

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



The Amistad during its visit to Sierra Leone in 2010.

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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Interview with Joseph Kamara Former Acting Prosecutor for the Special Court for Sierra Leone

FROM THE EDITOR'S DESK

*(Courtesy Angela Stavrianou,
The Hague in the MONITOR)*

(PART 1)

BY ISSA B. M. KAMARA

As the trial of Charles Taylor has ended at the Hague I feel that this is the most opportune time to reflect on what went on during the initial stages of the Special Court proceedings and also to bring to you something close to the minds of many Sierra Leoneans who went through the brutal rebel war/junta brutality and their resultant disastrous consequences. Like I have always done, one should learn from at least from the past and reject any form of brutality, instability and chaos, because at the end those who-bare the greatest responsibilities will face Special Court or the ICC. Sierra Leone is bigger than any political Party or any single individual. Read the interview below.

Interview with Joseph Kamara Former Acting Prosecutor For the Special Court for Sierra Leone

By Angela Stavrianou, The Hague

The Defence opened its case in 13 July 2009 in the Charles Taylor Trail. On December 9 2009, CARL's Angela Stavrianou sat down to speak with Mr. Joseph Kamara, the then Acting Prosecutor in which she asked him questions relating to the trial and its progress thus far.

CARL: What is the biggest challenge for the Prosecution in this case?

Kamara: One of the main challenges for the prosecution is to show the linkage between the crimes committed by rebel groups and others, and Mr. Taylor. In order to prove our case against Charles Taylor, the Prosecution must do two main things-first, we must prove that the various crimes charged in the eleven count indictment were committed, amongst which are; murder, rape and other sexual violence crimes, amputations, and the use of child soldiers.

Second, we must prove that Mr. Taylor himself is guilty of these crimes

We have charged that Mr. Taylor is criminally responsible for the crimes set out in the indictment because he planned, instigated, ordered, and otherwise aided and abetted the crime, because of his participation in a joint criminal enterprise or common plan design or purpose, and because he failed to prevent or punish these crimes committed by his subordinates.

CARL: What are the biggest problems that the Special Court is facing?

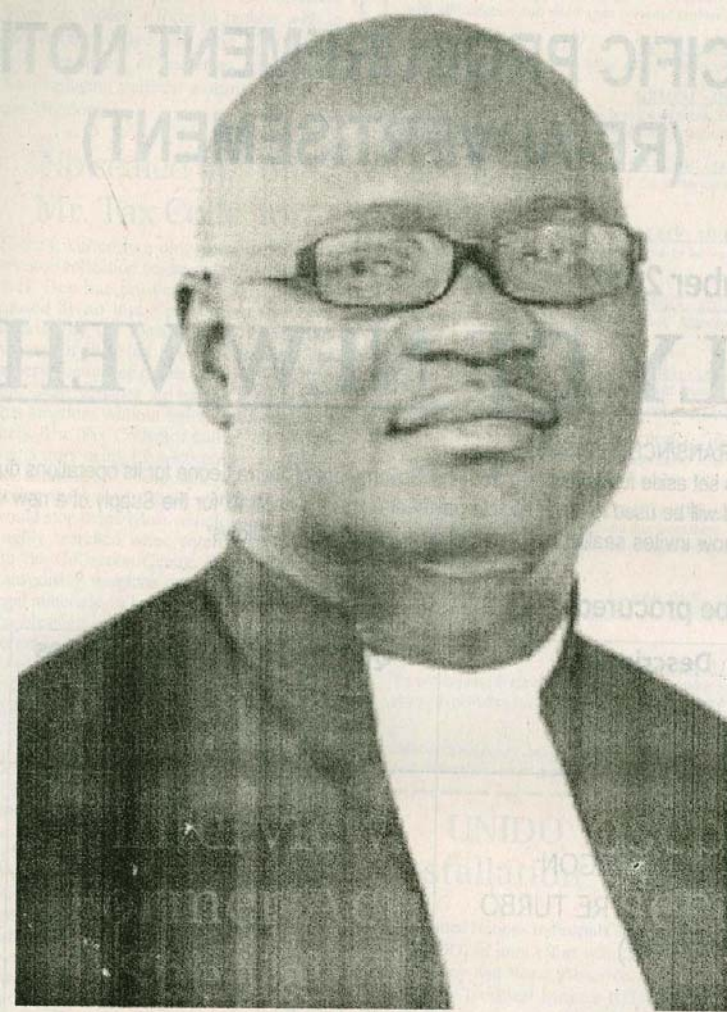
Kamara: Outside of the work related to the trials, the biggest challenge the Special Court is facing is funding. One thing that makes us different from the tribunals for Rwanda and the former Yugoslavia is how we get our financial automatically from the United Nations member states, we rely on voluntary contributions of UN Members states. Basically, we have to fundraise.

Over fifty Member States have given money to the SCSL, but we must go back to our larges and smallest donors to seek support every year.

Where, as with the SCSL, funding is optional, each funding cycle donor countries may choose to maintain funding levels, decrease them, or to not give at all. These choices are now impacted by the economic difficulties so many countries are facing. And with the Taylor trial in full swing, the Court still has tremendous funding requirements, from travel of Defence witnesses to OTP investigations in order to challenge and test the Defence evidence, to paying for Mr. Taylor's full defence team and resources.

CARL: What are your comments in relation to complaints by the Defence that the resources of the Special Court are inequality distributed in favour of the Prosecution?

Kamara: This is just one of the many claims the Defence has made to try and portray. Mr. Taylor as receiving less than what is absolutely



ACC Boss, Joseph Kamara

fair and transparent trial. It is a part of their effort to portray him in the media as a victim in this process.

Here are the facts. Charles Taylor is receive-

ing more money and support for his defence than has ever been provided to any Accused in the history of international tribunals.

He has a team of highly experienced law-



Charles Taylor

yers, led by Courtenay Griffiths, a Queen's Counsel barrister from the UK. He also has numerous other lawyers, investigators, interns, and office space in The Hague and in Freetown. He has been given the opportunity to present a full case and to tell his side of the story during some 13 weeks of direct examination, running to over 7200 pages of transcript, and involving some 300 documents. And let's not forget, the Defence does not have the burden of proving a case.

Compare all that with what the average Defendant gets in other tribunals or in any domestic system and you see the full extent of the resources provided to Mr. Taylor for his defence. These other defendants received fair trial though the degree of support was less in their cases, so it can hardly be said Mr. Taylor is receiving insufficient support for his defence.

Charles Taylor is being tried before a panel of independent judges, who ensure he receives all rights, afforded him. There are also journalists, numerous NGOs such as CARL and legal experts monitoring the trial and making sure his rights are his rights are respected.

In short, Mr. Taylor has rights, resources and protection. None of his alleged victims were so lucky.

CARL: A key aspect of the Defence case is the suggestion that the Prosecution is bribing witnesses to provide evidence against Mr. Taylor. What is your response to this allegation?

Kamara: This is another claim the Defence likes to make in the media, in part to once again portray their client as the victim of an illegitimate process. Since this is an issue that is before the judges, Mr. Griffiths should know better than to break the rules of conduct of this Court by making specific comments on this publicly.

But let me say this- all disbursements to witnesses follow the Rules governing such disbursements and they are disclosed to the Court and the Defence. The Witness Victims Section (WVS) of the Court makes most of these, not the Prosecution, and they are part of the Court Registry. And what the Defence fails to mention is that in nearly all trials, both the Prosecution and the Defence make disbursements to witnesses for care, protection, and other necessary reasons.

CARL: Courtenay Griffiths has expressed concern that there is only one West African, Mohamed Bangura, on the Prosecution team, in a case that primarily concerns the people of West Africa. What are your comments on this issue?

Kamara: As a Sierra Leonean, I find it interesting that Mr. Taylor and his lawyers are suddenly so concerned with the well being of the people of the country. This is the ultimate irony from a man accused of bringing misery to the people of Sierra Leone.

The focus is not on the nationality of the personnel, but the quality and integrity of the process. Nonetheless, in the Office of the Prosecutor, we have personnel from Ghana, Tanzania, Canada, USA, Macedonia, UK, Caribbean, Sierra Leone and Liberia. Thus I am surprised at the comments of Mr. Griffiths, as I have respect for him as a seasoned practitioner, but these are not only misleading but equally mischievous. Again, I will implore to my colleagues to focus on the issue at trial.

At any rate, Sierra Leoneans and Liberians alike have been instrumental in all stages of the case against Mr. Taylor, from the investigators who helped gather the evidence to the witness management staff, and to our trial lawyers.

Further, Mr. Taylor is charged with horrible atrocities under international criminal law.

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Interview with Joseph Kamara Former Acting Prosecutor for the Special Court for Sierra Leone

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International crimes are an international responsibility. I am proud that the Prosecution has enjoyed the support of lawyers, investigators, and other staff from all over the world, from Uganda to the United Kingdom.

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CARL: What do you think the Special Court has achieved to date, both in Sierra Leone and in terms of International Criminal Law?

Kamara: The Special Court has achieved so much for Sierra Leone, and for the sub-region. Let's start with what it has done to ensure peace.

Without the Special Court, none of the leaders of the rebel groups that tore this country apart would have ever faced justice. They would be free to walk the streets of the country's cities and towns with impunity. In

the Lome Peace Accord, the former rebel leader Foday Sankoh was made Vice President and the RUF gained control over the country's diamond mining areas. And we all know the violence that occurred after this accord.

Who can say with confidence there would have been no return to the violence and suffering brought by these leaders?

Further, Charles Taylor would today be a free man in the sub-region, and free to plan as he wished in Liberia and for Sierra Leone, instead of facing justice in a court of law for the crimes he is accused of.

You cannot put a price on peace, and you cannot put a price on justice. The work of the Court has been one of the reasons Sierra Leone and even Liberia has been able to move forward since the dark days of the war.

The BBC and the Special Court have both conducted public opinion surveys, and the results show that the majority of Sierra Leoneans strongly support the work of the Court. They believe it has made a difference to their lives and to the country.

The Court has also greatly encouraged the

respect for the rule of law domestically, and has spread knowledge of the importance of this principle throughout the country. The Outreach department has been key in this regard, spreading the message of the Court's work and its principles to every city and town in the country.

The Court has also undertaken activities designed to leave behind a positive legacy. The hope of the SCSL and the OTP is that it has and will achieve something far beyond its mandate and impart skills, legal and non-legal principles and even infrastructure to the country.

One area where this legacy is being ensured is in the trainings the SCSL provides. Hundreds of police officers, lawyer, students and even Parliamentarians and judges have attended seminars or received trainings on a wide variety of topics, from International Humanitarian Law to criminal investigations practices. As far as International Law, the list of key precedents established by the Court is truly impressive: the world's first recognitions of the use of child soldiers and of forced marriage

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as crimes under international humanitarian law, and the first ever convictions on these charges; the first-ever convictions on the charge of Attacks on UN Peacekeeper. These rulings have the potential to help protect civilians and soldiers alike in the conflict zones of the world.

Finally, the example of the Charles Taylor on trial, like Slobodan Milosevic at the Yugoslavia tribunal before him, shows that no man is above the law.

It shows that when it comes to indicted accused war criminals, it's not a question of if they will face justice, but when.

CARL: What is the Prosecution's timeline for the Cross-Examination of Taylor?

Kamara: We are going to try and be as efficient as we can, while still doing justice to our need to effectively challenge Mr. Taylor on the truthfulness of his testimony. We do not intend to take as long as the 13 weeks the

Defence took for the direct-examination.

How directly or evasively Mr. Taylor chooses to answer our questions will be a significant factor in how quickly we can proceed.

The judges' 30 November ruling affirmed the Prosecution's right under the established principles of international law to use new materials to impeach the credibility of the Accused. We've already tested the credibility of Mr. Taylor's claims on a number of fronts, and our cross has only just begun, he challenged us to bring forth evidence of the wealth he accumulated while in power. We were pleased to do this. And throughout our cross we will confront his claim that he was a peacemaker in Sierra Leone. Our evidence shows just the opposite.

CARL: What is the proposed use of the Special Court facilities in Freetown following the trial?

International Center for Transitional Justice

Tuesday, 4 December, 2012

Congo-Kinshasa: Experts Discuss the Impact of Politics On National War Crimes Prosecutions

As the era of international ad hoc tribunals draws to a close, it is becoming clear that those responsible for crimes against humanity and war crimes should be prosecuted by countries where they were committed. The International Criminal Court is increasingly accepted as a last resort, an institution which should exercise its jurisdiction only where states are unwilling or genuinely unable to do so.

However, the reality of most post-conflict societies, ravaged by war or repression, is one of devastated institutions and often fragile democracy, where significant reforms are needed to enable judiciaries to take on such complex and sensitive cases.

International efforts to identify the primary needs of countries which are facing the task of prosecuting serious crimes have identified two key elements: technical capacity and political will.

While initiatives are under way to gather international development actors around the need to support capacity of national institutions through technical and material assistance, the issue of political will seems to be more complex. Judges and prosecutors often find themselves working on cases of serious crimes in extremely polarized political atmosphere; governments sometimes support such processes only declaratively; and international actors can significantly influence national processes through donor strategies and political interference.

ICTJ is partnering with the Center for Global Affairs at New York University to explore how political will of international and national actors impacts national war crimes proceedings. The panel, held at 6pm on Tuesday, December 4, 2012, will examine four diverse country scenario scenarios - the Democratic Republic of the Congo, Serbia, Iraq, and Guatemala.

Panelists include Stephen J. Rapp, US Ambassador-at-Large for Global Criminal Justice; Paul Seils, Vice President and General Counsel of ICTJ; Jennifer Trahan, Assistant Clinical Professor of Global Affairs at the NYU; and Djordje Djordjevic, Rule of Law, Justice and Security Adviser at UNDP.

The event will be moderated by the president of ICTJ David Tolbert and streamed live beginning at 6pm EST.

Speaker Biographies

Djordje Djordjevic a Rule of Law, Justice and Security advisor with the UNDP Bureau for Crisis Prevention and Recovery in New York. He supports UNDP's technical engagement UN system-wide rule of law issues including through the Rule of Law Coordination and Resource Group and previously in the Security Sector Reform Task Force.

Apart from policy work, he also provides assistance to UNDP Country Offices in crisis situation to design and implement comprehensive rule of law programs including in Afghanistan, Bosnia and Herzegovina, Colombia, Kyrgyzstan, Nepal, occupied Palestinian territory, Timor Leste and Uganda. Djordje is also a focal point for the organization on transitional justice policy and programming issues. More recently this includes engagement with international partners on strengthening complementarity at the national level, and promoting broader interface between reparation policies and development programs.

Stephen J. Rapp of Iowa is Ambassador-at-Large, heading the Office of Global Criminal Justice in the U.S. Department of State. He was appointed by President Obama, confirmed by the Senate, and assumed

his duties on September 8, 2009. Prior to his appointment, Ambassador Rapp served as Prosecutor of the Special Court for Sierra Leone beginning in January 2007, responsible for leading the prosecutions of former Liberian President Charles Taylor and other persons alleged to bear the greatest responsibility for the atrocities committed during the civil war in Sierra Leone.

During his tenure in Sierra Leone, his office won the first convictions in history for recruitment and use of child soldiers and for sexual slavery and forced marriage as crimes under international humanitarian law. From 2001 to 2007, Mr. Rapp served as Senior Trial Attorney and Chief of Prosecutions at the International Criminal Tribunal for Rwanda, personally heading the trial team that achieved convictions of the principals of RTLM radio and Kangura newspaper--the first in history for leaders of the mass media for the crime of direct and public incitement to commit genocide.

Paul Seils began his professional career as a criminal defense lawyer in Scotland in 1991. From 1997 he spent nearly five years in Guatemala as legal director of one of the country's main NGOs, designing and directing investigations on behalf of victims into massacres committed by the military during the civil war. He has held senior positions in the Office of the Prosecutor of the ICC, in the Rule of Law section of the Office of the High Commissioner for Human Rights, and at the International Commission against Impunity in Guatemala (CICIG). He has written widely on theory and practice in transitional justice, particularly on the importance of national prosecutions and complementarity, challenges in investigating mass crimes in transitional contexts, and on mapping and selection issues.

David Tolbert was appointed president of the International Center for Transitional Justice in March of 2010. Previously he served as registrar (assistant secretary-general) of the Special Tribunal for Lebanon and prior to that was assistant secretary-general and special expert to the United Nations secretary-general on United Nations Assistance to the Khmer Rouge Trials. From 2004 to 2008 Mr. Tolbert served as deputy chief prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY).

From 2000 to 2003 Mr. Tolbert held the position of executive director of the American Bar Association's Central European and Eurasian Law Initiative, which manages rule-of-law development programs throughout Eastern Europe and the former Soviet Union. David Tolbert was Jennings Randolph Senior Fellow at the United States Institute of Peace and served as a member of the American Society of International Law Task Force on United States Policy Toward the International Criminal Court (ICC) during 2008 and 2009.

Jennifer Trahan is Assistant Clinical Professor of Global Affairs at NYU. She teaches International Law; Human Rights; International Criminal Tribunals & Their Law; Transitional Justice; and U.S. Use of Force & the "Global War on Terror." She has served as counsel and of counsel to the International Justice Program of Human Rights Watch; served as Iraq Prosecutions Consultant to the International Center of Transitional Justice; and consulted on cases before the Special Court for Sierra Leone and the International Criminal Tribunal for Rwanda. She is the author of "Genocide, War Crimes and Crimes Against Humanity: A Digest of the Case Law of the International Criminal Tribunal for Rwanda" (HRW 2010), and "Genocide, War Crimes and Crimes Against Humanity: A Topical Digest of the Case Law of the International Criminal Tribunal for the former Yugoslavia." (HRW 2006).

Huffington Post

Monday, 3 December 2012

Shining a Light on Human Rights and Justice Projects

Without justice, there are no human rights. Justice is a necessary component of human rights. When there's no justice, there's no peace, and there's no freedom. Justice itself is a human right and it guarantees the protection of other human rights. When we look around the world to places where human rights are violated, we see broken justice systems; we see a lack of fairness; we see lawlessness or laws meant to protect only a privileged few.

I'm a refugee of a nightmare which resulted in the genocide of my people. In my life, I've experienced the horrors that happen when war criminals take control. And so I've dedicated my life to advance the causes of human rights, especially the promotion of justice.

Ten years ago, international criminal law took a big leap forward with the establishment of the International Criminal Court (ICC). This is the first time that a group of countries has vested an international court with continuous (albeit limited) jurisdiction over the most heinous of war crimes.

In a real sense, the ICC was born out of the successes shown by the ad hoc international criminal courts set up by the UN to deal with mass atrocities in particular regions. The International Criminal Tribunal for the former Yugoslavia (ICTY) prosecuted war criminals from my former country. The ICTY arrested and tried the worst of the worst: torturers, mass rapists, child killers and people responsible for genocide. By removing impunity for those responsible for evil, the ICTY has been dispensing justice.

Similarly, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia have been vitally important for the regions they cover. But all these ad hoc tribunals have an advantage over the ICC. Their work focuses on a particular region during a particular conflict. The specific time, place and culture makes it easier to arrest suspects, adjudicate their cases and communicate with the affected populations. With its much larger scope -- and its very real limitations in jurisdiction -- the ICC faces huge challenges in doing the same.

Two years ago, I launched The Human Rights & International Criminal Law Online Forum. The Forum is a partnership between the the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) and the Sanela Diana Jenkins Human Rights Project at UCLA School of Law. We created a platform that allows the ICC OTP to pose difficult legal questions that it faces to the world community, and we opened the discussion to the world; anyone can post comments and express their opinions on these legal issues to the ICC OTP. We are independent of any government agency and are not influenced by local politics -- and we have staying power. The impact of public participation on the legal opinions of this court is unprecedented.

A few months ago, our work was acknowledged by HiiL, a research and advisory institute for the justice sector based in The Hague -- and they nominated our Forum for the prestigious Innovating Justice Award as a "Successful Innovation." In the world of international justice, these awards are a big deal. There were 38 organizations and projects nominated for the award. These are all people who are working hard to make our world a more just place. And these projects hailed from all over the world: from Kenya, to India, to Peru, and Europe. Good ideas cover the globe -- proof of the urge for justice felt by people all over the world.

The first phase of the award selection was a popular vote. In two suspenseful weeks, 15,447 people from all over the world voted for our Forum as the most important justice innovation in 2012 -- and we won the popular vote! My heart soared when I learned that many of the people voting for us came from Bosnia.

Bosnians are people for whom international criminal justice is personal. They see the ICC as a beacon of hope -- an institution founded by the world to try to fight the impunity of war criminals. Winning the popular vote got us into the top six.

On November 2, a jury in The Hague announced the top three finalists at the "Innovating Justice Forum 2012" event. The stated criteria were the uniqueness of the innovation, the potential impact, and the sustainability of the project. The Human Rights & International Criminal Law Online Forum is the only place that allows everyone to have access to ear of the ICC OTP. And it allows the ICC OTP to highlight the complexity of some of the legal issues they face. Of all the projects, it was the only one with international scope. So it's with great pleasure and pride that I'm sharing the news that we were chosen as one of the three top innovators in the field of justice and human rights!

There were two other projects that shared the honor: a project from Peru which organized judges to volunteer and provide legal education in their local communities, and a project from Mexico which helped shape a pretrial diversion system that's being adopted by the government. Both those projects are very worthy and have the potential to positively impact the communities they serve. I'm happy for the Peru project as it was awarded the top honor in the "Successful Innovation" category.

What the Innovating Justice Awards did was shine a strong spotlight on projects around the world that are working tirelessly to promote justice and human rights. It is not enough to build a worthy project; the world has to know of its existence. The ceremony at The Hague told the world stories of success. Awards and recognition can help governments, institutions and people of the world take notice, get involved, participate and demand and command justice. Without justice, human rights is just a dream.