involved in two or three more cases there, decided that that's what I liked and seemed to have some talent for, so I requested that my next tour from there would be as a circuit trial counsel at Lowry Air Force Base, again, in Colorado. The Air Force actually had divided the world up into geographic judicial circuits, and in each circuit there was a headquarters where there were full-time judges, full-time prosecutors who prosecuted the most serious crimes within the circuit, and full-time defense attorneys who were lead counsels on the most serious crimes within a circuit. So when I left Korea, I went back to that job as a circuit trial counsel.

As a prosecutor?

As a prosecutor.

Would you move around as cases came up?

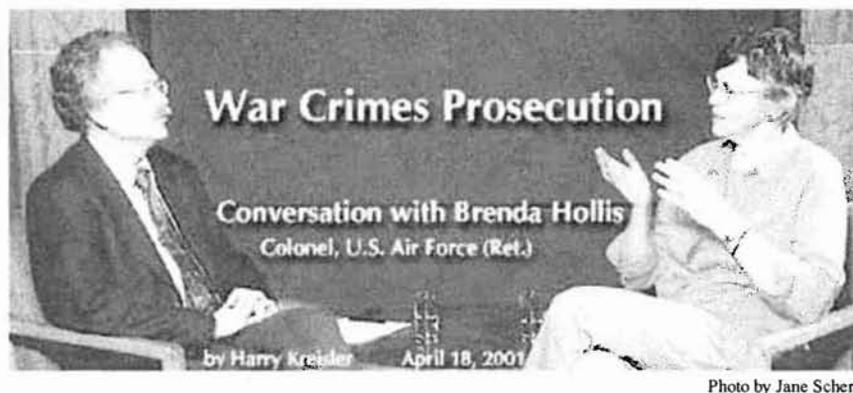
Exactly. We're very much like being a circuit rider before, and we had a very big geographic circuit, including all of the northern tier bases -- bases in Montana, Wyoming -- also into the Southwest; even, when I first went in, in the upper peninsula of Michigan. We would travel to these bases, finish the preparation for these cases, prosecute them, and then move on to our next base. It was a lot of travel, between 180 and 220 days a year that we would travel.

Next page: [A Woman in the Military](#)

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31294

Brenda Hollis Interview: Conversations with History; Institute of International Studies, UC Berkeley



Page 4 of 8

## Human Rights Work

Let's now move to the next phase of your career. You're in the Judge Advocates Corps, you're stationed in Rhein-Main Air Force Base in Germany, and a sequence of events leads you to becoming a pivotal figure in the definition of what human rights will mean in these post-Cold War situations where countries fall apart and ethnic groups are going at each other. Tell us about how you, as a member of the Judge Advocates Corps, wound up getting involved in the prosecution of human rights violations.

Of course. First of all, it's very gracious of you to say I was a pivotal figure. I don't think that's true, but I'll accept the compliment.

Well, we'll explain that later.

A lot of what I've done was a wonderful and accidental confluence of events. I was in Rhein-Main as the staff judge advocate because I was due to meet the promotion board to full colonel. My career advisors in the Judge Advocates Corps had said, "Brenda, you have to do two things to avoid being not selected. You have to avoid the two 'C's,' Colorado and criminal law. We have to make you a staff Judge Advocate somewhere, so you can prove that you can take on the broader responsibilities, the management responsibilities of a senior officer." So Rhein-Main was the base that was selected for me.

Rhein-Main was involved in flying in the air drops and the air land supplies into Bosnia, and I became aware of the Bosnian situation in more detail through my involvement at Rhein-Main Air Base. While I was at Rhein-Main Air Base, I actually met the deputy prosecutor of the Yugoslav Tribunal, who came there to interview a person that we had brought out on one of our planes.

Shortly after that, my tour at Rhein-Main was up, I was due for reassignment, and the judge advocate general of the Air Force nominated me as one of the people to be part of a twenty-two person United States delegation or group of people that were being loaned, seconded to the Office of the Prosecutor in The Hague. He nominated me because they wanted prosecutors, and I had been involved in prosecution at one level or another for most of my judge advocate career. That nomination went up to the Department of Defense; my name was accepted there, and then the State Department accepted it. Then it was sent to the Tribunal and my name was accepted. So I went from Germany, just up the road to The Hague.

We should explain to our audience the confluence of historical events: the Cold War ends, the state of Yugoslavia falls apart, ethnic conflicts and hatreds that had existed for many years came to the fore again, and then in the ensuing military conflicts, various atrocities and human rights violations were committed, which caused the UN Security Council to call for the establishment of a tribunal which would adjudicate these matters. So you were being seconded to the prosecutorial staff of that new legal entity. Is that a fair summary?

That's correct. With the end of the Cold War between Russia and the West, the Security Council was able to act without what had been a standing veto, and was able to act under its Chapter 7 powers, which are very broad powers, to intervene, even in internal affairs of a country if those affairs, the conflict, poses a threat to

## **Annex I**

31296

Robert H. Jackson Center

## James C. Johnson

Mr. Johnson is the Chief of Prosecutions for the Special Court for Sierra Leone. The Special Court, an International War Crimes Tribunal set up in 2002 jointly by the United Nations and the Government of Sierra Leone, is responsible for prosecuting persons who bear the greatest responsibility for violations of international humanitarian law committed in the territory of Sierra Leone. As such, he supervised four trial teams, prosecuting ten accused, and is currently directing ongoing investigations and supervising closure issues for the Prosecutions and Investigations Sections of the Office of the Prosecutor. Before assuming duties as Chief of Prosecutions, Mr. Johnson was a Senior Trial Attorney with the Special Court and was responsible for trying the former leaders of the Civil Defence Forces, the pro-government militia that fought in the decade-long conflict within Sierra Leone.

Before joining the Special Court in January 2003, Mr. Johnson served for 20 years in the United States Army. Among his tours of duty in the military he served as the Legal Advisor, George C. Marshall European Center for Security Studies in Garmisch-Partinkirchen, Germany and as an Assistant Professor of International and Operational Law, United States Army Judge Advocate General's School, Charlottesville, Virginia. He also served as a prosecutor and international/operational law advisor to both conventional and special operations units.

His academic degrees include a BS (Business Administration) from the University of Nebraska, a JD from the University of Nebraska and an LL.M. from The Judge Advocate General's School.

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## **Annex J**

THE IMPACT OF LIBERIA'S ELECTION ON WEST  
AFRICA

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HEARING

BEFORE THE  
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN  
RIGHTS AND INTERNATIONAL OPERATIONS  
OF THE

COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

—————  
FEBRUARY 8, 2006  
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The conference agreement contains a subsection similar to current law and the Senate proposal regarding extractive industries and the international financial institutions. The House did not address this matter.

*Sec. 586. Uzbekistan*

The conference agreement includes a provision as proposed by the Senate (section 6075) and similar to current law.

*Sec. 587. Central Asia*

The conference agreement includes a provision similar to that proposed by the Senate (section 6076) regarding assistance to Central Asia.

*Sec. 588. Disability Programs*

The conference agreement includes a provision similar to that proposed by the Senate (section 6077) making available \$4,000,000 in ESF for programs and activities administered by USAID to address the needs and protect the rights of people with disabilities in developing countries. Of this amount, the conferees direct that \$1,500,000 be made available to organizations that specialize in advocacy for people with disabilities, to support training, technical, and related assistance for foreign NGOs that work primarily on behalf of people with disabilities in developing countries, and \$2,500,000 be made available for equipment and other assistance for such foreign NGOs.

*Sec. 589. Discrimination Against Minority Religious Faiths in the Russian Federation*

The conference agreement includes a provision proposed by the Senate (section 6080) regarding assistance for the Russian Federation. The House did not address this matter.

*Sec. 590. War Crimes in Africa*

The conference agreement includes a provision similar to that proposed by the Senate (section 6081), requiring a certification by the Secretary of State before any funding may be made available to the central government of any country in which a person indicted by the Special Court for Sierra Leone or International Criminal Tribunal for Rwanda is living.

The conferees believe that Charles Taylor should stand trial for the crimes for which he has been indicted. In subsection (d), the conferees require a report by the President outlining the Administration's strategy for working with the Government of Nigeria to turn over Charles Taylor to the Special Court for Sierra Leone. If that report has not been received by 120 days following enactment of this Act, no funding may be made available for the central Government of Nigeria. This restriction is not intended to include support provided for peacekeeping operations in other countries.

*Sec. 591. Security in Asia*

The conference agreement includes a provision similar to that proposed by the Senate (section 6084) which (1) specifies military assistance for a number of countries in Asia; (2) makes funds avail-

## ASSISTANCE PRIORITIES

President Sirleaf's economic recovery and stabilization plan is rational, comprehensive and long-term. It can be realized with judicious and generous outside support. Below are six recommendations for US support to the new government.

1. \$200 million for development assistance to rebuild Liberia. It is obvious that Liberia teeters on the brink of reconstruction or destabilization. On the one hand, this war-ravaged post-conflict country must try to function with an \$80 million national budget, huge debt burden, unpaid civil servants, and no infrastructure. On the other hand it has new, competent leadership and a well thought-out plan for moving forward. Resources will make the difference. Liberia can absorb \$200 million in US assistance for community development, strengthening democratic institutions, economic reform, education, HIV/AIDS prevention and treatment, infrastructure development, employment generation, civil service reform and agricultural revitalization. The country urgently needs the funds this year. As I understand our budgetary system, supplementals are for emergency funding and this is an emergency. FY 07 on line budgetary funding is too late for a country with an \$80 million annual budget, some of which has been stolen.
2. Increased support for GEMAP. In terms of the economy, donor support of GEMAP through continued funding of the technical assistance and external advisors will demonstrate donor commitment and confidence in the president's courageous effort to revamp the financial architecture of her country.
3. Continued support for re-establishing a national military. On the security front, we applaud US funding for training a new army and urge continued funding to complete the job.
4. Continued support for UNMIL. The US should also ensure that UNMIL is retained at its present strength and that no battalions are diverted to deal with the conflict in neighboring Cote d'Ivoire.
5. Provide debt relief. US support for debt relief, similar to our efforts in Poland and Iraq, would weigh mightily in the effort to ease the reconstruction burden.
6. Lift restrictions of the Brooke Amendment. Liberia does not have access to some possible US funding because of arrears on debt payment. The US should lift these sanctions from Liberia as soon as possible, as we have done for Pakistan and other countries with extenuating circumstances or who are strong allies in the war on terrorism. Liberia meets both criteria.

In conclusion, Mr. Chairman, the issues in West Africa are bigger than Liberia or any one country, but Liberia, aching for recovery, can be the vanguard. With three million people, abundant natural resources, a new president with economic expertise and political competence, Liberia can be a model of a failed state transformed into a thriving democracy. It will take human and financial resources, but I cannot think of a better long-term investment with a guaranteed ROI (return on investment).

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you so much, Ms. Derryck.  
Professor Crane.

**STATEMENT OF MR. DAVID M. CRANE, FORMER CHIEF  
PROSECUTOR, SPECIAL COURT FOR SIERRA LEONE**

Mr. CRANE. Thank you, Mr. Chairman. I have prepared a written statement, and I ask that my written testimony be entered into the record to include the appendix, which is the indictment of Charles Taylor, if I might.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Mr. CRANE. Thank you, sir. Mr. Chairman and other Distinguished Members of the Subcommittee, good afternoon. I appreciate the opportunity to come before you and to talk about the tenuous future of a struggling democracy, the Republic of Liberia.

Before I do that, though, I think it is very important, however, for the record to recognize the tremendous steadfast and bipartisan

support this Committee has given me personally, professionally, and politically during my tenure as the chief prosecutor of the world's first hybrid international war crimes tribunal in West Africa, the Special Court for Sierra Leone. For 3 years, we all worked together to face down impunity in West Africa and to seek justice for the murder, rape, maiming, and mutilation of approximately 500,000 Sierra Leoneans ruined in a civil war over a period of 10 years of brutal and sadistic fighting on all sides.

I am here to tell you, Mr. Chairman, that you and your esteemed colleagues, who include Chairman Hyde and the Ranking Democratic Member, Mr. Lantos, as well as the bipartisan Human Rights Caucus of the House of Representatives, have made a difference in West Africa. From my heart, thank you.

If I may, Mr. Chairman, I would also like to recognize the incredibly important role nongovernmental organizations played and continue to play in supporting the work of the Special Court. We could not have accomplished what we have done thus far without their counsel, perspectives, advice, and political support.

Additionally, the group of interested states who have provided the much-needed financial support necessary to run a modern-day, international war crimes tribunal is very much appreciated as well. Of those states, the United States, under the leadership of a bipartisan Congress, has been our biggest supporter, and I might digress here, if I might, Mr. Chairman, and underscore my personal concern about what Mr. Royce discussed earlier, and that was \$13 million for the court.

It is simple math. They need \$13 million to meet their \$25 million goal, or they will not be able to continue to finish the work that we have all done together there.

I also want to recognize for the record, if I might, the quiet and steady support of my wife, Judith Ponder Crane, who is here today, a public servant in her own right, who represents the wonderful families who allowed us to do our important work in West Africa. As you know, an assignment to the Special Court is an unaccompanied host. Without her and the other families, the Special Court would not be the success it is today.

I also want to recognize here today Dr. Alan White, my chief of investigations, who literally put his life on the line to represent the people of Sierra Leone. So for the record, Dr. Alan White clearly is my personal hero in the work that we did together for 3 years there.

We can change the course of history, Mr. Chairman. We have a chance to do this in West Africa. I believe the Special Court for Sierra Leone placed the international community on the correct path, a path of truth and justice. The opportunity presented to us today is to show the people of West Africa, all of Africa, in large measure, that they matter, that we care, and that they are not alone.

During my many town hall meetings throughout Sierra Leone where I stood before my clients and listened to them tell me about the horrors that took place in their town, village, district or province, I told them three things: That the law is fair; no one is above the law; and that the rule of law is more powerful than the rule of the gun.

I am going to move through my testimony, though I do want to highlight that Charles Taylor has been a catalyst of most of the human tragedy and political instability in the region, backed by his compatriots, Colonel Muammar Qaddafi of Libya and President Blasé Camporie of Burkina Faso, among other criminal elements. That relationship with these two heads of state and the resultant political instability still remains.

Overlay Taylor's continued meddling in the affairs of the region, to include the attempted assassination of President Conté of Guinea in 2005, attest to his determination to do what he promised as he was escorted up the steps of that Nigerian airliner in August 2003, with various Presidents of several African countries, that he would be back. He meant it then, and he means it to this day: He will be back.

Charles Taylor knows the Western world, to include the United States, better than we do ourselves. He is relatively young, wealthy, influential, and has a supportive base, military and politically, within Liberia and the Mano River region. Taylor knows that the West, particularly this country, will never send its sons and daughters to West Africa to stabilize a faltering Liberia. Currently, the United Nations has a large peacekeeping force there under the able leadership of Alan Doss, one of the United Nation's best career diplomats, yet they are not going to be there forever, as we all know.

I posit that 5 years from now when the international community is challenged by other crises, Taylor, in Calabar, under the protection of Nigeria, will make his move. We will wake up one morning and watch on CNN as Taylor rides triumphantly down the main street in Monrovia to the executive mansion, daring all of us to come and get him. Unless he is handed over to the Special Court for Sierra Leone, this scenario is not out of the realm of possibility. More importantly, and I underscore more importantly, the people of West Africa know it all too well, that Taylor is a street fighter, a thug, and a survivor.

How do we assure Liberia's future? Ultimately, what we do about Taylor in the next several weeks will determine the fate of Liberia and the new administration of its President, Ellen Johnson-Sirleaf. Charles Taylor hangs like a dark and ominous cloud over this ravaged country where he personally, for his own criminal gain, destroyed, as he did in Sierra Leone.

There will be no prospect for peace in Liberia or the Mano River region as long as he remains outside the custody of the international tribunal in Freetown. In my opinion, nothing constructive can be developed in the long term in Liberia unless Charles Taylor is accounted for and turned over to the Special Court. It is that simple. Again, he will be back.

Here is my suggested roadmap for a successful beginning for Liberia.

First, hand Charles Taylor over to the Special Court for Sierra Leone for a fair trial. This takes him out of the local and regional dynamic that is West Africa. The new President can move forward, confident that Charles Taylor is not lurking in the shadows undermining her initial efforts to develop a legitimate and accountable Government in Monrovia. This has to happen first and now, or the

rest of my suggestions and recommendations and the one you are considering for Liberia's future will be a waste of time, money, and effort.

Second, tie any financial and political support to good governance in Liberia. I appreciate, Mr. Chairman, your summing up of my recommendations earlier, so I will not repeat what you said. Thank you. I am impressed with early attempts to restore respect for the government by the new President. This has to be continued, and earmarking any aid to specific programs that enhance good governance is a must.

Third, encourage the new administration in Liberia to establish the Truth and Reconciliation Commission called for in the earlier peace accords of 2003. The victims of any atrocity need to be able to tell their story officially. It is an important part of reconciliation for a country in transition from war to peace. It worked in Sierra Leone, and it can in Liberia. Recall that what took place in Liberia over a period of 10 years under the iron fist of Charles Taylor caused the murder, rape, maiming, and mutilation of around 600,000 Liberians. The victims, their families, and towns need to tell the world what happened there. A truth commission can assist in this and to allow them to begin to put the horror behind them.

Fourth, within the next few years or so, another hybrid war crimes tribunal needs to be established to account for the war crimes and crimes against humanity committed by Charles Taylor and his henchmen from 1990 to 2003 in Liberia. As most of these atrocities took place outside the jurisdiction of the International Criminal Court, an alternative model must be used. That model is the hybrid concept that proved to be so successful next door in Sierra Leone.

The domestic court system in Liberia is incapable of accomplishing this task, try as they might. Liberia, working together with the international community and under the auspices of the United Nations, can account for what Charles did to his own countrymen. Note that these are separate conflicts with consequent war crimes and crimes against humanity. Charles Taylor has destroyed two nations, not just one. He must be prosecuted for any crimes he is alleged to have committed in Liberia after he is tried for what he did in Sierra Leone. Couple both of these conflicts together, and Charles Taylor, sitting as a free man in Nigeria, is individually criminally responsible for the destruction of 1.2 million human beings.

If one takes these four recommendations—justice, truth, good governance, and the rule of law—the future of Liberia as a new democracy may be less cloudy and tenuous. To have a sustainable peace in Liberia, you must have truth and justice under the mantle of the rule of law and good governance. It is a simple  $A + B = C$  proposition. Truth plus justice equals a sustainable peace. Certainly, with this equation, Congress could be more assured that any funding and political capital expended would not be flushed down the drain.

There are many other challenges ahead for Liberia, some of which were highlighted by my esteemed colleagues at this table: Corruption, so endemic in all of West Africa; the abuse of natural resources; a whole generation lost of children to war as child sol-

diers; and international terrorist moving about the entire region, among many, many other concerns. These are very real challenges which require the United States to monitor for years to come how the Liberian Government manages its legal, political, and financial assets.

Accountability is the key. Make that government accountable to its people and its international backers. I respectfully ask this Committee to tie any future monetary aid to accountability and good governance. This approach will allow proper expenditure of U.S. taxpayers' hard-earned money.

In conclusion, I would ask this Committee to continue to forcefully urge the Bush Administration and the new President in Liberia to demand that Nigeria hand over war crimes indictee Charles Taylor to the Special Court to answer for his crimes. Nothing else that follows can happen with any assurance of success without it. In this period of time when we celebrate and recognize the principles laid down at Nuremberg 60 years ago, we must resolve, as human beings who care about humanity and the rule of law, that there cannot be an African exception to those principles.

I was going to read a portion of my opening statement against the Revolutionary United Front in July 2004. It is a matter of record, and, frankly, I do not think I would be able to get through it.

So thank you, Mr. Chairman, for this opportunity to address you and your esteemed colleagues today.

[The prepared statement of Mr. Crane follows:]

PREPARED STATEMENT OF MR. DAVID M. CRANE,<sup>1</sup> FORMER CHIEF PROSECUTOR,  
SPECIAL COURT FOR SIERRA LEONE

"I'LL BE BACK"—CHARLES TAYLOR AND THE FUTURE OF LIBERIA

#### INTRODUCTION

Mr. Chairman and other distinguished members of this sub-committee, good afternoon. I appreciate the opportunity to come before you and talk about the tenuous future of a struggling democracy, the Republic of Liberia.

Before I do that, however, I want to recognize the tremendous, steadfast, and bipartisan support this committee has given me professionally, politically, and personally during my tenure as the founding Chief Prosecutor of the world's first hybrid international war crimes tribunal in West Africa, the Special Court for Sierra Leone. For three years we *all* worked together to face down impunity in West Africa and to seek justice for the murder, rape, maiming, and mutilation of approximately 500,000 Sierra Leoneans ruined in a type of civil war over a period of ten years of brutal and sadistic fighting on all sides.<sup>2</sup> I am here to tell you, Mr. Chairman, that you and your esteemed colleagues, to include Chairman Hyde and the ranking democratic member, Mr. Lantos, as well as the bi-partisan Human Rights Caucus of the House of Representatives, have made a difference in West Africa.<sup>3</sup> From my heart, thank you all.

<sup>1</sup> Former founding Chief Prosecutor, Special Court for Sierra Leone 2002-2005. Professor Crane indicted then sitting President Charles Taylor for 17 Counts of War Crimes and Crimes against Humanity.

<sup>2</sup> This was most evident in the tremendous bi-partisan effort embodied in House Resolution 127, May 2005 where the House of Representatives called for Charles Taylor to be handed over to the Special Court for Sierra Leone by a vote of 420-1. All the people of West Africa were heartened by this call for action. HR 127 followed a similar call for the hand over of Charles Taylor by the European Parliament in February of 2005. That resolution passed that body 95-0.

<sup>3</sup> Additionally, the dedicated and professional staff of the House International Relations Committee was very effective in sustaining political and financial backing for the Office of the Prosecutor throughout my tenure in Freetown. Each of them was magnificent.

If I may, Mr. Chairman, I would also like to recognize the incredibly important role non-governmental organizations played and continue to play in supporting the work of the Special Court. We could not have accomplished what we have thus far without their counsel, perspectives, advice, and political support. Additionally, the group of interested states who have provided the much needed financial support necessary to run a modern day international war crimes tribunal is very much appreciated as well.<sup>4</sup> Of those states, the United States, under the leadership of a bipartisan Congress, has been our biggest supporter.<sup>5</sup>

I also want to recognize, for the record, if I might, the quiet and steady support of my wife, Judith Ponder Crane, a public servant, who represents the wonderful families who allowed us to do our important work in West Africa. As you know an assignment to the Special Court is an unaccompanied post. Without her, and the other families, the Special Court would not be the success it is today.<sup>6</sup>

#### WE CAN CHANGE THE COURSE OF HISTORY!

We have a chance to change the course of history for the better in West Africa. I believe the Special Court for Sierra Leone placed the international community on the correct path, a path of truth and justice. The opportunity presented to us today is to show the people of West Africa, all of Africa in large measure, that they matter, that we care, and that they are not alone. During my many town hall meetings throughout Sierra Leone, where I stood before my client and listened to them tell me about the horrors that took place in their town, village, district or province; I told them three things: that the law is fair, no one is above the law, and that the rule of law is more powerful than the rule of the gun.<sup>7</sup>

When I arrested 6 of the 13 individuals I indicted, in a textbook 55 minute arrest operation throughout Sierra Leone in Operation Justice, March 2003, to include the Minister of Interior at his desk, there was dancing in the streets.<sup>8</sup> The people of Sierra Leone began to believe that no one was above the law.

When we opened the three joint criminal trials against the leadership of the Civil Defense Force, the Revolutionary United Front, and the Armed Forces Revolutionary Council, over a period of time, the people of West Africa saw that the law was fair.<sup>9</sup> And when I unsealed that 17 count indictment against President Charles Taylor for the atrocities he committed on the people of West Africa; stripping the most powerful warlord in Africa of that power with the simple stroke of a pen; the people of this embattled region of the world realized that the rule of law was more

<sup>4</sup>Under the guidance of the UN sponsored Management Committee (consisting of the UN secretariat, the United States, Canada, Great Britain, Sierra Leone, Nigeria, and the Netherlands) there are around 31 nations who contribute money, goods, and services to the Special Court for Sierra Leone.

<sup>5</sup>The United States Congress needs to ensure that the Special Court for Sierra Leone remains properly funded throughout its remaining months. This tribunal is a model for efficiency and effectiveness, costing the international community only an average of \$25 million per year, compared to the \$125-130 million each of the current ad hoc tribunals cost per year. It is contemplated that the Special Court will be done with its work in West Africa in 2007, just 5 years from its beginning.

<sup>6</sup>Of the 70 persons in the Office of the Prosecutor who worked there in Freetown, a vast majority stayed with me for over three years, all having left their families behind. Their dedication to the rule of law was a daily inspiration for me.

<sup>7</sup>The Office of the Prosecutor Town Hall Program became the cornerstone of the now world famous Special Court Outreach Program, led by a Sierra Leonean, Binta Manserey and a team of outreach officers in each district of Sierra Leone. In the first 4 months of my tenure in Sierra Leone, I literally walked the entire countryside listening to the people of Sierra Leone by the tens of thousands. In the remaining years, I traveled frequently up-country to report back to them the progress of their tribunal and to listen to their concerns, questions, and issues. After all this was their tribunal and they were going to have to live with the result.

<sup>8</sup>Part of our overall strategic plan, preparation for Operation Justice began in October of 2002, just three months after our arrival. The plan was executed on 10 March 2003 with the tremendous support of the Sierra Leonean Police, the UN Peacekeeping force in Sierra Leone, the United Kingdom, as well as the United States. The Sierra Leonean Police made all of the arrests, assisted by investigators from the Office of the Prosecutor of the Special Court. After the arrests, the 6 indictees were whisked away to a temporary detention facility on Bonthe Island, put together by the Office of the Registrar in UN and US provided M1-8 helicopters. The HMS Iron Duke, from the British Navy, arrived to provide stability should additional forces prove to be needed. They were not. The tactical surprise was absolute and no one was killed or injured. As I told the press and the people of West Africa that afternoon at a press conference, on 10 March, the people of Sierra Leone will wake up tomorrow to a new Sierra Leone. It was a special moment for them.

<sup>9</sup>According to my prosecutorial strategy, all of the leadership, those who bore the greatest responsibility for what took place in Sierra Leone, were grouped into two, and then three joint trials representing all of the major fighting factions in the civil war.

powerful than the rule of the gun.<sup>10</sup> For the first time in his life, Charles Taylor ran into an immovable object—the victims of this tragedy, who shouted never again and no more. Humbled and beaten, he fled to a type of political limbo in Calabar, Nigeria.

Charles Taylor has been the catalyst of most of the human tragedy and political instability of the region, backed by his compatriots, Col. Muammar Abu Minyar al-QADHAFI of Libya and President Blaise Compaore of Burkina Faso, among other criminal elements.<sup>11</sup> That relationship with these two heads of state and the resultant political instability still remains. Overlay Taylor's continued meddling in the affairs of the region, to include the attempted assassination of President Conte of Guinea in 2005, attest to his determination to do what he promised as he was escorted up the steps of that Nigerian airliner, in August of 2003, with various presidents of several African countries, that *he would be back*. He meant it then and he means it to this day. He will be back.

Charles Taylor knows the western world, to include the United States, better than we do ourselves. He is relatively young, wealthy, influential, and has a supportive base militarily and politically within Liberia and the Mano River Region.<sup>12</sup> Taylor knows that the west, particularly this country, will never send its sons and daughters to West Africa to stabilize a faltering Liberia. Currently, the United Nations has a large peacekeeping force there, under the able leadership of Alan Doss, one of the United Nation's best career diplomats; yet they are not going to be there forever.<sup>13</sup> I posit that five years from now, when the international community is challenged by other crises, Taylor, in Calabar, under the protection of Nigeria, will make his move.<sup>14</sup> We will wake up one morning and watch on CNN as Taylor rides trium-

<sup>10</sup>The indictment signed in a moving ceremony on 3 March 2003, in my office in Freetown, Sierra Leone, is attached as an appendix. I told the assembled trial counsel and investigators that "the ghosts of a hundred thousand Sierra Leoneans are in this room right now." The unsealing of the indictment against Charles Taylor on the day he arrived in Accra, Ghana for the peace talks in June of 2003 was a calculated move on my part to publicly strip, in front of the world, this warlord of his power by my signature on the indictment. It was never intended to force his transfer that day to the tribunal, though we would have accepted him and were ready to arraign him on the charges within the indictment immediately. My intent was to humble and humiliate him before his peers, the leaders of Africa and to serve notice to Taylor and others that the days of impunity in Africa were over. Taylor is the first African head of state ever to be indicted for war crimes and crimes against humanity and only the second in history. His indictment paved the way for the eventual election of Ellen Johnson Sirleaf as the first fairly elected President of Liberia, and also the first African woman ever to be elected a head of state. It must be noted that the United States was given a copy of the Taylor indictment two months before I unsealed it in June of 2003. It was personally given to Walter Kansteiner, then the Assistant Secretary of State for Africa at a breakfast meeting in April of 2003 with the US Ambassador, Peter Chavez at his home in Freetown. Another copy was given to Pierre Prosper, the Ambassador at Large for War Crimes issues as well. All parties were warned 24 hours in advance of the unsealing while Taylor was in Accra. The government of Ghana was served with the indictment and the warrant of arrest the morning of the unsealing of Taylor's indictment.

<sup>11</sup>According to close sources who acted as lead witnesses during our investigation of Taylor and those involved in the joint criminal enterprise that destroyed two countries and threatened a third, the Ivory Coast; Taylor, Foday Sankoh, Campore, and Qadhafi, apparently sat down and developed a secret plan to undermine the current governments within West Africa and then replace them with surrogates, such as Taylor, who were beholden to Qadhafi. This plan remains in place to this day. I chose not to indict Qadhafi and Campore only because of evidentiary issues and the practical reality of indicting two more heads of state within West Africa which would have politically undermined the work of the tribunal. However, I did choose to name Qadhafi within the Taylor indictment as a key member of the joint criminal enterprise. Within the American criminal system Qadhafi would have been what we call an un-indicted co-conspirator. He remains a threat to West Africa.

<sup>12</sup>This support is found mainly in Lofa County, Taylor's home county and where he started his reign of terror back in 1989-90. As of the summer of 2005, our sources reported that there was a battalion size element standing by to do his bidding.

<sup>13</sup>Alan Doss was the Deputy Special Representative of the Secretary General (DSRSG) in Sierra Leone through most of my tenure as Chief Prosecutor, 2002-2005. His quiet support was instrumental in the success of Operation Justice. I never briefed his boss, the SRSR, Oluyemi Adeniji (currently the Foreign Minister of Nigeria) on any of my operations related to the investigations as I did not trust him. He did not like the presence of the Special Court in Sierra Leone. Just a month before Operation Justice, Adeniji tried to quietly sneak two of the targeted indictees out of Sierra Leone. I sent a message through Alan Doss to Adeniji that I would prosecute him for obstruction of justice if he did so. It did not happen. Adeniji was never told about Operation Justice until it was over. As Foreign Minister, Adeniji remains a serious stumbling block in the handover of Taylor to the tribunal.

<sup>14</sup>President Olusegun Obasanjo of Nigeria was induced by the United States, the United Kingdom, with the concurrence of the United Nations Secretary General, Kofi Annan, to take Taylor out of Liberia and place him in Calabar. Initially, I supported this, even calling for his

Continued

phantly down the main street in Monrovia to the executive mansion, daring all of us to come get him. Unless he is handed over to the Special Court for Sierra Leone, this scenario is not out of the realm of possibility. More importantly, the people of West Africa know it all too well, that Taylor is a street fighter, a thug, and a survivor.

The fact is, as we consider changing history, together, we can stop this from happening today, right now. We've got Taylor; it is just a matter of turning him over to the Special Court for Sierra Leone for a fair trial.

#### HOW DO WE DO ASSURE LIBERIA'S FUTURE?

Ultimately, what we do about Charles Taylor in the next several weeks will determine the fate of Liberia and the new administration of its President Ellen Johnson Sirleaf. Charles Taylor hangs like a dark and ominous cloud over this ravaged country which he personally, for his own criminal gain, destroyed, as he did Sierra Leone. There will be no prospect for peace in Liberia or the Mano River region<sup>16</sup>, as long as he remains outside the custody of the international tribunal in Freetown. In my opinion, nothing constructive can be developed in the long term in Liberia, unless Charles Taylor is accounted for and turned over to the Special Court. It is that simple. Again, he will be back.

*Here is my suggested roadmap for a successful beginning for Liberia:*

*First:* Hand Charles Taylor over to the Special Court for Sierra Leone for a fair trial.<sup>16</sup> This takes him out of the local and regional dynamic that is West Africa.<sup>17</sup> The new president can move forward confident that Charles Taylor is not lurking in the shadows undermining her initial efforts to develop a legitimate and accountable government in Monrovia. This has to happen first, *and now*, or the rest of my suggestions and recommendations, and the ones you are considering for Liberia's future, will be a waste of time, money, and effort.<sup>18</sup>

*Second:* Tie any financial and political support to good governance in Liberia.<sup>19</sup> I am impressed with early attempts to restore respect for the government by the new president. This has to be continued and earmarking any aid to specific programs that enhance good governance is a must.<sup>20</sup>

*Third:* Encourage the new administration in Liberia to establish the Truth and Reconciliation Commission called for in the earlier peace accords of 2003.<sup>21</sup> The victims of any atrocity need to be able to tell their story, officially. It is an important part of reconciliation for a country in transition from war to peace. It worked in Sierra Leone and it can in Liberia.<sup>22</sup> Recall, that what took place in Liberia over a

removal from Liberia, now that he was indicted. It was important that the peace process move forward and Liberia stabilize. But it has now been over two years, peace is at hand with a new government (contemplated by the Accra Peace Accord), and it is now time for this handover by the Nigerian government. I only hope the President of Nigeria has the moral courage to do so, something lacking in many African leaders today.

<sup>16</sup>The Mano River region consists of Guinea, Liberia, and Sierra Leone. The Mano River Union was formed initially in 1973. Due to conflict and internal strife it was largely defunct until being reactivated at a summit May of 2004. Each of these countries is so tied together culturally, politically, and economically, where one falters or fails, the others do as well. In all of West Africa, this grouping of three nations is the Achilles heel of West Africa. The supposed goal is to foster economic opportunity.

<sup>18</sup>Legally there is no impediment for the handover. The Appellate Chamber of the Special Court for Sierra Leone, in a landmark ruling of *Prosecutor v. Taylor*, May 2004, ruled that Charles Taylor has no head of state immunity that absolves him of his war crimes and crimes against humanity thus paving the way for his handover. The next legal step is his handover and arraignment on the charges, followed by pretrial motions and then trial.

<sup>17</sup>There are two aspects to West Africa, the West Africa we see and the West Africa that is. We must deal with the West Africa that is in order to ensure a better future for Liberia.

<sup>19</sup>The hundreds of millions of dollars the international community, to include the United States, has invested in Liberia's future could be siphoned off to line the pockets of greedy Liberian politicians. This apparently was the case in the transitional government led by Gyude Bryant.

<sup>19</sup>This Congress has already sent letters to the Bush administration essentially stating that any future aid to Liberia should be tied to a hand over of Charles Taylor to the Special Court for Sierra Leone. This Committee has been instrumental in this effort.

<sup>20</sup>President Sirleaf just this past week (2 February 2006) sent a strong signal that she will not stand for corruption by firing numerous individuals within the Finance Ministry. However, she will have a huge challenge in the guise of the Liberian legislature as there are numerous Taylor supporters within that body.

<sup>21</sup>Article XIII, Comprehensive Peace Agreement in Accra, Ghana 18 August 2003.

<sup>22</sup>During my sit downs with the people of Sierra Leone they stood up and described crimes that are beyond description in any language. They knew that the very persons that actually committed the atrocities would not be prosecuted before the tribunal as those who bore the greatest responsibility, yet they wanted some type of official record of what happened to their

period of ten years under the iron fist of Charles Taylor caused the murder, rape, maiming, and mutilation of around 600,000 Liberians.<sup>23</sup> The victims, their families, and towns need to tell the world what happened there. A truth commission can assist in this and to allow them to begin to put the horror behind them.

*Fourth:* Within the next few years or so, another hybrid war crimes tribunal needs to be established to account for the war crimes and crimes against humanity committed by Charles Taylor and his henchmen from 1990–2003 in Liberia. As most of these atrocities took place outside the jurisdiction of the International Criminal Court, an alternate model must be used. That model is the hybrid concept that proved to be so successful next door in Sierra Leone. The domestic court system in Liberia is incapable of accomplishing this task.<sup>24</sup> Liberia, working together with the international community and under the auspices of the United Nations, can account for what Charles Taylor did to his own countryman. *Note that these are separate conflicts with consequent war crimes and crimes against humanity.* Charles Taylor has destroyed two nations, not just one! He must be prosecuted for any crimes he is alleged to have committed in Liberia, after he is tried for what he did in Sierra Leone. Couple both of these conflicts together and Charles Taylor, sitting as a free man in Nigeria, is individually criminally responsible for the destruction of 1.2 million human beings.

If one then takes these four recommendations, justice, truth, good governance, and the rule of law, the future of Liberia as a new democracy may be less cloudy and tenuous. To have a sustainable peace in Liberia you must have truth and justice, under the mantle of the rule of law and good governance. It is a simple A plus B equals C proposition—truth plus justice equals a sustainable peace. Certainly with this equation, Congress could be more assured that any funding and political capital expended would not be flushed down the drain.

There are many other challenges ahead for Liberia: Corruption, so endemic in all of West Africa; the abuse of natural resources; a whole lost generation of children to war as child soldiers; and international terrorists moving about the entire region, among many other concerns.<sup>25</sup> These very real challenges will require the United States to monitor, for years to come, how the Liberian government manages its legal, political, and financial assets.

**Accountability is the key.** Make that government accountable to its people and its international backers.<sup>26</sup> I respectfully ask this Committee to tie any future monetary aid to accountability and good governance. This approach will allow proper expenditures of US taxpayer's hard earned money.

**CONCLUSION—TURN CHARLES TAYLOR OVER TO THE SPECIAL COURT OR THERE WILL BE NO REAL FUTURE FOR LIBERIA**

In conclusion, I would ask this committee to continue to forcefully urge the Bush administration, and the new president in Liberia, to demand that Nigeria hand over war crimes indictee Charles Taylor to the Special Court to answer for his crimes. Nothing else that follows can happen with any assurance of success without it. In this period of time when we celebrate and recognize the principles laid down at Nur-

family member(s). A truth commission can do that. I encouraged them to go before the truth and reconciliation commission to tell their story. They did by the thousands.

<sup>23</sup>This number is approximate as the true number can never be known due to lack of accounting or a proper census. This figure could be off as much as 25% either way, yet the numbers are still massive and tragic.

<sup>24</sup>As stated in a report on Liberia in 2005 by Amnesty International at page 10, : *May 2005, local observers were concerned at the slow progress in addressing the lack of qualified personnel and that recruitment, vetting and training of judicial personnel was not taking place. On the 28 June the transitional government commissioned eleven circuit court judges and six specialized court judges. The judges will serve in criminal and specialized courts in Montserado County and in circuit and specialized courts in eight other counties. Prior to the commissioning of these judges there had only been 11 circuit court judges in the country yet there had been 21 posts to fill. At least 7 of them had been of retirement age or in poor health. Funding has been promised by the US Department of State, although it is unclear when it will be available.*

<sup>25</sup>For three years the Office of the Prosecutor carefully developed an information asset system throughout the region providing essential evidence, criminal information, and intelligence. Several of these assets are placed very close to the various actors in the joint criminal enterprise. Over time they have proven to be 75–80% accurate, and in some cases completely so. These sources helped us uncover evidence that Charles Taylor harbored Al Qaeda terrorists, and Hamas, in Monrovia for years, to include, we allege, several of the terrorists who brought down the US embassies in Tanzania and Kenya to include, apparently, *Abdullah Ahmed Abdullah* and *Sheikh Ahmed Salim Swedan*. One well placed source has Charles Taylor dealing with an operative in Burkina Faso as late as 6 April of 2005 named *Fazul Abdullah Mohammed*. All of this information has been passed to appropriate governments and law enforcement agencies.

<sup>26</sup>Believe me, the trick to getting a West African leader's attention is cash, plain and simple.

emberg 60 years ago, we must resolve as human beings who care about humanity and the rule of law, that there cannot be an African exception to those principles.

If I may, Mr. Chairman, I would like to close my remarks with an excerpt from my opening statement in the joint criminal trial against the leadership of the Revolutionary United Front in July of 2004. As I read this to the Committee, **Charles Taylor, we allege, is individually criminally responsible for what took place, as described below, at Penduma . . .**

*In 1999, another witness in Koidu will testify that when RUF and AFRC rebels drove the Kamajors from the town they began to burn the houses of Koidu. The witness and his family fled to a nearby village. The RUF rebels followed them in a number of trucks filled with young women. The rebel commander took the 16 year old sister of the witness. He declared loudly that he was going to take her as his wife. The witness tried to protect his younger sister, but was told he would be killed. The rebels left with around ten girls from the town, the youngest being 12. His younger sister was kept by the rebels for four long years.*

*The witness will further testify that upon hearing that ECOMOG troops had taken Koidu town the family decided to return, walking for four days. When they reached Penduma village it was overrun with armed RUF rebels. Twenty civilians who attempted to flee were shot dead. The rest of the survivors were grouped together and told to wait for the commander. Upon arrival the commander addressed the frightened civilians saying to them, "so you are the supporters of Tejan Kabbah." They were separated into three groups the witness will declare: first, pregnant women, suckling mothers and children; second, men and boys; and third females—teenagers to grandmothers. Twenty-five men and women were picked out at random from the last two groups. The commander gave the order, "Una take them. Make una burn dem." These civilians were placed in a house which was set on fire by the rebels. All of them were burned alive while the others were forced to listen to their agonized screams.*

*The commander then pointed at the group of females. There were around twenty. The wife of the witness was one of them. The women were raped in front of everyone. The witness will testify that he and his children were forced to watch while his wife and their mother was raped by eight different RUF rebels before she was stabbed to death with a bayonet by the last RUF rapist. Why does he recall there being eight rapists, he will be asked, because the witness had to count out loud the number as they tore into his wife. Two other women were likewise gang raped and then murdered. Note, while this is taking place, twenty-five human beings are roasting to death in a burning house, their cries adding to this true living hell on earth.*

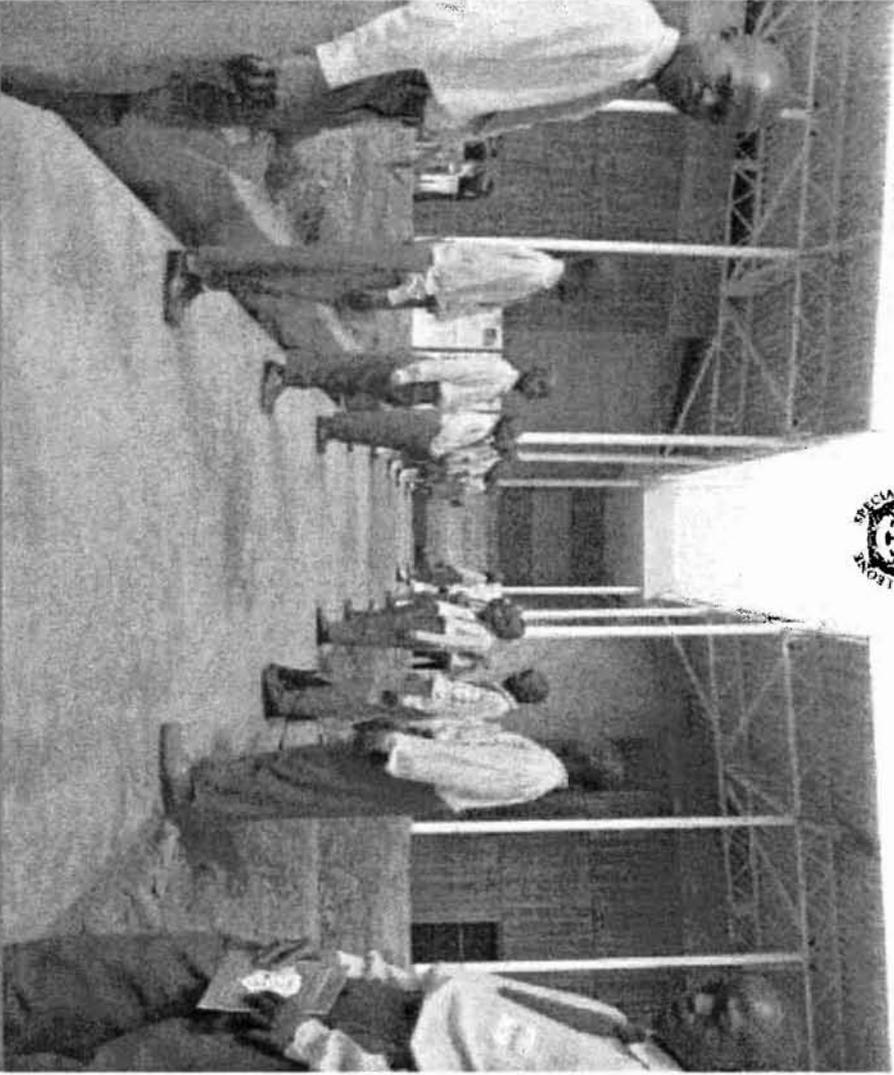
*Fifteen of the men were marched away by rebels armed with knives. Two who attempted to run were shot. The remaining had their throats cut.*

*Incredibly, the witness and eight others remained. Each of them was called forward and had a hand cut off. When the witness attempted to retrieve his severed hand he was struck in the back with a bayonet. The commander of the rebels told the witness to go to Tejan Kabbah.<sup>27</sup>*

Thank you for this chance to provide my humble perspectives and I look forward to your questions and continued efforts in bringing Charles Taylor to justice, accounting for the destruction of over a million West Africans, and building a new democracy in that part of the world.

<sup>27</sup>The Opening Statement of David M. Crane, Chief Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, in an Amended Consolidated Indictment, Case no. SCSL-2004-15-PT. 5 July 2004; Freetown, Sierra Leone.

## **Annex K**



FIRST ANNUAL REPORT OF THE PRESIDENT OF THE  
**SPECIAL COURT**  
**FOR SIERRA LEONE**

FOR THE PERIOD 2 DECEMBER 2002 - 1 DECEMBER 2003

## ANNEX III

## KEY BUDGET &amp; FINANCIAL DATA

	1 July 2002 - 30 June 2003
Original Proposed Budget <sup>1</sup>	\$30,200,000
Revised Budget <sup>2</sup>	\$16,800,000
Authorised Budget <sup>3</sup>	\$19,219,759
Total Receipts	\$15,804,419
Total Contributions Received	\$16,278,502
Total Income	\$17,394,501
Actual Expenditure <sup>4</sup>	\$19,425,781
<b>Shortfall on Contributions Received</b>	<b>\$ 3,147,279</b>
<b>Shortfall on Total Income<sup>5</sup></b>	<b>\$ 2,031,280</b>

<sup>1</sup> Letter dated 12 July 2001 from the Secretary General addressed to the President of the Security Council (S/2001/693)

<sup>2</sup> S/2001/693.

<sup>3</sup> Authorised by the Management Committee.

<sup>4</sup> 1 July 2002 to 30 June 2003 Actual Reported Expenditure.

<sup>5</sup> In order to fund the shortfall for Fiscal Year 1, including the advancement of the construction phase, the Special Court was authorised to use contributions received for Fiscal Year 2, plus miscellaneous income received during the period.

## ANNEX IV

## CONTRIBUTIONS

1 July 2002 - 30 June 2003	
Financial contributors	Contributions received (US\$)
Australia	52,790
Belgium	113,787
Canada	654,063
Chile	5,000
Cyprus	20,000
Czech Republic	100,000
Denmark	237,782
Finland	297,332
Germany	500,000
Ireland	113,030
Italy	83,465
Japan	500,000
Lesotho	40,549
Liechtenstein	5,000
Luxembourg	22,312
Malaysia	50,000
Mauritius	1,500
Mexico	6,000
Netherlands	3,994,173
Nigeria	10,000
Norway	500,000
Philippines	50
Singapore	15,000
South Africa	10,000
Sweden	337,448
United Kingdom	5,609,300
United States	5,000,000
<b>Total</b>	<b>16,278,502</b>
Financial contributors	Pledges outstanding (US\$)
Mali	3,076
In-kind contributors	Contributions received
Canada	Personnel
China	Turnover
Switzerland	Personnel

## ANNEX V

## MANAGEMENT COMMITTEE

Member States
Canada
Lesotho
Netherlands
Nigeria
Sierra Leone
United Kingdom
United States of America
UN Secretariat
Office of Legal Affairs
Office of Programme Planning Budget and Accounts
Office of Human Resources Management
Office of Central Support Services

## **Annex L**

## BUDGET SUMMARY TABLE

## Cost in Freetown and The Hague Jan 2010 - June 2011

	Freetown	The Hague	Total
2010	7,521,200	12,968,000	20,489,200
2011	2,476,000	3,172,500	5,648,500

## Cost for each section of the Special Court in both The Hague and Freetown from January 2010 - June 2011

	Approved Budget	January 2010 to June 2011	
	Jan-Dec 2009	2010	2011
<b>Organ</b>			
<b>Judges</b>			
Proposed Staffing	12	9	6
Permanent Staffing Cost (Net Salaries)	2,042,400	1,942,700	756,300
Common Staff Costs	168,750	162,000	75,000
Operational Costs	171,000	37,600	7,500
<b>Total Costs Judges</b>	<b>2,382,150</b>	<b>2,142,300</b>	<b>838,800</b>
<b>Chambers</b>			
Proposed Staffing	21	16	8
Permanent Staffing Cost (Net Salaries)	1,584,700	1,188,600	378,000
Common Staff Costs	235,300	154,900	43,400
<b>Total Costs Chambers</b>	<b>1,820,000</b>	<b>1,343,500</b>	<b>421,400</b>
<b>Office of The Prosecutor</b>			
Proposed Staffing	32	21	12
Permanent Staffing Cost (Net Salaries)	2,332,150	1,791,900	538,700
Common Staff Costs	320,350	197,000	67,600
Operational Costs	481,450	372,100	75,800
<b>Total Costs OTP</b>	<b>3,133,950</b>	<b>2,361,000</b>	<b>682,100</b>

## **Annex M**

Los Angeles Times  
Friday, 26 January 2007

**Until his arrest, exiled Taylor posed problem for Liberia**



Former Liberian President Charles Taylor

One big step for Liberia was the arrest of Charles Taylor in March, which sent a shudder of relief through the country.

When the former president was in exile in Nigeria, which granted him asylum after the war ended in 2003, the question of his extradition on international war-crimes charges dogged President Ellen Johnson-Sirleaf everywhere — especially on a trip to the United States, which had pressed for his arrest. Hoping to attract donor money, she asked a reluctant Nigeria to hand him over.

Then came the news: Taylor had escaped.

"At first I thought: 'How could this be? Was this with the knowledge of the Nigerian government? Were they setting him free? What would be the implications for our whole peace here? Would he end up here?' And the implication of that was serious. But then, when he was caught, I realized that Nigeria has its own ways of solving problems," said Johnson-Sirleaf, laughing wryly.

Later she had to face the fury of Taylor's greatest supporter, Libyan leader Moammar Gadhafi. In a meeting in Tripoli, the Libyan capital, Gadhafi thrust out his wrist at her, displaying a flashy watch. Look at it, he told her. Charles Taylor gave it to me. Then he berated her over the decision to hand Taylor over to a U.N. war-crimes tribunal.

**Annex N**

<http://www.douglasfarah.com/articles/conflic>

## DOUGLAS FARAH

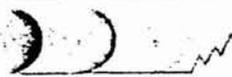
Contact  
Douglas  
Farah



**Merchant of  
Death**  
*Money, Guns,  
Planes, and the  
Man Who Makes  
War Possible*



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Stones**  
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[amazon.com](http://amazon.com)  
Reviews/  
Press Releases



Douglas Farah in the

Back

### THE ROLE OF CONFLICT DIAMONDS AND FAILED STATES IN THE TERRORIST FINANCIAL STRUCTURE

By  
Douglas Farah  
Washington Post Investigative Reporter  
The Watson Institute  
Brown University  
Oct. 24, 2003

In 1998, following the al Qaeda attacks on the U.S. Embassies in Nairobi, Kenya and Dar-es-Salaam, Tanzania, the Clinton administration froze some \$240 million in assets belonging to Afghanistan's Taliban government and Osama bin Laden, the rogue regime's guest. That caught both the Taliban and al Qaeda by surprise because they apparently did not realize the money, mostly held as gold reserves in the United States, could be targeted. Because it was so costly a miscalculation and because al Qaeda constantly reviews both successful and failed operations to find and correct their own vulnerabilities, a far-reaching review of the terrorist financial structure was undertaken.

Adapting to the U.S. response and determined not to be caught in the same position again, al Qaeda began a systematic withdrawal of its funds from the formal banking sector, where its assets were vulnerable and traceable. Instead, the decision was made to begin shifting money into commodities that would hold their value over time. Chief among these were diamonds and tanzanite.

Diamonds and tanzanite offered an additional advantage for terrorists. The infrastructure needed to acquire and trade in the gemstones was easy to set up because the commodities were available in states that exercise little control over much of their national territory. Tanzanite is only found in a small corner of Tanzania, where the government has virtually no presence. And the diamond trade al Qaeda tapped into in West Africa was centered in Liberia, where the corrupt regime of Charles Taylor also controlled diamonds mined by his allies in neighboring Sierra Leone. In Sierra Leone the diamond fields were under the control of the notoriously brutal rebels of the Revolutionary United Front (RUF). The RUF earned international notoriety for its signature atrocities of hacking off the arms, legs and ears of civilians, including children as young as 2 years old; mass rape; and the abduction of thousands of children who were forced to become fighters.

**Washington Post,**  
September 23 2007

**Jon Stewart  
Interviews Douglas  
Farah,**  
The Daily Show,  
September 13 2007

**Meet Viktor Bout,  
the Real-Life 'Lord of  
War',** Mother Jones,  
September 13 2007

**Douglas Farah  
quoted in the Village  
Voice,**  
July 24 2007

**Fresh Air Interview,  
Profiling the  
21st Century's  
'Merchant of Death'**  
July 2007

**Excerpt of New Book  
on Viktor Bout,**  
by Douglas Farah,  
and Stephen Braun,  
Men's Vogue,  
July/August 2007

**"Sudan and State-  
Sponsored  
Terrorism: A Case  
Study",**  
by Douglas Farah for  
the International  
Assessment and  
Strategy Center,  
April 16, 2007

**"Terrorist  
Challenges in Latin  
America,"**  
Feb 18th, 2007

**"Douglas Farah  
on Viktor Bout,"**  
Foreign Policy  
Magazine, Nov/Dec  
2006

**Operation Firedump**  
by Alexander  
Harrowell

Al Qaeda already had long-standing ties to the gemstone trade. Documents and testimony presented during 2000 the trials of Wadih el Hage and Mohammed Sadeek Odeh show that al Qaeda, even before the U.S. embassy bombings, was dealing extensively in diamonds, tanzanite, amethyst, rubies and sapphires, mostly as money making ventures. According the trial transcripts, senior al Qaeda leaders were deeply concerned about the possibility that an al Qaeda operative was carrying a large quantity of stones when he drowned while crossing a lake.

After the Embassy bombings, the use of gemstones accelerated rapidly, but with an added purpose. Rather than being viewed solely as a business venture, gemstones, and diamonds in particular, were used as a way to store the value of al Qaeda's financial resources outside the formal financial sector. A premium was no longer placed on turning a profit, but rather acquiring as many stones a possible with money that was being siphoned out of banks and businesses.

The al Qaeda leadership, through Mohammed Ahmed Mohammed, one of its senior financial operators, contacted an old al Qaeda friend who had fought with the mujahaddeen and now ran most of the illicit or "blood diamond" trade for West Africa, Ibrahim Bah. Bah is a Senegalese who trained in Libya under Moamar Gaddafi, then went to fight in Afghanistan in early 1980s. After about two years there, he briefly returned to Libya before joining Hezbollah fighters combating Israeli forces. Finally, he returned to Libya in the late 1980s, just in time to train and become friends with the long list of Libyan-backed leaders who would wreak havoc on West Africa: Charles Taylor of Liberia; Foday Sankoh, founder of the RUF in neighboring Sierra Leone; Blaise Compaore, now president of Burkina Faso, who assassinated his best friend, Thomas Sankara, in order to assume the presidency.

The contacts between Bah and al Qaeda began in 1998, just weeks after the Embassy bombing and continued until after 9/11.

But what is important and instructive are the conditions, ideal for terrorists, that allowed the relationship to prosper. Bah had access to diamonds mined by the RUF, among the most prized in the world. He was also a key player in Liberia, a corrupt state that, while retaining the valuable trappings of nationhood, was, in fact, a functioning criminal enterprise. Among the benefits accrued to the Taylor regime despite its criminal status were the right to issue internationally-recognized diplomatic passports, the ability to register aircraft and ships, control of the formal entry points, and access to a central bank. Bah's close relationship with Taylor and the Liberian security apparatus guaranteed that his guests, while wanted as terrorists elsewhere in the world, could come and go

unmolested to Monrovia. Armed thugs from the presidential guard escorted Mohammed and later al Qaeda visitors to and from the airport, allowing them to circumvent immigration formalities and lessening the paper trail. As long as Taylor was apprised of the situation and was able to take his percentage of each deal, neither Bah nor his guests had anything to fear.

Bah also had access to the official state apparatus of neighboring Burkina Faso, due to his long-standing personal and business relationships with president Blaise Compaore. Compaore also had close ties to Taylor. Compaore and Burkina Faso offered a valuable asset that Liberia, under an U.N.-mandated arms embargo, could not: the ability to produce internationally-recognized end-user certificates for the purchase of large quantities of weapons from around the world. For many years Bah, with Compaore's knowledge and blessing, coordinated arms shipments for Taylor and the RUF through Burkina Faso's capital, Ouagadougou.

Al Qaeda was not the only terrorist or criminal group to operate under the protection of Taylor, Compaore and Bah. Victor Bout, one of the world's largest illicit weapons dealers, registered his fleet of aircraft in Liberia because he could do so with no questions asked and no inspections required. With those aircraft, he shipped tons of weapons-including combat helicopters, surface-to-air missiles and anti-aircraft guns--to Taylor and the RUF through Burkina Faso. At the same time, Bout was supplying UNITA rebels in Angola and several sides of the civil war that was shattering the Democratic Republic of Congo. He often accepted diamonds as payment for his weapons.

There is an intriguing link between Bout and al Qaeda. U.S. and U.N. investigators found that, while supplying African wars with weapons, Bout was also providing goods and services to the Taliban and al Qaeda. From his base in the United Arab Emirates, Bout and a partner, a member of the royal family, flew weapons, medicines and other commodities to the outlaw regime and its supporters.

Another world-class criminal, Lenoid Menin of an important Russian organized crime family, also set up shop in Monrovia, buying diamonds and exploiting timber. Protected by the Taylor's son Chuckie, Menin also delivered weapons in exchange for the chance to reap millions of dollars in illegal profits. Despite an international arrest warrant, Bout lives peacefully in Moscow. Menin also remains free.

Terrorists and criminals chose their commodity well. Diamonds, like tanzanite and other gemstones, carry a high value in small bulk, yet are easily convertible to cash in an industry that is largely willing to ignore the origin of the stone. The stones cannot be detected by

dogs and set off no metal detectors at airports, making them easy to transport. Sales of small amounts are impossible to detect on the world market. They cause no undue fluctuations. For years, Bah and others had made extensive use of grey market networks in Antwerp and elsewhere to sell millions of dollars worth of diamonds, with part of the proceeds going to personal enrichment and part going to keep the RUF and Taylor armed and at war.

By early 2001, al Qaeda was moving more aggressively into the diamond trade with the clear intent of putting their assets beyond the reach of international investigators. Two top al Qaeda operatives who were believed to have been heavily involved in the U.S. embassy bombings and other high profile attacks--Ahmed Khalfan Ghailani and Fazul Abdullah Mohammed--were dispatched to Monrovia to set up greatly expedited mining operations, offering to buy all the diamonds the RUF could produce. They lived in a safe house tucked between buildings housing Libyan diplomats and security forces in downtown Monrovia.

In this effort, al Qaeda leaders, while devoutly Sunni Muslims, showed their willingness and ability to work across religious divides. In order to move the diamonds quickly, the al Qaeda operatives turned to Aziz Nassour, a Lebanese diamond merchant with decades of experience in the blood diamond trade. Nassour is a devout Shi'ite Muslim and a supporter of Lebanon's Amal militia.

Nassour, who was a close business associate of Mobutu Sese Seko in the former Zaire and owner of a host of diamond companies in Antwerp with overlapping directorates, met with the RUF high command in Monrovia in July 2001, promising to buy all the diamonds they could produce. The rebels promised to step up production to the maximum.

Several factors contributed to the RUF being able to dig out the stones at unprecedented levels. Since the RUF had driven most of the civilians out of the diamond mining areas after taking over the region in 1997, production was limited to what the rebels themselves could mine. But things were changing at the same time al Qaeda was scrambling to acquire the stones.

Because a fragile U.N.-backed peace process was taking hold and the RUF was gradually disarming, the rebels were able to move their cadres directly from the demobilization camps to mining. And, because the war was winding down, miners who had stayed out of the diamond-mining region for fear of the RUF poured into the area as U.N. peacekeepers offered a modicum of security for their labor.

Nassour's monopoly also created a shortage among traditional RUF clients, one of the tip-offs that something unusual was happening. Diamond buyers who normally bought stones from the RUF were

unable to buy diamonds during the summer of 2001 because some unknown buyers were paying 10 percent to 15 percent more than the market rate. They said that premium, being paid by their competitor, made it virtually impossible for them to buy high quality stones. The lack of diamonds was severe enough to prompt U.S. Ambassador Joseph Melrose to write a cable to Washington about it, although he did not have an explanation for the unusual market happenings. The cable received no response from headquarters.

At the same time, according to Belgian diamond experts, despite the fact that in the summer of 2001 more diamonds were being mined than at any time in the past decade, the stones didn't show up in Antwerp or any of the other world markets. That showed, one investigator said, that "someone bought and is hoarding a large stock of diamonds, worth many millions of dollars."

The paradigm shift in terrorist financing, although similar methods have been used for decades by Hezbollah and other Middle Eastern groups, was missed entirely by Western intelligence agencies. The CIA lost almost all of its operatives in West Africa after the Cold War, leaving the agency with virtually no resources on the ground. French and Belgian intelligence, active in their former colonies in West Africa, knew of the Middle Eastern connection to diamond sales over the past two decades--principally to Hezbollah and Amal militia supporters--but viewed them as relatively harmless. In the 1980s, the Israelis, aware of the financial boon diamonds provided to its enemies, sent in a large number of its own diamond dealers in an attempt to cut into the trade. Remarkably, by the end of the 1990s, Israeli and known Hezbollah and Amal dealers were doing business with each other across Africa.

Because of the lack of understanding of the terrorists' use of commodities, the U.S. government, in the immediate aftermath of 9/11, did not look for terrorist funds where they were hidden. The initial hunt for al Qaeda funds focused almost exclusively on trying to freeze the few assets that remained in Western banks and were traceable to terrorist funding. The initial reporting on terrorist ties to gemstones, by me on diamonds and Bobby Block of the Wall Street Journal on tanzanite in particular, were met initially with deep skepticism in the U.S. intelligence community.

This largely continues today. Because it had such a limited understanding of al Qaeda's financial structure before the Sept. 11 attacks, the government was slow to recognize and begin to act on the host of non-traditional financial methods used by terrorists. These include the use of charities, the hawala system of transferring assets and the vital role that gold plays for these groups. Some U.S. intelligence agencies remain reluctant to acknowledge even the possibility that al Qaeda moved significant assets into commodities,

especially gem stones, despite the growing evidence, beyond anecdotal evidence and eyewitness testimony to support the veracity of the reporting. Much of the evidence has been uncovered by European law enforcement and intelligence officials who have followed leads the U.S. has chosen not to. The Swiss attorney general, in a recent interview, said it was now accepted, conventional wisdom among European investigators and intelligence agencies that al Qaeda had put most of its wealth, estimated by U.N. experts to be between \$30 million and \$300 million, into commodities for safekeeping.

The Belgians in particular have uncovered a wealth of information on the diamond nexus to al Qaeda, flowing through Antwerp. Other eye witnesses, unavailable when I did my initial reporting, have come forward to confirm the presence of the al Qaeda operatives in Liberia and Sierra Leone. Most significantly, the United Nations-backed Special Court for Sierra Leone has uncovered witnesses and other evidence that not only corroborated my initial findings, but placed other senior al Qaeda operatives in Monrovia at the same time. For reasons that remain unclear, U.S. officials have given little importance to the findings.

The terrorist ties to the diamond and tanzanite trade were uncovered by reporters on the ground in Africa. Given the lack of human resources the CIA and other intelligence-gathering agencies have on the ground in West and Central Africa particularly it is not at all surprising the activities were undetected. Perhaps more than any other region, Africa was abandoned by U.S. intelligence services following the Cold War, often leaving a single station chief to cover two or even three countries with almost no support personnel.

Given the dearth of assets on the ground and the fact that so little of the illicit trade is detectable through electronic intercepts or other high-tech tools, it seems to me highly probable that similar transactions, by al Qaeda and other terrorist groups have transpired in other countries. Countries across Africa, from the Central African Republic to the Congo and Chad offer many of the same conditions that Liberia and Sierra Leone have offered: the trappings of a state but in reality states rife with corruption, coupled with an almost complete lack of investigative capabilities and no tradition of confronting criminal elements.

There is strong anecdotal evidence that al Qaeda bought gems in Congo-Kinshasa and Angola as well as Sierra Leone and Liberia. The DRC, with its host of different armies dividing up the country for the purpose of looting, coupled with a long history of a rapacious state and corruption, is long known to be a major financial center for Hezbollah and other armed groups. Private armies control vast swaths of the extensive nation, and neither the central government

nor intelligence agencies have any clear idea of what transpires outside of the capital. For example, there are direct, twice-weekly flights from the diamond-mining center of Mbuju-Mayi in southern DRC to Dubai. The flights pass through no customs regimen, file no flight manifests and are uninspected on both ends of the flight. In Angola, Jonas Savimbi maintained strong ties to Compaore in Burkina Faso and the corrupt dictatorship in Togo, often using diamonds as a medium of exchange for weapons. The only serious investigations into the activities and their possible ties to terrorist organizations have been carried out by the United Nations panels of experts and a handful of private, nongovernmental organizations. Neither the host states nor counter-terrorism bodies from other countries have dedicated significant resources to unraveling the diamond trade there. Until resources and attention are brought to bear in this area, al Qaeda and other terrorist organizations will continue to use diamonds and other commodities to finance their actions.