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Former Liberian president Taylor should be a "free man": judge

Sara Webb

Reuters

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AMSTERDAM (Reuters) - Former Liberian President Charles Taylor should have walked free and not been jailed for war crimes because there was not enough evidence to prove he was guilty beyond reasonable doubt, a judge involved in his trial said in a magazine interview.

Justice Malick Sow's criticism of how the trial was conducted and of the final decision-making process are likely to be seized on by Taylor's defence lawyers as part of his appeal.

Taylor, 64, was the first head of state convicted by an international court since the trials of Nazis after World War Two.

He was jailed in May for 50 years for helping Sierra Leonean rebels commit what the United Nations-backed court in The Hague called some of the worst war crimes in history.

Sow, from Senegal, was an alternate judge at the Special Court of Sierra Leone that tried Taylor in The Hague, which meant he could step in if one of the three judges was unable to complete the trial.

When Taylor was convicted in April, Sow tried to read out a dissenting opinion, but was prevented from doing so by the court. He no longer works there.

Taylor "should have been a free man at this stage because I haven't seen the proof of guilt of the accused," Sow said in his first interview about Taylor's trial, published in the December edition of New African magazine.

Sow could not be reached for comment by Reuters, but a person close to him verified his quotes in the interview.

"I couldn't be indulgent in the face of the countless contradictions, lies, deceptions and manipulations in this trial, and conclude that the accused was guilty beyond reasonable doubt of the crimes he was charged with," Sow told the magazine.

"International justice cannot be based on rumours. These are mass crimes. This is where we must

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have the highest standard of proof. It's about proving the guilt of the accused beyond reasonable doubt. But they didn't even reach the lowest standard of proof."

Sow criticized the payment of witnesses and some of the witness statements.

"The accused came with very official papers, with witnesses who were at the frontline, witnesses who were main actors of this whole conflict. How can you compare these witnesses with those people who didn't get even close to the scene?" he said.

"The prosecution's case by itself is so insufficient, so unreliable. It's about people contradicting themselves, people denying what they had said in previous statements."

In the interview, Sow said it came as a "a total surprise" to hear in court that the three judges had reached a unanimous decision.

"In each of the very few times we discussed anything, there were very different opinions," he said.

He said he had been excluded from the final discussions about Taylor, and questioned whether one of the three judges, who had already been appointed to the International Court of Justice in The Hague, should have remained as a judge at Taylor's trial.

Morris Anyah, Taylor's lawyer, said he wants to call Sow as witness in the appeals process and has asked for a waiver of Sow's immunity from being called as a defence witness.

(Editing by Jon Hemming)

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