

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

PRESS RELEASE

Freetown, 12 April 2006

The Prosecutor's Meeting with Civil Society of Sierra Leone, 31 March 2006

On 31 March 2006, the second day following the transfer of Charles Taylor into the custody of the Special Court for Sierra Leone, Special Court Prosecutor Desmond de Silva, QC addressed members of civil society and the local press in Freetown.

The aim of the meeting was to update the people of Sierra Leone on the details of Charles Taylor's transfer, and the request made by the President of the Court to transfer the trial of Charles Taylor to The Hague.

The Prosecutor highlighted three main issues in his address:

A new 11-count indictment has been served on the defendant. The indictment was approved on 16 March 2006 to ensure a more focused and speedier trial. The gravity of the original 17 counts for war crimes and crimes against humanity is reflected in the amended indictment.

The transfer of the trial of Charles Taylor to The Hague was requested by the President of the Court after taking into consideration concerns expressed to the Special Court about stability in the region should Taylor be tried in Freetown. The final decision is up to the United Nations Security Council. Until then, proceedings will continue in Freetown.

If a Trial Chamber of the Special Court does sit in The Hague, the Office of the Prosecutor will work to ensure access to the trial and transparency for the people of Sierra Leone.

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The Prosecutor's statement:

When I became the Prosecutor I made you a promise. That promise was to ensure that Charles Taylor will be in our detention centre. I have kept that promise, and on Monday or



Tuesday he will make an 'Initial Appearance' before a judge of this Court. And the indictment will be read to him and he will be given a chance to plead guilty or not guilty to the crimes that, we say, he committed on Sierra Leonean soil – crimes against you all.

We have all waited a long time and finally

the day has come. Now, all of you will be able to see this former warlord in this Court, answering guilty or not guilty. Technically, the trial starts then.

None of this would have been possible without your support. All of you representing civil society have quite rightly pushed me and before me, my predecessor, David Crane, to do our best to bring this warlord to justice. Well, I'm very pleased as I've indicated to have been able to achieve something for you. And I thank you for all your support, all your encouragement, which made my job that much easier, because I knew I was doing it for you, and I knew I was doing it for the victims of what allege are his crimes.

The 11 Count Indictment

I have always believed that victims have rights too. The right to see the perpetrators of serious crimes brought to justice. But unless one can get the man before the court it's hopeless. So we've taken this first great step in the process of bringing this most wanted man to justice. My predecessor drafted an indictment of 17 counts or charges against Charles Taylor. I recently reviewed that indictment and on 16th March a judge of this Court at my request amended that indictment to 11 counts which represent in my view the full gravity of the former 17. Now copies of those indictments as you know are available for you. My Special Assistant, without whom I'm lost, sitting on my left, will make indictments available to you if you need them. But you will see from that indictment that the allegations of war crimes, crimes against humanity, serious violations of international humanitarian law, including sexual slavery and mutilations are all there. All there. So the full force, the full gravity, of those former allegations are still there.

However, the reason that I took the view that the indictment should be "slimmed down" is to provide for a more focused trial and a speedier end to the trial. As you know, there have been many complaints about the way in which international justice takes a long time. Today people ask me, interviewers ask me, "What about Milosevic? He spent four years in trial and now he's dead. He was not brought to justice". I don't want anything of that kind said about Charles Taylor. I want him brought to justice when he's alive. I want him to know, and I want him to answer, for what we say he did.

In order that the international community might see the Court in Sierra Leone as a model, a preferable model, to anything that has gone before, it is for that reason I slimmed down that indictment to make sure that the trial would not be over-long, and so that the victims, we say, of Charles Taylor will get a result more quickly.

The Hague Option

I'm sharing this with you because I hope you approve. You have of course heard, in recent days, about what I'm going to call The Hague Option. Something that concerns some of you, in fact it might concern many of you. The Hague Option is not set in concrete. It is merely an option. So don't believe, don't believe, anyone who tells you that it's fixed in concrete. Yes, the President of the Court has made the request for the transfer, however, the decision will be taken by the international community at the UN. They have to consider a number of issues, mainly legal and logistical, before they will come to a firm decision. Until then, all proceedings continue in Freetown.

Now why has The Hague option arisen? The answer is very simple. The Rules and Procedure of this Court enables this Court to sit outside Sierra Leone. Why? Why do the Rules of Procedure and Evidence enable this court to sit outside Sierra Leone? The reason is simple. This Court was set up, uniquely, in the very country in which the atrocities were committed. And this is the first court, international criminal court, in the world, that has been set up as we call "in theatre", in the very place in which the atrocities were committed.

Those who created the Court in 2002 understood that there might be – they didn't know who we were going to indict – but obviously they had an idea that we might indict people whose trial in Sierra Leone may have a destabilising effect, either on Sierra Leone or on the region. That is why this Court was empowered to be able to sit elsewhere. So it's not a new idea. This was an idea that the creators had. It's not my idea – it's the idea the creators had. That's why they provided for it in our Statute and in the Rules of Evidence and Procedure. As I say, they had no idea who we were going to indict. And in due course we indicted Charles Taylor, then President of Liberia, who fell from office, who left office not long afterwards and went into exile in Nigeria.

You know the battle we have had with Nigeria to try to get Nigeria to surrender him. You know the international voices that kept saying "No, if you surrender him there will be trouble in the region again. The trial of Charles Taylor will bring instability and trouble to the region again". You've heard those voices. However, we pursued him. We did not let go. We did not listen, David Crane and I did not listen to those voices that said "Leave him alone where he is, because peace is better served by leaving him in Calabar".

We didn't listen to that, because we had to answer to you. You, my friends, are the people I answer to. You are the people who want him brought to justice, and you are the people I serve together with the victims, the sad victims, of the atrocities that were committed here.

So, we get him here, and what an exciting week it's been. He escapes, he's caught, and then when I was going to work on Wednesday morning, coming into the office, little did I think at the end of that day, as the sun was going down, a helicopter would land and out of the side of the helicopter would come the handcuffed tyrant who has caused so much unhappiness in this part of the world. The cheers that went up as the helicopter went down! One realized how important it was to the people of Freetown, the people of Sierra Leone, and above all the people that want justice done.

Of course, very shortly after that we received him, I think 48 hours ago, we heard voices saying again that you can't try him in Sierra Leone because it's going to destabilise the country, it'll destabilise the region. What am I supposed to do? What am I supposed to do now that I've got him here? There is one person without whom I could not have got him here, and that is President Ellen Johnson-Sirleaf, the newly-elected, very respectable president of Liberia. She called on President Obasanjo to surrender him, as you know. Without her call, he would not be here. Without her courage, he would not be here. Without her dedication to the cause of justice, he would not be in our detention centre.

Now, she called, as you know, and then President Obasanjo – because President Obasanjo has been saying for two years “I will of course heed the call of a newly-elected democratically-elected government of Liberia”. So President Obasanjo now had his answer: “Hand him over!” by this very courageous woman who has only just come to office and this must be a very difficult foreign policy decision for her because there are lots of Taylor supporters still in Liberia. In fact there are some Taylor supporters in her government. So she acted with great, great courage – a great lady. And then, 48 hours ago, this great lady said “Please, don't try him in Sierra Leone” – she went public – “because it will destabilise my country.” So what do we do? Here is this lady without whom we couldn't have achieved what we have achieved, really pleading for her own people. I want you to be generous to her in view of what she has done, and so, and regard her as somebody who has played a remarkable part in bringing this together. As I say, The Hague Option is not set in stone.

But why The Hague? It can't take place in Arusha because the courts are full. It can't take place at the ICTY because their courts are also full. The only facility available is the International Criminal Court's facilities in The Hague. However, this trial can only take place outside Sierra Leone if the Special Court for Sierra Leone, or a court of this court, sat outside Sierra Leone. And there is President Johnson-Sirleaf saying “Please, don't try him in this region”. Well, The Hague Option is being considered by the international community. The Hague Option means that if it is approved, it will be the Special Court for Sierra Leone sitting in The Hague, renting the ICC's facilities.

Now, I want Charles Taylor brought to justice quickly. I thought that the AFRC and CDF cases would be finished by this summer – June, July. It now looks as if they may run on towards the end of the year. And both these courtrooms are occupied, so there's no way Charles Taylor can be tried here this year. There's no way. I don't want Charles Taylor to start saying “I want bail, because I can't be tried. There is no court to try me, so I want bail”. Then what do we do? Lose him again? You know there are so many considerations, and that's why I want to share my thoughts with you. I want to share my thoughts with you. He won't be able to say that if The Hague Option, for example, is achieved, because in theory there will be a court to try him.

Now, it is most essential that the people of Sierra Leone understand and see and hear – let's take for a moment, let's examine for a moment, the prospect of a court sitting outside Freetown, whether it's in Banjul or The Hague is immaterial for this moment. We are now looking at plans that if, that if, The Hague Option is operated, that in the same way as all of you can follow the proceedings of these two Courts, everything that happens in The Hague will be processed similarly for you here. And I can tell you that is under active consideration.

If and when the UN Security Council does decide to send this trial to The Hague, there will be divided views, without any shadow of a doubt. There will be Sierra Leoneans who agree with the fact that, they think “no, no, it's better to try him outside. And we would rather hear, watch, or hear what's going on than have run the danger of instability, either in Sierra Leone or neighbouring Liberia.”

Now these are all considerations I have to share with you. We're not living in a perfect world. We're not living in a world in which I can deliver to you everything you want. I have tried my best and have delivered up the man. It is a matter for others to decide and I don't decide this, it's not my decision that he goes to The Hague. I would be quite content if he was tried in Sierra Leone, but it's not my decision. It's not my decision. I'm sure it's the decision of the government of Sierra Leone that he be tried in Sierra Leone. However, this is an international criminal court, and the word international means international. It means that other countries also have a say. That's what international means. And if other countries have a say, and the principal judge, the President of the Court, decides that there cannot be a risk, any further risk, either to Sierra Leone or to Liberia, then the decision is made, not by me, not by the Government of Sierra Leone, but by somebody who's been empowered to consider it.

Because if, for example, the trial took place here; if something happened in Liberia which Ellen Johnson-Sirleaf fears, and one can only assume the President of Liberia must know something about her own country, if that is a fear that she has expressed publicly, and if something does happen in Liberia, we will be held to blame. We will be held to blame. I don't want any more blood spilt, either here or in Liberia. I would like to see, of course, a peaceful trial of Charles Taylor here. However, this is an international criminal court, as I keep saying, and if other countries, for example neighbouring Liberia, says "We think we will be affected", a judge of an international criminal court must entertain considerations of that kind. So as much as I would be willing to proceed here, I want to share with you my predicament and the responsibility this Court has to the continuing peace and security of the region. I prosecute where I'm required to prosecute. If they decided to set this court up in Paris I'll have to prosecute there.

I'm delighted to be here in Freetown, now entering my fourth year here. I've committed a chunk of life to helping to bring justice to Sierra Leone. And I'm not in Sierra Leone in order to get away. I'm here to do justice to you all within your own country. But I have to recognise the international court also has to respond to the voice of the international community. It was the international community that created the court and now supports it.

Charles Taylor will I hope on Monday, probably in the afternoon, be in that dock, (points) somewhere over there – sorry, I'm not pointing at you; in fact, you don't look anything like him! You don't look anything like him, so there's no chance of confusion! – he will sit somewhere over there I take it and the charges – well, he may go over there, I don't know – and the charges will be read to him. And all of you, I hope, will fill that gallery and you will see the man we have worked so hard to get, you and I together. You put your hand into mine and we worked together to do this. And we've got this far.

I don't want Charles Taylor ever to raise an appeal on the basis that he's the most hated man in Sierra Leone, and therefore his lawyers say the case took place in an atmosphere of hostility to him, as a result of which he couldn't properly produce his defence. He couldn't get his witnesses because the whole country in which he was tried considers him to be the first one responsible, and therefore his witnesses wouldn't come to testify. Then what would happen? His conviction will be quashed and he will walk free. You know, there are so many aspects that I invite you to consider.

I just want him to be tried fairly. I want him to answer to what we say he has done. I hope the judges at the end of the day will find the Prosecution case a strong one. And I hope at the end of the day Charles Taylor will be convicted and sentenced to a very, very long time in prison. But I would hate it if he successfully appealed on some grounds that would lead the appellate court to quash his conviction so that he walked free.

Everything we'd have done would be totally defeated. So whatever happens, I want you to know one thing: We will do it together. We will do it together. We've come this far. You trust me and I trust you. We will do it together. Things may not always be easy. The path ahead may not be smooth, but we'll see. Monday is a start – a start when that bad man will be in this courtroom we sit in today.

So, ladies and gentlemen, it's been a very long and tiring week. I have shared my innermost thoughts with you. Please consider them over the weekend, and I hope to see that gallery filled with you all, possibly on Monday afternoon, because without you this wouldn't have happened. And I thank you for your support. I thank you for all the kindness you've shown me in many, many ways. And I shall try to ensure that at the end of the day that individual will pay for his crimes to you and your people.

Ladies and gentlemen, thank you very much. Thank you.