

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



PRESS CLIPPINGS

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

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

US Provides \$2 Million to Fund Special Court / <i>Independent Observer</i>	Page 3
Time is Running Out / <i>The Monitor</i>	Pages 4-6

International News

A big week of War Crimes Proceedings / <i>The Leiden Lady</i>	Pages 7-8
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U.S. Provides \$2 Million to Fund the Special Court of Sierra Leone

PRESS RELEASE

FREETOWN, SIERRA LEONE - Over the weekend, the United States government announced that it will contribute an additional \$2 million to fund the Special Court for Sierra Leone through to its conclusion. U.S. Ambassador-at-Large for Global Criminal Justice Stephen Rapp made the announcement during his visit October 5-8 in Freetown with Special Court personnel, civil society and Sierra Leonean government officials.

"The Special Court played an indispensable role in contributing to justice and an enduring peace in Sierra Leone," Rapp said. "Its judgments have sent a message that no person is above the law, and recognized the

suffering of tens of thousands of victims by holding powerful individuals responsible for mass murder, amputations, rape, sexual slavery, forced marriage, attacks on peacekeepers, use of child soldiers, terror, and pillage." The United States has long been one of the Special Court's largest contributors, and the new grant demonstrates the United States' commitment to ensuring that the Court is able to complete its final phase and transition to a Residual Special Court. Ambassador Rapp called for continued support by the international community to permit the Special Court to complete its mandate and achieve justice.

During his meetings, Ambassador Rapp learned about efforts by the Government of Sierra Leone and the Special Court to incorporate training and lessons learned from the

Special Court in the national judicial system. He stressed the importance of ensuring a strong legacy for the Special Court through knowledge transfer and reliance on the cadre of trained personnel who can now bring their skills to bear in the domestic system.

The Special Court, established in January 2002, is the first international criminal tribunal to be funded entirely from voluntary contributions from governments. The Court is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in Sierra Leone since November 30, 1996.

Ambassador Rapp served as prosecutor of the Special Court from 2007 to 2009.

Time is running out: Sierra Leone's unanswered transitional justice issues

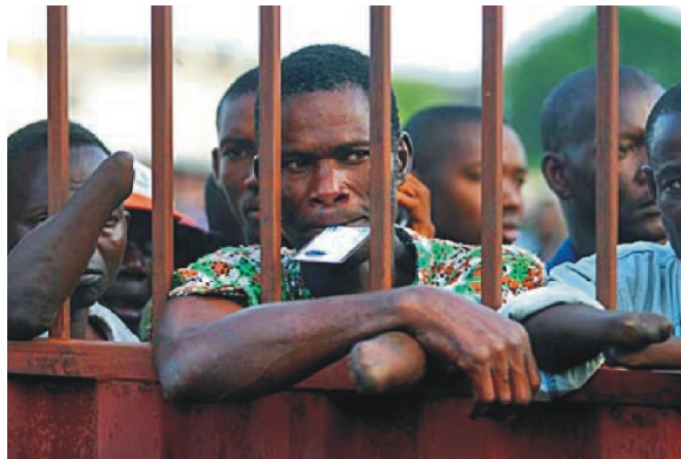
Ibrahim Tommy

Nearly a decade after the civil conflict ended in Sierra Leone, the vestiges of the pre-war years still exist. Although some attempts have been made at addressing the causes of the war as well provide redress for the violations that characterized it, many challenges persist, including the lack of clear commitment to implementing a meaningful reparations programme as recommended by the Truth and Reconciliation Commission (TRC). Sierra Leone's civil conflict officially ended in January 2002, after more than 11 years of wanton destruction of lives and property. The conflict, caused mainly by massive youth unemployment, lack of access to justice, high poverty and illiteracy levels, and the marginalization of vulnerable groups such as women, claimed the lives of at least 50,000 persons.

Approximately 10,000 people suffered amputations, while many more women suffered rape and other forms of sexual violence. Children, as young

as 8 years old, were forcefully conscripted into fighting forces. Others were used as domestic and sex slaves or 'bush wives'. At one point, there were at least 700,000 internally displaced persons, while thousands more were forced to live abroad as refugees. The country's social and economic infrastructure, which had already been weakened by years of neglect and corruption under a one-party dictatorship, ultimately collapsed. Lack of access to justice and institutionalized impunity partly caused the war, and in many ways, sustained it.

At the end of the conflict, Sierra Leone pursued both the



Eight years after the TRC report was released, social services such as education, health care, and housing, which should have been provided to the victims, are still not forthcoming.

restorative and retributive aspects of transitional justice² and applied nearly the full range of transitional justice mechanisms, even if with varying degrees of success. Perhaps the only strand of transitional

justice that was not or has not been attempted is vetting/lustration, which will be discussed in a separate article.

To foster accountability and help combat the culture of impunity that somewhat laid the foundation of, and characterized the conflict, the Special Court for Sierra

Leone (SCSL) was established in 2002 with a mandate to bring to justice those "who bear the greatest responsibility for the atrocities committed in Sierra Leone". The SCSL was billed as the new, inexpensive and swift model of promoting international criminal justice. It was expected to conclude its work in three years, and had an

initial budget of US\$60 million. Since its establishment, the Court tried nine persons and has spent more than

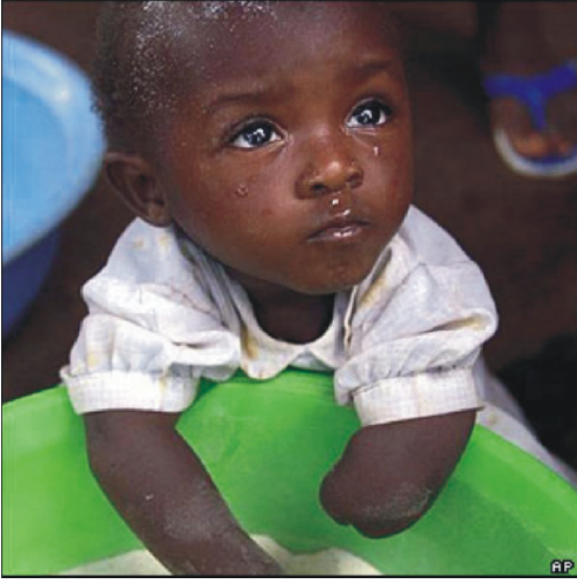
US\$200 million.

The significance of this amount will be discussed shortly.

In terms of restorative justice, the Lomé Peace

Accord, signed between the Sierra Leone Government and the rebels of the Revolutionary United Front (RUF) in July 1999, provided for the establishment of a Truth and Reconciliation Commission or TRC. The Sierra Leone TRC was mandated to produce "an impartial record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lomé Peace Agreement (LPA); to address impunity, to respond to the needs of victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered."³

Consistent with the obligations set out in the enabling Act, the Commission heard testimonies from victims, including women and girls who suffered various forms of violence during the conflict. At the end of its work, the Commission submitted a report, which contained a whole range of recommendations aimed at providing victims with a sense of closure.



The TRC Report made recommendations that sought to address the needs of victims by providing health, pensions, education, skills training and micro credit, community reparations, and

symbolic reparations. The categories of victims included victims of sexual violence, amputees, other war wounded, and orphans of the war, among others. At least 30,000 of them registered with the reparations implementing agency, the National Commission for Social Action (NaCSA). Although various forms of reparations, including cash handouts, memorials, skills training and free medical services have been provided, many other reparations-related recommendations remain wholly neglected or partially implemented. Eight years after the TRC report was released, social services such as education, health care, and housing, which should have been provided to the victims, are still not forthcoming.

In spite of their best efforts, employees of NaCSA would be the first to admit that they have not received as much support from the government as they would have wished. In fact, the Sierra Leone government has contributed no more than US\$1 million to the entire reparations programme. Current estimates show that roughly US\$7 million has been spent on the entire reparations programme, with approximately \$6 million provided by the international community, including the United Nation Peacebuilding Fund and UNIFEM. As earlier stated, the Special Court for Sierra Leone has spent way more than \$200 million in ten years to try nine persons. This is not a criticism of the Court, and in any case, that money would not

have necessarily been available to fund the reparations programme if there was no court. I provided the above figures only to establish the clear disparity in support for both processes, and to argue that an unsuccessful reparations programme would present serious impediments to efforts at bringing a sense of closure to those most affected by Sierra Leone's brutal conflict. A number of post-Taylor verdict outreach events organized by the Centre for Accountability and Rule of Law (CARL) and the Fourah Bay College Human Rights Clinic revealed that the vast majority of victims were, regrettably, more concerned about social and economic issues affecting them than the implications of the verdict. This clearly shows that while criminal prosecutions are critical to combating impunity and fostering accountability, addressing the social and economic needs of victims is as important.

The primary responsibility of providing meaningful and sustainable reparations squarely rests on the Sierra Leone Government, and it is obvious that its commitment to the entire process has been negligible. Since the War Victims Fund was launched in December 2009, the government has only committed \$500,000 to the Fund, and its total contribution to the entire reparations process has not exceeded \$1 million, according to NaCSA sources. Apart from the memorial ceremonies, bit-part skills training and partial medical assistance provided to some victims, the reparations programme is known mostly for the Le300,000 (approximately \$70) cash handouts to each victim. The cash handouts somewhat runs against the intention of the Commission when it "decided to propose a programme to address and respond to the specific needs of victims, rather than recommending cash handouts."

The reparations programme certainly needs more support, and there is a real risk that it could be conflated with the national development agenda. It is worth pointing out that transitional justice is specific and time-bound, and that reparation programmes are designed to specifically address the violations and deprivations suffered by victims during a conflict. An effective reparations programme also serves the purpose of acknowledging violations suffered by victims, which explains why it should be carried out as a completely separate programme from regular government services. In other words, even if the social and economic needs of victims were addressed as part of a national social protection strategy, the government would have still failed to deliver on its reparations obligations. For instance, the Sierra Leone government is implementing a free health care system, which provides free medical services to pregnant women, lactating mothers, as well as children under the age of five years. It is obvious that some victims are benefiting from the scheme, but the victims would be happier if there was a free health care scheme exclusively meant for the categories of victims recommended by the TRC.

While criminal prosecutions are critical to combating impunity, the Sierra Leone experience has shown that an ineffective reparations programme could undermine other efforts at bringing a sense of closure to the victims. Transitional justice essentially seeks to provide concrete and specific redress to victims of a brutal or repressive past. In particular, reparations are not only meant to address victims' social and economic needs, they also symbolize an acknowledgement of such violations.

Although there is an ongoing debate on whether reparations can be implemented through regular development programmes, it is always preferable to implement a specific reparations programme in a timely manner. Unfortunately, when a reparations programme faces such inadequate government support as has generally been the case in Sierra Leone in the last eight years, implementation becomes lopsided and reparations projects are subconsciously addressed through national development programmes. Unfortunately, Sierra Leone has been headed in this direction for a long time.

The Leiden Lady (Rotary Blog)

Wednesday, 31 October 2012

A big week of War Crimes Proceedings

The theme of this week so far has been International Criminal Law and War Crimes prosecutions... not least because I have had over 9 hours worth of classes on the subject, but also because I have had the amazing opportunity to go and watch some proceedings and meet some very interesting individuals who are directly involved in the trials.

On Monday, my class went on an excursion to the International Criminal Tribunal for the Former Yugoslavia to watch the Ratko Mladić trial. Mladić is quite a notorious Bosnian-Serb indictee of the Tribunal who was arrested in May 2011. He is accused of participating in a Joint Criminal Enterprise with other notables such as Radovan Karadžić to permanently remove Bosnian Muslims and Bosnian Croats from the claimed areas of Bosnia and Herzegovina. Most importantly, he is accused of orchestrating the mass executions of thousands of men and boys at Srebrenica and forcibly removing the remaining women and children from the area in 1995. A fact profile of the Mladić case can be found here: http://www.icty.org/x/cases/mladic/cis/en/cis_mladic_en.pdf.

The Tribunal itself is a fascinating place to visit and, as my old stomping ground from a couple of years ago, it was great to return for a look. The Presiding Judge on the Mladić Trial is Dutch Judge Alphons Orie, who I worked for on my internship. He is assisted by German Judge Christoph Flügge, and South African Judge Bakone Justice Moloto. After the proceedings, our class had a question and answer session with Judge Orie, in which he spoke at length about his experiences at the Tribunal, the nature of international criminal law and the future of the Tribunal. It is truly amazing to see how much the Tribunal has accomplished since its establishment in 1993. The enormity of the task of indicting, prosecuting and convicting war criminals and the sheer volume of evidence and resources involved is quite astounding.

Here is a photo of our group at the Tribunal:



Then this evening, I attended my weekly Rotary meeting with The Hague Metropolitan. I had the pleasure of introducing our guest speaker, **Solomon Moriba**. Mr Moriba is a Sierra Leonean broadcast journalist, who has worked extensively for national and international media covering the 10-year Sierra Leone civil war. In 2007 he was appointed as the Outreach/Press and Public Affairs Officer for the Special Court of Sierra Leone here in The Hague. He gave a fascinating presentation on the work of the Court and his role, particularly in the Charles Taylor Trial.

Charles Taylor is the Former President of Liberia who was indicted by the Court in 2006 for his involvement in the civil war in Sierra Leone. He is particularly noted for his role in exchanging arms and munitions for 'blood' diamonds from the rebel army, the Revolutionary United Front. The Sierra Leonean conflict is truly one of the most horrific, famous for the use by the rebel forces of child soldiers, sexual violence and forced amputations against the civilian population. Mr Moriba spoke of his personal experiences in the conflict when the rebel forces invaded New Town. It was a very moving presentation and a true privilege to be in the audience.

More information about the Special Court for Sierra Leone and the Charles Taylor Proceedings can be found at: <http://www.sc-sl.org>

