

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



The Bumbuna dam

**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, 15 May 2012

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

### Local News

Special Court Prosecutor Appluads Sierra Leoneans / <i>Premier News</i>	Page 3
Special Court Prosecutor Appluads Sierra Leoneans / <i>Concord Times</i>	Page 4
Black Scorpion Hunts Johnny Paul / <i>Ariogbo</i>	Page 5

### International News

Charles Taylor And The Fallacy of the Special Court / <i>Newstime Africa</i>	Pages 6-9
Liberia: Taylor Speaks Tomorrow... / <i>The New Dawn</i>	Pages 10-11
Is Mercy the Best Course? / <i>The Independent Online</i>	Pages 12-14
Relevance of ICC Judgment Against Charles Taylor to SL / <i>The Island</i>	Pages 15-17
Taylor Prosecutor Visits Sierra Leone / <i>UPI.Com</i>	Page 18
Start of Mladic Trial Shows Persistence Pays / <i>Human Rights Watch</i>	Pages 19-20
ICC Seeks to Arrest Ntaganda, Mudacumura for DRC Crimes / <i>Voice of America</i>	Page 21

# Special Court Prosecutor Applauds Sierra Leoneans



Special Court Prosecutor, Brenda Hollist

## Special Court Prosecutor Applauds Sierra Leoneans

**O**n a tour of five provinces in Sierra Leone, Prosecutor Brenda J. Hollist hailed the resilience and determination of all Sierra Leoneans in demanding justice and accountability for the crimes committed against them during the 11-year armed conflict.

*By Our Court Correspondent*

Over 500 Sierra Leoneans gathered in the towns of Makeni, Koidu and Kenema, and the villages of Tikonko and Mathiri, to discuss the conviction of Charles Taylor with the Prosecutor.

Hollis stated that "this conviction is for you, the people of Sierra Leone, who suffered so horribly from the crimes for which Mr. Taylor stands convicted".

The Headman in Mathiri, Sakoba Conteh, replied that when he heard the judgment, he was as happy as the day that the war was declared over.

Hollis remarked on the importance of hearing first-hand from the people of Sierra Leone a confirmation of what Taylor's conviction means for them.

Village elders, youth leaders, women's civil society representatives, officers from the military, the police and the prison service, villagers and townspeople, gathered to express relief and satisfaction with the conviction handed down by the judges.

In Makeni, Paramount Chief Kasangha spoke of the judgment as a reminder that no one is above the law.

In Tikonko, Paramount Chief Makavoray spoke of the duties which befall a leader, and that with authority comes responsibility.

It was recalled that Mr. Taylor was convicted for two principal types of conduct. First, he was convicted on all 11 counts for planning with Sam Bockarie the attacks on Kono, Makeni and Freetown in December 1998 and January 1999, as part of an offensive aptly named "Operation No Living Thing".

The judges found that the crimes committed during these attacks were a direct result of that plan.

Second, Mr. Taylor was convicted on all

11 counts for aiding and abetting the AFRC and RUF rebels.

Recalling the language used by the judges, Mr. Taylor was "instrumental" in obtaining the arms and ammunition which the rebels used during the attacks on Kono, Makeni and Freetown, and these arms and ammunition were "critical" to these attacks. Arms and ammunition provided by or through Mr. Taylor were "critical" to the operational strategy of the AFRC and RUF, which was characterized by a campaign of atrocities against the civilian population of Sierra Leone.

"This judgment confirms what you told us back in 2002, that Charles Taylor is one of those who bear greatest responsibility for the crimes committed against you," said Hollis.

Over 1200 Sierra Leoneans attended the SCSL's premises in Freetown for the trial judgment on 26 April to watch a live broadcast of the proceedings from The Hague. This included 140 out of 149 Paramount Chiefs from across the country. Within the last year Prosecutor Hollis has engaged in 19 community outreach events in Sierra Leone.

Other senior OTP staff members have engaged in an additional 20 community outreach events, all with the purpose of bringing the SCSL proceedings closer to the people of Sierra Leone, on whose behalf the Prosecution conducts its work.

The Special Court for Sierra Leone was established following a letter written by President Kabbah, the democratically-elected representative of the Sierra Leonean people, on 12 June 2000 to the UN Secretary General requesting that a court be created. The Sierra Leone legislature subsequently ratified the agreement creating the court.



Concord Times  
Tuesday, 15 May 2012

## Special Court Prosecutor Applauds Sierra Leoneans

### LOCAL NEWS

**O**n a tour of five provinces throughout Sierra Leone, Special Court Prosecutor Brenda J. Hollis hailed the resilience and determination of all Sierra Leoneans in demanding justice and accountability for the crimes committed against them during the 11-year armed conflict.

Over 500 Sierra Leoneans gathered in the towns of Makeni, Koidu and Kenema, and the villages of Tikonko and Mathiri, to discuss the conviction of Charles Taylor with the Prosecutor. Hollis stated that "this conviction is for you, the people of Sierra Leone, who suffered so horribly from the crimes for which Mr. Taylor stands convicted".

The Head Man in Mathiri, Sakoba Conteh, replied that when he heard the judgment, he was as happy as the day that the war was declared over. Hollis remarked on the importance of hearing first-hand from the people of Sierra Leone, a confirmation of what Taylor's conviction means for them. Village elders, youth leaders, women's civil society representatives, officers from the military, the police and the prison service, villagers and townspeople, gathered to express relief and satisfaction with the conviction handed down by the judges.

In Makeni, Paramount Chief Kasangha spoke of the judgment as a reminder that no one is above the law. In Tikonko, Paramount Chief Makavoray spoke of the duties which befall a leader, and that with authority comes responsibility.

authority comes responsibility.

It was recalled that Mr. Taylor was convicted for two principal types of conduct. First, he was convicted on all 11 counts for planning with Sam Bockarie the attacks on Kono, Makeni and Freetown in December 1998 and January 1999 as part of an offensive aptly named "Operation No Living Thing". The judges found that the crimes committed during these attacks were a direct result of that plan.

Second, Mr. Taylor was convicted on all 11 counts for aiding and abetting the AFRC and RUF rebels. Recalling the language used by the judges, Mr. Taylor was "instrumental" in obtaining the arms and ammunition which the rebels used during the attacks on Kono, Makeni and Freetown, and these arms and ammunition were "critical" to these attacks. Arms and ammunition provided by or through Mr. Taylor were "critical" to the operational strategy of the AFRC and RUF, which was characterized by a campaign of atrocities against the civilian population of Sierra Leone.

"This judgment confirms what you told us back in 2002, that Charles Taylor is one of those who bear **greatest responsibility for the crimes committed against you,**" said Hollis. Over 1,200 Sierra Leoneans attended the Special Court for Sierra Leone

## Special Court Prosecutor applauds Sierra Leoneans

(SCSL)'s premises in Freetown for the trial judgment on 26 April to watch a live broadcast of the proceedings from The Hague. This included 140 out of 149 Paramount Chiefs from across the country. Within the last year Prosecutor Hollis has engaged in 19 community outreach events in Sierra Leone.

Other senior OTP staff members have engaged in an additional 20 community outreach events, all with the purpose of bringing the SCSL proceedings closer to the people of Sierra Leone, on whose behalf the Prosecution conducts its work.

The Special Court for Sierra Leone

was established following a letter written by President Kabbah, the democratically-elected representative of the Sierra Leonean people, on 12 June 2000 to the UN Secretary General requesting that a court be created. The Sierra Leone legislature subsequently ratified the agreement creating the court.



Ariogbo

Tuesday, 15 May 2012

**MISSION IMPOSSIBLE:****Black Scorpion Hunts Johnny Paul***JPK: dead or alive?*

The man who captured late RUF leader Foday Saybanah Sankoh (late), and former President of Liberia, Charles Ghankay Taylor, has been contracted by the Special Court for Sierra Leone to track down fugitive indictee Rtd. Major Johnny Paul Koroma, we have exclusively learnt.

Ace detective Black Scorpion, who has been loudly silent these days, is expected to recruit The Flag Brothers (Pa Jimoh & Co) as aides to help him in this project that has been described by observers as 'mission impossible'. The contract is said to be the most lucrative the internationally acclaimed detective has ever bagged from a national government. New special Court Prosecutor Mr. Love Monro said the fugitive former AFRC head of state is probably the last piece needed to solve the court's jigsaw puzzle.

"The Johnny Paul indictment was sidelined by efforts to bring Charles Taylor to justice. Now that we've got the former Liberian president, we are re-suming our hunt for Johnny," Monro said.

Rtd. Major Johnny Paul Koroma fled Sierra Leone in 2002 after he was implicated in an alleged coup attempt by soldiers believed to be loyal to him. Simultaneously the Special Court announced his indictment.

At one point, Koroma was rumoured dead in Liberia but many still believe he is alive and hibernating around Guinea Bissau and Burkina Faso.

The hunt for the fugitive soldier is expected to take Scorpion and his aides on an interesting adventure around West Africa and even beyond.

*SCORPION: track record speaks volumes**SANXX: was captured by Scorpion*

## Newstime Africa

Tuesday, 15 May 2012

### **Charles Taylor and the fallacy of the Special Court**

Written by Alfred Munda SamForay



*Charles Taylor*

Before we get to the matter of Prosecutor versus Charles Gbankay Taylor and the myths and fallacy of the Special Court for Sierra Leone, let's address some myths about Charles Taylor himself. In particular, the myth that the former Liberian president escaped from the Plymouth County Correctional Facility in Massachusetts in 1985 and somehow landed in Liberia without the knowledge and assistance of state or federal officials of the United States. Anyone who has ever worked in any state or federal prison in the United States as I have knows that no inmate escapes from such an institution without the assistance or knowledge of someone in the system itself. Of course, Mr. Taylor himself has testified under oath at his trial that his so-called prison break was in fact engineered and funded by the government of the United States and that he walked freely in the country before returning to Liberia to start his revolution that eventually spread to neighbouring Sierra Leone. Common sense also dictates that even if Taylor had somehow singlehandedly masterminded his escape, there was no reasonable chance of him flying out of the United States with a passport bearing his true name and likeness.

#### **Much Ado About Nothing.**

It may have been only coincidental – or perhaps not – that the Special Court for Sierra Leone has lasted almost as long as the Sierra Leone civil war itself which lasted from 1991 to February 2002. Or that the trial of Mr. Taylor would have lasted half as long as the war by the time the appeals are heard and disposed of. It may also have been purely coincidental that the justices sitting at the Dutch legal capital, The Hague, to try Mr. Taylor for war crimes and crimes against humanity for his alleged involvement in the war, dilly-dallied with the trial and the verdict until one day before Sierra Leoneans were to celebrate their country's fifty-first independence anniversary on April 27, 2012. If the timing of the verdict was to tap into the euphoria surrounding independence from Britain, which has culminated in fifty-one years of permanent dependence on the very colonial masters we wanted to separate ourselves from in the first place, it was a partially successful charade.

Last week, after convicting Mr. Taylor on eleven counts of Article II common to the Geneva Conventions known as war crimes and crimes against humanity for his alleged role in providing the fuel that drove the rebel war in Sierra Leone, the Prosecutor asked for an eighty year prison sentence for Mr. Taylor. Sentencing the sixty-five year old Taylor to eighty years in prison is clearly a form of judicial masturbation – an act to satisfy one's basic human instincts with no meaningful outcome. It is a nonsensical performance for the American and European overlords of the Special Court that serves no practical purpose whatsoever. The only significance for it is to justify the enormous amount of international taxpayer money that the court has expended on itself to conduct this trial as well as those of the other nine convicted people presently incarcerated at Mpanga Prisons in Rwanda.

## The Killer Court

Throughout its ten years of existence in Sierra Leone, the Special Court has acquired a well-earned reputation as a killer court. A sort of judicial Bermuda Triangle where people entered as accused persons, innocent before the law, and exited as corpses or simply ceased to exist as human beings. As promised by its original Chief Prosecutor, David Crane, the role of the court was to make sure that those accused would “never see the light of day”. Crane, a former United States military intelligence officer with no prior experience before an international tribunal was a master of nonsense and a grandstand artist of the baser sort. His failure to properly indict the CDF according to the court’s own Rules of Evidence was a case in point.

It is worth noting that of the fourteen individuals accused, tried and or convicted by the court as bearing the greatest responsibilities for alleged atrocities committed in the civil war, four escaped trial or punishment by reason of death while in the custody of the court, or as fugitives from the court. In the case of AFRC leader, Johnny Paul Koroma, the man who allowed the RUF rebels to enter the city of Freetown in January 1999 and massacre a reported six thousand people, his case was simply declared closed when the court unable or unwilling to locate him conveniently declared him dead although no body was ever presented to ascertain his alleged death. In the case of RUF field commander, Sam “Maskita” Bockarie, he was allegedly killed in Liberia or Sierra Leone under unexplained circumstances. In the case of RUF leader, Foday Saybana Sankoh, the previously robust sixty-something year old former army corporal and Second Vice-President of Sierra Leone, he slowly deteriorated into a zombie while in the custody of the court before he died of “natural causes”.

Then there was the case of the court’s and the country’s most celebrated accused person, former Deputy Minister of Defence and later Minister of Internal Affairs and leader of the government’s own Sierra Leone Civil Defence Forces (SL-CDF), Chief Samuel Hinga Norman. He was a former army captain and a robust sixty-three year old when the Sierra Leone Police arrested him on March 10, 2003 on orders from the Special Court and with the presumed knowledge of his boss, President Ahmad Tejan Kabbah. Norman was handcuffed behind his back and tortured on his way to prison at Bonthé Island. As a result of his mistreatment at the hands of agents for the court, he suffered a permanent hip injury for which he was flown to a prison hospital in Dakar, Senegal four years after his injury. Two weeks after a botched-up operation, Norman bled to death as a result of gross medical negligence and extreme cruelty to his person.

In a recently published book, *From SAS to Blood Diamond Wars*, authors Hamish Ross and former British Special Air Service operative, Fred Marafono, who should know a thing or two about covert operations, Marafono states in no uncertain terms that his former friend and comrade-in-arms, Sam Norman’s death was the result of someone purposefully injecting him with a drug that mimics a heart attack leading to chemically-induced myocardial infarction. As with Foday Sankoh, Mr. Norman’s death was ruled to be from “natural causes”. His family and the family doctor representing them at the autopsy, former Vice President of Sierra Leone, Dr. Albert Joe Demby, rejected the autopsy result and the subsequent inquest by the court. Mr. Norman had no previous history of heart disease. Uncontroverted evidence from Mr. Norman’s personal diary also clearly indicate that he was killed by agents of the court in collaboration with the then government of Sierra Leone to keep Norman from becoming a challenger or potential challenger to Mr. Kabbah’s anointed heir to the Sierra Leone presidency. Notwithstanding, Kabbah’s anointed one and his party still lost the general and presidential elections of 2007. In the case of Charles Taylor, rumours began circulating in mid-2010 that Mr. Taylor was suffering from heart ailment. Shortly thereafter, Taylor’s supporters began circulating rumours of their own that if Mr. Taylor died an untimely death in the custody of the court, as did Hinga Norman and other Special Court victims, “rebels” would enter Sierra Leone in broad daylight. Shortly thereafter, reports about Taylor’s alleged heart troubles quickly vanished from the rumor press.

## **The Charade at The Hague**

In April 2010, I had the unique though not entirely pleasant opportunity to spend a week in The Hague as a civil society observer at the Charles Taylor trial. Although my one-week in The Hague did not necessarily represent the true scope of the exceedingly long six-year trial, it did represent a snapshot of the futility of the whole judicial charade. I had anticipated prior to my arrival at The Hague that with the super-star status accorded Mr. Taylor, holding his trial in Europe instead of Sierra Leone where all the other defendants had been tried, that the balcony would be filled with curious spectators representing a cross-section of the international community. To my amazement, I was surprised to see that hardly any one attended the trial. During the morning session of the third day I was at the trial, I was actually the only spectator in the audience until a few hapless souls showed up later for the afternoon session.

This was not the only fallacy of the Taylor trial. During the time that I observed the trial, the prosecuting attorney, one Joseph Kamara, faced off with an RUF defence witness for Mr. Taylor. So unprepared and unprofessional was the prosecutor that in my official report to the court back in Sierra Leone, I opined that the court would fail to convict Mr. Taylor based on the strength of Taylor's defence team and the awkward and lacklustre performance of the prosecution team. In reality, of course, there is no way the court would allow itself to lose such a high profile and expensive case in full view of the people who financed the court into seemingly perpetual existence. In my interviews with the British Broadcasting Corporation later broadcast in Sierra Leone and Liberia, I advised the Liberian government not to give any consideration to setting up a "special court for Liberia" as was being rumoured about. Whether Liberia harkens to this unsolicited advice remains to be seen. What is certain is that, more than the war itself, the establishment of the court remained the most divisive action in Sierra Leone in the country's history.

## **How the Court Divided Rather Than Healed Sierra Leone**

While the war itself did not divide the country along regional, tribal or religious lines, the court clearly did. By indicting only the leaders of the Kamajors, composed mainly of the Mende and Mende-related ethnic groups of the south and east of the country, the court, in Achebean terms, set a knife upon the things that held us together so that our people could no longer act as one – socially and politically. Accordingly, the largely south-eastern based ruling Sierra Leone People's Party (SLPP) became, in the words of Jesus, a house divided among itself that ultimately could not stand and the SLPP lost the 2007 election. This was primarily because two of its principal pillars, Charles Francis Margai – a principal defence counsel for the CDF – and Samuel Hinga Norman, first accused of the SL-CDF, pulled out of the party to form the rival People's Movement for Democratic Change led by Margai with strong backing from supporters of Chief Hinga Norman. As Robert Butler Yates said, "Things fall apart because the center cannot hold".

These are some of the reasons, I advised the Liberian representatives present with me at The Hague including one Member of Parliament not to entertain the thought of establishing a special court for Liberia. The enormous cost of running the court – over two hundred million United States dollars in the case of Sierra Leone – which could better have been used to improve the lives of the living rather than avenging the dead is another compelling reason against the establishment of such a court. And what did Sierra Leoneans get for two hundred million dollars spent in their name? A divided nation, a set of ramshackled buildings along Jomo Kenyata Road in Freetown and ten convictions at the cost of \$20 million per person all held outside Sierra Leone. For a country with the highest infant and maternal mortality rate in the world, we could have built ten universities or ten hospitals for women, infants and children. In short, for those who derive great satisfaction from blaming their own failures on other people,



the fictional American boogey-man or the spirit of our ancestors, the Taylor verdict is a cause for celebration. For those of us with a more critical mind who think that Sierra Leoneans and only Sierra Leoneans bear the greatest responsibilities for slaughtering and hacking off the limbs of their own kith and kin, the Taylor verdict is tantamount to what American economist, John Kenneth Galbraith, calls intellectual ineptitudeness – or stupidity.

The first phase of the Taylor trial is over. It is now left with the sentencing and the subsequent appeals that will follow. Mr. Taylor will likely spend the rest of his natural life in prison in the United Kingdom as will the nine others presently imprisoned in Rwanda. Will the trials deter future war crimes and make the world safe for democracy? Did the Nuremberg trials following World War II deter the Khmer Rouge, the Rwandans or Sadaam Hussein from killing millions of their own people? Did it deter the United States and its NATO allies from killing innocent men, women and children in Libya? Or does the death of Samuel Hinga Norman, Muamar Kadhaffy, Laurent Gbagbo, the hunt for Bashir of Sudan and the conviction of Charles Taylor only prove that international justice is selective against the weak, the poor and, in particular, the Africans? You be the judge – or the jury.

\*\*\*\*\*

*Note: The author, Alfred Munda SamForay, is a former member of Civil Defence High Command and head of the CDF support group, the Sierra Leone Action Movement (SLAM). Unlike the former substantive head of the CDF, Minister of Defence, Commander-in-Chief and President of Sierra Leone, Ahmad Tejan Kabbah, who refused to testify on behalf of the CDF which he created, SamForay testified in writing before both the Truth and Reconciliation Commission as well as the Special Court. For the past ten years he has remained an unrepentant critique of the Special Court for usurping the Sierra Leone judicial system, unlawful and immoral payments to prosecution witnesses for false testimonies, lack of judicial independence from Sierra Leone politics and mismanagement of international taxpayer funds to run the court. The views expressed in this article are entirely those of the author.*

## The New Dawn (Liberia)

Tuesday, 15 May 2012

### **Liberia: Taylor Speaks Tomorrow - Defense Claims 80-Yrs Jail Term Too Much**

Ex-president Charles Taylor recently convicted on 11- counts of war crimes and crimes against humanity, is expected to speak for the first time during his sentencing hearing on Wednesday May 16.

Mr. Taylor, according to a statement issued by the UN backed Special Court for Sierra Leone Monday will be given 30 minutes to address the court, while his lawyers and prosecutors will be given one hour each to deliver their briefs.

Lawyers representing the former president have already criticized the 80-years jail sentence terms being sought for by prosecutors saying it is excessive.

In a sentencing brief filed earlier this month, the Prosecution asked the judges to sentence Taylor to a maximum jail term of 80 years. But the defense team has asked the judges to do otherwise.

The defense told Special Court judges in The Hague that the prosecution's request for Taylor to serve a maximum of 80 years in jail is "disproportionate" and "excessive."

In their sentencing submission filed on Thursday May 10, 2012, defense lawyers noted that "the 80-year sentence advocated by the Prosecution is manifestly disproportionate and excessive; it is not justified."

"What amounts to an 'appropriate sentence,' the Defense submits, will not ultimately be determined by the number of years imposed, as the Prosecution suggests, but rather more crucially, by the Trial Chamber's reasoned approach, which should clearly set out the basis upon which the penalty is imposed," the defense argue in their brief.

The defense further stated, "An 'appropriate sentence,' we submit, is one that is rationally contrived, objectively reasoned and justifiable in law and on the facts of the case. It is not one that is simply designed to have Mr. Taylor 'put away for a long time,' as others have contrived."

The defense opined in their sentencing brief that Mr. Taylor should have the benefit of mitigation for several reasons including his role in the peace process in Sierra Leone, his willingness to step down from the Liberian presidency in order to save his country from more atrocities, the time that he has already served in detention and the manner in which he has cooperated with the Court during his trial.

The defense also referenced Mr. Taylor's age and the fact that he is a family man as reasons why he should benefit from mitigation. Taylor was convicted on 26 April

2012 on all 11 counts of an indictment alleging war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The Judges found that he had participated in planning crimes committed by rebels during military operations in Kono, Makeni and Freetown between December 1998 and February 1999.

The Judges also found that he aided and abetted the rebels in the commission of crimes during the war in Sierra Leone by providing arms and ammunition, military personnel, operational support and moral support.

The judges did not find that Mr. Taylor had superior responsibility over members of rebel groups, or that he was criminally responsible by virtue of having participated in a joint criminal enterprise.

The sentencing judgment will be delivered on Wednesday, 30 May 2012.



## The Independent Online (South Africa)

Monday, 14 May 2012

### Is mercy the best course?

By James N Kariuki



*Cape Town - 120508 - Guess Fashion Show at department store in V&A Waterfront. REPORTER: WENDYL MARTIN. PICTURE: CANDICE CHAPLIN*

One of the most tragic African political offenders of the second half of the 20th century was Nigeria's Colonel Odumegwu Ojukwu, leader of the failed breakaway Republic of Biafra.

Ojukwu spearheaded Biafra in the 1967-1970 Nigerian Civil War. The bloody secessionist battle cost more than a million lives. Biafra lost the war and Ojukwu was demonised as its villain.

When the war finally ended after three agonising years, Ojukwu fled into exile in the Ivory Coast. He probably feared that Nigeria would follow him in hot pursuit as a war criminal. To deter other home-grown rebels, Nigeria may have been keen to throw Ojukwu in jail for life, or have him face a firing squad for dramatic effect.

But the Giant of Africa was not contemplating punitive acts. In a remarkable gesture of restraint, Nigeria issued a 1982 presidential pardon for Ojukwu. After 13 years in exile, he returned to a hero's welcome in Nigeria. In time, he became an active politician in his motherland until his death last year. Even his funeral was held with the honours of a very important person.

On the other hand, the most dramatic African-related news of the first half of the 21st century is the guilty verdict against Liberia's Charles Taylor by the Special Court for Sierra Leone. Not far from Nigeria geographically and only two decades after the Biafra fiasco, another African political offender emerged and has been found guilty of crimes against humanity and war crimes.

Taylor outshines Ojukwu as the west African Prime Evil.

In both instances, Africa has sought justice. In Nigeria, Ojukwu was the lucky recipient of "justice tempered with mercy" in the interest of what Nigeria's president, General Yakubu Gowon, called the "dawn of national reconciliation".

Sentencing for Taylor is scheduled for May 30. In all likelihood, he will face prison time, probably a case of "justice untempered with mercy".

Nigeria's response to Ojukwu's wrongdoing was driven by a desire for national reconciliation.

Regarding Taylor, questions puzzle Afro-optimists everywhere. Is serving prison time a fitting option for a former head of state, defiled by human blood though he is? What should be the prime driving force behind his sentencing?

Unlike Idi Amin, Taylor was not a dictator from the start – he was essentially a democrat gone awry. Is sentencing him to a long prison term consistent with the aspiration of regional reconciliation?

There are convincing reasons that it is proper that Taylor endured a gruelling trial. The most compelling of these is that Africans must assimilate the principle that nobody is above the law, not even the head of state.

It is a clear articulation of the principle “My nation before any man”. This is a critical call on a continent where, despite rampant human rights abuses, no sitting or former head of state had ever been called upon to account for human rights violations against his own people. Until Taylor.

The legal path was a justifiable course of action relative to Taylor. At the minimum, he was entitled to a presumption of innocence until proven guilty. Yet it is equally compelling that Taylor’s legal culpability is balanced against the public interest of Sierra Leone and Liberia.

That public interest is captured in the word “stability”, which is vital to the region. So, what is required of Taylor to ensure lasting stability in Sierra Leone and Liberia?

Court trials and long jail sentences are not enough; indeed they may act as further destabilisers.

The trial of a sitting or deposed head of state can be a tricky business. In the quest for stability, Iraq and the US tried and executed Saddam Hussein. They came to regret this as they destabilised the country big time.

Closer to home, the Western military fraternity (Nato) recently deposed and assisted in the killing of Muammar Gaddafi of Libya, but stability still eludes that country.

Walking gingerly against a national leader is a lesson that even young post-apartheid SA has learnt the hard way in connection with President Jacob Zuma. In the late 1990s, attempts to establish his guilt or innocence before the courts strained the fabric of society to the limit. And Zuma was not even head of state then, he was merely head of state in the making.

Punishing or putting a national leader on trial endangers national cohesion. Was a Taylor trial within west Africa a danger to the stability of Liberia and Sierra Leone where he still enjoyed a considerable following? The UN seemed to think so. Thus the decision to transfer the legal proceedings at substantial costs to The Hague.

The stability of the region was a factor.

Fortunately, Liberia and Sierra Leone have not exploded over the legal tribulations of Taylor. But what happens if Taylor is sentenced to such a lengthy jail term that it is construed as overkill?

Could such a long sentence trigger riots and hurt the chances of ultimate reconciliation?

Oscillating swings of revenge in the west African states is a real possibility. The grudge cycle of “You hurt our man today, we shall hurt your man tomorrow” should be avoided at all costs. There is wisdom in limiting ourselves to dethronement without decapitation.

This is no way an attempt to exonerate Taylor's evil acts. It is a bid to spare the victimised citizens of Sierra Leone and Liberia from additional savagery. What is more, we dare not waste the lessons from the Nigeria-Biafra experience. Kindness and mercy by Nigeria towards Ojukwu made peace easier to uphold in Nigeria after the Biafra war.

Africa longs for a peaceful Liberia and its neighbours. Given the choice, we should encourage the option of shaming Taylor by smothering him with ubuntu, the African kindness that he denied his victims. Then set Taylor free, but conditionally. He must never set foot on any part of west Africa. The two are incompatible and should be forced to remain mutually exclusive.

*n Kariuki is a freelance writer and professor emeritus (international relations). He is former head of the African diaspora unit at the Africa Institute of SA in Pretoria*



## The Island

Monday, 14 May 2012

[http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=51891](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=51891)

### Relevance of ICC judgment against Charles Taylor to SL



By Neville Ladduwahetty

Charles Taylor, the warlord who became President of Liberia from 1997 to 2003 was found guilty by the International Criminal Court in the Hague for "aiding and abetting" the rebel movement called the Revolutionary United Front (RUF) in Sierra Leone on grounds that Taylor was "criminally responsible" for the atrocities committed by the RUF. However, "he was acquitted of being personally or jointly responsible for the crimes" (The Island, April 28, 2012). According to the presiding Judge the trial chamber unanimously found Taylor guilty of having given "sustained and significant" support to the RUF.

The lesson from the verdict against Taylor is that anyone "aiding and abetting" a non-state actor to commit atrocities in another country is criminally responsible, and therefore guilty. This has a direct bearing on the conflict in Sri Lanka because the "sustained and significant" support given by the Tamil diaspora and others within Sri Lanka who aided and abetted the LTTE to commit atrocities that amount to war crimes and crimes against humanity akin to the RUF. The assistance given by the Tamil diaspora amounted to "aiding and abetting" the LTTE to develop capabilities of a conventional army that resorted to acts of terrorism and committed atrocities prohibited by International Humanitarian Law. Therefore, as with Charles Taylor, the Tamil diaspora too should be guilty and criminally responsible for the material support rendered to the LTTE despite their awareness that the LTTE was responsible for serious violations such as holding tens of thousands hostage and using them as a human shield, preventing their escape and forcibly recruiting child soldiers.

## **ROLE of the TAMIL DIASPORA**

Paragraphs 417 to 420 of the Darusman Report categorized the conflict as an "Armed Conflict" and reported the extent to which the Tamil diaspora aided and abetted the LTTE.

Paragraph 417: "Large parts of the Tamil diaspora provided vital moral and material support to the LTTE over decades".

Paragraph 418: "During the last stages of the war many in the diaspora remained silent in the face of numerous LTTE violations including holding tens of thousands of Tamils hostage in the Vanni, using violence to prevent their escape and forcibly recruiting children into their ranks".

Paragraph 419: "LTTE engaged in Mafia style tactics abroad especially among expatriate Tamil communities to generate funds for their cause. Significant parts of the Tamil diaspora who were supportive of the LTTE, played an instrumental role in fueling the conflict in this way". This body of credible evidence should be sufficient for the Sri Lankan Government to take action against the leadership in the Tamil diaspora for their "sustained and significant" support over decades, which enabled the LTTE to engage in committing war crimes and crimes against humanity, as did the RUF with the support of Charles Taylor.

## **MATERIAL SUPPORT**

The recent ruling by the United States Supreme Court in a case that weighed free speech against national security is of relevance to the role of the Tamil diaspora in the US. The case in question was "Holder v. Humanitarian Law Project. In its ruling "...the Court voted 6 to 3 to uphold a federal law banning 'material support' to foreign terrorist organizations. The ban holds, the Court explained, even when the offerings are not money or weapons but things such as 'expert advice or assistance' or 'training' intended to instruct in international law or appeals to the UN (The Washington Post, June 22, 2010).

Chief Justice John G. Roberts Jr. in writing the majority opinion said that those challenging the ban "simply disagree with the considered judgment of Congress and the Executive that providing material support to a designated foreign terrorist organization – even seemingly benign support – bolsters the terrorist activities of that organization...(the law) is on its face, a preventive measure – it criminalizes not terrorist attacks themselves, but aid that makes the attack more likely to occur...All can agree that money is 'fungible' ...funds sent to groups for humanitarian aid could free up money that could be used for violent ends. But he said the same was true of 'material support'...It also importantly helps lend legitimacy to foreign terrorist groups – legitimacy that makes it easier for those groups to persist, to recruit members and to raise funds – all of which facilitate more terrorist attacks"(Ibid).

While the US has convicted 14 members of the Tamil diaspora under the above provisions the Sri Lankan Government has not prosecuted anyone for the material support rendered to the LTTE; the most glaring being that of KP- the chief arms procurer for the LTTE. Raj Rajaratnum is also reported to have given material

support to the LTTE. It was during the pursuit of evidence of this support that the US authorities came across evidence of insider trading on which he was charged.

## **ISSUE OF ACCOUNTABILITY**

The inaction on the part of the Sri Lankan Government is inexplicable. If inaction is with the idea of letting bygones be bygones for the sake of fostering restorative justice and reconciliation, there has to be a like response from the Tamil diaspora. But their relentless pursuit with the support of their host Governments, of accountability only from the Sri Lankan Government, the most recent being the UNHRC resolution in Geneva, reflects an uncompromising attitude on the part of the Tamil diaspora that has been exploited by their host countries for their own ends. Under the circumstances, Sri Lanka has to decide whether to take whatever is dished out lying down, or be proactive and meet the challenges head on to hold the Tamil diaspora accountable for aiding and abetting the LTTE throughout the conflict.

Even the specific instances recommended in the LLRC report namely, 4.106 to 4.111 for further investigation relate ONLY to the conduct of the Security Forces during the conflict. There is no mention in the LLRC recommendations for further investigation of actions by the LTTE. Consequently, the focus of accountability is on the Security Forces, with no accountability on the part of the LTTE. Is this by design, oversight, or part of some soft diplomatic deal - not to bring about accountability issues associated with the LTTE in light of the non-existence of the LTTE leadership to hold accountable; this notwithstanding the existence of high ranking LTTE leaders who rendered material support, and those in the Tamil diaspora who aided and abetted the LTTE. To do nothing is unacceptable.

## **CONCLUSION**

The ruling by the US Supreme Court is sufficiently broad for the Sri Lanka Government to take action against the Tamil diaspora leadership resident in the US. However, the ruling by the ICC against Charles Taylor gives grounds for the Sri Lankan Government to take action against the Tamil diaspora leadership in other countries as well. This opportunity should not be missed. To do nothing is to permit the influence of the Tamil diaspora in their host countries to grow to proportions that could severely threaten Sri Lanka's national interests, because the wording in the UNHRC resolution that the LLRC "report does not adequately address serious allegations of violations of international law" has left room for accountability issues to be revisited at its choosing.

It was this same lack of initiative that allowed the conflict to escalate to such proportions that caused the conflict to reach the threshold of an armed conflict. Such incremental escalation was the result of a policy of always responding to the military initiatives of the LTTE. It was not until this policy was reversed for the Security Forces to take the initiative, that they were able to prevail over the LTTE. A lesson from this experience is that instead of waiting for the Tamil diaspora and their supporters to take the initiative Sri Lanka should be proactive and address accountability issues of the remaining LTTE leadership along with the leadership in the Tamil diaspora for their "sustained and significant" support that aided and abetted the LTTE.



UPI.Com

Monday, 14 May 2012

### **Taylor prosecutor visits Sierra Leone**

The conviction of former Liberian President Charles Taylor on war crimes charges is a victory for the people of Sierra Leone, a prosecutor said.

Thousands of people were killed in the civil war in Sierra Leone that raged from 1991-2002. In April, a U.N.-backed war crimes tribunal in The Hague, Netherlands, convicted former Liberian President Charles Taylor of aiding and abetting in the commission of 11 war crimes or crimes against humanity during overlapping wars in Liberia and Sierra Leone.

Prosecutor Brenda Hollis toured Sierra Leone ahead of a sentencing hearing for Taylor.

She said Taylor's conviction was especially meaningful for the people of Sierra Leone who "suffered so horribly" during the civil war. She said the judgment confirms previous statements she made that "Taylor is one of those who bear greatest responsibility for the crimes committed against you."

The prosecution said it was recommending an 80-year prison term for the 64-year-old former Liberian president.

Taylor pleaded innocent and can appeal the charges. Sentencing is scheduled for May 30.

# Human Rights Watch

Tuesday, 15 May 2012

## ICTY/Bosnia: Start of Mladic Trial Shows Persistence Pays

### UN Court Needs Ongoing Support in Remaining Trials



Bosnian women watch the news on the arrest of Ratko Mladic, in Sarajevo on May 26, 2011.

© 2011 Getty Images

*Victims have waited nearly two decades to see Ratko Mladic in the dock. His trial should lay to rest the notion that those accused of atrocity crimes can run out the clock on justice: Param-Preet Singh, senior counsel in the International Justice Program*

(Brussels) – The opening of the trial of Ratko Mladic, the Bosnian Serb wartime military commander, is a salient reminder that justice catches up with those accused of atrocity crimes. Mladic’s trial for war crimes, crimes against humanity, and genocide is scheduled to begin on May 16, 2012, before the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague.

“Victims have waited nearly two decades to see Ratko Mladic in the dock,” said Param-Preet Singh, senior counsel in the International Justice Program at Human Rights Watch. “His trial should lay to rest the notion that those accused of atrocity crimes can run out the clock on justice.”

On May 11, Mladic’s defense team filed a last-minute motion to disqualify one of the tribunal’s judges, alleging possible bias, and to postpone the start of the trial. No decision has been issued. The defense had previously asked the judges five times to postpone the trial, but all five requests were refused.

The ICTY has charged Mladic, the commander of the Bosnian Serb Army during the 1992-1995 war in Bosnia, with two counts of genocide. One count relates to the killings, rapes, torture, and other acts committed by Bosnian Serb forces against Bosnian Muslims and Croats, beginning in 1992, the first year of the war. The second genocide count relates to his alleged role in orchestrating the slaughter by Bosnian Serb forces of at least 7,000 Bosnian Muslim men and boys in July 1995, in the Bosnian city of Srebrenica. The Srebrenica genocide was the worst crime on European soil since World War II.

The start of the Mladic trial follows on the heels of the verdict in April by the Special Court for Sierra Leone, which found Liberia’s former president, Charles Taylor, guilty of war crimes and crimes against humanity for atrocities committed in Sierra Leone. Both trials are evidence of the growing international trend to hold perpetrators of atrocities to account, no matter how senior their position, Human Rights Watch said.

As with all international criminal tribunals, the ICTY lacks its own police force and relies on state cooperation to arrest and surrender fugitives. The arrest of Mladic in May 2011 was a significant victory for international justice because it followed consistent European Union pressure on both Serbia and Croatia to cooperate fully with the ICTY as a condition for closer ties.

The arrest already demonstrates concretely the value of principled EU engagement for war crimes accountability, Human Rights Watch said. Serbia also arrested the remaining ICTY fugitive, Goran Hadzic, in June 2011. None of the ICTY's 161 indictees remain at large.

"Mladic's arrest after years on the lam shows what can be achieved when states use their diplomatic muscle to enforce international justice," Singh said. "Countries around the world should show similar resolve in pushing for the arrest of suspects wanted by the International Criminal Court, including Bosco Ntaganda, the rebel-leader-turned-army-general in the Democratic Republic of Congo."

The UN Security Council created the ICTY in 1993 in response to credible reports of atrocity crimes during the Bosnian war. The ICTY was the first international court created to address atrocities on European soil since the Nuremberg tribunal at the end of World War II.

Mladic's long-awaited trial comes as the ICTY is in the process of completing its work, as mandated by the UN Security Council. Estimates as of December 2011 suggest that the trial of Radovan Karadzic, the Bosnian Serb wartime political leader accused of being Mladic's co-architect in the Srebrenica genocide, is expected to be completed in 2014. No dates have yet been given for the expected completion of the Mladic and Hadzic trials.

It will be especially important for the tribunal to keep victims and affected communities in Bosnia informed of developments in the courtroom, Human Rights Watch said. Because Mladic is one of the most high-profile defendants on trial for crimes during the Bosnian war, the tribunal will need financial support by countries for effective outreach to bridge the gap between The Hague and victims in Bosnia.

In addition to the charges stemming from the Srebrenica killings, Mladic faces nine charges of war crimes and crimes against humanity for abuses committed by Bosnian Serb forces during the conflict. Mladic and Karadzic were indicted in 1995. Karadzic eluded capture until July 2008. Mladic's case was officially severed from Karadzic's in October 2009. Karadzic's trial before the Yugoslav tribunal began the same month and is ongoing, with the defense set to begin presenting its case in October 2012.

Prosecutors asked the court to separate Mladic's indictment into two parts – one for events in Srebrenica, which would proceed first, and one for all other crimes – in part to address unforeseen circumstances should his health deteriorate. The judges rejected the request, saying that such concerns were not supported by medical or other documentation. Prosecutors have since trimmed Mladic's 11-count indictment which covered 196 separate crime scenes to 106.

The first genocide conviction by the tribunal was in August 2001 against General Radislav Krstic, who was sentenced to 46 years in prison. Krstic was second in command to Mladic at Srebrenica. In April 2004, the ICTY Appeals Chamber reduced Krstic's sentence to 35 years, but confirmed that the Srebrenica killings were genocide. On June 10, 2010, the ICTY also convicted Vujadin Popovic, Chief of Security in the Drina Corps, a wartime Bosnian Serb army unit, and Ljubisa Beara, chief of security of the Bosnian Serb Army's main staff, on several accounts including genocide, extermination, murder, and persecution and sentenced them both to life in prison.

Rejecting Bosnia's moves toward independence as Yugoslavia broke apart, from April 1992 onwards Bosnian Serbs began seizing control of large areas in Bosnia and Herzegovina, "ethnically cleansing" non-Serbs and subjecting them to systematic violence and persecution. Non-Serbs also committed violations of international humanitarian law. The conflict, which lasted from 1992 to 1995, was characterized by grave violations of human rights such as mass killings, rapes, widespread destruction, and displacement of populations. Following their indictment in 1995, Mladic and Karadzic went into hiding. Both men were eventually arrested in Serbia.

## Voice of America

Monday, 14 May 2012

### ICC Seeks to Arrest Ntaganda, Mudacumura for DRC Crimes



*International Criminal Court chief prosecutor Luis Moreno-Ocampo in The Hague, Netherlands. (File Photo)*

UNITED NATIONS - The chief prosecutor of the International Criminal Court says he is seeking arrest warrants for two warlords he says are responsible for crimes against humanity and war crimes in the Democratic Republic of Congo.

Bosco Ntaganda, known as “the Terminator,” has been wanted by the court at The Hague since 2006 for recruiting child soldiers in the district of Ituri. The children were used to fight in Thomas Lubanga’s militia, known as the Union of Congolese Patriots or UPC.

ICC Chief Prosecutor Luis Moreno-Ocampo told reporters Monday that it was the trial and recent conviction of Lubanga, on charges of recruiting child soldiers, that led to new evidence implicating Ntaganda in additional crimes. The prosecutor is seeking an expanded arrest warrant for those allegations.

“On the evidence collected during the Lubanga trial and the findings of the judges in the Lubanga judgment, the office requested expansion of the arrest warrant against Bosco Ntaganda, including the following crimes: crimes against humanity -- of murder, persecution based on ethnic grounds, rape, sexual slavery; and war crimes -- of intentionally attacking civilians, murder, rape, sexual slavery and pillaging,” said Moreno-Ocampo.

The prosecutor alleges that during the attacks, committed in 2002 and 2003, the UPC would encircle towns and villages of the Lendu and other tribes, shell them and then ethnically cleanse the areas by killing and raping civilians, forcing them to flee and looting their property.

The second warlord the court wants to arrest and bring to trial is Sylvestre Mudacumura, the supreme commander of a Rwandan Hutu militia, the FDLR (Democratic Forces for the Liberation of Rwanda). He is charged with five counts of crimes against humanity and nine counts of war crimes committed during 2009 to 2010 in Congo’s North and South Kivu provinces. The charges include attacks against civilians, murder, mutilation, rape, torture, and destruction of property.

“We are pretty confident on our evidence,” he said. “But the main issue will be if this request could contribute to establish peace and security in the Great Lakes region.”

Both men remain at large. Moreno-Ocampo said he would not try them in absentia, because the point is to arrest them so the crimes will stop, but it will be up to ICC judges to decide whether to issue the arrest warrants.

The eastern DRC has been plagued by continuing armed conflict and violence since the end of Congolese civil war in 2003. The area is home to many militia groups, including the Rwandan FDLR rebels, and efforts to integrate the groups into Congo’s army have largely failed.