

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



Despite recent rains, water levels in the Guma Valley Reservoir - which supplies Freetown - are again a matter of concern.

PRESS CLIPPINGS

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

as at:

Tuesday, 12 June 2007

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

International News

Is the Transfer of Charles Taylor’s Trial to The Hague... / <i>The Times</i>	Pages 3-4
UN Prosecutor Says Trial of Former Liberian President to Proceed / <i>VOA</i>	Pages 5-6
Why Taylor Should Pay His Lawyers / <i>The Nation</i>	Pages 7-8
Court Adjourns Taylor's Trial / <i>The Post</i>	Pages 9-11
The Trial of Charles Taylor / <i>The Guardian (Nigeria)</i>	Pages 12-14
International Justice on Trial / <i>New York Times</i>	Page 15
Judge’s Action Predicts Unfair Trial / <i>National Chronicle</i>	Pages 16-18
Taylor Trial – Distrust, Satisfaction and Indifference / <i>Legalbrief Africa</i>	Page 19
Rights Groups Launch Website on Taylor's Trial / <i>Thisday</i>	Page 20
Day 1 – Questions and Answers / <i>The Trial of Charles Taylor website</i>	Pages 21-24
UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 25-27
Ugandan Rebels Fear Fate of Liberia's Taylor / <i>Reuters</i>	Pages 28-29
Hunting Down War Criminals / <i>The Times</i>	Pages 30-31
Verbatim Transcript of 5690th Meeting of UN Security Council / <i>United Nations</i>	Pages 32-54

The Times (UK)

Tuesday, 12 June 2007

Is the transfer of Charles Taylor's trial to The Hague an admission of failure or welcome flexibility?

The warlord's alleged crimes together form a vicious tableau of the organised depravity of Sierra Leone's diamond-crazed conflict. Moving his trial to the International Criminal Court facilities is a bold move

Peter Quayle

Charles Taylor completes the dismal triptych already comprised of Slobodan Milosevic and Saddam Hussein. As with the Former Yugoslav and Iraqi leaders, so too Liberia's erstwhile head of state stands trial for international crimes. The indictments that hold all three autocrats to account for atrocity are fashioned from the same legal standards: Taylor is arraigned before the Special Court of Liberia's neighbour, Sierra Leone, charged on 11 counts of war crimes and crimes against humanity. But, while all are brought to justice, the several courtrooms that hear the cases represent very different venues and prosecutory visions. After serial misadventures – the trials of Milosevic and Saddam both ended in macabre fiasco – does this third forum risk a three-fold disappointment of international criminal justice?

Only in the case against Taylor is the Special Court convened for convenience at the premises of the International Criminal Court in The Hague. His alleged crimes number responsibility for terrorism, murder, rape, sexual slavery, cruel treatment and outrages upon personal dignity. Together they form a vicious tableau of the organised depravity of Sierra Leone's diamond-crazed regional war. The prosecutor intends to show how, upon orders of Taylor, the civilian population of Sierra Leone was systematically terrorised: homes looted and razed, communities sexually and physically assaulted. The indictment will also bring to the fore for the first time in an international court the enlistment of child soldiers and use of forced labour.

Milosevic was tried by the United Nations International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague. He died before a verdict was reached. Saddam was heard and hung by the Iraqi High Tribunal behind the ramparts of Baghdad's Green Zone. Like Taylor, they had their exterminatory policies condemned and prosecuted as criminal plots, not explained away as aberrant politics. But this common premise apart, Taylor, Milosevic and Saddam are confronted by institutionalised rivals. The Special Court for Sierra Leone, the ICTY and the Iraqi High Tribunal embody a rhetorically complementary but realistically competitive future for international criminal justice.

As an emanation of a Security Council resolution, the ICTY is supposedly lent the formidable powers of its patron. But before Nato imposed the Dayton settlement and the European Union made co-operation a precondition of its favours, the ICTY was long a sideshow to the vicious and prismatic war in the Balkans. The Baghdad court constituted to try Saddam and his henchmen possessed a less august provenance. The Iraqi High Tribunal's charter was promulgated by the Governing Council of Iraq – a proxy of the Anglo-American occupying entity, the Coalition Provisional Authority. No amount of latter-day local endorsement has remedied the perception of defective authenticity.

Not unlike the Iraqi High Tribunal, the Special Court for Sierra Leone was constituted in the absence of a dedicated United Nations tribunal. After Yugoslavia and Rwanda, there were only

half-hearted calls to establish another potentially remote and ponderous Security Council court for Sierra Leone. Instead, Freetown, the capital of Sierra Leone, is home to the internationally backed Special Court, established by treaty agreement between the Sierra Leone Government and the United Nations. The power to appoint judges is split between the court's two parents.

Under this arrangement the Special Court was expected to embody the local application of international laws. Yet, last year, after his Nigerian asylum was revoked, the UN Security Council resolved that if Taylor's trial took place in Freetown it would be "an impediment to stability and a threat to the peace of Liberia and of Sierra Leone and to international peace and security in the region". After the conclusion of agreements with co-hosts, the Netherlands and the International Criminal Court, the latter's court house in The Hague was put at the disposal of the Special Court. Is the transfer of Taylor's trial to The Hague an admission of failure or welcome flexibility? The Special Court is statutorily seated in Sierra Leone, with the authority to relocate if needs be. In this prerogative, it is akin to the ICTY, the International Criminal Court and the Iraqi High Tribunal. Though it is a prerogative that none of these other courts have thought fit to use.

Neither the ICTY nor the Iraqi High Tribunal have demonstrated a conspicuous nation-building vocation, nor a talent for standard-setting. The Iraqi High Tribunal has proved no path-finder for the rule of law nor emboldening civil society. The ICTY has not been the hoped-for force for reconciliation in the Former Yugoslavia. Neither the ICTY, nor the Iraqi High Tribunal have evidenced a sense of certainty and place. The compelling case can be made that these courts would have better served their purpose by being sited somewhere else: the ICTY in the now peaceable Balkans, the Iraqi High Tribunal distant from the daily violence in Baghdad.

Confidently carrying on trials in both Sierra Leone and The Hague, the Special Court is informed less by its modern brethren than by its historic forbear, Nuremberg. Other cities were on the shortlist for the Four-Power International Military Tribunal to try the Nazi elite for war crimes. Berlin was, optimistically, the court's "permanent" seat. Yet, amid the surrounding destruction, Nuremberg had a salvageable courthouse and was securely within the American occupied zone. Though bombed and blackened, it was already accustomed to spectacle and symbolism as the longtime host of the Nazi Party's annual rally. It was a serendipitous choice. The Nuremberg trials achieved lasting resonance by being held at the erstwhile site of Nazism's celebratory injustice. Boldly transferring the Special Court trial of Taylor to the International Criminal Court's facilities is an empowering twinning of Sierra Leone and the world seat of international criminal justice, The Hague. Bolder still would be some future move by the International Criminal Court to occasionally relocate its hearings to the distant communities of victims and witnesses it is entrusted to serve.

The author is legal adviser to the Civil Division European Office of the US Department of Justice. This is a personal view.

Voice of America

Monday, 11 June 2007

UN Prosecutor Says Trial of Former Liberian President to Proceed

By Stephanie Ho
Washington
11 June 2007

The chief prosecutor of the U.N.-backed Special Court for Sierra Leone says he is confident the trial against Charles Taylor will proceed as scheduled, despite the former Liberian president's no show at the trial's opening last week. VOA's Stephanie Ho reports from Washington, where the prosecutor spoke with reporters.



Charles Taylor (2006 file photo)

the accused himself can essentially abort the process by the election not to turn up."

The Special Court for Sierra Leone was set up by the Sierra Leonean government and the United Nations in 2002 to try those responsible for war crimes during that African nation's decade-long civil war.

Mr. Taylor is accused of terrorism, murder, rape, sexual slavery, mutilation and recruiting child soldiers during the time he was president. He has pleaded innocent to all counts.

At a news conference in Washington Monday, Special Court for Sierra Leone chief prosecutor Stephen Rapp said he believes Charles Taylor's decision to boycott the trial opening last Monday at the Hague will not be a dire setback.

"The trial can not be hijacked by an individual," said Rapp. "It needs to go forward and go forward in the best possible way, but not in a situation where

Mr. Taylor is in custody in the Hague, but did not show up in the court room. His lawyer read a letter saying the former Liberian leader was absent because he believes he will not get a fair trial.



Special Court for Sierra Leone chief prosecutor Stephen Rapp (2006 file photo)

Herman Von Hebel, the Special Court's acting registrar, dismissed Mr. Taylor's claims that he had insufficient resources to prepare a proper defense.

"Actually, we have been giving the defense counsel sufficient funds, more actually, than defense counsels get in other international tribunals," said Hebel.

At the same time, regional experts believe Mr. Taylor, who has said he wants to represent himself, has millions of dollars stashed away from his time in power.

Chief prosecutor Rapp says the next step of the court proceedings is the first session to present evidence and hear witnesses, which begins June 25 and runs for four weeks.

"We're anticipating going forward with that session," said Rapp. "I suppose there's some difficulty on the counsel question or something else that needs to be done, there could be some delay during that period, but we're not anticipating that."

Rapp says he expects the trial judges will want to keep the proceedings on schedule to wrap up within 18 months, or by the end of 2008.

Mr. Taylor does not face the death penalty and there is no prescribed maximum number of years in prison if he is sentenced. But the prosecutor added that he is pushing for a stiff jail term.

"Mr. Taylor is now 59 years old," said Rapp. "We would anticipate that he could receive a sentence that would effectively be a life sentence."

If Mr. Taylor is acquitted, he is free to return, as a private citizen, to Liberia. If he is convicted and sent to jail, he is set to serve out his prison term in Britain.

The Nation (Nairobi)

Monday, 11 June 2007

Opinion

Why Taylor Should Pay His Lawyers

By Chege Mbitiru
Nairobi

Liberia's former President Charles Taylor doesn't seem to realise how lucky he is. Otherwise, he would subdue cocky insolence. Last week he boycotted the first hearing of his trial at The Hague.

By all accounts, a court hearing isn't necessary to ascertain Mr Taylor earned notoriety waging war against another notorious leader, the late President Samuel Doe. He embellished that by supporting rebels in neighbouring Sierra Leone. Yet the international community, through the Special Court for Sierra Leone, wants to give him a fair trial for the sake of an orderly world.

Last week Mr Taylor's appointed lawyer, Mr Karim Khan, read the former president's letter saying he wouldn't "be a fig leaf of legitimacy for this court" or participate in a charade "that does injustice to the people of Liberia and Sierra Leone."

That's crooked thinking. Mr Taylor knows what injustice is. Ms Julia Sebutinde, presiding over the four-judge panel, wasn't amused. "We are not interested in political speeches," she said. After fiery exchanges, Mr Khan walked out and the judge allowed the prosecution's presentation.

By the end of the day, Mr Taylor got another undeserved favour. Judge Sebutinde said, "There has to be equality of arms" and ordered adequate facilities "without further delay." Mr Taylor's victims wouldn't be amused. He gave them no quarters.

Mr Taylor has declared himself indigent. Hogwash! Mr David Crane, former prosecutor who signed Mr. Taylor's original indictments, said investigators estimated his fortune at \$450 million. However, his access to it remains limited. Therefore, the court has to foot his bill.

Charges against Mr Taylor are weighty: crimes against humanity and war crimes. Specifics include killings, mutilations, rape and other forms of sexual violence, sexual slavery, the recruitment and use of child soldiers, abduction and the use of forced labour.

"The crimes are nothing short of enormous," said chief prosecutor, Mr Stephen Rapp. None of the charges pertains to Mr Taylor's activities in Liberia between 1989, when he invaded the country, and 2003 when he went to exile in Nigeria.

The charges relate to his support of the United National Front in Sierra Leone. What Mr Taylor did in Liberia was horrifying. Liberians voted him president in 1997 just so he didn't do it again. Hence, Mr Taylor's legal bill is bound to be hefty. So far, it amounts to \$680,000.

Mr Rapp has said if funds run out, Mr. Taylor goes free. The court needs \$36 million for Mr Taylor's trial and eight other defendants in Sierra Leone.

Although the United Nations sanctioned the court, it doesn't fund it. The leading donors include the United States, Netherlands, Britain and Canada. There isn't an African penny. African nations

plead perpetual poverty. Neither is there an Arab coin. Presumably, supporting Palestinians has exhausted Arab nations' coffers.

Anyway, most plausible is some leaders in the African and the Arab can't rule themselves out of a Mr Taylor-like snare. A British politician already has a candidate, Zimbabwe's President Robert Mugabe.

Many people hail Mr Taylor's trial as indicative of an end to the era of impunity in Africa, as if the continent has a monopoly of bad leaders. Anyway, a handful of African leaders who should have long been kangarooed still strut around. They aren't paupers.

The people who formulated rules for the special court overlooked one item: stashed cash. Switzerland knows where some of Mr Taylor's money is. It should unfrozen and meet his court fees. After all, he has pleaded innocent. He should pay for the proof because it's known he can afford it.

The Post (Buea)

Friday, 8 June 2007

Court Adjourns Taylor's Trial

By Barrister Nkongho F. Agbor-Balla

The trial of former Liberian President, Charles Ghankay Taylor, which began on June 4,, 2007 at The Hague, Netherlands, has been adjourned.

The trial started in more than dramatic fashion as Mr. Taylor refused to attend the opening session and also decided to terminate his lawyer's representation.

Taylor's letter, presented to the court by his lawyer, Barrister Karim Khan, stated: "It is with great sadness and regret that I write to inform you that I no longer feel able to attend and participate in the proceedings against me before the Special Court for Sierra Leone.

"Sadness, because at one time I hoped and had confidence in the Court's ability to dispense justice in a fair and impartial manner. Over time it has become clear that such confidence is misplaced."

After reading the letter, Barrister Khan walked out of the Court saying he was not in a position to represent his client without further instructions from him. The presiding judge, Julia Sebutinde, ordered the trial to continue without Mr. Taylor.

Mr Taylor who was President of Liberia from 2 August 1997-11 August 2003 is being tried on 11 counts of crimes committed during the 11-year civil war in Sierra Leone. The charges range from crimes against humanity, violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II and serious violations of international humanitarian law;

which includes terrorizing the civilian population, unlawful killings, sexual violence such as rape and sexual slavery, physical violence, conscripting or enlisting children under the age of 15 into the armed forces or groups or using them to participate actively in hostilities, abduction and forced labour and looting.

The 11-year conflict in Sierra Leone, it will be recalled, was characterized by widespread amputations, mutilations, acts of sexual violence, mass killing, abduction and forced recruitment into armed groups, the use of child combatants, and the exploitation of the diamond resources of Sierra Leone to finance the war.

At the end of the war, there was public outcry to bring to justice those responsible for the atrocities. This led to the establishment of the Special Court for Sierra Leone in 2002 by an agreement between the government of Sierra Leone and the United Nations Security Council to prosecute those who bear the greatest responsibility for war crimes, crimes against humanity, and other serious violations of international humanitarian law that took place in Sierra Leone since November 1996.

This inauguration by an agreement between a sovereign State and the United Nations has laid the groundwork for the Special Court's characterization as a "hybrid tribunal," being the world's first hybrid international war crimes tribunal. The Court offers a judicial model than the ad hoc

tribunals established by the UN Security Council to prosecute perpetrators of the conflicts in Yugoslavia and Rwanda.

Whilst the International Criminal Tribunal for Yugoslavia and Rwanda are subsidiary organs of the United Nations, having been established by resolutions of the Security Council under its Chapter VII powers, the Special Court for Sierra Leone is a 'treaty-based sui generis court' akin to the International Criminal Court.

It should be noted that the Taylor trial was relocated from Sierra Leone to The Hague on June 20, 2006 due to concerns about stability in West Africa. However, Taylor will be tried under the Statute of the Special Court and with Special Court Judges relocating to The Hague for the trial. The Presiding Judge will be a Ugandan legal icon and luminary - Justice Julia Sebutinde.

The trial of Charles Taylor is a landmark in International Criminal Justice. For the first time, a sitting Head of State was indicted for serious crimes under international law by an internationalized criminal court. This, clearly, is a significant step in the fight against impunity.

It should equally go a long way in helping to prevent the non-repetition of gross violations of human rights in Africa by bringing those leaders who commit egregious crimes to Justice. The trial sets a precedent, too, and sends a signal to dictators in Africa that crimes committed whilst in office will not go unpunished. The office of the President will not be used as a cloak to commit crimes; no blanket amnesty for grave crimes will be accepted by the international community.

Justice might be delayed but will not be denied. In the words of the former Secretary General of the United Nations; Kofi Annan, amnesty for gross human rights violations "remain unacceptable to and unrecognizable by the UN unless they exclude genocide, crimes against humanity and war crimes". The trial, according to Human Rights Watch, sends a strong signal that no one is above the law.

According to the Centre for Human Rights and Democracy in Africa, the trial is a clear message to all African despots who pass for constitutionally elected leaders to be careful because, one day, the long arm of justice will catch up with them. Africa is now moving from Human Wrongs to Human Rights.

In spite of the fact that Taylor is being accused of committing heinous and grave crimes, he should have a free and fair hearing, notwithstanding the fact that most of his alleged victims could not enjoy this right during his heinous reign. As the erudite and reputable Nigerian Justice Oputa states "Justice is a three way traffic; to wit; Justice for victims whose rights have been violated, Justice for the accused and Justice for the society."

As was stated in *R. V. Sussex Justices ex parte McCarthy* [1924] 1KB 256, p. 259 Justice should not only be done but should manifestly and undoubtedly be seen to be done.

On this strand of reasoning, Mr. Taylor states in his letter "Every one deserves justice. The people of Liberia and Sierra Leone, who for too many years have undergone tragic sufferings, deserve justice.

The people of Africa, for whom the promise of independence was only pyrrhic, deserve justice. And I too, deserve at least the modicum of justice. He goes further to state that "Justice is blind, justice pursues truth, and justice is fair. Justice is immune to politics. It is no justice to preordain convictions. It is not justice to emaciate my defence to an extent that I am unable to launch an

effective defence. It is not justice to throw all rights to a fair trial to the wind in a headlong rush to trial".

That is why a fair trial will give more credibility to international criminal justice, especially in Africa wherein most of the crimes are being perpetuated. It will contribute tremendously in laying to rest the often heard argument that the international criminal justice is a colonial out post and, at best, a perpetuation of neo-colonialism.

The task of the judges will, thus, be an onerous one since they will have to avoid making the trial to be considered as a charade and, by that token, use Mr. Taylor as a fig leaf to legitimise the trial.

**Barrister Nkongho F. Agbor-Balla is the Executive Director of Centre for Human Rights and Democracy in Africa (www.chrda.org)*

The Guardian (Nigeria)

Monday, 11 June 2007

The trial of Charles Taylor

By Patrice Nganang

AS far as 'fin-de-r?gne'-scenarios are concerned, Africa has witnesses (or should/must we say: suffered?) them all. But the one scenario from which the continent has been weaned most severely is as 'green' as justice itself. Take, for example the case of Lansana Conte, president of Guinea, whose end of reign has been going on for so long that it might look like a soap opera - to the outside observer - with truly hilarious scenes, were it not that the fate of an entire country is at stake. Or take the case of the former president of Cameroun, Ahmadou Ahidjo, who found himself in exile in France, was condemned to death in absentia by his junior and successor, Paul Biya, then amnestied by the same. The latter, however, in the company as his former adversaries Ouandie, Um Nyobe, the ones whom he is said to have killed and then locked up in blocks of concrete.

In a country like Ghana, most of its former presidents (all men in uniform) were simply shot on the beach, on the order of a younger military officer, Jerry Rawlings, who took power twice and was later elected as its president; but in recent times it was Nigeria that surely won the crown in the contest for the most macabre feat. Nigeria's population of some 150 million souls saw its population explode with laughter and dancing in the streets when it was announced that the man, General Sani Abacha, who had taken the entire country as hostage between 1993 and 1998 had found his death in the arms of two imported prostitutes. Hasty judgments in the deep interiors of army barracks, fake trials followed by hasty executions, death sentences against tyrants on the run, straightforward assassinations in the ante-chambers of power, and even killings in aircraft explosions: all these incidents play a major role in the closing chapters of a long history of those regimes that rob Africa's peoples of their right to law and justice. Never before in the history of the continent has man's and woman's thirst for justice filled the tombs in such criminal fashion!

Only too often does the end of dictators end in a bath of violence in which they swooned while still alive. And even if their end isn't always ludicrous, it never misses to be abracadabrante. Yet at the same time their violent departure only rarely brings to an end the cycle of vengeance, because those anti-heroes, i.e. our tyrants, have one thing in common: they always escape due judgment, instead they leave behind them, a world in total disarray. Not just and of necessity in a civil war like in Liberia, after the soldiers of the war-lord Prince Johnson had cut the ears of the earlier ruler Sergeant Samuel Doe live on camera, before finally finishing him off. Or like in the Congo-Kinshasa after its ruler Mobutu Sese Seko had run away and died abroad ; or like in Rwanda after the killing of President Habyarimana in a planned aircraft explosion, which then opened the way for the known genocides.

Or take Togo, where son Faure Eyadema filled the place of his dad Etienne, immediately after the latter's death, with a little help by re-writing the country's constitution one Sunday morning: all of those incidents are simply chapters of a dirty history that never seems to end. Is peace in Africa only to be had at the cost of such infamous acts? The day after, the new regime always insists that "a page must be turned", that "the deeds of the past must be forgotten". But, we must admit that the post-tyranny scenarios give you goose-flesh or cold sweat most of the time: the new president who forms an alliance against the sympathisers of his predecessor, the alleged treason accusations

levelled against the tribe of the former Nero, the malediction that descends upon his followers, the total ban of his name in public.

All this only betrays a recent past of coercion which simply never stops to 'eat its own children', and all this is only a warning sign of more violence to come. What we find here is a political culture of vengeance, an attitude that even infects the reflexes of regimes born out of democratic elections, since violence begets violence. 'One must know how to finish', is a saying very much used in the streets of Yaounde, and it is this popular lesson which the tyrants never seem to learn. But fortunately justice - at least sometimes - catches up with those lepers of justice, although we must admit that those lepers seem to have some strange bosom friends; take for example, Abdoulaye Wade, the democratically elected president of Senegal: he is the one who refuses to deliver Hissein Habre, the former dictator of Chad, to the Brussels tribunal, where he is to stand trial for his numerous crimes.

Now, that is surprising, especially when you consider that the former lawyer Wade bases his refusal not on the basic human rights of the accused but on the fact that 'the case of Habre is an African problem'. But worst still: the Burkina Faso journal *Le Faso* warns against what it calls 'La recolonisation judiciaire' ! Can you, please, explain to me: what is this 'africanite' which is superior to justice ? Do African judges have the monopoly of justice? It is in view of this long list of refusal and Africa's willed blindness vis-a-vis the essence of what justice is all about, that the trial of Charles Taylor before the Special Tribunal on Sierra Leone takes on a truly historical dimension. In fact, it is truly historical for two reasons: the first is that it will truly bring to an end - and in an international court of justice - 13 years of civil war, which have wrecked Liberia, bloodied its history, displaced millions of people, produced tens of thousands of orphans, traumatized or mutilated thousands of its inhabitants.

At long last in the history of the continent, a former African president appears before the bars in a trial based on law, a trial in which he has to answer for his deeds! Who would have thought this was going to happen? Now this bit of news should make a certain Mengistu Haile, (former dictator of Ethiopia), now living in splendid exile in Zimbabwe, sleep henceforth with at least one eye open. Charles Taylor, the former Liberian president, has thus been rendered to justice by a Nigeria which had earlier received him in 2003 after the latter's abdication - and that on the express demand of Mrs. Johnson-Sirleaf, Liberia's new president, and that again following the express demand of the then Nigerian president Olusegun Obasanjo. The precedent is impressive, and if it is being followed in future, then Africa's hospitable ground for asylum will in future no longer serve as a cosy retirement spot for mass-killers.

Are we then embarking on a new era in African history? Who knows? The road to justice is a stony one, but its bed is always as simple as the respect for the most elementary principles of justice. There have been voices, first and foremost those of Taylor's lawyers, and then those of his stalwarts. Who would have wished that his trial not be transferred from Freetown to The Hague, arguing about the difficulties they are going to face by presenting their witnesses, the problem of getting visas to the Netherlands, the illegality of depositions by video, and so on and so forth. There are even - even more incredulous - voices, hinting that dark angels might enter the cells of the court and strangle the accused even before the verdict. After all, wasn't Milosevic thus quietly absolved from the sentence awaiting him? And what about Foday Sankoh, the blood-thirsty warlord in Sierra Leone, whom only sudden death saved from serving the sentence which he would duly have received?

All those voices that wish those tyrants a long life when - at long last - they are in the clutches of the law, have one thing in common: what they are really asking for is that one day, it may be

possible to do justice to all the victims of African tyrannies, no matter the price and the conditions. And it is here the trial of Taylor poses a second precedent, a rather dangerous one, in the yet very short history of international African tribunals : that of short-sightedness. The 11 crimes for which the former Liberian president stands trial in The Hague exclude de facto all the crimes which he and his army are said to have committed till 2003 in his own country, since the special tribunal before which Taylor appears is only competent for the crimes committed in neighbouring Sierra Leone.

Strange justice which closes her eyes on the domestic crimes of a man, who is accused of having put his neighbour's house on fire! The way that Court hesitates to cross the borders into Liberia reminds me of the dogs in our Yaounde slums, the dog that bites the unsuspecting walker but tamely coils his tail, fearing the beating by his master. And yet, the argument perhaps isn't that far-fetched and reasonable... when Mrs. Johnson-Sirleaf declares that the most important thing for her country is 'to turn a leaf on the ignoble past of the country', how are we not to be convinced when it is her who so says? How can one not support her, her, first woman president in Africa, which is already a historic event in itself (in herself)? All the more so when one knows that 'turning a leaf' in Liberia does not mean that the reign of impunity will continue; since 2005 Liberia has, after all, set up its own 'Truth and Reconciliation Commission' in the attempt to invent a truly human peace for the country?

Okay, there we still have fellows like Prince Johnson, the killer of Sergeant Samuel Doe, now retired soldier, former partner-in-crime of Charles Taylor, now Liberian senator; and there are several others, who have exchanged their fatigues as criminals for the three-piecers of Liberian gentlemen: all of them will one day have to stand trial for the barbaric acts they committed or ordered to be. But until that day, the trial which started on June 4 will be the platform - no matter how small or weak - on which the future possibilities of justice in Africa will be elaborated. While we are awaiting the creation of an international penal tribunal with its competence for the whole of West Africa - the Nazis were, after all, not only tried for crimes committed in Poland, our African future is being drawn in this trial of a tyrant and it is only the very first one.

This piece was translated from French to English by Gerd Meuer. Patrice Nganang is a Camerounian novelist, poet, and essayist.

New York Times
Sunday, 10 June 2007
Editorial

International Justice on Trial

The trial of Charles Taylor, former president of Liberia, is looking like the trial of Slobodan Milosevic, former leader of Yugoslavia, and that is too bad.

Mr. Taylor, the first African leader to be tried in an international court for crimes against humanity, refused to show up at the opening of his trial in The Hague. He fired his lawyer and dismissed the proceedings as a charade. Before that, his lawyer argued that his witnesses were afraid to testify, or could not testify because of United Nations bans on their travel. And so, most likely, it will continue, with Mr. Taylor, like Mr. Milosevic, trying to deflect attention from his crimes by casting doubts on the validity and efficacy of international justice.

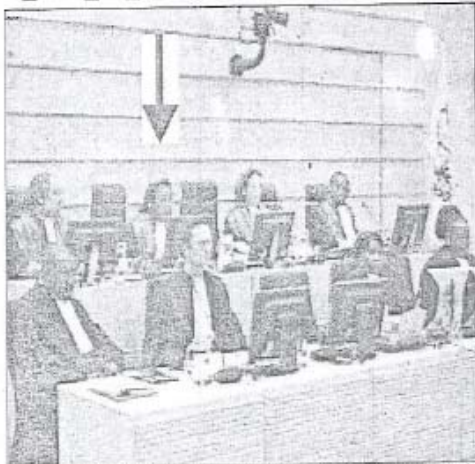
That would be unfortunate. This was an extraordinarily vicious leader on a continent that still suffers terribly at the hands of men like him. His rebel army in Liberia recruited children and was responsible for unspeakable horrors during a 14-year civil war. Liberia, however, decided against a war crimes court and opted instead for a truth and reconciliation process. As a result, Mr. Taylor is not charged with the crimes he committed against his people, but those he abetted by supporting the equally inhuman and now deceased Foday Sankoh in Sierra Leone, whose forces were notorious for mass rapes, amputations and other horrors.

Mr. Taylor's trial was transferred to The Hague for security reasons, but the move weakened one of the primary purposes of such tribunals, which is to show that no one is above justice enforced in the places where injustice occurred. So far, the record is not great. The Milosevic trial was long, costly and inconclusive. Saddam Hussein's legally shoddy trial ended in an Internet circus of an execution. Washington is openly hostile to the International Criminal Court. International justice itself is on trial once again. We hope it wins.

National Chronicle (Liberia)
 Wednesday, 6 June 2007

In Taylor's Trial At The Hague:

**JUDGE'S ACTION
 PREDICTS UNFAIR TRIAL**



Presiding Judge Julia Sebutinde with arrow along with Special Court Judges



Former President Charles Taylor

The action of the Ugandan president, Judge at the Special Court on Monday during the beginning of the landmark trial of the former president, Charles Taylor, clearly portrays that Taylor will not get a fair trial as anticipated by many.

Judge Julia Sebutinde repeatedly cut short Khan's reading of Taylor's statement and was demanding a "to-the-point" explanation for Taylor's absence; yet she could not give Khan the chance to read the letter which provided the reasons for Taylor's absence from the formal opening of his war crime trial. "We are not interested in political speeches," she told the Kahn.

Even after attorney Kahn told the court that he was dismissed by Taylor and could not represent him in any further court hearings as Taylor

Cont'd on Page 6

As Trial Begins In The Hague:

**TAYLOR'S FAMILY
 SENDS OUT WARNING!**

- Accuses Pres. Sirleaf's Gov't.

The family of detained former President, Charles Ghankay Taylor, has described the on-going trial of their relative as charade that is purely

based on lies and blatant fabrications maliciously contrived by certain elements in the governments of Great Britain and the United

States of America; Sam Collins writes.

The Taylor family, in a three-page

Cont'd on Page 6



NATIONAL CHRONICLE WEDNESDAY, JUNE 6, 2007

JUDGE'S ACTION

would now represent himself, Sebutinde ordered Khan to remain in court and to continue representing Taylor through the trial's first day. This Khan said he no longer had Taylor's authority to do, and left.

The case has been adjourned June 25 after the prosecution's four-hour presentation Monday without any statement from the side of the defense counsel, which depicts a one-sided trial at the International Criminal Court.

Meanwhile, it is unclear who would be sitting on the defense bench when the court resumes June 25.

In a letter to the court on Monday and read by Khan, Taylor said he was prevented from seeing court officials responsible to arrange his defense team, and that his one court-appointed attorney was not enough to match the extensive prosecution team.

It was June last year that Taylor was flown in a UN helicopter to Sierra Leone's main airport at Lungi from the compound of the UN-backed Special Court for Sierra Leone, which had charged him with war crimes, and would conduct his trial in The Hague. He is currently being held at a detention unit of the International Criminal Court (ICC) in Scheveningen. He will serve his jail sentence in Britain if he is convicted in The Hague.

Not long after his confinement, Taylor expressed his displeasure over prison conditions and complained that he lacked funds to adequately represent himself.

During his first hearing in the Special Court for Sierra Leone, prior to his sojourn to The Hague, Taylor's lawyer, Khan, said his client could not make phone calls as freely as he could in Freetown, lockdown hours were more draconian, and he was unhappy about the food in the "rather Eurocentric" facility. "Mr Taylor should be afforded the same rights and the same regime that are afforded to all other detained persons (in Sierra Leone)," said Khan said. Taylor, wearing a gray suit to the procedural hearing, also asked the court, through his lawyer, to speed visas for his family to visit him in The Hague.

At the time, Herman von Habel, the Sierra Leone court's deputy registrar, dismissed Taylor's defense team's concerns and told journalists he thought Taylor's concerns were mostly easily solved, but after almost a year those very concerns were raised by Taylor on Monday, which embarrassed the International Criminal Court and Judge Sebutinde had to note that Taylor's concerns were genuine, and if the court must carry out a fair trial those concerns must be dealt with adequately.

Taylor was moved to The Hague because of fears a trial in Freetown could spur unrest in Sierra Leone or Liberia. Proceedings are being held on the premises of the International Criminal Court (ICC).

TAYLOR'S FAMILY

document released in Monrovia Tuesday of this week, stated that the judicial proceeding that involved their brother and father is being prosecuted

by two political entities, the Security Council of the United Nations and what they referred to as the "so-called Special Court of Sierra Leone".

The Taylor family maintained that the composition of the Special Court indicates that their relative will not be given a free and transparent trial.

The family wonder, "How can our brother and father ever be given a transparent trial when seven of the judges on the proceedings were handpicked to hand down ready-made rulings that have already been decided against the accused."

They further stated that the outcome of war crimes trial of the former President will not be determined by law, but by the instructions from certain powerful countries that are determined to bring a guilty verdict against the defendant, regardless of the menacing truth.

Former Pres. Taylor's trail is political, said his sister and spokesperson for the family.

The Taylor family wondered why, up to this point, the government has done nothing to request that the rights of a former President be held inviolable, though he is on trial.

They accused the Ellen Sirleaf government of being guilty of complicity in the diabolical conspiracy that is being hatched and executed to exterminate Charles Taylor.

They argued that despite the political differences that may exist between Taylor and President Ellen Johnson-Sirleaf, the government must show some level of concern about the well-being of its citizen who is being held in a foreign land. See Statement on Page 2.

CONGRESSIONAL

the seminar, saying that it was intended to upgrade the Legislature.

Hilary Mento, press secretary to the President Pro-Tempore of the Senate, also stated that the seminar would also strengthen the working relationship between the legislators and their staffers, and staffers of the Legislature would be able to interact with their bosses in terms of enhancing their legislative duties.

He said employees of the Legislature, especially those who fall under the office of the Senate Pro-Tempore, need to know parliamentary proceedings and how to disseminate information as it relates to the Legislature.

The press secretary to the Senate Pro-Tempore also lauded the Liberian lawmakers for the level of reception given to the U.S. Congressional team, saying this endeavor is reawakening the relationship between the United States and Liberia.

It can be called that the U.S. Congressional team, headed by Democrat representative, David Price, paid a three-day official visit to Liberia.

The visit of the team was a follow-up to a July 2006 visit to Legislature of U.S. members of Congress and staff to determine the viability of partnership between the U.S. Congress and Legislature.

MORE BOMBS

brought by the 14 years of civil conflict.

He further disclosed that plans are underway to construct a police station to promote the rule of law, and to also renovate schools for the

LIBERIAN

partnership agreements between Liberians and African American Companies. The proposed conference has the full support of the city of Detroit, and has been earmarked barely five months after the partnership forum on Liberia yielded millions of U.S. dollars in debt relief. The governor of Michigan, the mayor of Detroit and Congressman John Conyers have sent letters to the Liberian leader endorsing the conference.

The Embassy said in its release that it was "taken aback by the unsubstantiated misrepresentation of the President by the Gideon group,

training of Liberians who will like to become carpenters.

Brig.-Gen. Abidoye also mentioned that sector one will continue playing a positive role in the quest to bring peace and security to Liberia.

Speaking further on Sunday of this week, he disclosed his men came across a lot of armed robbers around the Ministry of Foreign Affairs, but managed to arrest one of them, while the rest escaped.

and wishes to emphatically clarify that the Liberian leader did not endorse the Detroit Investment Conference on Liberia; neither did she support the fund raising idea which they also proposed to be held along with the Investment event."

But the Gideon Group fired back in a press statement signed by its co-founder Steve Mason. The Group states that "if the Embassy has quarrel with the word "endorsed" as headlined by the story, in spite of the fact that her Excellency "supported/welcomed" the idea of a Detroit Conference and invited the Group to meet with Hon.

He said the one arrested has already been turned over to the Liberian National Police for investigation while the vehicle that was arrested from the robbers will also be turned over to the police today.

In conclusion, Brig.-Gen. Abidoye noted that the result is due to night and day patrols carried out by his men in collaboration with UNPOL, LNP and other security agencies.

Richard Tolbert to "properly plan investment event", let it say so, but it strongly rejects claims by the Embassy that it misrepresented the Liberian leader.

The Group laments that to accuse it of misrepresenting the acceptance of its proposals to the President causes well intended African Americans whose desire is to help Liberia at a higher risk threshold, to lose confidence in the process to have other African Americans of all professions participate in the redevelopment of Liberia.

According to the Liberian Embassy, President Sirleaf and other members of her delegation, including other

Cont'd on Page 7

TAYLOR'S LETTER TO PRESIDING JUDGE JUSTICE JULIA SEBUTINDE

Charles Ghankay Taylor
ICCDU
Scheveningen, Den Haag
Netherlands

1 June 2007

Justice Julia Sebutinde, Presiding Judge
Trial Chamber II
The Special Court for Sierra Leone
Jomo Kenyatta Road
Freetown
Sierra Leone

Cc: Justice Richard Lusk
Justice Teresa Doherty

re: Termination of Representation

Your Honours,

It is with great sadness and regret that I write to inform you that I no longer feel able to attend and participate in the proceedings against me before the Special Court for Sierra Leone. Sadness, because at one time I hoped and had confidence in the Court's ability to dispense justice in a fair and impartial manner. Over time it has become clear that such confidence is misplaced.

Every one deserves justice. The people of Liberia and Sierra Leone who, for too many years have undergone tragic sufferings, deserve justice. The people of Africa, for whom the promise of independence was only pyrrhic, deserve justice. And I, too, deserve at least the modicum of justice.

I have always, in my small way, been willing to make sacrifices for peace. I relinquished the Presidency of Liberia and accepted exile in Nigeria to ensure that the people of Liberia would no longer suffer war. As I said on 7 August 2003: when I left Liberia, I relinquished the Presidency because I could no longer preside over the suffering and humiliation of the Liberian people.

Until now, the Special Court for Sierra Leone has not demonstrated itself capable of delivering justice. Justice is blind. Justice pursues truth. Justice is fair. Justice is immune to politics. It is not justice to preordain convictions. It is not justice to enunciate my defense to an extent that I am unable to launch an effective defense. It is not justice to throw all rights to a fair trial to the wind in a headlong rush to trial.

It seems apparent that there is a plain desire to reach a pre-determined decision of guilt in haste and without due regard to even the most basic fair trial rights as enshrined under international law.

Quoting Article 14 of the ICCPR and Article 7 of the African Charter on Human and People's Rights and which provide for the equality of arms between parties, Taylor mentioned that "today marks the start of the trial against me. The Special Court's administration has been so dilatory that I have only one counsel to appear on my behalf. One counsel against a prosecution team of nine lawyers. This is neither fair nor just. It is astonishing that, as the custodians of fairness, the Trial Chamber is prepared to countenance this position.

Given the size of the Prosecution team, it is not surprising that it has been able to produce a seemingly never ending volume of material to be considered in this case. The limited defense resources have made it impossible to review a size of this material and has distracted from the proper preparation of my defense.

My legal representative has not been provided an adequate time and facilities as guaranteed under Article 14 of the ICCPR and Article 7 of the African Charter. The numerous Defense requests for proper time to prepare have been ignored.

In conclusion, I will not receive a fair trial before the Special Court at this point. It is therefore with great regret that I must decline to attend any further hearings in this case until adequate time and facilities are provided to my defense team and until my other long standing reasonable complaints are dealt with. It follows that I must terminate instructions to my legal representatives in this matter. Despite my complete confidence in their ability and competence, I must ask that they cease to represent me before the Special Court and instruct them accordingly.

Charles Ghankay Taylor

PRESS STATEMENT

BY THE FAMILY OF PRESIDENT CHARLES G. TAYLOR

On the occasion of the commencement of his Trial at the Special court for Sierra Leone sitting in The Hague, the Netherlands

(Monrovia, Liberia/June 4, 2007)

Today, the head of our family, His Excellency Charles G. Taylor, President of the Republic of Liberia is going on trial in a far-away country on charges of which he is innocent. The proceedings are taking place thousands of miles away from his people and homeland and even so, from the land where the purported crimes are said to have been committed. The entire charade is based purely on lies and blatant fabrications maliciously contrived by certain elements in the governments of Great Britain and the United States of America.

Mr. Charles G. Taylor is not the monster that has always been portrayed by the west over these past years. As a father of 14 children, with ages ranging from nine months to thirty-seven years, he is a loving and caring person. He loves his children dearly and the rest of the family members that he is considered as the head of the family. He provides not only for his own children, but also for the needs of others. For example, while he was in exile in Calabar, Nigeria, he was responsible for the education of more than 40 children. Moreover, several other Liberians can attest that they owe him for having educated them. He is a kind and loyal friend. Often, he has ignored his own comfort in order to help his friends in their hours of need. He has always stood up for the helpless and is very sympathetic, even to those who have opposed him. During his Presidency, he provided food for those in need; transportation and shelter to both the young and the old. He took care of the burial expenses, weddings and hospital bills for several people that he did not know in person. The man Charles Taylor is definitely not a monster; he is a beloved one to many persons.

Contrary to the widely held opinion that the trial will be a judicial proceeding, President Taylor is being persecuted by two political entities, the Security Council of the United Nations and the so-called Special Court for Sierra Leone. The Court is run by seven judges who have been handpicked to hand down ready-made rulings that have already been decided against the accused. Precedents were set during pre-trial proceedings which indicate that the outcome of the trial will not be determined by law but instructions from certain powerful countries that are determined to bring a guilty verdict against the defendant regardless of the menacing truth. We are not assured that our beloved father and brother will ever get a free and fair trial under the circumstances. This trial is political.

We are bamboozled by the fact that even before the commencement of the trial, those who are persecuting former President Taylor have already located and fitted a prison cell where he is expected to waste and rot upon the conclusion of the charade being mounted by the aforementioned Special Court and its backers. This action has totally invalidated the universally accepted maxim of law that an accused person is presumed innocent until proven guilty. In the scheme of things being played out here, there is no consideration or room for his innocence. This is indeed an abysmal miscarriage of Justice on a grandiose scale.

The nature of the falsehoods being paraded against former President Taylor can be gauged against the litany of other such lies brought against him in the past. One of such fabrications is that the former president stole over three billion dollars from the coffers of the Liberian government and had the cash stashed in foreign banks. They also accused him of being connected with terrorists such as al Qaeda. To this date no one has been able to locate the funds, in spite of the sophistication of Western intelligence advances, or verify the alleged al Qaeda connection. The Court is not keen on providing proof for the allegations levied against the accused. Every effort will be made to rationalize those lies in order to convict the accused.

While the prosecution has at its disposal unlimited resources and manpower, and has had more than five years of preparation with fifteen lawyers, more than twenty investigators, legal aides etc, whereas the defense remains cash-strapped and was given less than a year, with only two attorneys, and four legal assistants (two of whom work without compensation), to ready itself for the trial.

The prosecution has been able to bribe and otherwise induce questionable characters to testify against our father and brother, potential defense witnesses are consistently intimidated by agents of the Court to prevent them from testifying. Requests made by defense counsel on behalf of former President Taylor for additional resources continue to be denied by the Court.

Up to this point, the government of Liberia has done nothing to request that the rights of a former president of this country be held inviolable, though he is on trial. From our perspective, the government and leaders of this country are guilty of complicity in the diabolical conspiracy that is being hatched and executed to exterminate former President Taylor. Regardless of the political differences that may exist between the present administration and former President Taylor, we expect that the government will, at the minimal, pretend to be concerned about the well-being of its citizen who is being held in a foreign country.

We are aware that President Ellen Johnson Sirleaf of Liberia, a long-time political rival of former President Taylor, denied him justice under our constitution in refusing to follow the law of extradition, and illegally rendering him to Sierra Leone. No country sends its citizens to face trials in foreign courts by executive fiat, and Liberia is no different. This considered as a serious violation of our constitution. We know she continues to call for his humiliation, if not extermination.

Once again, we call upon the political leaders of Africa to advocate and ensure that our father and brother, former President Charles G. Taylor will get a fair trial at the hands of the Special Court in the Hague. The outcome of the trial of former President Taylor will set a precedent in Africa. It will also determine the nature of the relations that will exist between Liberia and her neighbors for years to come. This is why all who love this country must insist on a free, fair and transparent trial for former President Charles G. Taylor.

We reiterate our appeal to leadership of ECOWAS and the AU together a legal team of experts who will monitor the day to day legal proceedings in the next twenty-four months of the proceedings in the Hague and report to them as to the evenhandedness of the trials, on a periodic basis.

We expect that the international press will report on the proceedings from a perspective of professionalism and objectivity and desist from writing fictionalized articles about the accused. We have already seen many articles and books that are a result of pure fabrications. Those lies have helped neither the accused nor the Court. False reporting does not add anything to the reputation of the unprofessional journalists themselves.

We conclude by repeating and emphasizing that in spite of all of these obstacles, lies and manipulations former president Taylor is innocent and with the almighty God on our side he will, in the near future, walk out as a free man once again.

For and on behalf of the Family of Former President Charles G. Taylor

Thelma Taylor Saye (Mrs.)
Sister and Spokesperson

Legalbrief Africa

Monday, 11 June 2007

Taylor trial – distrust, satisfaction and indifference

Issue No: 234

Charles Taylor, Former Liberian President is synonymous with notoriety and controversy.

And the first day of his trial for war crimes at the Special Court for Sierra Leone (SCSL) was no exception, writes **E-Brief News**. What arrived was not Taylor but a letter and a fired lawyer. But the trial went on and UN Secretary-General Ban Ki-moon called the opening of proceedings 'a significant move towards peace and reconciliation' in West Africa, 'contributing to the fight against impunity and the strengthening of the rule of law, not only in West Africa, but in the world as a whole'.

Taylor boycotted the opening of proceedings because, he said in a letter to the court, his confidence in its 'ability to dispense justice' was 'misplaced' because he had been prevented from seeing his preferred lawyer and that his single court-appointed defence lawyer was outnumbered by the court's prosecution team. A report on the **Jurist** site says Taylor's assigned lawyer, Karim Khan, told the court that Taylor had fired him and was seeking to represent himself. With that, Khan left the opening of the trial despite requests from the court that he continue as Taylor's defence lawyer, at least for the first day of trial. Despite the absence of Taylor and Khan, the court determined that opening statements would continue. A report from the **UN News Service** says Chief Prosecutor Stephen Rapp and trial attorney Mohamed Bangura presented the charges against Taylor: 'The witnesses we will call and the documents we will present will prove the accused is responsible for the development and execution of a plan that caused death and destruction in Sierra Leone,' they said. 'The plan, formulated by the accused and others, was to take over political and physical control of Sierra Leone in order to exploit its abundant natural resources and establish a friendly or subordinate government there to facilitate this exploitation.' Taylor is facing 11 counts of war crimes, crimes against humanity and other serious violations of international humanitarian law, including mass murder, mutilations, rape, sexual slavery and the use of child soldiers, and for his role in the decade-long civil war that engulfed Sierra Leone. The **Jurist** report says the court was then adjourned until June 25. The trial is expected to last 18 months.

[Full report on the Jurist site](#)

[Full report from the UN News Service](#)

Taylor's family has raised concerns about the proceedings being held in a foreign land. Telma Taylor-Saye, on behalf of the family, said the accused was being prosecuted by two political entities, the Security Council of the UN and the Special Court for Sierra Leone. In a report in **The Enquirer** the family said they were not sure he would ever be given a fair trial when precedents had been set during pre-trial proceedings, which indicated the outcome would be determined, not by law, but by instructions from powerful countries determined to bring a guilty verdict against the defendant. They blamed the Liberian government for not doing anything to ensure Taylor's rights were upheld, and added, 'regardless of the political differences Taylor and the present government may have had, the latter is guilty of complicity in the diabolical conspiracy that is being hatched and executed to exterminate the former Liberian leader'.

[Full report in The Enquirer](#)

UN Secretary-General Ban Ki-moon welcomed the start of the trial. In the **UN News Service** Report he thanked all states for their contributions towards the work of the SCSL and urged they continue their support until the Special Court can complete its mandate. 'This is an important day for the international community, contributing to the fight against impunity and the strengthening of the rule of law, not only in West Africa, but in the world as a whole,' Ban said. A year ago the UN Security Council authorised the staging of Taylor's trial at The Hague, citing reasons of security and expediency. Although the trial is being held at the premises of the International Criminal Court it will remain under the exclusive jurisdiction of the SCSL. The **Jurist** site report notes that Human Rights Watch has urged international donors to increase their contributions to the SCSL, echoing a call by Rapp who has warned that the tribunal would be forced to release Taylor if it ran out of resources. Unlike other international criminal tribunals, the SCSL relies solely on donations.

[Full report on the Jurist site](#)

[Full report from the UN News Service](#)

But while the international importance of the trial seems clear, its significance in helping Sierra Leone recover from years of war is less so. Certainly it matters little to Mustafa Mansaray. He is simply concerned with how he will survive in a country in which 70% of people live on less than \$2 a day, according to the 2006 Human Development Report. Not that he didn't suffer, says a report on the **allAfrica.com** site. The 1991 civil war claimed the life of his pregnant daughter. He lost his hands. But it wasn't the pain of having his arms chopped off that made him cry – rather, hearing the screams of 50 people burning in a locked house behind him. 'The court is not a solution, it will not address the problems that led to the war,' says Alex Macavorey, who works with refugees. Many people valued the Truth and Reconciliation Commission for investigating the war's root causes – marginalisation of the youth and women, corruption, and lack of access to justice -- and for proposing solutions. But there is frustration at the government's failure to implement most of the proposals. Many feel the potential for conflict will remain as long as factors that underpinned the war go unaddressed. 'We have relative peace,' explains Macavorey. 'But we don't have absolute peace.'

Thisday (Nigeria)

Sunday, 10 June 2007

Rights Groups Launch Website On Taylor's Trial

A new website, www.CharlesTaylorTrial.org, has been launched to provide news and expert analysis, updated daily on the war crimes trial of former Liberian president Charles Ghankay Taylor.

The website, according to James A. Goldston, executive director of the Open Society Justice Initiative (OSJI), in a statement will feature daily updates from the courtroom, as well as analysis, background information, the trial calendar and other resources.

The site is a joint project of the OSJI and the International Senior Lawyers Project (ISLP).

Taylor, who is charged with 11 counts of war crimes, crimes against humanity, and serious violations of international law related to the civil conflicts in Sierra Leone, will be tried by the Special Court for Sierra Leone.

His trial, which will begin on June 4 and is expected to last 18 months, will be held in The Hague at the request of the Special Court, due to concerns about political destabilisation were it held in West Africa.

Said Goldstone: "CharlesTaylorTrial.org will be an important source of information on the trial, especially for people in West Africa".

He also noted that "it is critical that those who were most directly affected by Taylor's actions can follow developments in the courtroom".

A rotating crew of international lawyers will provide CharlesTaylorTrial.org with daily blog reports covering courtroom events, while international justice experts contribute periodic essays and analysis.

The Trial of Charles Taylor website

Friday, 8 June 2007

<http://charlestaylortrial.org>

DAY 1 — QUESTIONS AND ANSWERS

Posted by [trialmonitor1](#) on June 8th, 2007

Monday, June 4 was the first day of Charles Taylor’s trial by the Special Court for Sierra Leone. It was a day that many people had looked forward to for a long time—but no one could have predicted it would turn out as it did.

The trial got off to a confusing start when Taylor refused to appear in court and fired his lawyer, Karim Khan. Khan then got into a heated exchange with SCSL Judge Julia Sebutinde before surprising the packed gallery by gathering his belongings and marching out of the room.

Below, one of our legal analysts explains what happened and why:

WHY DIDN’T THE SPECIAL COURT MAKE TAYLOR APPEAR IN COURT ON MONDAY?

Charles Taylor might be sitting in a prison cell in The Hague, but the Special Court does not have the power to compel Taylor to appear in court. Under the rules which govern the conduct of the Court’s operations – the Special Court’s Rules of Procedure and Evidence (RPE) — Taylor can waive his right to attend trial. Rule 60 says:

(A) An accused may not be tried in his absence, unless:

1. ***the accused has made his initial appearance, has been afforded the right to appear at his own trial, but refuses so to do;*** or
2. the accused, having made his initial appearance, is at large and refuses to appear in court.

Given Taylor had previously appeared before the court to plead not guilty to the charges against him – and had also attended status and pre-trial conferences (wearing his sunglasses at the last one in May 2007) — Judge Sebutinde recognized on Monday that Taylor had waived his right to appear.

In the past, the Special Court has ruled that “in the interests of justice trial proceedings will not be interrupted by accused persons who refuse to attend court.” We’ll talk more about this below.

WHY DID TAYLOR’S LAWYER WALK OUT, AND WHY DID THE TRIAL CONTINUE?

Karim Khan’s decision to walk out of the courtroom last Monday directly violated a court order issued by Judge Sebutinde to stay and represent Taylor for the day. When faced with a choice between his duty to the court, and the duty to his client, Khan opted for Taylor – even with the knowledge that he might be slapped with a contempt charge. The trial could continue because the Special Court’s rules allow for the judges to ask another lawyer (apart from Taylor’s assigned one, or “counsel of his choice”) to represent Taylor in his absence, given he’d waived the right to appear.

The atmosphere inside the courtroom, as Khan and Judge Sebutinde argued over whether Khan was required to stay, was tense during a high-drama day. Khan argued that since Taylor had sacked him, he could not continue to act as Taylor’s counsel. He referred to two articles in the code of conduct that governed his work as a defense counsel.

Article 18(A)(i) of the Code of Professional Conduct for Counsel with the Right of Audience Before the Special Court for Sierra Leone (May 2006) says that a “Defense Counsel shall not represent a client if Defense Counsel’s representation is terminated by the client.”

Khan recognized the caveat to this – Article 18(D) of the same code. This Article says that “if Defense Counsel’s representation is to be terminated or withdrawn, unless otherwise ordered by a Chamber, such termination or withdrawal will not take effect until a replacement Defense Counsel is engaged by the client or assigned by the Principal Defender, or the client has notified the Registrar in writing of his intention to conduct his own defense.”

Taylor, it seemed, had covered all the bases. Khan told the court that, in a letter written by Taylor which had been given to the Acting Registrar, Herman von Hebel, earlier that morning, Taylor planned to represent himself.

Judge Sebutinde wasn’t convinced. She didn’t think the letter had been properly filed and the Acting Registrar hadn’t had a chance to read it. After scolding Khan to put on his headphones so he could hear her, she said that a court order requiring Khan, as assigned counsel, to stay to represent Taylor for the day overrode his obligations under the Code of Conduct. With exasperation in her voice, Judge Sebutinde said: “Mr. Khan. I don’t know how to say this so you understand. You are mandated to represent the accused for today.”

She pointed to Rule 45(D) of the Court’s RPE, which she drew on to underpin her order to override “any attempt by you to stand down, or Mr. Taylor’s efforts to disable you.” This rule says that:

“Any request for replacement of an assigned counsel shall be made to the Principal Defender. Under exceptional circumstances, the request may be made to a Chamber upon good cause being shown and after having been satisfied that the request is not designed to delay the proceedings.”

Khan disagreed, saying his duty to Taylor was a “non-negotiable primary duty” and wanted to respond to the Judge’s order requiring him to stay for the day to represent Taylor despite being terminated by his client. Judge Sebutinde’s calm voice oddly highlighted the growing tension between the bench and the defense counsel. “You are verging on contempt as you keep arguing after we have handed down an order....If you will take your seat, sanity will return to this court,” she said. Khan responded that he thought sanity had never left the court, he refused to sit down (despite an interjection by Judge Richard Lussick, reinforcing his colleague’s instructions to sit down), and once the Prosecutor, Steve Rapp, started his opening statement, Khan collected his books and notes, bowed to the bench, apologized for the disruption, and walked out.

Judge Sebutinde didn’t follow through with her threat to level contempt charges on Khan. Under Rule 77(A)(iii) of the SCSL’s RPE, “The Special Court, in the exercise of its inherent power, may punish for contempt any person who knowingly and willfully interferes with its administration of justice, including any person who: (iii) without just excuse fails to comply with an order to attend before, or produce documents before, a Chamber.”

It is not clear why Judge Sebutinde did not carry through with the contempt charge. She must have, on reflection, given Khan the benefit of a “just excuse”.

After Khan left the courtroom, Judge Sebutinde assigned Charles Jalloh, a representative of the SCSL’s Principal Defender’s office, to represent Taylor for the day. Given Taylor had waived his right to appear in court, the trial could continue because under Rule 60(B), a judge or the trial chamber has the power to direct counsel (and the language of the rule does not necessarily require the judge to direct the counsel of the accused’s choice) to represent Taylor in his absence, and to continue the trial.

The Special Court’s RPE Rule 60(B) – which follows immediately after the clause we noted earlier referring to non-appearance – says that if an accused refuses to appear:

“....the accused may be represented by counsel of his choice, or as directed by a Judge or Trial Chamber. The matter may be permitted to proceed if the Judge or Trial Chamber is satisfied that the accused has, expressly or impliedly, waived his right to be present.”

So last Monday, even though Taylor did not show up, and his lawyer walked out, the Special Court had the power to direct the duty counsel to represent Taylor to ensure that the trial could continue without undue delay.

HAS THE SPECIAL COURT DEALT WITH SITUATIONS LIKE THIS BEFORE?

Yes. In fact, what happened Monday was almost identical to what happened three years ago when Sierra Leone's former Interior Minister, former Deputy Defense Minister and leader of the Civil Defense Force (CDF), Sam Hinga Norman, refused to appear on the opening day of his own trial (June 3, 2004).

In that case, Hinga Norman (who died in custody in February this year) failed to come back into court after the Prosecutor's opening statement. During lunch, Hinga Norman gave a letter to the court which was addressed to the Principal Defender. It said:

"this is to inform you that I have as indicated this morning before the start of the Trial in the case against me, finally decided to:

APPEAR FOR MYSELF

REPRESENT MYSELF

DEFEND MYSELF

Effective today (3/6/04) and to state further, that any representation by any Counsel on my behalf does not repeat not carry my consent nor have it."

The court then had to rule on Hinga Norman's application to represent himself in court. When the court handed down its decision on June 8, 2004, it referred to Article 17 of the Special Court's Statute, and Rule 26 *bis* of the Court's RPE.

Article 17 provides for an accused to "defend him or herself in person or through legal assistance". The Trial Chamber held that this right to self-represent was not absolute, but a qualified one which must only be exercised with the assistance of counsel. It drew on Article 17(4)(d) to back up this reasoning (which states that the accused has the right to have "legal assistance assigned to him or her, in any case where the interests of justice so require"). Given Hinga Norman had been in detention for 15 months, the Trial Chamber reasoned that the "interests of justice" required that Hinga Norman be tried "without undue delay" (a right accorded to him under Article 17(4)(c)).

The Chamber noted that the trial had to be fair and expeditious (under the RPE's Rule 26 *bis*), and though this required "full respect for the rights of the accused", those rights did not include an absolute right to self-representation.

The judges, in that case, said that:

"As a matter of law, it is our duty as a chamber at all times, to protect the integrity of the proceedings before us and to ensure that the administration of justice is not brought into disrepute. This we can achieve by ensuring, amongst other measures, that persons who are accused and indicted for serious matters such as these, are properly represented by counsel as this safeguard is very vital in ensuring that the overall interests of justice are observed and the rule of law upheld."

The Chamber ordered that self-representation by Hinga Norman was allowed, but it could "only be exercised with the assistance of counsel to be assigned to the trial and in whatever capacity they are assigned or designated, stand-by or otherwise."

In a decision two weeks later, on June 23, 2004, the Trial Chamber also ruled on the additional resources needed by Hinga Norman to prepare his defense. It decided that extra resources should be given and held that:

- Four stand-by counsel to assist Hinga Norman was sufficient legal assistance.
- The Principal Defender's Office should provide Hinga Norman with any investigative resources required for his defense.
- A computer, printer, stationery desk, stationery and phone be set up in Hinga Norman's cell.

This was not the end of the matter, though. A few months later, Hinga Norman again refused to show up at trial. One of Hinga Norman's stand-by counsel read out a letter to the court on September 20, 2004, which set out Hinga Norman's decision not to appear until certain legal conditions had been met, including among them the removal of a protective order so that witnesses who were not sexually assaulted could testify in public.

The court was not amused. In a ruling handed down by Judge Pierre Boutet on October 1, 2004, it stated that:

"The Trial Chamber considers that any deliberate absence from the trial proceedings will certainly undermine the integrity of the trial and will certainly not be in the interests of justice. The Trial Chamber considers that the exercise of the right to self-representation should not become an obstacle to the achievement of a fair trial. As stated by the trial chamber of the ICTY in the *Milosevic* case: "The right to represent oneself must therefore yield when it is necessary to ensure the trial is fair."

As a result, the court revoked Hinga Norman's right to self representation, continued the trial in Hinga Norman's absence, and ordered that he be represented by court-appointed counsel.

Similarities between the Hinga Norman and Taylor trial strategies are striking so far. Taylor's letter to the court, parts of which Karim Khan read out to the court on Monday, was similar in effect to Hinga Norman's. It effectively combined elements of both refusals to appear by Hinga Norman. The letter that was partially read out by Khan in court:

(1) terminated Khan as counsel;

(2) said that Taylor would represent himself, and stated that

(3) Taylor could not continue to participate in the trial until he had adequate facilities to prepare a defense to the case against him. (Under Article 17(4)(b), one of the rights afforded to accused before the court is "adequate time and facilities for the preparation of his or her defence").

In effect, Taylor had combined Hinga Norman's initial decision to fire his lawyers and self-represent, and also the second decision not to participate until certain legal conditions were met (in Taylor's case, the provision of adequate facilities to prepare his defense; and the opportunity to speak in person to the Principal Defender about a confidential issue). The main difference between the two cases is in the content of the legal demands made by each defendant. Taylor's argument went directly to the fair trial rights to which he is explicitly entitled under the SCSL Statute. Hinga Norman's focussed on prosecutorial decisions and protective measures designed to safeguard the identities of witnesses.

On Monday, the Court validated Taylor's arguments that his request to see the Principal Defender in person was a "reasonable one" and that adequate facilities should be assured for the defense. These issues, according to Judge Sebutinde, went to the ability of the court to ensure Taylor's fair trial rights were respected. She ordered that the Special Court's Registry immediately organize the Principal Defender's travel to The Hague to speak with Taylor, and that "without delay" adequate facilities must be provided to Taylor.

WHEN IS THE NEXT DAY IN COURT FOR THE TAYLOR TRIAL?

The Taylor trial is set to resume on June 25 at 9am (Hague time). We'll be blogging directly from The Hague then.

UNMIL Public Information Office Media Summary 11 June 2007

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

International Clips on Liberia

International Justice on Trial

The New York Times. [Editorial]. 10/06/2007.

The trial of Charles Taylor, former president of Liberia, is looking like the trial of Slobodan Milosevic, former leader of Yugoslavia, and that is too bad. Mr. Taylor, the first African leader to be tried in an international court for crimes against humanity, refused to show up at the opening of his trial in The Hague. He fired his lawyer and dismissed the proceedings as a charade. Before that, his lawyer argued that his witnesses were afraid to testify, or could not testify because of United Nations bans on their travel. And so, most likely, it will continue, with Mr. Taylor, like Mr. Milosevic, trying to deflect attention from his crimes by casting doubts on the validity and efficacy of international justice.

Ugandan rebels fear fate of Liberia's Taylor

GULU, Uganda, June 11 (Reuters) - The trial of former Liberian president and warlord Charles Taylor is likely to hinder efforts to coax Ugandan rebels out of their jungle hideouts to peace talks, experts said on Monday. Taylor boycotted the start of proceedings last week at the International Criminal Court (ICC) in The Hague, where he faces charges of instigating murder, rape and mutilation when he backed a guerrilla group in neighbouring Sierra Leone. Analysts say the prospect of a similar trial may make other African warlords, who like Uganda's Lords Resistance Army (LRA) rebels are the target of arrest warrants for horrific crimes, less likely to swap military fatigues for civilian clothes.

International Clips on West Africa

More Funds Needed for UN-Backed Court in Sierra Leone, Official Says

New York, Jun 11, 2007 (UN News Service/All Africa Global Media via COMTEX) -- Deputy Secretary-General Asha-Rose Migiro joined officials from the United Nations-backed Special Court for Sierra Leone today in appealing for an additional \$60 million to complete the Court's work by the end of 2009. "It is imperative that the international community continues to generously support the Special Court, ensuring that it has both the human and financial resources to conclude its mandate," Ms. Migiro told the 15-member Security Council, as it met to consider the Court's work.

Sierra Leone Tribunal - Taylor Trial Drama

The Hague, Jun 11, 2007 (Institute for War & Peace Reporting/All Africa Global Media via COMTEX) -- The first-ever war crimes trial hosted at the International Criminal Court, ICC, got off to a dramatic start on Monday, June 4, when former Liberian president Charles Taylor

refused to attend the first day and dismissed his lawyer. There was also a fiery confrontation between Karim Khan, Taylor's lawyer, and presiding judge Julia Sebutinde, which ended with the British lawyer defying the judge and walking out of court.

Burkina Faso president to seek to boost ICoast peace talks

ABIDJAN, June 11, 2007 (AFP) - Burkina Faso's President Blaise Compaore meets Tuesday with leaders from Ivory Coast's factions in a bid to boost the peace process. The meeting in Yamoussoukro will be Compaore's first trip to Ivory Coast since 2000 and marks the change of attitude since 2002 when a newspaper close to Ivorian President Laurent Gbagbo accused him of fomenting the civil strife that ended with the country split between the rebel-held north and the government-controlled south. The two countries also have in common an ethnic identity and an estimated three million Burkinabes live in Ivory Coast, one of the reasons why Compaore has every interest in seeing a lasting settlement in his neighbour.

Local Media – Newspaper

General Auditing Commission Appraises Draft 2007/2008 Budget

(New Democrat, Public Agenda, Heritage and The News)

- In its analysis of the 2007/2008 draft fiscal budget, the General Auditing Commission said the budget does not meet the minimal test of completeness and fair disclosure, meaning more money could be generated than presented in the Budget.
- The Commission recommended a review of the draft fiscal budget on the basis that it lacks "substantive information" and should therefore not be approved by the National Legislature.

AFL Gets New Command Officer as President Honors Outgoing Chief

(Daily Observer, The Inquirer and The News)

- President Ellen Johnson-Sirleaf on Friday inducted a new Command Officer-in Charge of the restructured Armed Forces of Liberia (AFL), Major General Suraj Alao Abdurrahman.
- At the same time, the President conferred the "Honour of Distinguished Service" on Lieutenant General Luka Yusuf, a Nigerian Army Officer seconded as Chief of Staff of the AFL in 2006 for his outstanding contribution to the new army during his tour of duty. The Honour of Distinguished Service is the highest distinction Liberia confers on a soldier for bravery and courage.

Setback for Emergency Power

(New Democrat)

- [sic:] The second phase of the Government's Emergency Power Project (EPP) has hit a snag because, the Government, up to date, has not come up with an estimated US\$1.9 million, this paper has learned.

Government to Monitor and Intercept Phone Calls

(Liberian Express)

- [sic:] The Government of President Ellen Johnson Sirleaf is seeking legislation to monitor and intercept all mobile phone calls throughout the country. The power to monitor all public and private phone calls is contained in the new 2006 Telecommunication Act currently being debated at the National Legislature. The Act

when passed into law will empower the Justice Minister to demand mobile phone service providers to allow direct government's access to phone calls as well as monitor and intercept all network or telecommunications services or related information without reverting to court.

Local Media – Radio Veritas (*News monitored yesterday at 6:45 pm*)

Auditor General Morlu wants National Budget Return to Executive

(Also reported on ELBS and Star Radio)

Nigerian General Receives High Honour in Liberia

(Also reported on ELBS and Star Radio)

Diamond Sampling Plant Commissioned In Gbarpolu County

- The Liberian Government has commissioned a diamond sampling plant installed jointly by the Mano River Resources and the Trans-Check group of South Africa in Weasua, Gbarpolu County.
- Speaking at the commissioning ceremony, Deputy Land Mines and Energy Minister, Kpandel Fayiah warned the citizens against illicit mining and said anyone found in such act would be dealt with drastically.

Mittal Steel Launches Activities in Grand Bassa Next Month

- In an interview, Grand Bassa County Superintendent, Julia Duncan- Cassell says Mittal Steel will officially launch its activities in the county next month.
- Mrs. Duncan-Cassell said the citizens are exploring means by which the citizens can work with the company to enhance development in the county.

Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpeh at karpeh@un.org.

Reuters

Monday, 11 June 2007

Ugandan rebels fear fate of Liberia's Taylor

By Tim Cocks

GULU, Uganda, June 11 (Reuters) - The trial of former Liberian president and warlord Charles Taylor is likely to hinder efforts to coax Ugandan rebels out of their jungle hideouts to peace talks, experts said on Monday.

Taylor boycotted the start of proceedings last week at a special tribunal in The Hague, where he faces charges of instigating murder, rape and mutilation when he backed a guerrilla group in neighbouring Sierra Leone.

Analysts say the prospect of a similar trial may make other African warlords, who like Uganda's Lords Resistance Army (LRA) rebels are the target of arrest warrants for horrific crimes, less likely to swap military fatigues for civilian clothes.

"The Taylor trial has made the LRA very cautious to come out. They are bargaining hard to get their indictments lifted," said Paul Omach, politics lecturer at Kampala's Makerere University.

The LRA's four top commanders are wanted by the International Criminal Court (ICC), also in The Hague, for crimes including murdering civilians and abducting thousands of children as recruits during a two-decade rebellion. They have vowed not to make peace unless the indictments are scrapped.

"We are going to stay where we are, in the bush, until we have an agreement to keep the ICC away," LRA deputy commander Vincent Otti told Reuters by satellite phone from an undisclosed location in the dense jungles of Democratic Republic of Congo.

For 20 years, his fighters have spread fear across northern Uganda and parts of southern Sudan, massacring civilians and mutilating survivors by slicing off lips, noses or ears.

Uganda's government, which asked the ICC to issue arrest warrants in 2005, has offered the LRA amnesty, but only after they sign a final deal. That means the LRA will have to trust them -- and analysts say Taylor's fate sets an ominous precedent.

"BREACH OF TRUST"

Taylor stepped down in 2003 under a deal with the Nigerian government as rebels seeking to oust him besieged the Liberian capital Monrovia. Nigeria offered him sanctuary, but later bowed to international pressure and handed him over to prosecutors.

"However you look at it, the arrest of Taylor was a breach of trust by the Nigerian government. How can the LRA be sure the same won't happen to them?" asked Levi Ochieng, a Kampala-based researcher on conflicts in the Great Lakes region.

Taylor's trial is presided over by Ugandan Judge Julia Sebutinde. Many peace campaigners in northern Uganda, weary of a war that has killed tens of thousands and forced 1.7 million people into refugee camps, want a softer landing for the LRA.

"We are convincing them they cannot be betrayed if they do the right thing. If they come out of the bush, they should be pardoned," said Norbert Mao, chairman of Gulu district, at the epicentre of the conflict.

Mao proposes the LRA undergo a traditional "Mato Oput" reconciliation ritual, where the victims effectively forgive the perpetrator after he admits his crime.

But the ICC and some human rights groups are sceptical of that approach, saying a credible judicial process must dish out harsh punishments for such serious offences.

Analysts say a compromise may be possible -- building on months of stop-start peace talks in southern Sudan's capital Juba where the LRA leaders are represented by negotiators.

"If the parties in Juba are serious about striking a deal, they must create a genuine accountability mechanism," said Phil Clark, research fellow at the Ulster University's Transitional Justice Institute.

"The LRA commanders will want assurances that they won't serve full sentences for their crimes, so there will have to be plea-bargaining."

The Times (UK)

Tuesday, 12 June 2007

Hunting down war criminals

The chief prosecutor of the International Criminal Court has the butchers of Darfur in his sights

Frances Gibb

The scenes may have been chaotic but last week's opening of the trial against Charles Taylor, the



warlord indicted on 11 counts of war crimes and crimes against humanity in both Liberia and Sierra Leone, marks a key moment. The trial, which Taylor refused to attend, is the first in which an international forum has held a former African president accountable for his conduct while in office.

By coincidence, also last week the chief prosecutor for the International Criminal Court (ICC) told the United Nations Security Council that Ahmad Harun and Ali Kushayb, alleged Darfur war criminals, must be arrested. Luis Moreno Ocampo urged the council: "We count on every state to execute an arrest should either of these individuals enter their territory." Harun is the Sudanese minister responsible for providing humanitarian assistance to more than four million people in Darfur, while Kushayb is a leader of the Janjawid. Together, they are charged with 51 counts of war crimes and crimes against humanity. In April a panel of three judges at the ICC issued warrants for their arrest.

The pair systematically pursued civilians; Harun organised a system for recruiting, funding and arming the Janjawid to supplement the Sudanese armed forces and then incited them to commit murder, rape and other crimes against the civilian population, the prosecutor argues. The situation in Darfur, he says, "remains alarming".

The investigation by the office of Moreno Ocampo is the third involving long-running conflicts: the others are those in northern Uganda and the Democratic Republic of Congo. Each involves thousands of killings, as well as "large-scale sexual violence and abductions" and together they have resulted in the displacement, he says, of "more than five million people".

But the Darfur investigation could lead to the first prosecution by the court since it was set up in 2002, involving a member of an African state. The trial of Taylor is taking place in the ICC's own court in The Hague, but it is not an ICC case: the trial, being held at a safer venue than Sierra Leone, is being conducted by the UN Special Court for Sierra Leone, set up to deal with the crimes arising from that country's civil war. Moreno Ocampo says: "The Rome Treaty that set up the court is not just about accountability – bringing people to justice for these massive crimes. It is setting up a global legal system. And it is a back-up, a court of last resort where a state can't or won't act. We are exporting the idea around the world that if someone commits genocide, they can be prosecuted for it. That's why it's so important. It's developing a framework, a legal constraint."

The task has been enormous. The prosecutor, who was elected by all parties to the Rome treaty in 2003, was referred the case by the UN Security Council. “That’s important. It connects a peace and security system with a justice system.” Moreno Ocampo runs the investigation himself. He has no powers to indict – the evidence goes to a panel of ICC judges who decide if charges should be brought. After 20 months the files went to the panel in February. Both men are in Darfur: Kushayb is thought to be in detention but with little prospect of a trial. The prosecutor’s office collected statements from some 100 witnesses after screening 600 over 70 visits in 17 countries. More than 200,000 refugees have fled to other countries. It was important to trace those who had fled, the prosecutor says: “We have a legal duty to protect witnesses and had no chance of doing that in Darfur.”

Moreno Ocampo, 54, has an outstanding track record: between 1984 and 1992 he was a prosecutor in his homeland of Argentina, where he was involved in precedent-setting prosecutions of top military commanders for mass killings and other human rights abuses. He was the assistant prosecutor in the junta trial against army commanders, including three former heads of state – the first case against commanders responsible for mass killings since Nuremberg. Then, in 1992, he set up his private law firm specialising in corruption control for large firms and in criminal and human rights law. His work included acting for the victims in the extradition of the former Nazi officer Erich Priebke to Italy, the trial of the chief of the Chilean secret police and several cases involving political bribery, journalists’ protection and freedom of expression.

In his present role, he emphasises that not all cases will result in a trial hearing. He recently ruled out an investigation into alleged abuses in Iraq, which is not a state party to the treaty; nor did allegations meet the criteria in the Rome treaty; crimes of aggression (the legality of the conflict) falls outside the remit of the ICC and other evidence did not amount to war crimes against humanity. But even if, he says, atrocities are halted, as in Rwanda, then “that is a result: for me it’s the idea that justice can help to prevent crime, even if it does not come to trial”.

In his update to the UN Security Council last week, Moreno Ocampo urged every state to ensure pressure on Sudan to arrest and refer the pair to the ICC. Meanwhile, “indiscriminate and disproportionate” air strikes by the Government there continue. It appears that “parties to the conflict continue to violate international humanitarian law. Those bearing the greatest responsibility must be brought to justice.”

Like Iraq, Sudan is also not signed up to the ICC, but it is a member of the UN Security Council. Moreno Ocampo is hopeful of cooperation. “For the first time we have the UN Security Council and the ICC working together – the first time a new global legal system is tested. It will be a huge step – a legal revolution.”

United Nations

S/PV.5690



Security Council

Sixty-second year

5690th meeting

Friday, 8 June 2007, 3 p.m.

New York

Provisional

<i>President:</i>	Mr. Verbeke	(Belgium)
<i>Members:</i>	China	Ms. Chen Peijie
	Congo	Mr. Makayat-Safouesse
	France	Mr. Lacroix
	Ghana	Mr. Christian
	Indonesia	Mr. Kleib
	Italy	Mr. Mantovani
	Panama	Mr. Suescum
	Peru	Mrs. Zanelli
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Shcherbak
	Slovakia	Mr. Bartho
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. Wolcott Sanders

Agenda

The situation in Sierra Leone

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

07-37400 (E)



The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Sierra Leone

The President (*spoke in French*): I should like to inform the Council that I have received letters from the representatives of Canada, Germany, Netherlands, Nigeria and Sierra Leone, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

At the invitation of the President, Mr. Kanu (Sierra Leone) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend invitations under rule 39 of its provisional rules of procedure to Justice George Gelaga King, President of the Special Court for Sierra Leone, and Mr. Stephen Rapp, Prosecutor of the Special Court for Sierra Leone.

It is so decided.

I invite Justice King and Mr. Rapp to take seats at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of the members to photocopies of a future document (S/2007/338), containing a letter dated 7 June 2007 from the representative of Canada, transmitting, in that State's capacity as Chair of the Management Committee of the Special Court for Sierra Leone, the Court's completion strategy, a summary of the completion strategy and a summary of the Court's completion budget.

I would like to welcome the presence of the Deputy Secretary-General, Ms. Asha-Rose Migiro, at this meeting.

At this meeting, the Security Council will hear briefings by the President and the Prosecutor of the Special Court for Sierra Leone.

I now give the floor to Justice George Gelaga King, President of the Special Court for Sierra Leone.

Justice King: I would like to begin by expressing my sincere appreciation to the Security Council for the decision to hold a debate on the Special Court for Sierra Leone. It is a great honour for me, as President of the Special Court for Sierra Leone, to have this opportunity to brief Council members on the achievements of the Court and the challenges facing it.

This is a crucial stage in the life of the Special Court. While the Court is undertaking an unprecedented level of judicial activity, it is already beginning to wind down its overall operations in Freetown.

In my remarks, I will update the Council on the status of the legal proceedings at the Special Court and its completion strategy. I will then talk about the impact of the Court on Sierra Leone and its efforts to leave a lasting legacy. Finally, I will describe areas where support of the international community is required to ensure that the Court successfully concludes its mandate.

Four trials of nine individuals are currently before the Special Court for Sierra Leone. Three of these trials are taking place in Freetown, and one — the trial of Mr. Charles Taylor, ex-President of the Republic of Liberia — is being held in The Hague. The trials of alleged members of the Civil Defense Forces (CDF) and the Revolutionary United Front (RUF) are before Trial Chamber I. The CDF trial has concluded, and a judgement is expected in July 2007. In the RUF trial, the defense is currently presenting its case. The trials of alleged members of the Armed Forces Revolutionary Council (AFRC) and of Mr. Charles Taylor are before Trial Chamber II. In the AFRC trial, a judgement is expected on 20 June. The trial of Mr. Taylor opened with the Prosecutor's statement on Monday, 4 June, in The Hague.

According to the updated completion strategy, which was distributed to the members of the Council, the Special Court for Sierra Leone will conclude all

judicial activity in Freetown and in The Hague by the end of 2009.

As I have already indicated, two of the trials being conducted in Freetown — the AFRC and the CDF trials — are now concluded and judgements will be delivered in the coming weeks. A third trial, the RUF trial, is scheduled to conclude by December 2007, and a judgement is expected by June 2008. Once a judgement has been delivered in the RUF trial, Trial Chamber I will have concluded its assignments and become *functus officio*.

With regard to the trial of Mr. Taylor, the projection is that trial proceedings will last until November 2008 and that a judgement on the merits and, if applicable, on sentencing will be issued in June 2009.

Possible appeals may start in Freetown in July 2008. Any appeals proceedings are expected to last approximately six months for each case and to be concluded in the ARFC, CDF and RUF cases by December 2008. It is expected that the Appeals Chamber will complete a possible appeal in the Taylor case by December 2009.

One indictee, Mr. Johnny Paul Koroma, is still at large. If he is apprehended between now and the completion date of December 2009, the completion strategy and the budget of the Court will have to be revisited.

Mr. President, while it is never possible to fully predict the duration of legal proceedings, let me reassure you of the Special Court's commitment to achieving the milestones set forth in the completion strategy and to continuing to review ways to increase efficiency.

The importance of the Special Court for Sierra Leone, however, goes beyond the completion of its legal proceedings. As President of the Special Court and as a Sierra Leonean, I hold the firm belief that the establishment of the Court represents a major contribution to long-term peace and security in Sierra Leone and the subregion. The Court has contributed greatly to the efforts being made in Sierra Leone to resurrect the rule of law and to end impunity.

The Special Court has made its trials and other activities a part of Sierra Leone's national discourse and heritage. The Outreach Section of the Court, through radio programmes, video screenings, town hall

meetings and training sessions, has had great success in engaging all sectors of Sierra Leone society. The Outreach Section is now taking steps to ensure that although the trial of Mr. Taylor is taking place in The Hague, the whole of the trial process will be brought to everyone in Sierra Leone and will be made accessible throughout the West African region, particularly in Liberia and beyond.

In addition, it should come as no surprise that, as the Court approaches the end of its mandate, legacy issues are one of its top priorities. The Court is continuing to transfer expertise to Sierra Leoneans through a number of programmes, including training on courtroom interpretation, witness protection and detention standards. The Special Court is also exploring ways to ensure that its buildings, archives and records will be preserved for Sierra Leone's children's children. Potential uses of the Court's physical site after completion of its mandate are being explored in conjunction with the Government of Sierra Leone.

The Special Court has benefited on numerous occasions from the support of the Security Council. I would like to express particular gratitude for the Council's adoption of resolution 1688 (2006), which noted my intention to authorize Trial Chamber II to exercise its functions away from the seat of the Special Court and requested all States to cooperate in the transfer of Mr. Charles Taylor to the Netherlands, and its adoption of resolution 1626 (2005), which extended the mandate of the United Nations Mission in Liberia to include the protection of the Court's premises by a contingent of Mongolian troops.

To complete its mandate, the Special Court continues to require the support of the Security Council and all Member States. In this regard, I wish to make three appeals.

First, the Special Court requires secure funding. The Court has recently finalized a completion budget that outlines its financial requirements from 1 July 2007 to 31 December 2009. The total budget amount is \$89 million. Available funds will be exhausted by November 2007. That is of grave and imminent concern. If the Special Court is to adhere to its completion strategy, it is imperative and vital that there be adequate financial support.

Secondly, the Court seeks the cooperation of the international community in negotiating and concluding

additional agreements for the enforcement of potential sentences and the relocation of witnesses. Sufficient agreements must be in place as soon as possible to avoid delays in the completion of the work of the Court.

Thirdly, I encourage States to support the Court's legacy projects and its consideration of relevant residual issues.

Let me conclude by once again expressing my gratitude to the Security Council and the Deputy Secretary-General for the support that the Special Court has received from the United Nations since its inception. I would be remiss in my duty if I failed to record a special word of thanks to the Management Committee of the Special Court and the United Nations Office of Legal Affairs for the invaluable help and advice the Special Court has received from them at all times.

The President (*spoke in French*): I give the floor to Mr. Stephen Rapp, Prosecutor of the Special Court for Sierra Leone.

Mr. Rapp: In beginning my presentation, I would like to reiterate the comments made by President King and thank the Council for its decision to convene this briefing on the Special Court for Sierra Leone.

I would also like to thank the Security Council for its invaluable role in strengthening peace and security in Sierra Leone and the West African region and for the assistance provided to the Special Court in its pursuit of justice.

As members are well aware, this past Monday saw the commencement of the trial of former Liberian President Charles Taylor. His trial marks a watershed event for international justice, and the Security Council deserves tremendous credit for helping to make that happen. In 2005, the Council adopted resolution 1638 (2005), which included in the mandate of the United Nations Mission in Liberia (UNMIL) the apprehension, detention and transfer of Charles Taylor to the Special Court in the event of his return to Liberia. In March 2006, that resolution made possible Taylor's handover to the Special Court in Freetown after he was arrested attempting to cross the border from Nigeria into Cameroon and had been brought to Liberia. Then, in June 2006, the Council adopted resolution 1688 (2006), requesting that all States cooperate to effect the transfer of Charles Taylor to the Netherlands for the

purpose of his trial by the Special Court. That endeavour stands as a remarkable example of collaboration by the international community. In addition, in March 2007 — not very long ago — the Council adopted resolution 1750 (2007) mandating UNMIL to provide support to the Special Court for activities conducted in Liberia with the consent of the Liberian Government.

I am therefore most grateful for this occasion to brief the Security Council in my capacity as Prosecutor of the Special Court for Sierra Leone and to provide the Council with an overview of the work my Office is performing and the challenges that lie ahead.

The Special Court has a very focused jurisdiction. It is mandated to prosecute those who bear the greatest responsibility for the violations of humanitarian law committed in Sierra Leone since 30 November 1996. The Office of the Prosecutor has therefore concentrated its investigations and prosecutions on a limited number of individuals alleged to have been in a position of responsibility and/or command and to have played a major role not only in carrying out the crimes, but also in planning and implementing the campaign of terror that engulfed Sierra Leone for almost 10 years.

The prosecution has issued 13 indictments, all of which were confirmed by a justice of the Special Court. Eleven individuals have been apprehended and transferred into the Court's custody. Two of them, Foday Sankoh and Hinga Norman, died of natural causes while in detention; one was killed in Liberia before arrest; and, as President King indicated, the whereabouts of another remain unknown. Nine individuals are currently before the Court as accused persons in four trials.

The prosecution and defence concluded the presentation of evidence in the trials of Allieu Kondewa and Moinina Fofana of the Civil Defence Forces (CDF) and Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu of the Armed Forces Revolutionary Council (AFRC) at the end of 2006. With the trial phases of both the CDF and AFRC cases now complete, our Office is awaiting judgments and devoting its efforts to preparing for possible appeals. On 2 August 2006, the Prosecution concluded its case in the trial of Issa Hassan Sesay, Morris Kallon and Augustine Gbao of the Revolutionary United Front (RUF). The defence began the presentation of its

witnesses on 3 May 2007, and it is anticipated that the trial will be concluded by early 2008.

The Office of the Prosecutor has continued to conduct investigations in Sierra Leone and elsewhere in relation to the case against Charles Taylor. On 7 March 2003, the Special Court confirmed the indictment of Charles Taylor for war crimes, crimes against humanity and other serious violations of international humanitarian law. On 29 March 2006, Mr. Taylor was surrendered to the Special Court. Taking note of concerns expressed by regional leaders, the President of the Court formally requested that Taylor be tried in The Hague, in the Netherlands, by a Trial Chamber of the Special Court. On 20 June 2006, Taylor was transferred to The Hague.

Last Monday, four days ago, the case officially began in a courtroom of the International Criminal Court in The Hague. In my opening statement, I made it clear that the prosecution will seek to ensure that the trial embodies the principles of fairness and due process at all times. In the months to come, the prosecution will be calling witnesses and offering documentary evidence that, in our evaluation, will provide strong and compelling proof of Mr. Taylor's culpability in planning, instigating, ordering, aiding and abetting the crimes charged in the indictment: crimes against humanity, war crimes and, additionally, the crime of violating other provisions of international humanitarian law by conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities.

The Special Court is indeed the first international criminal tribunal to charge and try individuals for the recruitment of child soldiers as a violation of international humanitarian law. In addition, the Special Court is the first international tribunal to charge forced marriage as a crime against humanity. The judgments as to those crimes that are expected 12 days from today in the AFRC case will be the first of their kind in the history of the world.

These trials are evidence of the international community's commitment to ensuring accountability for crimes as heinous and widespread as those committed in Sierra Leone. They make a clear statement that crimes such as mutilations, the chopping off of arms and legs, the sexual enslavement of women and girls, and the use of child soldiers cannot continue to go unpunished. The historic trial of Charles Taylor

shows that, after the mayhem and terror that were rained upon Sierra Leone and its people, there are those in the world who are ready to uphold the law and decide that, no matter how high the position of the person responsible, there will be a day of justice.

As President King indicated, it is expected that the Court will complete its legal proceedings by December 2009. However, the actual implementation of the Court's completion plan will require continued support from all Member States.

In the course of the CDF, AFRC and RUF trials, the prosecution presented 220 witnesses. Overall, 354 have been heard by the Chambers to date. In the Taylor trial, the prosecution estimates that it will be calling 139 witnesses. Many of the witnesses who appear before the Special Court do so at great risk to their and their family's safety, demonstrating courage and determination. The Court has an obligation to protect them and to relocate high profile and vulnerable witnesses. Thus far, the Court has signed agreements for the relocation of witnesses with three countries and entered into ad hoc arrangements with two more. Additional agreements are needed to ensure that all witnesses of the Special Court receive the protection they deserve.

All of the accused before the Special Court have declared themselves to be indigent and are receiving legal assistance at the Court's expense. It is important that the Court's Registry have the capacity to conduct further investigations to ascertain the validity of those claims of indigency. The investigations require extensive cooperation from Member States to track, freeze and gain access to possible assets.

That may lead to the discovery of substantial assets that could also be made available to a national process of victim compensation. In our view of the evidence, the crimes that we are prosecuting were motivated in part by a desire to control and exploit mineral resources. Justice requires that any remaining proceeds of that plunder be made available to its victims. I know of the ongoing efforts of the Committee established pursuant to resolution 1521 (2003) concerning Liberia to implement the freeze of assets of Charles Taylor and his close associates in compliance with Security Council resolution 1532 (2004). The success of those efforts would open the way for compensation for victims and also send a signal to others that they cannot gain from such crimes.

We urge Member States to provide all appropriate legal and technical assistance. We in the Office of the Prosecutor are ready to cooperate in any way to ensure success.

Finally, as Justice King stated, the Special Court needs funding. The Court has demonstrated itself to be a transparent and cost-effective operation. In order to provide Member States with a clear picture of the resources required until the conclusion of its work, a completion budget has been presented for each of the remaining years of its mandate, namely, 2007, 2008 and 2009. Current funds in the Special Court's accounts will be exhausted at end of October 2007. Additional funds of approximately \$60 million are needed to finance the Court's operation until the completion of its mandate. The challenges facing the Special Court are serious, and I encourage all Member States to renew their support for the Court and its efforts to ensure justice for the crimes committed in Sierra Leone.

I would like to leave members with these words from our opening statement in the Taylor trial.

"The people of Sierra Leone have a saying: no matter how long the night, light will come again. For years the accused's crimes have remained in the dark. Today we start to shed light on his responsibility for the suffering of the people of Sierra Leone."

Let us continue to work together to help the people of Sierra Leone look forward to a future of light and of hope.

The President (*spoke in French*): I thank Mr. Rapp for his briefing.

I now give the floor to the Deputy Secretary-General, Ms. Asha-Rose Migiro.

The Deputy Secretary-General: It gives me great pleasure to be here today as a witness to the significant achievements of the Special Court for Sierra Leone. After listening to both the President and the Prosecutor speak about the work and goals of the Special Court, I feel humbled but, at the same time, encouraged. It was only five years ago that an 11-year conflict, characterized by indescribable brutality and the systematic use of mutilation, abduction, sexual violence and the murder of civilians, came to an end in Sierra Leone.

The first of its kind, the Special Court was established on the basis of an agreement between the United Nations and a Member State — Sierra Leone — at the request of the Security Council and the Government of Sierra Leone. This new hybrid model of international justice sits on the territory where the crimes were committed and therefore has the unique advantage of benefiting from both international and Sierra Leonean personnel.

The Special Court has faced numerous difficulties and challenges since it was established. However, it is clear that tremendous efforts have been made by both dedicated staff members and the people of Sierra Leone to prosecute those who bear the greatest responsibility for serious violations of international humanitarian law committed in Sierra Leone since 30 November 1996.

Like the other ad hoc Tribunals currently in existence, the Special Court prosecutes war crimes and crimes against humanity. Uniquely, however, this Court has also prosecuted all its indictees for the enlisting of children under the age of 15 to participate in hostilities. Notably, building on the jurisprudence of the ad hoc tribunals for the former Yugoslavia and Rwanda, the Special Court has confronted the tradition of impunity for gender-based crimes, prosecuting offences such as forced marriage and recognizing the unique nature of the sexual crimes perpetrated primarily against women and girl children during this conflict. For the first time, sexual slavery as a crime against humanity is being expressly prosecuted under international law.

Today the Special Court has demonstrated how it has discharged the heavy responsibility it assumed in 2002 to ensure that perpetrators of crimes are brought to justice. In so doing, the Court has contributed to the restoration and maintenance of peace and security in Sierra Leone. It is often said that one of the Special Court's greatest accomplishments is its Outreach Section. It is truly remarkable how the Section has enlisted the support of the general public in Sierra Leone and the neighbouring region. The Section effectively disseminates information about the trials before the Special Court at the grass-roots level, providing accessible information on the application of the basic values of the rule of law in the restoration of peace.

The Special Court has joined other international tribunals in offering hope to future generations — a

hope that the rule of law may prevail in the affairs of men and women of all nations and that those whose deeds offend the conscience of mankind shall not go unpunished.

On the day of the opening of the Charles Taylor trial, the Secretary-General encouraged all Member States to continue their support and contributions to the Special Court. Today, the Special Court has specifically sought the assistance of the international community through financial support. However, the Court also requires the cooperation of Member States in the enforcement of sentences, the relocation of witnesses and the subsequent residual and legacy issues that will naturally arise from its activities. I strongly reiterate those requests.

It is imperative that the international community continue to generously support the Special Court, ensuring that it has both the human and financial resources necessary to conclude its mandate. The Court constitutes an important milestone in the fight against impunity. It marks the considerable achievement of those who have worked selflessly to ensure a lasting legacy of justice and of the rule of law, of which the Sierra Leonean people, Africa and the international community at large can be proud.

The President (*spoke in French*): I thank the Deputy Secretary-General for her statement.

I shall now give the floor to members of the Council.

Ms. Pierce (United Kingdom): Allow me also to thank the President and Prosecutor of the Special Court for their very informative briefings and for all the work they are doing to help bring justice to the people of Sierra Leone. I would also like to thank the Deputy Secretary-General for attending this meeting and for her words of support for the Court, which is a very important cause of the Council.

Less than eight years ago, military intervention was necessary to save Sierra Leone from total collapse into civil war. The progress made since has been a tribute to the efforts of the Sierra Leonean people, of the United Nations and of others. My Prime Minister, Tony Blair, paid a recent visit to Freetown. He was able to see and remark on the turnaround in Sierra Leone's fortunes over the past few years, which is truly impressive. But, as those who have spoken before me have said, there is no room for complacency. Sierra

Leone is still fragile, and the upcoming elections — the first since the departure of United Nations peacekeepers — will be a milestone in the country's development. It is only right that the Peacebuilding Commission should continue to help Sierra Leone deal with its post-conflict future.

Against that background, the Court has an even more important role to play in Sierra Leone's recovery than the inherent good that bringing justice to the country entails. We welcome the opportunity for the Special Court to brief the Council on its work. This is a very special occasion. We are pleased that it also gives the Council an opportunity to demonstrate its support for the role that the Special Court has played in the restoration of peace and security in Sierra Leone.

It is particularly appropriate that, as other speakers have noted, this meeting is taking place during the same week as the start of the Taylor trial. It enables the Council to send a strong message that nobody is above the law and that there can be no impunity for crimes against humanity and war crimes. We are confident that the Special Court will ensure a fair and expeditious trial for Charles Taylor.

My country is a strong supporter of the Special Court, as we are a friend to Sierra Leone, and we have demonstrated that support through practical and concrete actions. We are one of the largest financial contributors to the Special Court, and last month made an additional contribution of \$4 million, bringing our total contribution since 2002 to some \$23 million.

We are an active member of the Special Court's Management Committee here in New York. We were pleased to be able to agree to imprison Charles Taylor if convicted, and welcomed the fact that that helped unlock the transfer of Taylor to The Hague in June 2006.

With our assistance, the BBC World Service Trust has developed a project in support of the Court's important and innovative outreach work, enabling the people of Sierra Leone and Liberia to have access to the Taylor trial.

We believe that the Special Court has set out a sound basis for its completion strategy. It remains important that the Court continue to strive for the early completion of its work in line with that strategy and, where possible, to deliver further efficiencies and budgetary savings.

Equally, it is essential that international community help ensure that the Special Court has the resources that it needs to complete its valuable work. We would therefore like to urge all Member States to respond to Justice King's call for further financial contributions and the provision of other forms of assistance in terms of sentence enforcement and witness relocation.

Finally, it is vital that the important achievements of the Special Court be preserved for the future. We urge the Court to develop its strategy on its legacy, in consultation with the Council's ongoing work in this area in respect of the international tribunals for the former Yugoslavia and for Rwanda.

We should like to pledge our support for the continuing work of the Court.

Ms. Wolcott Sanders (United States of America): On behalf of the United States, I would like to join others in welcoming the President of the Special Court for Sierra Leone, Justice George Gelaga King, Chief Prosecutor Stephen Rapp, and Acting Registrar Herman von Hebel to New York and to the Security Council. Their briefings today come at a critical time in the Court's work, with proceedings in three cases still under way in Freetown and the trial of former Liberian President Charles Taylor having begun on 4 June in The Hague.

The United States also welcomes the participation in today's discussions of Deputy Secretary-General Migiro. Her presence underscores the importance that the United Nations and members of the international community continue to attach to the successful completion of the Special Court's work in order to bring a sense of justice to the innocent victims of the terrible crimes and atrocities that were perpetrated in Sierra Leone.

The United States has been a strong supporter of the Special Court from its inception. We played an instrumental role in drafting and negotiating resolution 1315 (2000), which called on the Secretary-General to conclude an agreement with the Government of Sierra Leone to create an independent special court to prosecute persons "who bear the greatest responsibility" (para. 3) for the serious violations of international humanitarian law and Sierra Leonean law that were committed in the territory of Sierra Leone since 30 November 1996. The successful completion of the Court's work remains a top United States priority.

The United States commends the commitment and hard work of the many men and women, a large number of whom are Sierra Leonean, who have been working to ensure that the Special Court fulfils its mandate. The efforts of these dedicated men and women have contributed to a number of important precedents, the most notable of which was the indictment of Charles Taylor — who was then a sitting head of State — on charges of crimes against humanity, war crimes and other serious violations of international humanitarian law. Additionally, the Special Court for Sierra Leone represents the first test of a new model of international justice — namely, an independent, international court of mixed jurisdiction and composition seated in the country where the crimes were committed. One important aspect of the Special Court's legacy will be the future of this new model of international justice. The efficient and timely completion of the Special Court's work would serve as testimony to the efficacy of the model to meet future needs. Accordingly, we urge the leadership of the Special Court to do everything in its power to address inefficiencies at the Court and to avoid unnecessary delays in the proceedings, in order to set a solid precedent for the future of this new model.

The United States has contributed \$35 million to support the work of the Special Court since its creation in 2002 and intends to make additional contributions to the Court to ensure that it completes its important work. More than 40 other States have also provided funds to support the Court. The United States welcomes that broad base of past support, but notes that the Court will exhaust the funds currently available to it in a few months. The United States therefore appeals to all Governments to help guarantee, through additional contributions, that justice will be served, that impunity will not be tolerated and that peace and stability can be sustained in Sierra Leone and in the region.

Mr. Makayat-Safouesse (Congo) (*spoke in French*): I would like, on behalf of my delegation, to associate myself with the expressions of appreciation that have been addressed to the President of the Special Court for Sierra Leone, as well as to the Prosecutor.

The debate that has brought us together today provides Congo with an opportunity to reaffirm its ongoing commitment to the fight against impunity. It can never be stressed enough that, in societies in conflict, such as ours, justice lies at the very heart of

the objectives of national reconciliation, reconstruction and development. Hence the importance that we accord to the role being played and the work being done by the Special Court for Sierra Leone. In organizing the trial of Charles Taylor, the Court is serving the objectives of peace and security, as set out in the Charter, which form the very basis of the Security Council's mission. Furthermore, the exercise of international criminal justice will make it possible to affirm that henceforth the perpetrators of crimes and misdeeds will answer for their actions sooner or later.

It is on the basis of that conviction that my country fully supports the work of the Special Court and will, of course, provide it with all cooperation necessary to enable it to fulfil its mandate. In this respect, we would also like to associate ourselves with the appeal made here to place at the disposal of the Special Court the means it needs to carry out its mandate.

In conclusion, I would like to say that we are convinced that in the final analysis — above and beyond the implementation of the Court's completion strategy — the international community as a whole will benefit from a legacy that could prove very useful for the development of international criminal justice.

Mr. Lacroix (France) (*spoke in French*): My delegation too would like to thank the President of the Special Court for Sierra Leone, as well as the Prosecutor, for having taken the initiative to come to the Council to brief us on the work of the Court. It is legitimate that the Security Council, which endorsed the Court's creation, should be kept informed of the progress of an institution that is essential for justice and reconciliation.

My delegation would also like to welcome the presence at this debate of Ms. Asha-Rose Migiro, the Deputy Secretary-General.

Since our previous meeting devoted to the work of the Court two years ago (see S/PV.5185), a major event has occurred — one which France welcomed and to which the Council contributed: the arrest of Charles Taylor, his transfer to The Hague in accordance with resolution 1688 (2006) and, a few days ago, the start of his trial. A former head of State answering before a criminal court for atrocities which he encouraged and supported sends a very strong message which, beyond Sierra Leone and the region, is universal in scope. It is a message of hope for the victims of the most serious

crimes and for all those who are combating impunity. The phase of the presentation of evidence, which will soon begin, will be crucial in that respect. It is also a warning for those responsible for such crimes wherever they may be. Progress in international criminal justice, and in particular the creation of the International Criminal Court, must prevent such persons from escaping justice, and the Security Council must support that progress.

It is important for the Security Council to be able to follow the Court's implementation of its recently revised completion strategy. Since the Court started functioning nearly five years ago, much has been achieved. France welcomes, in particular, the fact that three trials involving the various factions that participated in the conflict which tore Sierra Leone apart have concluded or are coming to an end. France notes that work should finish by the end of 2008 in Freetown and by the end of 2009 in The Hague.

The Court recently established a budget covering the period of the remaining work. It is certainly a useful tool which will make it possible to better assess the financial effort expected of us. The transfer of the Charles Taylor trial to The Hague has naturally had a major impact on the budget, but, in our view, the security considerations that justified the transfer remain completely valid.

For France, which has been contributing to the financing of the Court for several years, it is essential that the accomplishments of the first years of work not be jeopardized by a shortage of resources. In that spirit, we will consider the appeal for new contributions. Indeed, we want the Court to be successful, not only for justice and peace in Sierra Leone and the subregion, but also for international justice.

The Special Court for Sierra Leone, which is the first mixed tribunal created with the assistance of the United Nations, has been a model that has inspired other jurisdictions, in particular the Special Tribunal for Lebanon whose establishment has just been sanctioned by the Council. It has broken new ground in several areas, in particular through its communications strategy, as well as through its coordination with the United Nations Mission in Liberia and, in the Taylor trial, its cooperation with the International Criminal Court. That progress, together with its judgements, will be part of the Court's legacy to us.

The Court has also started to reflect upon residual activities after the end of the trials. The Security Council, which is beginning its work on the legacy and residual activities of the international criminal tribunals for the former Yugoslavia and for Rwanda, must take those reflections into account. Having approved the creation of the Court, it must also concern itself with its legacy.

In conclusion, I wish to reaffirm here that France fully supports the fight against impunity and the work for justice being carried out by the Special Court for Sierra Leone.

Mrs. Zanelli (Peru) (*spoke in Spanish*): My delegation wishes to express its gratitude for the briefings given by the President and the Prosecutor of the Special Court for Sierra Leone. We are grateful too for the work being carried out in that very important institution of international justice. My delegation also wishes to welcome the presence of Deputy Secretary-General Migiro at this meeting.

Peru firmly supports the fight against impunity. My delegation therefore appreciates the opportunity to be briefed this afternoon on the activities of the Special Court for Sierra Leone. This meeting will enable all States Members of the United Nations, and public opinion, to be informed about the work of the Special Court and about the challenges it faces. With two trials now concluded, with sentencing scheduled for next June and July, a trial that is to conclude by the end of the year and the recent start of the trial of the former President of Liberia, Charles Taylor, the Court has shown that it is making progress in the task of bringing to justice those who bear the greatest responsibility for serious violations of international humanitarian law and the laws of Sierra Leone, thus bolstering the fight against impunity and promoting reconciliation and the achievement of lasting peace, not only in Sierra Leone but throughout the subregion.

The beginning of the Charles Taylor trial marks an important milestone in the work of the Court. The fact that this former head of State who allegedly committed serious atrocities has now been brought to justice shows us that no one is above the law and that the commission of serious crimes cannot remain unpunished. In today's world impunity is not tolerated. Furthermore, the fact that the trial is taking place in The Hague with the logistical cooperation of the International Criminal Court shows how that young

institution is engaged in the fight against impunity and confirms the wisdom of the international community's decision to conceive and establish a permanent judicial institution.

As the Court has unambiguously indicated with its active and innovative outreach plan to publicize its activities and proceedings so that the trials will have the proper impact in Sierra Leone and throughout the subregion, it is crucial that the trials be accessible. The local population must clearly see that justice is being served. That is particularly relevant in the Taylor case, as was stressed by the Security Council in resolution 1688 (2006). We praise the Special Court's work in that area, and we encourage it to continue it.

The President and the Prosecutor have shared with us information on the Court's completion strategy, under which all judicial activities are expected to end by the end of 2009. In the context of the formulation and implementation of the completion strategy, residual aspects and the legacy of the Court are especially important. In particular, we wish to highlight those aspects relating to the creation of conditions and capacities within the local justice system to try those responsible for crimes that fall outside the Court's mandate. Indeed, in order to comply with the completion strategy and, above all, in order to fulfil its mandate vis-à-vis the people of Sierra Leone, the Court requires resources and cooperation.

We thank those who have contributed financially to the Court's activities, and we call for the support of States able to provide it. The Court requires the cooperation of States on a number of matters, as the Council has heard this afternoon.

I will conclude by encouraging the Special Court for Sierra Leone to continue implementing its mandate and bringing justice to the people of Sierra Leone, which is indispensable in order to lay the foundation for lasting peace and a prosperous future, not only in the country but also in the subregion.

Ms. Chen Peijie (China) (*spoke in Chinese*): I too wish to thank the President, Justice King, and Prosecutor Rapp of the Special Court for Sierra Leone for their briefings. At the same time, I wish to thank Deputy Secretary-General Migiro for her presence at our meeting today.

I wish to note that after hearing the briefings, we see that since the Special Court started briefing the

Council two years ago, it has made real progress in its work, and that is commendable.

Here, I wish to make the following points. First, China has always supported the work of the Special Court for Sierra Leone and will continue to do so in the future.

Secondly, the Special Court has made progress in its trials, as we have heard. Some trials have been completed and some are still under way, including the trial of Charles Taylor, which is being carried out by the Special Court in The Hague, using the facilities of the International Criminal Court. We believe that independent and fair trials help to promote national reconciliation, peace and stability in the region concerned. Therefore, we look forward to the smooth progress and early completion of the relevant trials.

Thirdly, we are pleased to learn that the Special Court has also made steady progress in its completion strategy. It has amended its rules of procedure and evidence in order to enhance the efficiency of trials, and it has set very specific goals for its work. We have also noted that the Special Court has begun to address outstanding issues, including capacity-building in local judicial institutions. All of that is to be commended. We hope that the Special Court will continue to work actively to achieve its various working goals as it continues to implement its completion strategy.

Fourthly, we heard from the President and the Prosecutor of the Special Court that the Court continues to face a number of difficulties. In particular, they referred to the issue of cooperation. I believe that that is a very important issue indeed. Therefore, I should like to call on those countries in a position to do so to continue to provide support to the Special Court and to take a more cooperative approach so as to help it resolve issues such as the enforcement of potential sentences and the relocation of witnesses.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): Thank you, Mr. President, for convening this debate on the Special Court for Sierra Leone. It gives us an opportunity to be briefed on the latest developments relating to the Special Court and on the difficulties facing its President, Justice George Gelaga King. I welcome Justice King to the Security Council and thank him for his briefing and for submitting the Court's completion strategy and budget. I also wish to thank Mr. Stephen Rapp, Prosecutor of the Special Court, for his comprehensive briefing.

Earlier this week, we saw the beginning of the most important stage in the work of the Special Court for Sierra Leone: initial proceedings in the trial of former Liberian President Charles Taylor at The Hague. That proves that no one, regardless of his or her position, is above the law and that everyone, regardless of the crimes that he or she has committed, has the right to due process, as stated by Prosecutor Rapp last January.

The reaching of this stage responds to the aspirations of the people of Sierra Leone to achieve justice, now that they have put their conflict behind them and set out on the path towards building peace and prosperity with determination and resolve, and with the assistance of the international community. However, the effects of the past cannot be erased without putting an end to the phenomenon of impunity and implementing the rule of law in accordance with national and international law and the purposes and principles of the Charter of the United Nations.

Since the last briefing to the Council, by Justice Ayoola, former President of the Special Court for Sierra Leone, in May 2005 (see S/PV.5185), the Special Court has made concrete progress in carrying out its mandate under Security Council resolution 1315 (2000) and the 2002 Agreement between the United Nations and the Government of Sierra Leone. It has concluded the trial of members of the Civil Defence Forces and the Armed Forces Revolutionary Council, and the trial of members of the Revolutionary United Front will be concluded soon.

As we just heard, and as stated in the documents submitted by the President of the Special Court to the Secretary-General concerning plans and expectations for the future completion of the Court's mandate, the Court will continue to carry out its work, including appeals, until late in 2009. While we recognize that the Court needs to finish its current work within the specified time frame and as soon as possible — particularly since some trials have exceeded the timelines set for their conclusion — we also stress the need to strike a balance between compliance with the time frames and the full, efficient and satisfactory fulfilment of the Court's mandate, as well as the need to guarantee the right of the accused to due process in fair trials.

Because the Special Court for Sierra Leone is an international criminal court that has been funded since

its inception through voluntary contributions, and given that the financing available to the Court will be sufficient only until the end of this year, we call on all parties to provide the financial contributions necessary for the Court to continue its work. We commend those who have already provided financial contributions to the Court.

We welcome the Special Court's commitment to accepted legal norms and principles and to transparency and effectiveness in its work, as well as determination to bequeath to the people of Sierra Leone, in addition to the material resources of the country's legal system, a legacy to future generations in the country and elsewhere that embodies the resolve to achieve justice and to eradicate impunity for those who commit war crimes or crimes against humanity.

Finally, while we regret that the trial of former Liberian President Charles Taylor is not taking place on the African continent — owing to the fact that the International Criminal Tribunal for Rwanda is busy developing its own completion strategy and because of the lack of space on its premises and the lack of other options on the African continent — we also stress that it is essential that the peoples of the subregion be able to follow the proceedings of the trial, including through closed-circuit television. We look forward to the continuance of the judicial proceedings at The Hague, since they will help to reveal the truth and to establish security and stability in Sierra Leone and the surrounding region.

Mr. Bartho (Slovakia): I would like to express my delegation's appreciation to Justice George Gelaga King, President of the Special Court for Sierra Leone, and to the Prosecutor, Stephen Rapp, for their briefings to the Security Council.

My delegation aligns itself with the statement that will be delivered by the representative of Germany on behalf of the European Union. We do not wish to repeat the same points, so I would like to highlight only a few issues.

We welcome the commencement of the trial of Charles Taylor. Although Taylor's trial is taking place at the International Criminal Court, in The Hague, it is and will remain a trial conducted by the Special Court for Sierra Leone. It is necessary to emphasize this and to keep explaining it constantly to the public, in particular in Sierra Leone and Liberia.

In this context, Slovakia welcomes and supports measures aimed at ensuring that proceedings are accessible to West Africans, including facilitating the attendance of journalists and civil society representatives from Liberia and Sierra Leone, preparing video and audio summaries of Taylor's trial for dissemination throughout Sierra Leone, and making broadcasts of Taylor's trial available at the Court's premises in Freetown.

The second issue I want to mention is the outreach programme of the Sierra Leone Court. The innovative work of the Court's Outreach Section, which continues to bring the Court's activities and accomplishments to every town and village in Sierra Leone, to schools and colleges in the country and to the people of the subregion, deserves high acknowledgement and can set a good example for the work of other tribunals.

Finally, I would like to underline our full support for the Court and also for the successful completion of its work.

Ms. Qwabe (South Africa): My delegation wishes to thank The Honourable Justice George Gelaga King and the Prosecutor for the Special Court, Mr. Stephen Rapp, for their briefings to the Council. We also thank the Deputy Secretary-General for her comments.

My delegation is pleased with the progress made since the adoption of Security Council resolution 1315 (2000) and the subsequent agreement signed between the United Nations and the Government of Sierra Leone establishing the Special Court for Sierra Leone.

The operational and logistical challenges that faced the Court have since largely been addressed, and the Court is effectively and judiciously executing its mandate. Significant progress has been made in the three trials before the Special Court, and we look forward to the conclusion of the Revolutionary United Front trial later this year. This bodes well for the implementation of the completion strategy in 2009, as set out by the Special Court.

South Africa believes that the prosecution of those responsible for the violation of international humanitarian law, as well as the law of Sierra Leone, will serve to discourage others from committing human rights violations in the future.

A hallmark of the Special Court has been its contribution to precedent-setting in international humanitarian law, as well as the aspect of national ownership of the Court. In that regard, my delegation is particularly encouraged by the large number of Sierra Leoneans employed by the Special Court, by its work in the area of public information and dissemination of information, and by the legacy project to ensure that the role of the Court in upholding the supremacy of the rule of law resonates in Sierra Leone long after the completion of its work. Those initiatives are noteworthy and innovative, and we congratulate the Special Court on those remarkable achievements.

Whereas significant progress has been made in fulfilling the mandate of the Special Court, the continued assistance of the international community remains critical. The projected budget for the next three years totals \$90 million, and international donors are urged to continue their support for the work of the Special Court. In addition to the subject of funding, my delegation wishes to call on all States to cooperate, support and rally behind the appeal by Justice King for concluding agreements for the enforcement of sentences, the relocation of witnesses and the identification of assets of convicted offenders.

In conclusion, South Africa believes that the holding of free and fair elections on 11 August 2007 will contribute to a peaceful and stable Sierra Leone and that the Special Court's functions are also integral in the creation of a stable political and security environment. South Africa will continue to support the Government of Sierra Leone, both bilaterally and through the Peacebuilding Commission, in strengthening its institutions during the post-conflict reconstruction phase.

Mr. Suescum (Panama) (*spoke in Spanish*): I would like to express my gratitude for the detailed briefings and information given by the President of the Special Court and the Prosecutor, and also the information given by the Deputy Secretary-General.

Panama would like to take advantage of this opportunity to acknowledge the essential work done by the Special Court and its vital contribution to the establishment of the rule of law in Sierra Leone and in the subregion.

We cannot overlook the contribution that the Court has made to jurisprudence on questions such as the legal effects of the amnesty called for in the Lomé

Peace Agreement, or the irrelevance of the status of head of State or the jurisdiction of special courts in accordance with international law.

Moreover, as mentioned by the Prosecutor, the Court has been the first to deal with various types of crimes under international law, as well as crimes against humanity and war crimes. The overall success and effectiveness of the Special Court in its mission to tackle impunity through the trials of those who are primarily responsible is an important example to be followed in Africa as well as in other regions.

In the period remaining before the Special Court until December 2009, it will be important for it to be able to guarantee that its work is in accordance with the highest standards of international law. Therefore, it is crucial for the international community to provide the necessary resources to the Court.

Furthermore, a trial is very similar to an election, where after the outcome there is still much work left to be done. The Prosecutor mentioned steps that have been undertaken to protect and relocate witnesses. It would be interesting to know a little more about the projections being considered for after 2009 in cases such as the post-appeal process, adequate treatment of prisoners and victims, the conservation of documents, guaranteeing that these documents would be accessible, and so forth.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): Like other Council members, we would like to thank the chief officials of the Special Court for their briefing today. We feel that this body is one of the important components in the fight against impunity. Beyond any doubt, its activities give effective assistance to establishing peaceful processes in the region.

The Russian delegation notes that the judicial processes within the Special Court for Sierra Leone are working quite successfully, and we note a positive dynamic in the work of the Court. In our view, we need to maintain the momentum built up by the Special Court over the next few years.

Of course, a milestone in the work of the Court was the capture of the former President of Liberia, Charles Taylor, the chief accused by this legal body. The Security Council adopted a resolution on the transfer of consideration of the Taylor case to The Hague a year ago. It must be recognized that quite a

long time passed between the Security Council's decision and the actual start of the hearings on this case on 4 June 2007. Moreover, as we have learned, the hearings that started last Monday were interrupted and their resumption is planned only for 25 June. We would be grateful to the representatives of the Court if they could tell us what the reason was for the delay in the consideration of the case and how realistic the predicted timeline is for its conclusion by the end of 2008 and for sentencing by mid-2009.

We of course attach great importance to this question, because this case being considered by the Special Court for Sierra Leone is a serious precedent, not only from the point of view of international law, but also because it could have a positive impact on the peaceful processes in the region and on the African continent.

Mr. Mantovani (Italy): I wish to thank President King and Prosecutor Rapp for their presentations and congratulate them on the Court's achievements in bringing to justice the alleged perpetrators of the most heinous international crimes and contributing to the development of international criminal law. I also wish to welcome the participation in our proceedings today of the Deputy Secretary-General, Mrs. Migiro.

Italy associates itself with the statement that will be delivered by the presidency of the European Union later on.

We strongly support the work of the Special Court for Sierra Leone and praise its contribution to the restoration of peace and stability in that country. The Special Court has been crucial in reaffirming the rule of law as one of the pillars of civil society, as has also been discussed in the Peacebuilding Commission. The conclusion of the first cases, with the imminent delivery of judgements, is only the first tangible outcome of the huge effort that began with the establishment of the Court in 2002.

With the recent start of the trial against Charles Taylor, the Court initiated a new phase of its work that will mark a milestone in the field of international criminal justice. We strongly recommend, however, that media attention to the Taylor trial not distract the Court from continuing its activities in Freetown with a view to accomplishing its completion strategy.

Several statements this afternoon have recalled the Special Court's contributions to the development of

international criminal law. We would like to mention the investigations into the use of child soldiers and forced marriages, which will surely result in precedent-setting decisions in the area of international crimes against the weakest part of the civilian population and which have tragic and long-standing repercussions in civil societies.

I would like to refer briefly to the Special Court's affirmation of the crucial role of justice in the peace and reconciliation process. Peace and justice must go hand in hand in societies that have been disrupted by civil wars. The Special Court proves that, with the support of the international community and the Security Council, with its primary responsibility for the maintenance of international peace and security, a judicial institution can be set up in the very place where horrendous crimes have been committed.

The establishment of the Special Court in Sierra Leone is per se a fundamental outreach. But that is not enough. Italy is proud of its contribution, especially through the European Union, to the several outreach activities of the Special Court, and we hope that these activities will continue. At the same time, we believe that an effort must be made to ensure that the people of Sierra Leone will continue to perceive the Special Court as a friendly institution whose premises will go on serving the country even after the Court has concluded its work.

As regards the functioning of the Special Court, Italy welcomes the recent decisions aimed at making the Court more efficient and at overcoming some management difficulties. The adoption a few days ago of the budget for the 2007-2009 period is a step in the right direction, towards forecasting the financial needs of the Court in the next two years, thereby paving the way for a smooth completion strategy.

Mr. Christian (Ghana): Allow me to thank the President of the Special Court for Sierra Leone, Mr. Justice King, and the Prosecutor, Mr. Rapp, for their presentations. I also thank the Deputy Secretary-General for her statement.

It is gratifying to note that the Special Court — which has been in operation since July 2002, with the mandate of prosecuting persons who have the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law — has been making steady progress towards its completion strategy. Indeed, we recognize the invaluable role

being played by the Special Court in the prosecution of the serious crimes committed in the civil wars since 1996. It is through justice and closure for the victims of war crimes and other atrocities that the basis for peace, reconciliation and stability can be laid in Sierra Leone and provide the standard for the administration of transitional justice in the West African subregion.

The Court's completion strategy is therefore of great importance. Without the conclusion of the most serious cases, the mandate of the Court will not be fully discharged. There should be no impunity for the crimes and atrocities committed during the civil war. On this point, we view the commencement of proceedings against Charles Taylor in The Hague as a significant development in the fight against impunity, and we hope that the other perpetrators of heinous crimes in the civil war will also be brought to justice.

From the report of the President, it is reasonable to assume that the completion strategy of the Court is on track with two milestones achieved — the completion of the hearings in the Civil Defense Forces and Armed Forces Revolutionary Council cases. We also wish to welcome the progress made by the Court in amending the Rules of Procedure and Evidence, since without efficiency in the proceedings, the attainment of stated objectives and milestones may be compromised.

The Court's outreach programme is to be commended. In the fight against impunity and in the quest for justice for the most serious crimes, it is important that the Court's proceedings in particular, and justice in general, should not be seen as a remote and distant process with no relevance to the lives of citizens. Justice must be brought to the people. By creating a sense of participation for the victims and the population at large, we bring in an element of ownership and understanding of the process. That will leave a lasting impact on the population.

Finally, we call on the international community to give the Court the fullest support to discharge its mandate by making available adequate resources for its budget.

Mr. Kleib (Indonesia): First of all, let me join others in thanking the President of the Court, the Prosecutor of the Court and the Deputy Secretary-General for their briefings.

Indonesia welcomes the Special Court's steady progress towards the fulfilment of its mandate and the implementation of its completion strategy.

Indonesia consistently condemns gross violations of human rights and international humanitarian law. The perpetrators of war crimes and crimes against humanity, as well as other serious crimes, must be brought to justice.

In this regard, we welcome the start of the trials of individuals, including the trial of Charles Taylor by the Special Court for Sierra Leone in The Hague. This trial could greatly contribute to the strengthening of the rule of law and also create confidence in the people of West Africa and beyond that there is no impunity for crime, no matter how powerful the perpetrators may be. We hope that the trial will be conducted fairly in accordance with international standards and with respect to the presumption of innocence unless proven otherwise.

Despite the current efforts by the Government of Sierra Leone, there is much more to be done in healing the wounds of the people and in consolidating peace. It is hard to console the people of Sierra Leone who were battered by the actions of Charles Taylor for six horrendous years. We expect and are hopeful, therefore, that his trial will contribute to advancing national reconciliation and to furthering the sense of accountability among the public.

At the same time, we believe that it is important for the Security Council to focus on the big picture of the country. While we fully support the Special Court for Sierra Leone, my delegation considers it to be one of the several critical means to achieve a sustainable peace in Sierra Leone, which will reduce the chances of relapsing into conflict.

With most institutions ravaged by the 10-year civil war, it is understandable that the Government is still facing difficulties with its present scarce resources and inadequate infrastructure. The international community therefore needs to step up its support to the Government of Sierra Leone not only in assisting it in the conduct of upcoming elections, but in helping it to expand its capacities across the various sectors for the long-term recovery.

To conclude, Indonesia is hopeful that the process of the Special Court for Sierra Leone will run smoothly

within the time frame of the mandate, leading to the strengthening of peace and harmony in Sierra Leone.

The President (*spoke in French*): I shall now make a statement in my capacity as representative of Belgium.

At the outset, I should like to thank President King and Prosecutor Rapp of the Special Court for their clear statements.

Belgium welcomes the launch this week of Charles Taylor's trial before the Special Court for Sierra Leone. The holding of the trial is proof that there is no longer any question of impunity for persons accused of the most serious crimes, whatever their rank.

My delegation has stressed on several occasions that peace and impunity are never compatible. That was the spirit underlying the creation of the Court. According to a recent study, 90 per cent of the population of Sierra Leone considers that the Court has helped to establish peace. There could be no better illustration of how clearly the people directly concerned recognize the Court's contribution.

One of the Special Court's important innovations is that it may issue the first sentence for the recruitment of child soldiers. Indeed, by its decision of 31 May 2004, the Appeals Chamber deemed that the rule prohibiting the recruitment of children under the age of 15 was part of customary international humanitarian law. That will certainly send an unmistakable signal to armed groups throughout the world that seek the unacceptable involvement of children in armed conflict. We cannot forget that the conflict in Sierra Leone featured extreme brutality of which children and women were the chief victims.

The victims' perception that they have received justice is crucial. In that regard, we stress the outstanding work done by the Court in terms of outreach since its creation, and particularly the communication efforts developed in the context of the Taylor trial.

My delegation welcomes the fact that judgments in the case of the Armed Forces Revolutionary Council are expected on 20 June and, in the case of the Civil Defence Forces, in July. That represents an important step forward in the Court's work, which we welcome.

My delegation notes with satisfaction the fact that the Court is expected to conclude its work by the end of 2009. We welcome the two documents recently finalized — the completion strategy of the Court's work and the completion budget for the next three years. Insofar as Belgium's principled support is also expressed in the form of regular contributions to the Court's budget, those documents provide an essential basis for the voluntary contributions that are vital to its work.

December 2009 is no longer so far away, and we must reflect beforehand on the Court's residual functions that will remain to be discharged after it closes. Those include issues of witness protection, the enforcement of sentences, archives and so on. It would be useful in that exercise to seek possible synergies with other jurisdictions that are equally involved in this debate, in particular the International Criminal Tribunals for Rwanda and the Former Yugoslavia.

I now resume my functions as President of the Council.

I call on the representative of Sierra Leone.

Mr. Kanu (Sierra Leone): We thank you, Sir, for convening this important meeting on the Special Court for Sierra Leone. We also welcome the presence here of the President of the Court, George Gelaga King; the Prosecutor, Mr. Stephen Rapp; and the Acting Registrar of the Court, Mr. Herman von Hebel. We also welcome the participation of the Deputy Secretary-General in this debate.

It has now been five years since the Special Court for Sierra Leone was established and seven years since the President of the Republic of Sierra Leone, Alhaji Ahmad Tejan Kabbah, requested the assistance of the United Nations and the international community to help our country answer the cries for justice from our people.

We remain grateful for the quick response to His Excellency's request and we are proud to have seen the Special Court develop into a fully fledged international court, with many of its practices recognized as an example of how international criminal justice could and should be administered and of how to engage the population and maximize the impact of its work on those who suffered so dreadfully during those terrible years of conflict.

My Government has never wavered in its support for the Special Court, as we believed and continue to believe that justice is necessary for Sierra Leone to address and overcome its past and again become one of the brightest jewels of West Africa. That support has been grounded on the equally strong belief that, in order to do its work, the Special Court must both be and be perceived as being independent, impartial and fair. I will not address the last two matters because they are for history and legal historians to judge, but I will say that, from our perspective, the independence of the Court has been a critical factor in its ability to do its work and to reach the people of Sierra Leone.

That has not come about by chance. From the very beginning, the people of Sierra Leone were at the forefront of those who called for the establishment of the Special Court. That is why the Special Court is based in Freetown, and that is why the Court was called upon to implement a robust outreach programme which has grown from strength to strength under the leadership of the Court's outreach coordinator. That is why, in answer to the calls from ordinary Sierra Leoneans, the Court has been looking at its legacy and at what added benefit it can bring beyond its judicial work.

The mere presence of the Special Court, with its mandate to identify those who bear the greatest responsibility for the crimes committed in Sierra Leone and to apply the rules to them equally, no matter who they are, has been a catalyst for the establishment of the rule of law in my country. But the Special Court has gone one step further, establishing a working group on legacy to strengthen its impact on the rule of law and to play an active role in promoting initiatives to reach the same goal. At the end of 2006, for example, as part of its legacy work, the Special Court was instrumental in the holding of a national consultative conference organized by the international non-governmental organization No Peace Without Justice and the Sierra Leone non-governmental organization Manifesto 99, with the active support and participation of the Government of Sierra Leone, on implementing legislation for the Rome Statute of the International Criminal Court. As a result of that Conference, draft legislation has now been prepared and we anticipate that it will become part of the laws of Sierra Leone early next year. That is a real and tangible example of the legacy of the Special Court for Sierra Leone, which

will serve the people and indeed the world for decades to come.

The Special Court began its work in mid-2002, just a few months after the last presidential and parliamentary elections in my country. We had just secured peace at that time and there were some who voiced concerns that the situation was not stable enough to support the work of the Court; others were concerned that the Special Court would undermine the peace process we had worked so hard to secure.

Neither fear came to pass. Now, in just a couple of months, we will again have general elections in my country, in an atmosphere of stable peace. As His Excellency President Ahmad Tejan Kabbah said earlier this year during his address to the nation on the occasion of the forty-sixth anniversary of the independence of our beloved country, Sierra Leone has come a long way and should be proud, and it has remained united in the face of adversity. We have remained united as a democracy, and the basic democratic principles by which we live our lives have been, to a very large extent, enhanced by the presence of the Special Court, as an independent institution seeking to administer the rule of law.

For all our strength and for all our determination that Sierra Leone should never fall back into those days of despair, we have not achieved our goal of sustainable peace on our own. I would be remiss were I not to highlight the critical role that the Special Court has played in helping us to maintain and strengthen peace in our country. Even before it came into existence, the very idea of the Special Court was an important factor in the cessation of hostilities. Indeed, the weapons-burning ceremony marking the end of the war took place only a few days after the signing of the Agreement on the establishment of the Special Court by the then Attorney General and Minister of Justice of Sierra Leone, who is now the Vice-President, Mr. Solomon Ekuma Berewa, and Mr. Hans Corell, who at the time was the Under-Secretary-General for Legal Affairs. Never before has the link between peace and justice been so clear. Let it stand as a reminder and as an admonition to those who would seek to drive a wedge between the two.

The life of the Special Court has been characterized by milestones and challenges. Its latest milestone, just a few days ago, was the commencement of the trial of a former head of State — the first African

head of State to be brought to trial for serious violations of international humanitarian law — whose antics threatened not only his own country but also its neighbours, including Sierra Leone. But that milestone brings with it its own challenges, as the trial is taking place not in Freetown but in The Hague. It brings challenges of ensuring that the people of Sierra Leone have the access they have come to expect to trials being conducted on their behalf. It brings challenges of ensuring its ongoing independence and its perception of being independent, given that the trial is taking place on the premises of the International Criminal Court. It brings challenges of logistics and challenges of the law. We are confident that the Special Court will rise to those challenges, as it has risen to other challenges in the past. But the one challenge it has always faced, and one which it continues to face, is a challenge that the Special Court cannot overcome alone. The administration of justice does not have to be expensive; we hear too much about money. One of the distinguishing features of the Special Court has been its ability to do its work on a limited budget, a budget that has consistently been far lower than those of other international courts and tribunals. But we must all bear in mind also that the administration of justice is not free.

When my President called for justice, and when that call was answered by the international community, it raised the expectations of the people of my country. They expected, and continue to expect, fair justice, impartial justice and independent justice. They expect cases to be concluded, judgements to be issued and appeals to be heard and decided upon, so that we will finally have acknowledgement of the responsibility of those who planned and unleashed horrific crimes upon the people of Sierra Leone.

The promises made just seven years ago must be honoured. We call upon all present here, and upon the international community as a whole, to honour those promises. We — the Government, the people and the Special Court itself — have all played, and continue to play, our part to bring an end to impunity in Sierra Leone. The Council has also played its part.

The journey has been long, but it is not over yet. The international community, and in particular the States that make up the international community, must give the Special Court the financial stability it needs to see the trials through to the very end of the appeals process, to support the legacy work of the Court and to

ensure its ability to engage the people of Sierra Leone, particularly now that an important part of its work is taking place so far away from home.

In conclusion, we are convinced that no one State or group of States can mobilize resources all by themselves. As part of the cooperative efforts, my delegation has taken the initiative to solicit financial support from African States and States members of the Organization of the Islamic Conference.

That is the message from Sierra Leone.

The President (*spoke in French*): I now give the floor to the representative of Canada.

Mr. Normandin (Canada): Canada is honoured to chair the Management Committee of the Special Court and pleased to have an opportunity to speak to the Security Council about the Court's work. It is a particular honour to do so during Belgium's presidency, as that country is well known for its commitment to international criminal justice.

Two years after the previous President of the Special Court appeared in this Chamber, it is fair to ask ourselves whether the Court is succeeding in fulfilling the mandate it has been given. First, as members of the Council have heard from the Court's President, Justice King, and its Prosecutor, Mr. Rapp, all the trials in Freetown will soon be coming to an end, with judgements in two of those trials to be handed down in the coming weeks. If there are appeals in the Freetown trials, they are expected to be completed by the end of next year. The Court's operations in Freetown and in The Hague should be winding up by late 2009.

Secondly, it may be instructive to hear what the people of Sierra Leone themselves have to say. In a recent survey of 10,000 Sierra Leoneans from across the country, 91 per cent said that they either agreed or strongly agreed that the Special Court had contributed to building peace in Sierra Leone, and 88 per cent agreed or strongly agreed that setting up the Court was the most appropriate option for addressing the crimes that were committed during the war. That is a significant vote of confidence in the Court — a Court that has been funded on voluntary contributions, that was literally built from the ground up only a few years ago, and that is operating in a country devastated by civil war.

Despite those enormous accomplishments, however, significant challenges remain. Financing has

been, and continues to be, the most critical issue facing the Court. Throughout its history, the Court has struggled because it has often been unsure from one month to the next whether there would be money in the bank. The resulting financial uncertainty has profoundly affected every aspect of the Court's operations. The Management Committee has taken steps to address this issue. Last month, a three-year completion budget was adopted that will take the Court to the end of its work, in late 2009. That gives the Court a clear financial plan that should allow it to effectively implement its completion strategy. But that will happen only if donors step forward with further contributions. More than 40 countries from around the world have contributed to the Court over the past years. We thank them, but we also urge those countries that can contribute more to do so.

The Court's challenges are not only financial. Let me briefly address three others: enforcement of sentences, witness protection and residual issues. So far, only three States have agreed to enforce the sentences of individuals who may be convicted and sentenced to a term of imprisonment. Only a few States have offered to assist certain vulnerable witnesses who must be resettled in third countries for their protection. Both of those needs are critical. States can make a significant non-cash contribution to the work of the Court by agreeing to enforce sentences or by accepting witnesses for resettlement.

In addition, winding up the Court's work will also raise a number of challenging issues. For example, archives must be made accessible to the public, but sensitive information, such as the names of protected witnesses, will need to be kept confidential. Sentences of imprisonment may need to be reviewed several years down the road, and protected witnesses may continue to need protection.

(spoke in French)

The Special Court will be the first tribunal of its kind to face these and other difficult issues associated with the completion of its work. So far, indeed, the Special Court has often been a pioneer. It was the first international criminal tribunal to be financed through voluntary contributions. It was the first tribunal in modern history to hold its deliberations in the very country where the crimes were alleged to have been committed. It was the first to establish an Office of the Principal Defender, and it will be the first to embark on

the complicated exercise of running trials simultaneously on two continents, thousands of kilometres apart.

Many of us take pride in the Court's "firsts" and in its other accomplishments. But let me not leave the impression that it has been easy. Indeed, the Court is in dire need of financial resources. Furthermore, the personal and professional commitment demanded of, and given by, every single person working at the Court is enormous. And the stakes — for Sierra Leone, for the region and for international criminal justice — are high.

The Special Court is doing its part to contribute to the restoration of the rule of law and to the end of impunity in Sierra Leone. It is up to us to continue to do our part.

The President (*spoke in French*): I give the floor to the representative of the Netherlands.

Mr. Hamburger (Netherlands): The Netherlands welcomes the briefings given today by the President and the Prosecutor of the Special Court for Sierra Leone on its ongoing work, and we appreciate this opportunity to address the Council. We align ourselves fully with the statement to be delivered shortly by the representative of Germany on behalf of the European Union.

Today's debate on the Special Court is taking place at an important moment in the Special Court's history. This week saw the start of the trial of Charles Taylor, and judgements are expected in the Armed Forces Revolutionary Council and Civil Defence Forces cases, later this month and in July, respectively.

The work of the Special Court has made a significant contribution to our common fight against impunity. The trial of Charles Taylor makes it clear that even heads of State do not and will not enjoy impunity and that they will be brought to account if they commit war crimes, crimes against humanity or genocide.

In our view, the work of the Court will — parallel with the work in the justice sector of, among others, the Peacebuilding Commission — contribute to long-term peace, security and development in Sierra Leone.

The Netherlands has been a committed supporter of the Special Court since its inception. It is a dedicated member of the Management Committee and one of its major donors, and intends to continue to

provide such support until the completion strategy has been realized.

The Netherlands has accepted the responsibility of being the host State for the trial of Charles Taylor. In addition to financial support, we have provided the Special Court with gratis personnel and security. For the trial of Charles Taylor, use is being made of International Criminal Court facilities. We note with satisfaction that the cooperation between the Special Court, the International Criminal Court and the host State is working very well.

As has already been said, the Court is well known for its excellent outreach programme. We commend the Court for its efforts to make the proceedings against Charles Taylor accessible for the people of Sierra Leone and West Africa more widely, and we will assist the Court in those endeavours wherever possible.

The Special Court for Sierra Leone has made substantial progress over the past year. It is essential that the completion strategy be adhered to. We therefore call on the Court to do everything in its power to ensure that that is the case.

Clearly, without adequate financial resources the Court cannot complete its important work. It is essential that the international community ensure that it can do just that. Like others, the Netherlands calls upon all countries present to ensure that there is sufficient funding for the Special Court.

Finally, it is indeed important to emphasize that the work of the Special Court will not end completely in 2009. Important residual functions will continue to exist well beyond that date. Also, the legacy of the institution needs to be assured for the public in general and the people of Sierra Leone, in particular.

The President (*spoke in French*): I give the floor to the representative of Nigeria.

Mr. Wali (Nigeria): I should like, on behalf of the Nigerian delegation, to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. I should also like to express our appreciation to the delegation of the United States of America for the very effective way in which it conducted the affairs of the Council last month.

The timing of this debate could not have been more apt, given the recent commencement of the trial of Mr. Charles Taylor and the dire need to strengthen

the capacity of the Special Court for Sierra Leone and to provide it with the resources that it needs to deal with the situation.

Nigeria continues to believe in the rule of law and in the provisions of the Universal Declaration of Human Rights. That is why we believe that the establishment of the Special Court for Sierra Leone will bring justice to the victims of human rights abuses. We are satisfied that the Court has sent a clear message that no one is above the law. Furthermore, it indicates the collective rejection of impunity by the international community.

Nigeria appreciates the important decisions so far reached by the Special Court. The Court has demonstrated that it is an important part of the peace process in Sierra Leone, that the political immunity of a head of State should not shield him or her from prosecution for human rights violations and crimes against humanity and that it is averse to the crime of the recruitment of child soldiers. The Court further declared forced marriage to be a crime against humanity and a violation of customary law, *inter alia*. We are happy to note that a judgement on heinous crimes committed in Sierra Leone will be delivered shortly.

Nigeria welcomes the efforts of States Members of the United Nations that are supporting the work of the Special Court through voluntary contributions. Equally, we encourage those that have not yet done so to get involved. The fact is that voluntary contributions have proved to be inadequate to meet the needs of the Court. Nigeria therefore calls on the international community to urgently explore other measures to enhance the funding of the Special Court. That would ensure reliable resource flows to deal with Court processes and other attendant requirements, such as victims' participation in Court proceedings, and would stem likely delays and suspensions of the activities of the Court.

That would further strengthen the position of the Court in effectively handling other issues that are bound to arise from the final judgements, such as monitoring detainees, the relocation and protection of prime witnesses and the enforcement of sentences.

We are of the view that the fight against impunity and against the tyranny perpetrated in Sierra Leone needs to be carried to its logical conclusion through the instrumentality of the Special Court. In order to

achieve that and to ensure that justice is not delayed, the international community must respond effectively to the all-encompassing funding requirements of the Court.

The President (*spoke in French*): I give the floor to the representative of Germany.

Mr. Matussek (Germany): I have the honour today to take the floor on behalf of the European Union (EU). The candidate countries Turkey and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Montenegro and Serbia, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

At the outset, I would like to thank President King and the Prosecutor, Mr. Rapp, for their presentations of the work of the Special Court — of its achievements and of the challenges that still lie ahead.

The European Union is strongly supportive of the work of the Special Court for Sierra Leone, which is making an invaluable contribution to the restoration of peace and stability in Sierra Leone. Through the Court's work those most responsible for serious crimes during Sierra Leone's brutal civil war are being held accountable for their deeds. In this respect, the EU has noted with satisfaction that the most prominent case on the agenda of the Court — the trial of former Liberian President Charles Taylor — has commenced this very week in The Hague. Other cases are well under way in Freetown, and on the whole it seems that the goals of the completion strategy can be met.

The Court has also contributed significantly to the development of international criminal law. It has, for example, instituted landmark proceedings to investigate the use of child soldiers and forced marriage. It has also taken important decisions on criminal procedure. In addition, the Court has developed a whole body of rules and regulations on how to get the institution as such up and running. All of this deserves very careful study and analysis as we consider the further development of international criminal law. We call on the Court and all concerned to make every effort to preserve and render accessible this wealth of practical and legal experience.

The European Union has also noted with satisfaction that the new budget submitted by the Court covers the entire completion period, from 2007 to 2009. It is a clear indication of the determination of the Court to base its financial and administrative planning on the completion strategy. It sends a political message to the international community that the Court is indeed on track and has taken all necessary measures to achieve its goals within the established time frame. It makes equally clear, however, that for the Court to complete its work, ongoing support from Member States for the remaining years is needed. I should like to recall in this context that since the start of proceedings in 2002 European Union member States alone have provided more than 56 per cent of the Court's entire expenditures. In addition, several of the Court's projects were funded by the European Community. The European Union will not fail to continue its support of the Court's work.

Justice King's presentation, however, also contained a number of important messages that in the view of the European Union went far beyond the facts and figures. Let me point out just a few key features of the work of the Special Court which in our view offer important lessons of interest to the Security Council and the wider United Nations membership when we look at other situations.

Through its unprecedented and innovative outreach programme and its efforts to explain its work to the people concerned in Sierra Leone and beyond, the Court has almost become a household word, of which even schoolchildren have heard. This has greatly bolstered the acceptance of this body and its role in and for Sierra Leone. Current efforts to make the proceedings against Charles Taylor far away in The Hague as transparent as possible for the people of Sierra Leone will certainly add to this. It is essential that the people in the region be accurately informed about, and understand, the serious charges brought against him and the way in which the proceedings will be carried forward.

Another important feature in terms of ownership is that the Court has made great efforts to draw as many local staff as possible — including legal professionals in all spheres of criminal justice — into the work of the Court. Today, half of its staff are Sierra Leonean nationals. This again has helped to win the trust and confidence of the people in the region.

Both factors will in our view contribute to the development of the judicial institutions in Sierra Leone. We trust that the work of the Court will help to re-establish the rule of law for society at large well beyond the day on which the last trial is concluded.

Beyond the immediate local context, the Special Court has given a strong boost to what former Secretary-General Kofi Annan called the culture of the rule of law, for which the United Nations as a whole should stand. The work of the Special Court for Sierra Leone signals that in today's world serious crimes against humanity, genocide and war crimes will no longer go unpunished. Not even the highest officials, including heads of State or Government, can count on impunity for their deeds. The international community will react — and, in keeping with the principles of the rule of law, will react through legal means: criminal proceedings that bring perpetrators to justice swiftly and effectively and strictly in accordance with all international standards. This Court proves that that is possible. It is possible because the people want it, and it is necessary because they deserve nothing less. This message will also give a strong boost to the growing international support for the International Criminal Court. It adds proof to our understanding that there is no dichotomy between peace on the one hand and justice on the other. Any society and, in particular, the victims who fall prey to ruthless oppressors have a right to claim both. The experience of the people of Sierra Leone shows that there is no rule that one has to be sacrificed in favour of the other.

“Completion” is a tempting term but, as we all know, in this context it is somewhat misleading. Even if all actual proceedings are completed and the cases tried, this is not the end of the story. The judgements will have to be enforced and those who have been convicted need to serve their sentences — and in that they have rights and in that they have status. The protection of witnesses may be needed for an extended period after a given trial is over. Long after the completion date new facts may become known which may necessitate certain decisions to be taken. And for all these and other purposes the Court's files have to be kept intact and accessible. In our national judicial systems, we can take it for granted that a court to decide on all of this is always there. Here it is not, and that is why the international community has to address what are commonly referred to as residual issues as a matter of urgency, just as in the cases of the

International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia. The European Union trusts that work on these issues is now under way.

The President (*spoke in French*): I call now on Justice King to respond to comments made.

Justice King: At this stage, I want merely to say that we are very grateful to those present here this afternoon who have participated very seriously in this debate. As President of the Special Court, I am very encouraged by the participation and the contributions of the States whose representatives have attended this debate. I think the message is that there will be cooperation and that the Special Court will be able to complete its mandate. It has not been easy; yet I know that, with the cooperation of the international community, the Special Court will succeed in its experiment.

I want finally, Mr. President, to thank you, to thank the Deputy Secretary-General, and to thank all those representatives who have sacrificed their time to be here this afternoon and participate in this debate.

The President (*spoke in French*): I thank Justice King for his kind words.

I call now on Mr. Rapp to respond to comments and questions raised.

Mr. Rapp: I thank participants for their comments today and for their strong support of the mission of the Special Court for Sierra Leone. It is profoundly appreciated by those of us who are involved in this effort, and we look forward to, in some cases, visiting their capitals and discussing further the work of the Special Court.

There was, I recall, one question, from the representative of the Russian Federation. I think it is appropriate that I make a response. The question drew attention to the absence of Mr. Taylor from the opening of the trial, this Monday, 4 June.

I have been involved in this field for several years, previously at the Rwanda Tribunal. I will say that it is not uncommon for individuals who are accused to absent themselves from the proceedings. In a few cases, individuals have elected to absent themselves from entire trials. The practice of the Special Court for Sierra Leone and that of international tribunals — consistent with the practice in many

countries — is not to force such individuals to attend but to make certain, by seeking to communicate with the accused, that the decision to absent himself or herself from the proceeding is voluntary and that it is understood that, in the absence of the accused, the proceeding will nonetheless continue.

The arrangements for representation by defence counsel provide that defence counsel is assigned to represent individuals for whom the counsel appears. That assignment carries with it a solemn responsibility to continue in the proceeding and to represent the accused to the best of the counsel's ability, even if the counsel is not as fully instructed as the counsel might wish.

I should now like to refer to the events and the particular issues raised by Mr. Taylor and his counsel. They have previously raised issues regarding the need for additional time and resources, to which the Court and the Registry have responded in the past. The Court has twice provided additional time for defence preparation. The opening of the trial was delayed from April to June. Additionally, by a recent decision, well before 4 June, the judges of the Trial Chamber provided an extra three weeks to work with his counsel to prepare for the calling of the first witnesses.

There is, of course, the issue of the adequacy of the representation and investigative assistance available to Mr. Taylor. Those issues have been raised with the Registry on numerous occasions. It is to be noted here that — as I said in my remarks — the accused has claimed indigence, and therefore his legal services are being provided at the expense of the Court. The Registry has entered into a contract with his chief counsel that provides for substantial augmentation of the resources available, exceeding those of other accused before the Court. He has access to a counsel, a co-counsel and several legal assistants to investigators, both domestic and international — all paid for by the Court from its funds. There is an office in The Hague, an office in Freetown and, with the assistance of the United Nations Mission in Liberia, now an office in Monrovia. As the Registrar has commented, the legal

services available here exceed, or at least equal, those provided at other tribunals.

I believe that there are now some practical issues that the judges and the Registry are working through, with regard to, perhaps, a new co-counsel coming into the case to replace one who is departing. We believe that those issues can be resolved in good faith and will be resolved.

I think that the whole issue of legal representation is very important as we look at the voluntary contributions and the base of the Court. Clearly, our Court's ability to provide legal assistance to indigent accused cannot be constrained by the absence of resources. It is critically important that the Court have the resources necessary to provide an effective defence for each of the accused individuals. That has been the situation since the time of the establishment of the Court, and it needs to be the situation until its very end. That is why we continue to urge Member States to support the Court and to provide the resources necessary not just for investigation and prosecution, but also for defence representation. At the end of the day, what is most important is not only that a trial be fair, but also that it be seen to be fair by the victims and the whole world community.

I thank the members of the Security Council, as well as the other representatives who have come forward to make their representations and submissions. We look forward to continuing our work at the Special Court for Sierra Leone, following up on the resolutions of the Council to establish justice and bring closure with regard to the grave crimes committed on the territory of Sierra Leone after November 1996.

The President (*spoke in French*): I thank Mr. Rapp for his responses to questions and for the clarifications he has provided.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.25 p.m.