


## *Also Inside*

- **Humanitarian Law and Weapons**
- **CORD's call for referendum: Legitimate?**
- **Mandatory death penalty on trial**



**INTERNATIONAL CRIMINAL JUSTICE IS NECESSARY**  
Justice Avis Fisher on Humanity

Difficulties are an excuse that History never accepts, so we have to triumph. I state this with a careless abandon knowing all too well that facts can prove me right, better yet, in this 10<sup>th</sup> issue we get a one on one chance with an 'against all odds' Lady Justice Avis Fisher of the Special Courts for Page | 2Sierra Leone. This calm and easy natured Vermont(U.S) grown Lawyer saw no difficulty enough to quell her dreams and went on to make history by being the first female to graduate with a degree in Law majoring in poverty and Human Rights. If a Kenyan story is tad too traditionally scripted to you, for farmilioarity breeds contempt, then this is bound to give you back the inspoiration you well need. Moving on, Crime is sacred if you ask the positivist me; crime is a necessity in a society. There's the obviousness of crime in a society that Law exists, but when crime persists, its anarchy that exists and not Law; I refer to Lamu and environs whose unrest embrace is but a mockery of Law and order we as Kenya pride in. am not the one to advise on it but, come on, a comment isn't too ambitious, is it? Still progressing to give you nothing short of the best, this is Issue #10 of the Kenyan Legal Magazine; Real Kenya, Real Issues. Welcome.



REGARDS,

*Michael*

Michael Opondo O.

[www.michaelopondo.wordpress.com](http://www.michaelopondo.wordpress.com)

Managing Editor,  
KENYAN LEGAL

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## Main Feature

### Down Time with Justice Avis Fisher of the Special Courts of Sierra Leone

It's a little after 5 O'clock in the evening and the Lawyer's lounge at the UK Supreme Court Parliament Square is bubbling with happy voices, glasses can be heard clinking as everyone enjoys the refreshments and nibble- ons served. This marks the end of the three-day Commonwealth Moot Court Competition 2014 on International Criminal Justice. Moments earlier, in the Chambers, a very engaging final round had just taken place with Kenya being represented by Benedict Nzioki and Muhavi Mugambi. On the bar for this riveting last round is the Right Hon Lord Kerr of Tognomore, Justice Avis Fisher of the Special Courts for Sierra Leone, Justice Cuno Tarfusser of the ICC and Judge Ibanda of the International Crimes Division of the High Court of Uganda.

I can't help myself and proceed to approach Justice Fisher for this interview. She is surrounded by a maze of fellow participants and I catch them laughing at a joke. Though I had just missed it, I smile and introduce myself again. I had been in her court room for the 1<sup>st</sup> round and am stricken by her calm easy nature both now and then. After briefly stating my request, with a casual waft of her hand she agrees once more showing her good nature and excuses herself from my fellow colleagues. We leave to find a reclusive room for this.

Jumping the gun, I express my heartfelt admiral for her accomplishments in life much akin to a path I hope to follow one day. She nods happily as I ramble on and on about it until I catch myself, apologize and begin with the traditional questions. She chuckles and doesn't seem to mind one bit.

Justice Fisher in her own words stated that she was born into a family of lawyers and grew up in Vermont, United States of America. A small town perhaps but it could not quell her dreams and made



**Interview done by:  
Cindy Amuka,**

**LL.B 2016 Kenyatta University-  
School of Law**

**Associate Editor Kenyan Legal  
Magazine**

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history by being the first female to graduate with a degree in Law majoring in Poverty and Human Rights; a first. She always knew she would be a lawyer.

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During her first year after graduation, she did pro-bono services specifically on Family law. An experience she will always cherish for the values and lessons it taught her. Out of the classroom's depth she called it. She landed her first job as a Public Defendant for Vermont State Law Office where she was subsequently retained on contract as she run her own private practice concurrently for the next 7 years. Making all these pick up was no easy task, she worked at home with 3 other lawyers employed under her while her husband served as the Firm's Private Investigator. Looking back she finds that both interesting and functional as she also got to really mother her 3 children.

Her next feat in life was chaperoned by a number of high profile cases that her law firm handled thanks to the reputable name they created patiently. In 1986 she was appointed to the bench of the U.S State of Vermont. She was called to serve in the Federal Bureau of Arbitrators staying there for 13 years.

Justice Fisher then proceeded to get her Masters from University College, London in International Human Rights Law. She also received her *Juris Doctor* from the Colombus School of Law and Catholic University of America.

Between 2005 and 2008 she served as an International Criminal Law judge of the War Crimes Chamber of the Court of Bosnia and Herzegovina adjudicating over charges of Genocide, War Crimes and Crimes Against Humanity conducted in Former Yugoslavia. 2008 to 2009 saw her serve as a Commissioner of the Kosovo Independent Judicial and Prosecutorial Commission. She then proceeded to serve in the Sierra Leone Special Courts as an Appeal Judge from 2009- 2013 and President therein from 2012- 2013.



Curious about her steady rise in this particular field, I ask her what prompted her decision and how she maneuvered through it all. Her answer, well, at least for the conventional focused and disciplined person, throws you off. It was no plan at all. She found International Law quite interesting as many of us do and merely followed her heart. For the record, she had no convoluted grand plan to seat in any top International Court or Tribunal for that matter. She leaves me with the impression that she would comfortably serve in any lesser position just as effectively and with the same measure of enthusiasm she currently displays.

## Justice Avis Fisher of the Special Courts for Sierra Leone

This simply following 'your heart agenda' is not an easy task or a lone one for that matter. Justice Fisher emphasized on the need of working hard, readily taking up opportunities the moment they present themselves. She further supports being conscious of the changes around you and constantly



acquiring relevant skills to set yourself apart. Employing integrity is also key, this is especially important as she considers it both a sword and shield. She also prompts individuals, who want to enter this particular field to venture into areas where no Justice has been seen. This calls for identifying causes you are passionate about and backing them. She further recognizes that challenges will always present themselves at every level. How you choose to face them matters.

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I must confess the gender rhetoric would not miss out from this interview. Justice Fisher also saw it coming. Her answer? She does not consider gender discrimination as her fiercest of challengers. She does concede to the fact that women find themselves working twice as hard as any man. They have to in order to defeat historical predisposition. She feels a 'strong' successful woman ought to get there by way of admiration for her qualities and not out of pity or a drab compliance to some gender rule Constitutionalized. However, she does acknowledge that this gender discrimination differs from one culture to another gravitating in some. This does call for Counter- actions and measures.

Justice Fisher has done her part in this motive Gender Issue. From 2002- 2012 she represented the International Association of Women Judges as an Independent expert to the Hague Conference on Private International Law, participating in Special sessions for the drafting and review of Hague treaties on International Family Law. She is also an extensive writer her latest article entitled "The Special Courts For Sierra Leone and Gender Sensitivity". The article was published as part of the Festschrift for Mr. Adama Dieng. She has gone ahead to give numerous lectures on the same.

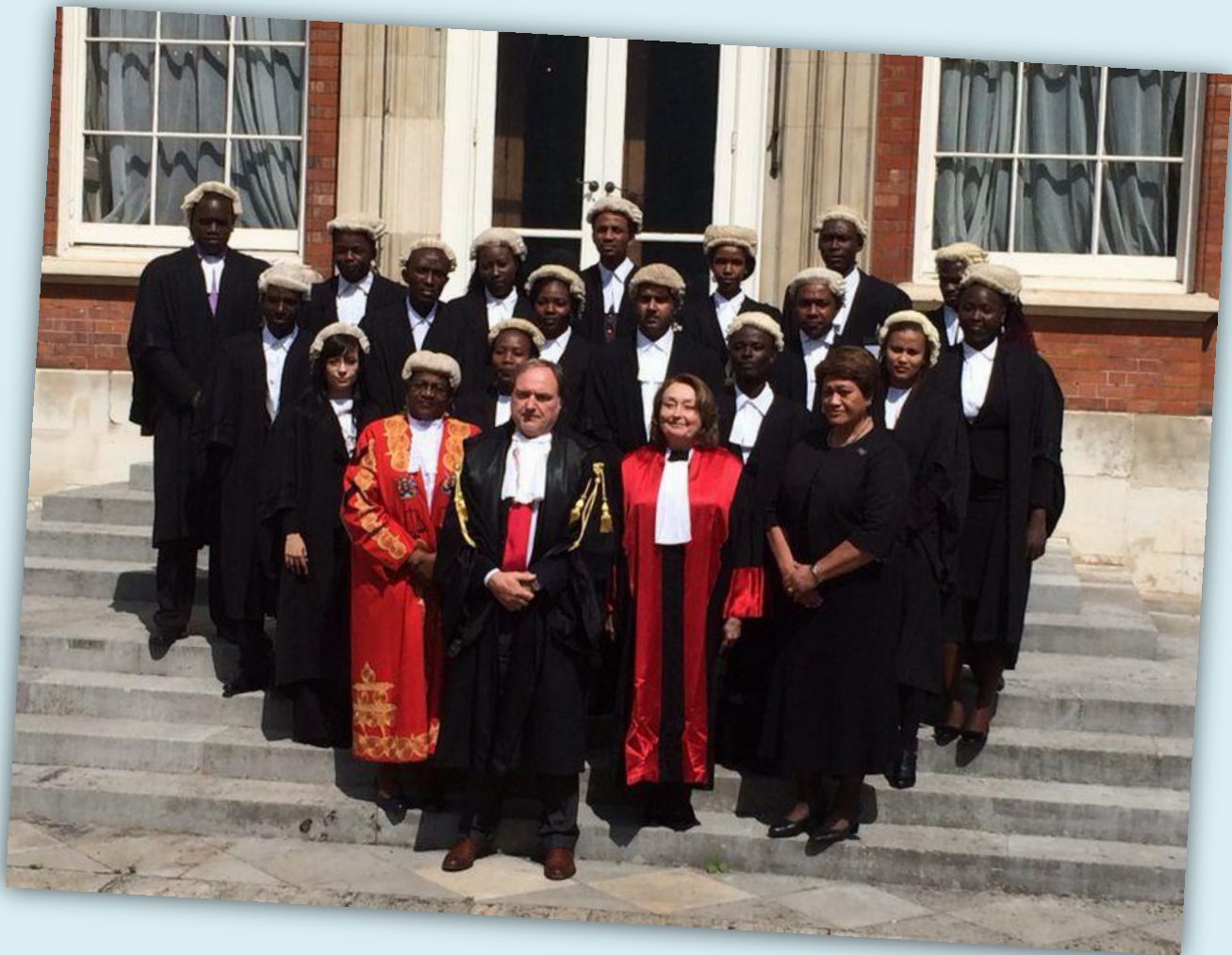
As a parting shot, I ask her to comment generally on the status of International Criminal Justice; the success and necessity of the International system. She is emphatic that the system is a necessity to preserve mankind after the whole world watched the heinous crimes committed during conflicts in the 20<sup>th</sup> Century; World War 1 and 2. This was followed up by similar occurrences in Rwanda and Former Yugoslavia inter alia. Without the system, justice and accountability at its bare minimum not forgetting peace, stability and reconciliation would never be achieved. The necessity of these systems thus cannot be questioned. However National Courts cannot be edged away from realization of these judicial mandates.



To further illustrate her above point, she notifies me that the SCSL was created with the backing of the United Nations and in order to bolster impartiality; judicial officers of National Courts comprised the bench and helped by a few select International judges, her included. The National Courts further played an integral role therein by trying crimes that would likely fall below the International Crimes threshold.

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She admits that delivery of this Justice is not easy however should everyone take it upon themselves, it is achievable .Legislators, judges, the Military and Civilians alike should be educated on International Criminal Law. National Courts should be drawn into dispensing justice using International standards.



*Justice Shireen Avis Fisher is currently serving in the Residual Special Court for Sierra Leone after being appointed by the Secretary General of the United Nations in October, 2013.*

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