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 as at:
Monday, 6 August 2012

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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The Taylor Verdict: A Major Step Forward In Promoting Accountability for Sexual-based Crimes During Conflict

The discussions were quite enlightening, and Ms Orlovsky did a brilliant job of explaining how the developing international jurisprudence on sexual-based crimes during conflict would help promote justice for women. I spoke a bit about the Special Court, the implications of its jurisprudence, the circumstances that helped the Special Court's prosecution of Taylor, and the implications of the Taylor verdict for Sierra Leone and Liberia. Of course, I made a point about the need for the Sierra Leone government to strengthen national accountability mechanisms as well as take the lead on helping the most affected victims of the conflict by providing financial, social and other material support to them.

Below is the statement I made at the event. I should point out, though, that it does not include the comments I made during the Question and Answer session.

Background:
The Special Court for Sierra Leone was set up to try those who bore the greatest responsibility for atrocities that occurred during the 11-year civil conflict in Sierra Leone. A total of 13 persons were indicted by the prosecutor, but only nine were ultimately tried and convicted. Unfortunately, the major Sierra Leonean players in the conflict, including the leader of the rebel group RUF Foday Sankoh, Sam Bockarie and leader of the CDF Sam Hinga Norman, died before their trials began or were
concluded. In the end, of the nine indictees tried and convicted by the Court, Charles Taylor had the highest profile.

The Taylor trial and verdict: Taylor was indicted on 11 counts of war crimes, crimes against humanity and serious violations of international law. He was transferred into the custody of the Special Court in 2006, but for security reasons, his trial was transferred toFreetown. The relocation of the trial certainly affected victims’ access to the process, and therefore raised questions about the legitimacy of the process. To partly address these concerns, the Special Court provided live video streaming of the trial at the Court’s facility in Freetown. Despite the Court’s best efforts, most of the victims stayed away, and got regular updates either from the BBC World Service Trust-funded radio programmes or the Court’s Outreach programme. My organization, the Centre for Accountability and Rule of Law (CARL) also followed the proceedings and published monthly analysis and update of the proceedings. CARL also discussed the Taylor trial during its regular media and community outreach events in the country.

A total of 91 witnesses testified on behalf of the prosecution, including 52 crime base witnesses, 31 insider (linkage) witnesses, four expert witnesses, and four victims. The evidence of six other witnesses was submitted in the form of transcripts and support reports. A total of 21 witnesses, including Charles Taylor himself, testified on behalf of the defence. On April 26, Charles Taylor was convicted of 11 counts of planning, aiding and abetting war crimes and crimes against humanity, including rape and sexual slavery. He was also convicted of the charge of enabling “outrages upon personal dignity”, arising from incidents in which women and girls were forced to undress in public and then raped and sexually abused, “sometimes in full view of the public, and in full view of family members.”

Undoubtedly, Taylor’s trial and conviction has huge implications for the jurisprudence of international criminal justice and efforts at combating sexual and gender-based violence during conflict. During his trial, for instance, the Court ruled that immunity enjoyed by heads of state does not apply to the prosecution of international crimes such as those committed in Sierra Leone. Additionally, for the first time, an international court ruled that raping of men and girls in public was part of a deliberate campaign to terrorize the civilian population.

As Kelly Askim, Senior Legal Officer at the OSJI, put it: “There have now been many previous judgments in international war crimes tribunals in which the accused were found guilty of rape, sexual slavery, and other forms of sexual violence. But virtually all were when the accused physically perpetrated the rape or was present, encouraging, ordering, or ignoring the crimes. The Taylor verdict represents a welcome and long overdue recognition that civilian or military leaders who are far from the battlefield but who support and encourage sexual violence, or make no attempt to prevent or punish it, can be held responsible for such crimes.”

As significant as the Taylor trial and verdict is, it would not necessarily bring an end to the commission sexual-based crimes during conflict? Unfortunately, I don’t think so. Although Taylor’s trial and conviction represents a significant step forward, a lot more needs to be done to genuinely combat impunity for warlords and mid-level commanders who sanction and perpetrate gender and sexual-based violence. The trial of a single leader is not enough to stop the commission of sexual-based crimes during conflict. Therefore, the international community must step up efforts at ensuring that accountability mechanisms at the international level are strengthened and that no-one is shielded from justice.

At the domestic level, the Taylor verdict is critical in terms of helping victims to come to terms with the past. Beyond the verdict, however, concrete efforts must be made to strengthen law enforcement and justice institutions. This would include the establishment of effective witness and victims support services, strengthening the investigation and prosecution departments of the Sierra Leone Police (SLP), and increasing victims’ access to justice throughout the country. It is only when vulnerable groups such as women and girls are assured that they will no longer be afraid to use the law, and that they will receive justice for any violations they suffer, that they will begin to come to terms with the past. In Sierra Leone, for instance, of the 907 complaints of sexual and gender-based violence reported to the police in Bokolab District in 2011, only 16 convictions were reached. This speaks volumes for the amount of efforts that are required to get the job done. Let me be clear about this: the justice and law enforcement institutions clearly face a number of challenges, but the successful prosecution of sexual and gender-based offences in Sierra Leone requires absolute support from the victims, the community, and the victims’ family. At the moment, this seems to be a critical missing link in efforts at combating sexual and gender-based crimes.

Beyond the need to strengthening accountability mechanisms, it is also important to focus on the social and economic needs of victims. The Sierra Leone government must support the reparations programme in order to provide a meaningful and sustainable response to the very serious social and economic needs of the most affected victims of the conflict, including the women and girls who were sexually abused. Really, victims who were disabled physically and emotionally by the conflict cannot move on, regardless of who is tried and convicted, if their social and economic needs are not addressed.

Why was the prosecutor successful at prosecuting sexual and gender-based crimes?
The International Criminal Court (ICC) said Friday it had postponed an August 13 hearing for former Ivory Coast president Laurent Gbagbo after defence lawyers questioned his fitness to stand trial.

Doctors could examine Gbagbo, 87, who faces charges of crimes against humanity, to determine if he is fit to take part in the proceedings against him,” the court said.

At the request of defence lawyers they had appointed three doctors to assess Gbagbo, who had filed confidential medical reports last month, a statement from the court said.

The court was now awaiting the response of both the prosecution and the defence lawyers. The Ivorian former leader has been detained at the seat of the ICC in The Hague since November last year.

In a decision taken on Thursday, the pre-trial chamber “ordered the prosecutor and the defence to submit their observations on (medical) reports, respectively, by 13 and 21 August,” the statement said.

“In light of the importance of the issue, the Chamber decided to postpone the confirmation of charges hearing until such issue is resolved,” added the statement.

Gbagbo faces four counts of crimes against humanity — murder, persecution, rape and other sexual violence, and other inhumane acts — stemming from violence after he lost presidential elections in Ivory Coast in November 2010.

The former president, who first came to power in October 2000, refused to acknowledge an election loss to long-standing rival Alassane Ouattara, a decision that plunged the country into its second armed conflict in a decade.

Heled up in the commercial capital Abidjan, Gbagbo was eventually ousted in April 2011, following two weeks of fierce street fighting that is estimated to have cost 3,000 lives in the west African country.

On April 11 last year, the captured Gbagbo was moved to Korhogo in the north of the country, until he was transferred to ICC custody seven months later on the strength of an international arrest warrant.

Defence counsel have repeatedly claimed that Gbagbo was “tortured” during his detention in Korhogo and say he needs to recover physically and psychologically.

Gbagbo clung to power after a failed coup against him in 2002, which led to the division of the cocoa-rich country into a rebel-held north and a south controlled by loyalist troops.

Despite a series of peace accords underwritten by the United Nations, he repeatedly put off the elections.

The ICC prosecutor is also investigating crimes that may have been committed by former rebels loyal to Ouattara.

The current president, a northerner, was able to take office after decisive military support from the UN operation in Ivory Coast and a French military force stationed there, known as Unicorn.

But rights activists say the former rebels are heavily implicated in killings that claimed hundreds of lives in west Ivory Coast at the end of March 2011, before their offensive on Gbagbo’s stronghold in Abidjan.

The ICC last month rejected a defence request that the former president be released pending his trial, saying he posed too much of a flight risk.
Sierra Leone: Public Reaction in Sierra Leone to the Judgment of Charles Taylor

By Eleanor Thompson

With the support of the Open Society Justice Initiative, the Center for Accountability and Rule of Law-Sierra Leone (CARL-SL) and the Fourah Bay College Human Rights Clinic (FBCHRC) conducted a series of outreach events in July 2012 in Freetown, Kenema, Kailahun, Kono, and Makeni to inform the Sierra Leone people about the judgment of the Special Court for Sierra Leone (SCSL) in the case of The Prosecutor v. Charles Ghankay Taylor. The outreach series consisted of a panel discussion in Freetown at the Fourah Bay College and public discussions in Kenema, Kailahun, Koidu (Kono), and Makeni. These locations were selected for outreach events because the Trial Chamber specifically listed these as the locations of the crimes Taylor aided and abetted or planned. During the public discussions, representatives from CARL-SL and the FBCHRC outlined the trial proceedings and briefly explained the Trial Chamber's findings on each count and mode of liability. Audience members then had the opportunity to ask questions and give their reactions to Taylor's conviction and 50-year prison sentence. At the outreach events, CARL-SL and FBCHRC also disseminated a three page summary of the 2,539-page judgment.

Naturally, reactions to the verdict and sentencing judgment were mixed. However, during all of the radio programs and the public discussions, multiple participants expressed satisfaction with Taylor's conviction, saying that it set a precedent that anyone who perpetuates violence will be held responsible, thus deterring future leaders from committing these crimes.

At the more academically-focused panel discussion in Freetown, the conversation often revolved around the significance of the Taylor judgment to the global fight against impunity and Sierra Leone's national justice system. Civil society representatives lauded the several contributions of the Taylor trial to international justice, including the precedent that has been set that even a head of state will face justice if he or she commits serious crimes. Students and community members in each location commented that Sierra Leonean political leaders should take note of the Taylor conviction in the run-up to Sierra Leone's November 2012 general elections because they too will be made to account for their crimes if they use violence as a political tool.

In spite of these strong positive reactions, there are a number of lingering concerns among the general public about whether the Taylor trial and conviction benefits them in any way. During the radio discussion program in Kono, one caller asked, "Will we be able to get our hands and feet back? Will the people of Kono be able to get our diamonds back?" These poignant questions reflect the gap between what the Taylor judgment adds to international criminal justice on a national and global level and what it tangibly offers victims in Sierra Leone in their daily lives.

In many ways, the reactions to the Taylor judgment in a particular location reflected the manner in which the war affected that area. For instance, in Kailahun, where there is still visible destruction from the war, participants questions and comments centered on the issue of reparations and what tangible benefit the Taylor conviction could have on their everyday lives. In explaining that the conviction and sentence had no impact on many members of the community, a widow who lost her husband and father of her children during the war adamantly stated that "if [the Special Court] give[s] Charles Taylor a 50 or 100-year sentence, or even kills him, it will not please us." Her frustration was visceral as she broke down in tears while explaining the daily livelihood hardships that she and others in her community continue to face. For her, the Taylor conviction does not alleviate her daily suffering. One religious leader in Kailahun who
spoke on behalf of his parishioners said that even though they accepted the Taylor verdict, he questioned how peace can be consolidated when all of these livelihood problems exist.

In Kono, where the civilian population was terrorized and some were forced to mine the very diamonds that financed the purchase of arms used against them, one young man asked whether the money that Charles Taylor made from the diamonds in Sierra Leone will eventually come back to Sierra Leoneans. One person asked for Taylor's bank account to be traced and the money brought to Sierra Leone to help victims, amputees, and people who are HIV positive because of the sexual violence that occurred during the war.

In Kono and Makeni, which were major RUF strongholds during the war, an overwhelming number of participants wanted to know if Charles Taylor, who was in Liberia when the crimes were committed, could be tried and convicted what would be done about the Sierra Leoneans who directly perpetrated crimes against civilians and are still walking around free in their communities. One nursing student in Makeni used an analogy to ask whether Sierra Leoneans who committed crimes during the war and have not faced justice would not commit the same crimes again because they had been able to do it with impunity the first time. He stated that Charles Taylor was like a cancer, and even if the doctor surgically removes the tumor, the cancer may have already spread to other parts of the body, only to rear its ugly head again. The concern of that young man for perpetrators to be brought to book stands in stark contrast to the concerns of ex-combatants themselves. An ex-combatant[1] who is currently a student in Makeni listened carefully to the facilitators' explanation about the reduction of Taylor's sentence by six years due to time already served in detention during trial and asked whether the sentence of his "boss Issa [Sesay]" would also be reduced accordingly. In spite of these contrasting concerns, there was no visible tension in the room between ex-combatants and others.

Perhaps the situation of the two students in Makeni, much like all of the reactions expressed during the outreach events, merely demonstrates the varied perspectives of Sierra Leoneans on what justice means to them.

Eleanor Thompson is a consultant with the Open Society Justice Initiative and travelled throughout Sierra Leone in July to observe the outreach events described.

[1] The author only identifies this participant as an ex-combatant because of the question asked, not because the participant identified himself as an ex-combatant.