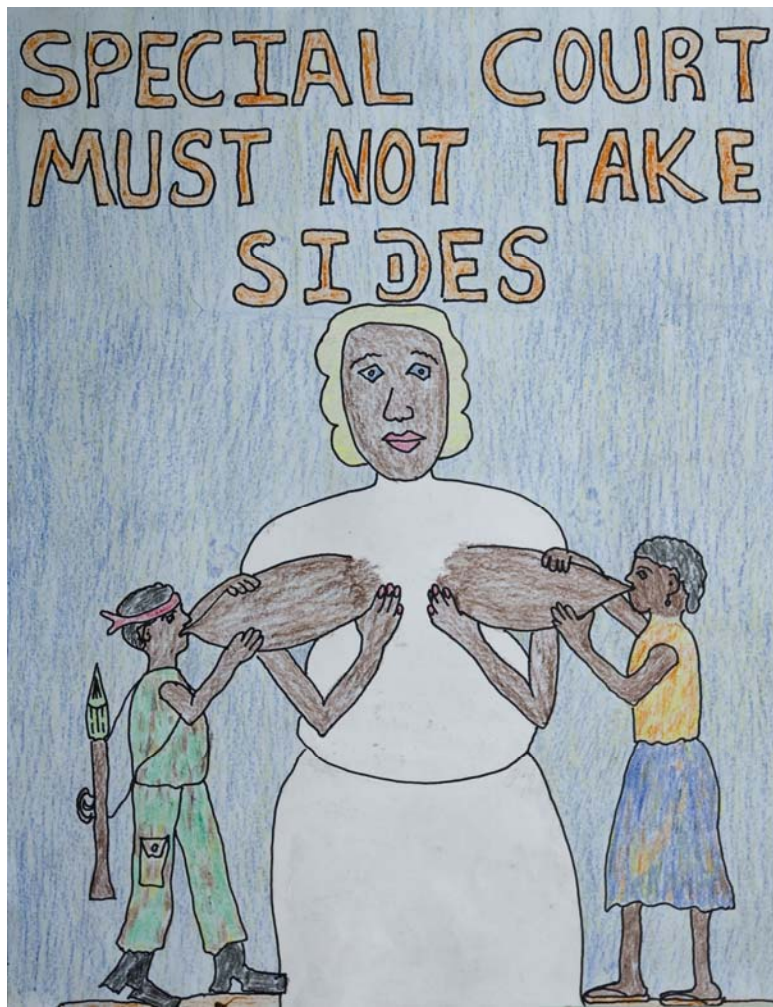


**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



PRESS CLIPPINGS

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

as at:

Friday, 21 August 2009

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

Local News

“ I did Not Act Alone”-Taylor / <i>The Exclusive</i>	Page 3
ECOWAS Leaders Recruited RUF Leadership in Salone / <i>The Spark</i>	Pages 4-5
Taylor Negotiated With RUF Rebels for Release of UN Hostages / <i>The Spectator</i>	Pages 6-7
Social Realities In Accessing Justice in Sierra Leone / <i>Standard Times</i>	Pages 8-9

International News

Special Court Prosecutor Meets the Press in Monrovia / <i>The Patriotic Vanguard</i>	Pages 10-11
Charles Taylor Did Not Have Individual Influence Over The RUF... / <i>CharlesTaylorTrial.org</i>	Pages 12-13
UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 14-17
UN Nominates New Co-Prosecutor for ECCC / <i>Voice of America</i>	Page 18
Tribunal Judge Says Karadzic Case Ready to Start / <i>Radio Netherlands Worldwide</i>	Page 19
Like Al Bashir BDP Leaders Must Face ICC / <i>Mmegi Online</i>	Pages 20-21
Prosecute Austrian Soldiers for WWII Crimes / <i>Agence France Presses</i>	Page 22
DOJ Nazi Hunters Shift Focus to Perpetrators of New Atrocities / <i>Aba Journal</i>	Page 23
An International Tribunal for Guantanamo Detainees? / <i>Jurist</i>	Pages 24-25
Here's a Good Case for Killing the Death Penalty / <i>Daily News</i>	Pages 26-27

The Exclusive
Friday, 21 August 2009

"I Did Not Act Alone"

- Taylor

"Charles Taylor did not use his personal influence or control over Sierra Leone's rebel force to choose a new leader when its

head commander was arrested in 2000," Mr. Taylor told the Special Court for Sierra Leone judges yesterday. Instead, he went on, "West African leaders

Continued page 8

I Did Not Act Alone

From front page

worked together to appoint a new rebel leader with whom they could negotiate in order to bring peace to Sierra Leone."

In May 2000, Revolutionary United Front (RUF) leader Foday Sankoh was arrested and detained by the government of Sierra Leone after the rebel group abducted over 500 United Nations peacekeepers and held them as hostages. Mr. Taylor said he was able to negotiate the release of the UN peacekeepers after meeting with the RUF's most senior commander at the time, Issa Sesay. Mr. Taylor said that the next concern was to determine who to negotiate with on behalf of the RUF so that peace would return to Sierra Leone.

"After the release of the UN hostages, we were concerned about who was in charge of the RUF in Sierra Leone," Mr. Taylor said.

Mr. Taylor said that at a July 26, 2000 meeting in Liberia, six Economic Community of West African States (ECOWAS) leaders asked Mr. Sesay to take over the leadership of the RUF since Mr. Sankoh was no longer in a position to run the rebel movement. Mr. Sesay, according to Mr. Taylor, told the West African leaders that he needed to get the approval of Mr. Sankoh, who was imprisoned in Sierra Leone. He said that Nigerian president, Olusegun Obasanjo, and Malian President, Alpha Oumar Konare, traveled together to Sierra Leone and met with Mr. Sankoh in his prison cell. They obtained a letter from him which approved Mr. Sesay as the RUF's interim leader.

Referencing the release of the UN hostages, Mr. Taylor responded to prosecution allegations that the rebels listened to Mr. Taylor because of his individual and personal influence over the RUF. Denying this allegation, Mr. Taylor said "No, I am doing this with ECOWAS and everybody, not because of any individual influence."

The prosecution has led evidence that when Mr. Sankoh gave his approval to Mr. Sesay's leadership of the RUF, he told Mr. Sesay to take instructions from Mr. Taylor, and ordered Mr. Sesay not to disarm his rebel forces in Sierra Leone. A number of prosecution witnesses also testified that it was Mr. Taylor who changed the leadership of the RUF. Mr. Taylor dismissed this allegation as "total nonsense."

Mr. Taylor said that the "circumstances surrounding Issa Sesay's appointment was public knowledge."

Mr. Taylor said that ECOWAS leaders, including Sierra Leonean president Ahmed Tejan Kabbah saw Mr. Sesay as the most ideal person to work with in order to bring peace to Sierra Leone. "We saw him to be a very good fellow," Mr. Taylor said. "Some credit is due to him for getting on with the process of Lome [The peace agreement between the government of Sierra Leone and the RUF was signed in the Togolese capital Lome in June 1999]."

Mr. Taylor also accused the United Kingdom and the United States as the two key states responsible for wrongly accusing him of supporting the RUF rebels in the Sierra Leonean conflict. He dismissed these allegations as "false" and "without proof."

The Spark
Friday, 21 August 2009

ECOWAS Leaders recruited RUF Leadership in Salone



Taylor, tell us more!

...says Charles Taylor

Charles Taylor did not use his personal influence or control over Sierra Leone's rebel force

to choose a new leader when its head commander was arrested in 2000, Mr. Taylor told

the Special Court for Sierra Leone judges yesterday at The Hague. Instead, West African

leaders worked together to appoint a new rebel leader with whom they could negotiate in

order to bring peace to Sierra Leone, he said.

In May 2000, Revolutionary United Front (RUF) leader Foday Sankoh was arrested and detained by the government of Sierra Leone after the rebel group abducted over 500

Continued page 7

ECOWAS Leaders recruited RUF Leadership in Salone

From front page

United Nations peacekeepers and held them as hostages. Mr. Taylor said he was able to negotiate the release of the UN peacekeepers after meeting with the RUF's most senior commander at the time, Issa Sesay. Mr. Taylor said that the next concern was to determine who to negotiate with on behalf of the RUF so that peace would return to Sierra Leone.

"After the release of the UN hostages, we were concerned about who was in charge of the RUF in Sierra Leone," Mr. Taylor said.

Mr. Taylor said that at a July 26, 2000 meeting in Liberia, six Economic Community of West African States (ECOWAS) leaders asked Mr. Sesay to take over the leadership of the RUF since Mr. Sankoh was no longer in a position to run the rebel movement. Mr. Sesay, according to Mr. Taylor, told the West African leaders that he needed to get the approval of Mr. Sankoh, who was imprisoned in Sierra Leone. He said that Nigerian president, Olusegun Obasanjo, and Malian president, Alpha Oumar Konare, traveled together to Sierra Leone and met with Mr. Sankoh in his prison cell. They obtained a letter from him which approved Mr. Sesay as the RUF's interim leader.

Referencing the release of the UN hostages, Mr. Taylor responded to prosecution allegations that the rebels listened to Mr. Taylor because of his individual and personal influence over the

RUF. Denying this allegation, Mr. Taylor said "No, I am doing this with ECOWAS and everybody, not because of any individual influence."

The prosecution has led evidence that when Mr. Sankoh gave his approval to Mr. Sesay's leadership of the RUF, he told Mr. Sesay to take instructions from Mr. Taylor, and ordered Mr. Sesay not to disarm his rebel forces in Sierra Leone. A number of prosecution witnesses also testified that it was Mr. Taylor who changed the leadership of the RUF. Mr. Taylor dismissed this allegation as "total nonsense."

Mr. Taylor said that the "circumstances surrounding Issa Sesay's appointment was public knowlege."

Mr. Taylor said that ECOWAS leaders, including Sierra Leonean president Ahmed Tejan Kabbah saw Mr. Sesay as the most ideal person to work with in order to bring peace to Sierra Leone. "We saw him to be a very good fellow," Mr. Taylor said. "Some credit is due to him for getting on with the process of Lome [The peace agreement between the government of Sierra Leone and the RUF was signed in the Togolese capital Lome in June 1999]."

Mr. Taylor also today accused the United Kingdom and the United States as the two key states responsible for wrongly accusing him of supporting the RUF rebels in the Sierra Leonean conflict. He dismissed these allegations as "false" and "without proof."

The Spectator
Friday, 21 August 2009

Taylor Negotiated with RUF Rebels for the Release of UN Hostages

Charles Taylor explained how he successfully negotiated the release of United Nations peacekeepers who were held hostage by rebel forces in Sierra Leone during his continuing testimony in The Hague today. Meanwhile while his defense team highlighted a United Nations report alleging that West African peacekeepers were involved in diamond and arms trade with Sierra Leonean rebels.

In May 2000, when Revolutionary United Front (RUF) rebels took more than 500 United Nations peacekeepers hostage in Sierra Leone, Mr. Taylor said that he was mandated by Economic Community of West African States (ECOWAS) leaders and the United Nations to negotiate with the RUF rebels and secure the release of the

hostages. Speaking on behalf of the international community, Mr. Taylor said he expressed his anger to the RUF rebels and told them the hostages needed to be released without any conditions.

Mr. Taylor said he called Issa Sesay, the RUF commander who was in possession of the UN hostages, to meet him in Liberia where the release of the peacekeepers was agreed. Mr. Taylor

Taylor Negotiated with RUF Rebels

said ECOWAS leaders, UN and the United States Embassy officials were all informed that he was meeting with Issa Sesay.

"I was very tied up with this particular situation. I made it clear to Issa Sesay that the UN peacekeepers must be released unconditionally and voiced to him the outrage of the international community," Mr. Taylor said.

"I was not speaking with Issa Sesay as Taylor but I was speaking for ECOWAS, the African Union and the entire international community. I told Issa that the worst they could play with was the United Nations. I was very upset and thought they were very stupid. I told him that UN people had to be released unconditionally. This was not a friendly chat," Mr. Taylor explained.

Issa Sesay, Mr. Taylor said, eventually facilitated the release of the hostages to Liberian authorities in Liberia before they were all handed over to the UN.

After the abduction of the United Nations peacekeepers in May 2000, RUF leader Foday Sankoh was arrested and put into custody by the government of Sierra Leone. Mr. Taylor told the judges today that because the RUF needed a leadership with whom to negotiate, he convened a meeting of ECOWAS heads of states and together, they all named Issa Sesay as interim leader of the RUF.

Mr. Taylor's defense counsel also read in court today a 2000 United Nations

report which indicated that the Nigerian ECOWAS Monitoring Group (ECOMOG) peacekeepers in Sierra Leone were involved in trading diamonds in return for guns with the RUF rebels.

The prosecution has alleged that Mr. Taylor was involved in trading diamonds in return for guns with RUF rebels in Sierra Leone. Mr. Taylor today dismissed this allegation, calling it "total nonsense."

"There is no such thing as Foday Sankoh selling me diamonds," Mr. Taylor said.

Mr. Taylor further said that he believed the allegation in the UN report that Nigerian ECOMOG peacekeepers

sold guns to the RUF in return for diamonds was true, because while he was a rebel leader, he had the same transaction with the Nigerian ECOMOG peacekeepers in Liberia.

"There is nothing new about ECOMOG selling arms to rebel groups. I Charles Ghankay Taylor bought arms and ammunition from ECOMOG peacekeepers in Liberia during the civil war even while we were fighting them," he said.

Mr. Taylor also told the judges today that he did not believe that diamonds played any role in the Sierra Leone conflict. "There is not sufficient evidence to really make such conclusion," he said. Mr. Taylor said that he also could not

tell whether the warring factions in Sierra Leone used diamonds to fuel the conflict in the country.

Mr. Taylor is being tried on allegations that he provided support to RUF rebels in Sierra Leone through the supply of arms and ammunition in return for diamonds. Diamonds, the prosecution says, were used by Mr. Taylor and RUF rebel leaders to fuel the conflict in Sierra Leone and that through his acts or omissions, Mr. Taylor bears responsibility for the crimes committed by RUF rebels in Sierra Leone. Mr. Taylor has denied the allegations. He is presently testifying as a witness in his own defense.



Buy the best rice in town from the only wholly indigenous rice distribution company. 'our products are sweet, tasty with enjoyable flavor' Sierra Commodities Company Ltd.
29 Regent Road Freetown. 'Prompt delivery is our strength'

Standard Times

Friday, 21 August 2009

Social Realities In Accessing Justice in Sierra Leone

ISSUES

BY SHEKA TARAWALLIE

This article is to highlight the concepts of succinct access to justice. It further proffers ways to address access to justice and the responsiveness of judicial and administrative processes to the needs of the litigant.

Things to be considered in understanding this discuss are for example; what are the social realities of access to justice? What are the obstacles to accessing justice?

The people themselves know best when they need justice most. There is a recurring pattern of situations in which people have needs or grievances that are translated into justifiable claims invoking substantive rights.

There is still a wide gap between legal principle and the everyday reality of those who come into contact with the law and need its protection. The criminal justice system is sometimes misused to detain and prosecute social or political activists and human rights defenders. At times, people are detained on the basis of clearly flawed evidence; sometimes well beyond the legal limits allowed for pre-trial detention.

Others are denied access to adequate legal advice and representation at precisely the point when they are most at risk of torture or other ill-treatment to extract confessions. Reports of torture are routinely dismissed or ignored by magistrates and judges, reinforcing impunity for these human rights violations. All too often it is the poorest and most vulnerable who are likely to be the victims of these abuses. The following are some of the obstacles to accessing justice in Sierra Leone:

COST

One of the foremost barriers preventing access to Sierra Leone's justice systems, both formal and informal, is cost. The costs of accessing justice in Sierra Leone come in a variety of forms, including costs of services, fines, time and transportation.

Sierra Leone's formal courts, where an inadequate legal aid structure is yet to come into existence, makes contesting parties responsible for court fees, legal representation, and other service fees; costs are prohibitively high for all. Yet even in local courts, which are designed to be closer to the

people, unnecessary costs are often too high to encourage use.

Like customary law itself, the rules for fees and fines in customary courts are unwritten and many chiefs are found to distribute arbitrary fines, often in a discriminatory manner. This is perpetuated even though the Local Courts act, 1965 provides some guidance.

Time

Both the formal and the informal legal systems are thought to encourage long delays in the resolution of cases, especially in rural areas.

TRANSPORTATION

Transportation presents a formidable obstacle to accessing the formal courts, particularly

for citizens in remote areas. The limited number of functioning magistrates courts are based in district headquarters, which are distant from many communities and villages.

With minimal access to adequate roads or vehicles, many inhabitants of rural communities find it physically and financially impossible to access the formal courts, especially for cases that can take several visits to provincial capitals before being resolved.

Structures

The structure of the formal and informal courts, presents a challenge. Elements of the court procedures, such as: formality, language, views of justice and the current state of the courts e.g. skills of officials, also presents a barrier to access. While the first category primarily affects access in the formal courts system, the second can be encountered across the justice system.

FORMALITY AND LANGUAGE

With its basis in English law and legal procedure, the state justice system in Sierra Leone is very formal in its rules, processes, and appearances. Court proceedings are in English, which is not widely understood by people outside the urban environs; it is even not well understood by many even in Freetown, the capital.

LACK OF INFORMATION

Unlike the customary courts, the formal courts maintain procedural rules that are known to court insiders such as judges and lawyers, but remain a mystery to many individuals outside the legal system.

To a large extent Sierra Leoneans are not aware of what the laws - either formal or customary - are. While customary law is traditionally bound in customary practice, many chiefs pass new laws without any form of control. Citizens are less likely to know the content of formal laws and recent legislations, and court rulings are reportedly difficult for legal professionals to access.

Social Barriers and gender Discriminations and why access to justice matters

Access to justice matters most of women's rights, gender equality, and the rights of the child. Hundreds of women and girls - sometimes as young as three - have suffered crimes of sexual violence. The obstacles hindering justice for women are even greater.

It is believed that not only is it morally right to take action by helping women to enjoy equal rights, removing the fear of sexual abuse, and safeguarding

their access to justice, but that equality under the law will liberate them to make their full contribution to the development of their country and communities. Though women are afforded some degree of equality and protection in the 1991 Constitution of Sierra Leone, and the recently passed gender related laws, these constitutional and legislative guarantees do not always translate to equal access or opportunity in the judicial or social sphere because mostly, these laws are un-tested. These social and gender barriers are those that arise from a lack of information, gender based bias, or from perceptions of the role of the justice system itself.

JUVENILE JUSTICE

Juveniles face particular social, financial, institutional and legal barriers when accessing justice. They are particularly susceptible to mistreatment and abuse by the police and other justice sector personnel.

As well as interacting with the justice system in their own capacity, children and young people are also affected when parents or guardians are victims of crime or are sanctioned through the justice system. Juveniles should be afforded the same rights as adults by the justice system.

In addition, they have specific needs relative to their age and vulnerability.

It must be noted that "access to justice" requires that the public have available and understandable information about the justice system, its resources, and means of access.

The justice system should pro-

mote ongoing public knowledge and understanding of the tools afforded by technology to access justice by developing and disseminating information and materials as broadly as possible in forms and by means that can reach the largest possible number and variety of people.

Litigants should be treated with respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

Judicial and administrative mechanisms should be established and strengthened where necessary to enable people to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Litigants should be informed of their rights in seeking redress through such mechanisms.

The responsiveness of judicial and administrative processes to the needs of the litigant should be facilitated by the following processes:

" Informing all of their role and the scope, timing and progress of the proceedings, and of the disposition of their cases especially where serious crimes are involved and where they have requested such information;

" Allowing the views and concerns of all litigants to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

" Taking measures to minimize inconvenience to litigants, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

" Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

" Using informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be encouraged and utilized where appropriate to facilitate conciliation.

The Patriotic Vanguard

Thursday, 20 August 2009

Special Court prosecutor meets the press in Monrovia

Statement by Stephen Rapp, Prosecutor of the Special Court for Sierra Leone

Press Briefing, Monrovia, Liberia

I am very pleased to be with you today. As you know, the Defense phase in the case against Charles Taylor began last month on 13 July. The following day the Accused took the stand in his own defense and has now been testifying for five weeks.

At this very important stage in the trial it is essential that Liberians and Sierra Leoneans continue to be fully informed of the proceedings in court. People must know that the trial continues in a fair, transparent and efficient manner. For this reason, I am very happy to be in Monrovia to take your questions about the trial.



The Prosecution is pleased that the trial process is going well. Charles Taylor is entitled to present his own account and respond to the charges against him. I must note that I am not able to comment on the specifics of his testimony, as the evaluation of his testimony is a matter for the judges.

Of course, the Accused is presenting a story that is very different from the evidence offered by the Prosecution. We called over 90 witnesses to appear in person before the Court. More than fifty of these witnesses told the judges, and the world, about the grave crimes committed against tens of thousands of innocent victims in Sierra Leone. More than thirty witnesses provided the linkage evidence showing Taylor's responsibility for the commission of these atrocities.

We have been waiting patiently while the Accused gives his own contrary version of events, and denies all the charges against him. We are looking forward to questioning him on cross-examination in the coming weeks. When our turn comes to ask the questions, we will confront Charles Taylor with the full weight of our case.

Let me talk for a moment about my own participation in this process. It has been my greatest honor to serve as the Chief Prosecutor of the Special Court for Sierra Leone for nearly three years.

During my tenure I have overseen the other trials before the Special Court where we secured convictions of the leaders of the rebel groups and the civil defense forces for atrocities committed during the Sierra Leone civil war. I am particularly proud to have been part of judicial proceedings that resulted in the first convictions in history for the recruitment and use of child soldiers as a war crime, the first convictions for attacks on peace-keepers as a violation of international humanitarian law, and the first convictions for sexual slavery and forced marriage as crimes against humanity. I am also pleased to have seen through the presentation of the Prosecution's case against Charles Taylor, the start of defense evidence, and our preparations to meet the defense case.

In July, I was nominated by President Barack Obama to be United States Ambassador at Large for War Crimes Issues. The nomination has now been confirmed by the US Senate, and I have given notice to the UN Secretary General that I will resign as Special Court Prosecutor on September 7. I will then

immediately take up the new post, which is based in the US State Department in Washington in the office of Secretary Hillary Clinton.

For almost a decade, I have been working to bring justice to the victims of the most serious crimes committed by humankind, first at the International Criminal Tribunal for Rwanda and then at the Special Court for Sierra Leone. In this new position, I will continue that work on behalf of the US Government to assist countries in achieving accountability after the widespread commission of violations of international humanitarian law, and by doing so help prevent the recurrence of these atrocities.

As I leave the representation of the prosecution in the Charles Taylor trial in the capable hands of my colleagues, I would like to express my gratitude to the people of the region. In my many visits to Liberia, I have always found people of great caring and compassion, who were deeply interested in work of the Special Court in finding the truth and achieving justice.

The Special Court's jurisdiction is limited to Sierra Leone, to the period from November 1996 to January 2002, and to persons bearing the greatest responsibility for serious violations of humanitarian law. Despite these limitations, it is my parting wish as its Prosecutor that it has increased the respect for the rule of law by all individuals, no matter how powerful, and thus contributed to lasting peace and security.

Thank you.

CharlesTaylorTrial.org (The Hague)

Liberia: Charles Taylor Did Not Have Individual Influence Over The RUF Leadership

Alpha Sesay

Charles Taylor today said he had no more personal influence over Sierra Leone's rebel forces than any other West African leader during Sierra Leone's brutal 11-year war, and deflected attention away from his relationship with the rebel group by pointing to the close military and financial ties between the rebel leaders and Nigerian peacekeepers.

Continuing along the similar themes as yesterday's testimony, Mr. Taylor reinforced to the Special Court for Sierra Leone judges that he was only able to convince the leadership of the Revolutionary United Front (RUF) rebels to yield to the demands of peace in Sierra Leone because he had "built the confidence and trust which is necessary in any mediation efforts."

Asked by his defense counsel Courtenay Griffiths whether he exercised any influence over the RUF rebels, Mr. Taylor said "none whatsoever."

The prosecution has alleged that Mr. Taylor had control over the RUF rebels who fought in Sierra Leone's civil war. Prosecution witnesses have testified that the Mr. Taylor supplied arms and ammunition to the RUF rebels and that the leadership of the rebel group was answerable to him. Witnesses have testified that Mr. Taylor was able to secure the release of United Nations peacekeepers held hostage by RUF rebels because he had influence over the rebel group's leadership. Mr. Taylor has denied these allegations.

In his testimony today, Mr. Taylor told judges that the rebel leadership listened to him just like they did to other West African leaders who were involved in facilitating a peaceful end to the conflict in Sierra Leone.

"Nigeria had very good contact with the RUF. Burkina Faso and Mali also had very good contact with the RUF. We built confidence and trust with them. They therefore took us seriously," Mr. Taylor said.

Mr. Taylor told the judges when Issa Sesay became interim leader of the RUF in 2000 after the incarceration of the rebel group's leader Foday Sankoh, all West African leaders involved in Sierra Leone's peace process were in regular contact with Mr. Sesay. "I was in contact with him [Issa Sesay] and all other heads of states were in direct contact with him," he said.

Mr. Taylor admitted that during this period, he maintained a guest house for use by the RUF in Liberia. He said that the RUF spokesman Gibril Massaquoi was based at the RUF guest house in Liberia for about six months.

Mr. Taylor also today discussed a September 9 2000 Guardian Newspaper article which reported that Nigerian peacekeepers in Sierra Leone were involved in diamond trade with RUF rebels. "There were indications that Nigerian soldiers were involved in the trade of diamonds," Mr. Taylor said.

Mr. Taylor said that Nigerian military commander, Maxwell Kobe (who was head of the Sierra Leone army) received up to 10 million USD from the RUF, and that former Economic Community of West African States Monitoring Group (ECOMOG) commander General Kpamber (also from Nigeria) worked with RUF leader Foday Sankoh. Mr. Taylor said that "some people referred to Kpamber as Sankoh's ADC [aide-de-camp]."

Mr. Taylor further told the court that in his efforts to consolidate peace in his troubled neighboring country after peace accords were signed in 1999, he tried to intervene when the Sierra Leone government started training the new Sierra Leone Army. Mr Taylor said he cautioned his neighboring government that all such trainings should cease until after the completion of the disarmament process. He said that he gave this caution because the training of military personnel while rebel groups were being disarmed could undermine the entire peace process.

"I saw that as a very disturbing factor because you will only discourage people from disarming. What is even troubling about it, you are doing this while disarmament is not over," Mr. Taylor said.

Mr. Taylor's testimony continues on Monday.

UNMIL Public Information Office Media Summary 20 August 2009

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Guinean Government Delegation Holds Talks With President Sirleaf in Monrovia

Aug 20, 2009 (Liberia Government/All Africa Global Media via COMTEX) -- Discussions aimed at fostering solidarity between Liberia and Guinea have taken place in Monrovia between President Ellen Johnson Sirleaf and the Vice President of the Guinean military government, General Sekouba Konate. Speaking Wednesday at the Foreign Ministry, the President assured the Government of Guinea of Liberia's support. Liberia, the President said, will continue to stand with Guinea, adding, "if Guinea has trouble, Liberia will have trouble." The Liberian leader reiterated an earlier assurance to the Guinean Government that Liberian territory will not be used to destabilize any of its neighbors. The President asserted that Guinea can rely on Liberia at all times as it takes concrete measures to move forward. President Johnson Sirleaf, who also chairs the sub-regional grouping, the Mano River Union, assured her Guinean counterparts that Liberia will constantly monitor its border. An Executive Mansion release says the President stressed the need for cooperation as both countries work towards improving their respective mining sectors.

Fighting Abuse In Liberia's Schools

New York, Aug 19 2009 6:10PM The top United Nations envoy to Liberia has stressed the need for greater awareness and behavioral changes to combat sexual exploitation and abuse in schools, and reiterated the world body's commitment to help the West African nation in its efforts. Ellen Margrethe Løj was speaking at a ceremony in the capital, Monrovia, during which the UN Mission in Liberia (UNMIL) handed over thousands of books containing messages aimed at raising awareness to deter perpetrators and offer support to young female students. Young girls are often intimidated or lured into having sex with teachers in exchange for grades, according to a news release issued by the Mission. Ms. Løj, the Secretary-General's Special Representative and head of UNMIL, emphasized the need for greater efforts to ensure that teachers do not take advantage of young girls under the pretext of teaching them, and called for reaching out to Liberian men about the need to change their behaviour. "We deeply feel that it's important for Liberian girls and women; we owe it to them to do our utmost to ensure that they are not victims of sexual exploitation and abuse and gender-based violence," she said.

International Clips on West Africa

Sierra Leone

15 killed as heavy rains lash S Leone capital: radio

FREETOWN, Aug 20, 2009 (AFP) - Fifteen people were killed in the Sierra Leone capital Freetown after torrential rains sparked a wall collapse and heavy damage elsewhere, state radio reported Thursday. Five of the victims died when the boundary wall of the Libyan embassy collapsed late Wednesday, the radio said. It fell on neighbouring shacks, trapping several people of whom 12 were rescued. The radio network did not specify the cause of the other deaths during the past 24 hours, but said that "properties worth millions of dollars" were also washed away. Sierra Leone's undulating seaside capital has skeletal infrastructure and a poor drainage and sanitation system,

much of which was further ravaged during a brutal decade-long civil war. The west African nation is lashed by severe rains every year, sparking house collapses and fatalities.

Ivory Coast

West Ivory Coast cocoa farmers fear poll turmoil

Thu Aug 20, 2009 1:24pm GMT---KOUDOUYO, Ivory Coast (Reuters) - Cocoa growers in the key western region of Ivory Coast fear a presidential election set for November 29 could revive land disputes and hurt plantation operations, farmers said on Thursday. The prospect raises the possibility of slimmer output from the world's biggest supplier during the main harvest. "We are very afraid of the next presidential election," said Adama Some, a farmer from Burkina Faso who has been growing in the Soubre region at the heart of the cocoa belt for 16 years. Ivory Coast's western region, which produces the bulk of the country's cocoa, has a history of conflicts between local people and the many farmers who come from other regions or from neighboring countries. Many of the growers in the cocoa belt are from Ivory Coast's central and northern regions. Farmers fear tensions stemming from the long-awaited poll in the country, still smarting from a 2002-03 civil war, could rekindle anti-foreigner sentiment.

Local Media – Newspaper

Police IG Somersaults, Denies Being a Novice in Policing

(The Monitor, Daily Observer, Heritage, New Democrat)

- Police Inspector General, Marc Amblard has denied ever telling the Senate that he was a novice in policing.
- Mr. Amblard challenged anyone to provide evidence quoting him as saying he knows nothing about policing.
- The Police Inspector General said he told the Senate's Plenary he did not attend the Police Academy but was confident of his ability to handle the affairs of the Liberia National Police.
- Meanwhile, the Liberia National Police says it has quashed the names of delinquent police officers from the payroll.
- Inspector Amblard said the LNP noticed over the period that several officers have gone on Absence Without Leave(AWOL)
- He said the salary of AWOL police officers would be infused into the payroll to benefit active police personnel excluding presidential appointees.

UN Envoy says Teacher and Student Sex Rife in Liberia

(The Analyst)

- The Special Representative of the United Nations Secretary General to Liberia, Ellen Margrethe Løj has spoken about a culture of sexual exploitation and abuse in schools in the country.
- Speaking when the UN Mission in Liberia (UNMIL) handed over thousands of books to raise awareness to deter teachers from propositioning young female students, Ms. Løj said young girls were being intimidated or lured into having sex with teachers in exchange for grades.
- She emphasized the need for greater efforts to ensure that teachers do not take advantage of young girls under the pretext of teaching them and called for Liberian male teachers to change their behavior.
- UN agencies in Liberia are part of a taskforce on sexual and gender-based violence that uses radio jingles, drama, billboards and posters to get the message across.

GAC Protest "Leak" of Over US\$1M CBL Transfer Deal Audit Report

(Heritage, National Chronicle, Daily Observer, The News, The Analyst, The Parrot)

- The General Auditing Commission (GAC) has expressed shock and disappointment over the leak of forensic audit report on the over US\$1 million Central Bank of Liberia transfer deal.

- Yesterday, the media reported that the Federal Bureau of Investigation (FBI) inquiry into the transfer deal had revealed that the signatures of President Ellen Johnson Sirleaf and three Finance Ministry officials were forged.
- A GAC statement termed the leakage as “unprofessional” saying there is a high probability that some of those audited may have willfully or mistakenly given out the document to the media.
- In early July, the General Auditing Commission (GAC) said it had solicited the expertise of FBI Forensic document examiner, Meredith Dekalb Miller to determine whether the signatures in the over US\$1 million transfer deal from the Central Bank to an Ecobank account were forged or not.
- The U.S. Embassy near Monrovia has however denied that the FBI was part of the probe saying if federal agents had participated in the matter they would have been alerted.

President Sirleaf Urges Diplomats to Empower Liberia’s Private Sector

(The Analyst, The News)

- President Ellen Johnson Sirleaf has called on diplomats accredited near Monrovia to help empower the private sector.
- President Sirleaf said the country depends on the private sector as an engine of growth for the economy.
- She spoke Wednesday when she received the letters of credence from the ambassadors of the United Kingdom and Ghana.
- President Sirleaf recounted the roles of the two countries in helping to restore peace to Liberia and lauded the UK for helping to secure debt relief and direct funding for post-conflict Liberia.
- The UK Ambassador for West Africa, Ian Hughes said his country was committed to helping Liberia in all sectors while the new Ghanaian Ambassador, Kenneth Asare Bosompem called for continuous cooperation between the two countries.

President Sirleaf, Guinean Government Delegation Holds Talks in Monrovia

(The Analyst)

- Discussions aimed at fostering solidarity between Liberia and Guinea have taken place in Monrovia between President Ellen Johnson Sirleaf and the Vice President of the Guinean military government, General Sekouba Konate.
- Speaking Wednesday in Monrovia, the President reassured the Government of Guinea that Liberian territory will never be used to destabilize its neighbors.
- For his part, General Konate lauded President Johnson Sirleaf for her continuous support and promised that his Government would work towards strengthening the Mano River Union as well as Guinea-Liberia relations.

Major Road Rehab Commences in Southeastern Liberia

(Daily Observer)

- Government has commenced the rehabilitation of two major road projects in South-eastern Liberia.
- The projects will connect Fish Town in Harper, Maryland County, and Pyne Town in Greenville, Sinoe County, both in southeastern Liberia.
- A Ministry of Public Works (MPW) press statement issued in Monrovia said, the construction works were being carried out by two Ivorian construction companies, M. Thinet Thap RCL and SEK, through official contracts.
- Public Works Minister, Samuel Kofi Woods said the rehabilitation works in southeastern Liberia were in fulfillment of the Liberian Government’s promises to connect the seats of the 15 political sub-divisions of the country by road.

Local Media – Star Radio (*culled from website today at 09:00 am*)

DEA Confirms That Liberia Major Transit Point for Drug Trafficking

- The Drug Enforcement Agency (DEA) has confirmed report that Liberia is a major transit point for drug trafficking.

- The head of the DEA, Col. James Jaddah said the situation is so alarming that foreigners flocked the country daily with the trade.
- Col. Jaddah said the DEA was getting increasingly impatient with the arrest of traffickers when there are no strong drug laws on the books to serve as deterrent.
- He referred to the current law as a health law which he said was not strong enough to deal with violators.
- The DEA Chief statement followed a new UN report which describes the drug trade in Liberia as a serious threat to the country's stability.

(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)

Police IG Somersaults, Denies Being a Novice in Policing

(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)

President Sirleaf Urges Diplomats to Empower Liberia's Private Sector

(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)

* * * *

Voice of America

Friday, 21 August 2009

UN nominates new co-prosecutor for ECCC

The UN has submitted a list of two nominations for outgoing international co-prosecutor Robert Petit at the Extraordinary Chambers in the Courts of Cambodia (ECCC) to the Cambodian Supreme Council of the Magistracy.

UK prosecutor Andrew Cayley, who is currently defending the Liberian president at La Hay, and Paul Coffey, an alternative prosecutor for Robert Petit, are named, a press release issued by the ECCC said on August 20.

Robert Petit submitted his resignation in June after his request to expand the investigation of Khmer Rouge crime elements was not accepted.

The Cambodian Supreme Council of the Magistracy will announce its final decision at the end of the month.

Radio Netherlands Worldwide

Thursday, 20 August 2009

Tribunal judge says Karadzic case ready to start

By International Justice Desk



The Hague, Netherlands

The war crimes trial of former Bosnian Serb leader Radovan Karadzic is ready to begin, the judge presiding over pre-trial proceedings of the case

said on Thursday.

"It's my opinion that this case is now ready for trial and that is the report I will submit to the president (of the tribunal)," Judge Iain Bonomy said at a hearing of the International Criminal Tribunal for the former Yugoslavia (ICTY).

Bonomy, who is standing down from the court for personal reasons and was presiding over a Karadzic pre-trial conference for the last time, has previously stated the trial should begin in September.

He again urged the prosecution to reduce the charge sheet in a bid to speed things up, and advised Karadzic "to devote adequate time to preparing to deal with the ... evidence that will be led at the trial". Court spokesman Christian Chartier said Bonomy's final report to ICTY president Patrick Robinson was likely to recommend a date for the trial to start.

With Bonomy's departure, a new pre-trial chamber will be constituted "very soon", which would decide on the trial date, he added.

Karadzic stands accused of 11 charges of genocide, war crimes and crimes against humanity, including for the 44-month siege of Sarajevo that left 10,000 people dead, and the July 1995 massacre of around 8,000 Muslim men and boys in Srebrenica.

Karadzic denies all charges.

For more information on the Karadzic case see the ICTY website

Mmegi Online

Tuesday, 18 August 2009

Like Al Bashir BDP leaders must face ICC

I wish to present my views as regards the warrant of arrest by International Criminal Court that the President of Sudan, Omar Al Bashir must be brought before the international law for the crimes he has committed in Sudan, especially on the indigenous people of that country.

I totally agree with the BDP government that Al Bashir must be taken to ICC to face his crimes on war and against humanity. I do not necessarily endorse political institutions like ICC and do not subscribe to BDP politics, but I agree with their present stance on what is happening in Sudan. Al Bashir is a criminal who has done more harm to the people of Sudan that he doesn't deserve pity by any African who has the real love for the continent of Africa. Al Bashir`s government has been conniving with international corporations in taking oil from Sudan to their countries. The countries involved include;

China, Germany, America, India, Malaysia, Lybia, Chad and South Africa. These countries take oil from Sudan to boost industrial development in their countries. In fact, China gets almost 50 percent of Sudan`s oil rigs which serve as the main booster of their industries` production. The international corporations, especially those of China have in return to Al Bashir`s 'good' gesture supplied him with arms and ammunition for him to suppress the resistance against oil exploitation by Sudanese people. The militia Arab nomads known as the Janjaweed have been financed by Al Bashir`s government to unleash fierce attacks on the indigenous Sudanese who continue to be raped, tortured and murdered.

Bashir and his government have long played the economic discrimination game as they continue to empower the Sudanese of Arab descent over those of African descent. This is evidenced by the fact that Sudan today is divided into two areas; Khartoum and Darfur. Khartoum is a place populated by majority of Africans of Arab descent who are also Muslims, whereas Darfur has majority of people of African descent who do not subscribe to Islam. Bashir being a Muslim has favoured the Islam Sudanese and neglected the true people of Sudan. Al Bashir is carrying the legacy which the Arabs used during their initial interaction with Africans; conquering Africans and resources of their land.

Islam like Christianity was brought to Africa to conquer Africans that is why we have Africans who bear Arabic names and take Arabic as their native language. Slavery, as a capitalist craft of the white and yellow race, is still carried on by its architectures on Africans.

It is in this light that I am forced to agree with those who call for the capture of Al Bashir as it is even long overdue. But the real solution does not end with International Criminal Court but in Sudanese movements such as those initiated by the late John Garang and his colleagues to smash the racist Arab regime and establish one which would ensure equitable distribution of wealth among all citizens of that country.

However, the Botswana Democratic Party government is equally at fault in the ill-treatment of Basarwa and therefore deserves to be taken before the international law.

The BDP government has ever since its attainment of power carried on the legacy of British colonialism in Botswana.

Basarwa, who were brutally robbed of their means of survival; land and animals by the British and Dutch conquerors during the colonial era were never considered to have full rights over the remaining pieces of

land which they have occupied. Basarwa are amongst the so-called minority tribes under Botswana Constitution, despite the fact that all tribes existing in Botswana came after them. Recently we witnessed the BDP government forcefully removing Basarwa from their ancestral land Xade (which BDP Government calls Central Kalahari Game Reserve because they value animal life over those of mankind) for diamond and tourism prospects.

Comrade Roy Sesana who has been leading the struggle against removal of his people from Xade made it clear that his organisation is not against the modern developments already taking place in Xade but rather that their fight is about fair share of profits to be derived from such business ventures. I still recall him telling the then Minister of Lands Margret Nasha, that they as Basarwa would want to see their children attending schools which offer quality education and that Basarwa also deserve to drive luxury cars like BMW X5 which the BDP Big-fish drive. So it is false propaganda to want to claim that Basarwa want to be stuck in their past way of life to remain in Xade for the sole reason of hunting and gathering. Basarwa seek equal treatment, justice and the right to live like the so called 'majority tribes' and nothing less.

The BDP has failed to grant Basarwa the royalty rights of natural resources found in CKGR so as to elevate them from the bottom ladder of Botswana's economy. Driven by their political ideology of monopoly and putting profit before the people, the BDP government has instead pushed Basarwa from their land by the use of its security apparatus to a place with very insignificant development structures, New Xade. Though the BDP government claimed to be putting Basarwa on mainstream way of life by taking them to New Xade, Basarwa began to live a barbaric life as they drown their sorrows in alcohol and tobacco consumption as the future is bleak for them. As a result many of them are infected with HIV/AIDS ever since they joined the mainstream of life. The life Basarwa live in New Xade is not worth calling life - it is hell.

Whilst BDP supports the trial of Al Bashir by the International Criminal Court, they also must be warned that the eyes of liberty are watching them as they keep Basarwa under subjugation. Today its Omar Al Bashir, tomorrow it will be BDP leadership. The BDP leadership should consider themselves lucky that the former United States Congressman, William Jefferson, who has been charged with corrupt practices, managed to sway the American government to classify Botswana diamonds under their 'Clean Diamonds Act' as a result of his three 'unofficial' visits to Botswana.

Gaontebale Mokgosi
Ramotswa

Agence France Presses

Monday, 17 August 2009

Prosecute Austrian soldiers for WWII crimes

By International Justice Desk



Munich , Germany

Austrian soldiers suspected of World War II massacres should be prosecuted, an Austrian deputy said Sunday, after a German court found a former army commander guilty of warcrimes last week.

In a statement issued on the 66th anniversary of a civilian massacre in Kommeno, Greece, Social Democrat deputy Johann Maier

said it was time go after Austrian soldiers implicated in such crimes.

"Since the names of the mountain infantrymen (Gebirgsjaeger) involved in war crimes are known, the Austrian justice system should move against those soldiers in Austria who are still living," he said.

Numerous war crimes committed by Germany's Wehrmacht in occupied countries like Greece, Italy and the former Yugoslavia, had so far gone unpunished, Maier insisted.

"From 1943 on, soldiers from the 1st Mountain Gebirgsdivision took part in numerous massacres of civilians, the shooting of hostages and the murder of prisoners of war in the former Yugoslavia, Albania and Greece," he said.

Many in this division were Austrian, he noted.

In Kommeno, 317 men, women and children were killed by the Division's 12th Company on August 16, 1943, he said.

Further massacres of civilians took place in Lyngiades, Skines, Lamerivio, Paramythia and Mousiotitsa, while on the island of Kefalonia, German troops executed some 5,000 Italian prisoners of war.

Mountain infantrymen also worked with the local secret police to deport Greek Jews in Ioannina, Maier said.

"There is no statute of limitations for murder, and Austria is no exception," he added.

On Tuesday, a court in Munich convicted a 90-year-old former German army commander for the murder of 10 people in a mass killing that ultimately claimed the lives of 14 villagers in the Italian town of Falzano di Cortona in 1944.

Josef Scheungraber, a commander of Gebirgs-Pionier-Bataillon 818, was sentenced to life in prison in what was expected to be one of the last cases in Germany dealing with atrocities of the Nazi era.

Source: AFP

Photo: Flickr ([RobW](#))

The island of Kefalonia, where German troops executed some 5,000 Italian prisoners of war

Aba Journal

Thursday, 20 August 2009

DOJ Nazi Hunters Shift Focus to Perpetrators of New Atrocities

By Debra Cassens Weiss

Nazis responsible for Holocaust atrocities are dying out, but the Justice Department unit responsible for extraditing them from U.S. soil continues to operate, albeit with a new focus.

The Office of Special Investigations, created in 1979, has won deportation orders against 107 immigrants suspected of lying about their pasts on citizenship forms and prevented another 180 from entering the United States, the Washington Post reports. The unit continues to race to extradite the few remaining Nazis in the United States, but it has expanded its mission.

Now the unit is focusing on new war crimes, a more difficult mission given the lack of detailed records like those kept by the Nazis. The unit is investigating 80 cases in which people are suspected of lying about genocides and other human rights violations to enter the country.

In one of its leading cases, the unit is trying to deport 82-year-old Lazare Kabaya Kobagaya, a resident of Topeka, Kan., suspected of taking part in the 1994 Rwandan genocide.

But the unit may not survive in its present form. Lanny Breuer, assistant attorney general for the Justice Department's criminal division, told the Post it could be merged with the department's domestic security section, recently in the news for its prosecution of Charles Taylor Jr., the son of Liberia's former president. Taylor was sentenced to 97 years in prison for his role in the torture of political opponents.

Jurist

Thursday, 20 August 2009

Risky Business: An International Tribunal for Guantanamo Detainees?

Op-eds on legal news by law professors and JURIST special guests...

JURIST Contributing Editor Michael Kelly of Creighton University School of Law says that the notion of setting up a special international tribunal to try Guantanamo detainees - most recently floated in an op-ed in the New York Times - is not as promising as it might at first appear...

Mssr. Guénaël Mettraux, a respected defense counsel for international criminal tribunals in The Hague, has suggested in the New York Times that creation of an international criminal tribunal would be the best way for the Obama Administration to deal with the Guantanamo Bay detainees. This idea has been floated before, but has not gained much traction. True, it would shore up American support for international law and multilateral institutions, raise our stock in the U.N. Security Council, and finally provide some kind of legal process for those lingering in the legal black hole of Gitmo. But the flipside of this proposition is characterized by extraordinarily lengthy and costly trials probably located somewhere distantly removed from the evidence and witnesses needed for both prosecution and defense. Trials of major war criminals at the Yugoslav tribunal extended for years and cost millions.

And, although I am a supporter of international criminal tribunals, it must be noted that these institutional creatures are not all apples and apples. The International Military Tribunal at Nuremberg established by the Allied powers after World War II, glowingly noted in Mettraux's op-ed, was widely viewed as nothing more than victor's justice. The Tokyo Tribunal moreso. They were important antecedents to today's tribunals, but they were hardly perfect. The Yugoslav and Rwandan tribunals were established in The Hague and Arusha - physically removed from the countries where the underlying atrocities took place so as to neutralize them, and staffed exclusively with international specialists to ensure impartiality. This was, in part, a corrective to the Nuremberg and Tokyo experiences, which took place in the ravaged countries of the defeated powers, and in part necessary in the case of the Yugoslav tribunal as the Balkan wars were still underway when the court was established.

The weaknesses of these experiences were thought to have been corrected by the time so-called "hybrid" tribunals began to walk the international landscape. Tribunals for atrocities in Sierra Leone and Cambodia were located back in the countries in question and staffed with a blend of internationalists and local judges and attorneys. Again, the record of success that emerges is mixed. The Sierra Leone tribunal got off to a good start under the leadership of David Crane, its first prosecutor, but faced with the trial of Charles Taylor, the Liberian warlord responsible for most of the suffering in that area, the tribunal had to send him to The Hague for trial in the face of increasing security concerns, thereby undermining one of the key aspects of the hybrid tribunal model. The Cambodian tribunal has since its inception been beset by political intrigue trickling down from the unstable government in Phnom Penh. Several years on, progress on prosecuting the perpetrators of the killing fields remains elusive.

The new Lebanon tribunal, designed to investigate and prosecute those involved in the assassination of former Lebanese prime minister Rafik Hariri, reflects yet another adjustment. Located outside Lebanon and staffed with 2/3 internationalists and 1/3 Lebanese judges and attorneys, the court's jurisdiction encompasses what amounts to terrorism. This is a new wrinkle, especially as there is no agreed international legal definition for the crime of terrorism. Traditionally, ad hoc criminal tribunals dealt with only the "big 3" - genocide, war crimes and crimes against humanity.

Any international tribunal for Gitmo detainees would have to encompass prosecution for terrorism as well as violations of the laws of war. Placing it in Afghanistan (where most of the detainees were captured) would be problematic for obvious reasons. So to would be staffing it with a blend of local and international specialists. Afghanistan is barren of an effective bench and bar. About the best that could be done is for international judges and lawyers to participate alongside those from other Islamic societies, which would actually be a big step forward. Participation from the Islamic legal world in the development and functioning of international criminal law institutions is meager. Buy-in from that sector would be critical to the tribunal's legitimacy. Geographic placement in Cairo instead of The Hague would also be a symbolic and meaningful gesture. The well-developed lawyer class in Egypt could be tapped to assist, as well as the penal system - keeping Islamic convicts in jail in an Islamic country. But such a venture must be undertaken only with the caveats mentioned above fully in mind.

To the extent that the crimes of the Gitmo detainees occurred after July 1, 2002, prosecution at the permanent International Criminal Court could be an option if its jurisdiction were altered to include crimes of terrorism. That would be a contentious definitional quagmire. But states parties to the Rome Statute that created the court would be well-served to tackle this issue and include it in the ICC's mandate for future use. Domestic prosecution in the U.S. is fraught with difficulty - both legal and political. The Obama Administration is apparently in talks with Governor Jennifer Granholm of Michigan to secure a prison facility north of Detroit to house the detainee population that remains. It is also considering rescuing the military commissions system in Gitmo. There are no good options at this point, only "least worst" ones. Mssr. Mettraux's suggestion, echoing one I made on these pages last year, may be a "least worst" option, but the perils of failure are still quite high. That's no reason not to try, but it would be wise to remain cognizant of them.

Michael J. Kelly is Professor of Law, Associate Dean for International Programs at Creighton University in Omaha, Nebraska, and Chair of the Association of American Law Schools Section on National Security Law. The views expressed here are not those of the AALS.

August 20, 2009

Daily News

Thursday, 20 August 2009

<http://www.nydailynews.com/opinions>

Here's a good case for killing the death penalty

Opponents of the death penalty have reason for hope this week. Two high-profile cases are exposing the sick, barbaric folly of execution in America.

When the U.S. resumed executions in 1977, only 16 nations had abolished the death penalty; the number has since grown to 92. Five nations now carry out more than 90% of the world's executions: Iran, Pakistan, Saudi Arabia, China - and the United States.

We're in pretty grim company.

But this week, America took a step toward evolving in the direction of the civilized world.

In Georgia, a man on Death Row got an extremely rare ruling from the U.S. Supreme Court.

And in Texas, a high-ranking judge is herself on trial - prosecuted for misconduct after callously refusing to hear the eleventh-hour appeal of a prisoner who was about to be executed.

The latest development in the Georgia case of Troy Anthony Davis is awe-inspiring.

For the first time in 50 years, the justices ordered a federal court to reopen a state murder case - even after a long line of appeals - and hear newly discovered evidence that might exonerate Davis.

As I've written in columns since 2007, the evidence of Davis' innocence is overwhelming. He was convicted in 1991 of the point-blank shooting of a Savannah police officer in a case with scant evidence: There was no murder weapon found, no confession, no fingerprints or other physical evidence.

Davis was sent to Death Row on the strength of nine witnesses. Seven have since recanted in sworn statements, with many claiming police coercion. An eighth witness first told cops he didn't know who the killer was, then "remembered" it was Davis two years later.

And the ninth witness, who originally pointed the finger at Davis, may be the real killer. Three new witnesses now say he was the shooter. (Details about the case are at troyanthonydavis.org.)

It took marches, rallies, media coverage and an active international movement and appeals from well-known people - including former FBI Director Williams Sessions, ex-Rep. Bob Barr (R-Ga.), Desmond Tutu and Pope Benedict - to get the high court to act.

The Supreme Court ruling signals that actual innocence counts for something in a land where so many scream for blood.

Another encouraging scene is unfolding in Texas, where Sharon Keller, presiding judge of the Texas Criminal Court of Appeals, yesterday took the witness stand in her own defense.

Keller has been charged with misconduct by the Texas Commission on Judicial Conduct and could be kicked off the bench for her actions on the night in 2007 that the state executed Michael Wayne Richard, a rapist and murderer.

On the day Richard was scheduled to be killed, the U.S. Supreme Court ordered a halt to executions in Kentucky based on a claim that lethal injections might be painful and therefore an unconstitutionally cruel form of punishment.

Richard's lawyers, frantically attempting to stay his execution based on the ruling in the Kentucky case, called Keller's aides shortly before the court's closing time, begging them to keep the court open for 15 to 30 minutes - long enough to allow papers to be filed.

At 4:45 p.m., the request was passed to Keller, who presides over the very last stop for criminal defendants in the Lone Star State.

"We close at 5," she said. Richard was executed at 8:23 that evening. And on the stand yesterday, Keller said that, if faced with the same situation, she'd slam shut the doors of the courthouse again.

That stiff-necked indifference to fairness and justice make Keller - "Killer Keller" to her critics - a poster child, along with Davis, for why we must end the death penalty.

elouis@nydailynews.com