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SCSL-03-01-PT

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7 March 2007

Hon. Justice George Gelaga King
President, Special Court for Sierra Leone
Jomo Kenyatta Road, New England
Freetown, Sierra Leone



Re: Application for Civil Society *Amicus Curiae* Brief Regarding Change of Venue of Taylor Trial Back to Freetown

Dear Mr. President,

We write to you as representatives of various civil society groups, to request permission to file an *amicus curiae* brief in response to the pending Defence Motion for Reconsideration of Order Changing Venue of Proceedings.¹ Since the indictment and arrest of Mr. Charles Taylor, civil society groups have been keenly interested in seeing Mr. Taylor tried in Freetown at the Special Court for Sierra Leone. When the decision to transfer Mr. Taylor to The Hague was initially taken, without consulting civil society in any meaningful way, we felt marginalized and disenfranchised from the whole process. Now that the issue is before the Court again, we wish to have our voices heard and seriously considered, in the interests of justice.

Rule 74 of the Special Court Rules of Procedure and Evidence states, “A Chamber may, if it considers it *desirable for the proper determination of the case*, invite or grant leave to any State, organization or person to make submissions on any issue specified by the Chamber” (emphasis added). In a prior opinion, the Special Court Appeals Chamber has interpreted the “proper determination of the case” to simply mean “reaching the decision which most accords with the end of justice.”² The Appeals Chamber has also stated that Rule 74 should not be interpreted “narrowly or technically.”³ Thus, the undersigned civil society groups believe it is desirable for the proper determination of the Taylor case that the President grant us leave to make submissions on the issue of whether the Taylor trial should be moved back to Freetown. After all, the Special Court was set up primarily for the benefit of the people of Sierra Leone and West Africa, and thus it accords with the end of justice that the people of Sierra Leone be given the chance to share their views.

We submit the following request according to a clause in Article 1(1) of the Practice Direction on filing *Amicus Curiae* applications, adopted 20 October 2004,⁴ which states that applications for leave to make written *amicus curiae* submissions may be submitted “at the applicant’s own initiative.” Previously in the Taylor case, the Secretary General of the African Bar Association, on her own initiative, applied and was granted leave to file an *amicus curiae* on the issue of head

¹ *Prosecutor v. Taylor*, SCSL-03-01-PT-192, Motion for Reconsideration of Order Changing Venue of Proceedings, 22 February 2007. (“Change of Venue Motion”)

² *Prosecutor v. Kallon*, SCSL-03-07-PT-128, Decision on Application by the Redress Trust, Lawyers Committee for Human Rights and the International Commission of Jurists for Leave to File Amicus Curiae Brief and to Present Oral Submissions, 1 November 2003, para. 5.

³ *Id.*, para. 10.

⁴ Practice Direction on filing *Amicus Curiae* applications pursuant to Rule 74 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, adopted 20 October 2004.

of state immunity.⁵ Likewise, we submit this application in hopes that we will be given permission to aid Mr. President in his decision making process.

Our grounds for submitting this application are numerous and include: our interest in ensuring a fair trial for the accused; our desire to physically see justice being done; our wish to closely access and monitor the proceedings; our need for victims to be involved in the healing process; and our belief that because the crimes were allegedly committed in Sierra Leone the accused must account for his actions in Sierra Leone. Our sense is that security concerns, cited by the President in his decision to transfer the venue of the proceedings in June 2006,⁶ are not valid. We believe that Sierra Leonean people are now peaceful and are not likely to resort to violence if Mr. Taylor is brought back to Freetown.

Civil society groups were active in the political process that resulted in Mr. Taylor's transfer to Freetown initially, and it is only fair that we continue to be actively involved and consulted. Although most of our arguments are not legal in nature, they do directly speak to the diplomatic concerns⁷ faced by the President and thus should be carefully considered.

Because we are representatives from various civil society groups throughout Sierra Leone, we are well-suited to inform Mr. President of the importance of bringing the Taylor trial back to Freetown. As active civil society groups, we regularly advocate for an improved judiciary, both domestic and international, and we strive to make the justice process accessible to all. The national human rights movement would benefit greatly by being an integral part of the Taylor trial in Freetown.

It is surprising and regrettable that given the importance of this issue to the people of Sierra Leone, the Office of the Prosecutor did not even bother to respond to the Change of Venue Motion. In a Press Conference on 30 January 2007, Mr. Stephen Rapp, the Chief Prosecutor at the Court, said that the Taylor case "would be conducted in the name of – and on behalf of – the people of Sierra Leone." He promised to do everything he could "to ensure that [the trial] was accessible to the people of Sierra Leone."⁸ In light of these statements, we remain optimistic that the Prosecution will take advantage of the opportunity granted them in Article 6 of the Practice Direction (which gives both the Prosecution and Defence a chance to respond to any *amicus curiae* submissions) in order to support our request to bring the trial of Mr. Charles Taylor back to Freetown.

We are grateful to the Defence Office Outreach Assistant and the Taylor Defence Team for bringing the issue of reconsideration of the venue of the Taylor trial to our attention. Additionally, Mr. President, as fellow Sierra Leoneans, we thank you for your consideration of civil society's views and we look forward to submitting our *amicus curiae* brief to you by Friday.

⁵ *Prosecutor v. Taylor*, SCSL-03-01-AR72(E)-49, Decision on Application by the African Bar Association for Leave to File Amicus Curiae Brief, 20 November 2003.

⁶ *Prosecutor v. Taylor*, SCSL-03-01-108, Order Changing Venue of Proceedings, 19 June 2006.

⁷ *Prosecutor v. Taylor*, SCSL-03-01-AR72(E)-104, Decision on Urgent Defence Motion Against Change of Venue, 29 May 2006, paras. 5-8.

⁸ Press Conference by Prosecutor for Special Court for Sierra Leone, 30 January 2007. Online at www.un.org/News/briefings/docs/2007/070130_Rapp.doc.htm.

Respectfully Submitted,



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