

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

PRESS RELEASE

Freetown, 20 October 2008

Prosecutor Accuses Taylor Defence of Causing Hardship for Victim Witnesses

Special Court Prosecutor Stephen Rapp has accused Charles Taylor's Defence lawyers of causing hardship for victim witnesses by requiring the witnesses' presence in court when their evidence is not in dispute.

The Prosecutor's remarks come after Taylor's Lead Counsel, Courtenay Griffiths, said last week that the Prosecution was responsible for misusing the Special Court's money by bringing unnecessary witnesses from West Africa to The Hague for testimony in Taylor's trial.

"Victims of the atrocities are being forced to relive their horrors on the stand for one reason only—because, contrary to their public statements, the Defence is unwilling to agree that these crimes happened," responded Prosecutor Stephen Rapp.

At issue is the presentation of evidence of Sierra Leoneans who personally suffered atrocities, who are legally described as "crime base" witnesses.

Taylor is on trial on an 11-count indictment charging him with responsibility for Crimes Against Humanity and War Crimes committed during the civil war in Sierra Leone. The crimes include murder, mutilation, rape, sexual slavery, forced labor, pillage, the use of child soldiers, and acts of terror and collective punishment.

To secure convictions, the Prosecution must link Taylor to the rebel groups in Sierra Leone. But the Prosecution must also prove that the rebel groups committed these crimes in each of the places alleged in the indictment and document the seriousness of the crimes.

That means presenting evidence of victims who suffered the crimes.

To save these victims from having to travel and testify, the Prosecution sought to submit the evidence of most in the form of sworn statements or testimony from prior trials, as is permitted by the rules of the Special Court.

"For months, the Defence has been saying publicly they did not dispute that these terrible crimes took place, only that their client was not responsible," said Rapp.

"They claimed they were quite happy for the statements of the victims to be submitted as evidence without any challenge. But in Court they've done just the opposite."

To date, the Prosecution applied to admit the evidence of 22 witnesses in writing. The Defence objected to them all.

The Trial Chamber has ruled that the Defence can require these witnesses' presence in court to submit to questioning. As a result, they have all been brought to The Hague and are in the process of giving their testimony.

The Prosecutor said that there about 20 additional witnesses whose evidence is necessary who will probably also have to come to The Hague, given the consistent demands of the Defence.

“Rape victims, amputees, former child soldiers and other victims are being made to travel from West Africa to The Hague to be questioned by the Defence,” said Rapp.

“The Defence lawyers challenged one woman on her description of being raped by rebels and seeing her friends and relatives' limbs chopped off. Had they not insisted on questioning her directly, she could have been spared this ordeal.”

Rapp was also sharply critical of Defence Counsel Griffiths for describing the evidence of Prosecution witnesses as “rubbish,” and for suggesting that it would not be offered by “proper lawyers.”

“This statement shows a profound lack of understanding of the kind of evidence that arises when there are massive violations of humanitarian law involving the murder, wounding, and displacement of large parts of the population, and the destruction of communities and institutions,” said Rapp.

“It also shows a lack of respect due to prosecution lawyers who are some of the most experienced in the world in presenting evidence of mass atrocity.”

The Prosecution originally sought to call 72 witnesses to the stand and submit 72 witnesses in writing.

After the Defence demanded to question each of the crime base witnesses, the Prosecution has reduced the number of both “linkage” and “crimes base” witnesses in order to ensure that the trial is concluded within the available time and resources.

The total number of Prosecution witnesses now expected to take the stand is about 95. So far 64 have testified.

“Many of them should not have had to come to The Hague, but they have done so and have testified to the horrors that they suffered with great courage.”

“They deserve appreciation and compassion, as well as renewed international efforts to provide them with reparation for their injuries.”

Rapp predicted that at the present rate of witness presentation, it would be possible to conclude testimony of all Prosecution witnesses before the Special Court's judicial recess begins on 12 December 2008.

#END

Produced by the
Office of the Prosecutor
Special Court for Sierra Leone
Email: SCSL-Prosecutor-Press@un.org

Visit the Special Court's website at www.sc-sl.org