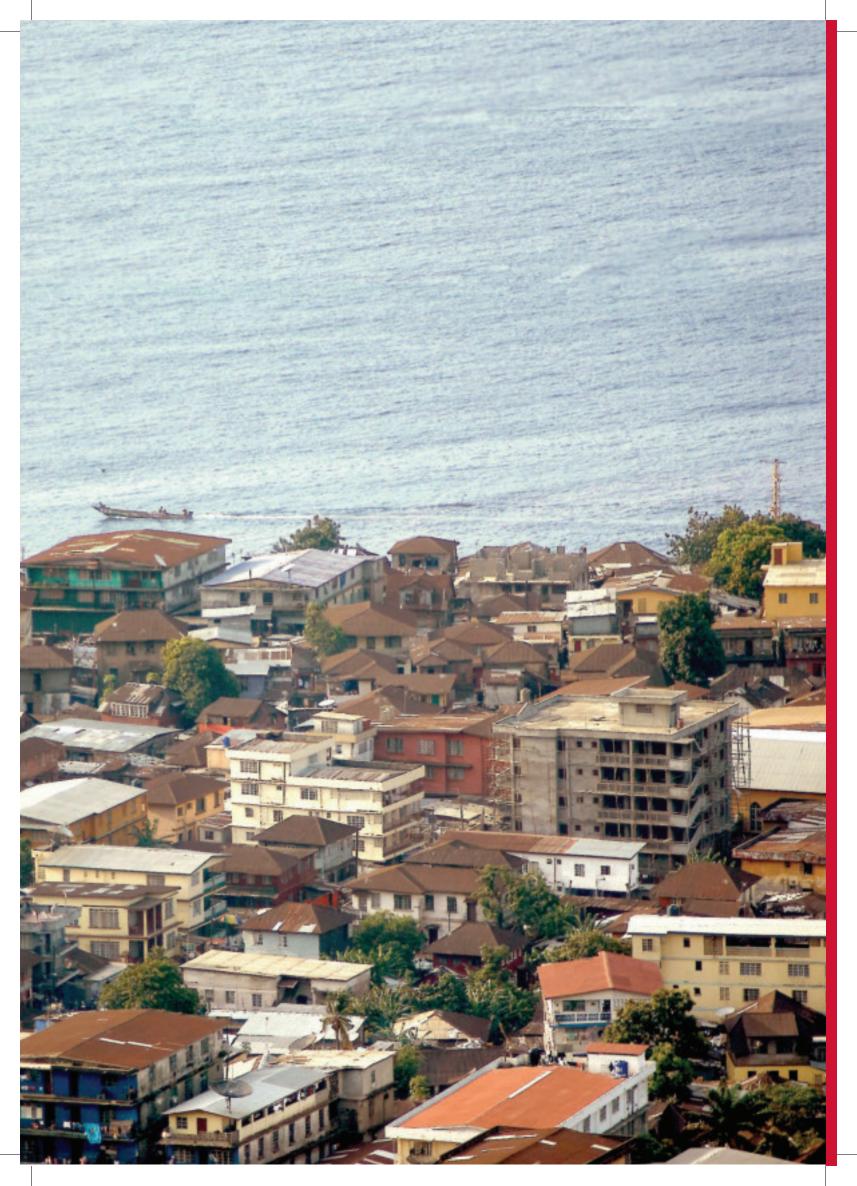
» January 2005 to January 2006



Third Annual Report of the President of the Special Court for Sierra Leone



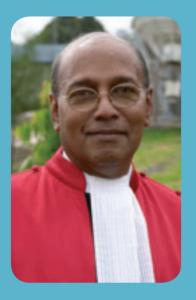


January 2005 to January 2006 «

# Third Annual Report of the President of the Special Court for Sierra Leone

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# >> FOREWORD



#### Your Excellencies Secretary-General Annan and President Kabbah:

#### It is an honour to present this Third Annual Report on the operations of the Special Court for Sierra Leone covering the period from January 2005 to January 2006.

The Special Court for Sierra Leone came of age in 2005; it is now a fully operational court trying nine accused in three trials in its landmark Courthouse. The operational and logistical challenges that faced the Court in its infancy have been substantially addressed, and the work of the Court is proceeding at a strong pace.

The year began with the inauguration of the second Trial Chamber, which effectively doubled the judicial capacity of the Court. The two trials in Trial Chamber I continued at full speed, while the new Trial Chamber began the third trial in early March 2005. My colleagues in the Trial Chambers are dedicated to ensuring that all three trials are fair and expeditious. I am deeply grateful for the cooperation, understanding, and hard work of my judicial colleagues of the Trial and Appeals Chambers. In particular, I wish to thank the former President, Justice Emmanuel Ayoola, whose wisdom was of invaluable assistance during the course of the year.

In 2005, the Prosecution closed its case in two trials and was at an advanced stage of its case in the third. The Office of the Prosecutor, the Defence Office and the various Defence Teams, the Victims and Witness Support Section, and all of the other sections of the Registry should be commended on their contributions to these trials, which are a concrete step towards fulfilling the Special Court's mandate.

Word of these trials has spread throughout Sierra Leone with the efforts of the Special Court's Outreach and Press and Public Affairs Sections. Their innovative strategies have ensured that the Special Court's activities reach even the most remote communities in Sierra Leone.

### **» CONTENTS**

# 2 FOREWORD

- **4** INTRODUCTION
- **6** SUMMARY OF ACTIVITIES

#### 8 THE CHAMBERS Trial Chamber I

Trial Chamber II Appeals Chamber Other Chambers Activities The important work of this Court could not be achieved without the generous financial support of our donors, the active cooperation of States, and the sage advice from our Management Committee and the Office of the Legal Counsel of the United Nations. On behalf of the Special Court, I would like to express sincere gratitude for the international community's continued commitment to the Special Court for Sierra Leone.

In closing, I wish to pay particular thanks to the first Registrar of the Special Court, Robin Vincent, and the first Prosecutor of the Special Court, David Crane, who both left the Court in 2005. The accomplishments of the Court are a tribute to their leadership, perseverance, and dedication. At the same time, I would like to express my appreciation to their successors, Registrar Lovemore Munlo SC and Prosecutor Desmond Da Silva QC, who have each made their own, unique, contribution to the development and success of the Special Court.

The year 2006 promises to be another important chapter in the development of the Special Court. As Defence Teams present the first Defence witnesses, all organs of the Court have had to meet a new set of challenges to facilitate the proceedings. The arrest of the former President of Liberia, Charles Ghankay Taylor, in early 2006, also foreshadows a number of important legal, managerial, and administrative decisions which will shape the future of the Special Court.

I am confident that my successor, Justice Gelaga King of Sierra Leone, will meet these challenges and successfully lead the Special Court towards its completion.

#### Justice Raja Fernando

President, Special Court for Sierra Leone (May 2005 - May 2006)



18

# THE OFFICE OF THE PROSECUTOR

Overview prosecution Investigations Diplomatic Activities

24 THE REGISTRY The Registrar's Office

Registry Legal Office Completion Strategy Legacy The Defense Office Defence trial Development Administrative Support Services Budget Section Finance Section Procurement Personnel Section Communications and Information Technology General Services Section Court Management Security Section The Detention Facility Witness and Victims Support Section Outreach Press and Public Affairs

39

**ANNEXES** 

## » INTRODUCTION

This is the third Annual Report of the Special Court for Sierra Leone, prepared pursuant to Article 25 of the Statue 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".

The report covers the period from 17 January 2005, the day of the inauguration of Trial Chamber II, and the ensuing 12 months. However, following the approach adopted in the previous Annual Reports, where it is sensible to include events that occurred up until the time of writing, such as the arrest and transfer of Charles Taylor to the Special Court on 29 March 2006, 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 and second 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 in cooperation with the Management Committee during the period in relation to its funding and administration duties.



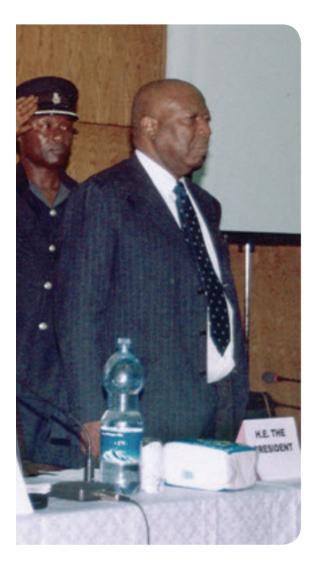


#### SUMMARY OF ACTIVITIES

The Special Court for Sierra Leone 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 progress made in the three trials before the Special Court: the Civil Defence Forces (CDF), the Revolutionary United Front (RUF), and the Armed Forces Revolutionary Council (AFRC).

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 AFRC, in March 2005.

During the year, the Court also welcomed a number of new senior officials:

- On 18 January 2005, Justice Teresa Doherty was elected Presiding Judge of Trial Chamber II.
- On 26 May 2005, Justice Raja Fernando of Sri Lanka succeeded Justice Emmanuel Ayoola as President of the Special Court for Sierra Leone.
- On 26 May 2005, Justice Pierre Boutet was elected Presiding Judge of Trial Chamber I, succeeding Justice Benjamin Itoe.
- On 29 May 2005, Mr. Vincent Nmehielle succeeded Ms. Simone Monasebian as the Principal Defender.

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. 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. As of April 2006, there are ten Accused persons in the custody of the Court.

>> His Excellency President Alhaji Dr. Ahmad Tejan Kabbah and Former Registrar Mr. Robin Vincent at the National Victims Commemoration Conference

- On 11 July 2005, Mr. Desmond de Silva QC succeeded Mr. David Crane as Prosecutor. Subsequently, Dr. Christopher Staker was appointed Deputy Prosecutor.
- On 3 October 2005, Mr. Lovemore Munlo SC, took up the post of Interim Registrar upon the departure of Mr.
   Robin Vincent. Mr. Munlo was appointed Registrar on 16 February 2006.
- On 18 January 2006, Justice Richard Brunt Lussick was elected Presiding Judge of Trial Chamber II, succeeding Justice Teresa Doherty.

The sixth Plenary Meeting of the Judges was held on 13 and 14 May 2005. The Plenary adopted a Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone. The Plenary also amended the Rules of Detention and the Rules of Procedure and Evidence. On 24 May 2005, the President of the Special Court, Justice Emmanuel Ayoola of Nigeria, addressed the United Nations Security Council on the progress and challenges of the Special Court. He mentioned the Court's funding shortfalls, the need for the cooperation of States in the absence of Chapter VII powers, and the provision of security to the Court after UNAMSIL's withdrawal on 31 December 2005. Following the briefing, the Security Council endorsed the updated Completion Strategy paper.

On 14 July 2005, the Prosecution closed its case in the CDF trial. In total, 75 witnesses were heard by the Trial Chamber over a period of 97 days of trial. On 21 October 2005, Trial Chamber I issued its decision on the motion for judgement of acquittal in the CDF case which it dismissed by a unanimous decision. Notwithstanding this finding, the Chamber found that there was no evidence capable of supporting a conviction against the Accused persons in respect of a number of towns and villages as charged in some specific paragraphs and subparagraphs of the indictment. On 19 January 2006, the defence opened their case in the CDF trial.

The Prosecution continued to present evidence before Trial Chamber I in the trial of the three RUF accused throughout 2005. On 7 December 2005, the Trial Chamber completed the sixth trial session, having heard testimony from a total of 59 witnesses since the trial began in July 2004.

The trial of the three AFRC accused opened before Trial Chamber II on 7 March 2005. The Prosecutor David M. Crane and Trial Attorney Boi-Tia Stevens delivered the opening statement in the trial. Over a period of 97 trial days, the Prosecution called 59 witnesses until it closed its case on 29 November 2005. After the close of the case for the Prosecution, all three accused filed Motions for Judgement of Acquittal pursuant to Rule 98. Trial Chamber II rendered its decision on 31 March 2006 dismissing all three Motions.

On 15 July 2005, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, visited the Special Court as part of her mission to West Africa. Ms. Arbour pledged her support to the Court in the areas of fundraising and the transfer of indictees who remain outside the custody of the Special Court.

The Registry undertook a number of initiatives in 2005 to solicit funds for both core and non-core operations of the Court. Through a generous grant provided by the Ford Foundation, a fundraising consultant was engaged by the Special Court to assist in developing and implementing a fundraising strategy for operations pertaining to non-core activities such as outreach, witness and victims support, and legacy projects. The fundraising consultant organised two briefings for foundations. The first briefing was held on 13 July 2005 in New York and was hosted by the Ford Foundation. The second briefing was held on 8 November 2005 in Brussels and was hosted by No Peace Without Justice in the European Parliament Building.

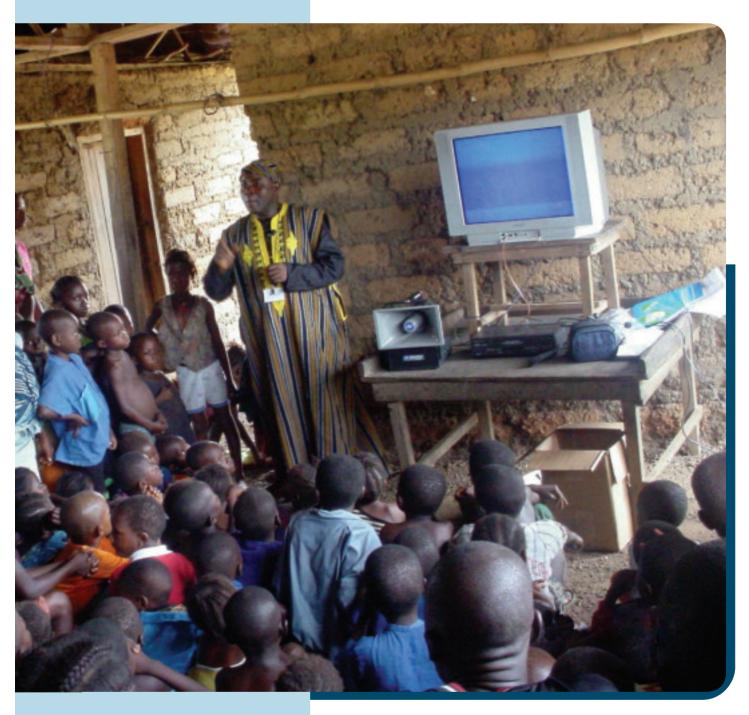
Throughout September 2005, the Registry coordinated with the United Nations to convene a pledging conference with member states to raise funds for core Court operations in 2006. On 30 September 2005, fifteen states pledged approximately \$8.8 million towards the Court's operations in 2006. The European Commission, under the European Initiative for Democracy and Human Rights (EIDHR), pledged €695,000 for the Court's "Victims Justice & Legacy Project" which provides funding for extra-budgetary activities such as outreach and witness and victims support.

The Court made substantial headway in 2005 on the issue of legacy. As part of the Completion Strategy, the Registrar created a Legacy Working Group that recognises the need for a significant input and ownership of the process by Sierra Leoneans. The Working Group's objective is to identify and implement a range of projects that will contribute to a lasting legacy. These projects focus on the transfer of judicial and administrative skills, building on current Court activities and complementing outside initiatives to further enhance the administration of justice in Sierra Leone.

Positive legacy developments include programmes designed to raise awareness of the Court's mandate at the grassroots level, various training programmes, and other capacity building initiatives such as the training of national police, prison officers, and Court interpreters.



Interaction between the Special Court, governments, and international organisations resulted in agreements on a number of issues including detention of indictees and relocation of witnesses. In October 2005, the Interim Registrar undertook new initiatives to pursue agreements for the evacuation of detainees and staff in case of a security breakdown, and to conclude an agreement on the temporary transfer of detainees abroad for medical treatment.



In anticipation of the draw down of the United Nations Mission in Sierra Leone (UNAMSIL) in December 2005, Security Council Resolution 1626 mandated the United Nations Mission in Liberia (UNMIL) to provide security support to the Court after the departure of UNAMSIL. The Registry continued to consult closely with UNDPKO and UNMIL to assist in the development of a concept of operations for the force and to identify a troop contributing country to take over from the Nigerian battalion. In January 2006, Mongolian Peacekeepers took over the security of the Court.

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. >> Video Screening in Kenema District of the Court's proceedings

# **» THE CHAMBERS**

The Special Court has two Trial Chambers and one Appeals Chamber. Each Trial Chamber comprises three judges: two of whom are nominated by the United Nations Secretary-General and one of whom is nominated by the Government of Sierra Leone.

Justice Pierre G. Boutet (Canada), Justice Benjamin Itoe (Cameroon), and Justice Bankole Thompson (Sierra Leone) sit as Trial Chamber I, which hears the CDF Trial and the RUF Trial.

The Judges of Trial Chamber II, Justice Teresa Doherty (Northern Ireland), Justice Richard Lussick (Samoa), and Justice Julia Sebutinde (Uganda) were appointed at the beginning of 2005 and have been assigned to the AFRC trial and the Charles Taylor case.

The Appeals Chamber comprises five judges: three of whom are nominated by the Secretary General and two of whom are nominated by the Government of Sierra Leone. Justice Raja Fernando (Sri Lanka), Justice Emmanuel Ayoola (Nigeria), Justice Renate Winter (Austria), Justice George Gelaga King (Sierra Leone), and Justice Geoffrey Robertson (United Kingdom) make up the Appeals Chamber. The Presiding Judge of the Appeals Chamber is the President of the Court.





#### **TRIAL CHAMBER I**

#### Civil Defence Forces Trial: Norman, Fofana, Kondewa

Three alleged leaders of the former Civil Defence Forces were indicted on 8 counts of war crimes, crimes against humanity, and other serious violations of international humanitarian law including unlawful killings, physical violence, pillage, terrorizing the civilian population and collective punishments, and using child soldiers. Sam Hinga Norman, former Deputy Defence Minister and Minister of Internal Affairs, is alleged to have been the National Coordinator of the Civil Defence Forces. Moinina Fofana is alleged to have been National Director of War for the Civil Defence Forces. Allieu Kondewa is alleged to have been High Priest of the Civil Defence



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

Forces. All three accused in the CDF trial pleaded not guilty to all charges.

The CDF trial continued throughout 2005, during which two trial sessions were held. In 2005, 37 witnesses were called by the Prosecution to testify in the CDF trial over a period of 35 trial days. In total, 75 witnesses have been heard over 97 days of trial. Three of these witnesses were expert witnesses who testified orally and prepared expert reports that were admitted into evidence. A majority of the witnesses were granted protective measures and testified with a pseudonym and a screen separating them from public view. There were also some insider witnesses whose identity and safety were further protected by testifying in closed session.

The last witness in the Prosecution case was heard on 20 June 2005, and

the Prosecution case concluded on 14 July 2005. Trial Chamber I dismissed the Defence motions for judgement of acquittal on 21 October 2005, but found that there was no evidence capable of supporting a conviction against the Accused persons in respect of a number of towns and villages as charged in some specific paragraphs and sub-paragraphs of the Indictment.

The Chamber subsequently issued a number of orders relating to the preparation and presentation of the Defence case and two Status Conferences were held for this purpose. The Pre-Defence Conference was scheduled to be held on 11 January 2006. The Defence case was scheduled to begin on 17 January 2006.

Trial Chamber I rendered 56 decisions and orders in the CDF case in 2005.

Many of these decisions were focused on ensuring expeditious and fair proceedings. For example:

- Admission of documentary evidence: At the conclusion of witness testimony in the Prosecution case, Trial Chamber I granted a Prosecution request to admit certain identified portions of documents into evidence pursuant to Rule 92bis and Rule 89(C) of the Rules.
- Exclusion of evidence: In a majority decision, Trial Chamber I clarified that no evidence of sexual violence was admissible at trial because the Prosecution had, in a 2004 decision, been denied leave to amend the Indictment to include counts of rape, sexual slavery, and other inhumane acts. The Majority considered that to permit the Prosecution to lead evidence of sexual violence in these



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

circumstances would be offensive to the doctrine of fundamental fairness and would be prejudicial to the interests of the Accused. Justice Boutet, dissenting, considered that "the Indictment Decision does not preclude evidence of acts of sexual violence that are relevant and probative to Counts 3 and 4 of the Consolidated Indictment from being elicited at trial and that such evidence should be allowed to be introduced by the Prosecution as part of their case against these Accused."

#### Revolutionary United Front Trial: Sesay, Kallon and Gbao

Trial Chamber I is concurrently trying a second case, which brings together three alleged leaders of the former Revolutionary United Front who have been indicted for war crimes, crimes against humanity, and other serious violations of international humanitarian law including terrorizing the civilian population, unlawful killings, sexual violence, using child soldiers, pillage, enslavement, and other forms of violence. Issa Hassan Sesay, the alleged Interim Leader of the RUF, Morris Kallon, allegedly a former commander of the RUF, and Augustine Gbao, alleged to have been a senior officer and commander of the RUF, pleaded not guilty to all charges.

In 2005, Trial Chamber I held four trial sessions of the RUF trial, hearing 39 witnesses over 83 trial days. In total, Trial Chamber I has heard 58 witnesses over a period of 124 trial days in this trial. The majority of these witnesses were protected witnesses who testified in open court but were screened from the public. However, a number of insider witnesses also testified in various closed sessions in order to fully protect their identity from the public and to ensure their safety in compliance with the orders for witness protection. In accordance with Rule 60 of the Rules of Procedure and Evidence, the trial proceeded despite the absence of Accused Gbao, who has refused to attend his trial since July 2004. The RUF Trial is scheduled to resume for its seventh trial session between 28 February and 6 April 2006.

During the course of the trial, the Trial Chamber considered a number of procedural objections raised by the Defence. An objection concerning the Prosecution practice of taking and disclosing additional witness statements in the form of "proofing notes" prior to a witness's testimony was dismissed by the Trial Chamber because these statements did not contain new evidence and because the Defence had sufficient time to prepare for cross-examination. In other instances, however, the Chamber ordered the exclusion of evidence not properly disclosed by the Prosecution.

Trial Chamber I issued 42 decisions and orders in the RUF case during 2005 including:

• Disclosure and Independence of the Prosecution: On 2 May 2005, the Trial Chamber issued a majority Decision, with Justice Boutet partially dissenting, dismissing a Defence motion requesting the Office of the Prosecutor to disclose its relationship with the United States of America and, in particular, the Federal Bureau of Investigation (FBI). The Defence alleged cooperation between the Prosecution and the FBI involving the investigation and testimony of Prosecution Witness General John Tarnue. The Defence argued that the Prosecution was

acting upon instructions from the United States government contrary to the Prosecution's obligation to act independently in accordance with Article 15 of the Special Court Statute. In dismissing the motion, the Chamber found that there is a clear statutory authority contained in Article 15 of the Statute, as well as in the Rules of Procedure and Evidence, for the Prosecution to seek assistance from both internal and external sources for the purposes of the conduct of its investigations in the course of fulfilling its mandate. In particular, the Trial Chamber found that the Defence failed to substantiate its allegations that the Prosecution was acting upon instructions of another entity. In his partially dissenting opinion, Justice Boutet found that the Prosecution should be required to disclose any information in its possession in any form relating to assistance given to the witness in respect of his relocation in another country. The Defence application for leave to appeal was dismissed.

• Witness statements: On 26 October 2005, Trial Chamber I dismissed a motion by the Defence requesting the

Prosecution to ensure that all written statements by its witnesses are read through by the witnesses and signed as to the truth of their contents. In its Decision, the Chamber emphasised that the witness's signature on a statement is only one of a number of factors to be assessed in determining a statement's reliability and weight. In particular, although it noted that it is good practice to have witness statements read back and signed by the witness, the Chamber found that a signature could be of less importance when the same witness is subjected to cross-examination and is asked whether or not he or she actually made the statement in question. Once it has been established that a witness has made a statement, the issue of inaccuracies in the statement can also be addressed during crossexamination and will be considered and weighed by the Chamber on a case-by-case basis in the light of the totality of the evidence before the Court

• Exclusion of testimony: On 26 October 2005, Trial Chamber I dismissed another motion by the Defence requesting that the testimony of a Prosecution witness be excluded on the basis that the Prosecution destroved handwritten notes taken during interviews with this witness. In its Decision, the Trial Chamber emphasised that the Prosecution is under a continuous obligation to disclose certain materials to the Defence, but held that the Prosecution practice of proofing its witnesses before their testimony at trial is a legitimate practice that serves the interests of all the parties. However, proofing sessions produce a combination of materials, some of which have evidentiary value and therefore are subjected to disclosure and some of which may be privileged as they relate solely to matters internal to the investigation or prosecution and therefore are not subjected to disclosure. In conclusion, however, the Chamber also stated that the Prosecution's policy to destroy original notes taken during interviews or proofing sessions with its witnesses should be reassessed and such notes, where possible, should be disclosed to the Defence for the preparation of its case.

### **» CONTEMPT PROCEEDINGS**

On 29 April 2004 Trial Chamber II issued a Decision pursuant to Rule 77, which included orders in lieu of indictments against a Defence investigator attached to a Defence Team and four close relatives of Accused in the AFRC Trial, for alleged contempt of court with respect to a protected witness. Trial Chamber II, in accordance with an order of the President of the Special Court, assigned the contempt proceedings to Trial Chamber I or a single judge thereof.

A prosecutor from ICTR was engaged to prosecute both contempt proceedings as Independent Counsel, while Justice Boutet was appointed by the Presiding Judge of Trial Chamber I as the single Judge for the proceedings. On 4 May 2005 a status conference was held jointly for the two contempt proceedings. On 5 May 2005, Justice Boutet commenced the trial of the Defence investigator which continued for 3 days. Justice Boutet issued his Judgement on 26 October 2005, finding the investigator not guilty of the charge against him.

The related contempt proceedings against the four relatives were delayed by the absence of one of the alleged contemnors. Three of the alleged contemnors pleaded not guilty at their initial appearance on 9 May 2005. The fourth alleged contemnor pleaded not guilty on 27 June 2005. Subsequently, all four contemnors changed their pleas to guilty. Following a sentencing hearing, Justice Boutet sentenced all four to a conditional discharge on 21 September 2005.

#### **TRIAL CHAMBER II**

#### Armed Forces Revolutionary Council Trial: Brima, Kamara and Kanu

Upon the appointment of the second Trial Chamber, the case against Alex Tamba Brima, Brima Bazzy Kamara and Santigie Kanu (the "AFRC Trial") was assigned to it by order of the President. Trial Chamber II expeditiously decided twelve outstanding pre-trial motions in order to commence the trial on 7 March 2005. Shortly before the commencement of the trial, the Trial Chamber granted leave to the Prosecution to further amend the indictment by withdrawing four counts. Accordingly, on 15 February 2005, the Prosecution filed a "Further Amended Consolidated Indictment" containing fourteen counts against the three AFRC Accused, alleging crimes against humanity (murder, extermination, enslavement, rape, sexual slavery and other forms of sexual violence, and mutilations and forced marriages as other inhumane acts), war crimes (murder, mutilations, collective punishment, acts of terrorism, outrages upon personal dignity and pillage) and other serious violations of international humanitarian law (conscription and

enlistment of child soldiers). The charges cover a time period from 1997 to 2000.

The Trial Chamber conducted the AFRC trial throughout 2005 and concluded the Prosecution case on 21 November 2005 after hearing 59 witnesses in 97 trial days. Out of the 59 Prosecution witnesses three were expert witnesses. The majority of Prosecution witnesses enjoyed protective measures under Rule 75 of the Rules, but a few of them ultimately waived some of their protective measures and opted to testify in open court. In some cases, the testimony of witnesses such as former child combatants and victims of sexual violence, was heard in closed session in order to protect the privacy, security or identity of the concerned witnesses. However, the Trial Chamber allowed the presence of international monitors during closed sessions in order to ensure transparency of the proceedings. Seventy-two Prosecution and 19 Defence exhibits were admitted into evidence during the Prosecution case.

Apart from adjournments at the beginning of the trial as a result of serious threats to a witness, the Trial Chamber conducted the proceedings without any major delays. The Accused regularly attended the proceedings although some of them occasionally waived their right to be present at trial. During the period January to December 2005 Trial Chamber II issued a total of 61 orders and decisions in addition to conducting the main trial. All motions and applications filed before the Trial Chamber during this period had been disposed of at the time of this report. Below are some of the decisions issued by the Trial Chamber:

#### Decision on Renewed Prosecution Motion for Protective Measures for Witnesses

On 4 May 2004 the Prosecution filed a Motion seeking an order that the protective measures ordered by Trial Chamber I to Prosecution witnesses testifying in an earlier case ("RUF Trial") should apply to the same witnesses when testifying in the AFRC trial. On 3 February 2005, the Trial Chamber dismissed the Motion as redundant because the Prosecution witnesses in the AFRC trial were deemed under Rule 75 (F) to continue enjoying the protective measures ordered earlier. In a related Decision, the Trial Chamber extended the rolling disclosure period for unredacted witness statements to the Kanu Defence team to 42 days, in keeping with the period applicable to the other two Co-accused.

# Decision on Defence Motion for Defects in the Form of Indictment

A preliminary Motion filed on 1 March 2005 by the Brima Defence challenging alleged defects in the form of Indictment was dismissed as timebarred.

#### Decision Amending the Consolidated Indictment by Withdrawing Counts 15-18

The Trial Chamber granted the request of the Prosecution to withdraw four counts of the Amended Consolidated Indictment containing charges of intentional attacks against United Nations Peacekeeping Forces in 2000. The Trial Chamber was satisfied that there was no prejudice to the Accused by withdrawing the charges. In its decision of 15 February 2005, it further ordered that all three accused be personally served with a copy of the amended indictment.

#### Decision on the Report of the Independent Counsel Pursuant to Rules 77(C)(iii) and 77(D) of the Rules

Even though the Trial Chamber ensures rigid protective measures for victims and witnesses owing to the establishment of the Special Court in a war-affected country, a protected Prosecution witness, whose identity had been unlawfully disclosed, was threatened by certain members of the public whilst in the middle of her testimony. The Trial Chamber ordered an independent investigation into this matter pursuant to Rule 77 (C) (iii) of the Rules of Procedure and Evidence. Upon receipt of the report on 29 April 2004 Trial Chamber II issued a Decision on the Report of the Independent Counsel Pursuant to Rule 77, which attached orders in lieu of indictments against five individuals for alleged contempt of court regarding the protected witness. Trial Chamber II also ordered that the contempt proceedings be determined by Trial Chamber I, or a single judge thereof.

#### Decisions on the Withdrawal and Reappointment of Defence Counsel

On 5 May 2005 Lead Counsel for the accused Alex Tamba Brima and Brima Bazzy Kamara applied to the Trial Chamber for leave to withdraw from the AFRC Case citing "the most exceptional circumstances". The Trial Chamber granted their application in an oral decision on 12 May 2005, and gave its reasoned ruling on 20 May 2005. New Counsel were assigned for the accused Brima and Kamara. Subsequently, on 9 June 2005, the Trial Chamber rejected an application by the accused Brima and Kamara to have their Lead Counsel, who had withdrawn from the case, re-appointed, but granted the accused leave to appeal the decision.

#### Decisions related to "Expert Witnesses"

On 5 August 2005, the Trial Chamber granted the Prosecution request to add an expert witness to the Prosecution Witness List pursuant to Rule 73*bis*  (E). A Defence objection that the witness did not possess the expertise to testify about the phenomenon of "forced marriages" during the conflict was rejected. On 17 June 2005 the Trial Chamber rejected as premature a Defence motion seeking to treat and cross-examine two Prosecution witnesses of fact as "expert witnesses", based upon information contained in their pre-trial statements. The Trial Chamber ruled that the witnesses, who had not yet testified, were not called as "experts" but rather as "witnesses of fact".

#### Decisions relating to the disclosure of information by the Prosecution pursuant to Rules 66 and 68 of the Rules

On 4 May 2005 the Trial Chamber rejected a Motion to compel the Prosecution to disclose to the Defence handwritten statements of witnesses. original investigators' notes and any other materials pertaining to initial witness interviews, used in the preparation of witness statements but subsequently destroyed by the Prosecution. The Trial Chamber ruled that since these materials had been used to prepare witness statements that were disclosed to the Defence, the Prosecution had duly discharged its disclosure obligations under the Rules. Similarly, on 17 June 2005 the Trial Chamber dismissed a Motion seeking to compel the Prosecution to disclose certain confidential information used in the preparation of a pre-trial witness statement on grounds that the information was privileged under Rule 70 (B) of the Rules.

#### Decision on Compelling a Witness to Answer Questions that He Declines to Answer on Grounds of Confidentiality

On 16 September 2005 the Trial Chamber rejected an application by the Prosecution that a witness, who previously worked as a United Nations Human Rights Officer in Sierra Leone, be permitted to testify without being compelled to answer questions revealing his sources of information on the ground that he obtained certain information on a confidential basis in the course of his duties. Subsequently the Prosecution withdrew the witness. On 12 October 2005 the Trial Chamber granted the Prosecution leave to appeal the decision.

#### Judicial Notice Pursuant to Rule 94(A) and Admission of Evidence Pursuant to Rule 92bis of the Rules

On 25 October 2005 the Trial Chamber issued its decision on the Prosecutor's Motion for Judicial Notice and Admission of Evidence. The Trial Chamber partially granted the Motion and took judicial notice of various facts pursuant to Rule 94 (A) of the Rules. In the same decision, the Trial Chamber rejected the admission of certain documents in their present form and ordered the Prosecution to re-file the documents. After the subsequent filing and hearing of the parties' submissions, on 18 November 2005 the Trial Chamber admitted information contained in 45 documents into evidence pursuant to Rule 92bis of the Rules.

# **» THE PROSECUTOR V. CHARLES GHANKAY TAYLOR**

Following the arrest of the eleventh indictee, Charles Ghankay Taylor and his transfer to the Special Court on 29 March 2006, the President formally assigned his case to Trial Chamber II. On 3 April Justice Richard Lussick, Designated Judge, formally arraigned the accused on an 11 count indictment. The Accused pleaded "not guilty" on all counts. Subsequently several pre-trial motions were filed before Trial Chamber II including the Confidential Prosecution Motions for Protective Measures and for Non-Public Disclosure of Identifying Material and Urgent Defence Motions Against Change of Venue of the Taylor Trial. Decisions have been issued on all motions. All motions filed in the case of Prosecutor v. Taylor before the Trial Chamber have been disposed of.



>> (L-R) Justice Thompson, Justice Boutet and Justice Itoe of Trial Chamber I

#### **APPEALS CHAMBER**

Pursuant to Article 19(4) of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court, Appeal Judges will not take permanent office before the completion of the first trial. Accordingly, the Appeal Judges do not sit permanently in Freetown, from where they correspond with the Special Court by electronic means and telephone. These conditions of work, although unusual, have not prevented the Appeals Chamber from rendering, since the beginning of the Court, more than forty decisions on preliminary motions and interlocutory appeals containing substantial legal findings. The Appeals Judges gathered in Freetown in May 2005 for the 6<sup>th</sup> Plenary.

Since no trial has been completed before Trial Chambers, the Appeals Chamber was seized only of interlocutory appeals. These appeals presented an occasion to issue crucial rulings on various procedural issues.

#### Right to Appeal

In its Decision of 17 January 2005 in the CDF Case, the Appeals Chamber dismissed the Prosecution appeal against the Trial Chamber's denial of leave to appeal. This Decision explains the applicable criteria for granting leave to appeal and clarifies that recourse to the inherent jurisdiction of the Court is limited to circumstances where "the Rules are silent and such recourse is necessary in order to do justice."

#### Bail

The Appeals Chamber Decision of 11 March 2005 dismissed accused Fofana's appeal against a Trial Chamber decision refusing bail. The Appeals Chamber affirmed its earlier decisions on the issue of bail and made findings on the issue of admissibility of evidence.

#### Amendment of Indictment

On 16 May 2005 the Appeals Chamber ruled on an interlocutory appeal in the CDF case relating to the amendment of the Indictment. This decision contains crucial legal findings on the right to amend an indictment, in particular after the beginning of the trial, the consequences of the amendment, and the issue of vagueness of indictment. The Appeals Chamber recalled the limits of its powers and recommended a purposive interpretation of the Rules.

#### Judicial Notice

In another decision rendered on 16 May 2005, the Appeals Chamber clarified issues relating to judicial notice and to

alternate means of proof before the Court. The Appeals Chamber also made an important finding on the existence of an armed conflict in Sierra Leone, namely that "the fact that there was an armed conflict in Sierra Leone is a 'notorious fact of history''' which "cannot be subject to *reasonable* dispute" and can therefore be judicially noticed without need for further evidence.

#### Appeals in Contempt Proceedings

The Appeals Chamber rendered two decisions on the issue of contempt proceedings in the AFRC Case on 23 June and 17 August 2005. These decisions not only clarify the procedure applicable to contempt proceedings, but also emphasize the need for a strong and efficient protection of victims and witnesses and for the prosecution of those who violate their protection.

#### *Re-assignment of Defence Counsel*

On 8 December 2005 the Appeals Chamber made important rulings on the rights of the Defence. In particular, the Appeals Chamber addressed the accused's right to select counsel and the right to a fair and public hearing. The Appeals Chamber also delineated the respective powers of the Registrar and of the Principal Defender and reemphasized the limits of the inherent jurisdiction of the Court.



#### **OTHER CHAMBERS ACTIVITIES**

#### 6<sup>th</sup> Plenary Meetings of the Special Court:

The sixth Plenary Meeting of the Judges was held on 13 and 14 May 2005. The Plenary adopted a number of amendments to the Rules of Procedure and Evidence, in particular amendments to Rules 26, 27, 45, 73, 75, 77, 79, 85, 86 and 98, and the inclusion of a new Rule 7bis. Among these amendments, the most significant are the following: the amendment of Rule 75—Protective Measures, in order to address the problem of common witnesses between two Trial Chambers; the amendment of Rule 98—Judgment of Acquittal, which was made to affect a more expeditious procedure; and the amendment to Rule 85 (C), which provides that an accused person who chooses to testify should appear before calling defence witnesses.

The Rules of Detention were amended and a Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone was adopted. The Plenary adopted, in principle, the Annual Report for 2004. The Plenary also considered several options relating to the appointment of Alternate Judges. The Judges unanimously indicated their preference that Alternate Judges be appointed as soon as possible.

#### President of the Special Court Address UN Security Council

On 24 May 2005, the President of the Special Court, Justice Emmanuel Ayoola, briefed the United Nations Security Council on the progress of the Court, the issues affecting its completion, and the immediate need to transfer former Liberian leader Charles Taylor to the Special Court. Justice Ayoola urged the Security Council to give its support to the Special Court, particularly in the areas of funding, the transfer of indictees, and the maintenance of the necessary security to enable the Court to complete its operations safely.

#### Council of Judges:

A Council of Judges was held on 18 and 19 October 2005 at the seat of the Special Court. The President, the Vice-President, and the Presiding Judges of the two Trial Chambers met in closed session to discuss matters of court administration and policy.

#### Office of The President:

Following the expiration of the term of office of Justice Ayoola as President of the Special Court, Justice Fernando of Sri Lanka was elected as Presiding Judge of the Appeals Chamber and therefore President of the Court on 14 May 2005 for a term of one year. Justice King of Sierra Leone replaced Justice Fernando as Vice-President from 27 May 2005 until 27 September 2005, and was then replaced as Vice-President by Justice Robertson of the United Kingdom.

#### Judge for Staff Appeals

Justice Lussick, elected Staff Appeals Judge by the Plenary on 15 May 2005, resolved two appeals lodged by staff members against administrative decisions of the Registrar.

#### **Disciplinary Panel**

Justice Doherty was appointed Chair of the disciplinary panel pursuant to the Code of Professional Conduct for Counsel and chaired one disciplinary hearing.

#### Seminar on Gender Justice

In April 2005, all of the Judges of the Trial Chambers and Justice Gelaga King of the Appeals Chamber attended a two-day weekend seminar entitled "Gender Justice in International Law and Tribunals" organised by the Coalition for Women's Human Rights in Conflict Situations. The seminar focused on sexual and gender violence in international law and included presentations by Justice Navanethem Pillay of the International Criminal Court.

#### Exchange with Judges of other War Crimes Tribunals in The Haque

From 28 to 30 October 2005, the Judges of Trial Chambers I and II participated in a joint conference and seminar in The Hague, exchanging views and experience with other judges of the ICTY, ICTR, the ICC, and the Special Panels for Serious Crimes in East Timor. The visit was organised by the Berkeley War Crimes Study



Centre of the University of California, and was sponsored by the Wang Family Foundation. The presentations of the judges and senior legal staff of the ICTY were followed by productive discussions and exchanges on substantive and procedural law and case management. The Judges of Trial Chamber II also met with the Registrar and the President of the ICTY and with the President and all Judges of the ICC.

# Digest of Jurisprudence of the Special Court for Sierra Leone

In 2005, the Legal Officer in the Appeals Chamber, Cyril Laucci, compiled a "Digest of Jurisprudence of the Special Court for Sierra Leone," which will be published by Martinus Nijhoff Publishers.

>> Judges of the Appeals Chamber, Trial Chamber I, Trial Chamber II and the Registrar at the May 2006 Plenary.



# **» THE OFFICE OF THE PROSECUTOR**



>> Prosecutor Desmond de Silva, QC

Broken in body or mind but not in spirit, the brave and courageous citizens of Sierra Leone by their dozens will come forward in this chamber over the next few months to tell you events in their lives or the lives of murdered friends or relatives that were unimaginable in their brutality, unspeakable and beyond description...by the truth of the witnesses, the past will unfold before you. We must go back in time before Sierra Leone can move forward into the light of a brighter tomorrow."

---- opening statement to the AFRC trial

#### OVERVIEW

The Prosecutor is entrusted with investigating and prosecuting those 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 Office of the Prosecutor was fully staffed and running during 2005, with three on-going trials under way. Investigations continued with regards to indictees still at large.

This year also saw the first Prosecutor, David M. Crane, retire after three years; he was succeeded by Desmond de Silva QC, who had served as his Deputy for the same period of time. Dr Christopher Staker was appointed as Deputy Prosecutor in July.

The Prosecutor continued his diplomatic efforts in Europe, the United States of America and West Africa to ensure the transfer to the Special Court of the former President of Liberia, who was indicted by the Special Court in 2003. The Prosecutor undertook an extensive campaign to raise awareness in the international community about the importance of such a transfer; as a result of which numerous resolutions and statements calling for such action were issued by a number of international institutions including the European Parliament in February, the United States Congress in May, and the United Nations Security Council (Res. 1638) in November.

#### PROSECUTION

The year began with the Prosecution continuing to present its cases against the respective leaders of the CDF and RUF. On 7 March 2005, the then Prosecutor David M. Crane and Trial Attorney Boi-Tia Stevens delivered the opening statement in the trial of the three AFRC Accused. On 14 July 2005, the Prosecution closed its case in the trial of the three CDF accused. The prosecution case, which had commenced on 3 June 2004, comprised five trial sessions spanning over a year. 75 Prosecution witnesses, including three expert witnesses, out of a list of 154 witnesses initially filed by the Prosecution, gave evidence before Trial Chamber I. After the Trial Chamber dismissed the motions for judgements of acquittal, the Prosecution has been actively preparing for the start of the Defence case.

The RUF trial had proceeded at a slower pace than the other two trials, and this continued in 2005. The longer duration of the trial is due to the fact that RUF abuses are alleged to have taken place over a longer period than those for which the CDF and AFRC leaders stand accused. The AFRC trial proceeded at a relatively rapid pace. Evidence was heard from 48 witnesses by the August recess. On 25 October 2005, the Trial Chamber issued a decision on the Prosecution's application for judicial notice and on 21 November 2005, the Prosecution closed its case after calling 59 witnesses from an initial core Prosecution witness list of 63 filed in February 2005. This included three expert witnesses.

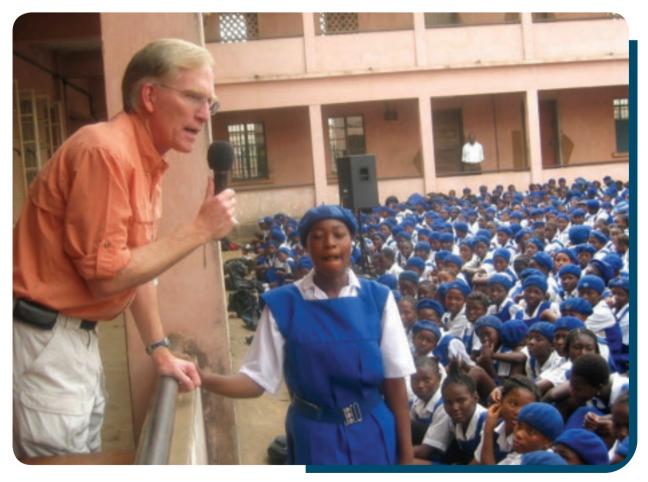
Throughout the year, the Office of the Prosecutor filed and responded to various motions and filings before Trial Chambers I and II and the Appeals Chamber pertaining to all three trials.

The three ongoing trials at the Special Court, each involving three accused, have now reached an advanced stage, with the Prosecution having closed its case in the CDF and AFRC trials. Although the RUF trial is still in the prosecution phase, the Prosecution expects to close its case in mid-2006. Any final appeals in the three cases will be filed and considered as soon as each trial is completed.

#### INVESTIGATIONS

During 2005, the Investigations Section followed up on Prosecution inquiries concerning the Accused in the CDF, RUF, and AFRC trials. As the Prosecution closed its cases in the CDF and AFRC trials, it began to prepare for the defence cases, with the Investigations Section tasked to follow-up on various leads for potential rebuttal evidence. Four investigators were dispatched on four missions throughout Sierra Leone upon such matters.

In 2005, the larger part of the work of the Investigations Section was focused on the Charles Taylor case and on following leads on the whereabouts of Johnny Paul Koroma, the two



>> Former Chief Prosecutor David Crane

indictees who still remained at large. The ongoing Taylor investigation has involved 30 missions encompassing Europe and other parts of West Africa. During 2006, the Taylor case will continue to be the Investigations Section's main focus.

The search for Johnny Paul Koroma resulted in seven missions during 2005, involving travel to many West African countries outside Sierra Leone. Contradictory reports exist concerning his whereabouts and as to whether he is dead or alive. No definite confirmation either way has emerged as yet, and investigations continue to follow up on all leads.

The Investigations Section also trained 48 senior police investigators from throughout Sierra Leone. Two groups of police officers received training at the Special Court during November and December 2005, to be followed by two courses on Source/Witness Protection in January and February 2006. The aim is to increase the professionalism of the Sierra Leone Police and build their capacity in law enforcement after over a decade of civil war. At the request of the Office of the Prosecutor, the two week training course on Major Case Management was funded by a grant from the Canadian Government through the Department of Foreign Affairs and International Trade.

#### DIPLOMATIC INITIATIVES

Along with managing the prosecutions and investigations, the Prosecutor also remained engaged in diplomatic meetings within Sierra Leone and at the international level. He met with visiting dignitaries and attended regular meetings with the diplomatic community in Freetown. In addition, he continued to maintain close relations with the United Nations peacekeeping missions in Sierra Leone and Liberia: namely the United Nations Mission in Sierra Leone (UNAMSIL) and the United Nations Mission in Liberia (UNMIL). In February 2005, Mr. de Silva traveled to Strasbourg, France, where, after addressing a number of meetings attended by members of the European Parliament, he was present when the representatives of the 25 EU Member States voted unanimously for a resolution calling upon Nigeria to surrender ex-President Taylor to the Special Court for trial. Following upon that success, lobbying by the Office of the Prosecutor led to resolutions being passed in the U.S. House of Representatives and in the U.S. Senate to the same effect. The Office of the Prosecutor continued to do everything in its power to galvanize political leaders worldwide to support the need for Charles Taylor to be brought to justice in Sierra Leone.

The Prosecutor was also deeply involved in the Special Court's Outreach and Public Affairs programmes. He traveled extensively within Sierra Leone to explain the work of his Office through town hall meetings that were always well attended by various groups,



>> Prosecutor de Silva handing out a certificate during a training session

including police, students, civil society and citizens in rural areas.

In June 2005 the then Prosecutor, David M. Crane, hosted the second Prosecutor's Colloquium for the Prosecutors of international criminal tribunals, which was held at the Special Court. The Prosecutors represented the world's four international criminal tribunals working to end impunity for the most serious crimes under international law, and to contribute to peace and the prevention of future crimes. The Colloquium discussions determined that international justice was at a crossroads, and that in order to fulfil their mandates and deliver justice effectively, the tribunals were greatly reliant upon the cooperation of national states.

The Colloquium allowed the Prosecutors of the International Criminal Court (ICC), the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) to learn more about the work of the Special Court and share important lessons from its work in Freetown.

Upon taking up his new position in mid-July 2005, the new Prosecutor of the Special Court, Desmond de Silva QC, had a number of meetings with the diplomatic missions in Freetown, as well as with members of the local judiciary and the Government of Sierra Leone. He also travelled to the UN to attend the Pledging Conference for the Special Court on 30 September 2005 where he met with donor governments, and members of the U.S. Congress, and the U.S. administration. The Prosecutor also travelled to Europe, visiting Brussels and London to discuss the work of the Court, and also to meet with European parliamentarians and European Commission officials specifically to discuss the Charles Taylor case.

### >> TIMELINE OF MAJOR EVENTS

• On 24 February 2005, the European Parliament unanimously passed a resolution calling for Nigeria to transfer Charles Taylor to the Special Court for Sierra Leone.

• On 4 May 2005, the US House of Representatives passed a resolution calling for Nigeria to transfer Charles Taylor to the Special Court for Sierra Leone.

• On 11 May 2005, the US Senate passed the 4 May House resolution by unanimous consent, joining the call for Nigeria to transfer Charles Taylor to the Special Court for Sierra Leone.

• On 24 May 2005, members of the United Nations Security Council underlined the importance of ensuring that all those who have been indicted by the Special Court appear before it, thereby strengthening the stability of Sierra Leone and the sub-region and bringing an end to impunity.

• **On 30 June 2005**, a coalition of some 300 African and international civil society groups sent a declaration to the African Union demanding that Nigeria surrender Charles Taylor to the Special Court for Sierra Leone.

• On 11 November 2005, the UN Security Council passed resolution 1638, which gave the UN mission in Liberia (UNMIL) the power to apprehend and detain Charles Taylor if he ever returned to Liberia and to facilitate his transfer to the Special Court.

• On 17 March 2006, it was confirmed that Liberian President Ellen Johnson-Sirleaf requested President Obasanjo of Nigeria to transfer Charles Taylor to the Special Court for Sierra Leone. President Obasanjo agreed to consult with the African Union and West African leaders.

• On 25 March 2006, Nigeria's President Olusegun Obasanjo announced that his government would honour Liberia's request that Charles Taylor be returned to Liberia.

• On 29 March 2006, Charles Taylor was detained by Nigerian authorities on the border of Nigeria and Cameroon and transferred to Liberia. There he was apprehended and detained by UNMIL and transferred into the custody of the Special Court in Freetown.

• On 3 April 2006, Charles Taylor had his initial appearance before the Special Court in Freetown and pleaded not guilty to all charges.

#### CHARLES TAYLOR AT THE SPECIAL COURT

Charles Taylor arrived at the Special Court the evening of 29 March, 2006. Upon his arrival he was transferred into the custody of the Special Court, arrested by a member of the Sierra Leone Police, and was read the amended 11-count indictment issued against him by the Prosecutor.

The arrest and transfer of Charles Taylor is of great significance. He is the first African former head of State to face charges of war crimes at the international level.

#### The Charges against Charles Taylor

The indictment against Charles Taylor was confirmed on 7 March 2003. On 16 March 2006 Justice Bankole Thompson granted a Prosecution request to amend the indictment.

The amended 11-count indictment accuses 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. Specifically, the crimes include charges of terrorizing civilians, subjecting civilians to collective punishment, murder, sexual violence including rape, abduction and hostage taking, severe mutilation, including the cutting off of limbs and other physical violence and inhumane acts, enslavement, forced labour, recruitment of child soldiers, arson, looting, and pillaging.

Following the transfer of Charles Taylor to the Special Court detention facility



in Freetown on 29 March 2006, the President of the Special Court assigned the case to Trial Chamber II. Pursuant to Rule 61 of the Special Court's Rules of Procedure and Evidence, on 3 April 2006 the initial appearance of Charles Taylor was held before Justice Richard Lussick . Charles Taylor pleaded not guilty to all 11 counts of the indictment.

"I am pleased and relieved that he [Taylor] has been delivered to the Tribunal in Sierra Leone. I think it strikes an important blow to impunity."

– UN Secretary-General, Kofi Annan

>> Deputy Prosecutor Christopher Staker reaching out to Sierra Leoneans in Moyamba District



# » THE REGISTRY



>> Registrar Lovemore G. Munlo, SC

The Registry is responsible for the overall administration and management of the Court. It provides support services to the Trial Chambers, the Office of the Prosecutor, and the Defence Office, and serves as the official channel of communication for the Court.

The various sections comprising the Registry have worked to full capacity during the reporting period to ensure the successful continuation of the three trials in progress, the protection of witnesses, and the communication of information about the Court's activities and proceedings to Sierra Leoneans and the international community.

Administrative Support Section includes Finance, Personnel, Procurement, Communications and Information Technology, and General Services. Judicial Support Services of the Registry is responsible for Court Management, Detention, the Witness and Victims Support Section, Security, Press and Public Affairs, and Outreach. The Defence Office is also officially part of the Registry, although it acts mainly as an independent office in the interests of justice. The following section deals with the Registrar's Office, as well with the many sections, which are to be found in the Registry supporting the work of the Special Court.

#### THE REGISTRAR'S OFFICE

The Registrar's Office sits at the centre of the Registry's operations. Robin Vincent, the first Registrar of the Special Court who began his duties in June 2002, left the Court on 30 September 2005. He was replaced by Lovemore Munlo. who was appointed Interim Registrar on 1 October 2005 and confirmed as Registrar on 16 February 2006. Mr. Munlo had previously served as the Deputy Registrar of the International Criminal Tribunal for Rwanda (ICTR). The Registrar is supported by a Deputy Registrar, two legal advisors, a Special Assistant, a Completion Strategy Coordinator, a Project Officer, a Senior Secretary and an Administrative Assistant. The Registrar is also assisted by a part-time Liaison Officer based in New York, who represents the Registrar in Management Committee meetings and provides a conduit to Registry operations in Freetown.

The Registry began the year by working closely with the Office of Legal Affairs in UN Headquarters to facilitate the arrival of the Judges of Trial Chamber II. The Judges were appointed in December 2004 and then sworn in at a ceremony in Freetown on 17 January 2005.

In February, the Registrars of the Special Court and the International Criminal Tribunals for the former Yugoslavia and Rwanda attended a meeting in Arusha, Tanzania to exchange views about managing the tribunals and to identify best practices in the administration of international criminal justice based on their experiences. In March, the Registrar's Office also facilitated the visit to the Special Court by representatives of the International Criminal Tribunals for the former Yugoslavia and Rwanda to hold joint discussions on best practices with the Completion Coordinator, the Outreach Section, and the Public Affairs Office, in the context of the Inter-Tribunal Cooperation Project sponsored by the European Commission.

Upon completion of the Subvention Grant in December 2005 and a request to revert back to voluntary contributions for operations in 2006 and beyond, the Registry undertook a number of initiatives in 2005 to solicit voluntary funding for both core and non-core operations of the Court.

In May, the Registrar travelled to New York on the occasion of the briefing of the President of the Special Court, Justice Ayoola, to the United Nations Security Council on the successes and challenges of the Court. Justice Ayoola urged the Council to continue to provide its support in the areas of funding, security, and the transfer of indictees. The briefing was followed by a press conference including the President, the Registrar, the Prosecutor, and the Chief of Investigations.

Through a generous grant provided by the Ford Foundation, a fundraising consultant, Development Resources Inc. (DRi), was engaged by the Special Court in March to assist in developing and implementing a fundraising strategy for operations pertaining to non-core activities such as outreach, witness and victims support, and legacy projects. The fundraising strategy was approved by the Management Committee in mid-2005.

In July, the Registrar participated in a fundraising event in New York with North American foundations, which was organised by the Court's fundraising consultant and hosted by the Ford Foundation. The event sought to raise the profile of the Special Court within the American donor community. Within the same month, a Project Officer commenced work within the Office to launch the Court's legacy programme and to assist in the efforts to raise funds for various noncore activities of the Court including outreach and legacy projects.

Throughout September, the Registry coordinated with the United Nations

to convene a pledging conference with member states to raise funds for Court operations in 2006. On 30 September 2005, fifteen states pledged approximately \$8.8 million towards the Court's operations in 2006. The European Commission, under the European Initiative for Democracy and Human Rights (EIDHR), pledged €695,000 for the Court's "Victims Justice & Legacy Project" which provides funding for extra-budgetary activities such as outreach and witness and victims support.

In November, the Interim Registrar attended a conference in Brussels organised by the fundraising consultant and hosted by No Peace Without Justice at the European Parliament. This conference was organised to raise the profile of the Special Court and attract the interest of potential donors to fund its legacy projects. The Brussels conference was followed by a series of meetings in London.

Throughout the reporting period, the Office of the Registrar handled matters pertaining to the security of the Court. In September, Security Council Resolution 1626 mandated the United Nations Mission in Liberia (UNMIL) to provide security support to the Court after the departure of UNAMSIL. The Registrar and, subsequently, the Interim Registrar continued to consult closely with the UNDPKO and UNMIL to assist in the development of a concept of operations for the force and to identify a troop contributing country to take over from the Nigerian battalion. In January 2006, Mongolian Peacekeepers took over the security of the Court.

In October, the Interim Registrar undertook new initiatives to pursue agreements for the evacuation of the detainees and staff in case of a security breakdown, and to conclude an agreement on the temporary transfer of detainees for medical treatment.

In November, the Office of the Registrar facilitated the finalisation of the reappointment of the Judges of Trial Chamber I and the Appeals Chamber Judges.



>> School children visit the Court

Throughout the reporting period, the Registrar chaired various meetings of the internal Senior Management Board, the membership of which includes the Prosecutor, 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. 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 providing senior staff across the Court with feedback on the Court's performance from the perspective of civil society. The Registrar is also active on the media front, and is regularly interviewed by national and international media. During the reporting period, the Registrar met with the following organisations:

Human Rights Watch, International Centre for Transitional Justice, Centre for Human Rights of the University of Pretoria, University of California of Berkeley War Crimes Studies Centre, Ford Foundation, MacArthur Foundation, JEHT Foundation, Foreign and Commonwealth Office, the US State Department, UN Department of Peacekeeping Operations, UNAMSIL, Commonwealth Secretariat, Oak Foundation, No Peace Without Justice, Ministry of Foreign Affairs of Denmark, Ministry of Foreign Affairs of the Netherlands, Ministry of Foreign Affairs of Nigeria, Charge d'Affairs of Germany, European Commission, International Committee of the Red Cross, Open Society Institute, John D. and Catherine T. MacArthur Foundation, Samuel Rubin Foundation, British Council, and the Justice Sector Development Programme.

The Registrar travelled to North America and Europe at regular intervals throughout the year on official Court business. Conferences attended by the Registrar include "Transitional Justice and the Rule of Law in Post-Conflict Societies: The Role of International Actors" at Wilton Park, United Kingdom and the Working Group on International Legal Issues (COJUR) in Brussels, Belgium.

#### **REGISTRY LEGAL OFFICE**

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

The day to day work of the Office included advising the Registrar on matters relating to the detention of accused persons, the Witness and

Victims Unit, personnel matters, including staff disciplinary proceedings and staff appeals; and reviewing contracts entered into by the Court for the supply of goods or services and the application of the Financial Regulations and Rules; and drafting amendments to Practice Directions and administrative instruments.

The Legal Advisor also represented the Registrar in the Sixth Plenary Meeting in May 2005, where the Office presented the draft Code of Professional Conduct for Counsel and draft amendments to the Rules of Detention. Both were adopted by the Plenary.

The Office has continued negotiations with third States to enter into cooperation agreements with the Court for the enforcement of sentences and relocation of witnesses. In anticipation of the expiry of the mandate of UNAMSIL on 31 December 2005, the Office commenced negotiations for a new agreement for cooperation and the provision of assistance to the Court by the United Nations Integrated Office of Sierra Leone.

During the course of the year, there was a hearing of the Disciplinary Panel concerning allegations of misconduct against two counsel under the Code of Professional Conduct for Counsel. The Office was involved in processing the complaint and facilitating the subsequent hearing.

The Office was also responsible for appointing an independent counsel to investigate and prosecute five persons charged for contempt of court arising out of an incident in Trial Chamber II. This action was taken under the direction of the Trial Chamber.

Throughout the year, the Office drafted submissions in response to a number of motions and appeals in the Trial Chambers and Appeals Chamber respectively. The decisions determined various issues relating to the role and functions of the Registrar, including special measures of detention, the Registrar's responsibility for the rights of the accused and the inherent jurisdiction of Chambers to review the Registrar's decisions.

#### **Completion Strategy**

During the reporting period, the Registrar's Office continued its monitoring of trial developments and ensured that those were reflected in the periodical updates of the Completion Strategy paper, the first version of which was adopted by the Management Committee on 6 October 2004. The Court's updated Completion Strategy paper, approved by the Management Committee on 18 May 2005, was formally presented by the Secretary-General to the Security Council and the General Assembly on 26 May 2005 [in UN document A/59/816-S/2005/350]. In addition to monthly status reports to the Management Committee, the Committee was informed of major judicial decisions influencing the progress of trials.

Working groups on the three Completion Strategy phases (set out below) dealt with the practical implications of the Court's trial-related developments. Special efforts were made to retain key personnel who might otherwise resign to take up new opportunities as the conclusion of the Special Court draws near. In this regard, a draft Personnel Policy, elaborated by the Completion Working Group, was submitted for the consideration of the Management Committee by the Registrar. The policy was approved by the Management Committee on 19 October 2005.

As stated in last year's Annual Report, the completion of the Special Court's mandate is envisaged in three phases:

- In the Completion Phase, final judgments (including appeals, as appropriate) will be rendered against all accused in custody. Those convicted will be transferred to appropriate prisons in or outside Sierra Leone to serve their sentences. Simultaneously administrative and support services will be scaled down.
- The Post-Completion Phase involves residual judicial and administrative activities after the Court ceases

to exist in its current form. These activities include the supervision of the enforcement of sentences imposed by the Court; the continued support and protection of witnesses; the conduct of contempt and review proceedings; and the conduct of proceedings against any accused that surrender or are apprehended after the Court's existence. A residual mechanism will be needed to carry out these activities.

• The Court will continue to contribute to collective efforts to restore the rule of law in the Legacy Phase. A description of the various legacy activities is given under a separate heading.

#### Legacy

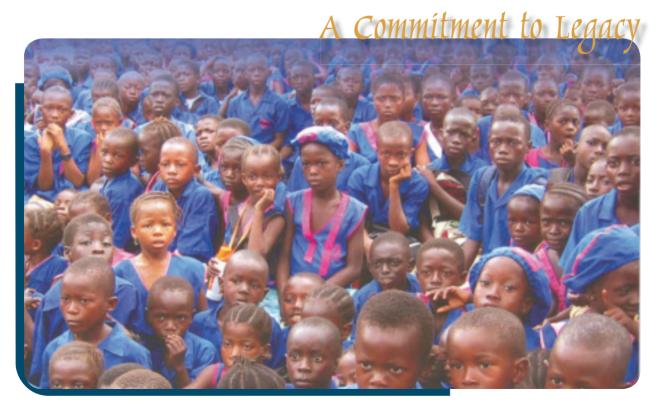
The Special Court has always recognised, not only the critical importance of leaving a legacy for the people of Sierra Leone, but also the unprecedented opportunity to contribute to the restoration of the rule of law.

With this in mind and as part of the Completion Strategy, the Special

Court created a Legacy Working Group in 2005 comprised mainly of Sierra Leoneans. The Working Group's objective is to identify and implement a range of projects which will contribute to the Special Court's lasting legacy. These projects focus on the transfer of judicial and administrative knowledge by building on current Special Court activities and complementing initiatives by other organisations to further enhance the administration of justice in Sierra Leone.

The legacy of the Special Court will be reflected in the sectors of human rights, international humanitarian law, rule of law, civil society and in the legal profession. Examples of current projects which contribute to each of the aforementioned areas include various training programmes and capacity building initiatives such as:

- Sierra Leone Police Training in Major Case Management and Source/ Witness Protection, funded by the Canadian Department of Foreign Affairs and International Trade;
- Court Interpreters Professionalizing Training Programme, funded by the European Commission.



Through the generous support of the European Commission, the Outreach Unit has also engaged in a number of legacy oriented projects including:

- Initiating a Grass Roots Campaign about the Special Court's mandate and the importance of a fair and independent judiciary;
- Establishing forums where various rule-of-law stakeholders from all sectors of Sierra Leonean society gather to discuss the way forward;
- Establishing "Accountability Now Clubs" to educate students about transitional justice, human rights, and transparent management;
- Producing booklets on topics pertaining to international humanitarian law;
- Developing national Special Court staff who are working as lawyers, administrators, technicians, security personnel, and detention staff through various training programmes;
- Providing national internships; and
- Assisting national judicial monitoring programmes.

Two significant legacy projects identified by the Legacy Working Group which are in need of funding include:

The Site Project: Assisting the Government of Sierra Leone in identifying potential uses of the Court site beyond the lifespan of the Court. Potential uses include a regional court, a training centre for legal practitioners, and an academic institution.
Radio Justice: is liaising with the BBC World Service Trust in developing

an 18 month project entitled Radio Justice. The objectives of Radio Justice include: enhancing understanding of the workings and objectives of the Special Court during the Court's lifetime; improving radio coverage of a broad range of issues related to human and civil rights, the rule of law, governance and elections, both during and after the lifetime of the Court; and improving journalistic and production standards, and

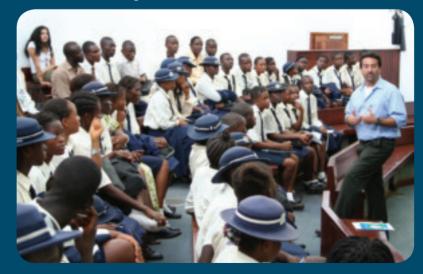
# A Commitment to Legacy

In the nationally located Iribunals, international personnel work side by side with their national counterparts and on-the-job training can be provided. Such benefits, where combined with specifically tailored measures for keeping the public informed and effective techniques for capacity building, can help ensure a lasting legacy in countries concerned.

— Report of the Secretary-General of the UN on "The Rule of Law and Transitional Justice in Post-Conflict Societies" S/2004/616 23 August 2004

#### << Legacy booklet cover

>> School children visiting the court room







<< The Principal Defender reaching out to Sierra Leoneans in Bo District

strengthening national broadcasting infrastructure. The BBC WST trust will manage and deliver the project. They will work with local radio stations around the country and provide training to various journalists in order to achieve the aforementioned objectives.

The Special Court is also liaising with the University of California at Berkeley War Crimes Studies Centre to develop a project called the Virtual Tribunal. The Virtual Tribunal seeks to preserve the records of the Court in an electronic format for posterity.

#### THE DEFENCE OFFICE

The Special Court's creation of a Defence Office is an innovation in the structure of international courts. The mandate of the Defence Office, headed by the Special Court Principal Defender, is to ensure the rights of suspects and accused in accordance with the Statute and Rules. During the period under review, the Defence Office continued to be of service both to the accused persons and their Assigned or Court-Appointed Counsel. In a decision dated 8 December 2005, the Appeals Chamber clarified the relationship between the Defence Office and the Registrar and confirmed that "[a]s a creation of the Registrar, the Defence Office and at its head, the Principal Defender, remain under the administrative authority of the Registrar."

The Defence Office underwent administrative developments commencing with the arrival of the second Principal Defender of the Special Court, Professor Vincent O. Nmehielle on 29 May 2005. The highlight of this period was the expansion of the Office through the recruitment of additional permanent staff including the post of a Legal Advisor and three Assistants addressing witnesses, administrative, and legal issues respectively. The arrival of the new Legal Advisor enhanced the Defence Office's capacity to service the research needs of various Defence Teams. A new Legal Officer/Duty Counsel was recruited to replace a staff member who resigned. The German Government seconded a Senior Legal Officer to work with the Defence Office for six months as an expert

on International Humanitarian Law. He also worked on legacy aspects of the Defence Office as part of the Special Court's Legacy Working Group. In addition, the Defence Office opened its doors to a number of interns, national and international, who gained experience in the area of advocacy and human rights or for the fulfilment of their educational requirements. Of those, eight interns were from the United States, two interns were from Africa and six were from Sierra Leone. Two other students from Sierra Leone also spent some time in the Defence Office.

The Defence Office 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. The Defence Office continued to appoint lawyers on the List of Counsel willing to be assigned to indigent suspects or accused persons as per Rule 45 of the Rules of Procedure and Evidence. This activity was carried out consistent with the requirements of Article 17 of the Statute which enshrines the rights of each accused to a lawyer of his own choosing.

The Defence Office's work was also enhanced by the role played by the Witness Support Assistant, whose major responsibility is to liaise with the Special Court's Witness and Victims' Section (WVS) on all issues regarding defence witnesses. As the Defence Teams prepared for the opening of the defence cases, the Witness Support Assistant served as the main link between the Defence Office/Defence Teams and the WVS. He also provided needed support to Defence Teams by assisting in, for example, witness tracing and mobilisation. Through him, the Defence Office was able to coordinate financial and logistical arrangements for interviewing potential and confirmed defence

witnesses. On the eve of the opening of the first Defence case in the CDF Trial, the Witness Support Assistant worked with WVS to facilitate the movement of witnesses to Freetown and to monitor the welfare of defence witnesses in the custody of WVS.

The outreach aspect of the Defence Office's work was intensified during the period under review. The Principal Defender went on outreach events to Bo, Kailahun and Kambia. The Defence Outreach, in liaison with the Outreach Section of the Court, coordinated outreach events for Defence Office teams in various parts of the country. All Defence Outreach events were aimed at explaining to Sierra Leoneans the relevance and importance of the rights of the accused, the presumption of innocence and the burden and standard of proof in respect of criminal trials. Importantly, the Outreach events allowed Sierra Leoneans to also ask guestions pertaining to the on-going trials, from a defence perspective. The Defence is hopeful that this trend will continue.

In the period under review, the Office has also conceived of and hosted various successful training events targeting specific groups, for example, Defence Investigators. These events were aimed at boosting the ability of the Defence Teams to provide an effective defence for the accused. The Defence Office continued to maintain its relationship with representatives of international civil society.

#### **Defence Trial Developments**

The CDF case is the first defence case to be heard by the Court. On 27 October 2005, the Trial Chamber reconvened for a Status Conference to consider the preparation and presentation of the Defence case, which was expected in January 2006. In December 2005, the CDF Defence Teams filed their respective witness lists. It is estimated that approximately 150 witnesses will be called for the CDF Defence case.

During the period under review, the RUF trial continued with the Prosecution still presenting its case. The RUF Defence Teams were involved in extensive investigations throughout the country focusing on areas cited as crime bases in the indictment. Counsel in the various teams visited the alleged crime scenes and held several outreach events. This was designed to provide a more enabling environment for the investigators, some of whom had encountered difficulties in persuading people to come forth as witnesses because they feared victimization and harassment. This entire exercise was facilitated by the Defence Office, which provided the necessary logistics.

On 5 May 2005, Lead Counsel for both accused Alex Tamba Brima and Brima Bazzy Kamara withdrew from the matter. The Principal Defender appointed new Lead Counsel for Accused Brima on 23 July 2005 and for Accused Kamara on 26 July 2005. Both Counsel have reorganised the strategies of their teams and have appointed new Investigators.

#### ADMINISTRATIVE SUPPORT SERVICES

During 2005, the Administrative Support Services Section met the continued challenges of Special Court operations and improved the links between the Personnel, Finance, Budget and Procurement Sections and other Sections of the Court.

The Court was able to curb its 2003/2004 expenditure to fund 2004/2005 operations. Thus, the Court only began to use funds from the United Nations subvention grant, earmarked for the period 1 July to 31 December 2004, in March 2005 when the total activity of the Court increased with the arrival of the Second Trial Chamber. In Freetown in March 2005, the Chief of Administrative Support Services and the Registrar presented the Management Committee with the 2005/2006 budget, which was subsequently ratified in New York in April 2005.



< The Principal Defender Mr. Vicent Nmehielle in court with his staff



>> Defence Lawyers in the courtroom

According to the terms of the subvention grant, funds provided by the United Nations could only be used to supplement voluntary contributions. As the Court was able to secure \$US2.6 million additional contributions for its first half 2005 operations, the Section concentrated on identifying financial support for the 2006 operations. At a pledging conference held in September 2005, \$US8.8 million was pledged for this purpose.

#### **Budget Section**

The Budget Section continued to perform a critical analysis of programmed expenditures against fund availability and to report to the Management Committee and the United Nations Office of Program Planning, Budget & Accounts on the financial performance of the Court. The section also prepared statistical and summary reports for the various trust funds to satisfy contributor requirements.

The Administrative Services Section assisted the Office of Internal Oversight Services (OIOS) to conclude recommendations made during the 2004 audit, and assisted the Office of the Auditor General for South Africa to finalise its report for the financial period July 2003 to June 2004 (2003/2004 fiscal period). No performance or financial review audits were undertaken by either office during the calendar year 2005.

#### **Finance Section**

As explained in the previous Annual Report, the Finance Section successfully migrated from Quickbooks accounting system to SunSytems and finalized replication of the 2003/2004 year end closing of accounts and subsequent data update until the commencement of real time processing within SunSystems. Since then, the Special Court has been able to produce monthly and end-of-mandate financial reports and statements to meet the requirement for the UN Subvention Grant. Such financial reports and statements are distributed to the Registrar, the Chairman of the Management Committee, the Controller OPPBA, and the OIOS.

In 2005 the Finance Section, in coordination with CITS, began to use JPMorgan Access to process online wire transfers and for other banking needs, thereby increasing efficiency and reducing bank charges. Cooperation with CITS has also resulted in payroll improvements.

The Finance Section has embarked on capacity building for the Sierra Leonean staff. A National Finance Officer was recruited and is being trained on the closing of monthly accounts in addition to other challenges in the accounts unit. Other national staff in the Section are being trained to work in various capacities.

#### Procurement

The Procurement Section continued to play a crucial role in obtaining value-for-money in respect of goods and services provided to the Special Court. The efficiency of the Court procurement plan was enhanced with the introduction of an online procurement management system, which allowed all users to channel and monitor their activity through one integrated source.

During the year under review, goods and services contracts worth US\$1,950,748.00 were procured. Of this amount, over US\$1,235,000.00 was spent on goods while approximately US\$714,000.00 was spent on services. This amount reflects a marked reduction from the previous year's total of US\$6,291,125.57. This reduction is attributable to the fact that during this period the Court had completed most of its major projects including construction of the Courthouse, refurbishment of witness accommodation, and purchase of audio visual equipment for the courtrooms and vehicles for investigations.

#### **Personnel Section**

During the year 2005, the Personnel Section continued to facilitate the timely recruitment of national and international staff to ensure continuous operations of the Court. With the Court's completion strategy in mind, the Section embarked on assisting the Court to commence winding down total post numbers while ensuring that remaining tasks are unhindered by the post reductions. As the Court continued to undergo changes in staffing, along with substantial skill and knowledge base transfer from international to national staff, the Personnel Section continued to develop a personnel policy to retain staff in critical posts, reduce turnover, maintain appropriate staffing levels across all sections of the Court, and provide a framework to empower qualified Sierra Leonean staff to assume posts at higher levels.

#### Communications and Information Technology

In 2005, the Communications and Information Technology Section (CITS) supported the Court's core operations through system improvements and enhancements.

GENDER BALANCE				
Totals	International Staff	National Staff	Total Gender Percentage	
Female	33%	21%	26.35%	
Male	67%	79%	73.65%	

Improvements were made to communication services (PABX and GSM) to increase their reliability and accessibility and to meet the demand for these services. A new tender for the provision of mobile telephone services (GSM) was released to take advantage of a rapidly evolving and expanding local mobile phone market. Online billing for mobile and land-line telephone calls was introduced thereby improving the processing of phone accounts.

Upgrades to the Court's payroll and personnel management systems were also implemented to reduce processing time. The installation of the JP Morgan/ Chase Internet Banking facility and of the SUN Financial System assisted the Finance Section in standardising financial reporting and reducing banking charges.

The implementation of the Witness and Victim Support Services Database provided that Section with a facility to manage witnesses more effectively, with the automation of administrative and expenditure reports while maintaining the security and confidentiality of data. CITS, through the Audio Visual Unit, worked closely with the Outreach and the Press and Public Affairs Sections to support public events and to provide training to section members in the use of AV technology.

#### **General Services Section**

The General Services Section (GSS) is responsible for providing logistical and administrative support to all areas of the Court. The services provided by the section include facilities management, transport, general supply, travel, traffic, mail services, and inventory control. The section also generates 24 hour power on-site and is responsible for the provision of all utility services.

Throughout the 2005 reporting period, GSS continued to successfully meet the demands of the Court. A number of milestones were finally reached regarding the New England Site (NES): the installation of CCTV system and other components of the Integrated Security System (ISS); the erection of the on-site water tank; and a series of planned construction enhancements

\*The overall staffing authorization for this period is 341 posts. 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.

GENDER BALANCE				
Levels	Staff on Board	Authorised Levels	Post Incumbency	
Judge	11	11	100.00 %	
USG	1	1	100.00 %	
ASG	2	2	100.00 %	
D2-P5	9	13	69.23 %	
P4-P3	39	48	81.25 %	
P2-P1	20	23	86.96 %	
FS	63	65	96.92 %	
NPO	3	3	100.00 %	
GSL7-G4	131	139	94.24 %	
GSL3-G2	36	36	100.00 %	
TOTAL	315	341	92.38 %	

STAFF STATISTICS as 1 December 2005	s at
International Staff Nationality	Total
	10
Australia	13
Austria Bulgaria	2
Cameroon	1
Canada	10
Croatia	1
D.R. Congo	1
France	1
Gambia	3
Germany	3
Ghana	4
Guatemala	1
India	3
Ireland	1
Italy	2
Jordan	1
Kazakhstan	1
Kenya	3
Lebanon	1
Macedonia	1
Malawi	1
Malaysia	1
Nepal	1
Netherlands	2
New Zealand	2
Nigeria	6
Norway	2
Pakistan	7
Romania	1
Rwanda	1
Samoa	1
Sierra Leone	8
South Africa	4
Sri Lanka	1
Switzerland	1
Tanzania	8
Trinidad and Tobago	3
Uganda	3
Ukraine	2
United Kingdom	25
United States	10
National Staff	
Sierra Leone	179

**Grand Total** 

315

to works previously completed to an operational state only.

The Transport Unit received seven new vehicles and additional used vehicles through the UN as replacements for vehicles written off through accidents. The unit also moved to a more central location within the NES, enhancing the unit's overall support capabilities. While allocation of vehicle resources remained a constant challenge, the section focused on operational activities and supported all requests including an increasing number of Defence trips up-country.

Continuing efforts and actions to improve both non-expendable and expendable inventory accounting proceeded in earnest. The Field Asset Control System (FACS) and an expendable database programme, both adopted from the UN, remained invaluable tools. Routine, yet challenging, work relating to mail, pouch, freight, movement control and travel continued in an efficient and effective manner. During the reporting period over 780 Travel Authorisations were raised. The emphasis on data and cost capturing implemented in previous years was maintained, with both statistical results and UN scales of issue being used to minimise stock and to reduce overall expenditure.

The Property Survey Board (PSB) was established and now provides an auditable and regularised procedure for dealing with losses to the SCSL. In April 2005 the management and oversight of the staff cafeteria was transferred to GSS from the Staff Committee.

United Nations approval for UN military forces to remain as a security force for the SCSL highlighted the support the SCSL, and in particular GSS, has received from UNAMSIL throughout the reporting period. As part of the agreement relating to having UN forces on the NES, the Court purchased approximately \$US400,000 worth of depreciated UN accommodation containers, kitchen, and other support equipment to accommodate and support the force.

#### **COURT MANAGEMENT**

Court Management is responsible for the following departments: Court Records, Court Support, Language, Stenography and the Library. Court Records has a staff of four responsible for the filing and personal servicing of all judicial and legal documentation that is lodged before the Trial Chambers. These documents are not only served personally on Counsel within Sierra Leone, but are also electronically served through the Court Management Database to Counsel situated all over the world. To date, Court Records has processed over 2,400 documents. Court Support has three staff members who ensure that the courtrooms are trial-ready, and that all relevant departments and users are aware of the date and theme to be covered in the trials. They are responsible for ensuring that witnesses are sworn in, protective measures are followed, records are kept of all witnesses sworn in and the lengths of their testimonies, and any exhibits filed are logged and archived securely.

Under the supervision of the Head of Language Unit the 11-strong unit can provide simultaneous interpretation in five languages: English, Mende, Temne, Krio and Limba. Occasionally additional court interpreters are required to cover Kono-, Mandingo-, Kissi- and Lokospeaking witnesses. These interpreters are available to the court on a contractual basis.

The Head of Language Unit secured a portion of European Community funding, and is currently training an additional 10 interpreters, 8 of whom are women who will deal with female witnesses that have allegedly suffered severe sexual abuse and render female voices in general. The training begins with an entry test and then offers practice in consecutive and simultaneous interpretation, sight translation, memory training, listening comprehension, gist extraction, and the codes of ethics of the profession. The training is complemented by various lectures on the Court, on how to deal with the phenomenon of vicarious traumatisation, and on elocution. The trainees are continuously assessed. The interpreters/translators not only cover evidence in Court but also offer their expertise and support to Outreach, Press and Public Affairs, OTP, and Registry. They are also compiling a glossary of legal terms in Krio, Mende, Temne, Limba, Mandingo and Kono.

The Stenography Unit consists of seven highly-trained court reporters and typists who are responsible for accurately recording everything that is said within the Court. When not actually sitting in court, the reporters edit notes to ensure that all Court users receive the transcript within the agreed 24-hour period. This year has also seen court reporters sent on mission assignments to ensure accurate recordings of witness statements.

The Special Court Library houses publications covering Sierra Leonean and International Criminal Law, as well as a video and audio library of all public hearings at the Special Court. Many books have been purchased specifically by the Library; the Library has also received substantial donations of books and other legal texts from outside organisations and countries. Due to generous donations, the Library has been in a position to donate duplicate books and texts to the National Library of Sierra Leone. The Library is also equipped with four desktop computers that provide Court users with research facilities through both the internet and the Westlaw on-line legal database.

#### **SECURITY SECTION**

The Security Section of the Court directs and coordinates operational

plans to ensure a safe and secure working environment within the Court complex. In addition, the Security Section implements protective and preventative security measures to enhance the safety of the principals and staff members when off duty.

The Security Section provides specialist security services to meet the different needs of the separate entities within the Court. These include:

- Support to the Witness and Victims Support Section;
- Support to the Detention Facility;
- An armed close protection service for the court Principals;
- Emergency response, training, and advice to all staff members regarding personal and residential security precautions.

On 19 September 2005, Security Council Resolution 1626 mandated the United Nations UNMIL to provide security support to the Special Court after the departure of UNAMSIL on 31 December 2005. It authorized UNMIL to deploy from November 2005 up to 250 United Nations military personnel to Sierra Leone to provide a continuing international security presence for the Special Court.

After DPKO signed an agreement the arrival of the Mongolian contingent of U.N. troops who would take over responsibility for the protection of the Special Court from the Nigerian contingent. The Mongolian troops are now based both at the Special Court and at the Solar Camp, adjacent to UNIOSIL HQ. The Mongolian troops constitute the U.N. Military Guard Force assigned to protect the Special Court and are under the military direction of UNMIL, which has its headquarters in Monrovia. There is also close United Nations Integrated Office in Sierra Leone (UNIOSIL) which has a

Quick reaction forces of the Swedish and Irish Contingents of UNMIL are on standby to reinforce and assist the U.N. Military Guard force in Freetown, if required. Exercises to practice the deployment of the U.N. Rapid Reaction Force from Liberia by air, land, and sea began in February 2006.

During the reporting period, preparations were underway for a new integrated security system. The Integrated Security System (ISS) is now live with CCTV coverage of the perimeter and 95% of the site now available on a 24/7 basis. This greatly enhances the capability of the Security Section, improving access control and the visual monitoring of activity on the site by day and night. completion of the electronic access control systems. A Joint Control Room manned by the Security Section Duty Officer, the Mongolian Guard Force, and the Sierra Leone Police has been established to coordinate responses to incidents detected by the system. The technical improvements now being delivered by the Integrated Security System and CCTV coverage have greatly improved observation and control of the perimeter, access points, and internal operations such as the daily transfer of detainees between the Court and the



>> Nigerian Security Guards

#### 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 location of the Facility enables regular and easy access by all visitors and legal teams. The Detention Facility is staffed by both international and Sierra Leonean detention officers.

The detainees are accommodated individually in single cells, and they are permitted to have visits from family and friends on Wednesdays, Fridays, Saturdays and Sundays. As the third trial commenced in March 2005, legal visits greatly increased. At different times during the year several detainees refused to attend Court. When not in Court, the detainees have a 13 hour liberty day from 07.00 to 22.00 hours.

The detention facilities and the overall regime meet international standards for detainees. During the reporting year, the Detention Facility undertook several projects as part of its commitment to comply with such standards:

- A new and separate exercise area attached to "B" Block, one of the two nine cell accommodation units for detainees, was completed. Block B will therefore remain a self-contained facility for any other persons detained by the Court.
- The Court improved upon the high level of medical services provided to detainees by receiving new equipment and by hiring an additional nurse. The medical staffing level is 1 Medical Officer and 3 Nurses.
  Remedial English classes were
- provided by a part-time teacher to assist detainees to improve their written and oral language skills.
- Three computers were installed in the Detainee Recreation Room to provide the detainees with the opportunity to gain computer skills.

The welfare of the detainees is monitored by the International

Committee of the Red Cross to ensure that they are being treated in a manner consistent with the Rules of Detention and the international minimum standards. Thus a delegation from the ICRC visited the Facility at the end of May 2005. The ICRC Medical Officer carried out an independent visit in June 2005, and a report on their findings was submitted to the Registrar.

The international minimum standards also provide for discipline and punishment for those that threaten the security and good order of the facility with their behaviour or actions. No detained person or prisoner is punished without first being informed of the alleged offence and being given a proper opportunity of presenting his or her defence.

Visits to the Detention Facility by interested parties continued throughout the year. In May 2005, the Senior Legal Advisor to the SRSG (UNAMSIL) visited the facility accompanied by a representative of the UNAMSIL Human Rights Section. A report on their findings was submitted to both the SRSG and the Registrar.

A joint UN, Police and SCSL exercise took place in January 2006 to test the Contingency Plan for the evacuation of detainees from the Detention Facility in the event of an emergency. The exercise was used to validate the current plan and to provide information and feedback on how it might be improved.

The Memorandum of Understanding between the Court and the Sierra Leone Prison Service was renewed in June 2005. The agreement increased the number of Prison Staff who may be seconded to the Court from 45 to 60, thereby allowing the Court to meet future contingencies. The revised agreement also allowed the rotation of staff between the Prison Service and the Court at regular intervals. The first such rotation occurred on 1 August 2005 when six officers returned to the Prison Service. Their skills were put to immediate use as they formed the core of a new specialist Court Escort Group established by the Prison Service. An additional six Prison Staff were rotated in February 2006. The current complement of 45 Prison Service staff was increased to 55 to meet the additional security requirements to staff B Block for Charles Taylor's detention.

# 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 approximately 150 witnesses before Trial Chambers I and II and looked after more than 300 witnesses and their dependents.

The Section comprises 52 staff members, including a psychologist, psycho-social support staff, witness support officers, security and protection officers and cooks and cleaners for safe houses and secure premises, plus 9 casual staff for duties as night watchman and cleaners. The psychologist is also available to staff members who may be affected by stress or secondary trauma.

Witnesses under the care of the Court are offered psycho-social support, medical care and, in most cases, are accommodated 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 a need. A psycho-social assessment is done for all witnesses to determine vulnerability, and risk and security assessments are carried out for a substantial number of witnesses.

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. Special arrangements in collaboration with the local police are being considered as part of the post-trial strategy. The work load of the Section is constantly on the increase, and will continue to do so as the trials progress, and the number of witnesses under our care is growing. At the beginning of the year demand on the Witness Victims Support Section increased with the appointment of a second Trial Chamber, the start of AFRC trial on 7 March 2005, and the resumption of the CDF trial on 8 February. The completion of the Prosecution case in the CDF trial in July and the close of the Prosecution case in the AFRC trial in November meant that the section also had to relocate witnesses who had completed their testimony. In 2005, the Section also began preparing defence witnesses for the commencement of the Defence phases in the CDF and AFRC trials in early 2006. Premises were provided to the Defence teams for interviewing and prepping of witnesses and threat assessments of Defence witnesses were also made.

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, Outreach 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 on the trial process in particular are many and varied. A number of communities are isolated, with limited communications infrastructure. Literacy levels are low and there are a number of different languages and dialects. Outreach takes these factors into account 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.

Of the most significant events in 2005 was the Victims Commemoration Conference organised by the Outreach Section in March in conjunction with three partner organisations: the Inter-Religious Council, the Forum for African Women Educationalists, and the International Centre for Transitional Justice. The conference was officially opened by His Excellency, the President of the Republic of Sierra Leone, Dr. Alhaji Ahmad Tejan Kabbah. Also in attendance were Vice President Solomon Berewa and many other 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. The 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.



>> Outreach Training Event

Various activities undertaken by the Outreach Section in 2005 include:

- Gender Programme: Women's groups were encouraged to carry out sensitisation of rural women on gender issues, particularly in relation to the rule of law, human rights, and the Special Court's mandate.
- Video Screenings: Video screenings of redacted Special Court trials across the country continued in 2005.
- Radio Programming: Adequate radio coverage of the mandate and activities of the Court was carried out during 2005. Programming included expert interviews and panel discussions, and rapid response programmes that facilitate immediate response to deliberate misinformation, or clarification of easily avoidable misunderstandings. Towards the end of 2005, Outreach conducted audio interviews with the Prosecutor and the Principal Defender which were then broadcast on eleven radio stations in ten districts throughout December 2005 and January 2006.
- Children's Programming: Outreach networked with children's organisations and child protection agencies to promote children's rights and the protection of child witnesses as provided for in the Statutes of the Court. Informational materials on the Court were transcribed into Braille for five blind schools in Freetown and in the provinces. Debate and quiz competitions were also organised. Outreach also facilitated school visits to the Special Court. Interactive question and answer sessions were an integral part of the school visits.
- Accountability Now Clubs: The aim of these clubs is to involve University and post-secondary students in educating their peers and communities on the Special Court, transitional justice, and human rights, while teaching the efficient and transparent management of organisations.
- Capacity Building Initiatives as part of its Legacy Programmes: Outreach section has trained various groups including the military, police, and detention staff on topics pertaining to

international humanitarian law, rights of suspects and accused persons, and international standards of detention.

In October 2005, the Outreach Coordinator was invited to Phnom Penh, Cambodia by the Open Society Justice Initiative to meet with the task force of the Extraordinary Chambers in the Courts of Cambodia to share her experiences. Meetings were also held with Cambodian civil society organisations and a cross section of members of the diplomatic corps.

Outreach is grateful for funding from the European Commission and the Open Society Institute for West Africa.

#### PRESS AND PUBLIC AFFAIRS OFFICE

The role of the Press and Public Affairs Office is to ensure maximum transparency so people see that justice is being done. The Office's activities broadly fall into two categories: media relations and production of video and audio summaries of the trials The Office functions as a traditional press office producing press releases, pamphlets, brochures and booklets for both the local and international media, and also organises press conferences and public events. The Office provides information to the public about the Office of the Prosecutor, the Defence Office, and Chambers, while remaining at equidistance from each office to preserve strict neutrality.

The video and audio summaries of the CDF, RUF, and AFRC trials are produced and distributed through a number of channels: from mid September 2005 a one-hour weekly programme, "Eye on Sierra Leone," on the new ABC television station was launched. The programme features videos produced by the Press and Public Affairs Office and interviews with Court officials. Both English and Krio versions of the tapes are given to the Outreach division, and each outreach worker in the provinces organises screenings in villages, town halls, schools, military barracks, and other sites. A pilot project was initiated by the Press and Public Affairs Office in September 2005 to distribute the videos trial summaries to Freetown video centres. They are shown during weekend premiership football matches. The pilot project is being extended throughout Freetown.

From the end September 2005, the broadcasting of the trial audio summaries was expanded from 8 to10 radio stations, effectively covering the entire country for the first time. The two new radio stations—Radio Bintumani in Kabala and Radio Gbafth in Mile 91—are in remote areas that have witnessed war atrocities during the civil conflict. A new monthly radio programme on "Radio UNAMSIL" from the Press and Public Affairs Office, entitled Focus on the Special Court," provides a round-up of latest news about the trials and other developments.

The aim of showing the video trial summaries and broadcasting the audio summaries is primarily to show the Court is transparent and that all the Accused are undergoing a fair trial according to the highest standards of international justice. These new projects are part of the policy of the Press and Public Affairs Office to inform and educate the local media and other constituencies about the status of the trials, the Court's key landmark decisions, the various legacy projects, both tangible and intangible, as well as in providing basic facts and information about the structures and modalities of the Court itself. Educating the media and public about the Court is particularly important in view of our long-term goal of leaving a legacy of respect for due process and the rule of law in the country.

The Press and Public Affairs Office also created and manages the Court's official website. With its mix of documents—including transcripts of the trials; key documents pertaining to the establishment of the court; others on the history of peace agreements; video and audio trial summaries; and photo documentation—the website provides a multidimensional window on the Special Court.



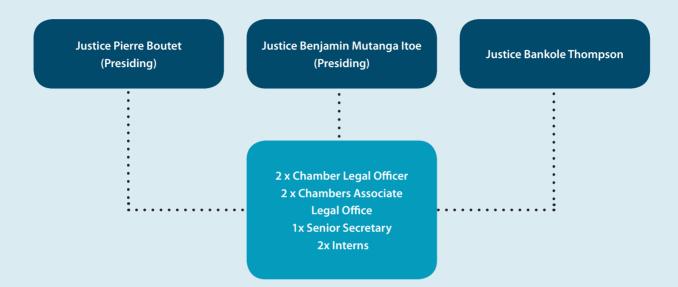
# » ANNEX I

LIST OF PERSONES INDICTED BY THE SPECIAL COURT FOR SIERRA LEONE				
Accused	Indictment Filed	Indictment Approved	Current Status	
Charles Ghankay Taylor	7 March 2003	7 March 2003	In custody as of 29 March 2006	
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

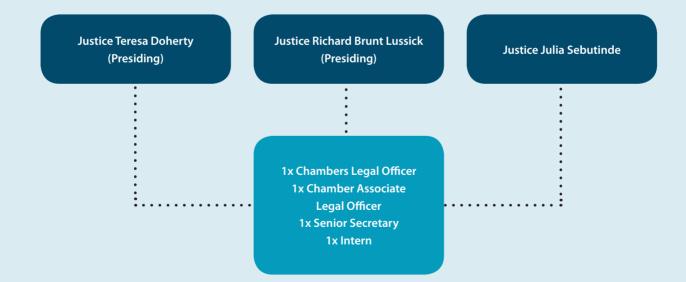
# » THE TRIAL CHAMBER 1

# **SPECIAL COURT FOR SIERRA LEONE**



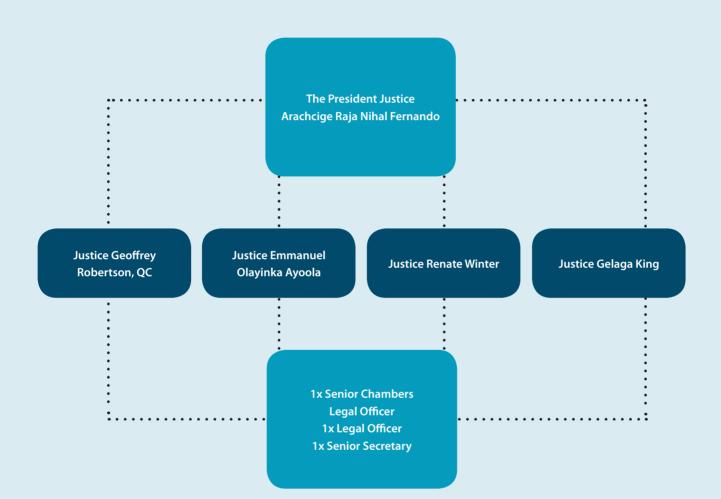
## » THE TRIAL CHAMBER II

#### **SPECIAL COURT FOR SIERRA LEONE**



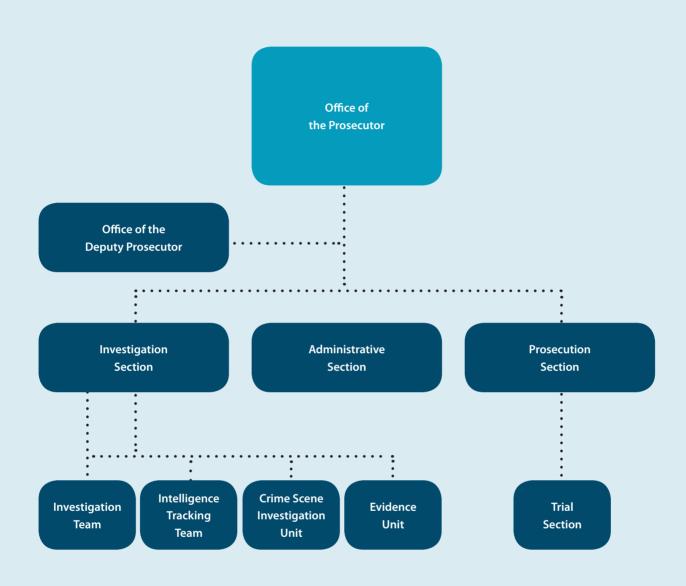


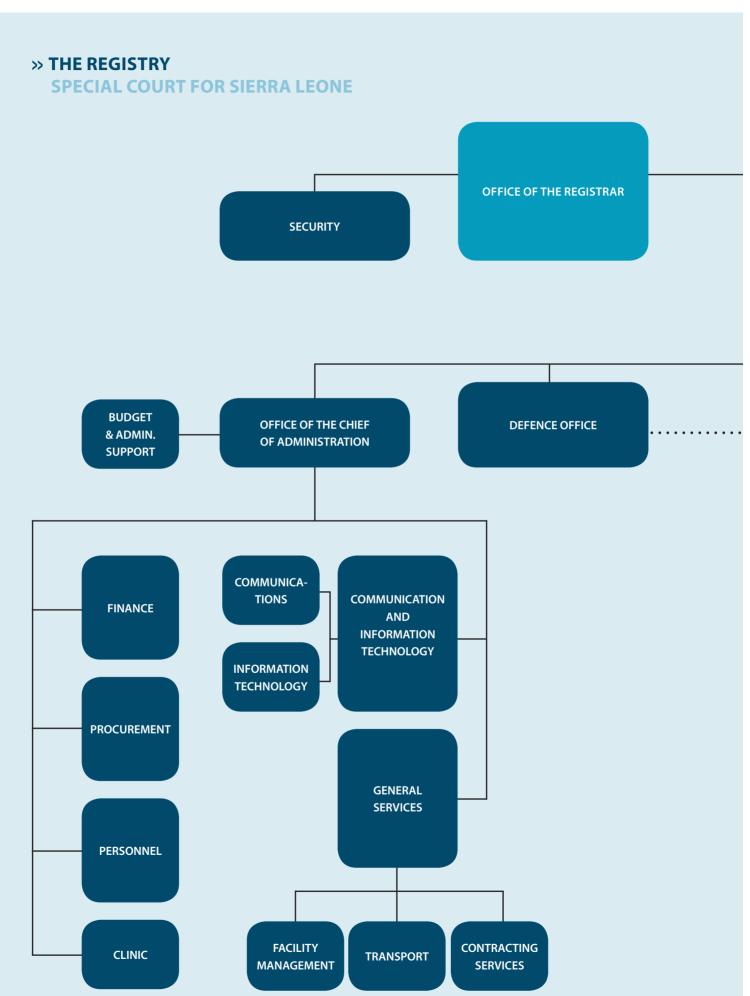
**SPECIAL COURT FOR SIERRA LEONE** 

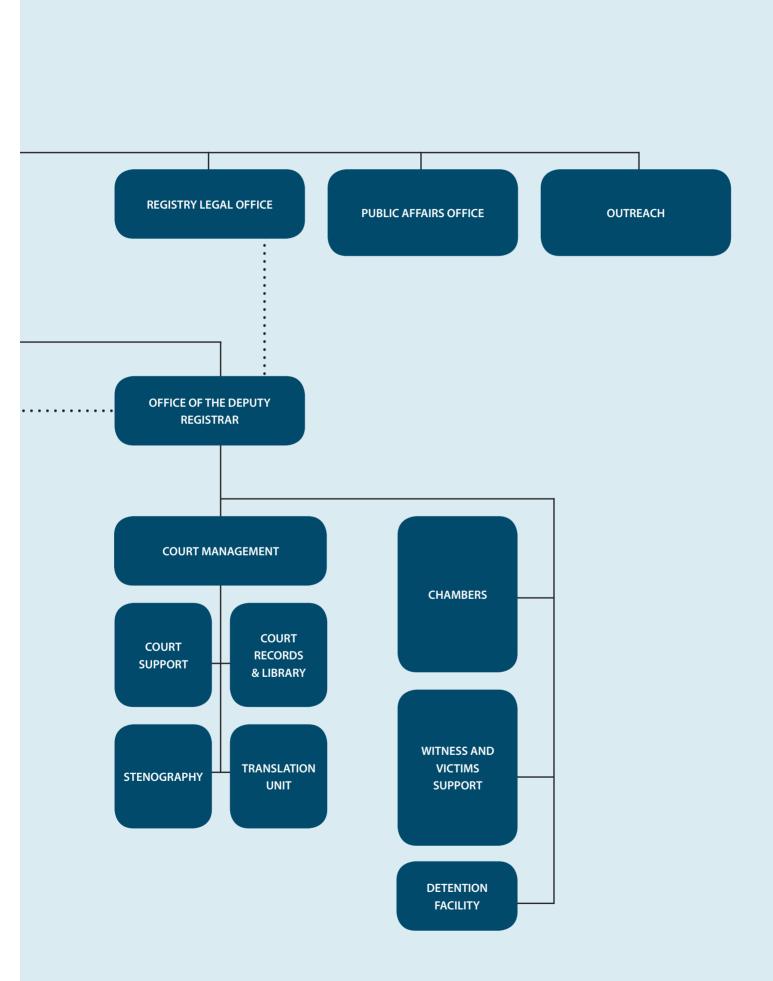


## **>> THE PROSECUTION**

**SPECIAL COURT FOR SIERRA LEONE** 







### » ANNEX III

Approved Year 3 Regular Budget <sup>(1)</sup> \$29,963,685
Approved Year 3 Regular Budget (1) \$29,963,685
Actual Year 3 Expenditure \$25,825,394
Total Year 3 Pledges <sup>(2)</sup> \$141,500
Total Contributions Received\$2,603,881
Total Subvention Received (3)\$10,500,000
Total Revenues for Year 3\$13,418,342

<sup>(1)</sup> The United Nations Office of Programme Planning, Budgetary & Accounts requested the Court to reduce its authorised budget of \$29,963,685 by \$3,400,000 to accommodate the authorised subvention of \$US20 million under A/59/534 Add.2.

<sup>(2)</sup> In order to fund the shortfall between pledges and the authorised budget in Year 2, Year 3 pledges totalling \$US12.3 million were brought forward into that year.

<sup>(3)</sup> Per A/59/534 Add 2. As at 30 June 2005, the Court requested and received \$US10.5 million against the commitment authority of \$US20 million. \$US7.1 million was deferred against outstanding obligations to be received on an 'incremental' basis.

### >> ANNEX IV

CONTRIBUTIONS				
Financial contributors	July 2004 - 30 June 2005 Contributions received (US\$)			
Canada	409,500			
Czech Republic	20,000			
Denmark	173,380			
United States of America	2,000,000			
Total voluntary contributions	2,603,800			
Subvention Grant	10,5000,000			
Total Contributions	13.103,800			
In-kind Contributors	Contributions received			
Canada	Personnel			
Germany	Personnel			
Switzerland	Personnel			

## > ANNEX V

	MANAGEMENT COMMITTEE	
	Member states	
	Canada	
	Lesotho	
	Nigeria	
	Netherlands	
	Sierra Leone	
	United Kingdom	
	United States of America	
	UN Secretariat:	
	Office of Legal Affairs	
	Office of Drogramma Diamaina	

Office of Programme Planning Budget and Accounts Office of Human Resources Management Office of Central Support Services













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