

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

**PRESS CLIPPINGS**

**Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:**

Friday, May 28, 2004

The press clips are produced Monday to Friday.  
If you are aware of omissions or have any comments or suggestions please contact  
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**Special Court for Sierra Leone**  
Press and Public Affairs Office

**PRESS RELEASE**

**Freetown, Sierra Leone, 27 May 2004**

**The new President of the Special Court for Sierra Leone**

Justice Emmanuel Ayoola of Nigeria has been named the Presiding Judge of the Appeals Chamber, a position which makes him the President of the Special Court.

The decision came late Wednesday during the 5<sup>th</sup> Plenary of the judges of the Special Court for Sierra Leone. Justice Ayoola succeeds Acting President Justice Renate Winter of Austria. Justice Raja Fernando of Sri Lanka was elected as Vice President.

Justice Ayoola has served as a Nigerian Supreme Court Judge, the President of the Seychelles Court of Appeal, and was former Chief Justice in the Gambia. He has been a Vice President of the World Judge's Association, and won the U.N. Human Rights Fellowship Award in 1966. Justice Ayoola is a graduate of London and Oxford Universities. He has edited the Seychelles Law Digest, the Law Reports of the Gambia, and the Nigerian Monthly Law Reports. He was appointed a Special Court Justice in December 2002.

Justice Fernando has been a Judge in Sri Lanka since 1992, and has recently been elected to the Supreme Court. From 1995 to 1996 he served as Director of Public Prosecutions in Belize. Prior to 1992 he served as Senior State Counsel in the Attorney-General's Department in Sri Lanka, and as Judge Advocate of the Sri Lanka Navy at the rank of Commodore. He was sworn in as a Justice of the Special Court on 10 March 2004.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996. To date, the Prosecutor has indicted eleven persons on various charges of war crimes, crimes against humanity, and other serious violations of international humanitarian law. Nine indictees are currently in the custody of the Court.

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Concord Times

Friday May 28, 2004

# Nigeria takes over Special Court

Nigerian born, Justice Emmanuel Ayoola has been named Presiding judge of the Appeals Chambers, which automatically makes him President of the Special Court.

According to a Special Court Press Release issued yesterday, "the decision came late Wednesday during the 5th Plenary of the judges ..."

He succeeds Acting President Justice Renate Winter of Austria while Justice Raja Fernando of Sri Lanka was

elected as Vice President.

Justice Ayoola has served as a Nigerian Supreme Court Judge, President of the Seychelles Court of Appeal, and was former Chief Justice in the Gambia.

He was Vice President of the World Judge's Association and 1966 winner of the U.N. Human Rights Fellowship Award.

Justice Ayoola is a graduate of London and Oxford Universities.

Justice Fernando has been a judge in Sri Lanka since 1992, and has recently been elected to the Supreme Court.

From 1995 to 1996 he served as Director of Public Prosecution in Belize. Prior to 1992, he served as Senior State Counsel in the Attorney General's Department in Sri Lanka, and Judge Advocate of the Sri Lanka Navy at the rank of Commodore. He was sworn in as Justice of the Special Court on 10 March 2004.

The Exclusive

Friday May 28, 2004

# Nigerian Heads Special Court

A Nigerian, Justice Emmanuel Ayoola has been named the Presiding Judge of the Appeals Chamber, a position which makes him the  
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## Nigerian Heads Special Court

### From front page

President of UN-backed Special Court for Sierra Leone.

According to a release yesterday, "the decision came late Wednesday during the 5<sup>th</sup> Plenary of the judges of the Special Court for Sierra Leone."

The Nigerian legal luminary succeeds Acting President Justice Renate Winter of Austria while Justice Raja Fernando of Sri Lanka was elected as Vice President.

Justice Ayoola has served as a Nigerian Supreme Court Judge, the President of the Seychelles Court of Appeal, and was

former Chief Justice in The Gambia.

He also served as Vice President of the World Judge's Association, and won the UN Human Rights Fellowship Award in 1966, the release states.

The new President is a graduate of London and Oxford Universities and he has edited the Seychelles Law Digest, the Law Reports of The Gambia, and the Nigerian monthly law Reports.

Justice Ayoola was appointed a Special Court Justice in December 2002.

The Vice President, Justice Fernando has been a Judge in Sri Lanka since 1992, and has recently been elected to the Supreme Court.

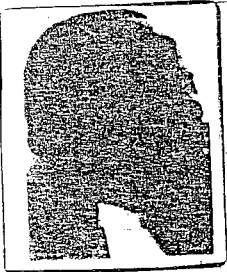
From 1995 to 1996 he served as Director of Public Prosecutions in Belize. Prior to 1992 he served as Senior State Counsel in the Attorney-General's department in Sri Lanka, and as Judge Advocate of the Sri Lank Navy at the rank of Commodore. He was sworn in as a Justice of the Special Court on 10 March, 2004.

Friday May 28, 2004

# DRAMATIC DEVELOPMENTS AT SPECIAL COURT

By James B. Sawyer

As Justice Geoffrey Robertson QC of the Special Court withdraws from determining a preliminary motion claiming immunity filed by former Liberian President, Charles Taylor, because of a remark published by the Judge several years ago, he has also made it clear that there was no way that any personal view which he could have expressed could interfere with



**Justice Ayoola**  
his judgment of the immunity issue which raises a question of international



**Judge Geoffrey Robertson**

law. Justice Geoffrey Robertson has further assured that to re-

move any possible concern that an applicant, who is not before the court could be unfairly treated; has voluntarily decided to withdraw from any determination of Charles Taylor's immunity motion.

Justice Geoffrey Robertson has further argued that in the event that the former Liberian President should appear before the Special Court, he

would not try his case because he is a member of the Appeals Chamber and not a member of the Trial Chamber. He further assured that if for some reason in the fu-

ture, Charles Taylor appeals after an initial trial, he would not preside over the appeal of Charles Taylor or any other application relating to Charles Taylor.

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He insists that his position must be made clear if only to relieve Mr. Charles Taylor of any possible reason to believe that his trial at the Special Court would be other than fair. In another development, the Special Court has a new president in the person of the Nigerian born Justice Emmanuel Ayoola as he has been named the Presiding

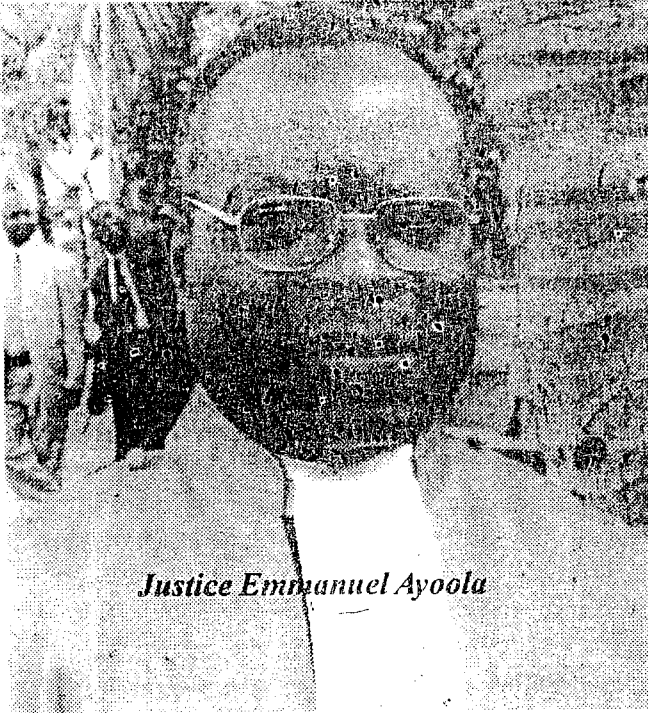
Judge of the Appeals Chamber. The Presiding Judge of the Appeals Chamber becomes the President of the Special Court. The decision to appoint Justice Emmanuel Ayoola as President of the Special Court was taken during the 5<sup>th</sup> Plenary session of the judges of the Special Court for Sierra Leone.

Justice Ayoola succeeds acting President, Justice Renate Winter of Austria as Justice Raja Fernando of Sri Lanka assumes the office of Vice President. Justice Ayoola served the Nigerian Supreme Court and also became president of the Seychelles Court of Appeal and was former Chief Justice in The Gambia.

Awoko

Friday May 28, 2004

# Justice Ayoola now President of Special Court



Nigerian born Justice Emmanuel Ayoola has been named as the Presiding Judge of the Appeal Chamber, thus making him the President of the Special Court. The decision was reached during the 5<sup>th</sup> Plenary of the Judges of the Special Court for Sierra Leone, last Wednesday. Justice Ayoola succeeds Acting President Justice Renate Winter of Austria. Justice Raja Fernando of Sri Lanka was elected as Vice President. According to a Press Release from the Special Court, Justice Ayoola

*Contd. Page 2*

**From Front Page**  
has served as a Nigerian Supreme Court Judge, as President of the Seychelles Court of Appeal and was a Chief Justice in the Gambia. Justice Ayoola had also been Vice-President of the World Judge's Association, and won the United Nation

**Human Rights**  
Fellowship Award in 1966. The new President of the Special Court has edited the Seychelles Law Digest, the Law Reports of the Gambia and the Nigerian Monthly Law Reports. He joined the Special Court in December 2002. Vice-President Justice Fernando has been a judge in Sri Lanka

since 1992 and has recently been elected to the Supreme Court. From 1995 to 1996 he served as Director of Public Prosecutions in Belize. Prior to 1992 he served as Senior State Counsel in the Attorney General's Department in Sri Lanka and a Judge Advocate of the Sri Lanka Navy at the rank of commodore. He was sworn in as a Justice of the Special Court on March 10 2004.

Sierra News

Friday May 28, 2004

# Nigerian now President of Special Court

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General's Department in Sri Lanka, and as Judge Advocate of the Sri Lanka Navy at the rank of Commodore. He was sworn in as a Justice of the Special Court on 10 March 2004.

May 25, 2004

A job worth taking a £950,000 pay cut for

Interview by Frances Gibb

It is a dangerous posting with many drawbacks, but Desmond de Silva is determined to see that justice is done in Sierra Leone

DESMOND DE SILVA strode through the Temple, greeted by barrister colleagues as a man returned from distant parts. As he headed off for a much-anticipated roast at Simpson's-in-the-Strand, the deputy prosecutor at the war crimes tribunal in Sierra Leone agreed that his fleeting London visit was a bit like being on parole. "People do come and visit me but it is a bit lonely," he confessed. "They bring me luxuries — pâté de foie gras. Necessities I can do without — luxuries I need."

It is 18 months since he took up his post of bringing to book the main perpetrators of the atrocities in the 11-year civil war in Sierra Leone. With the first trials shortly to begin, all the ground work is about to pay off. It has been a difficult and dangerous haul, but de Silva is utterly committed. "The people who carried out these atrocities have got to be brought to account."

The brief, which many would have turned down, went to de Silva at the request of President Kabbah, who was a pupil in de Silva's chambers at 2 Paper Buildings. Kabbah also knew him from 1967, when de Silva, then 27, defended former members of the Government there on treason charges. All the defendants had been sentenced to death but the defence team got the convictions quashed. Kabbah was named as one of the co-conspirators. "So in one sense it was saving his life."

But the job could have gone to de Silva without that connection. With a list of cases like a roll call of the famous, he is thought to have been earning £1 million a year at the Bar — top-rate for a criminal QC. So why give it up, with the niceties of London life, for a job paid \$75,000 a year with no perks?

"I can't even go to the beach at weekends without having a guard with a machinegun strapped to his waist," he says. "I felt I should do it. In Africa in particular, people have been seen to be getting away with the most horrendous barbarities and I felt the rule of law should come into play again and that I owed it to Africa, after 40 years at the Bar, to go to see if some good might be brought into these circumstances."

At first he was a guest of the Americans — "but it was all hamburgers and no wine" — and now he lives in a former brigadier's house with a small staff and its own helipad. The constant security measures, though, are a reminder of the risks. "It's dangerous here for two reasons: this tribunal, like no other, is a national tribunal operating in the 'theatre' of the crimes. That's to say I walk the same streets as the people I have to prosecute. They



are warlords and have large followings whom they can bring to the hearings. Secondly, I am living in a country with every disease known to man outside the front door.”

Half his staff have had typhoid and he has had a bout of malaria. “It’s a difficult posting,” he says wryly. “If the British Army sent their officers, I don’t think they’d be allowed to remain for more than a month.” Lifestyle apart he misses his wife, Princess Katarina of Yugoslavia, and his 13-year old daughter.

De Silva, 64, is an endangered species at the Bar. A larger-than-life character who almost hams up his grandiose and flamboyant style, he is refreshingly frank — “political correctness is a sort of censorship”. Despite a taste for publicity, his warmth and bonhomie make him entertaining company. His early practice was built on prosecuting, but success soon put him in demand from defence lawyers. He has also taken many cases in other jurisdictions (“I go abroad once a year”) and he has been credited with having saved more people from capital punishment (35 in all) than any other member of the Bar, earning him the nickname Scarlet Pimpernel. Sadly, not all his efforts have succeeded: he was hired to act for Mariette Bosch, who was convicted in Botswana of murdering her best friend so that she could marry the woman’s husband. Two British judges on the Court of Appeal were removed at the last minute and the appeal failed.

Other trials include prosecuting Roderick Newall, an army officer who killed his parents; defending Lord Brockett in his Ferrari car insurance fraud trial; and the Roger Levitt fraud trial. But in recent years he has carved out a niche in the sporting world: he defended the goalkeeper Hans Segers in the 1997 match-fixing trial; Ron Atkinson in a road-rage trial in 1998; Lee Bowyer, who was accused of GBH and affray in an attack on a student in 2001; and John Terry in a 2002 trial in which the Chelsea defender was accused of affray and use of an offensive weapon. De Silva won all four.

Ironically de Silva knows little about football, and likes it even less. “I admit,” he says, “I really take little interest in it.” He had never heard of Segers until asked to represent him and had never watched a football match. His hobbies are shooting, travel and politics (he was a Conservative councillor in the City of London for 15 years) and in Freetown he is learning golf, though near one of the holes is a “swamp known to carry away golfers”. What next? He was offered the job of prosecutor for the Iraqi war crimes tribunal, in which he would have brought Saddam Hussein to justice. TV reports of the captured Saddam featured comments from de Silva. Soon after his name was put forward. “I considered it, but I came to the conclusion that going to Iraq was even more dangerous than Sierra Leone,” he quips.

More compelling factors were that his work in Sierra Leone is unfinished, and also what he sees as the unsatisfactory format of the Iraqi tribunal. “The present court (in Sierra Leone) is a remarkable success story,” he says. “People can see what we are doing and see that justice is being achieved in their backyard.” Its work is also time limited, so the results should be swift, and it involves both local and international judges. By contrast, he says, the Iraq tribunal risks lacking international legitimacy. “I am very saddened by the fact that the Iraqi court did not follow our example and set up a proper international

tribunal. It would be seen to be legitimate by the Arab countries . . . the least favourable alternative is to have Iran, Kuwait and Iraq — all of whom are ‘at war’ with one another because of the recent past — dealing with the matter.”

The unfinished business in Sierra Leone is to ensure that the main perpetrators are brought to trial. Charles Taylor, the former Liberian President-cum-warlord, is still seeking asylum in Nigeria. But, de Silva says, it is “very, very important” that he is handed over to the tribunal. “He is someone who has been at the centre of the troubles in a whole region for a very large number of years.

He appeared to be very deeply involved in the barbarities committed in Sierra Leone, which were committed just for control of the diamond fields. And I do hope that Nigeria, which is signed up to international agreements not to harbour war criminals, will find itself able to hand him over.”

A failure to prosecute Taylor would run counter to the whole basis of international criminal law since the Nuremberg and Tokyo war crime trials, he says. “It took 50 years for the world to realise that there were going to be other monsters who had to be brought to account. Nuremberg proved that no man should enjoy immunity from prosecution simply by being a head of state and I am anxious to ensure that there should not be an exception to the Nuremberg principle.”

It’s a far cry from champagne and the high-society circles that de Silva usually frequents. But he clearly believes that the cause more than justifies any minor personal sacrifice. If Taylor cannot be convicted, de Silva says, at least the world will become fully aware of his involvement in “unspeakable horrors which in their own way stand alongside those of Auschwitz and Buchenwald”.

Born: 1939 Sri Lanka

Education: Dulwich College Prep Sch; Trinity College, Ceylon; Served with 3rd Carabiniers (3rd Dragoon Guards); called to the Bar (Middle Temple) 1964; QC 1984; City of London (Councilman): 1980-95

Married: Princess Katarina of Yugoslavia 1987

Owns: Taprobane Island, off Weligama, Sri Lanka.

Clubs: Brooks’s, Naval and Military, Carlton, Orient (Colombo).