



Visitors to Freeport, where the trials are being held, often fly by U.N. helicopter from the Sierra Leone airport to avoid an arduous seven-hour drive on a rutted and potholed dirt road. Although noisy and unpleasant and not without risk (a U.N. helicopter went down with no survivors two months after Seckinger's departure), the flight gives passengers a breathtaking view of the Sierra Leone coastline (inset).



Supporting the Cause of Justice

As preparations were made to undertake the arduous and complex task of prosecuting war criminals after Sierra Leone's savage 10-year civil war, Notre Dame Law Professor Jim Seckinger and a team of trial advocacy experts were on hand to conduct training that would, he hoped, further the cause of justice in this war-torn nation.

On July 5, 2004, the trial of members of Sierra Leone's Revolutionary United Force (RUF), who have been charged with crimes against humanity, began in the \$85 million courthouse built in Freeport by Sierra Leone's newly elected government, a construction project funded primarily by the United States. An earlier trial of the pro-government Civil Defense Forces militia has been adjourned until September.

That both revolutionary-backed and government-sanctioned groups are being tried is significant for this war-ravaged segment of Africa. For more than 10 years, both groups brutalized citizenry and both have been charged for their crimes. It is hoped that these trials will finally bring a full and lasting peace to this West African state that remains mired in poverty, despite international relief aid.

RUF rebels fought the Sierra Leone government for 10 years, from 1991 until 2001. As a result of this civil war, tens of thousands of civilians were killed, thousands more were injured —men had limbs cut off and women and children were raped and/or enslaved. More than 2 million people—over one-third of the population —were displaced from their homes and forced into refugee camps.



Notre Dame Law Professor Jim Seckinger '68 J.D.

These ultimately successful efforts to establish peace in the country began in 2001, sponsored by both the United Nations and individual countries, including the United States. While an initial peace accord was signed in 1999, it was repeatedly broken by various rebel groups who sometimes took U.N. peacekeepers as hostages. However, these hostilities began declining in 2000, and by August of that year, the RUF and the rebel group with which it had joined forces, the Armed Forces Revolutionary Council, surrendered to U.N. peacekeepers in Kabala.

In January of 2002, Sierra Leone's civil war was declared over and national elections were held to establish a new government. The newly elected government requested that the tribunal be held as a means of reconciliation. To demonstrate that all who participated in the civil war would be held accountable, both rebel and government soldiers were indicted.

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The Special Court was jointly established by the United Nations and the government and has as its mandate the prosecution of those who bear the most responsibility for violations of international humanitarian law and Sierra Leonean law since November 30, 1996. This prosecution will

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The courthouse in Freeport where the war crimes trials will take place.

be uniquely complicated by the combination of international and national law that will be used in these trials. When the Special Courts work is done, the Freeport courthouse will become the seat of the Sierra Leone Supreme Court, serving as a beacon for justice and the power of an independent judiciary.

The prosecution staff for the Special Court, many of whom will act as volunteers, have come from various parts of Sierra Leone as well as from other countries. That they needed advocacy training was immediately apparent to Luc Côté, chief of prosecutions at the Special Court. To meet this need, he contacted Louise Arbour, who was appointed the U.N. High Commissioner for War Crimes by U.N. Secretary-General Kofi Annan. Prior to this appointment, Arbour was the First Prosecutor for the International War Crimes Tribunal at The Hague, prosecuting those on trial for crimes committed in Yugoslavia and Rwanda, a position she held until becoming a Justice for the Canadian Supreme Court. Arbour requested that the trial advocacy team who conducted the Intensive Trial Advocacy Workshop in 1996 for the Rwandan prosecution staff be used again.

Members of this team included Garry Watson, York University, Toronto; Sheila Block, a noted Canadian trial lawyer; Leona Dorrian, Queen's Counsel, Faculty of Advocates, Edinburgh, Scotland; and Notre Dame Law School Professor Jim Seckinger. Of Seckinger, Watson said, "Jim is one of the best-known trial advocacy teachers in the U.S."

The inclusion of Seckinger in the group is a natural extension of his teaching and research experience. He joined the Notre Dame Law School faculty in 1974; he has been a member of the faculty of the National Institute for Trial Advocacy (NITA), which is headquartered at Notre Dame, since 1973, serving as its director from 1979 to 1994. He teaches and writes in the areas of deposition techniques, evidence, professional responsibility, and trial advocacy and has given workshops on trial advocacy techniques to law firms and legal organizations throughout North America and in England, Scotland, Australia, New Zealand, France, Rwanda, and El Salvador.

Seckinger believes that these trials will be especially complex for two reasons. First, witnesses will testify to the atrocities they both suffered and observed; while the courtroom proceedings will be conducted in English, such testimony will be gathered in multiple native dialects. Additionally, these witnesses have been terrorized and continue to suffer trauma from their experiences and fear that they may suffer repercussions for their testimony from rebels who remain free. In an attempt to address this fear of reprisal, the court has granted name changes to all witnesses.

Second, the proceedings will incorporate basic principles of English common law, a system that incorporates adversarial court proceedings with witness examinations, including cross-examination, in open court before an independent judiciary that decides each case on the evidence presented with an automatic right of appeal. These fundamental common law rights of witness examinations and transparent decision-making are new to the African civil law tradition as well as to the African lawyers and judges working with the Special Court for Sierra Leone.



A heavily armed gun tower sits at the entrance to the compound which houses the tribunal and all the offices of the prosecutors and administrative staff.



Sheila Block surveys the countryside with a guide.

This fundamental difference between the English common law and African civil law traditions necessitated substantial training on witness examination skills, so that the prosecutors could establish admissible witness testimony and exhibits sufficient to sustain a conviction. This training took place in Freeport, Sierra Leone, April 16-23, 2004, with the team offering training on advocacy skills, including opening and closing statements and direct examination techniques.

Throughout the workshop, the team had to remain sensitive to the vast difficulties that faced the prosecutors, respectful of the cultures and traditions from which each came and mindful of the need to provide a feedback mechanism that was effective yet not condescending.

Reflecting on her experiences during the training, Shelia Block said, “The challenges for the prosecution in these cases are enormous. It is very difficult to prepare witnesses—many of them both victims and perpetrators of war crimes (such as child soldiers)—to testify in these complex criminal cases. The child soldiers have been brutalized, at a young age, against their will. To ready them for cross-examination by the British barristers who have been hired to defend the accused is a daunting task.” Much



This tank sits at the ready within the compound.

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of the innovative witness preparation training used by the team was developed by Seckinger.

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