



Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

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Oral Hearings Conclude in Taylor Appeal, Judges Will Now Retire to Deliberate and Consider Judgement

Lawyers for the Prosecution and Defence made their final arguments before the Appeals Chamber this week in the trial of former Liberian President Charles Taylor. The five Judges and one Alternate Judge heard Appeal Submissions from the parties on Tuesday, and their Responses and Replies on Wednesday.

On 26 April 2012, the Trial Chamber found Mr. Taylor guilty on all 11 counts of the indictment, finding that he had participated in the planning of crimes, and of aiding and abetting crimes, committed by rebel forces in Sierra Leone. On 30 May 2012, the Trial Chamber sentenced him to a prison term of 50 years.

The Defence has presented 42 grounds of appeal, arguing that the Trial Chamber made systematic errors in the evaluation of evidence and in the application of law sufficiently serious to “reverse all findings of guilt entered against him” and to vacate the judgement. The Defence brief also questioned the fairness of the trial and the judicial process itself, and challenged the 50 year sentence imposed by the Chamber as being “manifestly unreasonable.”

The Prosecution has also appealed the judgement on four grounds, arguing that Mr. Taylor should have been found guilty of other modes of liability, and that he should have received a significantly longer sentence.

For the oral arguments, the Appeals Chamber asked both the Prosecution and the Defence to address six questions (set forth in full below), looking at the application of international law to modes of liability, the extent to whether uncorroborated hearsay evidence may be relied upon in determining findings of fact, and how existing jurisprudence relating to adjudicated facts should be applied to a Defence motion to admit adjudicated facts after the Prosecution had closed their case.

Both parties expressed appreciation for the opportunity to address “these important legal questions”.

At the end of Wednesday’s proceedings, Charles Taylor was allowed to make a statement. “I’m very appreciative of the handling of the proceedings so far, and I have the belief that the right thing will be done by the grace of Almighty God,” he told the Judges.

This week’s hearing is the last in the Taylor case before the appeal judgement is delivered. It also marks the achievement of an important milestone as the Court nears the completion of its mandate. The Judges will now retire to deliberate and consider their judgement, expected before the end of 2013.

#END

- i. Whether the Trial Chamber correctly articulated the *actus reus* elements of aiding and abetting liability under customary international law. The differences and similarities between aiding and abetting, instigating and ordering as forms of liability under Article 6(1) of the Statute. Whether customary international law recognizes that certain forms of liability set forth in Article 6(1) of the Statute are more or less serious than other forms of liability for sentencing or other purposes.
- ii. Whether the Trial Chamber's findings meet the *mens rea* standard of purpose.
- iii. Whether acts of assistance not "specifically directed" to the perpetration of a crime can substantially contribute to the commission of a crime for aiding and abetting liability. Whether the Trial Chamber's findings meet the "specific direction" standard.
- iv. Whether the acts of assistance not to the crime "as such" can substantially contribute to the commission of the crime for aiding and abetting liability. Whether the Trial Chamber's findings meet the "as such" standard.
- v. Whether the sources of law identified in Rule 76 *bis* (ii) and (iii) establish that uncorroborated hearsay cannot be relied upon as the sole basis for specific incriminating findings of fact.
- vi. How the Appeals Chamber should apply existing jurisprudence relating to adjudicated facts under Rule 94(B) in the context of a defence motion for the admission of adjudicated facts following the close of the prosecution case.

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

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