

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



The end of a rainbow touches Sierra Leone's Parliament building.

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, 16 October 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Awareness Times

Tuesday, 16 October 2007

Johnny Paul's death not confirmed

The Special Courts Prosecutor has reportedly stated that they are monitoring the whereabouts of the erstwhile AFRC fugitive leader, Johnny Paul Koroma. He is reported to have said that they will seek Johnny Paul's arrest and try him at the Special Courts in Sierra Leone if he is alive. The Court's work will reportedly be completed by the end of 2009, and that if the former junta leader is arrested in a near future, his trial will be handled in Trial Chamber I; but if the court closes before his arrest, they will then find a way to transfer his case to another court with a national system with the help of UN Resolution.

The Trumpet
 Tuesday, 16 October 2007
 Opinion

Is the Special Court Really Worth it?

Special Commentary

Often and again, this question has hit the news stands in the country ever

since the formation of the Special Court of Sierra Leone in 2002.

The Trumpet for instance,

published an article in its Wednesday 14th March 2007 edition captioned: "The Special

Court Is Useless" which dealt with public interest and perception on the relation:

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Special Commentary

From front page

evance of the Special Court even when most of those that were supposedly "those who bear the greatest responsibility for war crimes" and other atrocities in the war have escaped trial one way or the another.

The notorious Sam Beakaria alias Maskita of unblest memory who in the eyes of millions of Sierra Leoneans "carried great responsibility" for crimes in our war, was reportedly killed in Liberia. Foday 'Saybana' Sankoh another high profile indictee of the court was also left to rot and die in the hands of the Sierra Leone court in rather mysterious circumstances. Then came Hinga Norman, the supposed leader and head of the Civil Defence Forces, who also went the way as the others - mysteriously.

Still at large is the notorious coupist and jail breaker Johnny Paul Koroma of AFRC fame. His mysterious disappearance and failure of the court to produce him for trial at the Special Court is undoubtedly an additional dent on the very rationale of the establishment of the now largely "white el-

ephant" also known as the Special Court of Sierra Leone. Whatever the news on him is, the fact is that the failure of the court not trying Johnny Paul Koroma as well as the others mentioned in this article undermines the very essence and mandate of the Special Court.

Now it seems that the Special Court is attempting to divert the attention of the people from what has been obtained so far in its failure by pronouncement of the light sentences proffered against the CDF indictees this week. What is ridiculous is the case of these last two indictees, Moinina Fofanah and Alieu Kondewa sentenced to serve jail terms of 6 and 8 years respectively. How ridiculous?

This seems to have added to the now very established truth about the uselessness of the Special Court. To have set up a multi-million dollar court edifice; hire highly paid expatriate lawyers and Judges; invest in series of other human and technological resources in the name

of loosing a greater percentage of the indictees to mystery and ridicule in handing down sentences of 6 and 8 years to a few and dozens of years to others, tells the story that the Special Court has fallen short of the very tenets of its establishment.

Even the question of fighting impunity and establishing justice is largely unanswered by under the dispensation of the Special Court. There is nothing the Special Court has achieved that would stop anyone from thinking that the court is anything but serious and necessary for the country. We cannot buy the so-called acclaimed success stories of the Special Court. We regard it as a clandestinely-orchestrated means of getting hold of the United States most-wanted in Africa - Charles Taylor. It only makes sense when looked at in the light of a Western ploy to get back at Charles Taylor who it is said rippled the American trust in him back in the 1980's.

So let's not be fooled. The Special Court for Sierra Leone is not oriented to bring justice to people of this country but rather, it is a dispassionately established movement formed by the West to have their way.

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Standard Times
Friday, 12 October 2007

“We are still looking for Johnny Paul,”

Say Special Court Prosecutor

BY EDWARD MARAH

The United Nations backed Special Court for Sierra Leone has indicated that it is still looking for Armed Forces Revolutionary

Council Chairman, Col. Johnny Paul Koroma.

This was disclosed by the Chief Prosecutor in the AFRC case at the Special Court for Sierra Leone, Mr. Stephen Rapp at a news conference held on Wednesday 10th October at the SLENA office in Freetown. The prosecutor said Johnny Paul faces alleged war crimes and crimes against humanity from the international community on his role played in the country's 11 years civil war.

Though the court is still unaware of his whereabouts, yet according to the prosecutor, there are reports indicating that he is hiding in Liberia if not other than

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Johnny Paul Koroma

“We are still looking for Johnny Paul”

FROM PAGE 1

anywhere else within the sub region they are investigating.

Other reports alleged that he is dead but all these are yet to be proven when investigations are conducted.

According to Stephen Rapp, whether the ARFC fugitive is still alive or not, that has to be proved beyond all reasonable doubt, and maintained that the court will continue to search for him until he one day faces justice in the court of

law. He emphasized that Johnny Paul Koroma is a war crime indictee and that he will not escape justice. “We will try him at anytime we are able to get hold of him”, he stated and also revealed that even if the mandate of the Special Court ends after 2009, he will still answer to the law for crimes against humanity in any other UN backed tribunal.

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Standard Times
Friday, 12 October 2007

Sierra Leoneans rate Special Court highly but say it could do better

ISSUES

More than two-thirds of Sierra Leoneans think their country's UN-backed Special Court has performed well so far, although more than a quarter think the court is putting some of the wrong people on trial, according to a nationwide survey for the BBC World Service Trust.

The household survey, carried out in July 2007 with Search for Common Ground and the International Center for Transitional Justice, explores knowledge and attitudes on transitional justice issues in the wake of Sierra Leone's civil war, which ended five years ago.

Sixty-eight percent of respondents say they think the Special Court's performance to date has been "good" or "excellent." An overwhelming majority of respondents (96%) say they are aware of the Special Court, although only 4% say they know a lot about its proceedings. More than one in four people report that they do not know anything about the court's proceedings.

Nearly 90% of people questioned said they were aware the court had put on trial former Liberian President Charles Taylor. Of those, half approved its decision to try Taylor in The Hague rather than in West Africa, but more than a quarter (27%) would have preferred the trial to be held in Sierra Leone's capital, Freetown. Charles Taylor is on trial for war crimes and crimes against humanity for allegedly backing Sierra Leone's Revolutionary United Front rebels. His trial began in June 2007, but has been adjourned until 7th January, 2008.

The Special Court for Sierra Leone was set up in 2002 by the government and the UN to bring to justice those with "greatest responsibility" for atrocities committed during the civil war. Its decision to try leaders of the pro-government Civil Defence Forces (CDF) as well as the insurgent RUF

rebels and Armed Forces Revolutionary Council (AFRC) has generated some controversy, as has Charles Taylor's transfer to Europe. The court gained custody of Taylor in 2006, but transferred him to The Hague after West African leaders expressed fears that holding the trial locally could destabilize the region.

Low awareness of TRC recommendations

The survey also found Sierra Leoneans to be generally positive about their country's Truth and Reconciliation Commission, which worked from 2002 to late 2004 and submitted an extensive report to the government. Respon-

had been "unsuccessful".

The TRC's recommendations include reparations to victims of the conflict; reform of the judiciary and security services; and measures to promote human rights, good governance and freedom of expression.

Asked what the government's main priority should be in finding justice for Sierra Leone, the most frequent responses were: access to justice for people through the courts (50%); reduce corruption (36%); and improve the court system and/or judiciary (27%).

Only 23% of respondents said they were aware of the Justice Sector Development

Nearly 90% of people were found to be aware of the TRC, but only 23% of these said they were aware of its recommendations. Those people were then asked to rate the government's response to the TRC's recommendations

dents were asked to rate the TRC's contribution to reconciliation, truth, justice and creating an accurate record of what happened during the conflict. The commission scored the highest percentage of good or excellent ratings for its contribution to reconciliation (73%), followed by truth (68%), creating an accurate record of what happened (66%) and justice (57%).

Nearly 90% of people were found to be aware of the TRC, but only 23% of these said they were aware of its recommendations. Those people were then asked to rate the government's response to the TRC's recommendations. Only 14% rated the response as "very successful," while 51% said it had been "quite successful." A further 18% said "neither successful nor unsuccessful" and 10% said the government's response

Programme (JSDP) for Sierra Leone. Of those who are aware, 18% of respondents said they think it has led to a big improvement, 59% think that it has led to a little improvement, 11% think that it has made no difference, and 3% think that it has made things worse.

The JSDP is a five-year project funded by the British government's development agency DFID and launched in 2005. Its stated purpose is "to support the development of an effective and accountable Justice Sector that is capable of meeting the needs and interests of the people of Sierra Leone, particularly the poor, the vulnerable and the marginalized." The project has completed its "inception phase" and has recently started a new phase of implementation.

UNMIL Public Information Office Media Summary 15 October 2007

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

International Clips on Liberia

Liberia urges Norway to open up to African goods

OSLO, Oct 15 (Reuters) - The president of Liberia urged Norway on Monday to help reduce Liberia's international debt by opening its borders to more African imports and boosting investment in the Liberian private sector. Liberia is saddled with heavy debts after a civil war in 1989-2003 devastated the economy and killed and displaced hundreds of thousands of people. "Norway can, as part of the efforts of Europe, open its borders to imports from Africa," President Ellen Johnson-Sirleaf told reporters in Oslo. "We hope that Norwegian business people and business organizations will come (to Liberia) because we want to see our private sector as a main engine for growth," said Africa's first elected woman head of state who took office in January 2006.

Liberia's Taylor to be jailed in UK if convicted

FREETOWN, July 13 (Reuters) - Former Liberian President Charles Taylor, who is on trial for atrocities committed in Sierra Leone's civil war, would if convicted serve his sentence in Britain under an agreement made by British authorities. Britain's government signed the sentence enforcement agreement this week with the United Nations-backed Special Court for Sierra Leone, which is trying Taylor in the Dutch city of The Hague, the court said in a statement released in Freetown.

Liberia eyeing Taylor, ex-government officials' assets

Source: Agence France-Presse English Wire Date: July 13, 2007

MONROVIA, July 13, 2007 (AFP) - Liberian lawmakers are to debate a controversial bill aimed at freezing assets of former government officials, including Charles Taylor, accused of graft while in office, a parliamentary spokesman said Friday. The new post-war government of President Ellen Johnson Sirleaf which has vowed to fight corruption, submitted the proposed law to parliament a fortnight ago, Isaac Red said.

International Clips on West Africa

Russian Diamond Dealer Arrested in Sierra Leone

Nairobi, Oct 15, 2007 (The Nation/All Africa Global Media via COMTEX) -- A Russian diamond dealer has been arrested in Sierra Leone on suspicion of murder after quarrelling with his Russian boss whose body was found buried near a beach in the West African state, police said yesterday. The body of Sergei Tigranian was found on Monday at a village 20km from the capital Freetown after passers-by saw a hand poking from a shallow grave. Police arrested the dead man's Russian co-worker, Alexander Fedorenko, and detectives expected to charge him with murder.

10/15/2007 04:09:51

Ivorian premier moves to allay UN concerns over peace process

[Presenter] No there is no delay in the peace process in Cote d'Ivoire. The process is progressing at its own rhythm. This is [Prime Minister] Guillaume Soro to the concerns expressed by Ban Ki moon. The UN secretary-general says he is very concerned. This week the dismantling of militias, disarming of fighters, the identification of voters, all these are progressing too slowly, the UN says. Let us now listen to the response of the Ivorian prime minister's spokesman, Meite Sindou.

Local Media – Newspaper

Liberian Leader on Speaking Engagements in Europe

(Heritage, Liberian Express, The Analyst, Daily Observer, The Informer, New Democrat, The Monitor, Public Agenda and The Inquirer)

- The Press Secretary to President Ellen Johnson Sirleaf, Mr. Cyrus Badio said that the Liberian leader arrived in Oslo, Norway and was received by Norway's International Development Minister who expressed appreciation for honoring their invitation to visit Norway.
- According to a dispatch, President Sirleaf will address a conference on the New Image of Africa, focusing on the positive developments including the adaptation of sound economic policies, which are often overtaken by news of conflicts.
- During the trip, the Liberian leader reportedly met with international non-governmental organizations and will meet today, Monday, with Norwegian Prime Minister Jens Stoltenberg, His Royal Highest, Crown Prince Haakon and the President of the Norwegian Parliament Thorbjorn Jaglanb.

Former Lawmaker Wants Armed Robbery Non-Bailable

(The Inquirer)

- In an interview, the former Bong County Assemblyman Joseph Cornomia suggested the need for armed robbery to be non-bailable as a measure to minimize the crime. He stressed that if armed robbery were non-bailable, those who engage in it would be afraid and therefore stop committing the crime.

Information and UN Hold Workshop for Journalists

(The News)

- Opening a workshop on conference reporting, the Deputy Minister of Information for Technical Services Madame Elizabeth Hoff challenged reporters attending the workshop to be serious because the training was designed to sharpen their skills in news gathering and reporting. She added that the workshop was the beginning of a series of workshops organized by the Ministry of Information and its partners including the UNDP to enable the media effectively coordinate its activities the Government's poverty reduction strategy and development.

Local Media – Radio Veritas *(News monitored today at 9:45 am)*

President Sirleaf Visits Norway

(Also reported on SKY FM, Truth FM, Star Radio and ELBS)

Liberian Diplomats Asked to Support Liberia's Call for AFRICOM

- According to a statement issued in Monrovia, the Ministry of Foreign Affairs said that Liberian diplomatic functionaries were obligated to defending and upholding the Government's favoring the establishment in Liberia of a US Africa Command headquarters.
- The statement followed a report in *The Daily Guide* newspaper quoting a Deputy Foreign Minister William Bull as calling for a national referendum on whether the US-

Africa Command (AFRICOM) headquarters should be set up in the Country. The article said that Ambassador Bull feared that the establishment of AFRICOM in Liberia would expose the Country to terrorists. However, the Ministry's statement noted that Ambassador Bull thought the report was misleading as he did not say that.

(Also reported on SKY FM, Truth FM, Star Radio and ELBS)

Educator Entreats Youth to Shun Self-seeking Politicians

- An educator, Augustine Lavala has called on Liberian youths not to again allow themselves to be used by "greedy politicians" in seeking their selfish agenda and have in the process abused them. He called on youths to reflect soberly and seek higher education in order to contribute to the nation's rebuilding process.

(Also reported on SKY FM, Truth FM, Star Radio and ELBS)

Lofa Senator Calls for Collective Effort to Fight Corruption

- In his address to graduates of a high school in Monrovia, Lofa County Senator Sumo Kupee said that corruption was eating up Liberia and called for a collective effort to fight the menace. In so doing, he suggested the need for the Government to prosecute all convicted corrupt officials as their activities have lagged Liberia behind.

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.

Special Court Supplement
Press Conference by Prosecutor Stephen Rapp at the Sierra Leone News Agency
Wednesday, 10 October 2007



STEPHEN RAPP: Thank you for coming here today. I did have an opening statement in regard to yesterday's sentencing judgment in the Civil Defence Force case, in the case involving Mr. Fofana and Mr. Kondewa. But also I'm ready to take any and all of your questions about the work of the Special Court, its impact in Sierra Leone, and in particular the trial of Charles Taylor by the Special Court for Sierra Leone at the venue of the International Criminal Court at The Hague which began in June and which has an interruption now because of the change of his Defence counsel, but on which witnesses from Sierra Leone and the region will begin to be heard on the seventh of January.

We meet today following yesterday's sentencing of the two persons who were convicted in the CDF case – Mr. Moinina Fofana and Allieu Kondewa. This was the second sentencing judgment handed down by the Special Court for Sierra Leone. Once again the Judges have upheld the rule of law and recognise the suffering of the people of Sierra Leone and the horrific crimes committed in Sierra Leone during its civil war.

In yesterday's CDF sentencing, the Court specifically referenced shocking crimes committed by these forces. Presiding Judge Benjamin Itoe spoke of women having stakes driven through their genitals and out of their mouths, and their entrails being used to mark roadways. The Judge also noted that the two accused had been responsible for the murder of more than two hundred civilians – people who were not rebel collaborators, some who were chosen merely because of their ethnicity.

As the Judges emphasised, there can be no justification for these crimes. The majority rejected any justification for these acts, stating that accepting the 'defence of necessity' would negate the resolve of the international community. As the Court further emphasised in its judgment, there is no question as to the responsibility of the convicted persons for these crimes.

The Judges did find that there were several mitigating factors that justified a reduction in sentence of Misters Fofana and Kondwa. Some of these factors are well-recognised. They did cite a new factor: their motivations to restore democracy. Of course, many who engage in conflict and who may commit horrible crimes, may have originally noble reasons to do so, including the desire to overthrow a purportedly oppressive government and to put into effect a beneficial programme for the people.

The acceptance of such factors could be used to escape significant punishment for grave crimes committed by all sides and diminish the protection of innocent civilians. The imposition of short sentences for terrible crimes can also fail to consider and acknowledge the impact of the crimes on the victims.

The pain of awful crimes inflicted on innocent civilians is every bit as terrible when done by defence forces as by rebel groups. The strikes of the machete and the strikes of the bullets did the same damage on human flesh no matter who wielded the machetes or fired the guns.

There can be no justification for the killing of unarmed civilians and for pillage, collective punishment, and the use of children under the age of 15 in armed hostilities.

We're concerned about the imposition of sentence of this length for unquestioned crimes of this terrible nature. We're concerned as well about the potential impact of such a ruling on future war zones where domestic forces fight rebel groups.

The innocent in war must always be protected, and must know that they are safe from being targeted by any side in the conflict.

We will look at the sentencing judgment closely and deliberate on the possibility of an appeal. Regarding the judgment more generally, we're also looking at possible appeals on the acquittals for Crimes Against Humanity and the acquittal of Fofana for the use of child soldiers.

Our Appeals Chamber has been established to review judgments such as this one and to make sure that the final decisions of the Special Court will be a strong precedent applicable to other courts in the region and in the world and will establish an effective deterrent against the commission again of the grave crimes like those suffered by the people of Sierra Leone.

That's my opening statement. I'll be glad to answer questions about these words or about any of the work of the Court, so fire away. Thank you.

ROD MAC JOHNSON, AFP: (Question unheard)

RAPP: Well, we were happy that the Judges rejected justification of necessity and said that these crimes were not justified. But I think it's fair to say that we believe that the sentences were too short given the seriousness of the crimes, their impact on the victims, and the need to deter similar crimes by all sides in future civil wars. Now that said, I think we should note that every time a Prosecutor or a party in a legal case runs into a decision that that party's not happy with, that does not automatically mean there will be an appeal. An appeal depends upon the law. It depends upon the standards for an appeal. As a general rule, one cannot succeed on an appeal unless the decision is way off base. If it's just a little off base it may be impossible to change. So we have to look at the law, the precedents of, particularly, other courts in regard to these sentencing issues and determine whether there's a significant chance of success on appeal. But our preliminary view is that particularly the use of these kinds of factors of motivation, whether a person is motivated by democracy or by desire to bring about a better future, or... All of these things, are always going to exist on the hearts of many people that fight. And that kind of motivation doesn't justify killing innocent civilians – killing women in the way that was described in such horrible detail by the Judges. That's just never justified no matter what side you fight on. And so I think that we – nor should that motivation be an over-large form of mitigation, so I think we're inclined to appeal but we're going to study the law, deliberate on this, and we have under the rules 14 days from the date of judgment, as does the Defence, to file an appeal and then three weeks after that to submit all our arguments to the Court. Yes, you want to follow up Sir?



ROD MAC JOHNSON, AFP: (Question unheard)

RAPP: Well if the sentences hold, the question of where the people serve their sentence is in the hands of the Registrar and not the Prosecutor. But I would suspect that there would be a strong argument for them continuing in the Detention Centre until their sentences are almost done, that there wouldn't be a reason to send them necessarily to a third country, particularly a six-year sentences that expires in May 2009 when the Court will certainly still be in business under our strategy, which is to end by the end of 2009, it wouldn't seem to make sense to move Mr. Fofana. We would expect a decision on appeal probably in perhaps six to eight months. So by the middle of next year I think we'd have a decision on the appeal and whether the sentence is going to be the same, longer, or the Defence may argue that it should be shorter. And then after that, in that case I think that he may rest here. As to an eight-year sentence, that will be up to the Registrar. And certainly all of these things involve negotiation with the Government of Sierra Leone. It's possible for sentences to be served in this country as in other countries. The issue is always, because we're an international court, we have to make sure that the prison meets all of these international standards which is hard for a country that was so harmed by the war here and is in a state of underdevelopment to meet for all prisoners. Things like a single cell for each prisoner, provision of food and health care, a lot of other things have to be provided in these international tribunals. Whether that can be done here on a continuing basis in our Detention Facility after 2009 I'm not sure. That'll be in the hands of the Registrar. But with sentences like this, there may be no need to move them elsewhere.

CLARENCE ROY-MACAULAY, AP: (Question unheard)

RAPP: We are inclined to do that, but as I say, we are going to study this matter further. I don't want to support the comment today, but we'll review it and within the next two weeks file our notice of appeal and it's very likely that that will be on the sentencing issue – and on others.

CLARENCE ROY-MACAULAY, AP: (Question unheard)

RAPP: Did I say – are we going to appeal? I hate to be evasive, but I just want to be clear that in terms of how we proceed legally, that's going to depend upon a review of all of the cases around the world to determine whether we have good grounds for appeal. On the face of it we're not satisfied with the sentence. We think that there's strong policy arguments for an appeal. We need to determine whether there's strong legal arguments for an appeal, and if there are we'll proceed with an appeal.

KELVIN LEWIS, AWOKO: What is the practice (unheard) Is it possible that sentences will be increased (unheard)?

RAPP: They could be changed. The Court here tends to follow what's happened in the Rwanda tribunal, and in the Rwanda tribunal there was a case where a guy received 35 years. The Prosecutor appealed and they changed the sentence to life. Another case where he'd received 27 and they reduced it to 12. The Appeals Judges can change the sentence when it's appealed, and both sides can appeal. And so that's certainly a possible, but as a general rule, as I say, there have to be strong grounds on the Appeals Chamber's part to change it. They don't change it just because one side's not happy with it. It has to be based upon a legal problem, and in this particular case the question of whether motivation – the motivation to restore democracy, the motivation on the other side. I'm sure we'll hear from the AFRC and other sides that they'll say they had good motivation, and the RUF originally, everyone will argue that they were well-motivated when they went to war. And we think that perhaps that as a factor is something that's dangerous in terms of protecting people, because a lot of people who can commit crimes may have originally had a good motive. But that doesn't excuse the crimes. Now there are factors that are legitimate. I think it's legitimate to look at the fact that these men had no prior criminal record. I think the issues with their family or their health, those are entirely legitimate factors. I think the fact that they weren't motivated by any desire for gain, riches or anything like that, that can be a factor that the Judges can

consider. That I think is important. But getting into the sort of political question of weighing up who's right and who's wrong in determining how you're going to protect civilians doesn't give civilians a lot of protection. So I think that's what concerns us in the end the most. That said, I know these issues are complicated. The restoration of democracy in this country was important, the legitimate government needed to be re-established, there were interventions on the part of the ECOWAS and eventually by the United Nations, and those were important goals that needed to be accomplished. But in accomplishing those goals, whether by domestic forces or international forces, those forces had to follow the law of war. And that meant you don't target civilians internationally. You don't say 'kill everybody in Koribondo'. You don't say 'We think these people who are Limba or Loko or Temne, those people must be supporters of the rebels and we'll kill all of them because we think people of that kind are supporters of the rebels'. You don't do that, whatever the cause. And that's why we filed this case, and why we want to make sure that at the end of the day the law that comes out of this case will protect people in Sierra Leone, and because this is an international court, around the world in the future.

CLARENCE ROY-MACAULAY, AP: (Question unheard)

RAPP: Yes, and indeed the Judges said that there was no justification. They rejected the 'defence of necessity'. They said that necessity wasn't even a mitigating factor. But then they went on and said that the motivation to restore democracy *was* a mitigating factor. And as noble as that goal would be, everyone in a conflict also could say that they also have reasons, noble reasons, for fighting. And letting that kind of thing enter into it is, I think, potentially dangerous in the criminal law. But that's something that we think we'll be seeking review in the Appeals Chamber on. Yes Sir.

(Question unheard)

RAPP: Yes. Yes. Sometimes I agree. Okay? Yes Sir.

(Question unheard)

RAPP: Well as I said, if we file and appeal, before we file the appeal we have to study the decision very carefully. The written decision just came out late last night. We have to look at the cases cited by the Judges, at the experience of each of the international courts on these issues, and evaluate very clearly what the best grounds are and whether we do have significant legal grounds. As I noted before, we think the Judges were quite correct in deciding that necessity was not a defence for these crimes and was not a mitigating circumstance for these crimes. They were quite correct in determining that these were grave crimes, and they were heinous and they were horrible in the effect on people, and that these individuals were innocent and that they hadn't been proven to be collaborators and that there was no basis for killing them, and when they were killed there was not a battle going on. They were not with weapons themselves – no justification whatsoever. So we have no problems with that aspect of the sentence. Our problem would be on the question of whether the motivation of an individual to accomplish a political end can be used as a mitigating factor for a crime. Other things can, I think, be appropriately used as mitigating factors. But that one, I think, opens the door because everyone, I think, can argue in many cases that they had at least originally a motive in terms of the public benefit. And sometimes the most horrible crimes in the world are committed by people who want to establish a new Utopia or a new future, and that cannot be used as the basis for diminishing punishment in our view. And we're going to look at the precedents on that question and that I think would be a significant basis for our appeal. Yes Sir.

(Question unheard)

RAPP: Yes, the answer is yes, very definitely. Both men were arrested on the 29th of May, 2003. They've been in custody now for four years and four months. And the period of time that they've been in custody

will be deducted from the sentences. So basically one gentleman has a year and eight months roughly left, the other one would have three years and eight months left. I would note additionally that the President of the Court does have the power to reduce sentences even beyond that for humanitarian reasons, so there could be further decision on sentencing beyond the Appeals Chamber in all cases. But standing as it does right now, they get credit from the date of their arrests for the time in detention.

CLARENCE ROY-MACAULAY, AP: (Unheard) global sentence (unheard).

RAPP: Well, I think, when I deal with the decision of Judges I deal with their words, and I don't speculate on any other motives beyond their words. I mean, clearly they said in their decision that the fact that these men were motivated by the desire to restore democracy, that they fought on the side of the elected government of Sierra Leone in '97 and '98 was a factor that justified the reduction of their sentences. That is to some extent a political factor. But they clearly enunciated that, and I think that's a subject upon which we may base our appeal. I should note, just in terms of our asking for sentences in this case, we believe that the individuals that were convicted in the AFRC case committed far worse crimes and committed them over a longer period of time in a more direct fashion than the two individuals that were charged here, and of the crimes for which they were convicted in the case of the AFRC were must more serious, long [indistinct], many more victims, much more cruelty than these. That's the reason why we asked for 60 year sentences on the AFRC case. The Judges in that case gave 50, 50 and 45 if you recall. And because of that difference we essentially asked for half as much in this case. And we think a lower sentence in this case is justified by the facts of the crime. So there should be a difference between the sentences in these cases. We think that perhaps this difference between the two is too great, however. Yes.

(Question unheard)

RAPP: Certain problem with the sentences? As I indicated, we believe that the use of the motivation for mitigation, at least to the extent that it was a political motivation, restoration of democracy, appears to us not to be legally appropriate. Other mitigating factors could be legally appropriate, including the fact that the individuals weren't seeking financial gain for instance. I mean, this could be considered but we're concerned about that factor. I would note as well, as I said in my opening statement, that there are aspects of the judgment that was handed down on August second that are now subject to appeal by both sides that we're also looking at. These individuals were acquitted of each of the Crimes Against Humanity counts. And Crimes Against Humanity are crimes in which civilians are intentionally targeted. And we submitted particularly the order to kill everyone in Koribondo, and destroy every building but three, that that indicated that there was an attack on civilians. And we believe that the Crimes Against Humanity, which largely are the same as the war crimes but it's a different way in which these crimes are committed, that on that issue there should have been convictions. Additionally, we believe that there was evidence presented of Fofana's knowledge and involvement as a commander in the use of child soldiers, and specifically we had evidence that at one point he was involved in demobilisation of several hundred child soldiers. It was a good thing, but clearly he knew that those individuals who had fought for him had been children and been under the age of 15. And we believe that, just as Mr. Kondewa was indicted and convicted on that offence, that Mr. Fofana should be as well. So we will be asking, I believe, the Appeals Chamber to reverse that decision, and a reversal on that one alone, even without any other change in terms of sentencing factors, could require a sentencing change for Mr. Fofana. So there are other ways in which these sentences could be changed if the counts of conviction were changed by the Appeals Chamber. Yes Sir.

(Question unheard)

RAPP: There will be a Prosecution appeal. Let's put it that way. I mean, on several issues, and that's likely to include an appeal on the sentencing issue. Yes. And we had already decided on two of these

issues that I've just told you about – the Crimes Against Humanity and child soldier issue. I simply don't want to, as a Prosecutor and as a lawyer sitting before you, less than 20 hours after it was pronounced, to make a final decision on it. We operate deliberatively in terms of the rule of law and we're going to do that in this case. Other questions in regard to the other work of the Court. Yes? Sir?

(Question unheard)

RAPP: We continue our efforts to locate Johnny Paul Koroma. There's a great deal of information, correct – maybe; certainly several bits of information we've received in the not-too-distant past that were incorrect about his whereabouts, and continued reports that he'd dead and was killed by Taylor forces in Liberia; other reports that he's alive and in one country or another. With each of these reports, we are investigating and chasing down the truth in regard to those reports. And if Mr. Koroma is alive, we will seek his arrest under the arrest warrant that we have, and we'll seek to bring him to justice and try him at the Special Court for Sierra Leone. We want to complete the work of the work of the Court by the end of 2009. We think if we arrested him in the very near future we could finish his trial with Trial Chamber I here in Freetown at the same time Trial Chamber II is hearing Taylor up in The Hague. So we are still very much in the business of searching for him if he were alive and trying him before the Court. It's unfinished business for us. And as I've said at Outreach meetings; as I said up country the week before last at Port Loko and here now at the stadium, before I complete my duties, one of three things will have to happen with Johnny Paul Koroma. One, we will arrest him and try him at the Special Court for Sierra Leone in Freetown. Two, we will confirm that he is dead, and confirm it with forensic evidence like we did with the case of Sam "Maskita" Bockarie. Or three, we will establish a mechanism so that he can be tried here in Sierra Leone under some arrangement with the Sierra Leone Government in cooperation with the United Nations, so that that case will not end with the Court closing its doors. so that there's not some danger that in 2013 he could turn up at the airport in Accra and be a free man just because the Court's gone out of business. We're going to work for one of those three solutions. The best one of them, of course, is the first one, that we put him on trial and that the truth is told. But one of these three alternatives we will implement and follow it depending on the circumstances. Yes Sir.

(Question unheard)

RAPP: As I said, that's the third alternative if he appears after the Court finishes. Then we have to do the same kind of things that our colleagues in the Yugoslavia tribunal and the Rwanda tribunal. We will have to find a way to transfer his [court] and jurisdiction of his case to another court, to a national system. That could be done here in Sierra Leone with a UN resolution. It could be done in a way that it would avoid the effect of the Lomé amnesty in the same way that our court is avoiding the effect of the Lomé amnesty by having an international statute implemented. So there are ways to do that. Obviously that's something that we would need to negotiate with this country; there are certainly third country possibilities. But the best place to try him is here. But we were created to prosecute those with the greatest responsibility for the crimes. In our view, as the Chairman of the AFRC, a group three commanders of which we've convicted, he is one of those individuals, and it's unfinished business for us. We want to finish that business, so we're making every effort to chase down these rumours, some of which you probably heard, and locate him or his body. Yes Sir.

(Question unheard)

RAPP: A prosecutor never says 'never'. Sometimes he never tells you when he's going to appeal, but it is very unlikely that there will be any more individuals prosecuted by the Special Court for Sierra Leone. We were a court established to go after those with the greatest responsibility. We've indicted these 13 individuals, nine of whom are alive today, all nine of which are in one form or another in the process, and obviously this tenth case of Mr. Koroma. So we intend to finish that work. And if we finish that work, we

think it will be a great legacy to Sierra Leone and to this country, finding and adjudging these individuals who were at the highest level of responsibility during the horrific civil war here. So that's our plan. There's always the possibility of cases for contempt or something if someone tries to attack one of our witnesses or something like that happens, we're ready to go right to work and prosecute those kinds of crimes and we have authority to do it. But in terms of crimes for the war, for the period from '96 to 2002, we do not believe that there will be any further indictments. Other questions, yes Sir.

(Question unheard)

RAPP: We did appeal. There's a Prosecution appeal on issues like the forced marriage acquittal and the joint criminal enterprise issue, and on the gentlemen being acquitted of some of the conduct in the rest of the country [other than] they were generally convicted of things that happened in the Western Area or in the western part of Sierra Leone and in Freetown. So we have an appeal, the Defence appealed on all of the convictions and on the sentences. We were happy with the sentences. We did not appeal. We have filed all of our briefs. The Defence has filed all of their briefs. The final due date of everything was yesterday. They're all in. So now the Appeals Judges are ready to proceed with deliberations. But that's in the hands of the Judges. They will announce a day, perhaps still this year, when there will be arguments, publicly, before the Court, before the five Judges of the Appeals Chamber, on these judgments. And that'll be public, and then several weeks or months thereafter they'll render a final decision. But it's in their hands, though I know the President George Gelaga-King, a Sierra Leone Judge who serves now as our President, has said that he wants to move as quickly as possible for a resolution on the appeals.

(Question unheard)

RAPP: In the Completion Strategy of the Court, they said basically that they believe that they believe that each appeal could be handled in less than six months. And now obviously they have the first appeal to finish here from sentencing judgments that came out in July. That could mean a decision in January on that one, a decision certainly by mid-year on the other one. But I'm in real trouble if I predict what Judges are going to do. But that's the Completion Strategy. And so we would expect that both appeals would be resolved, certainly within 2008, and that therefore that would be well in advance of the expiration of Mr. Fofana's sentence under the Trial Chamber judgment, which would expire 29 May 2009.

(Question unheard)

RAPP: I wasn't sure that that fact had been publicly announced – so his decision was publicly announced; I think people were waiting for the arrival of the formal letter of resignation here in Freetown. It's arrived in New York as I understand it. This was, frankly, a subject that I raised in a meeting with His Excellency President Koroma here two weeks ago. And he said after the appointment of a Minister of Justice they would be consulting with New York regarding the appointment, because this is one of the appointments that falls to the Government of Sierra Leone. And there had been by the prior government, I think, a tentative designation of a judge to serve as an alternate judge, because Justice Robertson had already been recused in the RUF case. But the question now is will that same person who is designated as alternate judge, Sierra Leone judge, be the one confirmed by the Government. But I'll let you approach the Government in that regard, because this is not a question for the Court. It's a question for the Government of Sierra Leone.

(Question unheard)

RAPP: Well yes, there was one designated, I believe, but the judge we need now, more than an alternate judge, we need a full time judge to handle all the cases.

(Question unheard)

RAPP: We're going to try. The difficulty in...I believe, and of course I arrived here in January 2007 and signed on very strongly to the Completion Strategy and have been asking governments to support the Court based upon that Completion Strategy because, as you know, we support ourselves with voluntary contributions and it's very important to the extent possible we meet those deadlines in the Completion Strategy. The hard question at the moment is, with Taylor replacing his lawyer and a new Defence team coming on, and them receiving – which is appropriate – the opportunity to review the tens of thousands of pages of evidence so that they are ready to get to work for him, that essentially caused us to lose probably four months of court time in the courtroom in the presentation of evidence. And that may mean that at the end of the day things will last four months longer than they might have otherwise lasted. But we're trying to take advantage of this time to review our witness list, speak to our witnesses again, to figure out how we can shorten their testimony, shorten the list if possible. We moved in court to have a lot of documents presented so we don't have to call witnesses, to have certain facts that everybody knows are true admitted in evidence without witnesses. And the Judges are considering those right now, the Judges of Trial Chamber II. So we're hopeful that a variety of things will develop that will speed the trial. We said 12 to 18 months to [try]. The Defence attorney said the other day, well, he didn't see any reason why it couldn't be finished in 7 to 9 months. Defence attorneys sometimes say that, but when they get to Court they fight over everything, so we're not going to the bank on that prediction. But 12 to 18 months is still the goal. But that would take us at the furthest end up until mid-2009 and then obviously there would still be an appeal that could push into 2010. But that would be at a point when everything else in the Court would have been basically shut down, and so it wouldn't necessarily occasion a lot of costs. But the people that are contributing money to the Court are watching very carefully to make sure that we move as quickly as possible and that we use our resources as efficiently as possible. And so we really do have to stick to that Completion Strategy in order to get the resources we need to finish the job.

(Question unheard)

RAPP: Well, I'm confident. It's part of my job to raise money. As you say, it's the Registrar's responsibility, but the problem I have is that if we ran out of money I think the Defence would have a powerful argument that the defendants who aren't finished in trial should be released because it wouldn't be fair to hold people just because we didn't have financial support. And so that's not something I want to see happen as a Prosecutor and so that's why, even though it's not specifically in my job description, I'm out there speaking to as many countries and their representatives as possible. And we continue to get large contributions from about four or five countries, and significant contributions from another 30 or more countries. As we look at the budget from here on out, if it continues from the sort of funding that we're getting now, we can finish the Completion Strategy. But in each country, there's a budget process that's decided each year. They don't say, 'oh, we'll promise you money in 2009', they say 'in 2009 our congress, our parliament, our house of representatives, will decide our budget'. And so each year we have to come back and say 'we need this to finish the job'. But the job has gotten a little easier because one, we have now this Completion Strategy that shows the Court concluding its work. We are beginning the reduction of staff in all categories as we move in that direction. They like to see that; that's helpful. And two, the other aspect of the Taylor case, we don't have it here in Freetown where a lot of us would like to see the case tried. We have it in The Hague. But having it in The Hague I think creates a greater visibility. And so many countries that weren't naturally supporters of a Sierra Leone court see the Taylor case as an international case. And they want to see the case succeed, have a fair trial there, because it'll have an impact on Darfur and all sorts of other things if it were not to succeed, if it were to somehow be adjourned because of absence of resources. So that gives us some support from countries that wouldn't give support otherwise. But those two factors have made it to some extent easier to raise the funds, but it's still a continuing and ongoing effort.

(Question unheard)

RAPP: In the judgment specifically, the Judges found that the men who were deployed at Tongo Fields, the CDF that had been sent into the area by these accused, killed in one case 150 people, civilians who'd been selected based upon them being Limba or Loko or Temne. In another case, killed 64 people who were lined up in two lines, with machetes and with guns; killed several dozen others also in other locations in Tongo Field. And that each of the accused was directly responsible for that, for having aided and abetted those attacks. They also found them responsible for other killings, though smaller numbers, in other places, specifically in Koribondo and in Bo and in the case of one accused, in Bonthe. So that was all in the finding by the Judges on the second of August. These individuals were convicted of those murders, but of course they weren't convicted of having hacked the people personally, themselves, or having been present when it happened, but that their forces that they had encouraged to do it or, in the case of the other acts, their forces that were under their control where they hadn't prevented their acts or punished and where they were ongoing so that they had clear notice of what they were doing, and with clear notice of what they were doing they weren't interfering with it at all, they were responsible. So that's not from me; that's from the Judges decision, that these men were responsible for at least 200 murders.