

**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:

Monday, 23 September 2013

Press clips are produced Monday through Friday.
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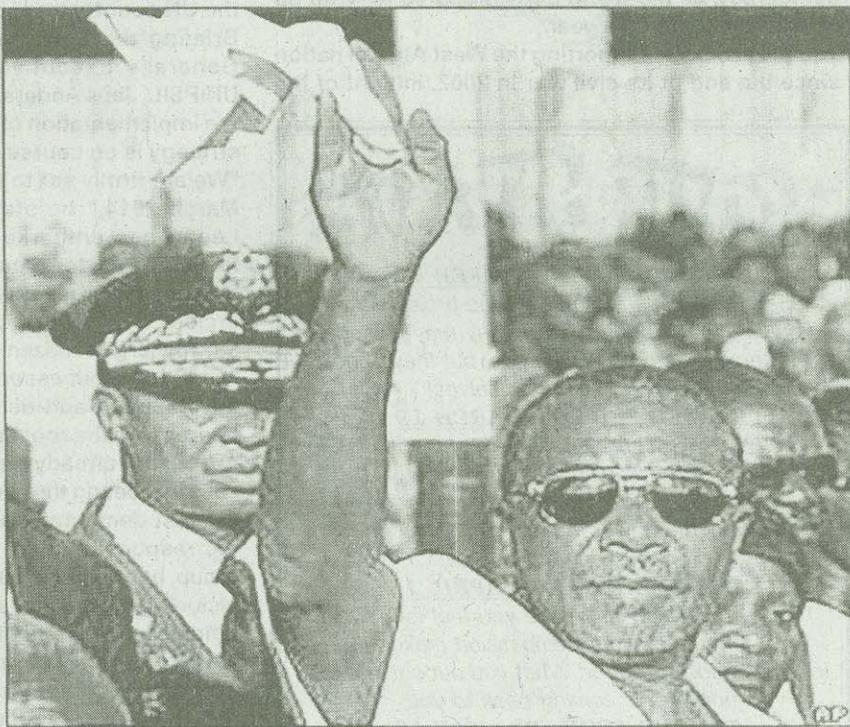
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Midday prayer service for Charles Taylor

*...ahead of September
26th appeals judgement*

Prayerful Moment for Charles Taylor: Family Holds Intercessory Service last Saturday

Monrovia - The family of former Liberian President Charles Ghankay Taylor has announced that a midday intercessory service will be held on Saturday, September 21, 2013, at the Dominion Christian Fellowship Center in Congo Town adjacent the Catholic Hospital intersection.

The Taylor family says the prayer service is intended to invoke God's intervention in the wake of the appeal judgment to be handed down on September 26, 2013 by the Special Court for Sierra Leone, sitting in The Hague.

In a Press release issued in Monrovia, the family of former President Taylor says whatever the outcome of the appeal judgment; they will continue to seek God's guidance and direction for the President.

The family is therefore calling on all religious leaders, well wishers, and friends of the former President to dress in white or symbolically carry a white cloth or inscription in purity and join in prayers at the Dominion Fellowship Center or whatever they may be at 12noon on Saturday to ask God for protection for Mr. Taylor.

The Taylor family clarified that the midday service is not a political event and is urging all well-wishers of the former president to turn out in full, in a show of prayerful solidarity, as the final judgment in his appeal trial is being handed down in a few days. The intercessory service will strictly be a praise and worship fellowship, seeking God's intervention.



OUP Blog

Monday, 23 September 2013

The final judgement in the trial of Charles Taylor

By Simon Meisenberg

The trial of former Liberian President Charles Taylor moved the Special Court for Sierra Leone (SCSL) into the limelight of international criminal justice for the last half decade. Without any doubt, the presence of a former Head of State in the dock drew international attention to the smallest of the ad hoc international criminal courts. The Appeals Chamber of the Special Court for Sierra Leone (SCSL) has now announced that it will render the appeal judgment in the case of Charles Taylor on 26 September 2013 at 11.00 a.m. CET. Taylor, who is in his sixties, was found guilty by the trial panel and sentenced to 50 years of imprisonment.

Given the importance of the Taylor case, the forthcoming issue of the *Journal of International Criminal Justice* contains a special symposium on the Taylor Trial Judgment and the future of the Residual Special Court. The symposium, edited by Laurel Baig and myself, features articles by Kai Ambos and Ousman Njikam on “Charles Taylor’s Criminal Responsibility,” Kevin Jon Heller on “The Taylor Sentencing Judgment,” Fidelma Donlon on the “Transition of Responsibilities from the Special Court to the Residual Special Court for Sierra Leone,” and Kirsten Keith on “Deconstructing Terrorism as a War Crime.”

The Taylor trial is the first completed criminal appeals process judging a former Head of State in modern international criminal law. There has been much debate about whether the SCSL was truly the first international criminal tribunal to have tried a head of state, pointing to the conviction of Karl Dönitz at the International Military Tribunal in Nuremberg, who was the Head of State of the Nazi German Reich for about 20 days before Germany’s capitulation. But as the IMT did not have any appeal process, let’s simply give the credit to the SCSL of being the first ever to have accomplished such an historical task. The magnitude of this accomplishment is illustrated both by how long it has taken for the international community to fully try a former head of state and the practical challenges encountered by other courts, such as the incomplete Milosevic trial before the ICTY or the failure to arrest of Bashir for trial at the ICC. From a legal perspective, however, the SCSL should not be judged simply by such an historic achievement, but rather by the soundness of its legal and factual findings.



A daily news chalk board in Monrovia, Liberia. Photo by Lieutenant Colonel Terry VandenDolder, U.S. Africa Command. Public domain via Wikimedia Commons.

The Achievements of the SCSL

Looking back at the SCSL's activities since mid-2002, when the first investigations started, it is obvious that bringing Charles Taylor to trial was not an easy task. The Court was plagued with challenges: financial constraints, challenging legal questions, the staggeringly slow pace of proceedings, lacking interest from the Sierra Leone population towards the end of the mandate, the precarious security situation in the first years of operations, the difficult relationship with the Truth and Reconciliation Commission. Then add further challenges unique to the Taylor proceedings such as the need to operate in three different countries and two different continents. These are only a few challenges amongst many more that endangered the success of this shoestring court. At the end of the day, SCSL has overcome these challenges to complete its mandate and contributed to Sierra Leone's transition to peace and democracy. In retrospect, many of the problems encountered by the court now appear to be less acute in comparison to the other hybrid experiences in international criminal law.

Initially the sponsors of the court wished the court to deliver justice within three years. In the end it took more than a decade to accomplish the mandate. The Taylor trial alone lasted over six years. In its eleven years of existence, the SCSL issued 13 indictments against members of all warring factions resulting in eight convictions (not counting the Taylor conviction at the trial level, which if upheld would be the ninth). Only one accused, Johnny Paul Koroma, was never arrested and is believed to be deceased. Two accused (Foday Sankoh and Sam Bockarie) died shortly after charges were laid against them. Sam Hinga Norman died shortly before his judgment day in the Civil Defence Forces trial. Apart from those main "atrocities" trials, twelve contempt proceedings were initiated by the Prosecution resulting in ten convictions (one contempt case is still pending on appeal; one resulted in an acquittal, which so far is the one and only acquittal issued by the SCSL).

Following the Taylor Appeal Judgment, the SCSL will "transform" into the Residual Special Court for Sierra Leone (RSCSL) shortly after the completion of its mandate. According to the RSCSL statute this residual court will "continue the jurisdiction, functions, rights and obligations" of the SCSL. The developments leading to and the structure and work of this future organisation are explained in detail by Fidelma Donlon in the *JICJ* Symposium.

The Taylor Case and the Appeals Judgment

Taylor is accused of four charges of crimes against humanity (murder, rape, sexual slavery, other inhumane acts (i.e. mutilations), and enslavement), four charges of violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II (acts of terrorism, murder, outrages upon personal dignity, cruel treatment, pillage) and for the conscription, enlistment or use of child soldiers. It is alleged that he committed those crimes on Sierra Leone soil from 30 November 1996 to 18 January 2002 remotely from Liberia.

Taylor was found guilty on all 11 counts by the trial judges on 26 April 2012. Even though Taylor's conviction at trial may not have surprised the casual observer, he was actually convicted for far less than was initially charged by the prosecution. The prosecution was of the view that Taylor acted in concert with the leaders of the rebel movements in Sierra Leone (i.e. the RUF and AFRC) and that he and his co-conspirators shared the intent to commit all the crimes perpetrated in the Sierra Leone civil war. The judges rejected this claim, finding that the prosecution failed to prove the allegation that Taylor forged an agreement with the Sierra Leone rebels to commit crimes against the Sierra Leone population.

The Trial Chamber instead considered Taylor as an accessory and convicted him for aiding and abetting and planning crimes in a narrower time frame, i.e. from August 1997 to 18 January 2002. It found that Taylor aided and abetted by providing practical assistance, encouragement or moral support to the RUF in the commission of crimes during the course of their military operations in Sierra Leone. In that respect the Trial Chamber noted that “a common feature of all of the aforementioned forms of assistance is that they supported, sustained and enhanced the functioning of the RUF and its capacity to undertake military operations in the course of which crimes were committed” (Taylor Trial Judgment, para. 6936). It importantly and rather controversially held that the military operations of the RUF and RUF/AFRC were “inextricably linked to the commission of the crimes charged in the Indictment” (Taylor Trial Judgment, para. 6936). An individualized assessment of Taylor’s contribution to the specific crimes committed on Sierra Leone territory was therefore unnecessary. It was sufficient to simply prove that Taylor sustained the military operations of the rebels. As such military operations were, according to the Trial Chamber, “inextricably linked to the commission of the crimes” no proof of the substantial contribution to the individual crimes was any longer necessary. The Trial Chamber additionally found that Taylor devised a plan to attack major towns and the capital Freetown in late 1998 and early 1999 during which crimes were committed. Regarding his knowledge, the Trial Chamber found that Taylor was aware of the atrocities from at least the time when he assumed the presidency in Liberia in August 1997.

Many of the defence challenges on appeal questioned the evaluation of evidence by the trial judges. The facts of the case, and of the civil war more generally, were unsurprisingly complex. The trial judgment had to rely extensively on hearsay and circumstantial evidence. Some of the more troubling approaches to fact finding by the SCSL Chambers have been highlighted by Nancy Combs in her seminal book on “Fact Finding without Facts” and much of the same judicial attitudes towards inconsistencies and contradictions can be found in the Taylor Trial Judgment. It will be interesting to see how the Appeals Chamber addresses such challenges or whether it will simply rely on the principle that a “margin of deference” will be given to the fact finding of the Trial Chamber.

Apart from evidentiary questions one of the most controversial points on appeal will be the definition of aiding and abetting and whether this mode of attribution requires that the accused contributed with “specific direction” towards a crime. The Trial Chamber was of the opinion that the *actus reus* of aiding and abetting did not require such “specific direction”, relying on ICTY precedents in the *Perišić* Trial Judgment and *Mrkšić* Appeal Judgment. As other SCSL cases did in fact require such an element the rejection in the Taylor case is notable (RUF Trial Judgment, para. 277; CDF Trial Judgment, para. 229). In the *Perišić* Appeals Judgment, however, the ICTY Appeals Chamber controversially held that “specific direction” is a necessary element of aiding and abetting holding that:

“[I]n most cases, the provision of general assistance which could be used for both lawful and unlawful activities will not be sufficient, alone, to prove that this aid was specifically directed to crimes of principal perpetrators. In such circumstances, in order to enter a conviction for aiding and abetting, evidence establishing a direct link between the aid provided by an accused individual and the relevant crimes committed by principal perpetrators is necessary.”

More importantly, the SCSL Appeals Chamber’s own jurisprudence on this point is remarkable. In the CDF case it relieved an accused from criminal responsibility for aiding and abetting for providing military equipment, which was later used in the commission of crimes. At the time of his contribution CDF fighters were notorious for committing crimes against civilians. The Appeals Chamber stated that “the provision of logistics is not sufficient to establish beyond reasonable doubt that [the accused Fofana] contributed as an aider and abetter *to the commission of specific criminal acts* in Bo District” (see CDF Appeals Judgment, para. 102). The similarities with the Taylor case are striking and it will be interesting

to see whether the Appeals Chamber will apply the same standards to Taylor. In a critical analysis of the Trial Chamber's legal findings, Kai Ambos and Ousman Njikam highlight some considerable deficiencies in the Taylor Trial Judgment, placing the judgment's assessment within the broader international criminal law jurisprudence on individual criminal responsibility by addressing the effect of the recent *Perišić* Appeal Judgment.

As mentioned above, the significance of the Taylor case is usually attributed to the fact that Taylor was indicted as the sitting Liberian head of state. The Appeals Chamber dismissed the legal questions surrounding any claims of immunity in 2004, before Taylor's arrest and initial appearance in spring 2006 (when Taylor had already stepped down from his presidency). Any questions of immunity will therefore not feature in the forthcoming Appeal Judgment. His "special status" as a Head of State at a time when he allegedly contributed to the crimes in Sierra Leone was however considered as an aggravating circumstance in the sentencing judgment of the Trial Chamber. This "special status" and the extraterritoriality of Taylor's acts trumped all mitigating circumstances. A detailed critique of the Sentencing Judgment by Kevin Jon Heller in the *JICJ* symposium points to some of the possible flaws of the 50 year sentence, in particular addressing the fact that Taylor was convicted as an accomplice and not as a principal. Comparing the sentence received by Taylor with other SCSL convicts, Heller concludes that the 50 years sentence may be disproportionate. The fact that the extraterritoriality of Taylor's acts was considered as an aggravating circumstance is striking. Here the Chamber's silence on the nature of the conflict in its verdict is notable. Other SCSL judgments found that despite the alleged assistance from Liberia, the nature was non-international in character. If this holding is correct, crimes committed in international armed conflicts would routinely deserve a higher penalty.

The historical pronouncement of the Appeals Chamber Judgment will be accessible over live stream.

Simon Meisenberg is a Legal Advisor, Extraordinary Chambers in the Courts of Cambodia (since 2011); former Senior Legal Officer (2009-2011) and Legal Officer (2005-2009) in the Special Court for Sierra Leone. Laurel Baig is the editor of the forthcoming symposium from Journal of International Criminal Justice entitled, Symposium: Last Judgment – The Taylor Trial Judgment and the Residual Future of the Special Court for Sierra Leone. This issue will be published online imminently, and all articles mentioned in the text of this blog post will be freely accessible for a limited time.

The views expressed here are those of the author alone, and do not necessarily reflect the views of the Extraordinary Chambers in the Courts of Cambodia, or the United Nations in general.

The Journal of International Criminal Justice aims to promote a profound collective reflection on the new problems facing international law. Established by a group of distinguished criminal lawyers and international lawyers, the journal addresses the major problems of justice from the angle of law, jurisprudence, criminology, penal philosophy, and the history of international judicial institutions.

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The New Republic Liberia (Monrovia)

Monday, September 23, 2013

Liberia: United Behind Taylor

The head of the Restoration Baptist Ministries Inc., Pastor Joseph Gardea Johnson has described former Liberian president Charles Taylor as a sacrificial lamb for the country.

Dozens of the former President supporters came out in their numbers to show their commitment to his cause as he prepares for the final judgment on Thursday.

Speaking as one of the preachers during a special prayer service held in honor of Mr. Taylor at the Dominion Christian Fellowship Center in Congo Town, Pastor Johnson said, Taylor had to sacrifice his life for peace to be restored to Liberia.

It can be recalled that in 2003, former Taylor's forces came under attack from the rebel group-Liberians United for Reconciliation and Democracy-LURD. Several persons got killed during the fighting which led to the initial intervention of the West African peace keepers and later UN troops.

Taylor first left Liberia in 2003 after a peace deal was brokered by the international community for him to seek refuge in Nigeria. He was handed over to the former Nigerian president, Ougugun Obasanjo; with the understanding that he would not be handed over to the International Criminal Court in the Hague. The same understanding stated that he would only be handed to Liberia base on a request from an elected Government of Liberia.

It was later reported that the Liberian Government requested Taylor to be come to Liberia and later be sent to the ICC. This could not be independently confirmed. Taylor was late brought to Liberia in and handcuffed and placed in a helicopter for Sierra Leone and later to the Hague.

The verdict of Mr. Taylor is expected this week Thursday in the Hague. So, his family members, supporters and sympathizers held a special service for him.

Pastor Johnson said, no one in Liberia should think that they are better than Taylor. " Taylor is a sacrificial lamb. He had to sacrifice his life for peace to come to Liberia. If he had not gone, maybe the war would have been on."

According to him, Liberians need to sit and rethink the way the country is being run today. For that, he said, " if this trend continues, the country would be heading for more problems."

He described the present state as a lost one. For that, he had this to say: "we will take our country back. We lost it. We will take it back one day. (he did not elaborate what he meant by that). He said it was time for everyone to seek God's face.

ICC for African leaders:

Bishop Isaac Winker, head of the Dominion Christian Fellowship believes that the-International Criminal Court (ICC) was established for African leaders. "I believe that the ICC was established to silence African

leaders. They knew that Charles Taylor was smart. They(the West) always want to do things to make us look bad."

"Taylor did not want to succumb to them. He had Liberians in mind. If he did not have Liberians in mind, he would have stayed here for the war to continue . Because he did not do what they wanted him to do, they said, we will teach this guy lesson. All the superpower countries humiliated Taylor. There are bad things taking place in their country, but today, they decided to humiliate him. They do not talk about those bad things.

OIL deal:

Bishop Winker continued: "Another reason they confined him was our oil business. They wanted the oil. They told him to go their way. When he refused, they went against him. Here we are today.

They want to control our oil. Taylor did not manufacture guns. The same nations that sent the guns, they sold the guns to him. It is the same nation that sent police for him. He refused to bow to them.

Also speaking at the ceremony was one of Taylor's wives; Mrs. Victoria Addison Taylor. "I want to thank you all for your support. When I spoke to my husband yesterday (Friday), he was in high spirit. He extends his greetings to you all. He said, God is in control.

Senator Jewel Howard Taylor, another wife of former president Taylor told reporters after the event that she would love to see Mr. Taylor come to Liberia as a free man.

"This is thing that everyone would love to see. I would certainly love to see him come back one day.," she said.

Prior to Taylor's arrest and transfer to the ICC, he told Liberians that he was an African who believes in African tradition. This means that he supported polygamy in a responsible way. Close friends of Taylor said that he held over four wives.