

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



The Bumbuna Reservoir

PRESS CLIPPINGS

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

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Press clips are produced Monday through Friday.
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The Exclusive
Friday, 18 May 2012

Prosecute George Bush

Former Liberian President Charles Taylor, now convicted of war crimes and crimes against humanity in relations to atrocities committed in Sierra Leone, has stressed the need for former US President George W. Bush to be prosecuted for similar crimes.

Taylor made the call in his first post-verdict special statement he read before judges of the Special Court for Sierra Leone Wednesday. He said he agreed with the judges' statement that the April 26 historic judgment reinforces the new reality that Heads of State will be held accountable for war crimes and other international crimes, that with leadership comes not just power and authority, but also responsibility and accountability, and that no person, no matter how powerful, is above the law.

Then, Taylor, who sees unfairness in his prosecution in comparison to the scot-freeness of ex-President Bush, states: "President George W. Bush not too long ago ordered torture and admitted to doing so. Torture is a crime against humanity. The United States has refused to prosecute him. Is he above the law? Where is the fairness?"

Although it is not known whether the International Criminal Court (ICC) in The Hague or the justice-oriented international community will seek President Bush's prosecution as a result of Taylor's comments, the call to indict and prosecute the former president has continuously been made in various quarters.

Just last year (December 2011), when the former US President was about to make a visit to three African countries - Ethiopia, Tanzania and Zambia - Amnesty International called on those countries to arrest Mr. Bush and detain him for al-

legedly committing international crimes, including torture. The organization had earlier made a similar call.

In October of 2011, Amnesty International and Human Rights Watch jointly called upon the Canadian government to arrest and prosecute the former president if he visited Canada.

In January of 2010, one Professor Francis A. Boyle of the College of Law at the University of Illinois filed a Complaint with ICC against President Bush and at least five of his senior officials for allegedly committing international crimes.

In May of 2009, when the former president was scheduled to visit Canada, a group of Canadian lawyers under the banner, Lawyers Against the War, campaigned for the President to either be barred from entering Canada or to be arrested and prosecuted for what they termed his role in the commission of war crimes and crimes against humanity, including torture.

Many have said that the failure of the ICC to issue an arrest warrant on the former president shows that the ICC is biased towards leaders of developing or African countries. Those accusing the ICC indicate that, besides the late Milosevic of Bosnia-Herzegovina, all the other leaders whose arrests have been announced, or whose trials have started, are African leaders.

However, some have said that it is highly unlikely that a US President, whether former or sitting, will ever be indicted or prosecuted by the ICC, while others say it is possible, but it is only a matter of time.

Meanwhile, Taylor admitted that terrible things happened in Sierra Leone and there is no justification for that. "... My

sadness and deepest sympathies at the crimes suffered by victims and their families in Sierra Leone." Taylor said.

He, however, stated that witnesses were paid and coerced to testify at his

trial. He also pointed out that the prosecution team both former and present is all former US Government officials suggesting a team of conspirators hired to accomplish a mission.

We Yone

Friday, 18 May 2012

“Charlie Boy” Taylor Goes Down for Life

SPECIAL COMMENTARY

Moisa S. Keikura

No mercy, no exoneration for him. The man some have described as the Hitler of West Africa has finally on Wednesday 15th May 2011 got his just dessert from the Special Court for Sierra Leone ruling from The Hague in Holland.

In a sentencing brief filed earlier this month, the Prosecution asked the judges to sentence Taylor to a maximum jail term of 80 years. 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 was “disproportionate” and “excessive; it is not justified.”

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. 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.”

In Makeni, Paramount Chief Kasangha spoke of the judgement 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.

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 12th June 2000 to the UN Secretary General requesting that a court be created. The Sierra Leone legislature subsequently ratified the agreement creating the court.

Meanwhile, at a recent bilateral meeting in Monrovia, the Presidents of Liberia and Sierra Leone, Madam Ellen Johnson-

"Charlie Boy" Taylor Goes Down For Life

Sirleaf and Dr. Ernest Bai Koroma respectively reaffirmed their determination to further strengthen and expand relations, noting with satisfaction the cordial and friendly ties subsisting between the two countries and peoples.

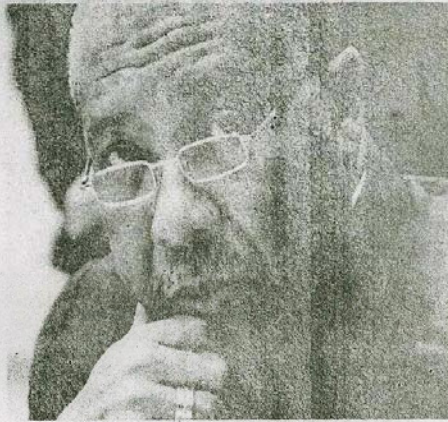
The two Presidents agreed to work together in identifying new areas of cooperation in the economic, technical, cultural, and scientific fields for the mutual benefit of their peoples and countries. The two leaders reaffirmed their determination to curb illegal cross-border activities including, but not limited to, illicit mining, drugs, illegal human and arms trafficking and money laundering.

President Sirleaf and President Koroma further recognized the need for maritime boundary delimitation between the two countries. They agreed to foster petroleum exploration in both countries, and to cooperate peacefully on any issues emanating from there.

As members of the Mano River Union (MRU) Basin, the two leaders particularly agreed that the Union will be used as a vehicle for accelerated economic development and integration. In this regard, they agreed to further strengthen and support the MRU institutions.

They also expressed their commitment to the Cote d'Ivoire, Liberia, Sierra Leone and Guinea (CLSG) segment of the West African Power Pool (WAAP) transmission line as a means of improving the economic climate of the region. The leaders further called for accelerated investment to develop the hydro power potential of the MRU and agreed to cooperate in developing cross-border infrastructure projects including roads and telecommunications, among others, as a way of fostering regional integration.

The two leaders further reaffirmed their commitment to the full implementation of the principles and protocols of ECOWAS. They commended ECOWAS for its timely and robust intervention in resolving the political, security and humanitarian situations in the region, especially of Mali and Guinea Bissau to adhere to the ECOWAS decision on the peaceful resolution of the conflicts in those two countries.



Charles Taylor

On the multilateral and international front, President Sirleaf and President Koroma reaffirmed their commitment to the principles and Charters of the Mano River Union (MRU), the Economic Community of West African States (ECOWAS), the African Union (AU), and the United Nations (UN). They agreed to harmonize their positions in these regional and international organizations.

The two sides reiterated their support for the African Union target of 2017 for achieving a Continental Free Trade Area (CFTA) and the action plan for accelerating intra-African trade.

The Liberian and Sierra Leone leaders called for the reform of the United Nations Security Council and other UN Organs to reflect the contemporary reality of globalization and democratization of the international system.

Before concluding his visit to Liberia, President Koroma and President Sirleaf officially inaugurated one of several National Petroleum (NP) Service Stations in Liberia, established by both countries' private investors. The NP Service Station is a Sierra Leonean business venture that's making a debut investment in Liberia. Both leaders observed that this development represents a significant hallmark in the economic ties of the two countries. They also recognized the traditional links amongst the peoples of both countries and expressed their commitment to further advance cross-border trade, as well as the free movement of goods and people.

The Special Court for Sierra Leone was established following a letter written by President Kabbah, the democratically elected

ICC prosecutor OK with delay to trial of Kenyans

UNITED NATIONS (Reuters) - The International Criminal Court's chief prosecutor said on Wednesday he would not oppose a delay to the start of a trial of four prominent Kenyans, including two leading presidential hopefuls, accused of fuelling post-election violence in 2007.

The group, including former Finance Minister Uhuru Kenyatta and former Higher Education Minister William Ruto, are charged with masterminding the bloodshed that killed more than 1,200 people. All have said they are innocent.

Prosecutor Luis Moreno-Ocampo told a news conference in New York that the defendants had requested the delay until the ICC decided whether to grant their appeal, which argues that the war crimes court has

no jurisdiction to prosecute them. Moreno-Ocampo said that his office "did not oppose the right to postpone the beginning of the trial until the appeal chamber solved the claim presented by the defendants." No specific date had been set for the trial.

Kenyatta and Ruto, who are charged with directing mobs to commit violence that sent Kenya to the brink of civil war, are both challenging for the country's presidency in elections due by March 2013 - the first since the 2007 polls.

An ICC trial was the biggest threat for a repeat of unrest at the 2013 vote, Kenya's electoral head said last month. There is concern that, if the men stand trial and are blocked from running for office, it may trigger



violence.

Past opinion polls have shown strong public support for the ICC cases and many Kenyans feel their own judicial system lacks the will to tackle a culture of impunity, where the powerful are often seen as above the law.

"We take note in Kenya that many citizens are requesting that the court proceed with the trial as soon as possible in order to define the

responsibility of the suspects before the elections which are planned for March 13," Moreno-Ocampo said.

But he warned Kenyans that it was not the job of the ICC to determine who could stand for election.

"The court should not define who are the candidates in Kenya to the next elections or who will win the next election," Moreno-Ocampo said. "The Kenya political situation should be dealt with politically, by political actors. They cannot expect the court to define the political situation in Kenya."

The other men charged with Kenyatta and Ruto are radio presenter Joshua arap Sang and the head of the civil service, Francis Muthaura.

The New Dawn (Liberia)

Friday, 18 May 2012

In Taylor's Verdict: Dissenting Judge Suspended!

Othello B. Garblah

It appears that Justice Malick Sow, an alternative Judge of the UN- backed Special Court for Sierra Leone

has landed himself in trouble for opening his mouth too wide with a dissenting opinion on the verdict pronounced against ex-president Charles Taylor.

Not only has he been barred from further sitting in proceedings, but this must just cause him his job as the court's appointing authority has been asked to review his status.

"The plenary declares that Justice Malick Sow's behavior in court on the



26th of April, 2012, amounts to misconduct, rendering him unfit to sit as an Alternate Judge of the Special Court. The plenary recommends to the appointing authority pursuant to Rule 15 (B) to decide upon the further status of Justice Malick Sow.

Pursuant to Rule 24(iii), the plenary directs Justice Malick Sow to refrain from further sitting in the proceedings, pending a decision from the appointing authority," the Plenary of Judges concluded.

Taylor was convicted on April 26, for aiding and abetting the Sierra Leone war, but Justice Sow in his dissenting opinion insisted that there was not enough evidence to convict the former Liberian president.

Justice Sow gave his dissenting opinion on the verdict at the time Justice Lussick (Presiding), Justice Doherty and Justice Sebutinde rose to leave the courtroom. His microphone was immediately switched-off and curtains drawn - that did not stop the Senegalese Judge from giving his opinion anyway.

But his action seems not to have gone down well with his colleagues of Trial Chamber II, who complained him to the Plenary of Judges, hence their conclusion of the matter.

At the Taylor sentencing hearing on Wednesday, Presiding judge, Justice Richard Lussick said Justice Sow's action "was in contravention of the agreement, the Statute, and the Rules which govern this Court and amounted to misconduct."

"The purpose of attaching an Alternate Judge to a Trial Chamber is that he can be designated to replace a sitting Judge if that Judge is unable to continue sitting," he added with reference to Article 12 of the (courts') Statute. He said no such designation had been made in the present case.

Justice Lussick citing Rule 16 (B) further explained that during the proceedings, the Alternate Judge may pose questions through the Presiding Judge, but there is no other entitlement for an Alternate Judge to speak during court proceedings.

He said moreover, an Alternate Judge does not have any say in decisions of the Trial Chamber. “He is obliged to be present during deliberations off the Trial Chamber, but he is not entitled a vote thereat. See Rule 16 (C).

“It follows that it was wrong for the Alternate Judge, who has not been designated to replace a sitting Judge, to offer an opinion, whether dissenting or concurring, on a judgment of Trial Chamber,” said Lussick.

“The behavior of Judge Sow was referred by the Council of Judges to a plenary meeting of the Judges of the Special Court. We the three Trial Chamber Judges abstained from voting at that plenary.”

The New Dawn (Liberia)

Friday, 18 May 2012

Taylor: My Trial First Trap for African Leaders

Paul Yeenie Harry

Convicted war criminal and former Liberian President Charles Ghankay Taylor has hinted that his trial is the start of a campaign to subject African leaders to humiliation and demise.



Taylor, who referred to the arrangement leading to his indictment, arrest, prosecution and conviction as a “contextual matrix” that is political, and not legal, said in his first post-verdict statement that the Judges did not have full understanding of the arrangement that landed him before the UN-backed Special Court for Sierra Leone, saying, “Your Honours were handicapped by not having the benefit of the full contextual picture of why and how I ended up before this Court.”

The former president, who happens to be the first African leader to be prosecuted for war

crimes and crimes against humanity and the second leader after Nazi Germany’s leader, maintained in his statement that his prosecution was “politically motivated” rather than legally formulated, stressing that his trial may be considered an orchestrated scheme to get at other African leaders.

Taylor’s statement as indicated in paragraph 4: “... That contextual matrix is uniquely political (and not legal) in nature; and having ensnared Charles Taylor this time around, only time will tell how many other African Heads of State stand to be destroyed in its continual wake.”

That Taylor’s trial is “politically motivated” is something that Taylor’s defense counsel has not hidden. His lead defense lawyer, Mr. Courtenay Griffiths, is on record as saying that the Court has only been targeting African leaders or the Black race, while leaving possible Western culprits alone.

Mr. Griffiths once said: “... you’ll find that roughly ninety percent of all the defendants on trial in that Court are, guess what? Black. ...What we’re seeing in terms of international law currently is the replication of that association between criminality and black-ness which one sees at the national level not only here in the United Kingdom but in any significant Western country with a black population.”

Mr. Taylor and his defense team are not alone. The African Union (AU) distrusts the International Criminal Court (ICC) or at least the way it does its business, and the distrust was manifested when the late Muammar Gaddafi of Libya was indicted by the Court. AU Commissioner Jean Ping said the Court is “discriminatory” in that it focuses on crimes committed in Africa while winking at crimes committed by Western powers in Iraq, Afghanistan, Pakistan and other places.

Speaking at a press conference at an African Union meeting in Ethiopia last year, Commissioner Jean Ping said: "We Africans and the African Union are not against the International Criminal Court. That should be clear. We are against Ocampo (ICC prosecutor Luis Moreno-Ocampo) who is rendering justice with double standards... Why not Argentina, why not Myanmar ... why not Iraq?

However, others, including some African legal and political minds, disagree, saying that what the ICC is doing is not about getting at the Black race or at African leaders, but about dispensing justice to the voiceless, and it so happens, they say, that it is in Africa that the leaders usually engage in injustice, including the mistreatment of their own people, and support the culture of impunity.

It may be recalled that former President Taylor was indicted in 2002, arrested in 2006 and sent to The Hague for prosecution for his role in Sierra Leone's ten-year war that saw the commission of atrocities, including the amputations of many Sierra Leoneans, including children. Taylor was convicted on April 26 and is scheduled to be sentenced on May 30.

Heritage (Monrovia)

Thursday, 17 May 2012

Taylor Beks for Merciful Jail Sentence

Former Liberian President Charles G. Taylor has appealed for merciful jail sentence as judges of the UN-backed Special Court for Sierra Leone in The Hague decide his fate this month. Judges at the Court are expected to deliver their verdict on Mr. Taylor sentencing on 30 May 2012. Mr. Taylor's appeal comes on the heels of a prosecution request for an 80-year jail sentence. In written filings, prosecutors said a sentence of 80 years would reflect the severity of the crimes and the central role that Taylor had in facilitating them.

"The purposely cruel and savage crimes committed included public executions and amputations of civilians, the display of decapitated heads at checkpoints... public rapes of women and girls, and people burned alive in their homes," wrote prosecutor Brenda Hollis.

Relevant Links



But defense lawyers said the recommended sentence was "manifestly disproportionate and excessive", and that Taylor had only been found guilty of an indirect role - aiding the rebels, rather than leading them.

They said their client should not be made to shoulder the blame alone for what happened in Sierra Leone's war.

The court should not support "attempts by the prosecution to provide the Sierra Leoneans with this external bogey man upon whom can be heaped the collective guilt of a nation for its predominantly self-inflicted wounds," his lawyers wrote.

Delivering his statement from a witness box in The Hague on Wednesday, May 16, 2012, Mr. Taylor pleaded with the judges to consider reconciliation and not retribution in the determination of his jail sentence.

It can be recalled on April 26, 2012, judges of the Special Court found Taylor guilty of aiding and abetting the commission of all crimes charged in the 11-count indictment against him.

The judges noted that Taylor was not liable for the actions of the rebel forces in Sierra Leone under the doctrines of command responsibility or joint criminal enterprise. The judges, however, found that Taylor was guilty of planning specific rebel attacks in three Sierra Leonean towns in late 1998 to early 1999, including attacks on the diamond rich-town of Kono and the country's capital Freetown.

The former Liberian leader, who insists he is innocent of all charges, furthered: "I say with respect, reconciliation and healing not retribution should be the guiding principle in your task."

The former warlord also appealed to the judges to consider his age and the fact that he is family man in their determination to sentence him.

Said Mr. Taylor: "I am 64 years old and I'm not young anymore and a father of many children, grand children and great grand."

Mr. Taylor also told the judges that he poses no societal threat and that he has fostered peace and reconciliation in the sub-region.

"I am of no threat to society. In Liberia, I commence the process of healing and put into place a peace and reconciliation commission model after that of South Africa." He said.

But prosecutors have said that the former Liberian leader's ill health and age, or the fact that he has a family, should have no impact on the sentence.

At the same time, Mr. Taylor questioned the manner and form witnesses were paraded before the Court.

According to him, "witnesses were paid, coerced and in many cases threatened with prosecution if they did not cooperate only to extract statements and their confessions."

Mr. Taylor alleged that witnesses were rewarded financially for testifying against him.

He also questioned why former US President George W Bush, who he alleged had admitted to ordering torture, was not being brought to face a court, asking: "Is he above the law?"

He said he condemned atrocities across the world, and had the "deepest sympathy" for victims in Sierra Leone, but stopped short of expressing remorse or apologizing for his part in the conflict.

At the end of his address, Mr. Taylor also congratulated one of the judges, Julia Sebutinde of Uganda, the first African woman to sit at the International Court of Justice.

Mr. Taylor is widely expected to appeal against any prison sentence and the hearing could continue for several more months.

Under a special arrangement with the international court, any prison term Taylor does receive will be served in Britain.

Daily Maverick (Monrovia)

Thursday, 17 May 2012

Charles Taylor - the War Criminal Pleads for Mercy

By Simon Allison

analysis

It was another bravado performance in The Hague from Charles Taylor, who looked gentle and unassuming as he asked for leniency. Almost tempted to believe him, Simon Allison recalls that no amount of smooth talking can erase the horrors the man inflicted on Sierra Leone.

Watching Charles Taylor defend himself is a disconcerting experience.

You know he is responsible for the rapes, the murders, the child soldiers. The court knows it too, that's why he was found guilty earlier this month on 11 charges of aiding and abetting war crimes and crimes against humanity, all related to the actions of his rebel movement in Sierra Leone. And yet the man standing before the court does not look like a killer. On the contrary: gentle, distinguished, avuncular spring to mind. You almost want to believe him.

The judges, fortunately, won't be swayed that easily. On Wednesday, Taylor addressed the Special Court for Sierra Leone in a speech carried live on TV networks across the world, hoping to persuade the judges to go easy on him when it comes to sentencing. He's a man of peace, apparently, and should be remembered not for the violence but for the reconciliation process which he initiated in Liberia. He's a family man, with children and grandchildren who will miss him.

And he's a wronged man, victim of a biased international justice system.

"What I did was done with honour," he said. "I was convinced that unless there was peace in Sierra Leone, Liberia would not be able to move forward."

The former Liberian president dwelt long on the injustice of the verdict - a tactic unlikely to impress the judges. "George Bush not long ago ordered torture and admitted to doing so. Where is the fairness?" said Taylor. "I never stood a chance. Only time will tell how many other African heads of state will be destroyed."

And he had harsh words for the conduct of the trial itself, accusing the prosecution of bribing witnesses to testify against him. "Witnesses were paid, coerced and in many cases threatened with prosecution if they did not give statements. Families were rewarded with thousands of dollars to cover costs of children's school fees, transportation, food, clothing, medical bills and given cash allowances for protected and non-protected witnesses in a country where income is less than a dollar a day."

This last claim has been a controversial issue throughout the trial, where the defence has accused the prosecution of using a special discretionary fund to pay relatively large sums to witnesses. But the argument is a red herring; with or without such witnesses (giving the claim a credence it hardly deserves), there was enough testimony to convict Taylor.

Taylor's combative posture did not surprise Annie Gell, a legal researcher for Human Rights Watch's international justice programme who has been following the case closely. "Taylor's address to the court today echoed themes that his defence team has brought up throughout the trial, so there was nothing particularly surprising about his arguments," Gell said. "His discussion of other world leaders' potentially

culpable of serious crimes does nothing to explain or excuse his own culpability for the atrocities committed during the armed conflict of Sierra Leone."

Prosecutor Brenda Hollis was even more dismissive of Taylor's plea for leniency. "The purposely cruel and savage crimes committed included public executions and amputations, the display of decapitated heads at checkpoints, the killing and public disembowelment of a civilian whose intestines were then stretched across the road to make a check point, public rapes of women and girls and people burnt alive in their homes," Hollis said in a briefing just before Taylor's speech. One suspects her graphic descriptions were a quite deliberate - and effective - technique to discredit Taylor's defence.

The prosecution is calling for an 80-year sentence. Some are criticising this as overly harsh, and a violation of the court's mandate, which prevents it from handing down life sentences. But this argument seems largely irrelevant given Taylor's advanced age. He's already 80 and can't have all that much longer left; pretty much whatever sentence the prosecution calls for will amount to a life sentence for him.

The sentence will be announced on 30 May and will be closely watched by the legal community. As this is the first time a former head of state has been found guilty by an international court, any court decisions form an important precedent for future cases. But the most important precedent has already been set: not even presidents are immune from justice.

For Sierra Leone, where most of Taylor's atrocities occurred, the verdict against him provides at least some measure of satisfaction.

"Sierra Leone's war victims can never be made whole," commented Gell.

"But victims and civil society leaders in Sierra Leone and Liberia have told me that Taylor's trial and the verdict against him have sent a strong signal that impunity is no longer the rule and the possibility of justice does exist, even when the accused is at the highest levels of power. Sierra Leoneans and Liberians have also told me that Taylor's trial and conviction have freed many in the sub-region from the looming fear of his return and helped bolster a feeling that long-term stability and peace is attainable." And that, if it happens, will be the best justice of all.

Associated Press
Thursday, 17 May 2012

Glance at trials at international war crimes courts that have suffered delays

Former Bosnian Serb military chief Ratko Mladic's genocide trial at the U.N. Yugoslav war crimes tribunal was suspended Thursday after prosecutors mistakenly failed to turn over evidence to his defense lawyers. It was far from the first time an international trial has faced delays. Here are some other examples.

—Slobodan Milosevic: The trial of the former Yugoslav President on charges of masterminding Serb atrocities throughout the wars that tore apart the Balkans in the 1990s dragged on for four years and was eventually aborted without verdicts when he died of a heart attack in his jail cell in 2006. The trial was repeatedly delayed by Milosevic's ill health and propensity for grandstanding in court.

—Charles Taylor: The former Liberian President fired his legal team and boycotted the start of a trial at the Special Court for Sierra Leone in June 2007, claiming he did not have the resources to properly defend himself. The trial got under way again in January 2008 when the first witness testified. Taylor was convicted last month of aiding and abetting murderous rebels in Sierra Leone's civil war. He will be sentenced May 30.

—Radovan Karadzic: The former Bosnian Serb leader also boycotted the opening of his war crimes trial in October 2009 claiming he did not have enough time to prepare his defense. Judges later ruled that Karadzic had "substantially and persistently obstructed the proper and expeditious conduct of his trial." The first witness finally testified on April 13, 2010. Prosecutors recently finished calling witnesses and Karadzic will begin presenting his defense in October.

—Vojislav Seselj: The Serb ultranationalist has repeatedly delayed his case. His trial began in November 2006 in his absence because he was on hunger strike. The court then called for a fresh start after allowing Seselj to represent himself. The trial started again in November 2007 but was halted again in February 2009 amid allegations of witness intimidation by Seselj. The trial finally resumed in January 2010 and judges are still considering their verdicts — more than nine years after Seselj surrendered to the court.

—Thomas Lubanga: The Congolese warlord was the first suspect to go on trial at the International Criminal Court. His case on charges of recruiting and using child soldiers was twice halted due to prosecutors not disclosing parts of their evidence against him. He was convicted in March, some six years after he was sent to the court and will be sentenced later this year.

The Guardian
Wednesday, 16 May 2012

International justice is needed – even if it takes 100 more years to perfect it

ICC may seem Africa-centric, but hopefully this will come to be seen as teething problems in creating legitimate global judiciary



A Bosnian woman cries over newly dug graves of her two sons during preparation in July 2010 for the mass burial of victims of the Srebrenica massacre. Photograph: Dimitar Dilkoff/AFP/Getty Images

It sometimes feels like a week doesn't pass without some former head of state or other alleged outlaw on the front page as a new international trial opens. This week alone there's Charles Taylor's sentencing hearing at the special court for Sierra Leone, the opening of Ratko Mladic's trial at the international criminal tribunal for the former Yugoslavia, and Khaled el-Masri's extraordinary rendition case at the European court of human rights.

These and other cases are the product of a century-long effort towards the creation of an international judiciary. A first wave began in the 1920s, with the creation of an international court in The Hague to hear disputes between states. Many early cases involved allegations of the mistreatment of minority groups in various parts of Europe. The end of the second world war unleashed a second wave, starting with the international military tribunal at Nuremberg and Tokyo and the creation of human rights courts in Europe and elsewhere.

A third wave came in the 1990s, following atrocities in the Balkans and Rwanda, the catalyst for creating the Yugoslav and Rwanda tribunals and – after five decades of effort – the Rome statute of the international criminal court. This was also the moment for the House of Lords' ruling that Augusto Pinochet was not entitled to claim immunity for international crimes alleged to have occurred while he was head of state, a reminder of the enduring and predominant role of national courts.

Two developments are under way, distinct but proceeding hand in hand. The first is that the new international institutions are necessary appendages to police the global rules that most people agree are needed for the proper functioning of our embryonic international order. International courts are not limited to human rights and crime: others function in the economic sphere, to enforce free trade rules, intellectual property rights and foreign investments. Ironically, many of those who are on the front lines criticising human rights and criminal courts for excessive interference in sovereign affairs are leading defenders of international courts that protect economic rights.

The second trend is the recognition of the growing place of the individual in the new order. In this way, the individual is both a holder of rights that can be enforced against the state that is said to have done wrong – the Masri case – and obligated to avoid international crimes. A century ago this was unthinkable; only in the last decade does it approach normality. As recently as the 1930s, sovereignty was seen as being nigh on absolute: sovereignty meant a state could do pretty much whatever it wanted to its own nationals, including torturing and killing them on a mass scale. The post-second world war settlement changed that: sovereignty was seen as limited, not absolute, as individuals got rights and international bodies protected those rights. It's not quite a linear relationship, but the direction is clear.

These developments are not free from criticism, one of globalisation's discontents. Sovereignists worry about outside interference by unaccountable, unknown international judges. Internationalists worry about delay and cost. Certain international judgments are not to everyone's liking, going too far or not far enough. But there is no court in the world that is free from such critique.

The more serious concern is the danger of lopsided international justice, a world of laws that are "spider webs through which the big flies pass and the little ones get caught", as Balzac put it. Look on the website of the ICC and see who is in the dock. Every one of the faces and names is African. Yet Africa plainly does not have a monopoly on international crime, and this unhappy and lopsided picture tends to give force to the critique that international justice is pro-western and controlled by the victors. One wonders quite what it will take, for example, for a proper international investigation of the well-documented allegations of torture and other abuse at Bagram and elsewhere in Afghanistan, a country that has been a party to the ICC statute since 2003.

Hopefully these will come to be seen as teething problems. Today's international courts, and this week's news stories, are the product of ideas generated long ago, in the 1940s and even before. It took centuries to create the system of English courts. Warts and all, our international courts do a good job in difficult circumstances. They won't end international crime or wrongdoing any more than local courts can make national crime disappear. They do make a difference, however, and it's difficult to see a better alternative. They are here to stay. They will be better, stronger and even more legitimate when the playing field is more level.

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Stretching the Long Arm of the Law

By Jeffrey Laurenti , Senior Fellow, The Century Foundation

This week I have shared the common fate of most citizens summoned to jury duty, milling about in the holding pen for prospective jurors without ever making it into a jury box. It's a long way from the county court house in Trenton to the international tribunals in The Hague, but my mind keeps drifting from the quotidian unfolding of justice for murder or assault in nearby courtrooms to the precedent-setting accounting for large-scale murder and mayhem that's been rendered in those distant tribunals in recent days.

Last week in The Hague, the Liberian warlord Charles Taylor was convicted of aiding and abetting war crimes and crimes against humanity -- murder, rape, inhumane violence, child conscription, and enslavement. Taylor's ferocious militiamen had terrorized Liberians into electing him president so the bloodletting might end.

But the tribunal did not nail Taylor for the crimes his rebel troops committed in a seven-year civil war that took 200,000 Liberians' lives. Rather, he has been convicted for actively assisting the even more reprehensible "Revolutionary United Front" militia in next-door Sierra Leone, whose rampages devastated that country for a decade.

The reason? The exceptionally repellant violence of the RUF militiamen in Sierra Leone -- routinely chopping off the hands or feet of civilians they did not bother to kill -- finally provoked international intervention and creation of a U.N.-affiliated tribunal to try the perpetrators. The United Nations did not create a similar special court for Liberia, and Liberia's own fragile court system does not dare take on Taylor's crimes at home.

So Taylor last week made history as the world's first one-time head of state to be convicted of atrocity crimes by a U.N.-sponsored tribunal. (Serbia's Slobodan Milosevic might have claimed the historical honor, but died before the Yugoslav war crimes tribunal could deliver its verdict.) And the atrocities were committed by forces he did not command.

Although Taylor helped launch the RUF as a complement to his own insurrection in Liberia, he did not claim operational control over RUF forces, who had their own notorious leader in Foday Sankoh. Their alliance was sealed by Sankoh's diversion of Sierra Leone diamonds to Taylor for the purchase of RUF weaponry -- which Hollywood brought to the attention of otherwise clueless Western publics through Leonardo DiCaprio's starring role in *Blood Diamond* (2006).

Sankoh died in prison before trial; the tribunal convicted eight of his senior RUF lieutenants of war crimes and crimes against humanity, and they are now serving lengthy sentences in a prison in Rwanda. But in convicting Taylor last week as well, the tribunal has found the outside sponsor criminally responsible for aiding and abetting the war crimes of his clients and allies.

The verdict is pregnant with implications for other government leaders who choose to arm and equip armed groups abroad. Certainly anyone aiding insurgent groups that resort to mass atrocities is now on notice of potential culpability. Perhaps even shipping arms to another government's atrocity-stained security forces may be fair game for international criminal scrutiny as well.

The Taylor verdict thus sets a significant precedent on which the new International Criminal Court (ICC) can build. The Sierra Leone tribunal that convicted him is one of several special courts established under U.N. Security Council resolutions to provide justice and accountability in specific conflicts where war crimes and atrocities seemed particularly egregious, including Yugoslavia and Rwanda. These tribunals' legacy has shaped the scope and workings of the permanent ICC created under the 1998 Rome Statute to prevent and punish genocide and other mass-atrocity crimes.

Just six weeks ago the ICC prosecutor secured the court's first conviction, of Thomas Lubanga for the forced conscription of child soldiers into his rebel militia and their use in hostilities and atrocities in the Congo's Ituri region. Two other trials are currently underway, and seven more are scheduled to open soon.

Eight ICC indictees remain fugitives, including the president of Sudan, Omar al-Bashir. If apprehended, Bashir stands a good chance to become the first head of state the ICC convicts of masterminding mass-atrocity crimes. (Rebels last fall disposed extrajudicially of the only other head of state indicted by the ICC prosecutor, Libya's Muammar Qaddafi.) The court has active investigations and indictments underway in seven countries in Africa, and is conducting a preliminary examination of complaints of mass atrocity crimes in eight other countries spanning four continents.

During the Obama years the United States has been an enthusiastic supporter of the investigations of the International Criminal Court. The court remains, however, an obsessive *bête noire* on the far right, even if the military's initial obdurate opposition has subsided as the court has proved itself. In his riveting new memoir, *All the Missing Souls*, former war-crimes ambassador David Scheffer has detailed the paralysis inside the Clinton administration as the Rome treaty was being negotiated, citing the president's failure to overrule Pentagon paranoia and support the treaty taking shape there.

Clinton last-minute signature on the treaty has been shadowed by a formal letter George Bush sent to the United Nations disavowing any intention to become a state party. But Bush himself blinked when the Europeans pressed the Security Council to refer the atrocities in Darfur to the ICC. The great mystery today is why President Obama, a genuine legal scholar, has not simply revoked the Bush letter.

Here in the juror holding room of my county court house, we have all been treated to juror-preparation videos extolling America's rule of law. It seems only natural that the international community should crank up judicial machinery to enforce the rule of law against humanity's most heinous crimes in places where no working national court system can provide justice. Let's just get on with it.