



Second Annual Report of the President of the

SPECIAL COURT FOR SIERRA LEONE

FOR THE PERIOD 1 JANUARY 2004 - 17 JANUARY 2005



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FOREWORD



Your Excellencies Secretary-General Annan and President Kabbah:

I take pleasure in presenting this Annual Report on the operations of the Special Court for Sierra Leone covering the period from January 2004 to January 2005.

I am happy to report that the period covered by the report has been a time of consolidation and achievement. During the year, the Special Court has utilised the solid operational and structural foundation that had been erected to fulfil, in practical terms, the ideals and values that motivated the establishment of the Special Court by the Government of Sierra Leone and the United Nations. Those ideals and values were to bring justice to the victims of the war in Sierra Leone.

This vision is expressed in the Special Court’s mandate, “to prosecute those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.” The first two trials began in mid-2004 and a third trial began in March 2005.

In the reporting period, the Special Court has recorded major achievements, some of which have been highlighted in greater detail in this Annual Report. Among these achievements was the dedication of the landmark courthouse in March 2004. The event, which was attended by dignitaries from around the world, was the culmination of the dedicated efforts and commitment of the Registrar of the Special Court, Mr. Robin Vincent, and his staff, in ensuring the timely completion of the building. The courthouse now houses some of the most important trials for Sierra Leone, and indeed, for West Africa, in terms of both the jurisprudence and the Court’s role in ending impunity. By several of its decisions, the Special Court has contributed significantly to the development of international criminal jurisprudence, while serving as a model of strict adherence to due process and fairness.

The Special Court has worked to deliver justice without delay. The commencement and pace of the three trials in progress during the period under review is, I believe, a demonstration that international criminal justice can be enacted swiftly but efficiently within a relatively small budget. At the same time, it must always be emphasised that an unreasonably lean budget may be counter-productive.

The Special Court has also worked to ensure that victims of the atrocities perpetrated in Sierra Leone, as well as the victimised and traumatised community, understand the purpose and process of the trials by conducting effective public information campaigns throughout Sierra Leone. This includes audio and video accounts of the trials broadcast on national television and radio. The Court’s Outreach Section operates across the country to canvass the views of Sierra Leoneans and to disseminate information. This has contributed to the establishment of a two-way dialogue, which is essential for understanding the Court’s role in a war-torn society. This, and the fact that the Court sits in the country where the conflict took place, allows Sierra Leoneans to see first-hand the delivery of justice.

I am sure that echoes of what the Special Court has done to end impunity will reverberate through future generations.

I thank the Registrar, whose efforts have contributed substantially to the Special Court’s mission and whose leadership has guided the Special Court’s staff drawn from Sierra Leone and from more than thirty other countries. My gratitude goes to each staff member who, by his or her individual contributions, made possible the achievements described in this Annual Report.

In the reporting year, the Special Court has been greatly honoured and encouraged by the visit of a number of world leaders, such as His Excellency President Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone; Mr. Hans Correll, the then Secretary-General for Legal Affairs, who attended and delivered the inspiring addresses at the dedication of the courthouse, and Mr. Horst Köhler, President of the Republic of Germany, whose visit to the Court and the time shared with the Judges and staff members has been a source of much inspiration to all of us.

We have also received co-operation and understanding from the Management Committee of the Special Court, much support and assistance from the Office of the Legal Counsel of the United Nations, co-operation and solidarity from other judicial institutions of the international criminal justice system, and healthy and constructive support of several international human rights NGOs, whose interest in the operations of the Court has been very helpful. For all these, I express the profound gratitude of the Special Court.

Part of the reporting year was under the Presidency of Justice Geoffrey Robertson, Q.C. I acknowledge his contribution to the progress of the Court during his Presidency, which ended in March 2004, and the contribution of Justice Renate Winter, who acted as President from March 2004 until I assumed office as President in May 2004.

Although I am able to report that the year under review was a significantly productive year, I must also report that there are grave challenges ahead. These challenges include an uncertain financial future and logistical and security concerns as UNAMSIL prepares to withdraw.

As we look to the future, I am confident that next year will see as many achievements as there were in the term covered by my Presidency.

Justice Emmanuel Ayoola
President, Special Court for Sierra Leone
(May 2004 - May 2005)

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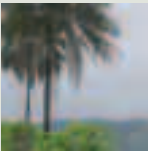
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INTRODUCTION

This is the second Annual Report of the Special Court for Sierra Leone, prepared pursuant to Article 25 of the Statute of the Special Court, which states “The President of the Special Court shall submit an annual report on the operation and activities of the Court to the Secretary-General and to the Government of Sierra Leone”.

This report covers the period from 2 December 2003 and the ensuing 12 months. However, following the approach adopted in the previous Annual Report, where it is sensible to include events that occurred up until the time of writing, such as the swearing in of the Special Court’s Trial Chamber II on 17 January 2005, then such events will be included.

The report covers the activities of all Sections of the Court: Chambers, Registry (including the Office of the Principal Defender) and the Office of the Prosecutor. Drawing upon the first Annual Report, it will also reflect the significant steps forward taken by the Court during the period in respect of creating, defining and implementing policies to ensure a sustainable legacy. The Report will explain the Court’s funding situation and illustrate the work undertaken by the Management Committee during the period in relation to its funding and administration duties.

The Special Court for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations. It is mandated to prosecute those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

Currently, eleven persons alleged to be associated with all three of the country’s former warring factions stand indicted by the Special Court. In accordance with the Special Court Statute, they are charged with war crimes, crimes against humanity, and other serious violations of international humanitarian law. Some of the charges include murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, conscription of children into an armed force and attacks on UN peacekeepers and humanitarian workers. At the time of writing, there are nine individuals in custody in Freetown.

SUMMARY OF ACTIVITIES

The Special Court was created pursuant to Security Council Resolution No. 1315 (2000) of 14 August 2000 by an agreement between the United Nations and the Government of Sierra Leone dated 16 January 2002, to which is annexed the Statute of the Special Court for Sierra Leone (“Statute”) thereby forming an integral part of the Agreement.

The period of this report saw significant growth on the foundations laid in the previous year, including the construction of the courthouse in Freetown.

The new courthouse was opened and dedicated on 10 March 2004. The ceremony was attended by members of the Cabinet of the Government of Sierra Leone, senior representatives of interested and donor states, as well as members of the international diplomatic community. The courthouse was officially inaugurated by His Excellency President Alhaji Dr. Ahmad Tejan Kabbah and Mr Hans Correll, the then Under Secretary-General for Legal Affairs for the United Nations, on behalf of H.E. Kofi Annan, Secretary-General.

“I would like to extend to the President of the Court, the judges and the Court’s other members my best wishes for success in the difficult work ahead. Your efforts matter greatly not only to Sierra Leone, but to the international community as a whole. In your rulings and convictions lie the capacity to advance the cause of international criminal justice, to uphold the principles of responsibility and accountability, and to build up a deterrent that could keep other military and political leaders from directing and committing atrocities in the future.” A message by His Excellency Kofi Annan delivered by Mr Hans Correll, Legal Counsel of the UN on 10 March 2004.

The opening of the courthouse coincided with the fifth Plenary of the Judges of the Special Court and the swearing in of the fifth Appeals Chamber Judge, Justice Raja Fernando of Sri Lanka, who replaced Justice Hassan Jallow. During the Plenary, several amendments to the Rules of Procedure and Evidence were adopted, including Rule 18, which by a unanimous vote limited the mandate of the Presiding Judge of the Appeals Chamber (who is also the President of the Court) to a non-

renewable term of one year. As a result, Justice Geoffrey Robertson completed his term as the first President and Vice President Justice Renate Winter became acting President.

In May, the fifth Plenary reconvened and the Appeals Chamber Judges also met. Justice Emmanuel Ayoola from Nigeria was elected as President. The Appeals Chamber issued five decisions which greatly contributed to the development of international jurisprudence. The decisions on

head of state immunity and the recruitment of child soldiers are considered landmark decisions for international jurisprudence.

On 3 June, the first trial before the Special Court for Sierra Leone opened before Trial Chamber I. Prosecutor David Crane, assisted by Trial Attorney Joseph Kamara, delivered the opening statement in the trial of three alleged leaders of the CDF before Trial Chamber I, comprised of Justice Benjamin Itoe (Cameroon, Presiding), Justice Pierre Boutet (Canada) and Justice Bankole Thompson (Sierra Leone). The second trial, of three alleged members of the Revolutionary United Front (RUF), began on 5 July before the same Chamber.

On 4 December, the first foreign head of state visited the Court. German President Horst Köhler was welcomed by the President of the Special Court, Justice Emmanuel Ayoola.

On 17 January 2005, Trial Chamber II was sworn in. Presiding Justice Teresa Doherty (Northern Ireland), Justice Richard Lussick (Samoa) and Justice Julia Sebutinde (Uganda) began hearing evidence in the third trial, that of three alleged former members of the Armed Forces Revolutionary Council (AFRC), shortly thereafter.

The year under review saw significant cooperation between the Court and the international community in a number of respects. In Freetown, both international and Sierra Leonean staff worked together to implement the many and varied functions of a hybrid court.

Interaction between the Special Court and governments and international organisations resulted in agreements on a number of issues, including detention of indictees and the relocation of witnesses. The Court also reached agreements with health care institutions within Sierra Leone.



Outreach in Liberia, Monrovia

Alongside the physical establishment of the Court, the Special Court has pioneered innovative programmes in the Outreach Section and Witness and Victims Support Section.

Information-sharing extended across the country as members of the Court's Outreach Section worked to deliver the message about the role of the Court. The field officers in outlying regions are equipped with motorbikes, mobile video units and information about all functions of the Court, enabling them to reach remote communities. Information about the Court was also delivered abroad through diplomatic channels, the media and academic and international non-governmental organisations.

In addition, one of the most ambitious witness protection programmes ever undertaken in relation to international justice was put in place.

The Court gratefully acknowledges funding from the European Commission, which has strengthened the efforts of the Outreach and Witness and Victims Support Sections.

Financially, the Court moved from being funded by voluntary contributions from a small number of UN member states during the second half of the period of this report to a Subvention Grant provided by the United Nations. Also during the reporting period, a generous grant from the Ford Foundation allowed the hiring of a fundraising consultant who will seek funding to ensure the continuing operations of the Court beyond December 2005, and funds to meet the Court's residual costs beyond completion of its mandate. Additionally, both internal and external audits took place and were completed satisfactorily.

The Special Court remains grateful to the UN Mission for Sierra Leone (UNAMSIL) for the ongoing support provided, including security, logistics and health care for staff.

The Court is also grateful to the International Criminal Tribunals for the former Yugoslavia and Rwanda for their ongoing support and advice during the Special Court's evolution. It is envisaged that all three institutions, along with the International Criminal Court, will continue to work together in a spirit of mutual cooperation. The Court would like to thank the European Commission for its financial support for the Inter-Tribunal Cooperation Project.

THE CHAMBERS

In 2004, the pre-trial phase for the CDF and RUF Cases was completed. Major decisions on preliminary motions concerning jurisdiction were delivered by the Appeals Chamber. The CDF and RUF trials commenced as scheduled and are currently underway before Trial Chamber I. While the pre-trial phase of the AFRC case proceeded regularly, the commencement of that trial was affected by the delay in the appointment of the Judges for Trial Chamber II.

TRIAL CHAMBERS

In May 2004, the Judges of Trial Chamber I designated Justice Benjamin Mutanga Itoe of Cameroon as new Presiding Judge of Trial Chamber I for a term of one year. Justice Itoe succeeded Justice Bankole Thompson of Sierra Leone.

Similarly, following their swearing-in, in January 2005, the Judges of Trial Chamber II designated Justice Teresa Doherty of Northern Ireland as the Presiding Judge of Trial Chamber II.

Decisions on Joinder Motions

During the week of 2-5 December 2003, sitting in the temporary courthouse, Trial Chamber I held its first hearings concerning the Prosecution Motions for Joinder. These motions sought to join together the existing cases against those Accused already in custody into two combined indictments and trials as follows:

- RUF/AFRC grouping: Accused *Sesay, Brima, Kallon, Gbao, Kamara and Kanu*;
- CDF grouping: Accused *Norman, Fofana, Kondewa*.

The decisions on the joinder motions were delivered at a public hearing on 28 January



(L-R) Justice Winter, Justice King, Justice Robertson, Justice Ayoola and Justice Fernando

2004. Trial Chamber I unanimously held that it would be in the interest of justice if the Accused *Sesay, Kallon and Gbao*, allegedly belonging to the RUF, be jointly tried, and the Accused allegedly belonging to the AFRC, namely Accused *Brima, Kamara and Kanu*, be tried jointly in a separate trial. The Prosecution motion for a joint trial of the RUF and the AFRC Accused was denied. In addition, Trial Chamber I unanimously held that the Accused *Norman, Fofana and Kondewa* be jointly tried and granted the Prosecution motion. As a result of these decisions the existing cases against those Accused were grouped as follows:

- CDF Case: Accused *Norman, Fofana and Kondewa*, Case No. SCSL-04-14;
- RUF Case: Accused *Sesay, Kallon and Gbao*, Case No. SCSL-04-15;
- AFRC Case: Accused *Brima, Kamara and Kanu*, Case No. SCSL-04-16.

Following the decisions, at the beginning of February 2004 the Prosecution filed Consolidated Indictments in the CDF, RUF and AFRC Cases, respectively.

Preliminary Motions

On 3 and 8 March 2004, Trial Chamber I dismissed preliminary motions raising jurisdictional objections by Accused *Fofana and Kanu* respectively. On 1 April 2004, Trial Chamber I also dismissed a preliminary motion on defects in the form of the indictment and lack of particulars of the charges filed by the Accused *Kamara*.

Amendment of the RUF and CDF Indictments

On 6 May 2004, Trial Chamber I delivered decisions on motions by the Prosecution to amend the RUF and AFRC consolidated indictments. The Trial Chamber allowed the amendments sought which included the addition of a further count of sexual violence as an inhumane act (crime against humanity) based on allegations of forced marriage. As a result of the decisions, amended consolidated indictments in each case were filed on 13 May 2004, and further appearances on the new counts were held in both cases on 17 May 2004 before Justice Boutet.

However, all Accused refused to enter a plea and Justice Boutet entered a “not guilty” plea on their behalf in accordance with Rule 61(iii).

A similar application by the Prosecution seeking leave to amend the CDF Consolidated Indictment with the addition of a further count of sexual violence as an inhumane act (crime against humanity) based on allegations of forced marriage was denied by Trial Chamber I on 20 May 2004. On 2 August 2004, Trial Chamber I denied an application by the Prosecution seeking leave to appeal that decision.

Completion of pre-trial work and trial preparation

In all three cases, Prosecution pre-trial briefs were filed and status conferences were held in the first two weeks of March 2004. As a follow up to these conferences, consequential orders were issued by Trial Chamber I prior to the judicial recess in April to guide the parties. In particular, the Prosecution was required to file supplemental pre-trial briefs in order to cover certain aspects of the cases not sufficiently covered by its first pre-trial briefs. The Trial Chamber also ordered the Prosecution to file detailed information about its intended witnesses, as well as comprehensive disclosure reports for each of the pending cases by late April 2004. In addition, the Trial Chamber requested that the Prosecution review the protective measures needed for its witnesses in each of these cases as the process was now moving from the pre-trial to trial stage.

After reviewing substantial amounts of material filed by the Prosecution regarding its intended witnesses, exhibits and compliance with its disclosure obligations, Pre-trial Conferences were held on 28 April (CDF Case), 29 April (RUF Case) and 3 May 2004 (AFRC Case). This material, together with the submissions made by counsel during the

conferences, provided valuable information about the trial readiness of the various teams and the Trial Chamber was then in a position to determine which trial would commence first.

On 11 May 2004, Trial Chamber I issued orders for the CDF trial to commence on 3 June and the RUF trial to commence on 5 July 2004. The Trial Chamber indicated that it would handle both trials, on a timetable of alternating trial sessions. No announcement was made then about the AFRC trial, due to the delay in the appointment of the Judges of Trial Chamber II.

Application for concurrent hearing of RUF and AFRC evidence

Immediately after the Pre-trial conferences, the Prosecution filed motions seeking a concurrent hearing of what it claimed would be a substantial amount of testimonial evidence common to both the RUF and AFRC cases. The Motions were dealt with on an expedited basis and on 11 May 2004 were dismissed in separate decisions by Trial Chamber I. Applications for leave to appeal these decisions were subsequently dismissed by the Trial Chamber.

Judicial Notice and Protective Measures Decisions

On 3 June 2004, Trial Chamber I issued its decision on the Prosecution Motion for Judicial Notice and Admission of Evidence in the CDF case. The Trial Chamber partially granted the motion and took judicial notice of various facts and documents. Subsequently, on 20 October 2004, Trial Chamber I granted an application by the Accused *Fofana* for leave to appeal the decision. Similarly, the Trial Chamber denied a similar application by the Accused *Kondewa*. The Appeals Chamber decision was delivered on 16 May 2005.

On 9 June 2004, Trial Chamber I also issued its decision on the Renewed Motion for Protective

Measures in the CDF case, granting the Prosecution request to reduce the period for the full disclosure to the Defence of unredacted witness statements prior to the witness testimony at trial for reasons of witness protection. Further, Trial Chamber I also granted the Prosecution request that certain specific categories of witnesses, namely gender crimes victims, insider witnesses and child soldiers, should be allowed to testify at trial with the additional measures of voice distortion and close circuit television in order to protect their identities from the public.

On 24 June 2004, Trial Chamber I granted the Prosecution motion for further protective measures for witnesses during the RUF trial, confirming the existing regime of disclosure of unredacted witness statements to the Defence 42 days prior to the witness testimony at trial. The Trial Chamber also ordered the same additional protective measures for certain categories of witnesses as had been ordered in the CDF trial.

Also on 24 June 2004, the Trial Chamber delivered its decision on the Prosecution application for Judicial Notice and Admission of Evidence in the RUF case.

AFRC related Decisions

On 30 July and 2 August 2004, respectively, Justice Boutet delivered his decisions on two similar motions by Accused *Kanu* and *Brima* for the exclusion of Prosecution witness statements and stay on filing of Prosecution statements due to late disclosure. Both motions were dismissed and, subsequently, the Defence for the Accused *Kanu* filed an application seeking leave to file an interlocutory appeal against the decision. However, after the commencement of the CDF and the RUF trials by Trial Chamber I, all pending decisions relating to the AFRC case were referred to Trial Chamber II for its consideration once the Judges of that Trial Chamber were



(L-R) Justice Boutet, Justice Itoe, Justice Thompson, Justice Sebutinde, Justice King, Justice Lussick and Justice Doherty

appointed. Decisions could not be delivered on the Prosecution motions for judicial notice of certain documentary materials and protective measures for witnesses during trial, as they were also awaiting consideration by Trial Chamber II.

Trial of Norman, Fofana, Kondewa (“the CDF Trial”)

On 3 June 2004, the CDF Trial started before Trial Chamber I in the new Courthouse. The Trial commenced with an opening statement by the Prosecutor pursuant to Rule 84. Shortly thereafter, the Trial was temporarily adjourned in order to deal with a request from the Accused *Norman* to defend himself without the assistance of counsel. In its decision, Trial Chamber I ruled that the right of

self-defence was not an absolute right, but rather a qualified one. In the specific circumstance of the Accused *Norman*, the court ruled that, the interest of justice would be best served with the appointment of stand-by counsel to assist him in conducting his own defence. Consequently, the Registrar appointed four stand-by counsel to assist Accused *Norman*. On 23 June 2004, the Trial Chamber partially granted another application by Accused *Norman* for additional facilities on the basis that these were consistent with his right to prepare his own Defence. These included the provision of a computer, telephone, and stationery. Further requests, such as for additional assistance and modification to his “lock-up” hours, were denied.

The Trial proceeded with the examination of Prosecution witnesses. The majority of these witnesses were protected and testified in open court but were screened from the public in compliance with the orders for witness protection. Each witness was first examined in chief by the Prosecution and subsequently cross-examined by Counsel for each of the Accused. Accused *Norman* also directly cross-examined some witnesses. In certain cases, upon applications by the Prosecution, witnesses were heard in closed session in order to protect their identities from the public. However, in both the CDF and the RUF trials, the Trial Chamber allowed the presence of national and international monitoring agencies during such closed sessions in order to ensure transparency of the proceedings.

The first session of the CDF trial concluded on 23 June 2004. A second and a third session of the trial were then held from 8 September 2004 to 1 October 2004 and from 1 November 2004 to 7 December 2004, respectively. A total of 38 Prosecution witnesses were heard to that date through 56 trial days. Each trial session was preceded by a status conference. A fourth session of the CDF trial was scheduled to commence on 8 February 2005.

Decisions on Motion for Arraignment on Consolidated Indictment

On 21 September 2004, Accused Norman filed a motion claiming that he had not been personally served with the Consolidated Indictment filed by the Prosecution pursuant to the joinder of the case. He alleged that the Indictment contained new allegations and therefore he had to enter a new plea. Previously, the Accused had informed the Chamber that he would not attend trial until a decision on this issue was delivered. On 1 October 2004, Trial Chamber I ordered the trial to continue in the absence of Accused *Norman* and revoked his right to self-representation. Subsequently, On 29 November 2004, the Trial Chamber found that the Consolidated Indictment was not a new indictment and, in particular, it did not contain new charges. It did, however, find that the Indictment contained new allegations and therefore ordered the Prosecution to seek leave to amend it. The Trial Chamber also found that the indictment, due to an oversight, had not been served personally on any of the Accused but that this did not prejudice their rights as it was served on their Defence Counsel. Both Accused Norman and the Prosecution sought leave to appeal the decision and Trial Chamber I granted leave. The decision of the Appeals Chamber was delivered on 16 May 2005.

Trial of Sesay, Kallon, Gbao ("the RUF Trial")

On 5 July 2004, the RUF Trial started before Trial Chamber I, after a status conference held on 23 June. The trial commenced with an opening statement by the Prosecutor pursuant to Rule 84, followed by an opening statement by the Defence for Accused *Kallon*. The Trial Chamber also granted permission to Accused *Gbao* to make an opening statement, but this was stopped by the Chamber due to its political content. As a consequence, Accused *Gbao* decided not to take part in the proceedings any longer. The Chamber issued a decision on 7 July ordering that the trial proceed in the absence of Accused *Gbao* and ordering his Defence Counsel to continue to represent him before the Court. Leave was granted by a majority decision of the Trial Chamber to appeal this decision but the Appeals Chamber dismissed the said appeal. The Trial is proceeding despite the absence of this Accused in accordance with the provisions of Rule 60 of the Rules of Procedure and Evidence.

The first session of the RUF Trial concluded on 29 July 2004, while a second session of the Trial took place between 4 October and 29 October 2004. The third Trial session commenced on 10 January 2005. A total of 19 Prosecution witnesses were heard over 41 trial days. As in the CDF Trial, the majority of these witnesses were protected witnesses and testified in open court but were screened from the public in compliance with the orders for witness protection.

During the course of the Trial, the Defence raised several objections to the Prosecution's practice of disclosing additional statements from witnesses only few days before they were due to testify in court. The majority of these objections were dismissed by the Trial Chamber, which considered that the Defence had sufficient time to prepare for the cross-examinations of such witnesses.

Decision on Accused Kallon for Arraignment and Service

On 1 October 2004, the Accused Kallon filed a motion claiming that the Consolidated Indictment was a new indictment and therefore he had to enter a new plea. In addition, the Accused submitted that he had not been personally served with the said indictment. On 9 December 2004, with Judge Itoe dissenting, The Trial Chamber dismissed the motion having found that the Consolidated Indictment was not a new indictment, that a plea had been entered on the new count added after the decision on Amendment of the Consolidated Indictment, and that the lack of personal service in the circumstances did not amount to prejudice for the Accused. His Defence counsel had been served with a copy of the consolidated indictment and had previously filed other motions based upon that indictment.

Miscellaneous Applications

Applications for Bail and Provisional Release

Justice Boutet issued a decision on 23 February 2004 denying an application for bail by Accused Kallon. Subsequently, Justice Boutet issued another decision on 31 March 2004 denying an application for bail by Accused Sesay, after a public hearing of the application was held on 4 March 2004. On 5 August 2004, Justice Itoe issued a decision on an application for provisional release by Accused Fofana, after a public hearing was held on 17 March 2004. All decisions were appealed. The Appeals Chamber dismissed all these appeals by its decisions on 17 September 2004 for Accused Kallon, on 14 December 2004 for Accused Sesay and 11 March 2005 for Accused Fofana.

Norman Accounts Motion

The Prosecution filed on 1 April 2004 an urgent motion for the freezing of certain bank accounts of the Accused *Norman*. The bank account identified was frozen as

an interim measure pending the final deliberation on the motion. On 19 April 2004, after a full *inter partes* hearing on 13 April 2004, Justice Thompson dismissed the motion and the Accused's bank account was accordingly unfrozen.

Decision on Withdrawal of Defence Counsel for Accused Brima

A decision on the application to review the withdrawal of the Accused *Brima's* assigned Counsel, Mr. Terence Terry, was delivered on 6 May 2004 and the decision of the then Acting Principal Defender not to award a Legal Services Contract to Mr. Terry was overturned. The Defence counsel was accordingly reinstated.

Accused Kanu Motion for Collaboration of Sierra Leone Government

On 1 June 2004, Trial Chamber I granted a motion on behalf of the Accused Kanu seeking the cooperation of the Government of Sierra Leone for the disclosure of certain evidence to the Accused for alibi purposes.

APPEALS CHAMBER

The Appeals Chamber initially met in London from 30 January - 4 February 2004 to continue its deliberations from the hearings that took place in early November 2003 and to discuss the additional jurisdictional challenges that had been referred from Trial Chamber I.

Subsequently, the Appeals Chamber met in Freetown from 8-15 March 2004. Their visit was to attend the Court Opening Ceremony on 10 March and to deliver decisions on some outstanding preliminary motions, as well as to attend the Plenary Meeting described below. Justice Raja Fernando of Sri Lanka was sworn in by the Registrar on 10 March 2004, replacing Justice Hassan Jallow.

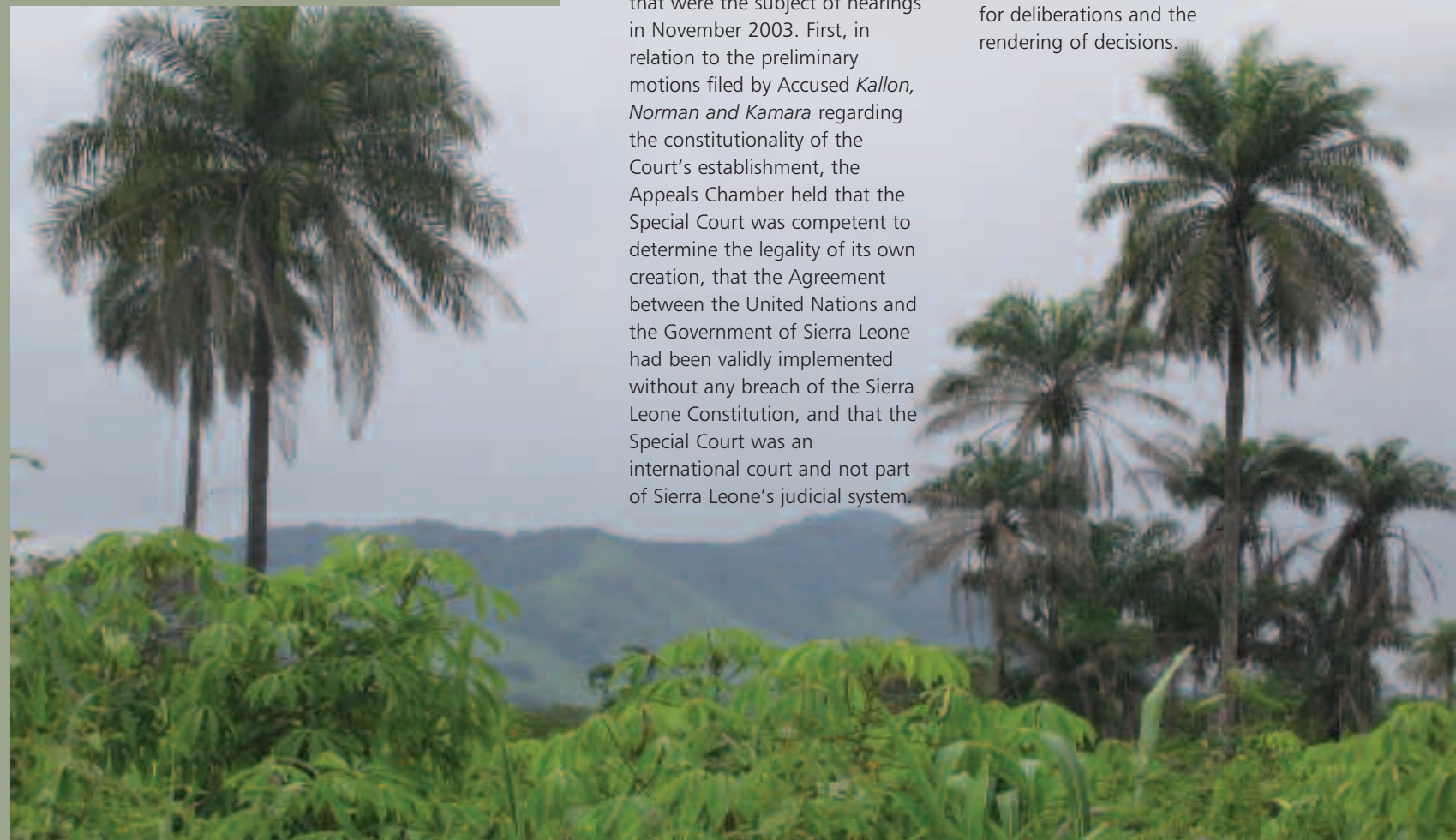
Preliminary Motions Referred under Rule 72(E) and (F) of the Rules

On 13 March 2004, the Appeals Chamber dismissed three of the major jurisdictional challenges to the Special Court's establishment that were the subject of hearings in November 2003. First, in relation to the preliminary motions filed by Accused *Kallon*, *Norman* and *Kamara* regarding the constitutionality of the Court's establishment, the Appeals Chamber held that the Special Court was competent to determine the legality of its own creation, that the Agreement between the United Nations and the Government of Sierra Leone had been validly implemented without any breach of the Sierra Leone Constitution, and that the Special Court was an international court and not part of Sierra Leone's judicial system.

Second, the Appeals Chamber delivered its decision on the preliminary motions filed by Accused *Kallon* and *Kamara* relating to the amnesty provided by the Lomé Peace Accord. The Appeals Chamber found that the Lomé Accord did not affect international prosecutions by an international tribunal such as the Special Court, and confirmed the validity of Article 10 of the Special Court Statute.

Finally, the Appeals Chamber delivered its decision on the preliminary motion filed by Accused *Norman* challenging the jurisdiction of the Special Court in relation to judicial independence. The Appeals Chamber held that the funding of the Court by voluntary contributions and the Management Committee structure did not deprive the Court of the necessary guarantees of independence and impartiality.

Subsequently, the Appeals Chamber continued work on outstanding preliminary motions and other related matters. The Appeals Chamber convened in Freetown from 24-31 May 2004 for deliberations and the rendering of decisions.



In particular, the Appeals Chamber delivered several decisions on jurisdictional issues. Reiterating its reasoning in the decision relating to the amnesty provided by the Lomé Peace Accord, the Appeals Chamber dismissed preliminary motions filed by Accused *Kondewa and Kanu* on abuse of process. Based on the same jurisprudence as well as other previous decisions on preliminary motions, the Appeals Chamber dismissed motions filed by Accused *Fofana and Gbao* respectively, relating to the unlawful delegation of power by

the Government of Sierra Leone and challenging the validity of the agreement establishing the Special Court. In addition, the Appeals Chamber dismissed another two preliminary motions filed by Accused *Fofana* on the lack of jurisdiction based on illegal delegation of powers by the United Nations and on the nature of the armed conflict in Sierra Leone.

Decision on Preliminary Motion on Head of State Immunity
The Appeals Chamber dismissed the preliminary motion by

Accused *Charles Taylor* on sovereign immunity. The Appeals Chamber held that “the official position of the Applicant as an incumbent Head of State at the time when these criminal proceedings were initiated against him is not a bar to his prosecution by this Court. The Applicant was and is subject to criminal proceedings before the Special Court for Sierra Leone.”

Decision on Preliminary Motion on Recruitment of Child Soldiers

The Appeals Chamber also delivered its decision on the motion by Accused *Norman* on Child Recruitment. Previously, UNICEF submitted an *amicus curiae* brief upon invitation by the Chamber. The motion was dismissed by a majority. The Appeals Chamber held that: “Prior to November 1996, the prohibition on child recruitment

had crystallised as customary international law, as demonstrated by the widespread recognition and acceptance of the norm prohibiting child recruitment in these international instruments, reiterated in the 1990 African Charter on the Rights and Welfare of the Child.” The Appeals Chamber found that child recruitment was criminalised before it was explicitly set out as an international crime in treaty law and certainly by the time frame relevant to the indictments.

The decisions on immunity in the *Charles Taylor* case and child recruitment in the *Norman* case were landmark decisions in international law and received considerable press coverage.

Interlocutory Appeals

Appeals on Bail Decisions

In a decision delivered on 23 June 2004, Justice King acting as Single Judge of the Appeals Chamber granted to Accused *Kallon* leave to appeal a decision in which he was refused bail. However, the appeal was only filed on 23 July 2004, exceeding the 7-day time period prescribed by the rules for the filing of such appeals, and the Appeals Chamber consequently dismissed it on 17 September 2004. Justice King similarly granted leave to appeal filed by Accused *Sesay* on

28 July 2004. The Appeals Chamber subsequently dismissed the appeal on 14 December 2004. Another application for leave to appeal the bail decision by Accused *Fofana* was granted on 5 November 2004 by Justice Fernando and the appeal was dismissed on 11 March 2005.

Appeal on Representation for Accused Gbao

On 23 November 2004, the Appeals Chamber denied an appeal by Defence Counsel for Accused *Gbao* against a decision by Trial Chamber I on 15 September 2004 to deny their withdrawal from the RUF Trial pursuant to the refusal of the Accused to appear at trial and to instruct them.

Miscellaneous

Motions for Disqualification

On 27 February 2004, a motion to disqualify Justice Robertson from the Appeals Chamber was filed by Accused *Sesay*, on the basis of comments made in his book *Crimes Against Humanity - the Struggle for Global Justice* prior to his appointment to the Special Court. Previously, a similar motion had also been filed by Accused *Charles Taylor*. The Prosecution conceded that there could be a valid argument that there was an appearance of bias on the part of Justice Robertson. Justice Robertson submitted a statement to the Appeals Chamber in which he stated that he did not think it right to respond to a request to “withdraw” under Rule 15(B) which rule envisages “withdrawal” from a particular case or appeal, and not “permanent withdrawal” by which the applicant can only mean “resignation”. The Appeals Chamber evaluated that statement of Justice Robertson and opined that he had declined to “withdraw”. The Appeals Chamber delivered its Ruling on the motion from Accused *Sesay* on 13 March 2004 and held that

Justice Robertson should be disqualified from adjudicating on the following matters:

- (i) Those motions involving alleged members of the RUF for which decisions are pending in the Appeals Chamber; and
- (ii) Cases involving the RUF if and when they come before the Appeals Chamber.

The motion filed by Accused *Charles Taylor* referred above lapsed following a statement filed confidentially by Justice Robertson on 25 May 2004.

Subsequently, on 28 May 2004, Accused *Sesay* filed a motion seeking the disqualification of Justice Robertson from all judicial functions involving the RUF. However, the Accused later filed an application to withdraw the motion which was granted by the Appeals Chamber on 15 October 2004.

On 24 March 2004, Accused *Norman* filed a motion to recuse Justice Winter from deliberating in the preliminary motion on the recruitment of child soldiers, based on previous involvement of Justice Winter with UNICEF in the preparation of a report on child soldiers. The motion was dismissed on 28 May 2004 after an oral hearing of the Defence submissions.

Justice Benjamin Itoe and Justice Pierre Boutet of Trial Chamber 1

MISCELLANEOUS

Plenary Meetings of the Special Court

As all Judges of the Special Court gathered in Freetown for the Court Opening Ceremony on 10 March 2004, the fifth Plenary Meeting of the Judges was held on 11-14 March 2004. Due to the urgent hearings of the Appeals Chamber described above, the Plenary was adjourned to continue at the end of May 2004. Several amendments to the Rules of Procedure and Evidence were nevertheless adopted, including the new Rule 18 which, by a unanimous vote, limited the mandate of the Presiding Judge of the Appeals Chamber (who is also the President of the Court) to a non-renewable term of one year. As a result, Justice Geoffrey Robertson completed his term as the first President. Consistent with the provisions of Rule 21 of the Rules of Procedure and Evidence, Vice President Justice Renate Winter acted as President until elections were held in May. Amendments were also adopted to Rules 48, 50, 64, 66, 68, 72, 92bis and 103. The most significant of these amendments relate to streamlining the process of disclosure and trial management.

In addition, other major and important issues relating to judicial ethics, the proper administration and functioning of the Court, and some key norms governing judicial administration, were discussed and deliberated upon.

The fifth Plenary Meeting of the Judges accordingly resumed on 26 to 29 May 2004 in Freetown. In particular, the Judges reviewed various proposals for amendment of the Rules of Procedure and Evidence set aside in March due to lack of time, and deliberated several amendments. Amongst other matters, the Plenary also discussed the draft Code of Conduct for Counsel Appearing Before the Special Court and the

Media and External Relation Policy, and adopted the finalised First Annual Report.

Office of The President

Following the expiration of the term of office of Justice Robertson as President of the Special Court, Justice Winter continued her role as Acting President until the election of Justice Emmanuel Ayoola of Nigeria as Presiding Judge of the Appeals Chamber and President of the Court on 27 May 2004 for a term of a year. Justice Fernando of Sri Lanka assumed the office of Vice President.

The Acting President, Justice Winter, issued a decision on 7 May 2004 dismissing an appeal by Accused *Gbao* from the decision of Justice Thompson on the request by the Truth and Reconciliation Commission to conduct a public hearing with the accused. The Acting President reviewed the Rules of Detention, and issued a series of scheduling orders and, in particular, she issued a decision on 18 May 2004 dismissing an application by Accused *Norman* to review the

decision of the Registrar restricting his communications and visits.

On 30 September 2004, the President, Justice Ayoola also issued a Practice Direction setting out the procedure for certain interlocutory appeals. Subsequently he issued a Practice Direction on the filing of *amicus curiae* briefs on 20 October 2004.

Exchange Visit to the ICTY

From 25-29 June 2004, the Judges of Trial Chamber I and Justice King of the Appeals Chamber participated in a series of seminars at the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Hague. The visit was organised by the International Centre for Transitional Justice (ICTJ) in conjunction with the War Crimes Centre and Human Rights Centre of the University of California, Berkeley, and was sponsored by the Wang Family Foundation and ICTJ.

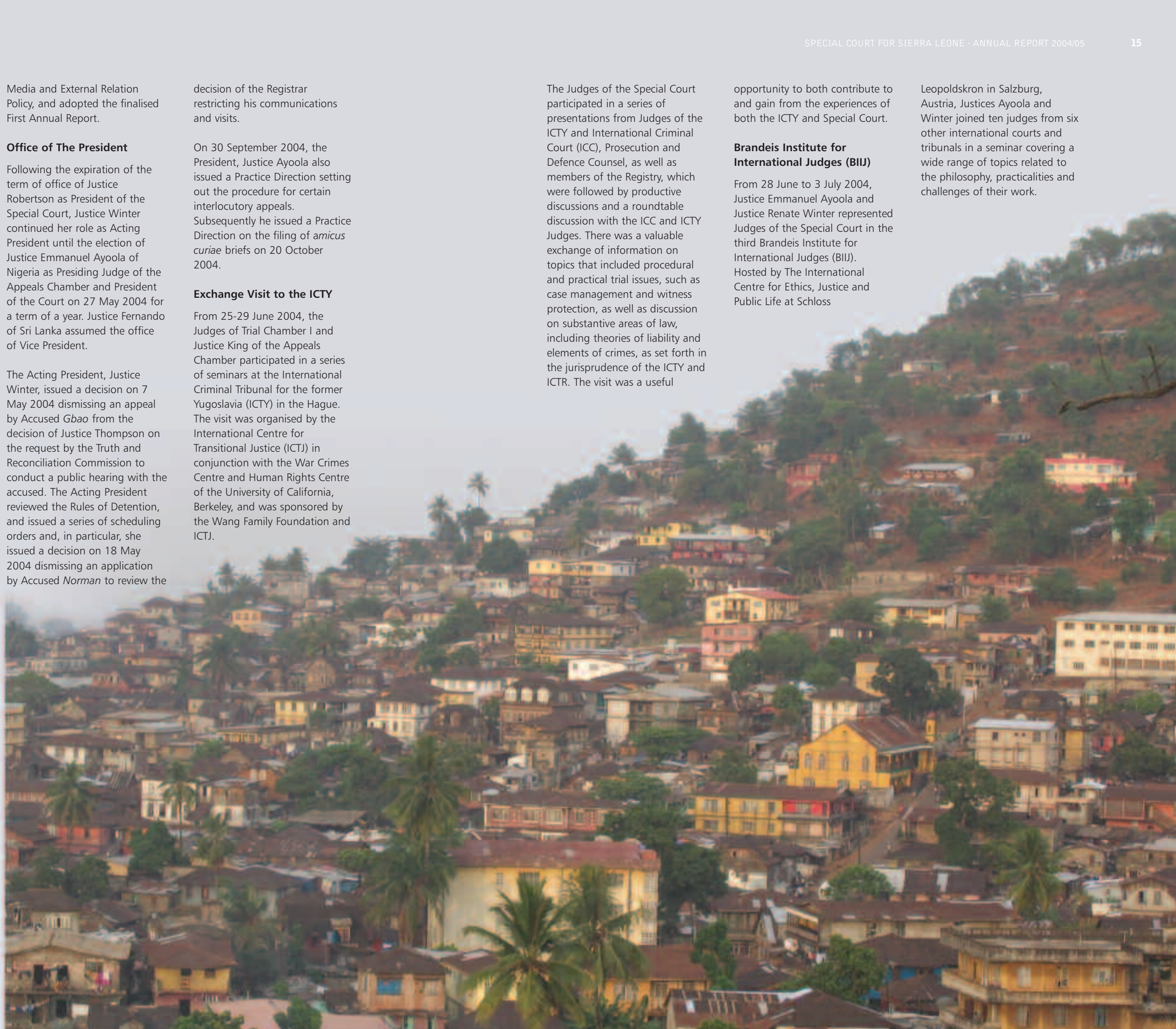
The Judges of the Special Court participated in a series of presentations from Judges of the ICTY and International Criminal Court (ICC), Prosecution and Defence Counsel, as well as members of the Registry, which were followed by productive discussions and a roundtable discussion with the ICC and ICTY Judges. There was a valuable exchange of information on topics that included procedural and practical trial issues, such as case management and witness protection, as well as discussion on substantive areas of law, including theories of liability and elements of crimes, as set forth in the jurisprudence of the ICTY and ICTR. The visit was a useful

opportunity to both contribute to and gain from the experiences of both the ICTY and Special Court.

Brandeis Institute for International Judges (BIJ)

From 28 June to 3 July 2004, Justice Emmanuel Ayoola and Justice Renate Winter represented Judges of the Special Court in the third Brandeis Institute for International Judges (BIJ). Hosted by The International Centre for Ethics, Justice and Public Life at Schloss

Leopoldskron in Salzburg, Austria, Justices Ayoola and Winter joined ten judges from six other international courts and tribunals in a seminar covering a wide range of topics related to the philosophy, practicalities and challenges of their work.



THE OFFICE OF THE PROSECUTOR

The Prosecutor shall be responsible for the investigation and prosecution of persons who bear the greatest responsibility for serious violations of international humanitarian law and crimes under Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. The Prosecutor shall act independently as a separate organ of the Special Court. He or she shall not seek or receive instruction from any Government or from any other source. (Article 15(1) of the Special Court Statute)



Prosecutor David M Crane

The period under review saw the Office of the Prosecutor moving towards the beginning of the first trials at the Special Court. Prosecutors began the year by filing three consolidated indictments as ordered by Trial Chamber I, grouping together the respective leaders of the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC) and the Civil Defence Forces (CDF). Similarly, the Prosecution sought leave to appeal the joinder decisions which separated the AFRC and the RUF into two separate trials. That leave was denied on 13 February 2004. Also in February, the Office filed requests for leave to amend each of the consolidated indictments to reflect new evidence related to gender crimes which had been gathered since the original indictments were approved in March 2003.

In April and May, as trial dates drew nearer, the Prosecution participated in status conferences dealing not only with the approaching cases of alleged leaders of the CDF and RUF cases, but also the case of the three alleged leaders of the AFRC. In April 2004, the Prosecution filed a motion for judicial notice and admission of evidence in all cases. This followed the refusal of most Defence teams to enter any admission of facts as requested by the Prosecution in early March 2004. For each trial, the Prosecution filed a list of intended witnesses and exhibits. The Prosecution also filed a new supplemental pre-trial brief in each case to explain to the Court the theory of its cases and lay out the evidence it intended to present in Court. On 3 May 2004, the Prosecution filed a motion for protective measures in each case.

Concerned that existing counts in the indictments did not fully address the gravity of the factual situation of forced marriage during the conflict (commonly known as the taking of “bush wives”), the Prosecution broke new ground in international criminal law by seeking to prosecute this practice as a new crime against humanity, classified as an “Other Inhumane Act”. On 6 May 2004, Trial Chamber I granted leave to amend the indictments in the RUF and AFRC cases to include the new count. The six alleged RUF and AFRC Accused were arraigned on this new count on 17 May 2004.

The history of joint trials at the Special Court

On 9 October 2003, the Prosecution filed motions to join all of the Accused into two separate trials - one for the three accused leaders of the CDF, and the other for six alleged RUF and AFRC leaders. The motion was intended to bring about more efficient trials by reducing the need for redundant witness testimony. Trial Chamber I held hearings in December 2003. On 27 January 2004, Trial Chamber I granted the Prosecution application in relation to the CDF, but ordered two separate joint trials for the three RUF and three AFRC Accused. The Prosecution filed an application for leave to appeal the RUF/AFRC Joinder decision, but Trial Chamber I refused that application on 13 February 2004. On 29 April 2004 the Prosecution filed a motion requesting the possibility of concurrent hearing of evidence common to both RUF and AFRC cases. Trial Chamber I denied the motion on 11 May 2004 and a Prosecution request for leave to appeal that decision was denied on 1 June 2004. This meant that Trial Chamber I would hear the CDF and RUF trials individually over alternating months.



Deputy Prosecutor Desmond de Silva QC and Prosecutor David M Crane arrive at the Court opening

No one deserves to live in circumstances like this, to die like this, to witness the horrors perpetrated by all sides, and most certainly by these accused, who twisted a just cause into an unjust perversion. We will most assuredly show you, through witness after witness, that the result of these unjust acts or omissions caused the murder, mutilation and maiming of thousands, the looting and burning of entire towns terrorising an entire nation. Any time the citizens of a nation rise up to seek a just accounting

for ten years of painful civil war, the international community must respond and it has. Just look around you today. Taken from the Opening Statement in the Prosecution case against three alleged members of the Civil Defence Forces delivered by the Prosecutor David M Crane.

On 1 June 2004, Prosecutor David M Crane and Trial Attorney Joseph Kamara delivered the opening statement in the trial of the three CDF Accused. After some delay caused by the request of Accused Norman to dismiss his legal team and represent himself, the first witness to testify at the Special Court took the stand on 15 June 2004.

On 8 June 2004, Trial Chamber I granted a Prosecution motion for renewed protective measures in the CDF case, recognising that witness protection issues in the CDF case were of concern and necessitated specific and increased measures.

In July 2004, before the same Trial Chamber, Prosecutor David M Crane and Trial Attorney Abdul Tejan-Cole delivered the opening

statement in the case against three Accused members of the RUF. On 12 July 2004, the Prosecution reduced the witness list in this trial from 266 to 173 witnesses. A total of nine prosecution witnesses were heard during the first session of this trial.

Even though the daily routine of examining Prosecution witnesses was underway, there remained a good deal of other legal work for the Office. On 2 August 2004, Trial Chamber I denied a Prosecution motion seeking leave to appeal its decision denying leave to amend the CDF

indictment to include sex crimes. On 30 August 2004, the Prosecution filed an application to appeal that decision before the Appeals Chamber, which was denied on 19 January 2005. After the August judicial recess, the CDF trial resumed. On 1 October 2004, the Prosecution reduced the number of core witnesses in the CDF trial from 154 to 100. Throughout the year, before and after the start of trials, the Office of the Prosecutor filed and responded to various motions before the Trial Chamber and Appeals Chamber.

INVESTIGATIONS

The first five months of the year saw the Investigations Section actively involved in providing investigative support to Prosecution teams in the lead-up to the opening of CDF and RUF trials.

In 2004, missions and financial investigations were conducted throughout Sierra Leone, West Africa, Europe and North America.

As of 20 January 2005, indictees Johnny Paul Koroma and Charles Taylor remained at large.

OUTREACH AND DIPLOMATIC ACTIVITIES

In addition to overseeing investigations and guiding prosecutions, Prosecutor David M Crane was actively involved in maintaining relationships with the Sierra Leonean public and civil society through outreach meetings, interviews with local and international media, and meetings with the diplomatic community.

In events organised by the Outreach Section, the Prosecutor

held town hall meetings with schoolchildren, university students, war victims, police, military, and civil society organisations throughout Sierra Leone. During these well-attended meetings, participants had an opportunity to ask the Prosecutor questions and to give him their thoughts on the Special Court.

In March 2004, the Prosecutor participated in the full calendar of events surrounding the official court opening, which many visiting dignitaries attended. Throughout the year, in Freetown and abroad, he and the Deputy Prosecutor met with officials from various governments, international organisations and NGOs, as well as with journalists and academics. In November, the Prosecutor joined his counterparts from the permanent International Criminal Court and the International Criminal Tribunals for Rwanda and the former Yugoslavia at a colloquium in Arusha, Tanzania. At this first meeting of all four international prosecutors, a joint statement was issued which underscored the need for the sustained political will of the international community to assist in making the tribunals effective.

The Case of Charles Taylor

In June 2003, the Prosecutor unveiled the indictment of Charles Taylor, then President of Liberia, whose indictment had been judicially approved and sealed on 7 March 2003. The 17-count indictment accused Charles Taylor of being at the heart of a “joint criminal enterprise” resulting in the commission of war crimes, crimes against humanity, and other serious violations of international humanitarian law within the territory of Sierra Leone since 30 November 1996. The Court transmitted the warrant of arrest against Taylor to the Governments of Liberia and Nigeria in November 2003. Pursuant to requests by the Special Court, the International Criminal Police Organisation (INTERPOL) issued a “Red Notice” for his arrest and transfer in December 2003. In a landmark decision on 31 May 2004, the Appeals Chamber of the Special Court rejected a motion filed by Taylor’s lawyer that sought dismissal of his indictment on the basis of head-of-state immunity.



The Prosecutor reaching out to Sierra Leoneans



Defence Lawyers in the courtroom

THE OFFICE OF THE PRINCIPAL DEFENDER

The Special Court’s creation of a “fourth pillar”, in the form of a Principal Defender’s Office, is an innovation in the structure of international courts. It ensures the rights of suspects and Accused persons and provides a counterbalance to the Prosecution. The Office has implemented measures to attract only experienced, competent and honest counsel, so as to comply with the human rights principle that adversarial trials should manifest an “equality of arms” - a reasonable equivalence in ability and resources of Prosecution and Defence.

Whilst other international tribunals have administrative bodies to deal with the Defence, none has a permanent institution within the Court entrusted with “ensuring the rights of suspects and accused”, as set out in Rule 45 of the Special Court’s Rules of Procedure and Evidence.

The Office of the Principal Defender became effectively functional in early 2003, when its first lawyers commenced work. Thereafter, additional legal officers, duty counsel and Defence advisors were recruited.

In March 2004, Simone Monasebian was appointed as the Special Court’s Principal Defender.

Whilst the Principal Defender and the Office of the Principal Defender technically fall within the Registry of the Special Court, the Principal Defender acts independently from other organs in the interests of justice. In October 2004, the Principal Defender proposed changes to the Special Court’s Statute, and other relevant documents, aimed at formalising the Office’s contemplated full independence. As of the writing of this Annual Report, the Government of Sierra Leone, along with the Special Court’s President, Council of Judges, Registrar, and Management Committee, have endorsed that proposal. The proposal is currently being reviewed by the United Nations, and it is hoped that the Office of the Principal Defender will eventually become as fully independent as the Office of the Prosecutor.

Legal and Investigative Services

When the current nine Accused were transferred into the custody of the Court, the Office, through its duty counsel, offered them

initial legal advice and legal representation. Thereafter, individual Defence teams were assigned to each Accused. As all of those currently detained claimed indigent status, lawyers were assigned to each Accused. The lawyers were drawn from a list of highly qualified and experienced counsel willing to be assigned to indigent suspects and Accused persons. The list, which continues to be updated, contains the names of dozens of lawyers from all over the world, including over a dozen Sierra Leonean lawyers, with experience in criminal law.

Counsel assigned by the Principal Defender enter into Legal Services Contracts, which regulate the payments of legal and other related expenses involved with the Defence of the Accused. The teams consist of lawyers with expertise in international humanitarian law, criminal trial advocacy and Sierra Leonean law. Investigations into the means of the Accused are ongoing, ensuring further review of the indigent status of each of the Accused.

During the period under review, the Office of the Principal Defender devoted immense time and energy to meeting the logistical challenges inherent in the establishment of a fully functional Defence Office. In the pre-trial period, considerable effort was placed in putting together comprehensive Defence teams and providing them with fully-equipped offices. Assigned and duty counsel devoted much of their time to pre-trial motions before both the Trial and Appeals Chambers, investigations, and development of their defence strategy. Following this initial concerted effort, the Defence focused even more intensely on the daily rigours of trial work with the start of each of the three current trials in June and July 2004 and March 2005, respectively.

The work carried out by Defence investigators has been intense. Whilst each team was afforded its own local investigator during the period under review, provision was also made to afford Defence team's use of international investigators where additional expertise has been needed. Investigative teams were frequently deployed up-country under difficult conditions, and occasionally abroad, to interview sources and witnesses and collect evidence. The Office held trainings for local investigators throughout the year. Training sessions for Defence investigators in the Special Court were a first in the history of the existence of international criminal tribunals.

After the assignment of counsel to the Accused, members of the Principal Defender's Office engage in oversight of Defence teams. The Office monitors trials and provides

advice and substantive assistance to all teams in the preparation of their cases, from research on legal issues, to arguments on matters of common interest, to vetting the provision of expert witnesses, consultants and investigators, and liaising with various governments and other entities on matters of judicial cooperation. Pursuant to Rule 45 of the Rules of Procedure and Evidence, lawyers in the Principal Defender's Office have also appeared in Court as counsel. This representation by in-house counsel who are staff members of the Principal Defender's Office - a first for an international criminal tribunal - has proved invaluable, particularly in cases where there have been changes in counsel.

Throughout the period under review, the Principal Defender has sat on the Special Court's Senior Management Board, and has contributed to the Court's Completion Strategy. The Principal Defender's Office has interacted with the different units within the Registry, Office of the Prosecutor and Chambers on issues affecting the rights and detention conditions of the Accused, and on matters affecting a fair trial. This included the development of the Code of Conduct for Counsel and consultations on other Directives to be adopted. The Office has also represented the interests of the Defence in plenary sessions organised by the Judges of the Special Court.

The Principal Defender's advocacy for a unified Code of Conduct covering both Defence and Prosecution counsel was accepted by the Special Court's Judges in the May 2004 Plenary. The Code of Conduct will be the first unified code in an international criminal tribunal that covers both Prosecution and Defence, a further testament to the emphasis placed on equal consideration to both sides appearing before the Court.

External Relations

The Office of the Principal Defender liaised with diplomatic communities and NGOs, keeping them informed about developments. The Office also engaged in outreach activities in cooperation with the Court's Outreach Section. With its assistance, meetings were held throughout Sierra Leone, as well as in Liberia, to discuss the Court, listen to the Sierra Leonean people and, to the extent possible, answer their questions. Throughout the year, the Principal Defender and her officers spoke

before various audiences, including civil society, schoolchildren, displaced war victims, police, and military officers. The Office has had an important role in educating the community about the defence and rights of Accused persons, the presumption of innocence and the burdens and standards of proof. During the period under review, the Office also engaged in regular dialogue with the International Criminal Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court as well as the Bosnian and Cambodian

Chambers, to facilitate information-sharing on best practices and lessons learned.

The Principal Defender and her staff were active in the media throughout the period, making themselves available for Sierra Leonean and visiting international journalists for print, radio and television interviews. To further communicate the message about the role of Defence, the Office worked with the Press and Public Affairs Office by providing information and explanations about the role of Defence for audio and video summaries.

Finally, during the period under review, substantial progress was made by the Principal Defender in securing *pro-bono* external research assistance from universities, law firms, and other organisations, which until recently generally afforded such assistance only to the Prosecution. Through successful outreach efforts of the Principal Defender abroad, as well as the efforts of her staff locally, several law schools, law firms, and other organisations and individuals are contributing significantly to the work of the Defence by providing additional external resources.



The Principal Defender Simone Monasebian speaking to school boys at the Princes of Wales Secondary School

THE REGISTRY

The Registry is responsible for those functions which traditionally support the Court. The operating circumstances surrounding the creation of the Special Court have been unique and challenging.



The Courtroom in Session

They have included the construction of a courthouse, the recruitment of national and international staff, the protection of witnesses, the management and administration of the Court's funds and resources against an uncertain funding background, the maintenance of the Special Court compound which includes its own power plant, and a Detention Facility accommodating the Accused.

The various sections comprising the Registry have worked to full capacity during the reporting period to ensure the completion and inauguration of the courthouse, the preparation for and commencement of three trials, the protection of witnesses, and the communication of information about the Court generally and the trial process in particular to Sierra Leoneans and the international community.

Administrative support includes Finance, Personnel, Procurement, Communications and Information Technology, General Services and Court Management. Additionally the Registry is responsible for

Detention, the Witness and Victims Support Section and Security. The Registry is the official channel of communication for the Court. To assist in fulfilling that function a Press and Public Affairs Office and Outreach programme were established to provide information about the Court to the international and national media and to the people of Sierra Leone.

The Office of the Principal Defender is currently part of the Registry, but during the reporting year plans to position the Office as the official fourth pillar of the Court were initiated by the Principal Defender, with the support of the Registrar. Whilst the Management Committee, the Government of Sierra Leone and the United Nations have no objection in principle to the proposal, a number of consequential steps are still being discussed.

The following section deals with the Registrar's Office, as well as with the many sections, which are to be found in the Registry supporting the entire work of the Special Court.

THE REGISTRAR'S OFFICE

The Registrar's Office sits at the centre of the Registry's operations and is headed by Registrar Robin Vincent (UK). He is supported by a Deputy Registrar, two legal advisors, a Special Assistant, a Completion Strategy Coordinator and two secretaries.

The Office began the year focused on the completion of the courthouse and preparing for its official opening on 10 March 2004. The week of the opening also saw the commencement of the fifth Plenary of the Judges of the Special Court, for which the Registrar's Office provided support. That week also saw the first meeting of the four Registrars from the Special Court, the International Criminal Court and the International Criminal Tribunals for the former Yugoslavia and Rwanda.

In June 2004, a part-time Liaison Officer was appointed to the Special Court's New York office, replacing the previous administrative postholder who

represented the Registrar in Management Committee meetings and providing a conduit to Registry operations in Freetown. The Liaison Officer schedules and accompanies the Registrar to all meetings during his visits to New York to meet with the Management Committee, representatives of the UN Headquarters, diplomatic missions and international non-governmental organisations.

In August, a Completion Strategy Coordinator commenced work within the Office and is now coordinating the production of a strategy which will steer the Court's operation as it nears completion of its mandate. Additionally, the strategy will put forward options in respect of both residual and legacy activities.

In September, the Registrar signed an agreement on the enforcement of sentences allowing a number of persons, if convicted by the Special Court, to serve their sentences in a European country.

In December, the Registry organised the first-ever visit to the Special Court by a foreign head of state, German President Horst Köhler.

The Office also worked closely throughout the period with the Office of Legal Affairs in UN Headquarters to facilitate the appointment of Judges to Trial Chamber II. The Judges were appointed in December 2004 and then sworn in at a ceremony in Freetown on 17 January 2005.

The Registrar chairs an internal Senior Management Board, the membership of which includes the Prosecutor, the Deputy Prosecutor, the Principal Defender, the Deputy Registrar, and other senior Court officials. The Board monitors the overall performance of the Court and discusses strategic and policy matters as required.

The Registrar is heavily involved in external relations within Sierra Leone and is active with the

Special Court's Outreach Section, regularly speaking to various interest groups about the role and work of the Court. In July, the Registrar took the Outreach message across the border into Liberia to inform civil society, Liberian authorities and the UN Mission in Liberia (UNMIL) about the work of the Court. In addition to attending Outreach meetings, the Registrar also chairs a monthly meeting of the Special Court Interactive Forum (SCIF), providing civil society and other interested user groups with the opportunity to ask questions about the Court, and provide senior staff across the Court with feedback on the Court's performance from the perspective of civil society. The Registrar is active on the media front, and is regularly interviewed by national and international media.

National University of Ireland, the UN Advisory Committee on Administrative and Budgetary Questions (ACABQ), representatives of the Ghanaian government, the UN Security Council delegation, UNMIL, Liberia's National Transitional Legislative Assembly, the Ford Foundation, Foreign and Commonwealth Office, the US State Department and the UN Department of Peacekeeping Operations.

In addition to his involvement in external relations within Sierra Leone, the Registrar also travelled to North America and Europe at regular intervals throughout the year on official Court business.

Through the Registrar's Legal Office, the Legal Advisors undertook the following work supporting all functions of the Registrar.



Registrar Robin Vincent addressing school girls at the Methodist Girls High School

In addition to the SCIF meetings, the Registrar also met with the following organisations:

African Commission on Human and People's Rights, Amnesty International, CARE, Human Rights Watch, Human Rights First, International Centre for Transitional Justice, UNAMSIL, International Tribunal for the Law of the Sea, the UN Fund for International Partnerships, the American Bar Association and the Sierra Leonean Bar Association, the US Institute of Peace, the

The Office assisted in preparing proposals for amendments to the Rules of Procedure and Evidence for consideration during the Fifth Plenary Meeting in March, which continued again in May. Legal advisors further assisted in drafting agreements with governments for financial assistance to enable the Special Court to employ international staff in certain designated positions.

During the year, the Office worked on bilateral agreements with third states on the enforcements of sentences and relocation of witnesses.

The Registrar issued the following documents:

- Code of Ethics for Interpreters and Translators
- Practice Direction on Allowances for Witnesses and Expert Witnesses
- Code of Conduct for Special Court Staff
- Maternity and Adoption Policy

Amended the following documents:

- Rules Governing the Detention of Persons Awaiting Trial
- Practice Direction on Filing Documents before the Special Court for Sierra Leone
- Staff Rules and Regulations
- Financial Rules

Drafted the following:

- A Code of Professional Conduct to be observed by all counsel before the Special Court (in conjunction with the Office of the Prosecutor and the Office of the Principal Defender) - which remains subject to adoption by a Plenary meeting of the Judges
- A Code of Conduct on Sexual Exploitation, Sexual Abuse and Sexual Harassment

- A Memorandum of Understanding with the Government of Sierra Leone on the secondment of Sierra Leonean Police Officers to the Office of the Prosecutor and the Security Section
- A Memorandum of Understanding between the Special Court and the American Bar Association on the provision of funding for national and international internships
- An Agreement between the Special Court and the Netherlands on the provision of forensic services.

The Office also provided advice on a draft Transitional Criminal Code, a draft Transitional Code of Criminal Procedure and a draft Transitional Detention Act circulated jointly by the US Institute of Peace and the National University of Ireland and intended to support peacekeeping operations in the area of the restoration of the rule of law.

The Headquarters Agreement between the Republic of Sierra Leone and the Special Court for Sierra Leone entered into effect on 6 July. The agreement regulates matters relating to or arising out of the establishment and proper functioning of the Special Court for Sierra Leone.

COMPLETION STRATEGY

During the reporting period the Registrar's Office further developed its plan for the completion of the Court in view of its limited life span. Following extensive consultation with the Court's various sections, the first Completion Strategy document was adopted by the Management Committee on 6 October 2004. That document continues to be updated at regular intervals in order to reflect developments.

The Completion Strategy of the Special Court consists of 3 phases:

The Completion Phase (Completion of Trials and Appeals)

This includes and incorporates aspects of internal judicial "housekeeping", including the optimal use of courtroom capacity. For this purpose, a Judicial Services Coordination Committee, consisting of representatives of the parties and all of those sections that contribute directly to the support of the trials and chaired by the head of Court Management, monitors the progress of the trials and helps to ensure administrative issues are identified and resolved outside the courtroom.

The Post-Completion Phase (Residual Judicial Functions)

This includes the residual judicial and administrative activities after the completion of trials and appeals, including the supervision of the enforcement of any sentences imposed by the Court. This phase also covers the review of proceedings and the need for a residual judicial body, perhaps in coordination with the International Criminal Tribunals for the former Yugoslavia and Rwanda.

The Legacy Phase (Impact on Sierra Leone After the Court's Departure)

This phase deals with the material legacy of the Court, including the takeover of the Special Court's New England site in Freetown. It also looks at the wider and longer-term impact of the Special Court with regard to its support of, and contribution to, the restoration and development of the national Sierra Leonean judiciary, civil society, education institutions, police and prison authorities and the population in general.

LEGACY

With the Court now in its trial phase, and therefore fully operational in accordance with its mandate, significant thought and consideration has been given to how the Court can create and develop a legacy for Sierra Leone.

The well-developed Court site, with all its infrastructure, will be transferred to the Government of Sierra Leone at the end of the Court's operational life, and discussions are ongoing about how that transfer can take place effectively with regard to the Government's capacity to maintain the site.

The reporting period has seen advances in identifying how the Court can meet the short and long term expectations of Sierra Leonean civil society, whilst still meeting its mandate of prosecuting those who bear the greatest responsibility.

Further to the creation of the Completion Strategy paper, and to further shape the Court's legacy, four two-day regional conferences were organised by the Court's Outreach Section. Delegate attendance was at maximum capacity at all four events across Sierra Leone, and feedback from the conferences assisted the organisation of the National Conference held in Freetown in early 2005.

That conference was officially opened by His Excellency, the President of the Republic of Sierra Leone, Dr Alhaji Ahmad Tejan Kabbah. Also in attendance was Vice President Solomon Berewa and many distinguished guests, including representatives of a number of international NGOs. Some 250 delegates from across Sierra Leone produced an action-plan setting out a total of 50 wide-ranging activities that will assist the expectations of civil society regarding victims.



Paramount Chief representatives at the National Victims Commemoration Conference

Those related to the Special Court included:

- Rehabilitation and protection of witnesses after the trials.
- Training of traditional leaders on international humanitarian law, human rights law, national laws and the Geneva Conventions.
- Setting up independent monitoring teams to monitor the performance and activities of both local courts and the Special Court.
- The provision of training and logistics, where feasible, to national court personnel and law enforcement agencies.
- The establishment of task forces to work with local communities to ensure the Court is remembered after its departure.

The National Conference also identified a set of performance evaluation criteria by which civil society will assess the impact of the Special Court both during and after its lifetime.

The Special Court continued to develop its Sierra Leonean staff who are working as lawyers, administrators, technicians, security personnel and detention staff. Concurrently, there was a recognition that as the Court nears its end, there will be an increasing need to involve Sierra Leonean staff in management and provide opportunities for promotion to more senior posts. The initiative to address that issue is described in more detail in the section on Personnel.

Elsewhere in Sierra Leone, the Special Court is either facilitating, supporting or contributing to the following initiatives:

- A national radio project (Radio Justice) to provide public service programming with broad judicial and social justice themes to the people of Sierra Leone and beyond. The radio station will focus on the trials at the Court,

View of the Courthouse

- The provision of video and audio summaries covering the trials across Sierra Leone. Additionally, the Court is also recording all proceedings, which will provide a permanent archive of trial and appeal proceedings.

Hope Prep School visit the Court



complemented by programming, which discusses a range of judicial and rights issues in the short term, but with a longer term intention to provide all of Sierra Leone with comprehensive national broadcasting carrying a range of information and issues related to judicial and legal developments.

- A proposal to ensure that the history of the Special Court and its functions be included in the national teaching syllabus in schools and colleges.

- Ongoing dialogue with the Chief Justice of Sierra Leone with regard to closer links between the judiciary of the Special Court and the national system, including invitations to judicial seminars.
- The UK Department for International Development's five-year £25 million project to improve the development of, and access to, the national justice sector.

ADMINISTRATIVE SUPPORT SERVICES

The Administrative Support Services Section set about consolidating its successful contribution to the start-up phase and worked assiduously to meet the continuing challenges and to realise the vision of the Special Court amidst continued funding uncertainty.

Moreover, the Section sought to implement systems aimed at streamlining the processes of administration, financial reporting and resource utilisation across all sections of the Court.

The lack of certainty regarding the funding of successive budgets continued to dominate the administration of the Court and necessitated the advance of third year contributions into the second half of the 2003/4 reporting period to ensure continued delivery of

services and programmes. At the same time, the requirement for the Court's operations to remain flexible, set against a background of changing trial activity, demanded redeployment of funds between programmes. The Management Committee was responsive in this regard and recognised the merits of amending the Financial Regulations and Rules to allow effective redistribution of appropriations to match changing needs.

In May, the Chief of Administrative Support Services, together with the Registrar, presented the 2004/2005 budget to the Management Committee and the UN Office of Legal Affairs in New York, which was ratified in Freetown at the end of June.

Whilst the Court was fortunate to receive some additional contributions and significant exchange gains on non-US dollar based pledges prior to June, the Court was required to curb its 2003/4 total expenditure in order to ensure it could fund the commencement of operations against the 2004/5 budget.

Recognising the need to sustain operations, the UN General Assembly agreed to fund a Subvention Grant for up to \$US40 million - an initial authority to commit to expenditures of up to

US\$16.7 million was given. As the pace of the Special Court overall was inextricably linked to the establishment of Trial Chamber II, the delay in appointment of the Judges to that Chamber resulted in the delay of the draw down on the committed funds and required the extension of the timescale of the commitment authority beyond 31 December 2004.

The Office also assisted the second internal audit conducted by the UN Office of Internal Oversight Services (OIOS) for the period covering March 2003 to March 2004. An external financial review audit was also conducted during October by the Office of the Auditor General for South Africa for the financial period July 2003 to June 2004, thereby covering the 2003/4 financial year.

BUDGET SECTION

To complement the existing efforts of the Office of the Chief of Administrative Support Services, the Budget Section was formally established to provide a more critical review of the day-to-day management of the Court's appropriated financial resources. Critical to this function was the Section's monitoring of cash flow needs, and its ability to secure the timely receipt of funds under the Subvention Grant from the United Nations, which was administered on an incremental basis.

FINANCE SECTION

As recognised in the previous Annual Report, the Financial Regulations and Rules of the Court continue to play a significant role in providing more flexible financial mechanisms to assist in meeting the Court’s mandate. Associated with this and the resolute commitment to providing credible financial reporting to both internal and external clients, the Finance Section determined that it was essential to migrate from the Quickbooks accounting system to Sun Systems, consistent with both UN peacekeeping missions and other UN-backed tribunals. Whilst the prospect of changing accounting systems part way through the mandate posed logistical and operational challenges, the Section was able to replicate the 2003/4 year end closing of accounts, and simultaneously run parallel systems, until the commencement of real time processing within Sun Systems by the end of the reporting period. The Court is now able to produce reports which satisfy both statutory reporting requirements and assist in the timely management of resources.

PROCUREMENT

A total of US\$6,291,125.57 worth of goods and services contracts, including the refurbishment of witness accommodation, audio visual equipment for the courtrooms and vehicles for investigations, were procured to support the activities of the Special Court. Of this amount, five contracts were issued in excess of US\$500,000 and another four in excess of US\$100,000 of varying technical and quantifiable content. The Court continued to be challenged by the ability of the local market to fulfil and sustain requirements in areas other than construction and telecommunications, and thus relied heavily on the importation of goods from overseas.

PERSONNEL SECTION

During the year, the Personnel Section worked to ensure first, the timely recruitment of both national and international staff in a high-turnover environment and secondly, that recruitment kept pace with staff growth as the Court moved to full capacity. During the period under review the Court examined how actively to increase the number of Sierra Leoneans in professional positions. To encourage applications from Sierra Leoneans, all professional positions were advertised in national newspapers, as well as on

the Court’s website, with the undertaking that at least one Sierra Leonean would be shortlisted and interviewed. Ways in which the Court can recruit more Sierra Leoneans to professional positions will be further explored as the Court undergoes changes in personnel, and the level of skill transfer from international to national staff increases.

| STAFF STATISTICS as at 17 January 2005 | | |
|--|--|-------|
| International Staff | | |
| Nationality | | Total |
| Australia | | 10 |
| Austria | | 2 |
| Belgium | | 2 |
| Bulgaria | | 1 |
| Canada | | 12 |
| Croatia | | 1 |
| Gambia | | 3 |
| Germany | | 3 |
| Ghana | | 4 |
| India | | 3 |
| Ireland | | 1 |
| Italy | | 3 |
| Kazakstan | | 1 |
| Kenya | | 2 |
| Lebanon | | 1 |
| Macedonia | | 1 |
| Malaysia | | 1 |
| Nepal | | 1 |
| Netherlands | | 1 |
| New Zealand | | 1 |
| Nigeria | | 1 |
| Norway | | 1 |
| Pakistan | | 3 |
| Palestine | | 1 |
| Romania | | 1 |
| Rwanda | | 1 |
| Sierra Leone | | 6 |
| South Africa | | 4 |
| Switzerland | | 1 |
| Tanzania | | 6 |
| Trinidad and Tobago | | 3 |
| Uganda | | 2 |
| Ukraine | | 2 |
| United Kingdom | | 26 |
| United States | | 14 |
| Zimbabwe | | 1 |
| Grand Total | | 127 |
| National Posts | | |
| Nigeria | | 1 |
| Sierra Leone | | 160 |
| Grand Total | | 161 |
| *The above tables reflect the total number of full time staff. In addition to these numbers, the Special Court contracts skilled persons under General Temporary Assistance arrangements to support all sections of the Court, including drivers, cleaners, legal advisors, specialist consultants, stenographers and investigators. | | |

COMMUNICATIONS AND INFORMATION TECHNOLOGY

During the past year the Communications and Information Technology Section supported the Court process as a whole through the provision of high-resilience computer and telecommunications systems keeping pace with the rapid growth across the Court as a whole.

The courthouse was wired with state-of-the-art technology to enable electronic file management, simultaneous translation, and voice and facial distortion equipment to conceal the identity of protected witnesses.

CITS also worked to support the specific functions of sections, which saw the development of databases for various areas of the Court, such as payroll, personnel, procurement, security evacuation and management.

Also of note was the development of the Court Management Database allowing documents to be served electronically for the first time in a court operating within Sierra Leone. This database is also a repository for all documents presented in the trials and is also available online through the SCSL website.

GENERAL SERVICES

The General Services Section provides all services relating to transport, facilities management, general supply, travel, traffic, mail and inventory control. During the year the Section was challenged by many tasks, including the construction and completion of a state-of-the-art courthouse and a number of other structures. The Section also worked to meet the expanding demand for transport as staff numbers increased, a situation that was eased with the arrival of 20 new vehicles in

October. Additionally, the Section provided general support to all sections of the Court, including utilities.

There was unfortunately a high staff turnover rate within General Services and trained staff were difficult to replace. In November the challenges of running an international court in a location with relatively little infrastructure were underlined when a combination of poor fuel quality, engine design and heat conditions caused the power plant to shut down. Supplemental machines were acquired and only one day of Court operations was lost.

Projects completed during the 12 month period were as follows:

- The Courthouse (commenced in October 2003 and finished in June 2004)
- Witness Protection Facility
- The Security Centre to be dedicated at a future date as the “Robert Lee Parnell Security Centre”
- Additional office accommodation
- Staff Cafeteria
- 20,000 gallon water tank
- Detention Facility kitchen
- Staff car park.

COURT MANAGEMENT

Court Management is responsible for all judicial and legal document filing within the Court Records Unit, and ensuring that the courtrooms are trial-ready with necessary equipment and staffing, including stenographers, courtroom officers and translators. Court Management also maintains the Special Court library, which houses a collection of books on Sierra Leonean and international law, as well as a video and audio library, made possible through the generous contributions of organisations, universities and individuals around the world. Additionally, Court Management is responsible for the video and audio recordings of all proceedings in each courtroom.

The Language Unit was developed during the year with training support from the International Criminal Tribunal for Rwanda (ICTR) funded by the European Commission. Under the guidance of the Head of the Translation Unit, the unit supported a staff of 11 translators capable of simultaneous translation in five languages: Mende, Temne, Krio, Limba and English. Specialist translators capable of translation in languages such as Mandingo, Kono and Loko were available on a contractual basis. At the time of writing, female translators were being trained to assist those female witnesses giving evidence of alleged crimes of a sexual nature. The Language Unit also supported other areas of the Court such as Outreach, Press and Public Affairs and the Registry.

Transcripts were produced by the Stenography Unit situated within the Court Management Section. The start of trials produced particular challenges within the Stenography Unit as a small staff struggled to keep pace with the transcript requirements of two trials. To overcome the difficulties, extra stenographers were recruited and the delivery of draft transcripts within a 24-hour period was achieved by the end of the year.

During the year, Court Management, in consultation with the Communications and Information Technology Section, worked to create a Court Management Database, which accommodated all Court filed documents available internally, and also externally, through password-controlled web access.

In addition, a Court Records Procedure Manual was produced and Court Management embarked on in-house training to assist with the development of national staff prior to the withdrawal of internationals.

The Subvention Grant

A Subvention Grant is a one-off grant issued by the United Nations. In March 2004, the Administrative Support Services Section prepared documents to support the request by the Special Court to the Fifth Committee for a Subvention Grant, which was passed by resolution 58/254 on 26 April 2004 with a commitment authority of US\$16.7million for the period of 1 July to 31 December 2004. On 22 June, commitment authority reporting requirements were received from the UN Office of Program Planning, Budget and Accounts, prompting changes within administration to meet those requirements. Cash flow requirements for the following 18 months under the Subvention Grant were provided to the UN Controller’s Office. The Court began using funds from the Subvention Grant in March 2005 due to a slower than anticipated level of trial activity linked to the delay in the establishment of Trial Chamber II.



Security line-up

SECURITY SECTION

The Security Section of the Court directs and coordinates the various activities to protect operations, the Judges and staff, their residences and properties. It works to ensure that the work of the Court progresses in a safe and protected environment despite the fragility of internal and regional security.

The Section also provides specialist security services to meet the different needs of separate sections, including working with the Witness and Victims Support Section to ensure the safety of witnesses and their families, including relocation. It provides close protection for principal staff members and advises Outreach officers located across Sierra Leone on personal safety and asset protection. Outreach staff posted outside of Freetown are trained and arrangements have been made with UNAMSIL, military observers and UN agencies to protect their safety.

The security situation in Sierra Leone over the year has remained fragile, as evidenced by strikes within a number of sectors over non-payment of wages and an inadequate minimum wage. Low wages for the few who have jobs, few local job opportunities, together with rises in the cost of basic items such as food and fuel, caused discontent. On 3 January 2005 a general strike was called by the Sierra Leone Labour Congress in support of reduced taxation and a higher minimum wage.

Due to a persistent level of petty crime, burglary in particular, and the continued inability of the National Power Authority to provide a viable electricity supply, the Court implemented the UN Minimum Operational Residential Security Standards (MORSS) for staff residences. This ensures that staff members are eligible for financial assistance to implement physical security improvements at residences and that reimbursements are available to cover personal expenditure on private security guards and fuel for generators, required to power security lighting at night.

Relationships with UNAMSIL and host security organisations, such as the Sierra Leone Police (SLP) and the Republic of Sierra Leone Armed Forces (RSLAF), have remained strong throughout the year. The various organisations combined together to coordinate security planning for the opening of the Court in March and again for the visit of the German President. Threat analysis and security coordination were ongoing.

In addition to raising the profile of the Court, the commencement of trials in June placed increased demands on court staff. More field missions to confirm witnesses, and preparations for the reception and protection of witnesses, increased towards the middle of the year. The Security Section worked closely with other sections in planning the security of field missions. Prior to the start of trials, Security conducted emergency-response training with host organisations and UNAMSIL.

The commencement of trials saw up to 100 visitors per trial being admitted to the site. All visitors undergo security checks and are not permitted to take electronic devices (including mobile phones) into the courtrooms.

Exercises simulating the movement of the Accused to alternate secure UN locations, as part of general security contingency planning, have been conducted on several occasions. Evaluation of these exercises underlines the fact that the continued presence of international troops is considered to be an absolute necessity to ensure the security of the Court, despite the increasing tactical competence displayed by the SLP and RSLAF.

The UNAMSIL guard force continues to play a critical role in securing the New England site, assisted by the Operational Support Division of the SLP, who make a commendable contribution to the security operation by providing static guards, external patrols and escorts.

The Security Section acknowledges the tremendous work of the former Chief of Security, Mr Robert (Bob) Lee Parnell, who passed away suddenly on 22 October whilst at work in Freetown. Bob had been with the Court since its formative days and played a critical role in developing the institution.

THE DETENTION FACILITY

The Detention Facility is located within the Court's compound in Freetown. It consists of two blocks with nine single cells in each block. The Detention Facility is staffed by both international and Sierra Leonean detention officers.

In addition, there are three Sierra Leone Police Officers attached to the Facility who assist with the searching of visitors. The location of the Facility enables regular and easy access by all visitors and legal teams.

The detainees, who are accommodated individually in single cells, are permitted to have visits from family and friends on Wednesdays, Fridays, Saturdays and Sundays. During this reporting period, legal visits



German President Hans Kohler visits the Detention Facility

greatly increased as the Court moved towards trials with several detainees at different times refusing to attend Court.

More generally, the facilities and the overall regime meet international standards. The detainees when not in Court have a 15-hour liberty day from 0700 to 2200 hours. The Facility has a medical team, composed of one doctor and two nurses, who work within the comprehensively equipped clinic. They are responsible for monitoring and maintaining the health of the detainees. Should more urgent medical attention be required, the detainees are transported to a UN hospital situated nearby. Dental and eye care is available, if required.

During the first part of the reporting period, some difficulties were encountered with the preparation of food offsite, but this was rectified with the construction of a small kitchen onsite, which was operational by 1 July. A menu book was introduced to record the content of each meal served. The Chief of Detention and/or Doctor examine and sample at least one meal each day and sign the menu book, providing an internal audit on both the quality and quantity of food provided. The detainees are offered individual physical exercise programmes to ensure the fitness of the detainees.

After the on-site kitchen began operating, the detainees continued to complain about the quality and quantity of the food being served to them. In October 2004, Trial Chamber I ordered an investigation into the food served to detainees. An independent dietician compared the diet provided to the detainees with the recommended dietary allowances for good nutrition,

as recommended by the World Health Organisation. The report concluded the food was nutritionally satisfactory and in excess of the average recommended dietary allowance.

There are also various recreational options from which the detainees can choose. In December, an earnings scheme was introduced enabling the detainees to earn an amount of money each week which they can either choose to spend at a small shop within the Facility, or give to their families.

The Court has signed a Memorandum of Understanding with the National Prison Service to provide detention officers to staff the Facility. Those officers undergo on the job training, including meeting the minimum international standards regarding the treatment of detained persons. In order to provide additional security measures, the Detention Facility also participates in joint contingency exercises to test evacuation procedures.

The Facility is monitored regularly by the International Committee of the Red Cross, which provides a report of all findings to the Registrar. In addition, there have been frequent monitoring visits by the Human Rights Section of UNAMSIL. Access to the Facility has also been made available to members of official visiting parties during the period.



Video screening in Kambia District of the Court's proceedings

WITNESS AND VICTIMS SUPPORT SECTION

The Section aims to ensure that witnesses before the Court are in the best physical and mental state possible. The Section must ensure that the witness is not physically, mentally or economically disadvantaged by appearing before the Special Court. During the period under review, the Section assisted more than 120 witnesses before Trial Chamber I and looked after more than 200 witnesses and their dependants.

Witnesses under the care of the Court are offered psycho-social support, medical care and, in most cases, accommodated both before, during and for some time after giving evidence. High-risk witnesses have been, and will continue to be, relocated after they have finished testifying, should a threat assessment suggest that need.

The Registrar shall set up a Witness and Victims Support Section within the Registry. The Unit shall provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses. The Unit personnel shall include experts in trauma, including trauma related to crimes of sexual violence and violence against children. Article 16 (4) of the Special Court Statute

The relocation of both prosecution and defence witnesses depends significantly on such threat assessments, and is only undertaken if there is a genuine concern for the safety of the person. Relocation can be within Sierra Leone or in another state. A number of agreements with states to that effect have been concluded, or are currently being negotiated.

The Section comprises 55 staff members, including a psychologist, psycho-social support staff, witness support

officers, security protection officers and cooks and cleaners for safe houses and secure premises. The psychologist is also available to staff who may be affected by stress or secondary trauma.

The period under review also saw the Section produce a checklist of information to be provided to all witnesses before they testify before the Special Court to ensure each witness is fully informed regarding his or her rights, responsibilities and entitlements as a witness.

As the start of trials drew closer, the work of the Section increased greatly as the result of the relevant disclosure procedure, involving witnesses by the Office of the Prosecutor to Defence Counsel. The Section also facilitated movements of witnesses for pre-trial preparation by lawyers, court familiarisation and their eventual appearance to give evidence.

The Special Court would like to thank the European Commission for financially supporting the Witness and Victims Support Section.

OUTREACH

Outreach is located within the Registry, but works with all areas of the Court to foster two-way communication between Sierra Leoneans and the Special Court. To achieve its mission, it targets the general population, as well as specific groups, including the military, the police, students at all levels, the judiciary, prison officers, religious leaders, civil society and national and international NGOs. Outreach uses town-hall meetings, radio programmes, publications, seminars and training to communicate the work of the Special Court.

The challenges in informing Sierra Leoneans beyond Freetown about the work of the Court generally, and the trial process in particular, are many and varied. A number of communities are isolated, with limited communications infrastructure. There are also a number of different languages and dialects and levels of literacy are low. Outreach takes into account all of these factors and has designed a programme that is flexible and needs-based. A nationwide network of Outreach officers, some of whom reach many communities by motorbike, is supported by a central office in Freetown. Outreach organises events within Freetown and across the nation for representatives of Registry, Defence and Prosecution to communicate their messages to Sierra Leoneans through town-hall meetings, school meetings, seminars, training and radio panel discussions.

In particular, the Outreach Section undertook a series of activities and programmes geared towards informing and educating children. Outreach conducted a series of “Training the Trainer” workshops around the country, and developed a training manual resulting in the formation of School Human Rights and Peace Clubs. Children also participated in “Kids Talking to Kids” radio programmes. Quiz and debating competitions were organised within schools. Further efforts to reach children included a nationwide training workshop for teachers, in collaboration with the

and will focus on the broader issues of justice, accountability and human rights, thereby educating people in the years to come.

People with disabilities were also included in Outreach activities. The office employs a visually impaired person to serve as a consultant on addressing the outreach needs of those with disabilities, particularly the visually impaired. Information material in braille relating to the Special Court was produced, and the Office conducted teacher training for

Throughout the year, seminars on the Special Court for religious leaders were held in conjunction with the Council of Churches, resulting in the training of 371 religious leaders.

To overcome the challenges of providing information to people across a country with limited infrastructure, Outreach organises many town-hall meetings, which take information about the Court to the heart of the community. More than 450 communities have been reached in this way. Outreach also works in

Rural outreach event in Northern Sierra Leone



Sierra Leone Teachers Union, Fourah Bay College, the University of Sierra Leone, and frequent visits by Special Court staff, including the Registrar, Prosecutor, Principal Defender and the Court’s President.

“Accountability Now Clubs” have been established at eight universities across Sierra Leone with instruction and training provided by Outreach. The clubs will be self-sufficient by mid 2005

hearing impaired students. A total of 300 disabled persons in four districts were trained during the reporting period. Other target groups for this training are supervisors of mentally disabled persons, orphans and amputees.

Outreach also focuses on women, and has acted in partnership with other organisations to provide information for nurses, market workers and women in communities.

partnership with other organisations to amplify the message of the Court through the training of “Community Animators”, who are the focal points for an information dissemination program for a range of materials including charts, posters, other reading material and Trial Summary Videos. Outreach also participates in weekly panel discussions on radio stations in respect of the Special Court.



Outreach Event in Liberia

the website for viewers in other countries. The Trial Summary Videos are produced in English and Krio.

The Office also produces weekly 15-minute audio summaries, also in English and Krio, which are distributed across Sierra Leone and broadcast on eight different radio stations. They are also distributed through the Outreach Section and provide an easy-to-understand summary of a week in Court. In addition to the audio summaries, the Office examined ways to increase the coverage of trial proceedings on radio, and contracted a Consultant to produce a feasibility study for establishing a nationwide FM radio station.

PRESS AND PUBLIC AFFAIRS

The Press and Public Affairs Office is located within the Registry but works with all sections of the Special Court to promote understanding, awareness and education about the Court within the national and international media, as well as with researchers, academics and interested members of the public.

The Office produces a number of information products and has a video and audio production unit, maintains the website at www.sc-sl.org, writes press releases, organises press conferences and provides all Principals of the organisation with media advice.

During the period, the Office embarked on an ambitious video production program. Every two weeks a 30-minute trial summary is produced for each Chamber, summarising the themes and highlights with an equal balance between Defence and Prosecution. The productions also include explanations of complicated legal concepts and creative vision shot at different locations across Sierra Leone. The video programmes are distributed through the Outreach Section and shown on mobile video units across Sierra Leone. They are also broadcast on television, on the Sierra Leone Broadcasting Service and are on

The justification for such an initiative has been established together with a proposal about how to proceed. The Court is now looking to attract external and independent funding. The Radio station (Radio Justice) would broadcast trial proceedings, together with additional programmes examining all issues associated with the justice and legal sectors and their impact on Sierra Leoneans. After the Special Court has completed trials, Radio Justice would continue broadcasting as a national broadcaster managed by an editorial board comprised of different NGOs, organisations and foundations.

Hundreds of interviews have been conducted throughout the period with international broadcasting corporations, press agencies, documentary makers, newspapers and all areas of the Sierra Leonean media. The Office has also coordinated interviews for the Registrar, the Prosecutor and the Principal Defender on a regular basis over the year.

During the year under review, the profile of the Special Court grew considerably with the opening of the courthouse in March and then the commencement of trials in June and July. The dominant issue that continues to be of most interest to the international media is the absence from the Court’s custody of Charles Taylor.

For further information about the Press and Public Affairs Office please go to www.sc-sl.org/pressroom.

During the year, Outreach took the message of the Special Court beyond Sierra Leone to Liberia as a result of feedback from Liberian civil society, asking for accurate information about the Special Court. The Registrar, Principal Defender and a representative of the Office of the Prosecutor travelled to Monrovia and talked to a wide range of civil groups, representatives of the media, the UN Mission in Liberia and the National Transitional Legislative Assembly.

Outreach concluded the year under review by facilitating four regional Victims’ Commemoration Conferences in conjunction with the Witness and Victims Support Section in collaboration with three partner organisations: the Inter-Religious Council, the Forum for African Women Educationalists and the International Centre for Transitional Justice. The conferences drew hundreds of participants from across the country and culminated in a national conference in Freetown in February 2005. Please see the Legacy section of this report for more details.

Outreach at the Special Court for Sierra Leone is grateful for funding from the European Commission and the Open Society Institute for West Africa. For more information about Outreach, please see the website at www.sc-sl.org.

ANNEXES

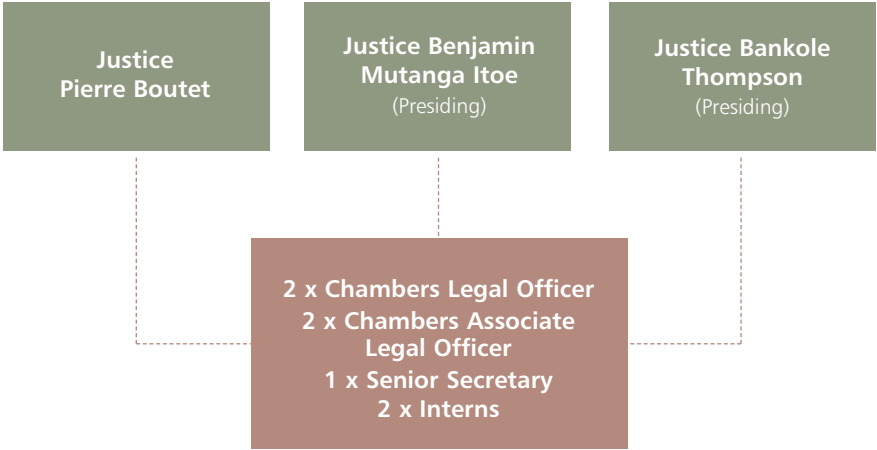
ANNEX I
LIST OF PERSONS INDICTED BY THE SPECIAL COURT FOR SIERRA LEONE

| Accused | Indictment Filed | Indictment Approved | Current Status |
|------------------------|-------------------|---------------------|---|
| Charles Ghankay Taylor | 7 March 2003 | 7 March 2003 | Granted asylum in Nigeria |
| Foday Saybana Sankoh | 7 March 2003 | 7 March 2003 | Indictment withdrawn 8 December 2003 |
| Johnny Paul Koroma | 7 March 2003 | 7 March 2003 | At large |
| Sam Bockarie | 7 March 2003 | 7 March 2003 | Indictment withdrawn 8 December 2003 |
| Issa Hassan Sesay | 7 March 2003 | 7 March 2003 | In custody as of 10 March 2003 |
| Alex Tamba Brima | 7 March 2003 | 7 March 2003 | In custody as of 10 March 2003 |
| Morris Kallon | 7 March 2003 | 7 March 2003 | In custody as of 10 March 2003 |
| Samuel Hinga Norman | 7 March 2003 | 7 March 2003 | In custody as of 10 March 2003 |
| Augustine Gbao | 16 April 2003 | 16 April 2003 | In custody as of 20 March 2003 |
| Brima Bazzy Kamara | 26 May 2003 | 28 May 2003 | In custody as of 29 May 2003 |
| Moinina Fofana | 24 June 2003 | 26 June 2003 | In custody as of 29 May 2003 |
| Allieu Kondewa | 24 June 2003 | 26 June 2003 | In custody as of 29 May 2003 |
| Santigie Borbor Kanu | 15 September 2003 | 16 September 2003 | In custody as of 17 September 2003 |

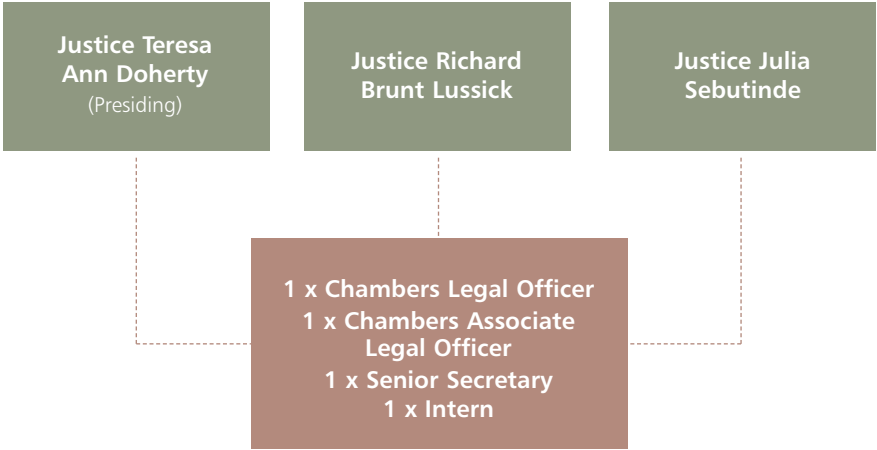
ANNEX II
ORGANISATIONAL CHARTS



THE TRIAL CHAMBER I
SPECIAL COURT FOR SIERRA LEONE

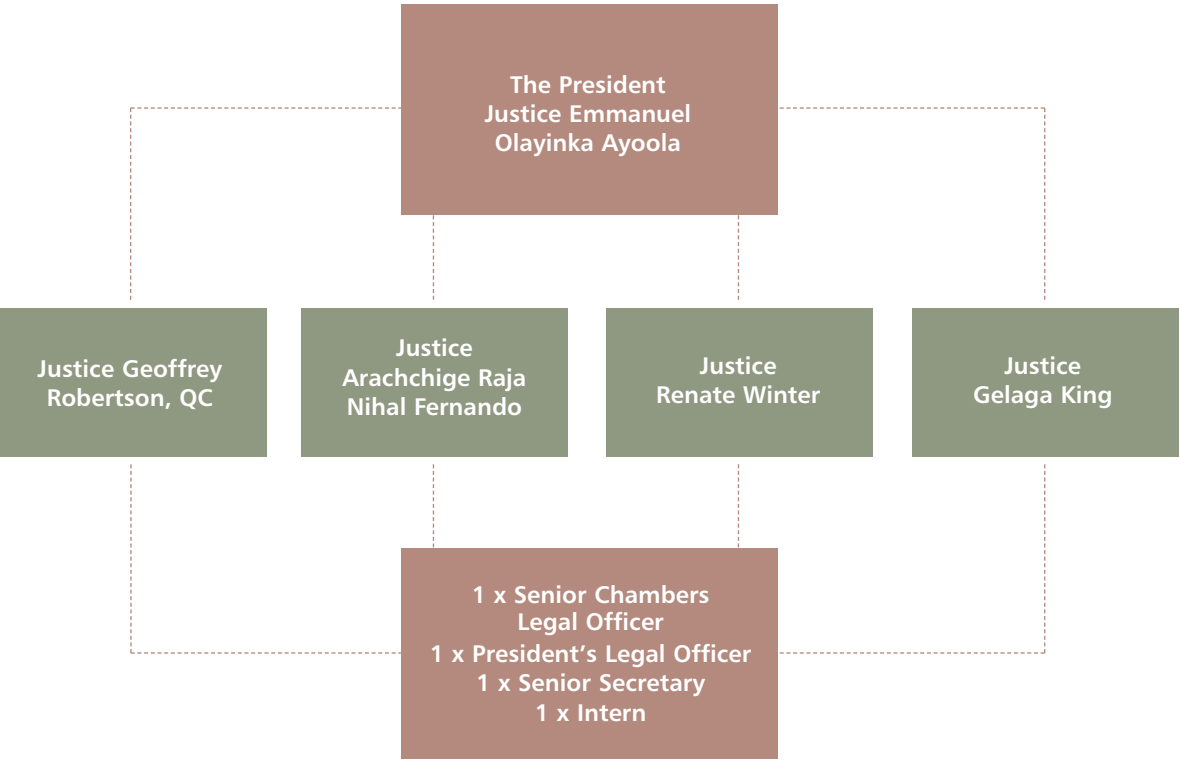


THE TRIAL CHAMBER II
SPECIAL COURT FOR SIERRA LEONE

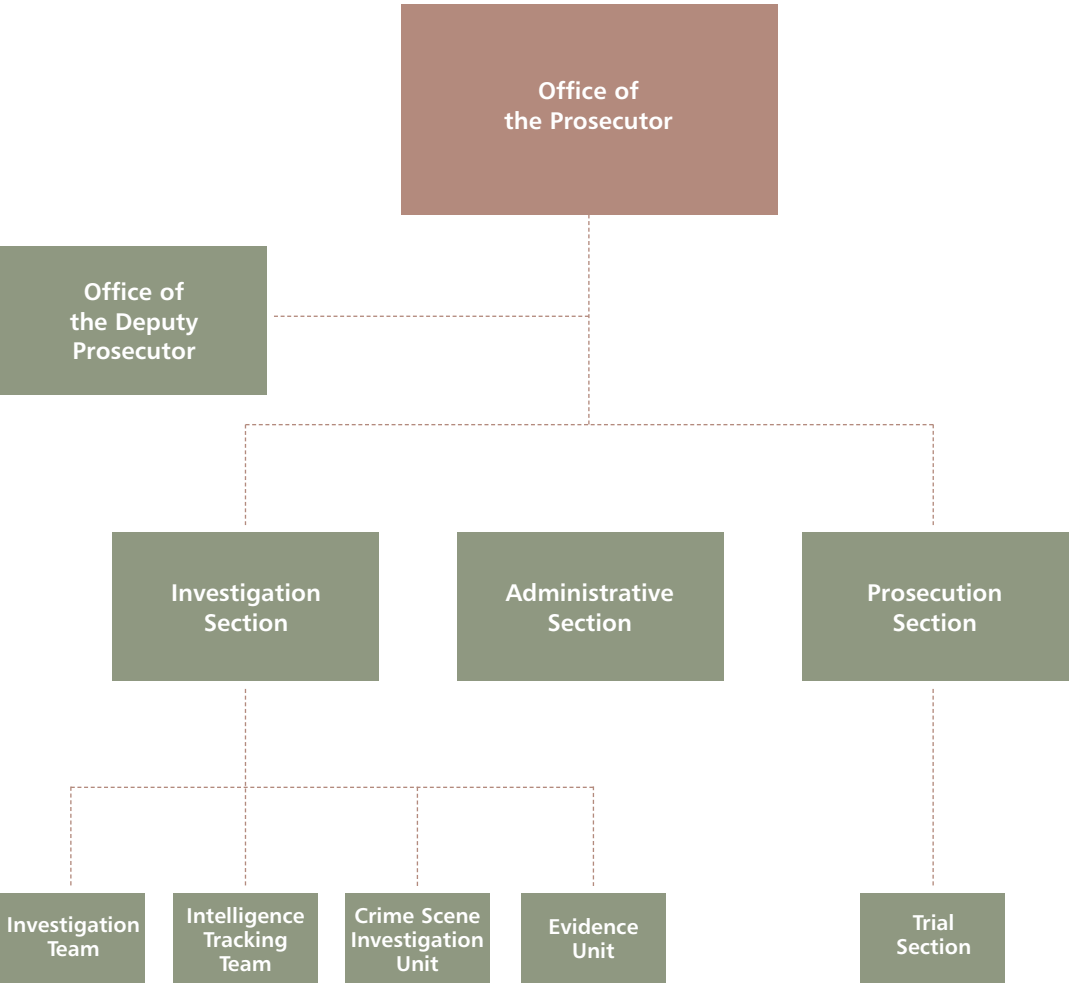




THE APPEALS CHAMBER
SPECIAL COURT FOR SIERRA LEONE

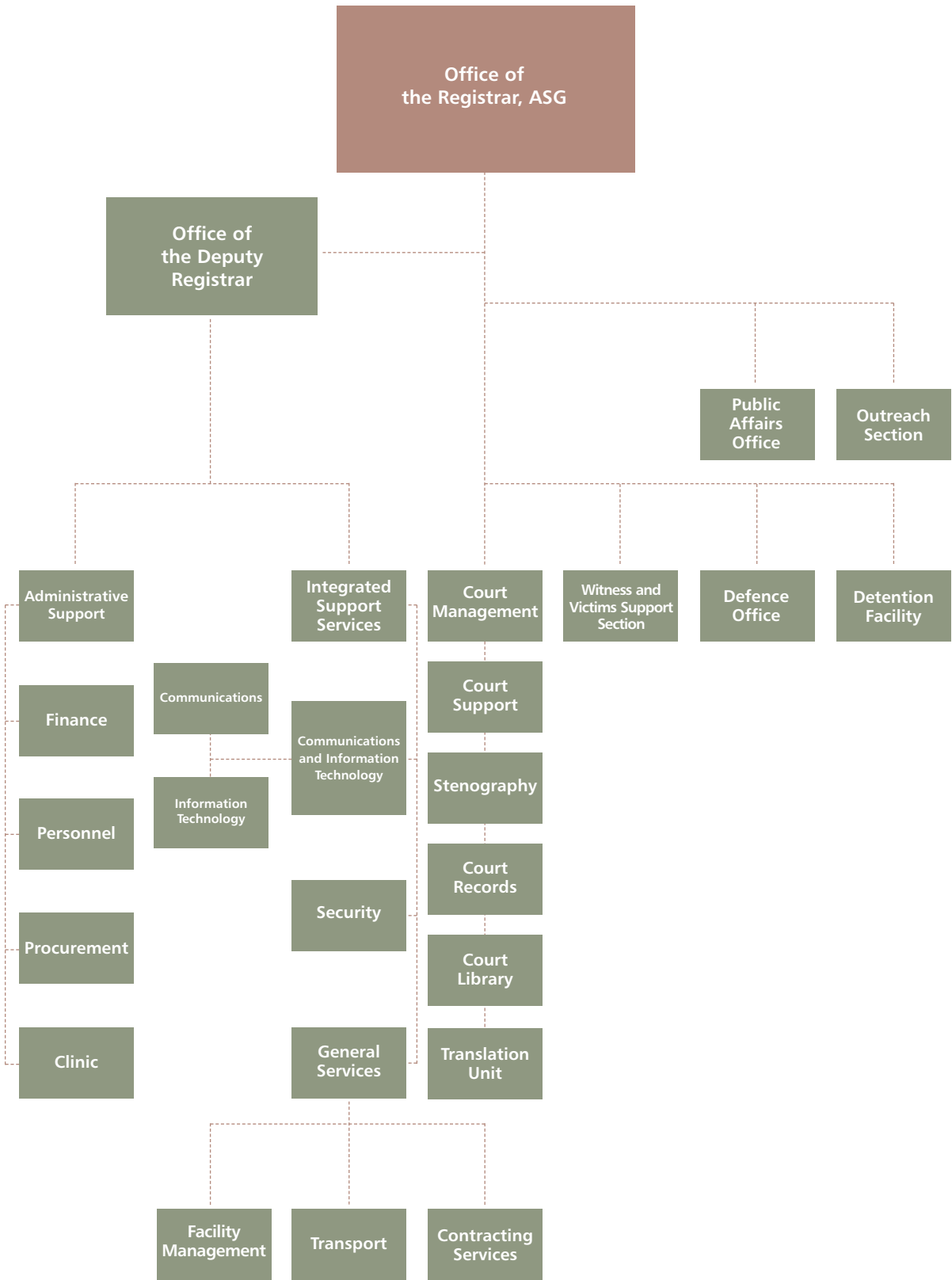


THE PROSECUTION
SPECIAL COURT FOR SIERRA LEONE





THE REGISTRY
SPECIAL COURT FOR SIERRA LEONE



ANNEX III
KEY BUDGET & FINANCIAL DATA

| 1 July 2003 - 30 June 2004 | |
|---|--------------|
| Approved Year 2 Regular Budget | \$32,534,571 |
| Actual Year 2 Expenditure | \$28,297,574 |
| Total Year 2 Pledges | \$13,594,997 |
| Total Contributions Received Against Year 2 Pledges | \$22,321,826 |
| Total Revenues for Year 2 ¹ | \$38,815,536 |

¹ In order to fund the shortfall of \$18.9 million between the Year 2 pledges and the Year 2 approved budget, the Special Court was authorised to use Year 3 pledges it had received in advance. Any surplus contributions have been carried forward to offset approved Year 3 budgetary expenditure.

ANNEX IV
CONTRIBUTIONS

| 1 July 2003 - 30 June 2004 | |
|----------------------------|-------------------------------|
| Financial contributors | Contributions received (US\$) |
| Australia | 66,370 |
| Canada | 1,053,619 |
| Czech Republic | 70,000 |
| Denmark | 645,189 |
| Finland | 320,000 |
| Germany | 584,000 |
| Greece | 25,000 |
| Ireland | 855,920 |
| Israel | 10,000 |
| Italy | 323,440 |
| Luxembourg | 51,927 |
| Mauritius | 1,500 |
| Mexico | 6,000 |
| Netherlands | 10,602,999 |
| Nigeria | 90,000 |
| Norway | 500,000 |
| Oman | 10,000 |
| Senegal | 55,274 |
| South Africa | 30,000 |
| Spain | 126,290 |
| Sweden | 1,163,436 |
| United Kingdom | 6,783,980 |
| United States | 15,000,000 |
| Total | 38,374,944 |
| In-kind contributors | Contributions received |
| Canada | Personnel |
| Germany | Personnel |
| Switzerland | Personnel |

ANNEX V
MANAGEMENT COMMITTEE

| Member States |
|---|
| Canada |
| Lesotho |
| Netherlands |
| Nigeria |
| Sierra Leone |
| United Kingdom |
| United States of America |
| UN Secretariat |
| Office of Legal Affairs |
| Office of Programme Planning Budget and Accounts |
| Office of Human Resources Management |
| Office of Central Support Services |



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