

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



PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office

as at:

Tuesday, 1 October 2013

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

Local News

Taylor's Lawyer Blasts Special Court / <i>Exclusive</i>	Page 3
Sierra Leonean Lawyer Condemns Taylor's Sentence / <i>Global Times</i>	Pages 4-5
50-Year Jail Term... Where Will He Serve His Sentence? / <i>New Storm</i>	Page 6
With Taylor Gone, How About the Victims? / <i>Politico</i>	Page 7
USA and Taylor's Spy Status / <i>Premier News</i>	Page 8
In Sierra Leone, Judiciary Uses Protection Screen in Rape Case / <i>Awareness Times</i>	Page 9

International News

Security Council Press Statement on Charles Taylor Judgement By...SCSL / <i>UNSC</i>	Page 10
It's Official: Charles Taylor Will Spend the Rest Of His Life Rotting in Jail / <i>Policymic</i>	Pages 11-12
Righteous Fury – The American Who Indicted a Notorious African War Criminal / <i>Daily Beast</i>	Pages 13-14
Overdue Justice for War Crimes in Africa / <i>Stabroek News</i>	Pages 15-16
ICTJ: Charles Taylor Judgment A Milestone in the Struggle Against Impunity... / <i>Eurasia Review</i>	Page 17
Charles Taylor Verdict Today: New Standard of Liability for Aid to Rebel Forces? / <i>Just Security</i>	Page 18
Why Taylor Could Not Walk Free / <i>Legalbrief Africa</i>	Page 19
Charles Taylor and the Logic of Relative Justice / <i>Al-Jazeera</i>	Pages 20-22
The International Criminal Court on an African Safari? / <i>Somaliland Press</i>	Pages 23-28
Africa: Weekly Summary - Taylor Loses Appeal... / <i>Hirondelle News Agency</i>	Page 29
Naomi Campbell, The Face and the Abruptly Ending Interview / <i>RadioTimes</i>	Page 30

Exclusive

Tuesday, 11 October 2013

Taylor's Lawyer Blasts Special Court

By Musa Sesay

The legal luminary, Morris Anyah, representing the convicted former Liberia President Charles Gbankay Taylor war and human rights violations related charges has accused the Special Court for Sierra Leone of been selective in dispensing justice.

Expressing utter disappointment, he stated that he was optimistic that the appeals chamber ruling would go their way on the basis that the significant errors of law in the trial chamber's sentence would be acknowledged and the appeal revisited.

Taylor's lead defense counsel's outburst came after the accused lost the appeal against the 50 years sentence reaffirmed by the Special Court verdict past Thursday.

Lawyer Anyah maintained that money and international politics played significant roles in the Appeal Judgment.

He recalled in February, 2006 that even before Taylor was arrested, the then Special Court Chief Prosecutor, David Craine, said the RUF (Revolutionary United Front) leader, the late Corporal Foday Saybanah Sankoh, Charles Taylor, President Blaise Campore of Burkina Faso and Muammar Gaddafi of Libya will be all held responsible for the war in Sierra Leone. Craine, he said, had a major task of indicting three sitting Presidents at the time and had to ignore the others immediately Charles Taylor was arrested.

Using Syria as a clear example, Lawyer Anyah said the Special Court would not have roped in Charles Taylor if he had friends among the bigger powers.

Global Times
Tuesday, 11 October 2013

Sierra Leonean Lawyer Condemns Taylor's Sentence

By Abdul K. Turay

The Executive Director of the Sierra Leone Institute of International Law (SLIIL), Ambassador Alieu I Kanu has disagreed with the Appeals Chamber at the Special Court for Sierra Leone sitting in The Hague, for upholding the fifty year sentence of the former President of Liberia, Charles Taylor for crimes

against humanity and war crimes.

Speaking to Global Times in an exclusive interview yesterday, at his Wilberforce Street office, Ambassador Kanu described the decision as severe and very harsh. "Fifty years, believe me, as an international Lawyer is too excessive", he

told Global Times.

Explaining the reason why the fifty years sentence is too much a sentence for Charles Taylor, Ambassador Kanu noted that there is no precedent in international law for prosecutors to demand for fifty years sentence. He said, "Thirty

Contd. page 8

Sierra Leonean

Lawyer Condemns

Taylor's Sentence

years would have been an adequate punishment". He further reiterated that international crime has no immunity regardless of status. Taylor he said; "was convicted for aiding and abetting rebels in Sierra Leone" According to Ambassador Allieu Kanu, there was abundant evidence to invoke the guilty verdict against Mr. Taylor.

In response to a question put to him by Global Times about the past Taylor trial and the ongoing trial at the International Criminal Court (ICC) where the President and Vice President of Kenya, Uhuru Kenyatta and

William Ruto are expected to be investigated for the 2007 post elections violence that claimed thousands of innocent lives, the Executive Director said that the circumstances that prevail are not the same. He explained further that "Charles Taylor is not a sitting President, unlike the Kenyan President and his deputy".

Meanwhile, Charles Taylor is expected to start his fifty years sentence in a prison in the United Kingdom, where he will be spending the rest of his adult life. He was found guilty on 11 counts of war crimes and crimes against humanity.

50-YEAR JAIL TERM FOR CHARLES TAYLOR, WHERE WILL HE SERVE HIS SENTENCE?



Charles Taylor

Former Liberian warlord-turned-president Charles TAYLOR has lost his appeal against a 50-year jail term slammed on him, by the UN-backed

SPECIAL Court for Sierra Leone. Taylor was found **GUILTY** for aiding and abetting rebels of the RUF, during Sierra Leone's bloody civil **WAR**.

The merits and demerits of the Taylor case, is not what bothers **WHAT'S UP**, at all. Rather, it is the on-going debate about where exactly the **MURDEROUS** animal would be kept. First, it was suggested **BRITAIN** would take him in. But, the **BRITS** now seem coy about the whole idea.

So, where do we **KEEP** Charlie Boy, for the next 50

years of his **MISERABLE** life? Let's see...

1. Might not be a bad idea sending him to that Federal Correctional Centre

[jail], in Boston, Massachusetts, right? Well, he may not be **WELCOME** there. Remember his dramatic **ESCAPE**, from the same jail in 1989, to launch his dastardly rebel war in **LIBERIA**?

2. The Rwanda jail, where our own **KAMAJOR**, RUF and **AFRC** butchers are jail-birds. There, Mr. Taylor will meet his old RUF buddies — Issa Sesay, Augustine Gbao and Morris **KALLON** [alias Bilai Kareem], to iron out their **DIFFERENCES** over proceeds from the **BLOOD** diamond trade

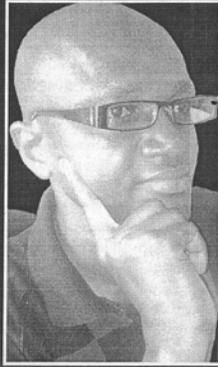
3. What about **MAFANTA** prison in Magburaka? Yes, that prison is notorious for horrible health and dietary conditions, as well as **ILL-TREATMENT** of inmates, like the **US** Federal prisons of **MARION** and **ALCATRASS** [both were closed down for such conditions]. Taylor needs a taste of raw prison conditions

4. The Zlitan Prison, in the Libyan Desert where Saif al-Islam, son of slain

dictator Col. Gaddafi, is currently been held, awaiting "trial," actually **HANGING**. There, Bra Taylor will have time to question SAIF, about the fortunes he [Taylor] transported to his **MENTOR** [Gaddafi], who bank-rolled his adventurism in Liberia and Sierra Leone... Saif knows a lot about his father's stolen and **HIDDEN** wealth... And finally....

5. Burkina Faso. Quite ideal, isn't it? Bra Compoare is there, ready to receive someone he **WORKED** tirelessly with, in propelling the **RUF**, during Salone's war, of course for "blood diamonds". That sly Gen. Ibrahim Ba/Balde [choose one] is also **HIDING** away there. Did we hear Johnny Pauli of the **AFRC** and Mike Lamin of the **RUF** are all there? Well, what a cozy **RENDEZVOUS** for cold-blooded war criminals that would be.

THINK TANK



By Umaru Fofana

Kadiatu Fofanah died without her legs. She lost them after rebels had rained bullets on her. Without immediate medical attention due to the remoteness of her home in the north of the country and the raging war in 1998/99 she had to wait for days to reach Freetown to get even the most basic of medical interventions. Her legs had gone bad. They had to be amputated. Since that day the future of her children was blighted by the presence of her plight. Her future ceased to exist. Her life was seized by deprivation. Her human dignity sized down. I last met Kadiatu a few years ago in the outskirts of Freetown. She was confined to a wheelchair where she would sit for the whole day for the rest of her life. In her new home at the Grafton settlement built by Norwegians for amputees and war wounded, she struggled for her daily bread. Like she did to educate her children.

Like did most of the hundreds of others who had their arms and limbs hacked off by rebels during Sierra Leone's war in the 1990s, Kadiatu had to beg on the streets to feed and to be able to tend to her family. Children defined by the agony of their mother. Children scorned by society for the misfortune of their mother. Children with no dependable shoulder to lie on, because of the predicament of their mother. Their future rendered bleak at best, if not nonexistent.

Dozens of women were raped by rebels and later abandoned by their husbands by no fault of theirs. Some are still grappling with the attendant medical conditions. Children were turned into victims by being trained and turned into rapists, and used as

With Taylor gone, how about his victims

perpetrators to unleash mayhem on mostly innocent people. True to the saying by the Nobel laureate, Archbishop Desmond Tutu, "it is a shame that adults should expect children to fight their wars for them".

But 11 years since that war ended does anyone care to ask how much child abuse still goes on today, some by public officials who should be protecting these girls. The end of the war, many erroneously think, meant the end of the sexual exploitation of girls. How wrong! And what have we really done to tend to those exploited during the war. The stigma has led to their loss of self-confidence and even their humanity; consequently they have all dropped out without a social safety net for them.

few countries including, obviously, Sierra Leone. So my email was on overdrive with all sorts of websites in all sorts of countries with all sorts of headlines mentioning the name of the country and Charles Taylor. Why not? Among many other firsts, he is the first former head of state to have been indicted and convicted by a war crimes court. The world wants us to believe that the conviction of Mr Taylor would serve as a deterrent to leaders who think their country and the lives of the people are in their hands and they can do whatever suits them. How wrong!

Even with Taylor being tried there were and still are leaders and warlords busy doing those things he is being punished for. Darfur, Nigeria, Somalia, etc. There are still

Kadiatu died an angry woman. She died a frustrated mother. She died feeling neglected by society and abandoned by successive governments who failed to provide for her and her children their most basic needs, including those who pumped millions of dollars into the trial of Taylor

Kadiatu died an angry woman. She died a frustrated mother. She died feeling neglected by society and abandoned by successive governments who failed to provide for her and her children their most basic needs, including those who pumped millions of dollars into the trial of Charles Taylor.

It was for atrocities like those visited upon Kadiatu that the whole world went wild and almost came to a standstill last week ahead of the final decision by the Appeals Chamber of the United Nations-backed Special Court for Sierra Leone. That decision was whether to uphold or scale down or even increase the decision of the trial chamber in the case of the former Liberian president Charles Taylor. I subscribe to Google Alert for a

leaders who use the police and the army as weapons of terror to unleash carnage against defenceless civilians who stand between them and political power. Zimbabwe, Guinea, Sudan and even Sierra Leone to some extent. You need look no further or farther to see that being perpetuated. Some leaders, or leaders of some sort, use their nation's natural resources against the people. You must be blind to think that the commission of atrocities stopped with the arrest and conviction of Taylor.

But with Taylor's 50 year jail term upheld by the appeals court, his chapter is more or less closed as he heads almost certainly to a prison in England. But the closure of that chapter should open that of the victims of that war he has been

convicted for.

Thirteen years after she had been crippled, Kadiatu died utterly destitute. She left behind her offspring with no individual or institution to help care for them. Last year several amputees and other victims died largely of their wounds emanating from societal neglect. It is perhaps not worth celebrating the half a century prison term for Mr Taylor when the victims of his carnage litter the streets of Sierra Leone hopelessly. If she were alive today Kadiatu would be weeping more sobbingly at the sentencing of Taylor than she did when I first met him. Not so much because she would have felt sorry for him as for the loss his involvement caused her. Effectively it means the life of the Special Court has ended with the end of the life of Taylor in freedom.

Do not get me wrong, the trial of Taylor and the other ringleaders of the war is a great step. Although it is regrettable that some others who committed heinous crimes were let go of simply because they did not "bear the greatest responsibility". An alternative justice mechanism should have been devised to bring justice to bear on them. Even more regrettable is the fact that the victims have been left to lurk in squalor.

Convicted and sentenced for crimes he committed that left tens of thousands killed and maimed, the question persists "what happens to Taylor's victims?" The Special Court spent hundreds of millions in its less than ten years of operation. Many have become rich because of its setting-up. Their children attend some of the best schools. They have built houses. Deservedly, of course. But so do victims of the carnage deserve better than they are currently getting, if they are getting anything at all. Kadiatu's children languish in an amputee camp. So do the hundreds of other war victims and their children. They must be a scar on the consciences of our government and all those foreign governments who donated all the huge sums of money towards the cause of our war crimes court. That help will be incomplete if the abandoned victims and their families, who are dead in all but name, are not resurrected. The best way to immortalise the good work of the Special Court for Sierra Leone is to pursue as vigorously as they did with the court, addressing the welfare needs of the victims of the war that set up the court. I hope someone is listening.

Premier News
 Tuesday, 11 October 2013

USA and Taylor's Spy Status

Our attention has been drawn to the fact that the lead story in our Monday September 30 edition, headlined "US Admits Charles Taylor Was CIA Agent," which was culled from IntelNews.org, which used as its source a Boston Globe story published early last year, had in fact been retracted by the Boston Globe in reaction to a demand made by Charles Taylor's lawyer. Our thanks go to Peter Anderson, Chief of Outreach and Public Affairs of the Special Court for Sierra Leone for drawing our attention to this. Below is the retraction published by the Boston Globe.

A front-page story on Jan. 17 drew unsupported conclusions and significantly overstepped available evidence when it described former Liberia president Charles Taylor as having worked with US spy agencies

as a "sought-after source." The story, based on a response by the US Defense Intelligence Agency to a long-pending records request from the Globe, described the agency's response as having "confirmed its agents and CIA agents worked with Taylor beginning in the early 1980s."

But the agency offered no such confirmation; rather, it said only that it possessed 48 documents running to 153 pages that fall in the category of what the Globe asked for - records relating to Taylor and to his relationship, if any, with American intelligence going back to 1982. The agency, however, refused to release the documents and gave no indication of what was in them.

One of the grounds for that refusal was suggestive, citing the need to protect "intelligence sources and methods," but that, by itself, fell well short of a sufficient basis for the published account. There has long been speculation that

Taylor had such a role, speculation fuelled in part by Taylor's own suggestion in trial testimony that his 1985 escape from prison in Plymouth, Mass., may have been facilitated by CIA operatives. But Taylor, now standing trial before a UN special court on charges of rape, murder, and other offenses, denies he was ever a source for, or worked for, US intelligence.

The Globe had no adequate basis for asserting otherwise and the story should not have run in this form.

It is however quite interesting that the CIA admitted having 48 documents running into 153 pages of records relating to Taylor and to his relationship, if any, with American intelligence going back to 1982, but refused to release them, citing the need to protect "intelligence sources and methods." This is indeed suggestive of the fact that there was some kind of a relationship between Taylor and the CIA.

Awareness Times Online

Friday, 27 September 2013

In Sierra Leone, Judiciary Uses Protection Screen in Rape Case

By Michael T. Kamara

Following initial inability of Sierra Leone Judiciary to protect identity of a testifying female complainant who alleged she was raped by a serving government minister, there was an outcry from concerned Women's Rights groups who cited the recently enacted Sexual Offences act as having been contravened by exposing the complainant's face in open court. Well, the matter came up again yesterday 26th September 2013 but this time, with the help of **Special Court Equipment** pre-installed at the courts, the Judiciary ensured that the 3rd and 4th Prosecution Witnesses (PW-3 & 4) testified from behind screens that hid their identities. The matter itself is a case of alleged rape, wounding and assault involving the now-sacked Deputy Minister of Education Science and Technology II, Mamoud Tarawalie. It is being heard in front of Magistrate Tonia Barnett of Court No. 2A.

PW-3, a lady, confirmed knowing the alleged victim as a close friend. She further told the court that she came to know the accused sometime in March this year when he gave her a ride in his vehicle from Goderich to Youyi Building in Freetown. She confirmed that she was the one who introduced the alleged victim to the accused person. She also confirmed that she first pleaded for the accused to offer assistance in the form of a scholarship to the victim who was a university student.

She said on 9th September this year, the victim told her that the accused had called her to meet him at his office so that they would discuss issues relating to overseas scholarship. However, later that day, PW-3 recounted of how she received a telephone call from the victim who sounded very distraught and told her that the accused had raped her and physically assaulted her. She further told the court that when she went to the Police CID, she met her friend with bruises and wound marks on her skin and mouth, swellings on her face and a damaged mobile phone belonging to her friend. She also was shown photographs of the victim bleeding from wounds which she said had been taken by the police.

On his part, PW-4, who introduced himself as the boyfriend of the victim told the court that he came to know the accused only after the incident. He said on that day, the victim came to his house in a disheveled and distraught state and reported to him that she was raped by the accused government minister.

He said the victim told him that she was earlier on called by the accused to meet him at his office so that they will discuss issues relating to the scholarship. The witness further explained that the victim also told him that the accused beat her up and wounded her during scuffles in the process preceding the accused government minister raping her without using a condom.

He said when he examined the victim, he saw a swollen face and wound marks in some parts of her body. He said he then used a camera to take photographs of the bleeding victim immediately. Following this he went on, he personally escorted the victim to the African Young Voices (AYV) Radio where he showed her wounded and bleeding condition to journalists. He said his bleeding girlfriend then granted an interview in tears to a journalist at AYV radio before they both proceeded to the Police to make an official complaint on the matter.

Both the prosecution witnesses were cross-examined by the Defense lawyers but their cross-examinations yielded nothing of any significant difference to their examination in chief.

At this juncture, Magistrate Barnette adjourned the matter to Monday 30th September 2013 for the prosecution to continue with its remaining witnesses.

UN Security Council

Friday, 27 September 2013

Security Council Press Statement on Charles Taylor Judgement By Appeals Chamber of Special Court for Sierra Leone

The following Security Council press statement was issued on 27 September by Council President Gary Quinlan (Australia):

The members of the Security Council welcome the issuance of the judgement of the Appeals Chamber of the Special Court for Sierra Leone in the case of Charles Taylor, former President of Liberia, which upheld his conviction and 50-year sentence for aiding and abetting and planning crimes against humanity and war crimes during Sierra Leone's civil war. Serious crimes and violations of international humanitarian law, including murder, rape and enlisting children into armed forces, are of particular concern. This judgement is an important step in bringing to justice those individuals who bear the greatest responsibility for such crimes, regardless of their official status. The members of the Security Council reaffirm their determination to end impunity for serious violations of international humanitarian law.

The members of the Security Council recognize the importance of the judgement to the victims of crimes committed in Sierra Leone and express their deepest sympathy to them and others who suffered during the hostilities.

The members of the Security Council congratulate the Special Court for Sierra Leone on the delivery of this final judgement, concluding the appellate proceedings in the case against Charles Taylor, and welcome the pending completion of the Special Court's mandate. The members of the Security Council will continue to offer strong support to the Residual Special Court for Sierra Leone as it commences its functioning in the coming weeks, and call upon Member States to contribute generously to the Residual Special Court.

* * * * *

Policymic

Monday, 30 September 2013

It's Official: Charles Taylor Will Spend the Rest Of His Life Rotting in Jail

Joseph Kaifala



The Appeals Chamber of the Special Court for Sierra Leone has rejected an appeal by former Liberian President Charles Taylor against his conviction for war crimes and crimes against humanity committed in Sierra Leone. In April 2012, the Trial Chamber found Taylor individually criminally liable under Article 6(1) of the Special Court Statute for aiding and abetting the commission of the charged crimes. In May 2012, he was sentenced to 50 years in prison — 30 years short of the prosecution's request for an 80-year sentence.

While 50 years is not enough justice for Taylor's horrific crimes, the rejection of the appeal is at least reassurance that Taylor will spend the rest of his life in prison.

On appeal, the defense raised 45 grounds of error of law and fact and the prosecution raised four grounds. The defense particularly raised what it referred to as "systematic errors in the evaluation of evidence" and also contended that there were irregularities in the judicial process constituting violations of Taylor's right to a fair trial. The prosecution, on the other hand, claimed that the Trial Chamber made errors of law and fact in failing to find that, in addition to aiding and abetting and planning crimes, Taylor ordered and instigated the commission of crimes, which makes him directly responsible. The prosecution also appealed against the 50-year sentence, which it deemed inadequate in light of the crimes for which Taylor was convicted.

While rejecting the appeal, Judge George King stated that Taylor's actions in Sierra Leone did not only harm the victims of the crime and their immediate relatives, but also fueled a conflict that became a threat to international peace and security in the West African Sub-region. Judge King also scolded Taylor for abusing the trust Sierra Leoneans and the international community placed in him to resolve the civil war. Taylor, as President of neighbouring Liberia, was one of the Economic Community of West African States (ECOWAS) point-persons for a peaceful resolution of the Sierra Leonean civil war. However,

Taylor used his position mainly to support the Revolutionary United Front (RUF) rebels and renegade Sierra Leone Army officers. He was indicted in 2003 by the Special Court for Sierra Leone, a court jointly established by the government of Sierra Leone and the United Nations to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law.

Taylor launched a civil war in Liberia in 1989 as head of the vicious National Patriotic Front of Liberia (NPFL) — a rebel movement that used mostly drug-intoxicated children as combatants. Sierra Leone was involved in an ECOWAS peacekeeping mission in Liberia at the time, and Taylor promised to ensure that Sierra Leone taste the bitterness of war. The RUF, led by former Sierra Leone Army corporal Foday Sankoh, invaded Sierra Leone from Liberia a year later. At the end of a decade-long civil war in 2002, more than 50,000 people had been killed, an estimated 27,000 people had their limbs chopped off or otherwise disabled, and around 35,000 children had been used as combatants. A decade later, Sierra Leoneans are still pulling the pieces of a wrecked country together and Taylor's conviction is an important part of post-conflict justice for the victims.

At the height of Taylor's terror in the Mano River region, his child combatants used to sing that "Anybody say you don't want Taylor, we'll kill you like a dog." In keeping with their lyrics, they slaughtered and raped thousands of civilians. The prosecution is right that Taylor's sentence, which will probably be spent in a British prison, is not much in comparison to the horrendous crimes he sponsored in Sierra Leone. But perhaps 50 years is enough time for him to find it in his malignant heart to beg for forgiveness from the people of the Mano River region, who endured more than a decade of wanton crimes at the hands of both the RUF and the NPFL.

The Daily Beast
Friday, 27 September 2013



David Crane, a 63-year-old law professor at Syracuse University, sat in the sleek gray rectangular courtroom at The Hague and listened intently as the decision was delivered. This was the moment he'd been waiting on for a decade: the final verdict in the war-crimes trial of Charles Ghankay Taylor, the former president of Liberia.

On September 26, the court upheld Taylor's sentence of 50 years in prison for aiding and abetting war crimes and crimes against humanity that included murder, terrorism, rape, sexual slavery, and mutilations committed by rebel forces during Sierra Leone's civil war—a conflict that spanned 11 years and claimed some 70,000 lives. Taylor, who provided support to the Sierra Leonean rebel groups, is the first former head of state to be convicted of war crimes by an international criminal tribunal since the Nuremberg Trials. And Crane, who signed the original indictment in the case 10 years ago, and served as the chief prosecutor for the Special Court for Sierra Leone, was gratified by the court's decision to uphold the May verdict. "This is vindication and justice for the people for Sierra Leone," Crane told Newsweek in a telephone interview outside the courtroom in The Hague, just after Justice George Gelaga King of Sierra Leone had read the sentence. "It's a huge victory for justice [and] I'm very proud of the dozens of men and women who worked so hard over the past 10 years to see this day."

Crane served as prosecutor at the court from 2002 until 2005. During those years, the biggest psychological challenge was the absence of motive for the enormous brutality and violence. "We've all seen horrors in Rwanda and in the Balkans, but this was all of it—on steroids," he says.

Crane, who was born in Santa Monica, California, studied West African politics and history at Ohio University before getting his law degree at Syracuse University where he would later teach. He served in the U.S. military and worked for the government for 30 years, overseeing various national-security

organizations on behalf of the secretary of Defense and the intelligence committees of the U.S. Congress. But he had never been to the region when, one night in early September 2001, he received a phone call from the White House, telling him that he had been nominated for the position as chief prosecutor.

At the time, Crane thought it was a joke. No one in the international community would support an American candidate for the position, he reasoned, given the Bush administration's adversarial stance toward the establishment of the International Criminal Court to begin with. But after six months of interviews, he received a phone call from then-U.N. secretary-general Kofi Annan's legal counsel, Hans Corell, telling him that he had been chosen for the job.

"There were a lot of people within the United Nations who didn't want me there," says Crane. When he took on Taylor, "against the wishes of the U.S.," because the law and the facts required him to, "they came to realize that I was a true international prosecutor and not some type of American lackey working for George [W.] Bush."

Taylor himself called Crane a "redneck racist" and said he was only going after him because Taylor is black. (The two never met until 2008 when Crane attended one of Taylor's hearings in The Hague.) And some of Crane's former colleagues at the court criticized the American for what they saw as a "missionary attitude."

Still, no one disputes that Crane's greatest achievement was to help secure the arrest of Taylor, who was in exile in Nigeria until 2006. He and his team, he says, "were driven by a righteous fury."

Crane now lives a quiet life with his wife in the Smoky Mountains in Waynesville, North Carolina, and lectures on international criminal law at Syracuse, flying to work every week. But the former prosecutor still has a strong commitment to international justice. He is working on a book about his experiences at the special court, titled *Strike Terror No More* after a biblical psalm. He is also working with a team of lawyers and civil-society advocates to set up an archive of war crimes and atrocities committed in Syria that could be used as a basis for prosecution. "We former chief prosecutors are like racehorses," he says. "You can put us out to pasture but we still want to run."

Stabroek News (Guyana)

Saturday, 28 September 2013

Overdue justice for war crimes in Africa

“Though the mills of God grind slowly, yet they grind exceeding small”; wrote the American poet Henry Wadsworth Longfellow. “Though with patience he stands waiting, with exactness grinds he all.” The lines are a fitting epitaph to the legal saga that ended two days ago when Charles Taylor, the former president of Liberia, lost an appeal in The Hague against a 50-year jail sentence handed down last May for multiple counts of war crimes and “crimes against humanity.”

The successful prosecution of such an elusive figure is a long overdue triumph for international justice. Remarkably, Taylor is the first former head of state to be convicted by an international tribunal since the Nuremberg trials. After fleeing to Nigeria in 2003, and claiming immunity for crimes committed while he was head of state, Taylor looked likely to become another symbol of the political impossibility of obtaining justice for massive human rights violations. But seven years after he was caught crossing into Cameroon and brought to face indictments before the Special Court for Sierra Leone, justice has been served.

At his trial Taylor presented himself as “partially indigent,” so the nations underwriting the tribunal have had to cover legal expenses that reportedly exceed US\$20 million. But this seems a small price to convict a leader who condoned the use of murder, rape, sexual slavery and the conscription of child soldiers to further his political ambitions. George Gelaga King, the Sierra Leonean judge presiding over the appeal, swept aside Taylor’s claims that he would “never, ever” have permitted the atrocities that took place in Sierra Leone. King said Taylor had used “brutal violence” against civilians “with the purpose of making them afraid, afraid that there would be more violence if they continued to resist.”

Liberia’s two civil wars, and related hostilities in Sierra Leone, cost at least 200,000 lives, and displaced up to 2 million refugees. According to some estimates, it also exposed nearly half of Sierra Leone’s female population to sexual violence. In addition to his lack of concern about using extreme violence, Taylor also saw nothing wrong with plundering revenues from Liberia’s diamond and timber industries to finance his army and to amass a large private fortune. Sadly, apart from the exceptional brutality of his troops, his behaviour does little to distinguish him from a long line of African strongmen who have used similar methods to sustain their political careers, often for decades.

Among other things, the Taylor ruling provides an important counterweight to the decision, this February, of appeals judges at the tribunal for the former Yugoslavia to overturn the conviction of General Momcilo Perisic, previously sentenced to 27 years for failing to halt a series of human rights violations including the Srebrenica massacre and rocket attacks on civilians in Zagreb. The Taylor decision establishes a clear and much-needed precedent in international law for ascribing guilt to the intellectual authors of crimes against humanity and not just to those who carry out atrocities in the field. It also validates the long and often frustrating procedures of international tribunals to inch their way forward, one precedent at a time, in the pursuit of genuinely powerful political actors.

In her prize-winning account of the painstaking efforts to create institutions that might hold nations accountable for crimes against humanity, the journalist Erna Paris points out that the Nuremberg trials “almost did not happen.” The victors of the Second World War, and France, were initially willing to tolerate widespread retribution for German atrocities, and there were fears that Stalin might simply produce a series of show trials to convict leading Nazis. But when America and Britain “thought revenge

killings might not look well in the history books” they pressed for rigorous courtroom procedures that would produce strong verdicts and set useful precedents for exactly the sort of justice that has been served on Charles Taylor. As the allies set about establishing the tribunal, its future chief prosecutor, Robert H Jackson, said memorably that “to free [German] prisoners without a trial would mock the dead and make cynics of the living.”

On November 20, 1945 Jackson celebrated the creation of the Nuremberg tribunal with even greater eloquence, saying: “That four great nations flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to reason.” Astonishingly, it has taken nearly 70 years for the labyrinthine processes of international politics to elicit a similar tribute. Nevertheless, the successful prosecution of Charles Taylor is a small but encouraging sign that the arc of the moral universe may, after all, bend towards justice.

Eurasia Review

Thursday, 26 September 2013

ICTJ: Charles Taylor Judgment A Milestone In The Against Struggle Impunity For Leaders

The International Center for Transitional Justice (ICTJ) said Thursday it welcomes the decision by the Special Court for Sierra Leone (SCSL) to uphold the guilty verdict against former Liberian President Charles Taylor for war crimes and crimes against humanity. The court dismissed challenges from Taylor's defense, and the prosecution's request for the sentence to be increased to 80 years, and affirmed his 50-year sentence with immediate effect.

In April 2012, the court's trial chamber had found Taylor guilty on 11 counts of planning, aiding and abetting crimes committed by rebel forces in Sierra Leone during its civil war, including terrorism, murder, rape and use of child soldiers.

Taylor is the first former head of state convicted by an international war crimes court since the Nuremberg trials following World War II.

"The Special Court's judgment carries great importance for the Sierra Leonean victims of barbaric crimes committed by forces supported by Charles Taylor, and for them this day will hopefully bring a measure of justice and satisfaction," said David Tolbert, president of ICTJ.

"At the same time, this is a momentous development in the struggle for accountability of political and military leaders who commit war crimes and crimes against humanity across borders."

The rebel Revolutionary United Front and other groups in Sierra Leone supported by Taylor were known for committing brutal crimes against civilians. Tens of thousands of people were killed, raped and mutilated during the conflict in Sierra Leone, and hundreds of thousands were expelled from their homes.

The SCSL was set up in the capital of Freetown, Sierra Leone, to investigate and prosecute individuals who bore the greatest responsibility for "serious violations of international humanitarian law and Sierra Leonean law" committed in Sierra Leone since November 30, 1996. Taylor's trial was transferred to The Hague in 2006 out of concern that it could destabilize the region, which was recovering from years of violence.

"While this decision reinforces the expectation of victims that the crimes of political leaders will not go unpunished, it is important to underline that national prosecutions have an important role to play going forward," said Tolbert. "To bring the full weight of justice against Taylor for his crimes, accountability must also be pursued for Liberia's many victims."

In addition to its extensive work on Sierra Leone, ICTJ has implemented a project examining the legacy of the Special Court for Sierra Leone. In July, ICTJ produced "Seeds of Justice: Sierra Leone", a multimedia project of video portraits that capture the views of five Sierra Leoneans on how the court has impacted their lives and their country.

Just Security

Thursday, 26 September 2013

Charles Taylor Verdict Today: New Standard of Liability for Aid to Rebel Forces?

By Beth Van Schaack

The Appeals Chamber of the Special Court for Sierra Leone (SCSL) today unanimously upheld the conviction and 50-year sentence of former Liberian President Charles Taylor for aiding and abetting and for planning attacks against civilians committed by rebel groups during Sierra Leone's bloody civil war (1991-2002). Culpable forms of support included the provision of arms, ammunition, personnel, and other materiel as well as operational assistance and encouragement to the rebels. Importantly, the Appeals Chamber rejected a defense argument that customary international law requires the Prosecutor to prove that the defendant provided "specific direction" to the perpetrators with the intention that particular crimes be committed. Instead, the Appeals Chamber ruled, customary international law finds liability when the defendant acted with the knowledge that his assistance would contribute to the commission of international crimes (or when the defendant was aware that there was a substantial likelihood that his or her conduct would provide such assistance). In terms of *actus reus*, it is sufficient that the accused's conduct had a substantial effect on the commission of the crimes charged; specific direction to the principal perpetrators need not be proven.

The judgment no doubt comes as an enormous relief for Chief Prosecutor Brenda Hollis (U.S.). Recent jurisprudence emerging from the International Criminal Tribunal for the former Yugoslavia (ICTY), notably in the Gotovina and *Perešić* cases, had ostensibly raised the standard for proving accomplice liability. In *Perešić*, for example, the ICTY required proof that the accomplice provided such specific direction to the direct perpetrators of the crime in question. These rulings have prompted a firestorm of criticism and debate, which took a different turn when someone leaked a letter from ICTY Judge Frederik Harhoff (Denmark) alleging that President Ted Meron had bullied ICTY judges into adopting the new standards as a concession to American and Israeli military establishments. (Harhoff was later disqualified in the *Seselj* case for his breach of judicial ethics in revealing internal deliberations and the suggestion that he would not follow precedent in subsequent cases.) The U.S. government quickly denied that it played any role in shaping the outcome of those cases and affirmed that it respects the independence of the tribunals.

Hollis offered to specifically brief the SCSL on this line of cases, because Article 20(3) of the Statute of the SCSL indicates that the Appeals Chamber "shall be guided by the decisions of the Appeals Chamber of the International Tribunals for the former Yugoslavia and for Rwanda." Her extra efforts clearly paid off.

The debate over the correct *mens rea* for accomplice liability has also played out in Alien Tort Statute litigation, including in the recently concluded *Kiobel* litigation. It also has broad implications for efforts by governments to provide a range of forms of assistance to armed actors—including government forces and non-state actors, such as the Syrian rebels—who may have a history of committing war crimes and other abuses against civilians. Stay tuned for a more fulsome analysis of the judgment and its implications, which I will post soon on Just Security.

Beth Van Schaack is as Fellow at the Center for International Security & Cooperation at Stanford University and a professor at Santa Clara University School of Law. She was formerly the Deputy to the U.S. Ambassador-at-Large for War Crimes Issues.

Legalbrief Africa

Tuesday, 1 October 2013

Why Taylor could not walk free

Published in: Legalbrief Today

Date: Tue 01 October 2013

Category: Criminal

Issue No: 3370

On the face of it, the Special Court of Sierra Leone's decision to uphold Charles Taylor's conviction for aiding and abetting war crimes appears to be another victory for transitional justice.

The international community succeeded in locking up another brutal dictator, and now, it has also thrown away the key. In an Al Jazeera article, analyst Christine Cheng notes that while it was possible that the Appeals Chamber could have set Taylor free, the reason it didn't has nothing to do with the merits of the case. After all, a free Charles Taylor would have entailed too many risks to the region. 'After many years of civil wars and border skirmishes, Liberia, Sierra Leone and Côte d'Ivoire are finally stable. As the driving force behind the region's conflicts through the 1990s and early 2000s, setting Taylor free could have upset the fragile balance in West Africa,' Cheng writes. She adds: 'The Special Court could not afford to let him go free, not without the possibility of risking Liberia's security and undermining the integrity of the tribunal itself. However, Cheng notes that justice is applied selectively 'depending on what country you are from and whether you are in favour with the West. By nudging, suggesting, and sometimes coercing international courts to serve political interests, Western powers manage to achieve desired political outcomes. But these tactics are putting delicate norms of transitional justice at risk. If international war crimes trials are ever to achieve genuine global justice - for the weak as well as the powerful - there must be some acknowledgement that these tribunals are currently being used as political instruments of the powerful. Only when this premise is accepted by the West can the ICC evolve into an institution with real international legitimacy.'

Full report on the aljazeera.com site

Al-Jazeera

Friday, 27 September 2013

Opinion

Charles Taylor and the logic of relative justice

Was this a case of neutral and impartial justice or did regional politics matter too?



Yesterday, the Special Court of Sierra Leone upheld Charles Taylor's conviction for aiding and abetting war crimes in Sierra Leone's civil war. The Appeals Chamber also rejected his request for a reduction in his 50 year sentence, pointing out that he had not shown "real and sincere remorse" for his actions. On the face of it, this decision appears to be another victory for transitional justice: the international community succeeded in locking up another brutal dictator, and now, it has also thrown away the key.

For those who follow international war crimes tribunals and the workings of the International Criminal Court, the Special Court's decision would not have come as a surprise. On the one hand, it was certainly theoretically possible that the Appeals Chamber could have set Taylor free by adhering to the precedent in the Momcilo Perisic. Yet this outcome seems fantastical in light of the political context in which this seven-year trial has taken place. The conclusion was foregone before the ink was even dry on the appeal documents. The reason is simple and has nothing to do with the merits of the case: A free Charles Taylor would have entailed too many risks to the region.

After many years of civil wars and border skirmishes, Liberia, Sierra Leone and Cote d'Ivoire are finally stable. For the moment. As the driving force behind the region's conflicts through the 1990s and early

2000s, setting Taylor free could have upset the fragile balance in West Africa. Even though Liberia's civil war ended over a decade ago in August 2003, Charles Taylor remains a powerful force in the country—despite not having set foot on Liberian soil since 2006. The Special Court could not afford to let him go free, not without the possibility of risking Liberia's security and undermining the integrity of the tribunal itself.

Still, it would be unfair to say that the Appeals Chamber is not impartial. There is no evidence that this is the case. The justices appear to be qualified and of international repute. Nevertheless, as independent as the judges themselves may be, they are appointed by political bodies with political interests. Valerie Oosterveld shows how deeply political considerations affected many critical aspects of the Special Court, from the drafting of the SCSL's statute to its judgments to its decision to physically close the court. It would be naive to think that any shortlisting process of the Appeals Chamber justices would not have been shaped by these political dynamics, or that the justices themselves would be unaware and unaffected by the desires of those who appointed them.

In fact, we already know from the work of Ruth Mackenzie, Kate Malleson, and Philippe Sands that selecting judges to international tribunals is a fraught process. Ultimately, Sands has asserted that "the horse-trading and politicking is endemic". He also claims that "vote-trading, campaigning, and regional politicking invariably play a great part in candidates' chance of being elected than considerations of individual merit". While their study was conducted on the International Criminal Court and the International Court of Justice, there is no reason to think that the same political dynamics would not hold true of the Special Court for Sierra Leone.

Bear in mind too that the Special Court received most of its funding from the West (US, UK, Netherlands, and Canada), and Western countries have contributed billions of dollars in humanitarian aid and reconstruction to the region. In addition, the UK has offered Sierra Leone an "over-the-horizon" security guarantee. Effectively, this means that the UK is committed to responding to a national security incident within 72 hours. Given these considerations of national interest, it is hard to imagine how the desires of the UK and the US would not have influenced the environment of the court. Keeping larger political influences and geopolitical considerations at bay in a case like this would have been near impossible.

Westerners might wonder how any of these factors could affect the final decision of the justices. After all, justice should be blind. And yet, we can see that it is not. None of these revelations would surprise Sierra Leoneans and Liberians. In Africa certainly, war crimes tribunals are widely acknowledged to be deeply politicised institutions. In fact, the African Union has recently called a special summit to discuss a mass withdrawal from the ICC in October because international justice is seen as baldly biased against Africans.

I have argued elsewhere that the ICC is perceived by many as a tool of Western powers. Other UN-backed tribunals also suffer from this problem, including the Special Court of Sierra Leone. Others have made similar arguments. Guardian columnist Seumas Milne has asked why Western leaders have not been indicted for aiding and abetting war crimes when they too supplied arms and assistance to Libyan militias in the fight against Gaddafi - just like Charles Taylor did for Sierra Leone's rebels. International legal scholar Richard Falk has questioned why American leaders have not been charged for the systematic abuses that have been widely documented at Guantanamo Bay and Abu Ghraib.

The facts are clear: justice is applied selectively depending on what country you are from and whether you are in favour with the West. By nudging, suggesting, and sometimes coercing international courts to serve

political interests, Western powers manage to achieve desired political outcomes. But these tactics are putting delicate norms of transitional justice at risk.

If international war crimes trials are ever to achieve genuine global justice - for the weak as well as the powerful - there must be some acknowledgement that these tribunals are currently being used as political instruments of the powerful. Only when this premise is accepted by the West can the ICC evolve into an institution with real international legitimacy.

Dr Christine Cheng is Lecturer in War Studies at King's College London. Her book on extralegal groups in Liberia will be published with Oxford University Press.

Somaliland Press

Monday, 30 September 2013

The International Criminal Court on an African Safari?



African Race Hunting, the Race Card and Racing After African Thugs?

Hailemariam Desalegn, the titular prime minister of Ethiopia, says the International Criminal Court (ICC) is on African safari. In May 2013, according to the BBC, Desalegn said, “African leaders were concerned that out of those indicted by the ICC, 99% are Africans. This shows something is flawed within the system of the ICC and we object to that. The process has degenerated into some kind of race hunting.” Last week a spokesman for the ruling regime in Ethiopia chimed in. “We never appreciated what the ICC has been doing, particularly when it comes African leaders, and its belittling and it’s disparaging the African leadership.”

Earlier this month, Hailemariam reportedly sent a letter to “the ICC copying the UN Security Council (UNSC) formally demanding that the charges against both president Uhuru Kenyatta and his vice president William Ruto be dropped.” African leaders are going ballistic and threatening a mass withdrawal from The Rome Statute of the International Criminal Court (the treaty that established the international crimes of genocide, crimes against humanity, war crimes and the crime of aggression). They have scheduled an extraordinary summit in Addis Ababa on October 13, 2013 for that purpose.

The ICC’s chief prosecutor, Gambian international lawyer Fatou Bensouda, has stated repeatedly that most ICC cases are opened in cooperation with African countries. She has rejected the idea that the ICC is engaged in selective prosecution of Africans.

The specific reason for the mass withdrawal of African countries from the ICC treaty is “race hunting”. I have heard of race baiting, race discrimination, the race card and even the rat race. But never “race hunting”. Is Hailemariam, in his provocatively dramatic phrase, trying to suggest that the ICC is on an African safari hunting down and prosecuting innocent black Africans? Does he mean the ICC has “degenerated” into a white racist lynch mob using legal institution to chase, capture and hang crimeless and guiltless African leaders? Is he saying that the ICC was established to selectively prosecute African because “99%” of its indictees are Africans? Is he saying that the West is using the ICC to neutralize and punish African leaders who have an axe to grind with the West? Who are the 99% of Africans being “race hunted” (indicted) by the ICC?”

Last week, the vicious African warlord and ex-Liberian president Charles Taylor lost his appeal in his criminal conviction by the U.N. Special Court for Sierra Leone (SCSL). Taylor was found guilty of murder, rape, mutilating civilians, conscription of child soldiers, sexual slavery and other acts of terrorism in Sierra Leone over an 11 year period beginning in the mid-1990s. Over 50,000 people died in that conflict. Taylor's trial took nearly four years; and he testified on his own behalf for seven months. The Taylor trial cost USD\$250 million! A total of 22 other suspects were indicted by the SCSL on similar charges. Fourteen were convicted and nine are now serving long prison terms. The rest died before trial or were released following a short imprisonment.

When Taylor was convicted in May 2012, I wrote a commentary titled, "Justice for Sierra Leone! No Justice for Ethiopia?" I argued that the Taylor "verdict is undoubtedly a giant step forward in ending the culture of official impunity and criminality in Africa. African dictators and tyrants may no longer assume automatic impunity for their criminal actions." David Crane, the chief prosecutor of the SCSL correctly pointed out, "This is a bell that has been rung and clearly rings throughout the world. If you are a head of state and you are killing your own people, you could be next." U.N. Secretary General Ban Ki-moon described the Taylor verdict as "a significant milestone for international criminal justice" that "sends a strong signal to all leaders that they are and will be held accountable for their actions."

Who has been "game" in the ICC's African Safari?

The system of accountability established in the ICC and the U.N. Special Courts is now coming under fire by African "leaders" who are pulling out the old race card (it used to be the old colonial, imperialist card) to evade responsibility and perpetuate their crimes and culture of impunity and lawlessness. The question is whether there is any factual basis for Desalegn's thinly veiled provocatively inflammatory charge that the ICC has "degenerated" into a racist international legal institution arbitrarily chasing after African leaders. Or is the real reason for Hailemariam's complaint a gnawing and foreboding fear of David Crane's warning, "If you are a head of state and you are killing your own people, you could be next."

Since the Rome Statue was entered into force in 2002, the ICC has issued indictments against two sitting heads of state (Sudan's president Omar Al-Bashir and the late Libyan supreme leader Moamar Gadhafi), two individuals who became heads of state after they were indicted (Kenya's president Uhuru Kenyatta and his vice president William Ruto), one former head of state (Liberia's Charles Taylor) and another leader who refused to leave office after losing an election (Cote d'Ivoire's Laurent Gbagbo). The ICC has also returned indictments against dozens of African rebel and opposition leaders.

The ICC indicted Kenyatta and Ruto on charges of crimes against humanity in connection with the communal post-election violence between supporters of presidential candidates Raila Odinga and Mwai Kibaki in 2008. The U.N. estimated some 1,200 people died in Kenya in weeks of unrest between December 2007 and February 2008, and 600,000 people were forcibly displaced.

Beginning in 2003, Bashir pursued a policy of genocide in the Darfur region which by U.N. estimate claimed 400,000 lives and displaced over 2.5 million people. Bashir sneered at the ICC when he was indicted in 2009. "Tell them all, the ICC prosecutor, the members of the court and everyone who supports this court that they are under my shoe."

In 2010, Gbagbo refused to leave office after his opponent was declared the winner in a runoff vote. The U.N. estimated that 3,000 people were killed in the postelection conflict.

In 2011, Gadhafi ordered and organized the arrest, imprisonment, and killing of hundreds of civilians opposed to his regime in the initial days of the Libyan uprising. At one point, he urged, “I want provocation. People should take to the streets. Smash those dogs, and tell them: ‘you traitors will bring us the British.’”

The expanded list of suspects indicted by the ICC includes the names of some of the most ruthless and vicious criminals of the 21st Century. In Uganda, the ICC indicted senior leaders of the “Lord’s Resistance Army” including the notorious Joseph Kony who abducted children for decades and forced them to become child soldiers. His top commanders including Vincent Otti, Raska Lukwiya, Dominic Ongwen, Okot Odhiambo were also been indicted. In the DR Congo, the ICC indicted various rebel and militia leaders, Congolese military officers and politicians who committed war crimes and crimes against humanity including Thomas Lubanga Dyilo (the first person ever convicted by the ICC), Germain Katanga, Jean-Pierre Bemba Gombo, Bosco Ntaganda, Mathieu Ngudjolo Chui, Callixte Mbarushimana and Sylvestre Mudacumura. In the Sudan, Ahmed Haroun who coordinated the operations of Sudanese military and Janjaweed forces along with interior minister Abdel Rahim Mohammed Hussein were indicted by the ICC for their roles in the Darfur conflict. Saleh Jerbo and Ali Kushayb, Sudanese rebel leaders, were also indicted for, among other crimes, the killing of peace keepers of the African Union Mission in Sudan.

The ICC indicted Moammar Gaddafi’s son Saif al-Islam and Libyan intelligence chief Abdullah al-Senussi for violent oppression of popular uprisings in the early weeks of the Libyan civil war. Mohammed Hussein Ali, Commissioner of the Kenya Police was indicted by the ICC for acts and omissions following the 2007 elections along with Cabinet Secretary Francis Muthaura, radio station manager Joshua Sang and government minister Henry Kosgey. Simone Gbagbo, wife of Laurent Gbagbo, was indicted for her role in the systematic attacks against civilians when her husband refused to leave office after he was defeated in the 2010 election.

ICC indictment has not meant certain conviction. In a number of instances, ICC indictments have been withdrawn, dismissed or not confirmed. Among indictees the ICC declared *nolle prosequi* (case dropped) Francis Muthaura, Mohammed Ali, Callixte Mbarushimana and Bahr Abu Garda.

Unringing the ICC Bell in Africa

SCSL special prosecutor David Crane warned that “If you are a head of state and you are killing your own people, you could be next.” All of the inflammatory race baiting and race laced rhetoric and temper tantrums by African “leaders” is intended to “unring the ICC bell”. The African “leaders” who are racializing, demonizing, scandalizing, disparaging and damning the ICC are the ones feeling the ICC heat is getting too close for their comfort. These “leaders” are not interested in prosecuting human rights violators because they are the prime human rights violators. In fact, the only African leader on record who directly requested ICC prosecution of suspects in Africa was Cote d’Ivoire’s president is Alisane Ouattara who in 2011 wrote a letter to ICC prosecutor Luis Moreno-Ocampo emphatically urging him to bring the “people who bear the greatest responsibility for the most serious crimes before the International Criminal Court.”

The African Union’s (AU) has been openly contemptuous of the ICC. In 2010, the AU thumbed its nose at the ICC stating: “The AU Member States shall not cooperate pursuant to the provisions of Article 98 of the Rome Statute of the ICC relating to immunities, for the arrest and surrender of President Omar El Bashir of the Sudan”. The AU officially took a stand to protect and shelter the Butcher of Darfur from facing justice!

Why are there no ICC indictments in Ethiopia?

Is Desalegn concerned that he and his crew maybe next on the ICC prosecution list? Do members of the ruling regime in Ethiopia have reasonable cause for concern that the ICC may one day come knocking on their door? Let the evidence speak for itself.

An official Inquiry Commission appointed by the late leader of the regime in Ethiopia in its 2006 report documented the extrajudicial killing of at least 193 unarmed protesters, wounding of 763 others and arbitrary imprisonment of nearly 30,000 persons in the post-2005 election period in Ethiopia. (That's the singular reason I got involved in Ethiopian and African human rights advocacy.) That Commission was limited to investigating the "violence that occurred on June 8, 2005 in Addis Ababa and violence that occurred from November 1 to 10, 2005 and from November 14 to 16, 2005" in other parts of the country. (The Commission has evidence on extrajudicial killings by security forces for dates other than those indicated; and had those casualties been included in the official Commission report the numbers would have increased several fold.) The killings investigated by the Commission occurred after the late leader of the ruling regime publicly declared that all of the country's security and military forces were under his direct, exclusive and personal command and control.

The Commission's evidence further showed that nearly all of the 193 unarmed protesters died from gunshot wounds to their heads or upper torso. The Commission found substantial evidence that professional sharpshooters were used in the indiscriminate and wanton attack on the unarmed protesters. The Commission further documented that on November 3, 2005, during an alleged disturbance at the infamous Kaliti prison near Addis Ababa, guards sprayed more than 1,500 bullets into inmate cells in 15 minutes, killing 17 and severely wounding 53. These and many other shocking facts were meticulously documented by the Commission which examined 16,990 documents, received testimony from 1,300 witnesses and undertook months of investigation in the field. There is also documentary evidence to show that there are at least 237 named police and security officials directly implicated in these crimes who were subsequently dismissed from their positions. No person has even been criminally investigated, arrested, charged or prosecuted or in any way held accountable for any of these crimes.

In December 2003, in the Gambella region of Ethiopia, 424 individuals died in extrajudicial killings by security forces of the ruling regime in Ethiopia. A report by the International Human Rights Clinic of Harvard Law School's Human Rights Program corroborated the extrajudicial killings.

In 2008, in the Ogaden region of Ethiopia, reprisal "executions of 150 individuals" and 37 others by regime soldiers were documented by Human Rights Watch:

Ethiopian military personnel who ordered or participated in attacks on civilians should be held responsible for war crimes. Senior military and civilian officials who knew or should have known of such crimes but took no action may be criminally liable as a matter of command responsibility. The widespread and apparently systematic nature of the attacks on villages throughout Somali Region is strong evidence that the killings, torture, rape, and forced displacement are also crimes against humanity for which the Ethiopian government bears ultimate responsibility."

In 2010, Human Rights Watch made a submission to the U.N. Committee Against Torture "regarding serious patterns of torture and other cruel, inhuman, and degrading treatment in Ethiopia." Human Rights Watch reported, "Torture and ill-treatment have been used by Ethiopia's police, military, and other members of the security forces to punish a spectrum of perceived dissenters, including university students,

members of the political opposition, and alleged supporters of insurgent groups, as well as alleged terrorist suspects.”

Suffice it to say that what is good enough for the Sudan, Kenya, Uganda and the DR Congo MUST be good enough for Ethiopia because what is good for the goose is good for the gander. The available evidence of crimes against humanity is compelling and substantial. I believe the ICC has a legal duty and a moral obligation to at least open an investigation into war crimes and crimes against humanity committed in Ethiopia since 2002. (But I will revisit that issue another day.)

Race hunting the ICC

It looks like hunting season on the ICC will open on October 13, 2013 at the AU summit. I have no doubts that African “leaders” will bring out their long sharp knives, scoped hunting rifles, lures and whistles and wrap up the ICC in straight jacket with a bull’s eye. They will surround the ICC like a cackle of hyenas ringing around a lone lion patrolling the African savanna. They will take turns and froth at the mouth delivering self-righteous, self-congratulatory and self-aggrandizing speeches. They will preach fire and brimstone about the old colonial masters and imperialists, the not-so-old neocolonialists and neoliberalists and the new globalists and the invisible members of the of the invisible New World Order that secretly dominate the world and scheme to keep Africa in permanent bondage and servitude.

On October 13, 2013, African “leaders” will gather at the African Union and collectively growl, howl and call foul. They will take turns to demonize, criminalize, scandalize, criticize, anathematize, racialize, ideologize, stigmatize, bestialize, politicize, ostracize and trivialize the ICC. We need not wait; we have already heard it. Thabo Mbeki, the former South African president, delivered it a few weeks ago in his speech, “The West’s contempt for Africa must end!”. Mbeki defended Robert Mugabe, Zimbabwe’s 89 year old president who has been in power since 1980, to show the West’s contempt for Africa. Mbeki said, “one of the strange things is that you have [in] the entire continent [of Africa] in terms of its credible and legitimate institutions” is that the “will of the people of Zimbabwe” and Africans is disregarded. “You have an alternative voice in Washington, London and Brussels which says, ‘No, you Africans are wrong’”. Mbeki said the last election in Zimbabwe was free and fair, and the reason it lacks credibility is because “Washington and London and Brussels have [said] the elections were not credible. In reality, the only reason they were not credible is because Robert Mugabe got elected. That’s all.” Simply stated, if Mugabe was a dictator “Washington, London and Brussels” liked, his election would be sanctified by them. Does that mean the ICC indicts African “leaders” disliked by the West? (That is an important issue I have addressed on numerous occasions, most recently in April.)

All the talk about “contempt” by African “leaders” is just chaff thrown over real issues of crimes against humanity, war crimes, genocide and rigged and stolen elections in Africa. African “leaders” want to define the issue as Western disrespect and contempt for Africans instead of their own contempt and disrespect for the basic human rights of Africans.

If African “leaders” really want to stick it to the West and get the West’s respect, the way to do it is not by moaning, groaning, griping, grouching, bellyaching and teeth gnashing. The best way is to put their money where their mouth is: Establish the equivalent of the ICC or even an institution much better than the ICC in Africa. Instead of windbagging and badmouthing the ICC, let them show the world that African leaders can take care of their own criminals against humanity, war criminals and perpetrators of genocide. How beautiful the sound of “The African Criminal Court”! How proud I would be to see such an institution founded on the African continent. But I am not hopeful. The African Union could not afford to build its

own building for its gabfest so it got a USD\$200 million building “donation” from China. Charles Taylor’s trial at the ICC cost USD\$250 million!

In his recent speech Mbeki called on “African intellectuals, to demand with one voice that the West’s contempt for the African people and African thought must end!” I call on African intellectuals worldwide to demand in one voice that African “leaders” stop showing contempt for the human rights of African peoples. Standing up for the International Criminal Court is standing up against African war criminals, criminals against humanity and perpetrators of genocide! The time to defend the ICC is NOW!

Professor Alemayehu G. Mariam teaches political science at California State University, San Bernardino and is a practicing defense lawyer.

Hirondelle News Agency

Friday, 27 September 2013

Africa: Weekly Summary - Taylor Loses Appeal, Pastor Wants Case Withdrawn in Rwanda

Arusha — The Appeals Chamber of the Special Court for Sierra Leone (SCSL) on Thursday confirmed the 50-year prison sentence of former Liberian president Charles Taylor. Meanwhile, lawyers for a pastor transferred to Kigali by the International Criminal Tribunal for Rwanda (ICTR) are demanding that his case be withdrawn in Rwanda.

ICC/KENYA

The Prosecutor of the International Criminal Court (ICC) declared Tuesday that the September 21 Nairobi shopping mall attack that left some 60 people dead could constitute a crime within the jurisdiction of the ICC. Fatou Bensouda said she is "ready to work with the international community and the Government of Kenya to ensure that those responsible for these crimes are brought to justice." In the wake of the attack the ICC on Monday adjourned the trial of Kenyan Deputy President William Ruto.

FRANCE/RWANDA

The Paris appeals court on Wednesday heard arguments from the parties on two Rwandan extradition requests. Claude Muhayimana is accused by Kigali of participating in the massacre of Tutsis in Kibuye (western Rwanda), while Innocent Musabyimana is wanted in connection with massacres in Gisenyi province (northwest Rwanda). The judges will hand down their decision on November 13.

RWANDA/ICTR

Lawyers for the first accused person transferred to Rwanda by the ICTR are requesting that his case be withdrawn in Rwanda. They claim Kigali is not honouring its commitments. Pentecostal pastor Jean Uwinkindi was handed over to Rwandan authorities in April 2012.

SCSL/TAYLOR

Charles Taylor's conviction was confirmed on Thursday. The Appeals Chamber of the Special Court for Sierra Leone (SCSL) confirmed the 50-year prison sentence imposed by the lower court on the former Liberian head of state. He was convicted of war crimes and crimes against humanity for aiding and abetting Revolutionary United Front (RUF) rebels during the civil war in Sierra Leone. According to the judgment, Taylor knew that RUF fighters would use his military, logistical and financial support to commit crimes against civilians, including murder, rape, sexual slavery and use of child soldiers. NEXT WEEK

The trial of former Congolese vice-president Jean-Pierre Bemba resumes on Monday before the ICC, while that of Kenyan Deputy President William Ruto is set to resume on Wednesday.

RadioTimes

Tuesday, 1 October 2013

<http://www.radiotimes.com/news/2013-09-30/naomi-campbell-the-face-and-the-abruptly-ending-interview>

Naomi Campbell, The Face and the abruptly ending interview

“I decide to ask Campbell if the reports are true... she holds out her hand like a policewoman stopping traffic. The two PR men jump up and start to usher me out...”

-SNIP-

Campbell doesn't give many interviews and her press people are nervous. Before we start I'm given a list of what I cannot ask. “No questions about any of the assault cases and absolutely do not mention the Hague,” says one of her PR team, referring to the Campbell's infamous appearance at a war crimes tribunal in August 2010 when she was called as a witness in the trial of the notorious Liberian leader, Charles Taylor, who allegedly gave the model “blood diamonds”.

-SNIP-