

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



**PRESS CLIPPINGS**

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Any omission, comment or suggestion, please contact  
Martin Royston-Wright  
Ext 7217

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Pages 3-4

# Courting Public Opinion

As the Special Court to try those accused of fuelling Sierra Leone's civil war wraps up, Paige McClanahan assesses its impact

**W**andering through the streets of Sierra Leone's capital, Freetown, it is hard to imagine that this restless, vibrant city was once a bloody battleground – and not that long ago.

Just ten years have passed since the end of the conflict that saw Sierra Leone reported on around the world, branding it as the land of blood diamonds and drugged-up child soldiers. A relatively peaceful decade has passed but – in one way at least – the business of the war is not yet finished.

Before the end of 2012 the Special Court for Sierra Leone, the tribunal established to try those suspected of involvement in the civil war, will finally close its doors. The court has broken ground on many fronts, and it has kicked up a fair share of controversy along the way. As it nears the end of its mandate, many are starting to ask: has the Special Court been a success?

It is a complicated question.

"The Special Court was kind of a grand experiment," says David Crane, who served as the court's chief prosecutor from 2002 to 2005. "It was set up to see if international justice could be efficiently applied."

In 2002, as Sierra Leone's war came to an end, the international community was reeling from the excessive cost and length of the international tribunals that had been set up in the wake of the brutal conflicts in Rwanda and the former Yugoslavia. The Rwandan court had already been going for eight years, the Yugoslavian court for nine. The combined costs of the two tribunals had run to nearly \$1.2 billion, and there was no end in sight. A new structure was needed.

And so in January 2002 the Special Court for Sierra Leone became the world's first-ever 'hybrid' international-domestic tribunal, set up as a bilateral arrangement between the United Nations and the government of Sierra Leone. That meant that all of the court's trials – bar the high-profile and potentially explosive case involving Liberia's former President Charles Taylor in The Hague – would be conducted in the capital Freetown. It also meant that accused war criminals could be charged

with violating both international and Sierra Leonean law.

Critically, Sierra Leone's Special Court was given a narrower mandate than its predecessors. While other UN-backed courts – the Rwandan and Yugoslavian tribunals – were set up to try those 'responsible' for the atrocities of war, Sierra Leone's court would try only 'those who bear greatest responsibility'. It was an important distinction.

**I**n the end, just 13 people were indicted, compared to 92 in the Rwandan tribunal and 161 in the former Yugoslavia's court. Those put on trial included Foday Sankoh and Sam Bockarie, leaders of the Revolutionary United Front (RUF) rebel group, as well as Taylor who was famously accused of, among other things, purchasing the 'blood diamonds' that funded the conflict – accusations he denies.

Conducting the trials in Sierra Leone brought an immediacy to the tribunal that other courts had not known. Alpha Sesay, a Sierra Leonean lawyer who works for the Open Society Justice Initiative in The Hague, estimates that 80 to 90 per cent of his fellow Sierra Leoneans knew about the war tribunal and what it was set up to do.

Crane saw Sierra Leoneans' reactions firsthand as he travelled across the country during the court's opening months to introduce himself and hear people's stories.

"I always asked them, especially at the very beginning when I was

drafting the indictments, 'Who did this to you? Who are the people who did this to you?' And they would always tell me," he says.

"You heard a lot of people saying, 'Oh, Sierra Leoneans are very forgiving people, they just want to move on. Just give them some money and all will be well,'" says Crane. "Trust me, they wanted justice."

Many Sierra Leoneans Crane talked to accepted the mandate's distinction between 'responsibility' and 'greatest responsibility', which was a first in international law. What that distinction meant in practice was largely up to Crane to interpret. What he decided, in the end, was to prosecute those who were

responsible for creating the conditions that allowed the atrocities to take place. That meant that, for many Sierra Leoneans, the person who had perhaps terrorised them in their village may not be prosecuted. But many supported his interpretation of the mandate, Crane says, and supported the court's work.

Of the 13 people who were eventually indicted by the court, eight were convicted; four died before their trials could be finished; and one, Taylor, is still awaiting a verdict. None of the 13 indictees has been acquitted.

The limited scope of the prosecution's mandate was not necessarily a good thing.



The first day of proceedings at the Special Court for Sierra Leone

says Sareta Ashraph, who was a co-counsel on the defence team that represented Issa Sesay, an interim leader of the RUF. Because so few people overall were indicted, she argues, those who were accused became symbols of their movements, which created an enormous pressure to convict.

"You were having millions – hundreds of millions in the end – spent on the trials and I don't think that anyone could honestly tell you that the measure of success being used was not convictions," says Ashraph. "Whatever people may say about the rule of law, articles and speeches involving the words 'end of impunity' require some convictions."

**B**ut Crane insists that was not the case. "There was no pressure to convict; there was pressure to do justice. The number [of people indicted] really is irrelevant," Crane says. "My intent was to prosecute the leadership of the warring factions – on both sides."

And that is what he did. All of the trials are over now, except for the most famous one of all. The Taylor trial got off to a slow start. The former warlord, who had been indicted in absentia in 2003, failed to make it into the court's custody until 2006, when he was caught trying to flee from Nigeria – where he had been in exile – into Cameroon.

Faced with 11 counts of instigating murder, rape, mutilation, sexual slavery and the conscription of child soldiers, Taylor pleaded not guilty and made it clear that he – the first former African head of state to stand trial for war crimes – did not take the court seriously. Both Taylor and his defence lawyer, Courtenay Griffiths, repeatedly boycotted the proceedings, forcing the judges to adjourn the trial for weeks at a time.

But the case eventually went ahead nonetheless. After more than three years of proceedings, lawyers on both sides finally presented their closing arguments in February. A verdict was expected in September – but none came. Now insiders say the court should announce its ruling in early 2012. That will be

followed by a short sentencing phase, and then an appeals process of four to six months. When the appeals are finished, the Taylor trial will finally come to a close – as will this Special Court.

But will the Taylor trial and the other proceedings of the court have brought Sierra Leone any sense of closure when all is said and done? Alpha Sesay of the Open Society Justice Initiative says it is a difficult question. While no amount of justice can erase the horrors of the past, he says, the Special Court might at least help to ensure a more peaceful future.

"The fact that the court has been able to conduct credible, fair proceedings for very serious crimes and complex cases – that in itself has made a significant contribution to the respect for the rule of law in Sierra Leone," he says. "I think that is the court's number one legacy. Now, people are aware that powerful people can be held to account."

*Paige McClanahan is a freelance journalist based in Freetown*

