

5th

Annual Report

of the President of the Special Court for Sierra Leone



June 2007 to May 2008





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FOREWORD

Your Excellencies Secretary-General Ban Ki-moon and President Dr Ernest Bai Koroma:

It is my honour, privilege and pleasure to submit to you the Fifth Annual Report, my second as President, on the operations and activities of the Special Court for Sierra Leone, covering the period 1st June 2007 to 31st May 2008.

During the year, the Special Court completed two of the four cases in its calendar. On 20 June 2007, Trial Chamber II delivered its Judgment in *Prosecutor vs. Brima, Kamara and Kanu* (the Armed Forces Revolutionary Council, "AFRC" case). The Accused were found guilty and convicted on 11 out of 14 counts in the indictment and sentenced to terms of imprisonment of 50, 45 and 50 years, respectively. The Appeals Chamber on 22nd February 2008 dismissed the convicted persons' appeals and affirmed the sentences.

On 7 August 2007, Trial Chamber I delivered its Judgment in *Prosecutor vs. Norman, Fofana and Kondewa* (the Civil Defence Forces, "CDF" case), convicting Fofana on four and Kondewa on five counts of an 8 count indictment and sentencing them to a total term of imprisonment of 6 years and 8 years, respectively. The 1st Accused, Samuel Hinga Norman, died on the 22nd February 2007 while the Judgement was pending. The remaining two Accused, Fofana and Kondewa, appealed. On 28 May 2008, the Appeals Chamber, by a majority, Justice Gelaga King dissenting, affirmed some of their convictions, reversed their acquittals on counts 1 and 3 – for Crimes against Humanity – and by a majority, Gelaga King and Jon Kamanda, JJ, dissenting, revised the sentences, substantially, to a total term of imprisonment of 15 years for Fofana and 20 years for Kondewa.

The Special Court has completed proceedings against eight Accused out of a total of 13 Indictees. The Trial of *Prosecutor vs. Sesay, Kallon and Gbao* (the Revolutionary United Front, "RUF" case) is nearing completion and Judgment is forecast for November 2008. The where-

abouts of Johnny Paul Koroma, who is an indictee at large, are unknown, but the indictment against him remains in force.

The high-profile case of *Prosecutor vs. Charles Taylor* resumed in January 2008, in The Hague, where he is being tried by Trial Chamber I. Judges of the Special Court, after a seven-month adjournment to allow Mr. Taylor's newly appointed counsel time to prepare its defence. Mr. Taylor, the former President of the Republic of Libe-

ria, was in 2006 transferred, for security reasons, to the International Criminal Court ("ICC") detention facilities in The Hague. I take this opportunity of expressing my gratitude to the President and other officers of the ICC and the Government of the Netherlands for their cooperation and support in the detention and trial of Charles Taylor in that city, thereby assisting the Special Court in the furtherance of international justice.

In anticipation of the Special Court's fulfilling its mandate by the end of 2010, a meeting of international experts was convened in Freetown from 20th to 21st February 2008, to discuss residual issues which will arise when the Court closes down. The meeting was officially opened by the President of the Republic of Sierra Leone, His Excellency Dr Ernest Bai Koroma, who expressed his Government's keen interest in the custody of the original archives of the Special Court. A wide range of residual issues was discussed by the group of experts. A draft comprehensive action plan on residual matters and functions, which the Special Court will develop in coordination with stakeholders, has been prepared. On behalf of the Special Court, I express my appreciation and thanks to the Government of Canada for financing the conference.

The Management Committee of the Special Court visited the Hague sub-office and Freetown in Febru-



*Hon. Justice George Gelaga King, GORSL
President, Special Court for Sierra Leone*

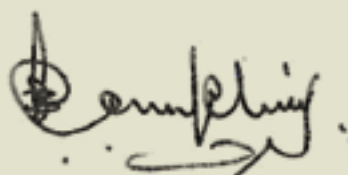
ary 2008 and was in attendance when the Appeals Chamber delivered its first final appeal Judgement. In discussions with the Judges and staff of the Special Court, the Committee endeavoured to provide answers and solutions to problems arising from financial and other constraints and we thank the Members for their cooperation in this regard.

The Legacy of the Special Court continues to be one of Court's topmost priorities. During the period under review, the Registry – under the authority and supervision of the President – together with the Legacy Committee established by the Plenary, and its subsidiary, the Legacy Working Group, with numerous Sierra Leonean Government bodies, international development agencies and other stakeholders, have been engaged in implementing the Special Court's legacy programmes. The Special Court is grateful for the generous funding provided by the Oak Foundation, the MacArthur Foundation, the European Commission, the Peace Building Commission and the Rockefeller Philanthropy Advisors, for legacy initiatives undertaken by the Special Court.

The Outreach Section continues to bring the Special Court, its activities and accomplishments, to every town and village, to the schools and colleges in Sierra Leone and to the people of the sub-region generally, by making full use of the news media and organising regular visits by institutions and groups to our custom built courthouse. As a result of such untiring efforts, all in the sub-region have come to realise that the Special Court is determined to ensure that serious international crimes are not allowed to go unpunished, that the rule of law in Sierra Leone is re-established, upheld and maintained, so as to become the supreme legacy of the Special Court for generations yet unborn.

In November 2007, Hon. Justice Jon Kamanda (Sierra Leone) was appointed by the Government of the Republic of Sierra Leone to serve on the Appeals Chamber of the Special Court. Justice Kamanda replaced Hon. Justice Geoffrey Robertson, who resigned in September 2007. I congratulate and warmly welcome Justice Kamanda to our team and thank Justice Robertson for his service over the years.

Finally, let me here acknowledge and express my unstinted pride and gratitude to my colleagues, the Judges one and all, for their dedication, devotion to duty, indefatigability and selfless service, culminating in the substantial achievements of the Special Court during the short period of its existence – all in the process of dispensing even-handed justice in this unique and experimental hybrid international criminal tribunal.



The Honourable
Mr Justice George Gelaga King, GORSL,

*President of the Special Court for Sierra Leone,
Freetown.*

His Excellency President Dr Ernest Bai Koroma (center) with Hon. Justice George Gelaga King (right) and Registrar, Herman von Hebel (left)



Prosecution Attorney Joseph Kamara at an Outreach Event



INTRODUCTION

This is the fifth Annual Report of the Special Court for Sierra Leone, prepared pursuant to Article 25 of the Statute of the Special Court, which states that:

“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 June 2007 to May 2008, when the 11th Plenary Meeting of the Judges took place in Freetown. The report examines the activities

of all Sections of the Court, including Chambers, the Registry (including the Office of the Principal Defender) and the Office of the Prosecutor. Drawing upon the previous Annual Reports, it also reflects the significant steps taken by the Court during this 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 this period in relation to its funding and administration duties.

SUMMARY OF ACTIVITIES

In the AFRC trial, Trial Chamber II delivered the Trial Judgment on the 14-count indictment against Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu on 20 June 2007. Brima, Kamara and Kanu were each found guilty of acts of terrorism, collective punishments, extermination, murder, rape, outrages upon personal dignity, physical violence, conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, enslavement and pillage.

After written submissions were filed, a Sentencing Hearing was held on 16 and 17 July 2007 during which the Prosecution and the Defence made oral submissions. The Sentencing Judgment was delivered on 19 July 2007. The Chamber considered the gravity of the offences and individual circumstances of the convicted persons, including aggravating and mitigating factors. The Trial Chamber imposed single “global” sentences of 50 years for Brima, 45 years for Kamara, and 50 years for Kanu.

On 22 February 2008, the Appeals Chamber delivered its Judgment in the case of *The Prosecutor vs. Brima, Kamara and Kanu*, who, along with the Prosecution, had appealed the Judgment of the Trial Chamber. Oral arguments on appeal were heard on 12, 13 and 14 November 2007. The Appeals Chamber dismissed the

appeals against conviction brought by Brima, Kamara and Kanu. Regarding the Prosecution’s grounds of appeal, the Appeals Chamber held that the Trial Chamber erroneously failed to consider acts of forced marriage as constituting a crime against humanity, but in the light of the substantial sentences imposed by the Trial Chamber, declined to consider arguments that Brima, Kamara and Kanu bore responsibility for additional crimes.

On 22 February 2007, Trial Chamber I was informed that Samuel Hinga Norman had died after undergoing medical treatment in Dakar, Senegal. On 21 May 2007, the Trial Chamber issued a decision terminating the proceedings against Norman and holding that its Trial Judgment would be rendered only against Fofana and Kondewa on the basis of the entirety of the evidence adduced during the trial.

Following Norman’s death, President Gelaga King appointed Justice Renate Winter on 23 February 2007 to conduct an independent inquiry into the death. In July 2007, Justice Winter submitted to President Gelaga King a report of her inquiry which concluded that proper care was provided to Mr. Norman during the entire time he spent in Special Court custody. The inquiry report concluded that Mr. Norman died of a myocardial infarction, in Dakar, Senegal where he had been taken

for hip replacement surgery. An independent autopsy found that he died of natural causes, and that his death was unrelated to the treatment he received.

The Trial Judgment against Moinina Fofana and Allieu Kondewa was issued by the Trial Chamber on 2 August 2007. The Chamber, by a Majority, found Fofana and Kondewa guilty of four counts of murder, cruel treatment, pillage and collective punishment. The Majority also found Kondewa guilty of enlisting children under the age of 15 years into an armed group.

A sentencing hearing in the CDF trial was held on 19 September 2007 and the Sentencing Judgment was delivered on 9 October 2007. The Chamber considered the gravity of the offences and the individual circumstances of the convicted persons. Fofana was accordingly sentenced to a total term of six years and Kondewa to a total term of eight years imprisonment.

On 28 May 2008, the Appeals Chamber delivered its Judgment after it had heard oral arguments on 12 to 13 March 2008. The Majority of the Appeals Chamber, Justice Gelaga King dissenting, reversed the acquittal of Fofana and Kondewa on murder and other inhuman acts as crimes against humanity and found them guilty for those crimes. The Appeals Chamber, Gelaga King and Jon Kamanda, JJ., dissenting, also revised the concurrent sentences imposed by the Trial Chamber and entered new concurrent sentences for a total term of imprisonment of 15 years for Fofana and 20 years for Kondewa.

In the RUF trial, the Defence for the First Accused Issa Sesay commenced its case on 3 May 2007. The Sesay Defence case continued until 28 June 2007 when it was adjourned to allow Trial Chamber I to focus on the CDF Trial Judgment. The Sesay Defence recommenced and continued through two more trial sessions, from 4 October 2007 to 27 November 2007 and from 10 January 2008 to 13 March 2008.

On 13 March 2008, the Sesay Defence closed its case. The Sesay Defence was, however, permitted to call one additional witness as the Chamber granted the Defence application to issue a subpoena for H.E. Alhaji Dr. Ahmad Tejan Kabbah, former President of Sierra Leone. Former President Kabbah testified publicly on 16 May 2008. On 10 April 2008, Kallon commenced his Defence case. Kallon testified personally for just over five days of trial from 11 to 21 April 2008. During the reporting period, the Kallon Defence called 22 witnesses, including three who were common witnesses with the Sesay Defence, over 24 days of trial. During the reporting period, Trial Chamber I issued 63 decisions and orders in the RUF trial. In total, therefore, the Chamber has issued 217 decisions and orders since the commencement of the RUF trial.

On 4 June 2007, the Prosecution gave its opening statement in the Taylor trial. On the same day, Taylor withdrew his Counsel, and the Trial Chamber ordered that Duty Counsel from the Defence Office represent Taylor during the opening statement and until new counsel was appointed. The Principal Defender



appointed a Taylor Defence team by the end of August 2007, however, the newly assigned counsel immediately applied for additional time to prepare their case. The Chamber granted the request, and proceedings were rescheduled to start on 7 January 2008. The hearing of evidence in the Taylor trial commenced on 7 January 2008. During the first trial session from January to March, the Prosecution presented the testimony of 21 witnesses, including 4 experts, 7 victims and 10 insider witnesses.

The Special Court's Outreach Section continued to deliver the activities and accomplishments of the Special Court to every town and village in Sierra Leone and to the people of the sub-region generally. During the reporting period, 68 tours of the Special Court site were organised for national school, university students, and international diplomats and academic representatives. The Outreach Section organized over 70 public lectures on international humanitarian law and human rights, and 1,377 town hall meetings across Sierra Leone. In addition, the Outreach Section presented 1,873 screenings of video summaries of judicial proceedings, and facilitated over 1,300 visits to schools by district officers and partner organisations.

In July 2007, Mr. Herman von Hebel was appointed Registrar in succession to Mr. Lovemore Munlo and Ms. Binta Mansaray was appointed Deputy Registrar on 20 July 2007. In November 2007, Justice Jon M. Kamanda (Sierra Leone) was appointed by the Government of the Republic of Sierra Leone to serve on the Appeals Chamber. Prior to his appointment, Justice Kamanda served as the Presiding Judge in criminal appeals for the Appeals Court in the Sierra Leone judiciary.

Court officials conducted extensive diplomatic and fundraising initiatives abroad during the reporting period. Fundraising trips have been led to New York, Washington DC, Brussels and Europe for this purpose. Fundraising remains a continuing priority of the Office of the Registrar, which also places considerable focus on efforts to conclude agreements with States on the enforcement of sentences and witness relocation.

On 21 and 22 February 2008, the Special Court convened an international meeting of experts at its Freetown headquarters to discuss those residual issues which require consideration in anticipation of the Special Court's dissolution in 2010. The conference was well-attended by representatives of the Special Court's Management Committee, the Government of Sierra Leone, UN member states, international tribunals, leading national and international non-governmental organisations, and the international donor community. A comprehensive conference report was drafted to highlight the issues requiring action.

During the reporting period, the Special Court has benefited from many significant monetary and in-kind contributions, including *gratis* personnel. In addition to voluntary funding of the Special Court's "core" operations, Special Court received substantial support from the European Commission for the Special Court's Victims' Justice and Legacy Project; from the Oak Foundation in support of the Witness Evaluation and Legacy Project and the Site Project, and from the Rockefeller Philanthropy Advisors for administration of a special fund for legacy programming.

In the year ahead, the Special Court faces renewed challenges in raising the necessary voluntary contributions that fund the Special Court's "core" operations. Without the voluntary contributions of donor States, the achievements of the Special Court detailed in this Annual Report would not be possible. In addition to monetary support, the Special Court continues to rely upon States for relocation of protected witnesses, and the Special Court continues to seek the assistance of States in the enforcement of sentences imposed on the convicted persons.

As the Special Court nears the successful completion of its mandate, it also continues the downsizing of its personnel. During this phase, the Special Court will remain reliant on the contribution of *gratis* personnel to fill key positions.

*The Trial Chamber I Justice from left to right - Justice Bankole
Thompson, Justice Benjamin Itoe, Justice Pierre Boutet*



THE CHAMBERS

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

Justice Pierre G. Boutet (Canada), Justice Benjamin Itoe (Cameroon), and Justice Bankole Thompson (Sierra Leone) sit as Trial Chamber I, which rendered a Judgment and Sentencing Judgment in the CDF trial and is in advanced stages of the RUF trial.

The Judges of Trial Chamber II, Justice Teresa Doherty (Northern Ireland), Justice Richard Lussick (Samoa), and Justice Julia Sebutinde (Uganda) completed the AFRC case prior to relocating to facilities at the International Criminal Court (ICC), The Hague, the Netherlands to hear the Taylor trial. The Secretary-General

appointed Justice El Hadji Malick Sow (Senegal) to sit as an alternate Judge with Trial Chamber II.

The Appeals Chamber comprises five Judges, three of whom are appointed by the Secretary-General and two of whom are appointed by the Government of the Republic of Sierra Leone. Justice Raja Fernando (Sri Lanka), Justice Emmanuel Ayoola (Nigeria), Justice Renate Winter (Austria), Justice George Gelaga King (Sierra Leone), and Justice Jon Kamanda (Sierra Leone) make up the Appeals Chamber. Justice Jon Kamanda was nominated by the Government of the Republic of Sierra Leone and was sworn in on 7 November 2007. Justice Kamanda replaced Justice Geoffrey Robertson, who resigned on 14 September 2007. Justice George Gelaga King was the Presiding Judge of the Appeals Chamber and President of the Special Court during the reporting period. On 29 May 2008, Justice Renate Winter was elected President of the Special Court.

TRIAL CHAMBER I

*THE PROSECUTOR VS.
MOININA FOFANA AND ALLIEU KONDEWA*

THE CIVIL DEFENCE FORCES ("CDF") TRIAL

Background

The CDF trial against the three Accused, Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa, commenced on 3 June 2004. The trial proceeded before Trial Chamber I on an alternate basis with the RUF trial until 30 November 2006. After 159 days of trial, the Prosecution called 75 witnesses and the three Defence teams called a total of 44 witnesses. The identity of the majority of the Prosecution witnesses was protected by the Court while all of the Defence witnesses testified publicly. In addition, 204 exhibits were tendered by the parties during the proceedings.

After the closing arguments were finished on 30 November 2006, the trial was adjourned for deliberation on the trial Judgment.

Death of Accused Norman

On 22 February 2007, Trial Chamber I was informed that the First Accused, Samuel Hinga Norman, had died after undergoing medical treatment in Dakar, Senegal. After receiving submissions from all of the Parties, the Trial Chamber issued its Decision on Registrar's Submission of Evidence of Death of Accused Samuel Hinga Norman and Consequential Order on 21 May 2007 which terminated the proceedings against Norman and held that the Judgment would be rendered only against Fofana and Kondewa on the basis of the entirety of the evidence adduced during the trial.

Trial Judgment

The Trial Judgment against Fofana and Kondewa was issued by the Trial Chamber on 2 August 2007. The Chamber, by a Majority (Hon. Justices Itoe and Boutet), found Fofana and Kondewa guilty of four counts of murder, cruel treatment, pillage and collective punishment as Violations of Common Article 3 of the Geneva Conven-

tions and of Additional Protocol II pursuant to Article 3 of the Statute of the Special Court ("War Crimes").

The Majority also found Kondewa guilty of an additional count of enlisting children under the age of 15 years into an armed group and/or using them to participate actively in hostilities, as an Other Serious Violation of International Humanitarian Law pursuant to Article 4.c of the Statute of the Special Court. Hon. Justice Itoe, the Presiding Judge, issued a Separate and Partially Dissenting Opinion stating that he also would have convicted Fofana on this count.

In particular, the Majority found Fofana guilty of aiding and abetting pursuant to Article 6(1) of the Statute for Counts 2 (murder), 4 (cruel treatment) and 7 (collective punishment) for events in Tongo, of failure to prevent pursuant to Article 6(3) of the Statute for Counts 2 (murder), 4 (cruel treatment) and 7 (collective punishment) for events in Koribondo and of failure to prevent pursuant to Article 6(3) of the Statute for Counts 2 (murder), 4 (cruel treatment), 5 (pillaging) and 7 (collective punishment) for events in Bo District. The Majority found Kondewa guilty of aiding and abetting pursuant to Article 6(1) of the Statute for Counts 2 (murder), 4 (cruel treatment) and 7 (collective punishment) for events in Tongo, of failure to prevent pursuant to Article 6(3) of the Statute for Counts 2 (murder), 4 (cruel treatment), 5 (pillaging) and 7 (collective punishment) for events in Bonthe and Moyamba, of the commission of murder under Count 2 in Talia and of the commission of enlisting child soldiers under Count 8.

The Chamber found both Fofana and Kondewa not guilty of two counts of Crimes against Humanity, namely murder and other inhumane acts, as the Chamber held that it had not been established beyond a reasonable doubt that the civilian population was the primary object of the attack.

In a Separate and Partially Dissenting Opinion, Hon. Justice Thompson found Fofana and Kondewa not guilty on all eight counts contained in the Indictment against them based on the application of the defence of necessity and *salus civis suprema lex est*.

Sentencing Judgment

After written submissions were filed, a Sentencing Hearing was held on 19 September 2007 during which the Prosecution and the Counsel for both Fofana and Kondewa made oral submissions.

The Sentencing Judgment was issued on 9 October 2007. The Chamber considered the gravity of the offences, aggravating factors and mitigating factors, including the fact that Fofana and Kondewa had been fighting to restore the country's ousted democratically elected Government of then President Kabbah. Fofana was sentenced to a total term of six years of imprisonment and Kondewa was sentenced to a total term of eight years of imprisonment. Both sentences were ordered to commence with effect from the date on which the Accused were taken into the custody of the Special Court for Sierra Leone.

THE PROSECUTOR VS. ISSA HASSAN SESAY, MORRIS KALLON AND AUGUSTINE GBAO

THE REVOLUTIONARY UNITED FRONT ("RUF") TRIAL

Background

The RUF trial against Issa Hassan Sesay, Morris Kallon and Augustine Gbao commenced on 5 July 2004. The Prosecution closed its case on 2 August 2006 after 182 days of trial during which a total of 85 Prosecution witnesses were called, in addition to one witness called at the behest of the Defence. 190 exhibits were tendered in evidence during the course of the Prosecution case.

The oral ruling dismissing the motions for Judgment of acquittal brought pursuant to Rule 98 of the Rules of Procedure and Evidence was delivered on 25 October 2006, although the Chamber did find that no evidence was adduced by the Prosecution in relation to several locations pleaded in the Indictment.

Defence Case

The Defence for the Accused Sesay commenced its case on 3 May 2007. The Accused Sesay testified on his

own behalf and, in accordance with Rule 85(C) of the Rules, was the first witness to testify in his defence.

During the testimony of the Accused Sesay, the Prosecution sought to cross-examine the Accused on the basis of alleged inconsistencies in statements of the Accused taken by the Prosecution following his arrest. Following the Chamber's Order, a *voir dire* was held from 12 to 21 June 2007 to determine the admissibility of the interviews. Four witnesses were called by the Prosecution and three witnesses were called by the Sesay Defence and 46 exhibits were tendered during the *voir dire* proceedings. On 22 June 2007, the Trial Chamber delivered an oral ruling that the interviews were not admissible, with written reasons to follow.

The Sesay Defence case continued until 28 June 2007 when it was adjourned to allow Trial Chamber I to focus on the CDF Trial Judgment. The Sesay Defence recommenced and continued through two more trial sessions, from 4 October 2007 to 27 November 2007 and from 10 January 2008 to 13 March 2008.

On 13 March 2008, the Sesay Defence closed its case. The Sesay Defence was, however, permitted to call one additional witness as the Chamber granted the Defence application to issue a subpoena for H.E. Alhaji Dr. Ahmad Tejan Kabbah, former President of Sierra Leone. Former President Kabbah testified publicly on 16 May 2008.

In total, 58 *viva voce* witnesses, including Sesay, have testified as a part of the Sesay Defence case over 85 trial days (in addition to the 11 days of *voir dire* proceedings). The statements of 4 more witnesses were admitted pursuant to Rule 92bis, bringing the total number of Sesay Defence witnesses to 62. 145 exhibits were tendered during the Sesay Defence case, not including those tendered during the *voir dire* proceedings.

On 10 April 2008, Kallon commenced his Defence case. Kallon testified personally for just over five days of trial from 11 to 21 April 2008. During the reporting period, the Kallon Defence called 22 witnesses, including three who were common witnesses with the Sesay Defence, over 24 days of trial. 38 exhibits have been tendered thus far during the Kallon Defence case.

The Kallon Defence case is expected to close on 5 June 2008. The Gbao Defence case will commence on 2 June 2008 and is expected to close before 24 June 2008.

Protective Measures

The majority of the Prosecution and Defence witnesses who have testified during the RUF trial were granted protective measures by the Court. Generally, they testified in open court but were screened from the public and some also testified with voice distortion. However, a number of insider witnesses also testified in closed session proceedings in order to fully protect their identity from the public and ensure their safety in compliance with orders for witness protection.

DECISIONS AND ORDERS

During the reporting period, Trial Chamber I issued 63 decisions and orders in the RUF trial. In total, therefore, the Chamber has issued 217 decisions and orders since the commencement of the RUF trial. In addition, 133 decisions and orders were issued in the pre-trial period, including 85 before the joinder of the Indictment.

The most relevant decisions rendered in the RUF trial during the reporting period include:

Ruling on Voir Dire

On 2 November 2007, the Trial Chamber issued its written reasons for its oral decision of 8 June 2007 that a *voir dire* was necessary in order to determine the admissibility of the statements made by Sesay. The Prosecution sought to admit the statements for the purpose of cross-examining Sesay on the basis of prior inconsistencies made during these interviews. The Chamber held that the burden is on the Prosecution, during the *voir dire*, to establish the voluntariness of the waiver and of the statements beyond a reasonable doubt in order to be able to use the statements to cross-examine the Accused. Due to the fact that the Chamber was not able to make this determination on the basis of the information that had been submitted before it, the Chamber ordered that a *voir dire* be held to determine the issue.

Decision on Sesay and Gbao Motion for the Voluntary Withdrawal or Disqualification of Hon. Justice Bankole Thompson from the RUF Case

After Justice Thompson indicated that he would not voluntarily withdraw, Justices Itoe and Boutet of Trial Chamber I issued their decision with regard to the application for his disqualification on 6 December 2007. In their Decision, the Justices addressed the Defence arguments that the Separate Opinion of Justice Thompson to the CDF Judgment in which he acquitted the Accused of all of the crimes on the basis of the defence of necessity revealed a reasonable appearance of bias with regard to the RUF Accused. The Chamber found that while the Opinion of Justice Thompson in the context of the cases before the Chamber may have created some indicia that would lead to a reasonable appearance of bias, this was insufficient to rebut the normal presumption of independence and impartiality that applies to Judges of an international tribunal. The Chamber therefore found that a reasonable apprehension of bias had not been established and dismissed the Application that sought to disqualify Justice Thompson from the RUF case. The Chamber granted a joint motion for leave to appeal its decision that same day. The appeal was dismissed by the Appeals Chamber on 24 January 2008.

Decision on the Sesay Defence Team's Application for Judicial Review of the Registrar's Refusal to Provide Additional Funds for an Additional Counsel as part of the Implementation of the Arbitration Agreement of the 26th of April 2007

In its Decision of 12 February 2008, the Chamber invoked its inherent jurisdiction to review the Registrar's refusal to provide additional funds to the 40% increase in the maximum cap on monthly payments already accorded as a part of the implementation of the Arbitration Decision in order to hire an additional counsel for the Defence team. The Chamber concluded that the Registrar's offer to advance an extra \$10,000 per month during the presentation of the Sesay Defence case and then to recoup \$10,000 per month during the remainder of the trial was fair, just and reasonable and would have alleviated any concerns the Defence might have had as to its ability to proceed with their case.

Oral Ruling on Motion for the Issuance of a Subpoena to H.E. Dr. Ahmad Tejan Kabbah, Former President of Sierra Leone

On 12 March 2008, the Chamber granted an application brought by the Defence for Sesay seeking to subpoena former President Kabbah to testify as a witness for Sesay.



Appeals Chamber during delivery of the AFRC Appeal Judgment

TRIAL CHAMBER II

During the reporting period, Trial Chamber II conducted proceedings in two separate trials, the AFRC trial and the Charles Taylor trial, the first set of proceedings based in Freetown, Sierra Leone and the second based in The Hague, The Netherlands. Simultaneously conducting proceedings in different countries, and moving the judiciary, its support staff and offices from one continent to another involved complicated logistics, but it did not disrupt either trial.

THE PROSECUTOR VS. ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA, AND SANTIGIE BORBOR KANU

THE ARMED FORCES REVOLUTIONARY COUNCIL ("AFRC") TRIAL

Background

Brima, Kamara and Kanu were initially individually charged and arrested in early 2003. The Trial stage commenced in March 2005 and, during trial, the Trial Chamber heard 59 Prosecution witnesses, 87 Defence witnesses and admitted 119 exhibits. There were a total of 176 trial days, and closing arguments were heard on 6 and 7 December 2006.

Trial Judgment

The Trial Judgment on the fourteen-count indictment against the three Accused was delivered by the Trial Chamber on 20 June 2007. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu were each found guilty on Count 1 (acts of terrorism), Count 2 (collective punishments), Count 3 (extermination), Count 4 (murder, a crime against humanity), Count 5 (murder, a war crime), Count 6 (rape), Count 9 (outrages upon personal dignity), Count 10 (physical violence, a war crime), Count 12 (conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities), Count 13 (enslavement), and Count 14 (pillage).

More specifically, the Trial Chamber found Brima responsible under Article 6(1) for committing extermination in Bombali District; committing the murder of five civilians in Freetown, Western Area; committing the mutilation of one civilian in Freetown, Western Area; ordering the terrorisation of the civilian population in locations in Bombali District and the Western Area; ordering the collective punishment of the civilian population in Freetown, Western Area; ordering and planning the recruitment and use of child soldiers in Freetown, Western Area and Bombali District; ordering the murders of civilians in locations in certain locations in Bombali District and Freetown, Western Area; ordering and aiding and abetting the murders of civilians in locations in Freetown, Western Area; ordering and planning the enslavement of civilians in Freetown, Western Area; ordering the looting of civilian property, Freetown, Western Area; planning the commission of outrages upon personal dignity in the form of sexual slavery in Bombali District and the Western Area; planning the enslavement of civilians in Bombali District. Furthermore, Brima was found liable under Article 6(3) for crimes committed by his subordinates throughout Bombali District and Freetown and the Western Area.

The Trial Chamber found Kamara responsible under Article 6(1) for ordering the murder of five civilians in a location in Bombali District; planning the abduction and use of child soldiers in Bombali District and the Western Area; planning the commission of outrages upon personal dignity in the form of sexual slavery in Bombali District and the Western Area; planning the enslavement of civilians in Bombali and Western Area; aiding and abetting the murder and extermination of civilians at Fourah Bay, Freetown, Western Area; aiding and abetting the mutilation of civilians in Freetown, Western Area. Furthermore, Kamara was found liable under Article 6(3) for crimes committed by his subordinates in a location in Kono District, throughout Bombali District, the Western Area and Port Loko District.

The Trial Chamber found Kanu responsible under Article 6(1) for committing mutilations of civilians in locations in Freetown; committing the looting of civilian property in Freetown; ordering the murder of persons in Freetown; ordering the mutilations of civilians at various locations in Freetown; planning the abduction and use of child soldiers in Bombali District and the Western Area; planning the commission of outrages upon personal dignity in the form of sexual slavery in Bombali District and the Western Area; planning the enslavement of civilians on numerous occasions in Bombali District and the Western Area; instigating the murder of civilians in Freetown; and aiding and abetting the murder/extermination of civilians at Fourah Bay in Freetown, and the Western Area. Kanu was further found liable under Article 6(3) for crimes committed by his subordinates throughout Bombali District and Freetown and the Western Area.

Not guilty verdicts were entered on Count 11 (other inhumane acts—a crime against humanity), Count 7 (sexual slavery and any other form of sexual violence) and Count 8 (other inhumane acts—forced marriage). Justice Doherty appended a partially dissenting opinion on Counts 7 and 8. Justice Sebutinde appended a separate and concurring opinion on Count 8.

Sentencing Judgment

After written submissions were filed, a Sentencing Hearing was held on 16 and 17 July 2007 during which the Prosecution and the Defence made oral submissions.

The Sentencing Judgment was delivered on 19 July 2007. The Chamber considered the gravity of the offences and individual circumstances of the convicted persons, including aggravating and mitigating factors. The Trial Chamber imposed single “global” sentences of 50 years for Brima, 45 years for Kamara, and 50 years for Kanu. The Trial Chamber ordered that credit be given for time served since their arrests in 2003. The Trial Chamber noted that the three convicted persons had been found guilty of “some of the most heinous, brutal and atrocious crimes ever recorded in human history.”

THE PROSECUTOR VS. CHARLES GHANKAY TAYLOR

The proceedings were initially scheduled to commence on 4 April 2007. The Defence requested on several occasions to have more time to prepare its case, and the Trial Chamber granted the Defence until 4 June 2007 for the opening statement of the Prosecution, with presentation of evidence set to commence on 25 June 2007.

On 4 June 2007 the Prosecution made its opening statement, however, Taylor withdrew his Counsel and was not present, and the Trial Chamber ordered that Duty Counsel from the Defence Office represent Taylor during the opening statement and until new counsel was appointed.

The Prosecution applied for an amendment to Count 5 of the Indictment, this request was granted by the Chamber, and the Prosecution was ordered to file the Amended Indictment. On 3 July 2007, Taylor entered a plea of “not guilty” on an amended Count 5 of the Second Amended Indictment.

Following the withdrawal of Counsel on 4 June 2007 and the subsequent appointment of a Duty Counsel from the Defence Office, Duty Counsel was not prepared to represent the Accused without being provided adequate time and additional administrative support in order to familiarise himself with the case and to respond to the various pending motions. The Trial Chamber, on 3 July 2007, adjourned the proceedings and ordered that a full Defence team be assigned to the Accused by 31 July 2007, in order to ensure Taylor had adequate representation in accordance with his rights under the Statute.

The Principal Defender appointed a Defence team by the end of August 2007, however, the newly assigned counsel immediately applied for additional time to prepare their case. The Chamber granted the request, and proceedings were rescheduled to start on 7 January 2008.

*The Trial Chamber II Justices from left to right - Justice El Hadji Malick Sow,
Justice Teresa Doherty, Justice Julia Sebutinde, Justice Richard Lussick*



The Trial Chamber held Status Conferences on 20 September, 13 November, and 11 December 2007 in order to ensure that the Parties would effectively prepare for the resumption of trial on 7 January 2008. The hearing of evidence commenced on 7 January 2008. During the reporting period, the Trial Chamber has heard the testimony of 26 Prosecution witnesses.

DECISIONS AND ORDERS

During the relevant period, the Trial Chamber handed down 56 written Decisions and Orders. The following represents only a selection:

Decision on Urgent and Public Defence Motion Requesting Leave for Charles Ghankay Taylor to Give an Un-sworn Statement from the Dock

The Defence requested permission for the Accused to make an unsworn statement from the dock, following the Prosecutor's opening statement scheduled for 4 June 2007. The Prosecution objected to the request. In a decision filed on 7 April 2007, the Trial Chamber recalled Rule 84 of the Rules of Procedure and Evidence, which states that "at the opening of his case, each party may make an opening statement confined to the evidence he intends to present in support of his case." The Trial Chamber also recalled that at the second Plenary of the Special Court held from 3-7 March 2003, the Judges decided against adopting the wording of the equivalent provision of the ICTR Rules, which permits the Defence to make an opening statement before presentation of evidence by the Prosecutor, and, instead, adopted Rule 84 in its present form, with the express intention of confining a defence opening statement to the opening of the defence case. The Defence request was therefore denied.

Order Designating Alternate Judge

Noting the letter from the Secretary-General of the United Nations appointing Justice El Hadji Malick Sow

as an alternate judge of Trial Chamber II of the Special Court, and pursuant to Article 12(4) of the Statute of the Special Court, the Presiding Judge of the Trial Chamber designated Justice El Hadji Malick Sow to be present at each stage of the trial of the Accused Charles Ghankay Taylor and to replace a judge if that judge is unable to continue sitting. The order was issued on 18 May 2007.

Decision on the Prosecution Motion Requesting Leave to Amend Indictment

On 25 May 2007, the Trial Chamber, satisfied that the Prosecution request to further amend the Amended Indictment of 16 March 2006, by making two specified deletions and one specified addition, did not cause any injustice to Taylor, nor otherwise prejudice him unfairly in the conduct of his defence, allowed the request and ordered that the Prosecution file the Second Amended Indictment by 29 May 2007. Furthermore, the Registrar should effect personal service of the Second Amended Indictment on the Accused, and the Accused should enter a plea to the new Count 5 before the opening statement of the Prosecution.

Decision on Prosecutor's Motion for an Order establishing Guidelines for the Conduct of the Trial Proceedings

The Prosecution requested an Order establishing guidelines for the conduct of trial proceedings, on the ground that the administration of justice would better be served if the Parties are aware of the rules that the Chamber will apply from the beginning of the trial. The Defence objected to the request. In a decision filed 17 June 2007, the Trial Chamber held that the proposed guidelines reflect principles that are already well-established, but that the Rules are intended to be flexible in order to enable the Trial Chamber to interpret them in the fairest manner in the specific circumstances at issue, that the proposed guidelines were therefore unnecessary and may fetter the Trial Chamber's discretionary powers. Thus, the Motion was denied.

Decision on Prosecution's Motion for Admission of Material Pursuant to Rules 89(C) and 92bis

The Prosecution requested that the Trial Chamber admit into evidence a sizeable number of documents and audio-visual material in lieu of oral testimony, pursuant to Rules 89(C) and 92bis. The Defence consented to the admission of nine of the Prosecution documents, but objected to the remainder. In a decision dated 7 December 2007, the Trial Chamber admitted the nine documents agreed to by both Parties, however, it denied the remainder of the Motion on the basis that the Prosecution had failed to adequately identify or highlight in each document those passages it claimed were relevant to the case, the Prosecution had failed to indicate the relevance to the case of the tendered audio-visual material; and that the chart provided by the Prosecution in order to justify the admission of documents was, in certain respects, vague and ambiguous. The Trial Chamber also directed the Registrar to ensure that in the future all documents served by the Court Management Section are either the originals or accurate reproductions thereof.

Decision on the Prosecution Motion for Judicial Notice

The Prosecution requested the Trial Chamber to take judicial notice of certain facts pursuant to Rules 89 and 94(A), which it submitted are facts of "common knowledge". The Defence accepted certain of the proposed facts either in whole or in part, but objected to others on the basis either that they were disputable or that they attested to the criminal responsibility of the Accused. In a decision dated 7 December 2007, the Chamber identified the criteria for admission of facts of common knowledge, and proceeded to admit some, but not all, of the facts tendered by the Prosecution, which it then identified and set out in an Annex to the Decision. The Trial Chamber dealt with the Prosecution's alternative request to admit the facts through Rule 92bis in a separate Decision.

Decision on Prosecution motion for Admission of Part of the Prior Evidence of TF1-362 and TF1-371 pursuant to Rule 92 *ter*

The Prosecution requested that the Trial Chamber admit into evidence portions of prior trial transcripts and related exhibits given by Witnesses TF1-362 and TF1-371, to limit examination-in-chief and cross-examination of the two witnesses to "relevant questions not unduly cumulative to the testimony of the prior trial transcripts" and submitted that the underlying purpose of Rule 92*ter* required that an objecting party show "good cause" for any objections raised to the admission of evidence under this rule. The Defence objected to the admission of any of the documents, and requested that the Witnesses testify in person on all aspects of their statements, with no limits imposed on cross-examination. On 25 January 2008, the Chamber denied the Prosecution request, on the basis that according to Rule 92 *ter*, the agreement of the Parties is a condition precedent to the admission of evidence under that rule, and that in this case, no such agreement exists.

Decision on Confidential Prosecution motion SCSL-03-01-T-372 and SCSL-03-01-T-385 for the Testimonies of Witnesses to Be Held in Closed Session

In two separate Motions, the Prosecution requested additional protective measures for seven of their protected witnesses, and that they be allowed to give testimony before the court entirely in closed session. The Defence objected to the granting of either of the Motions. On 27 February 2008, the Chamber denied both requests, holding that it was not satisfied that the Prosecution had given full and exhaustive consideration to make use of the less restrictive witness protection measures available under Rule 75(B)(i), and that the request had not been made in respect of any of the witnesses in this instance.

APPEALS CHAMBER

The Appeals Chamber rendered final judgments in appeals from convictions in two cases during the reporting year. These are the Special Court's first two Appeal Judgments, and represented the completion of two of the four cases before the Special Court.

THE PROSECUTOR VS. ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA, AND SANTIGIE BORBOR KANU ("AFRC" APPEAL)

On 22 February 2008, the Appeals Chamber delivered the Appeal Judgment in the case of *The Prosecutor vs. Brima, Kamara and Kanu*. All three convicted persons and the Prosecution appealed the Judgment of the Trial Chamber, and oral arguments were heard on 12, 13 and 14 November 2007.

In regard to grounds of appeal in respect of the Indictment, the Appeals Chamber affirmed the Trial Chamber's summary treatment of evidence in respect

of crimes committed in locations not pleaded in the Indictment. The Appeals Chamber also affirmed the Trial Chamber's finding that a count in the Indictment violated the rule against duplicity by charging two offences in the same count. However, the Appeals Chamber reversed a Trial Chamber decision that the Prosecution had not properly pleaded joint criminal enterprise in the Indictment, because although the objective of the joint criminal enterprise may not have been a crime under the Statute, the alleged actions contemplated as a means to achieving the objective were crimes within the Statute.

The Appeals Chamber rejected the grounds of appeal against conviction brought by Brima, Kamara and Kanu and found no discernible errors in the Trial Chamber's assessment of witness credibility and its evaluation of evidence.

The Appeals Chamber affirmed all of the Trial Chamber's findings on the convictions for crimes committed

Justice Jon Kamanda and Registrar, Herman von Hebel, during swearing in ceremony



by Brima in Bombali District, Freetown and other parts of the Western Area. It dismissed Kamara's grounds of appeal against convictions for aiding and abetting and superior responsibility for crimes committed in Bombali, Freetown, other parts of the Western Area, and Port Loko District, and substituted convictions pursuant to superior responsibility rather than planning. It also rejected all of Kanu's arguments against conviction for superior responsibility and planning certain crimes in Bombali, Freetown, other parts of the Western Area, and Port Loko District.

The Appeals Chamber held that the "greatest responsibility" clause in Article 1(1) of the Statute guides the Prosecution in the exercise of its prosecutorial discretion, but is not a jurisdictional hurdle for the court. It held that the Prosecution had properly pleaded the common criminal purpose element of joint criminal responsibility. Also, for the first time in an international criminal court, the Appeals Chamber found that acts of forced marriage constituted the crime "other inhumane acts," a crime against humanity.

Having regard to the substantial sentences imposed by the Trial Chamber, the Appeals Chamber declined to consider arguments that Brima, Kamara and Kanu should be further punished for additional crimes, although it had found that the Trial Chamber erred in not convicting them for those crimes. In conclusion, the Appeals Chamber found no reason to interfere with the quanta of the sentences of imprisonment passed on the appellants.

THE PROSECUTOR VS. MOININA FOFANA AND ALLIEU KONDEWA ("CDF" CASE)

On 28 May 2008, the Appeals Chamber delivered the Appeal Judgment in the case of *The Prosecutor vs. Fofana and Kondewa*. The Prosecution filed 9 grounds of appeal. Kondewa filed 6 grounds of appeal, and there was no appeal by Fofana. The Appeals Chamber heard oral arguments from the Parties on 12 to 13 March 2008.

The Appeals Chamber, Justice Gelaga King dissenting, upheld the Prosecution's appeal and reversed the Trial Chamber acquittal of Fofana and Kondewa on crimes against humanity. It found Fofana guilty of murder and other inhumane acts as crimes against humanity in Tongo, Koribondo and Bo, and found Kondewa guilty of murder and other inhumane acts as crimes against humanity in Tongo Fields and Bonthe. The Appeals Chamber, Justice Gelaga King dissenting, dismissed Kondewa's appeals against his convictions of murder and cruel treatment as serious violations of international humanitarian law.

The Appeals Chamber, Justice Winter dissenting, reversed Kondewa's conviction of enlistment of a child soldier because it determined that the child in question had already been enlisted before Kondewa initiated him into the Kamajor society. Further, the Appeals Chamber unanimously reversed Kondewa's conviction of committing murder in Talia, and Kondewa's responsibility for pillage in Moyamba.

The Appeals Chamber, Justice Winter dissenting, also held that the Trial Chamber erred in law in its definition of the crime of collective punishments, and overturned Fofana's and Kondewa's convictions for that crime. The Appeals Chamber, Justice Gelaga King dissenting, dismissed grounds of appeal by Kondewa against his convictions pursuant to superior responsibility and aiding and abetting liability.

It held, Justice Gelaga King dissenting, that evidence of sexual violence was relevant to charges in the Indictment and that the Trial Chamber erred in law in denying the admission of that evidence during the trial.

In regard to sentencing, the Appeals Chamber held, Justice Gelaga King dissenting, that the Trial Chamber erred in law in finding that "just cause" can be a mitigating factor. The Appeals Chamber stated that consideration of motive for the purpose of sentence is not to regard motive as a defence. Although motive may shade the individual perception of culpability, it does not amount to a legal excuse for criminal

conduct. Moreover, the Appeals Chamber, Justice Gelaga King dissenting, held that allowing mitigation for a convicted person's political motives, even where they are considered by the Chamber to be meritorious, undermines the purposes of sentencing. The Appeals Chamber, Justice Winter dissenting, rejected the remaining aspects of the Prosecution's appeal against the sentence.

The Appeals Chamber, Gelega King and Jon Kamanda, JJ., dissenting, substantially revised the sentence imposed on Fofana and Kondewa and entered terms of imprisonment for Fofana of 15 years for murder as a crime against humanity under Count 1, 15 years for murder as a war crime under Count 2, 15 years for other inhumane acts as a crime against humanity under Count 3, 15 years for cruel treatment as a war crime under Count 4 and 5 years for pillage under Count 5. The Appeals Chamber sentenced Kondewa to 20 years for murder as a crime against humanity under Count 1, 20 years for murder as a war crime under Count 2, 20 years for inhumane acts as a crime against humanity under Count 3, 20 years for cruel treatment as a war crime under Count 4 and 7 years for pillage under Count 5. The Appeals Chamber ordered the sentences of Fofana and Kondewa to be served concurrently.

INTERLOCUTORY APPEALS

Admissibility of Prosecution Witness Testimony

On 13 December 2007, the Appeals Chamber delivered its ruling in the RUF case on the issue of whether certain portions of the testimony of a witness who testified about alleged killings in Kono District were inadmissible and could be expunged from the trial record because they contained "new", previously undisclosed evidence which prejudiced the defence. After examining the testimony, the Appeals Chamber held that the evidence was not new and found no violation of the Prosecution's disclosure obligations pursuant to Rule 66 of the Rules of Procedure and Evidence. The Appeals Chamber ordered the witness testimony to be admitted.

Motion to Disqualify Justice Bankole Thompson

On 24 January 2008, the Appeals Chamber issued a decision on a joint appeal by the three Accused in the RUF case against the Trial Chamber's decision not to disqualify Justice Thompson for statements he made in a partly dissenting opinion in the CDF Trial Judgment. The Appeals Chamber found the Trial Chamber applied the wrong legal standard to determine whether Justice Thompson was impartial. It assessed the evidence and determined that a reasonable and informed observer would not apprehend bias by Justice Thompson against the Accused. The Appeals Chamber therefore dismissed the Appeal.



OTHER CHAMBERS ACTIVITIES

10TH PLENARY MEETING OF THE SPECIAL COURT

The Judges held the 10th Plenary Meeting in Freetown on 16 and 19 November 2007. The Plenary discussed measures to maintain the efficiency of judicial proceedings at the Special Court, and adopted an amendment to Rule 116 of the Rules of Procedure and Evidence of the Special Court ("Rules") which aims to accelerate proceedings before the Appeals Chamber and, in particular, avoid delays that may arise from the temporary unavailability of one or more of its Members. The Plenary also discussed the judicial roles in legacy planning.

11TH PLENARY MEETING OF THE SPECIAL COURT

The Judges held the 11th Plenary Meeting in Freetown from 26 to 29 May 2008. The Plenary discussed ongoing efforts to continue the efficiency of judicial proceedings, and discussed the milestone projections in the January 2008 completion strategy. It also considered judicial roles in planning for the residual mechanisms. The Plenary adopted an amendment to the Rules of Procedure and Evidence to add a new Rule 11bis, i.e., "Referral of an Indictment to Another Court," to provide a mechanism for the Special Court to refer an indictment to a State that has jurisdiction and is willing to accept the case. One indictee of the Special Court, Johnny Paul Koroma, remains at-large and Rule 11bis will apply if, and when, he is arrested. At the close of the Plenary, the Judges of the Appeals Chamber unanimously elected a new Presiding Judge, Justice Renate Winter, who automatically becomes the President of the Special Court. Justice Jon Kamanda was unanimously elected Vice-President of the Special Court.

INQUIRY INTO THE DEATH OF SAMUEL HINGA NORMAN

Following the death of Samuel Hinga Norman, the First Accused in the CDF case, President Gelaga King issued an order on 23 February 2007, appointing Justice Renate Winter to conduct an independent

inquiry into the accused Norman's death. In July 2007, Justice Winter submitted to President Gelaga King a report of her inquiry which concluded that proper care was provided to Mr. Norman during the entire time he spent in Special Court custody. The inquiry report concluded that Mr. Norman died of a myocardial infarction, in Dakar, Senegal where he had been taken for hip replacement surgery. An independent autopsy found that he died of natural causes, and that his death was unrelated to the treatment he received.

HONOURABLE JUSTICE JON M. KAMANDA APPOINTED TO APPEALS CHAMBER

Justice Jon M. Kamanda (Sierra Leone) was appointed by the Government of the Republic of Sierra Leone to serve on the Appeals Chamber. Justice Kamanda was sworn in as a Judge of the Appeals Chamber in a ceremony held at the Special Court in Freetown on 7 November 2007. Prior to his appointment, Justice Kamanda served as the Presiding Judge in criminal appeals for the Appeals Court in the Sierra Leone judiciary.

ICRC MOOT COURT

From 5 – 7 May 2008, the Special Court hosted the Fourth National Moot Court Competition on International Humanitarian Law (IHL) organised by the International Committee of the Red Cross (ICRC) in partnership with the Special Court. The goal of the competition was to promote interest in and encourage the study of IHL in higher educational institutions throughout Sierra Leone. The President of the Special Court, Justice George Gelaga King, acted as the presiding judge of the judge's panel. Legal officers from the Appeals Chamber and Trial Chamber I trained the competitors. The winning team will go on to represent Sierra Leone at the International Moot Court Competition in Arusha, Tanzania in November 2008.

ACTIVITIES OF THE PRESIDENT

President George Gelaga King actively engaged in cooperation and outreach activities to secure support for the Special Court's work and increase its international profile.

VISIT TO THE HAGUE

In June 2007, President Gelaga King met with the Judges of Trial Chamber II, their support staff and the staff in The Hague Sub-Office to ensure greater coordination between the Freetown and The Hague offices.

BRIEFING TO THE UNITED NATIONS SECURITY COUNCIL

In June 2007, President Gelaga King and Stephen Rapp, the Prosecutor, delivered a briefing to the United Nations Security Council on the Special Court's progress toward completing its mandate. The President described numerous measures taken to implement the recommendations of the Independent Expert on the Special Court by the United Nations Office of Legal Affairs, Professor Antonio Cassese, to improve the efficiency of the Special Court's operations. The President also met with representatives of the African Union and staff members of the United States Congress and Department of State in order to discuss the progress of judicial proceedings at the Special Court.

ADDRESS AT PRINCETON UNIVERSITY

In June 2007, President Gelaga King delivered a keynote address on "Human Rights: Victims' Rights in the ICC and the SCSL" to the Liechtenstein Institute on Self-Determination (LISD) at Princeton University, New Jersey, U.S.

MEETINGS WITH MEMBERS OF THE EUROPEAN COMMISSION AND EUROPEAN UNION

In July 2007, President Gelaga King and the Registrar met with members of the European Union and European Commission in London and Dublin to discuss the progress in judicial proceedings and to raise funds for the Special Court.

ADDRESS AT BRETTON WOODS

In July 2007, President Gelaga King participated in the Brandeis Institute for International Judges held at Bretton Woods, New Hampshire to discuss "Independence and Interdependence: the Delicate Balance of International Justice." The participants discussed the balance between connections between international judges and their institutions with outside entities and the need to maintain judicial independence.

VISIT TO VIENNA, AUSTRIA

In September 2007, President Gelaga King, Justice Renate Winter and the Registrar met with the Minister of Justice, the Minister of Foreign Affairs and the Secretary of State of the Government of the Republic of Austria to discuss the progress of judicial proceedings at the Special Court and possible arrangements for an agreement between the Special Court and the Government of Austria on the enforcement of sentences.

ADDRESSES AT THE PEACE PALACE, THE HAGUE

In September 2007, President Gelaga King addressed a colloquium on procedural best practices on "how to adjudicate the most serious crimes?" organized by The Hague Institute for the Internationalization of Law and the French Institute of the Netherlands

In November 2007, President Gelaga King returned to the Peace Palace to present a paper on "The Creation of a Mixed Jurisdiction to Adjudicate the Most Serious Crimes" at a conference on the future of international justice hosted by the Project on International Courts and Tribunals.

ICRC 25TH ANNUAL SEMINAR ON INTERNATIONAL HUMANITARIAN LAW

In March 2008, President Gelaga King delivered a paper on "Key Developments in International Humanitarian Law at the Special Court" at the ICRC Seminar held for Diplomats Accredited to the United Nations in New York. During the seminar the President participated in a round-table discussion on

“Enhancing Respect for International Humanitarian Law through Justice” with the Presidents of the ICTY, ICC, ICTR and the Court of Bosnia and Herzegovina.

Following the seminar, the President participated in a lively discussion session with students at New York University Law School.

TIMELINE OF MAJOR EVENTS DURING THE REPORTING PERIOD

AFRC Trial

- On 20 June 2007, Trial Chamber II delivered the Trial Judgment.
- On 16 July 2007, Oral arguments in the sentencing hearing.
- On 19 July 2007, Trial Chamber II delivered the Sentencing Judgment.
- On 12-14 November 2007, Oral arguments in the appeals hearing.
- On 22 February 2008, Appeals Chamber delivered the Appeal Judgment.

CDF Trial

- On 2 August 2007, Trial Chamber I delivered the Trial Judgment.
- On 19 September 2007, Oral arguments in the sentencing hearing.
- On 9 October 2007, Trial Chamber I delivered the Sentencing Judgment.
- On 12-13 March 2008, Oral arguments in the appeals hearing.
- On 28 May 2008, Appeals Chamber delivered the Appeal Judgment.

RUF Trial

- On 3 May 2007, Sesay Defence team presented its first witness.
- On 13 March 2008, Sesay Defence team completed its presentation of evidence.
- On 10 April 2008, Kallon Defence team presented its first witness.
- June 2008, Projected completion of presentation of Defence evidence.

Charles Taylor Trial

- On 4 June 2007, Prosecution presented its Opening Statement in the case against Charles Taylor.
- On 4 June 2007, Initial counsel for Taylor resigned.
- On 2 August 2007, Principal Defender assigned and contracted new Defence team.
- On 7 January 2007, Prosecution presented its first witness in the trial.

Other

- On 21-22 February, The Special Court hosted the Residual Issues Expert Group Meeting.

THE OFFICE OF THE PROSECUTOR



Prosecutor Stephen Rapp

Overview

In his Opening Statement, Prosecutor Stephen Rapp alleged that Mr. Taylor *"is responsible for the development and execution of a plan that caused death and destruction in Sierra Leone. That plan, formulated by the Accused and others, was to take political and physical control of Sierra Leone in order to exploit its abundant natural resources and to establish a friendly or subordinate*

government there to facilitate that exploitation."—

Prosecutor Stephen Rapp, Opening Statement, Trial of Prosecutor v. Charles Taylor, 4 June 2007.

The Office of the Prosecutor ("OTP") was tremendously active during the reporting period. The reporting year was highlighted by judgments and sentencing in two cases and the long-awaited start of the case against former President of Liberia, Charles Taylor.

Throughout 2007, the OTP worked on three ongoing trials in Freetown—the AFRC, CDF and RUF cases. In The Hague in June, the Prosecution began the Charles Taylor trial with its Opening Statement. At mid-year, trial judgments were rendered against the defendants in both the AFRC and CDF cases, followed by sentencing hearings, and pronouncement of sentences of imprisonment for each of the five persons convicted

in the two cases. Arguments on both Prosecution and Defence appeals were heard in the AFRC case in November. In the RUF case the presentation of Defence witnesses began in May and continued through the year.

In January 2008, the Prosecution presented its first witness in the Taylor trial. The trial had been delayed after the Prosecution's Opening Statement because of the withdrawal of Defence counsel and the need to provide the newly assigned Defence team with time to prepare. The Appeal Judgment was delivered in the AFRC case in February 2008, upholding part of the Prosecution appeal, denying the Defence appeal and affirming the lengthy sentences imposed on each of the convicted individuals. In March, oral hearings were held before the Appeals Chamber in the CDF appeal. The Appeal Judgment in the CDF case was delivered in May 2008, granting in part the Prosecution appeal and increasing the sentences of the convicted persons.

For the remainder of 2008, the OTP is preparing for final arguments and appeals in the RUF case, and continues the presentation of Prosecution witnesses in the Taylor trial. As it has from the beginning, the Investigations Section continues to follow up on evidence in relation to these cases, and will assist in the preparation of the Defence phase of the Taylor trial.

PROSECUTION

Trial Level

On 4 June 2007, the Prosecution gave its opening statement in the Taylor trial. In the Opening Statement, the Prosecutor and Sierra Leonean Trial Attorney Mohamed Bangura set the stage for the upcoming pres-

entation of the Prosecution's case against Taylor. The Prosecution's first witness in the trial gave evidence on 7 January 2008. The witness, a conflict diamonds expert, gave testimony concerning diamonds, the RUF and the Liberia connection. During the first

trial session from January to March, the Prosecution presented the testimony of 21 witnesses, including 4 experts, 7 victims and 10 insider witnesses. In addition to presenting the testimony of witnesses in Court, the Prosecution expects to present the evidence of additional witnesses through their written statements and through transcripts of prior testimony in the RUF or AFRC trials. Throughout the year, the Prosecution filed and responded to various motions or other filings before the Trial Chamber.

During the latter part of 2007 and early 2008 the Prosecution met the needs of the RUF defence case, with the first Defence witness testifying on 3 May 2007. Throughout the time period the Prosecution continued to prepare for and cross examine Defence witnesses, file and respond to various motions before the Trial Chamber.

In 2007, the Trial Chambers rendered judgments and sentencing judgments in both the CDF and AFRC cases. Trial Chamber II delivered the AFRC judgment on 20 June 2007, finding Brima, Kamara and Kanu guilty of eleven counts of crimes against humanity and war crimes. On 28 June 2007, the Prosecution filed its sentencing submissions. Oral submissions on sentencing were heard on 16 July 2007. The Trial Chamber rendered its sentencing judgment on 19 July 2007, imposing terms of imprisonment of 50 years for Brima, 45 years for Kamara and 50 years for Kanu.

In the CDF case, the judgment was rendered on 2 August 2007, with Fofana and Kondewa being found guilty on multiple counts of the indictment, including war crimes and in the case of Kondewa, the use of child soldiers. The Prosecution filed sentencing submissions on 24 August 2007, and oral submissions on sentencing were heard on 19 September 2007. Trial Chamber I rendered its sentencing judgment on 9 October 2007, sentencing Fofana to concurrent terms of imprisonment of 6 for murder, 6 for cruel treatment, 3 for pillage and 4 years for collective punishments, and Kondewa to concurrent terms of imprisonment of 8 year for murder, 8 years for cruel treatment, 5 years

for pillage, 6 years for collective punishments and 7 years for enlistment of child soldiers.

Appeals

Following the pronouncement of the sentencing judgment in the AFRC case, the Prosecution, led by Deputy Prosecutor Christopher Staker, filed its appeal brief on 13 September 2007, raising nine grounds of appeal against the Trial Judgment. The Prosecution did not appeal the Sentencing Judgment. All three of the convicted persons also filed appeals.

Oral arguments in this appeal were held before the Appeals Chamber on 12-14 November 2007. The Appeal Judgment was delivered by the Appeals Chamber at a hearing on 22 February 2008. The Appeals Chamber effectively rejected all of the grounds of appeal raised by the convicted persons, and upheld in whole or in part, certain of the Prosecution's grounds of appeal. The Appeals Chamber also affirmed the sentences that had been imposed on the convicted persons by the Trial Chamber. With the rendering of the Appeal Judgment, proceedings in the AFRC case were brought to an end.

Following the pronouncement of the sentencing judgment in the CDF case, the Prosecution filed its appeal brief on 11 December 2007, raising nine grounds of appeal against the Trial Judgment and the Sentencing Judgment.

One of the convicted persons, Kondewa, also filed an appeal, but Fofana did not appeal against the Trial Judgment or Sentencing Judgment. Oral arguments were held before the Appeals Chamber on 12 and 13 March 2008. The final appeal judgment was delivered on 28 May 2008. The Appeals Chamber granted the Prosecution's grounds of appeal on crimes against humanity, and partially granted the appeal against sentence. The Appeals Chamber increased the sentences imposed by the Trial Chamber and entered concurrent terms of imprisonment with a maximum term of 15 for Fofana and 20 years for Kondewa. This appeals judgment marked the completion of the CDF case.

The Investigations Section

A significant portion of the work of the Investigations Section during the reporting period was focused on the Taylor case, resulting in 19 missions to Liberia alone. The Investigations Section also pursued Prosecution inquiries concerning the Accused in the RUF trial and of the Defence's case generally, investigating the credibility and accuracy of Defence witnesses and following up on various leads for potential rebuttal evidence.

In total, the Investigations Section conducted 24 international and 13 national missions during this period, while the Witness Management Unit pursued 9 international and 25 national missions for a cumulative total of 71 missions.

The Taylor case continues to be the Investigations Section's main focus. The Witness Management Unit has and will be required to facilitate and assist approximately 65 to 70 witnesses in their travel to The Hague. In addition, the Investigation Section will need to re-visit approximately 70 Rule 92bis witnesses in order to obtain the adoption of their statements. Another 44 witnesses will also need to be re-interviewed in order to take declarations of their requests for protective measures.

Contradictory information as to the whereabouts and status of Johnny Paul Koroma continues to be reported. No definite confirmation either way has emerged as yet, and Investigations continues to follow up on all leads.



*Prosecutor Stephen Rapp
at an Outreach Event*

DIPLOMATIC INITIATIVES AND OUTREACH

In addition to managing the prosecution and investigation of the cases, the Prosecutor engaged in significant diplomatic initiatives, both in and out of Sierra Leone.

Mr. Rapp met with numerous members of the diplomatic community in Freetown and Monrovia, and other capitals in West Africa, Europe and North America, in order to provide information about the progress of the Special Court. In particular, the Prosecutor met with Sierra Leone's newly elected President Ernest Bai Koroma, Liberian President Ellen Johnson-Sirleaf, and Gambian President Yahya Jammeh.

On 8 June 2007, following the Opening Statement in the Taylor trial, the Prosecutor and the President of the Special Court personally reported to the United Nations Security Council in New York. In visits to capitals in Europe and North America, the Prosecutor joined in efforts to raise funds for the mission of the Special Court.

The Prosecutor made presentations on the role of the Special Court in international justice in Senegal, Rwanda, Tanzania, the Netherlands, France, Italy, Denmark, Norway, United Kingdom, Ireland, Canada, United States, and Indonesia. He met with students at a wide variety of academic institutions and conducted briefings at various non-governmental organizations.

In November, The Prosecutor and the Chief of Investigations represented the OTP at the 2007 Prosecutors' Colloquium in Phnom Penh, Cambodia. The Colloquium allowed the senior management from the Prosecution offices of the ICC, the ICTR, the ICTY, the Extraordinary Chambers in the Courts of Cambodia and the SCSL to learn from each other's work.

Mr Rapp has also assisted in communicating the message of the Special Court through the media. He conducted press conferences in West Africa, Europe and North America. He appeared on interview programs ranging from 'Inside Salone' on Cotton

Tree Radio in Freetown to 'Hard Talk' on BBC-TV in London. He responded on a continuing basis to journalists' questions from media organisations on five continents.

The Prosecutor, the Deputy Prosecutor and other members of the OTP were also deeply involved in the Outreach programme of the Special Court. They travelled extensively throughout the country to meet with Sierra Leoneans at events such as town hall gatherings, school visits, civil society gatherings and police trainings.

The Charges Against Charles Taylor

On 7 March 2003, the indictment against Charles Taylor was confirmed. On 16 March 2006, a Prosecution request to amend the indictment was granted.

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 charges include crimes 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.

The apprehension of former President Taylor and his transfer to the Special Court in March 2006 would not have been possible without the unwavering commitment of numerous governments in West Africa, Europe and the United States and non-governmental organisations around the world. However, the arrest and transfer must be followed by a trial that observes the highest standards, where justice is done, and seen to be done. This year saw great progress in achieving that goal.

Registrar, Herman von Hebel, at an outreach event



THE REGISTRY

The Registry provides the administrative direction and support services to all organs of the Special Court, and is also the official channel of communication of the Special Court.

In July 2007, Herman von Hebel was appointed as the Registrar of the Special Court, having been Acting Registrar since March 2007, and prior to that Deputy Registrar since July 2006. Ms Binta Mansaray was appointed as Deputy Registrar in July 2007 having previously served as Outreach Coordinator.

The Registrar and the Deputy Registrar are supported by two Legal Advisors, two Special Assistants, a Senior Secretary and two Administrative Assistants. They are also assisted by a head of office in The Hague, and by a Liaison Officer in New York.

The Registrar is the head of the Judicial and Legal Services Division which comprises all sections

responsible for judicial support to the Court, including Court Management, Witness and Victims Section, Detention, Security, Chambers and the Office of the Principal Defender. He is also responsible for the formulation and implementation of the Completion Strategy, in consultation with the President, Judges, and other relevant parties of the Court. With advice and direction of the Management Committee, he implements the Special Court's fundraising strategy. The Deputy Registrar chairs the Advisory Committee on Personnel Questions, and oversees the Administrative Support Services, General Services, and Outreach and Public Affairs.



Registrar, Herman von Hebel

THE HAGUE SUB-OFFICE

The Hague Sub-Office continued its efforts to support the Taylor trial. The Hague Sub-Office has been active in elaborating the financial arrangements related to the 2006 agreement with the International Criminal Court (ICC) which allows the Special Court to use the courtroom and detention facilities of the ICC for the purposes of the Taylor trial. On 23 January 2008, the Registrar concluded a financial annex to the Memorandum of Understanding between the Special Court and the ICC to define further the relationship between the two institutions. The Hague Sub-Office liaised with the Dutch authorities regarding visa protocols for travel to The Hague by staff, witnesses, and personal visitors to the accused. The Court has also been liaising with the

Dutch authorities and others regarding the movement of witnesses to and from The Hague. The Sub-Office engaged in negotiations with authorities of the Government of Belgium for making arrangements for the movement of witnesses through Belgium.

The Hague Sub-Office has engaged in several activities to spread awareness of the Taylor trial, including periodic diplomatic briefings for missions in the Netherlands and Benelux countries on the activities of the Special Court, joint and bilateral diplomatic briefings, and outreach events with academic institutions and non-governmental organisations.

NEW YORK SUB-OFFICE

During the reporting period, the New York-based Liaison Officer continued to work closely with the Management Committee for the Special Court, liaised with United Nations member States on matters pertaining to funding and cooperation with the Court, lobbied members of the United States Congress for

funding, developed relationships with the NGO community and various foundations in the United States.

In April 2008, an administrative assistant joined the New York Sub-Office to provide assistance to the Liaison Officer.

REGISTRY LEGAL OFFICE

The Legal Office continued to support the Registrar and Deputy Registrar in their administrative and judicial functions. Generally, the Legal Office provided strategic advice to the Registrar and Deputy Registrar on matters pertaining to the detention of accused persons, witness matters, supervision of defence counsel matters, personnel matters (including disciplinary proceedings and staff appeals), commercial agreements concluded on behalf of the Court and agreements with States and international organisations on the operational support of the Court.

The Legal Office, under the Registrar's direction, intensified its efforts to enter into sentencing enforcement agreements and witness relocation agreements with States. Enhanced consultative efforts were made with States in March 2008 in an attempt to add to the three sentencing enforcement agreements and the three witness relocation agreements signed to date.

The Legal Office has concluded several agreements to enhance the judicial functionality of the Special Court. Pursuant to Rule 33(B) of the Rules of Procedure and Evidence, the Legal Office informed Trial

Meeting of the Residual Issues Experts in February 2008



Chamber II of efforts to provide video teleconferencing assistance to the Taylor trial, and concluded that remote witness testimony by video teleconferencing would be possible, but that remote witness translation would not be possible since the encryption required would not be secure.

The Legal Office also made submissions regarding the service of subpoenas on potential witnesses by Trial Chamber I and Trial Chamber II, including former President of Sierra Leone, Dr. Ahmad Tejan Kabbah in the RUF trial on 17 April 2008, 25 April 2008 and 2 May 2008. The Legal Office also made submissions on the findings of a panel investigating statements made about a Prosecution witness and about Prosecution counsel by the Accused Sesay on 13 November 2007 in the RUF trial.

The Legal Office concluded memoranda of understanding (MOUs) with the ICC to gain access to *Case Matrix*, case management software developed by the ICC Office of the Prosecutor to assist in the investigation and prosecution of core international crimes, and with the UN-ICTY to gain access to the ICTY's judicial database.

The Legal Office liaised with the United Nations Mission in Liberia (UNMIL) and the Liberian Government with regard to arrangements for Special Court operations carried out in the territory of Liberia, including trial-related work by the Prosecution and Defence, and Outreach activities. The relationship with UNMIL has continued to take shape from the United Nations Security Council Resolution 1750 (30 March 2007), which noted that UNMIL's mandate shall include providing "administrative and related support and security, on a cost-reimbursable basis, for activities conducted in Liberia by the Special Court for Sierra Leone with the consent of the Government of Liberia."

The Legal Office responded to a request by the Sesay Defence Team for judicial review of the implementation of the arbitrator's decision of 26 April 2007 to award additional funds to the Sesay Defence

Team based on the size and complexity of its case. Trial Chamber I upheld the Registrar's decisions regarding the implementation of the arbitrator's decision.

In fulfilment of the request by the United Nations Security Council expressed in paragraph 6 of Resolution 1688 that the Taylor trial be "accessible to the people of the subregion," the Legal Office assists the BBC World Service Trust and the Search for Common Ground in obtaining visas for journalists from Liberia and Sierra Leone who wish to travel to The Hague to report on the Taylor trial.

The Legal Office has been involved in the issuance of Practice Directions regarding procedures for filing documents in The Hague and in Freetown, which was especially necessary for the Taylor trial, in light of the fact that submissions are filed by the parties in both Freetown and in The Hague. The Practice Direction related to documents in The Hague Sub-Office was issued on 16 January 2008 (with amendment on 25 April 2008 regarding hard copy service procedures). The existing Practice Direction on filing documents before the Special Court was amended on 16 January 2008.

Regarding the Defence Office, the Legal Office has been responsible for adjudicating all requests for reviews by the defence counsel pursuant to the process listed in the applicable legal services contracts. In addition, the Legal Office assists the Defence Office to ensure the rights of the accused are upheld as the composition of defence teams change.

Regarding the Witnesses and Victims Section, the Legal Office has helped establish a protocol for the OTP and defence counsel to follow when contacting witnesses in the care and protection of WVS. The Legal Office also assists in facilitating the transfer of witnesses to and from The Hague for their participation in the Taylor trial with the assistance of the Dutch Ministry of Foreign Affairs.

EXTERNAL RELATIONS AND FUNDRAISING



Deputy Registrar, Binta Mansaray

During the reporting period, the Registry has conducted several fundraising trips to destinations in Europe and the United States.

Europe

The Registrar held several briefings in Brussels to raise the profile of the Special Court. In July 2007, the Ministry of Foreign Affairs in Belgium hosted a diplomatic briefing on the Special Court in which President Gelaga King, the Registrar, Prosecutor and Deputy Registrar were present. In October 2007 and April 2008, the Registrar was invited to give briefings to the EU Council Working Group on Africa (COAFR) to provide an update on the Special Court and to raise the profile of the Special Court's legacy programme. In September 2007, the Registrar also briefed the EU Council on Working Group on Public International Law (COJUR).

Throughout the reporting period, the Registrar met with several Members of the European Parliament and with Permanent Representatives to the EU in Brussels from the following countries: Austria, Czech Republic, Finland, France, Germany, Italy, Poland, Portugal, Slovenia, Spain, The Netherlands, and the United Kingdom. The Registrar also met with representatives of the European Commission, in particular, the European Development Fund, the European Instrument for Democracy and Human Rights and the Instrument for Stability.

In June 2007, the Registrar and Deputy Registrar travelled to London and Dublin. In London, meetings

were held with the Foreign and Commonwealth Office (FCO). The Registrar met with Mr. Mark Malloch Brown, Minister for Africa at the FCO to sign an agreement in which the United Kingdom agreed to enforce the sentence of Charles Taylor in the event he is convicted. The Registrar also met with representatives of the Irish Ministry of Foreign Affairs in Dublin.

In October 2007, the Registrar travelled to Austria, Finland and Sweden. In Austria, President Gelaga King, Justice Renate Winter and the Registrar met with representatives of the Ministries of Justice, Foreign Affairs and the Interior as well as the UN Office on Drugs and Crimes (UNODC). In Finland, the Registrar met with representatives of the Ministries of Foreign Affairs, Justice and Internal Affairs. In Sweden, the Registrar met with the Ministries of Foreign Affairs and Justice and the Director General of Legal Affairs. The meetings were held not only to raise the profile of the Special Court and for fundraising, but to discuss as well the possibilities of concluding agreements on enforcement of sentences and agreements for witness relocation.

The Registrar also met with representatives of various Embassies in The Hague during the reporting period.

United States

During the reporting period, the Registrar, Deputy Registrar and Liaison Officer made several trips to Washington DC to meet with representatives of the United States Department of State and Congress. Meetings were held with several members of the US House of Representatives and Senate Committees on Appropriations for State and Foreign Operations as well as the Committees on Foreign Affairs and Foreign Relations.

In December 2007 and March 2008, the Registrar met with the Ambassadors and Representatives of various Missions to the United Nations to seek funding, gratis personnel and agreements on enforcement and relocation. In total, over 80 meetings were held with representatives of the Missions to the UN.

During the reporting period, the Registrar and other representatives of the Special Court met with various foundations and other prospective donors to seek funding for the Special Court's legacy projects. The institutions the Registrar met with include the MacArthur Foundation in Chicago, Rockefeller Philanthropy Advisors, Tides Foundation, King Baudouin Foundation, Open Society Justice Initiative, CHF International and Northwestern University.

Freetown

The Registrar and Deputy Registrar continued to maintain a close relationship with the Government of Sierra Leone, and were honoured to be invited to meet with the newly-elected President and Vice-President in September 2007. In addition, the Registrar and Deputy Registrar continue to hold frequent meetings with diplomatic missions and members of the judiciary in Sierra Leone. On 18 January, the Registrar and Deputy Registrar attended a meeting jointly organized by the Parliamentarians for Global Action and the Parliament of Sierra Leone at the Parliament of Sierra Leone.

This meeting focused on the legislative reforms to secure full implementation of the Rome Statute of the International Criminal Court in Sierra Leone and other Anglophone West African Countries, including Liberia.

During the reporting period, the Registrar and Deputy Registrar met with the following organizations: Department of Peacekeeping Operations, United Nations Development Programme, United Nations Mission in Liberia, and the World Bank. They also met with representatives of the Norwegian Ministry of Foreign Affairs, the Government of Serbia and the International Criminal Tribunal for the Former Yugoslavia.

The Registrar and Deputy Registrar continued to be involved in external relations with Sierra Leone and remained active in the Outreach Section's activities, regularly speaking with various interested groups regarding the work of the Special Court. The Registrar continued to chair monthly meetings of the Special Court Interactive Forum and engaged with other interested groups including the local and international media.

COMPLETION STRATEGY

The Completion Strategy of the Special Court outlines the future activity of the Special Court's Trial and Appeals Chambers and identifies the main milestones for each of the trials and appeals before the Special Court. An updated Completion Strategy was presented to the Management Committee in January 2008. To date, proceedings against 8 of 13 indictees have been concluded.

The AFRC case has been completed. The Trial Chamber rendered its judgment on 20 June 2007, finding Brima, Kamara and Kanu guilty of seven Counts war crimes and four Counts of crimes against humanity. On 19 July 2007, the Trial Chamber issued its Sentencing Judgment imposing a sentence of 50 years of imprisonment on Brima and Kanu and 45 years for Kamara. On 22 February 2008, the Appeals Chamber issued its Appeal Judgment, dismissing the appeals of the convicted

persons, granting the Prosecution's appeal that acts of forced marriage constituted other inhumane acts, a crime against humanity, and upholding the sentences.

The CDF case has also been completed. On 2 August 2007, the Trial Chamber rendered its Judgment against the remaining accused, Fofana and Kondewa. The Trial Chamber (Justice Thompson dissenting) found Fofana and Kondewa guilty of four counts of violations of the laws of war (unlawful killings, cruel treatment, pillage and collective punishment). The Majority of the Trial Chamber (Justice Thompson dissenting) also found Kondewa guilty of enlisting children into an armed force, a violation of international humanitarian law. The Majority of the Trial Chamber (Justice Thompson dissenting) issued its Sentencing Judgment on 9 October 2007, sentencing Fofana to a term of 6 years

and Kondewa to a term of 8 years imprisonment. The CDF Appeal Judgment was rendered on 28 May 2008. In part, the Appeals Chamber reversed Fofana's and Kondewa's convictions for collective punishments, entered new convictions for murder and other inhumane acts as crimes against humanity, and revised the sentences to impose a term of imprisonment of 15 years on Fofana and of 20 years on Kondewa.

In the RUF trial, the Sesay Defence opened its case on 3 May 2007 and closed its case on 24 April 2008, with an additional day allowed on 15 May 2008 for the testimony of former President Ahmad Tejan Kabbah. The Kallon Defence opened its case on 10 April 2008 and is expected to close its case in early June 2008. The Gbao Defence is expected to close its case in June 2008. The Trial Judgment and Sentencing Judgment, if any, are expected in October and November 2008, respectively.

The trial of Charles Taylor in The Hague resumed on 7 January 2008. The Taylor trial is currently in the prosecution stage and is expected to last until mid-2009, with a Trial Judgment and Sentencing Judgment, if any,

by the end of 2009 and an Appeal Judgment, if applicable, by mid-2010. Delivery of the Appeal Judgment in the Taylor case will complete the judicial activities of the Special Court. The liquidation phase of the Special Court is expected to be concluded by October 2010.

Two indictees, Foday Sankoh and Sam Bockarie, died before trial, and another, Samuel Hinga Norman died prior to Judgment. One accused, Johnny Paul Koroma, remains at large.

The Judges continue to implement measures to further assist in the running of fair and efficient trials. New measures introduced in the reporting period included an amendment to Rule 116 of the Rules of Procedure and Evidence to improve the efficiency of proceedings before the Appeals Chamber and, in particular, avoiding delays that may arise from the temporary unavailability of one or more of its Members. The Judges also suggested an increase in the number and grade of support staff for Chambers in order to make the level of support comparable to the other international criminal tribunals.

RESIDUAL ISSUES

With the generous financial assistance of the Government of Canada, the Special Court hosted a meeting of residual issues experts on 20 and 21 February 2008 at its Freetown premises. The meeting was co-chaired by the Government of the Republic of Sierra Leone, represented by Ambassador Kanu, Deputy Permanent Representative for the Sierra Leone Permanent Mission to the United Nations, and the United Nations, represented by Larry Johnson, Assistant Secretary-General for Legal Affairs to the United Nations. Over eighty participants from around the world attended the meeting for the purpose of facilitating a dialogue between the Special Court and external experts representing the Government of Sierra Leone, members of the Sierra Leonean civil society, and various stakeholders in the international justice community.

The residual issues meeting was structured around four working groups for each of the two days. During the first day, the following issues were debated in the working groups: Identifying the residual functions for (1) the SCSL indictee-at-large, Johnny Paul Koroma, review of convictions and acquittals, and the associated defence and legal aid issues; (2) enforcement and supervision of sentences, and double jeopardy; (3) witness protection and witness relocation; and (4) archives. On the second day, the focus shifted to discussing the residual roles for the principal actors of the Special Court, namely, the (1) President and Judges of the Trial and Appeals Chambers; (2) Registrar; (3) Prosecutor; and (4) Defence Office. The conclusions of all of the working groups were then discussed at the plenary sessions.

Following the meeting, the Special Court drafted a comprehensive paper summarising the lessons learned in the various working groups and during the plenary sessions and developed a draft comprehensive action

plan for each organ of the Special Court. The Special Court is also recruiting a consultant to assess the feasibility of the residual mechanism options that were identified in the Residual Issues Meeting.

LEGACY

"...Around 2010, when the Special Court is expected to complete its mandate, it will leave behind for posterity and generations yet unborn this magnificent and imposing legacy."—His Excellency Mr. Ernest Bai Koroma, President of the Republic of Sierra Leone, 20 February 2008.

The Special Court is committed to making a strong contribution to the rule of law in Sierra Leone. The very presence of the Special Court in Freetown acts as a symbol of justice and accountability. Moreover, the Special Court is engaged in pro-active activities aimed at building its legacy, with the end objective of strengthening the justice system of Sierra Leone. The Registry established a Legacy Working Group to ensure effective interaction and collaboration with national and bilateral interests. Four project initiatives run concurrently.

1. Communicating Justice Project. In establishing the legacy that egregious abuses of human rights will not be tolerated, the Special Court aims to make its trials, and particularly that of Charles Taylor, accessible to the people of the West African sub-region, who were most affected by the sub-regional civil conflicts and instabilities. The Project has two components:

(i) Grassroots Awareness Campaign. Enabled through funding from the European Commission, the Campaign educates citizens of Sierra Leone and Liberia in the work of the Special Court and the principles of humanitarian and human rights law. Target audiences include civil society organizations, women's groups, schools, disabled persons,

religious leaders, military, police and prison officers. Enabled by a grant from the MacArthur Foundation, the campaign will be further developed in Liberia and Guinea in the coming year.

(ii) Strengthened Media Coverage Project. In collaboration with the BBC World Service Trust and the Search for Common Ground, the Special Court ensures that there is high quality broadcasting on the Taylor trial and issues raised by it, produced by people from the region most affected by the conflict. Across Sierra Leone and Liberia, this has included the training and deployment of journalists to the Hague, the production of weekly radio programmes addressing issues related to the trial, and the training and mentoring of journalists in issues related to transitional justice. The Project seeks to expand these initiatives across francophone West Africa.

2. Strengthening the Capacity of Special Court employees. Each section of the Registry is engaged in activities aimed at building the capacity of its existing national employees. Much of the training has been undertaken with a view to improving skills for the advancement of Special Court activities, and this will have a corresponding impact on the national job market when such employees move on.

3. Witness Evaluation and Legacy (WEL) Project. Enabled by a grant from the Oak Foundation, the Witness Evaluation and Legacy Project is at the third stage of its four-phase project to establish a witness protection and support unit within the national criminal justice system. The early stages saw an

evaluation of the protection and support offered to all witnesses by the Special Court's Witness and Victims Section. The Evaluation Report will serve as a legacy to other tribunals, practitioners and academics to enhance the quality of witness protection and support in the future. Currently, the Project is assessing the feasibility of protecting and supporting witnesses who testify in the national high court, the magistrate court, and also the traditional courts.

- 4. Site Project.** Made possible by a grant from the Oak Foundation, an independent consultant is considering the most viable and optimal use of the Special Court site in Freetown, further to its dissolution in 2010. The objective is to ensure that, in the future, all of the site's physical structures continue to

serve the people of Sierra Leone as well as the West African region. The Special Court currently sits on an 11.5 acre site that includes a state-of-the-art courthouse, a detention facility, 200 containerized office blocks, a security building, and all soft furnishings. The consultant's recommendations in this regard will be submitted to the Government of Sierra Leone for decision-making.

In addition to the implementation of existing legacy initiatives, the Special Court has established a Special Project Fund for the legacy programme under the administration of Rockefeller Philanthropy Advisors. This allows for charitable contributions to be made to the legacy programme under the 501(c)(3) provision of the United States.

THE DEFENCE OFFICE

The Defence Office was created to ensure the effective protection of the rights of suspects and the accused before the Special Court. Duty counsel attended trials and continued to assist the Defence teams as they continued their respective cases, particularly in the RUF trial where the upsurge in up-country investigative trips and international investigation activities continued. The Defence Office also provided logistical and financial assistance as requested by the Defence teams. The Defence Office ensured that Defence teams obtained the necessary experts, consultants, and national and international investigators.

With the delivery of the sentencing Judgment in the AFRC trial on 19 July 2007, the Defence Office assigned appeals counsel for the three convicted persons under a lump sum payment arrangement. The assigned appeals counsel represented them until the delivery of the Appeal Judgment on 22 February 2008. In the same vein, in the CDF case, the Defence Office assigned appeal counsel to the two convicted persons after the Trial Chamber sentencing Judgment in that trial on 9 October 2007. The Defence Office supported the appeal teams of all the

convicted persons in the AFRC and CDF cases in their preparations for sentencing hearing and appeal submissions.

The Defence Office appointed a new counsel for Charles Taylor, after the withdrawal of Mr. Taylor's initial Counsel on 4 June 2007. The Principal Defender assigned a team of new counsel to Mr. Taylor on 17 July 2007 lead by Courtenay Griffiths, QC of Garden Court Chambers in the United Kingdom, resulting in the signing of a Legal Service Contract with the new team on 2 August 2007. As a result, the Taylor trial was able to resume on 7 January 2008. The Defence Office also appointed a new legal officer/duty counsel for the Taylor trial after the former legal officer/duty counsel resigned. The new legal officer/duty counsel entered into office in The Hague on 7 January 2008. The legal service contract is now structured on a lump sum basis in order to avoid unnecessary bureaucratic procedures in relation to the payment of counsel. The Defence Office continues to work on the improvement of this system and was assisted in these efforts by a visit of the Head of the Office of Legal Aid and Detention of the ICTY in January 2008.

Press and Outreach Officer, Solomon Moriba, at an Outreach Event in The Hague



ADMINISTRATIVE SUPPORT SERVICES

All administrative and integrated technical support services are under the direct supervision of the Chief of Administrative Support Services who is directly responsible to the Deputy Registrar. This includes oversight responsibility for Budget and Finance, Personnel, Procurement, and Computer and Information Technology. Various initiatives were undertaken to improve efficiency and reduce costs in the areas of human resources, budget and finance, general services, and telecommunications. All support services were actively engaged in ensuring the full operational capacity of the Hague Sub-Office. During the reporting period, the Administrative Support Services Division was responsible for coordinating the preparation of the completion budget for the period 2008 to 2010 in line with the Completion Strategy of the Special Court. In addition, starting April 2008, the Staff Training and Career Development Programme was launched under the Administrative Support Services, as another opportunity to improve the capacity of national staff

at the Special Court. The objective is to enable staff to upgrade their skills so that they can aspire to better job opportunities at the close of the Special Court. The management oversight of the Administrative Support Services and the General Services were also divided, in that they both report to the Deputy Registrar independently.

In accordance with the SCSL Financial Rules and Regulations, and at the request of the Registrar of the Special Court, an external audit was performed for the period 1 July 2005 to 30 June 2006; and 1 July 2006 to 30 June 2007. The external auditor drew conclusions on the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the administration and management of the Special Court in December 2007. The external auditor submitted an Audit Report to the Management Committee with observations which are being implemented in the course of the year 2008.

BUDGET AND FINANCE

At the end of each month Budget and Finance produces the Special Court's financial statements with all required supporting materials for submission to the Management Committee, the Controller of the United Nations, the Registrar and all account holders.

As part of the Completion Strategy, and the Staff Training and Career Development Programme, Budget and

Finance national staff were sponsored by the Special Court to take online courses. As part of an ongoing process the Section hopes to continue sponsoring more courses in Administration and Accounting in order to enhance staff competency and efficiency in their duties as well as enabling them to be more competitive in the open job market after the Special Court finally completes its operations.

COMPLETION BUDGET

On 1 February 2008, the Registrar of the Special Court submitted a revised completion budget to the Management Committee. The first completion budget was submitted on 5 April 2007 and approved by the Management Committee on 15 May 2007. This is the first revised completion budget.

The completion budget covers the activities of the Special Court from 1 January 2008 until October 2010, which is the conclusion of all activities, including the liquidation phase of the Special Court.

The total amount requested in the revised budget is approximately US\$68.4 million. The budget for 2008 amounts to US\$36,124,200, for 2009 to US\$23,478,800 and for 2010 to US\$8,751,900. Of the US\$68.4 million requested, the Special Court needs to raise approximately US\$45 million to ensure the completion of its mandate in a timely and efficient manner.

The milestones set out in the Special Court's Completion Strategy are closely reflected in the budget and have been used as a basis for the projections of staffing requirements and operational costs for most sections of the Special Court. The budget therefore reflects the expectation that Trial Chamber I will continue to be engaged full time until November 2008, Trial Cham-

ber II until December 2009, and the Appeals Chamber until June 2010.

The budget includes costs relating to both Freetown and The Hague. In May 2007, The Hague Sub-Office of the Special Court became fully operational and will remain so until the end of the hearings in the Taylor trial, which is expected by June 2009. The completion budget also shows the cost of detention of Charles Taylor, rental of the ICC courtroom facilities, travel and lodging of witnesses, and all required security measures. These costs have a substantial impact on the budget for 2008 and 2009. By January 2010, the number of staff and operational costs will be reduced substantially.

The completion budget further highlights those aspects of the Special Court's operations that are less affected by the milestones, but are vital to the Special Court and should be sustained until the completion of the Special Court's mandate. Costs for the Detention Unit, for example, will depend on when all accused and convicted persons must no longer be detained at the Special Court. Security and maintenance of the Special Court facilities in Freetown will remain of crucial importance throughout the life of the Special Court and until the handover of the site to future users is completed.

The breakdown of costs in Freetown and The Hague from 2008-2010:

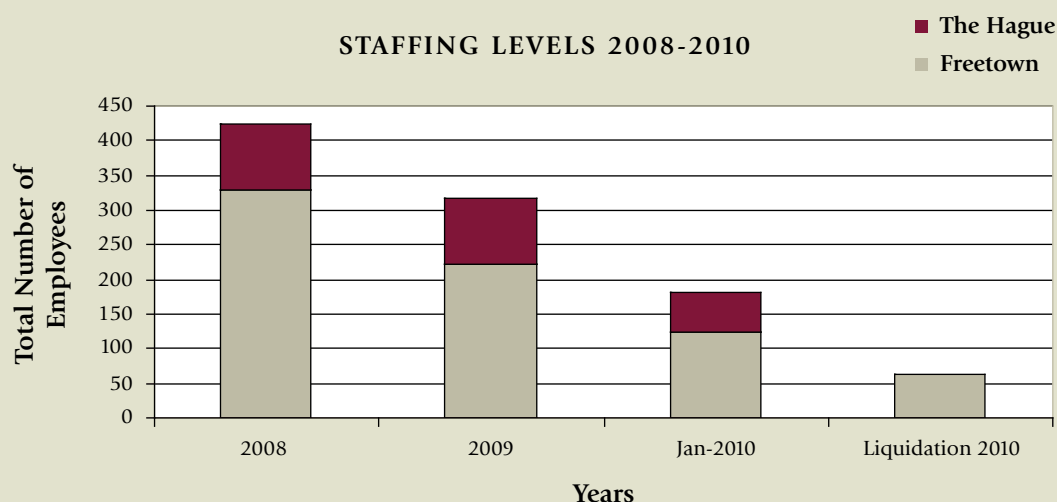
	Freetown	The Hague	Total
2008	23,158,000	12,966,200	36,124,200
2009	15,289,000	8,188,100	23,478,000
2010	5,346,600	3,405,300	8,751,900

The chart below depicts the costs for each section of the Special Court in both The Hague and Freetown from 2008 to 2010.

	2007 Budget	January 2008 to June 2010		
		2008	2009	2010
<i>Organ</i>				
JUDGES				
Proposed Staffing	13	12	9	6
Net Salaries	2,175,200	2,662,100	2,078,900	764,000
Common Staff Costs	85,000	122,500	157,500	137,500
Operational Costs	223,800	179,700	136,800	–
Total Costs Judges	2,484,000	2,964,300	2,373,200	901,500
CHAMBERS				
Proposed Staffing	21	21	15	9
Net Salaries	1,776,500	1,798,200	1,331,500	369,000
Common Staff Costs	157,500	164,600	122,500	95,200
Operational Costs	–	–	–	–
Total Costs Chambers	1,934,000	1,962,800	1,454,000	464,200
Office of the Prosecutor				
Proposed Staffing	41	45	31	15
Net Salaries	3,949,400	3,793,100	2,082,800	490,600
Common Staff Costs	303,400	318,400	231,000	144,600
Operational Costs	9,363,800	769,100	246,000	39,000
Total Costs OTP	5,189,600	4,880,600	2,559,800	674,200
The Defence Office				
Proposed Staffing	9	7	5	4
Net Salaries	786,000	459,800	255,500	73,500
Common Staff Costs	72,800	43,100	28,200	36,400
Operational Costs	3,960,400	2,904,500	66,100	250,000
Total Costs Defence	4,819,200	3,407,400	349,800	359,900
Registry				
Proposed Staffing	338	339	256	147
Net Salaries	11,571,500	13,121,400	9,608,100	3,323,800
Common Staff Costs	1,176,700	1,141,300	923,100	756,800
Temporary Posts & Overtime	964,100	935,100	555,600	102,500
Operational Costs	7,864,800	7,711,300	5,654,400	2,169,000
Total Costs Registry	21,577,100	22,909,100	16,741,200	6,352,100
Total Proposed Posts	422	424	316	181
Total Organisation Costs	36,003,900	36,124,200	23,478,000	8,751,900

As personnel constitute 69% of the total costs, the completion budget also describes in great detail the downsizing of posts over three years. Currently, the total proposed number of staff is 424, for both Freetown and The Hague. 328 are based in Freetown and 96 are based in The

Hague. As the chart below depicts, the number of staff members decrease as milestones are achieved. From July to October 2010, 63 staff members are needed for the liquidation period until the handover of the Special Court facilities to its future users.



A number of measures were taken in order to streamline personnel costs. A critical analysis was made of all the staffing requirements within all sections of the Special Court, including Chambers, Office of the Prosecutor, the Registry and Defence Office. Consequently, a number of posts were downsized earlier than envisaged in the first budget. In addition, a number of positions will be downgraded, in light of the gradual decrease in responsibilities and staff to be supervised.

At the same time, measures were taken to increase the number of positions occupied by staff from Sierra Leone, via the conversion of international positions (P staff and FSL staff) into National Professional positions. Furthermore, a number of national staff positions have been upgraded, in order to provide the necessary incentives to national staff to remain with the Special Court until its completion.

The Special Court continues to examine ways in which the budget can be reduced. First, the Special Court is actively seeking *gratis* personnel from donor countries for various positions at the Special Court. Secondly, in light of the gradual downsizing of staff, more and more office space will remain unused. The Special Court will intensify efforts aimed at finding partners that would be able to use parts of the Special Court's facilities (including office space) while the Special Court is still operational.

In conclusion, the completion budget demonstrates that the Special Court has already started downsizing in the present year in Freetown and will intensify this process in 2009 and 2010 in Freetown and The Hague. By October 2010, the Special Court will cease all activities.

PROCUREMENT

Procurement continued to focus on measures to enhance efficiency and attainment of value-for-money on behalf of the Special Court. During the reporting period, goods and services contracts worth \$3,432,915.89 were procured, including \$1,874,377 for goods and \$1,558,538.26 for services. These figures reflect an overall increase of approximately \$572,000

from the previous year's total of \$2,860,100. The difference is largely attributable to an increase in the cost of services, but is also partly attributable to the final back-payment made for the construction of the Special Court Courthouse in Freetown and an initiative to augment the Special Court's fleet of vehicles.

PERSONNEL SECTION

In accordance with the Special Court's Completion Strategy, the Personnel Section concentrated its efforts on full implementation of the personnel policy and the training of staff. The Section implemented the Staff Training and Career Development Programme providing a framework to enhance the skills of qualified Sierra Leonean staff, assisting them in career development and planning, with a view to empowering them to assume posts at higher levels. Personnel focused its efforts in developing a Retention Strategy, a Policy for hiring gratis Personnel, a Succession Planning policy, as well as development of a Manual on Personnel Procedures. It continued with the timely recruitment of national and international staff to ensure continu-

ous operations of the Special Court and encouraged transfer of skills to qualified Sierra Leonean staff.

The Special Court is especially appreciative of the assistance provided by the Governments of Sierra Leonean, Switzerland and Canada, all of which have provided gratis personnel to the Special Court's staffing structure. As the downsizing phase progresses, reliance on gratis personnel will be heightened.

Gender	Total Staff	Percentage
Female	100	27.55%
Male	262	72.45%
Total Staff on Board	362	100.00%

Range Levels	Authorised Levels	Staff on Board	Vacant Posts	Incumbency Percentage	Vacancy Percentage
Judge	8	8	0	2.54%	0.00%
USG	1	1	0	0.32%	0.00%
ASG	2	2	0	0.63%	0.00%
P5 - D2	12	12	0	3.81%	0.00%
P3 - P4	42	39	3	12.38%	0.95%
P1 - P2	19	18	1	5.71%	0.32%
FSL3 - 4 - 5	59	51	8	16.19%	2.54%
NPO	7	6	1	1.90%	0.32%
GSL4 - 5 - 6 - 7	130	117	13	37.14%	4.13%
GSL - 2 - 3	35	28	7	8.89%	2.22%
TOTAL	315	282	33	89.52%	10.48%

Staff members were hired in The Hague under the following Range Levels:

Range Levels	Authorised Levels	Staff on Board	Vacant Posts	Incumbency Percentage	Vacancy Percentage
USG (Judge)	4	4	0	4.71%	0.00%
ASG	0	0	0	0.00%	0.00%
P5 - D2	2	2	0	2.35%	0.00%
P3 - P4	17	17	0	20.00%	0.00%
P1 - P2	8	8	0	9.41%	0.00%
FSL3 - 4 - 5	0	0	0	0.00%	0.00%
NPO	0	0	0	0.00%	0.00%
GSL4 - 5 - 6 - 7	28	28	0	32.94%	0.00%
GSL - 2 - 3	26	26	0	30.59%	0.00%
TOTAL	85	85	0	100.00%	0.00%



Principal Defender, Vincent Nmehielle, with BBC World Service Trust Trainees

As of 29 February 2008, the following nationalities are represented in the staffing body of the Special Court:

International Staff Nationality	Total
Australia	7
Austria	1
Bosnia	1
Cameroon	2
Canada	16
Croatia	2
D.R. Congo	3
Egypt	1
Ethiopia	1
Finland	3
France	1
Gambia	3
Germany	3
Ghana	4
Guatemala	1
India	4
Ireland	1
Kenya	5
Macedonia	1
Malawi	1
Malaysia	1
Nepal	1
Netherlands	8
Nigeria	8
Norway	1
Pakistan	10
Phillipines	1
Portugal	1
Russia	1
Rwanda	1
Samoa	1
Senegal	1
Sierra Leone	199
South Africa	4
Sri Lanka	1
Switzerland	1
Tanzania	11
Trinidad and Tobago	5
Uganda	5
Ukraine	2
United Kingdom	23
United States	12
Zimbabwe	3
Grand Total	362

COMMUNICATIONS AND INFORMATION TECHNOLOGY SECTION

The Communications and Information Technology Section (CITS) continued to support the Special Court's core communication requirements through implementation of a number of systems operations, upgrades and enhancements. Full rollout of the CITS technology at The Hague Sub-Office was completed, enabling the office to be fully populated in time for the start of the Taylor trial.

LiveNote (allowing for the production of live transcripts) was implemented at The Hague Sub-Office in compliance with the wishes of all judicial parties as a key tool for the Charles Taylor trial. Video streaming technology has been implemented which allows for daily viewing of the proceedings of the Charles Taylor trial at the Special Court premises in Freetown. In addition, viewing is possible via the internet, in accordance with Security Council Resolution 1688 to make the trial accessible to people in the West African sub-region. CITS has been fully engaged in attempting to deal with the problems that some people of the region have experienced in accessing the internet-streaming.

Video Tele-Conference (VTC) facilities have also been installed to allow for communication between the Special Court in Freetown and The Hague Sub-Office. This also allows for remote testimony to be delivered should there be a need for this. CITS also performed an upgrade of the telephone system (PABX) in Freetown.

GENERAL SERVICES SECTION

The General Services Section (GSS) provides general administrative and logistical support to all branches of the Special Court. These services include general supply and logistics, facilities management, transport, travel, asset management, inventory control and mail services. GSS also generates and maintains 24-hour power on-site and is responsible for the provision of all utility services.

GSS continued to successfully meet the demands of the Special Court. Power generation for the witness safe houses was consolidated. As required by the report of the Independent Expert, installation of ablution facilities have been constructed in Block B of the Detention facilities and Block A is near completion, as well as a series of planned construction enhancements to existing structures.

The Transport Unit continues to provide support to all arms of the Special Court. While allocation of vehicle resources remained a constant challenge due to write-offs attributed to accidents during up-country trips and the age of some of the vehicles, the Section supported all requests including the increased number of Defence trips to the provinces and Outreach events.

Continuing efforts 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 United Nations, 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 720 travel authorisations were issued. The emphasis on data and cost capturing was maintained, with both statistical results and United Nations scales-of-issue being used to minimise stock and reduce overall expenditures.

The Property Survey Board (PSB) was established and now provides an auditable and regularised procedure for dealing with losses to the Special Court. In conjunction with the PSB, the Special Court has procured the disposal module for the FACS, thus enabling assets to be written off and disposed of in accordance with property management procedures.

The Section has been tasked by the Registrar with planning in conjunction with the United Nations Missions (UNIOSIL and UNMIL) to support certain elements of the logistics support to the Mongolian Guard Force. This is due to the pending downsizing and liquidation of the United Nations Office in Sierra Leone (UNIOSIL), as well as liquidation of the Special Court.

COURT MANAGEMENT SECTION

The Court Management Section (CMS) comprises the Court Records, Court Support, Language, Stenography, Library and Archiving Units.

The Court Records Unit is responsible for the filing and serving of all judicial and legal documentation filed before the Appeal and Trial Chambers. Documents are served electronically to the Parties and Chambers within Sierra Leone and on Parties and the Chamber in The Hague. They are also served electronically through the Court Management Database to Counsel situated abroad and all designated recipients. The work of the Court Records Unit has been achieved with the help of interns.

During the last year the Archiving Unit has been making the initial preparations to archive docu-

ments from within all Sections of the Court. The Archiving Unit is using the Total Records Information Management (TRIM) System and senior staff of the Archiving Unit have received training in the UK on its use. European Commission funds were provided and used towards the set up and training of this Unit. The Archiving Unit has been relocated to a larger office facility to ensure correct storage conditions for all the documents and audio-visual materials.

A Legacy Officer has been appointed within Court Management to coordinate the development and implementation of an archival policy. This is to ensure the proper archiving of all the Court Records, which constitutes CMS's most important legacy.

The Court Support Unit ensures the courtrooms are trial-ready, and that all relevant departments and users are aware of the date and theme to be covered in hearings. The Court Support Unit is responsible for processing and electronically serving documents, ensuring witnesses are sworn in, protective measures are adhered to, records are kept of testimony, and exhibits are securely logged and archiving.

The Language Unit is equipped to provide simultaneous interpretation in English, Mende, Temne, Krio and various other local Languages. European Commission funding continues to assist the Language Unit, allowing interpreters for specialised languages to be employed on short term contracts as and when required. The interpreters and translators also offer their expertise to other Sections: Outreach, Press and Public Affairs, the Office of the Prosecutor, Personnel and the Office of the Registry. Assistance has also been given to Defence teams with interpreters accompanying them on up-country missions to help with witness interviews. An updated and professional glossary of legal terms in Krio, Mende, Temne, Limba, Mandingo and Kono has also been compiled with the assistance of European Commission funds.

The Stenography Unit is responsible for producing transcripts within a 24-hour period. The Unit has also participated in mission assignments to ensure accurate recording of witness statements.

The Special Court Library has moved to a new purpose built facility and maintains a publication, video and audio library of all public hearings at the Special Court as well as jurisprudence on international criminal law. Books have been purchased specifically by the library and the library has also received substantial donations from external organisations. The new relocated library is equipped with four desktop computers that provide Special Court users with access to the internet and the Westlaw online legal database.

The Hague Sub-Office has a small team of interpreters who provide translation of the trial into Krio. They are assisted by contracted interpreters for other languages such as Mandinka and Jollah as and when required. The Sub-Office also contains Records, Court Support and Stenography Units.



*Mongolian contingent of
UNMIL (MONBAT)*

SECURITY SECTION

The Security Section comprises a force of both international and national security personnel who ensure that all staff are able to live and work within a secure and safe environment both within the Special Court premises and at their residences. The safety of staff is constantly maintained at work through tight access and egress measures, and through regular armed patrolling at night. The Security Section is ably supported by a contingent of Sierra Leone Police (SLP), and by armed military personnel from the Mongolian Battalion (MONBATT).

General Elections were held in Sierra Leone in August and early September 2007 and were key periods of heightened activity for the Security Section, involving inter-operability with outside security agencies. As a result of the UN-imposed higher security state,

updates and advisories were issued on a regular basis to all staff through the intranet system, and increased patrolling was implemented. Security conducted contingency exercises in collaboration with MONBATT thereby ensuring that the potentially volatile period surrounding delivery of judgments in the AFRC and CDF cases all passed without incident. Heightened security measures were also introduced during the Expert Group Meeting on Residual Issues due to the attendance of H.E. President Ernest Bai Koroma, among other dignitaries. The Security Section has also been focusing on mentoring national staff so that they will be able to take on more responsibility as the Special Court's closure date approaches. The Security Section Sub-Office is fully established in The Hague with a Security Coordination Officer, a Deputy and 19 supervisors and officers.

DETENTION

The Detention Facility is located within the Special Court's compound in Freetown, enabling regular and easy access by all visitors and legal teams.

The Detention Facility meets international standards for detainees, and the Special Court continued to provide a high level of medical services to detainees. The medical clinic includes a psychiatrist who assists detainees in coping with incarceration and other medical specialists such as an optometrist and dentist. Remedial English and computer classes continue to assist detainees to improve their written, oral language and basic computer skills.

The welfare of the detainees is monitored by the ICRC to ensure that they are being treated in a manner

consistent with the Rules of Detention and international minimum standards of detention. A delegation from the ICRC visits the Detention Facility regularly.

Joint United Nations, Sierra Leone Police and Special Court exercises continued to test the contingency plan for the emergency evacuation of detainees and staff from the Special Court compound. A team of 10 Sierra Leone Prison Officers attached to the Detention Unit completed a course in Control and Restraint techniques, facilitated by Detention and Security experts on the Special Court site. The training emphasized the use of minimum force when dealing with and handling of non-compliant detainees/prisoners.

WITNESS AND VICTIMS SECTION (WVS)

WVS dealt with a large number of witnesses during the reporting period. As of March 2008, 48 witnesses had testified for the RUF Defence. For the Taylor trial, WVS is dealing with a large number of witnesses from Liberia, and as such there has been a considerable increase in the number of safe houses. Twenty-one witnesses (and their 74 dependents) are currently under the protective care of WVS. After the completion of their testimony, arrangements will be made to resettle them on a permanent basis.

Special arrangements for housing and caring for witnesses in the Charles Taylor trial have been made both in Sierra Leone and The Hague. A large number of witnesses are travelling to The Hague, requiring that comprehensive arrangements for travel documents, visas, escorts,

security and care were put in place in both Freetown and The Hague.

Whenever a witness comes under the care of WVS, a psycho-social assessment is carried out to determine the support, counselling needs and vulnerability of the witness. A simultaneous security and threat assessment is carried out. Since WVS also has a comprehensive post-trial monitoring programme, all witnesses are visited on a regular basis to assess their current support, medical and security needs, and appropriate action is always ensured.

To date, 414 witnesses have testified before the Trial Chambers. It is estimated that another 250 to 300 witnesses will come under the care of WVS for the Charles Taylor and RUF Defence cases.

OUTREACH

Outreach continued to engage the people of Sierra Leone and Liberia in the work of the Special Court. The establishment of an Outreach Secretariat in Liberia enhanced the capacity of civil society to intensively screen trial video summaries in Monrovia and the provincial counties. Town hall meetings, radio interviews, talk shows, and a nation-wide distribution of informational materials were also implemented with the due support of Liberian civil society organisations. Outreach continued to include university students in justice promotion issues in both Sierra Leone and Liberia through supporting Accountability Now Clubs.

In addition to the efforts of the BBC World Service Trust to make the Taylor trial accessible to the public, Outreach employed European Commission funds to provide for civil society representatives

from Sierra Leone and Liberia to attend the Taylor trial in The Hague every trial month. Outreach played active roles in the coordination of Special Court officials' visits to Monrovia, and facilitated meetings with civil society groups, university students, and school pupils.

Sixty-eight tours of the Special Court site were delivered to national school and university students, and international diplomat and academic representatives. Outreach sensitised 124 newly-elected members of the Sierra Leonean parliament on the work of the Special Court, and enabled by the European Commissions, conducted three public seminars on the impact of the Special Court in promoting the rights of women and children. Seventy public lectures were facilitated by Outreach on international humanitarian law and human rights, and 1,377

town hall meetings were organised on the progress of the Special Court across Sierra Leone. These were supplemented by 1,873 screenings of video summaries, and 1,300 visits to schools by district officers and partner organisations. Pre-event consultations with community leaders numbered 959. In addition, Outreach officers appeared on national and provincial radio media in Sierra Leone and Liberia to discuss current issues relating to the Special Court.

Outreach appointed an Outreach and Public Affairs Officer to lead the efforts in The Hague and to assist in accrediting journalists and other visitors to the Taylor trial. Twelve interactive briefing sessions were conducted for students and representatives of the academic, diplomatic and judicial communities from Europe and North America.

PRESS AND PUBLIC AFFAIRS

The Press and Public Affairs Office works with journalists, and as the public face of the Special Court it also assists students, academics, researchers, and other visitors seeking information about the Special Court. The Office works to inform the public, directly and through the media, about the work of the Special Court.

In May 2007, in collaboration with the Outreach Section, the Press and Public Affairs Office set up a Sub-Office in The Hague with an Outreach and Public Affairs Officer, foreshadowing the merger of the two sections in Freetown on 1 April 2008. This resulted in extensive international media coverage for the opening of the Taylor trial in June 2007, and since the resumption of the trial in January 2008.

In Sierra Leone, the Press and Public Affairs Office has expanded its focus because of the increase in the number of community radio stations across the country. For significant events, the Press and Public Affairs Office has set up a call-in telephone line for recorded news releases, which when combined with text messaging allows the Special Court's message to reach individual stations up-country. This is the first time such a system has been introduced in Sierra Leone.

The Press and Public Affairs Office also works with recently-constituted radio networks, such as Cotton Tree News and Independent Radio Network, as well as UN Radio, allowing information about the Special Court to reach virtually all of the population. The Press and Public Affairs Office continues to work closely, in The Hague and in Freetown, with the BBC World Service Trust for the production of news on the Taylor trial for Sierra Leone and Liberia.

The Office has also expanded its work into Liberia, with the print media and radio. The Press and Public Affairs Office produces audio summaries of trials which are played on radio around Sierra Leone and will soon begin in Liberia. The Office produces video summaries of the trials which are played by Outreach in towns and villages across Sierra Leone, and by Outreach's Civil Society partners in Liberia.

The Press and Public Affairs Office is responsible for the Special Court's website: www.sc-sl.org.

ANNEX I

List of Acronyms

International Criminal Court (ICC)	Memorandum of Understanding (MOU)
International Criminal Tribunal for the former Yugoslavia (ICTY)	United Nations Integrated Office in Sierra Leone (UNIOSIL)
Report on the Special Court for Sierra Leone (Report of the Independent Expert)	Ministry of Foreign Affairs (MFA)
Civil Defence Forces (CDF)	United Kingdom Department for International Development (DFID)
Armed Forces Revolutionary Council (AFRC)	International Military Advisory and Training Team (IMATT)
Revolutionary United Front (RUF)	Communications and Information Technology Section (CITS)
International Criminal Tribunal for Rwanda (ICTR)	General Services Section (GSS)
Statute of the Special Court (Statute)	Field Asset Control System (FACS)
Office of the Prosecutor (OTP)	Property Survey Board (PSB)
Sierra Leone Police (SLP)	Integrated Security System (ISS)
United Nations Mission in Liberia (UNMIL)	Witness and Victims Support Section (WVS)
Mongolian contingent of UNMIL (MONBAT)	Accountability Now Clubs (ANCs)
International Humanitarian Law (IHL)	
Non-governmental organisation (NGO)	

Prosecutor Stephen Rapp at an outreach event



ANNEX II

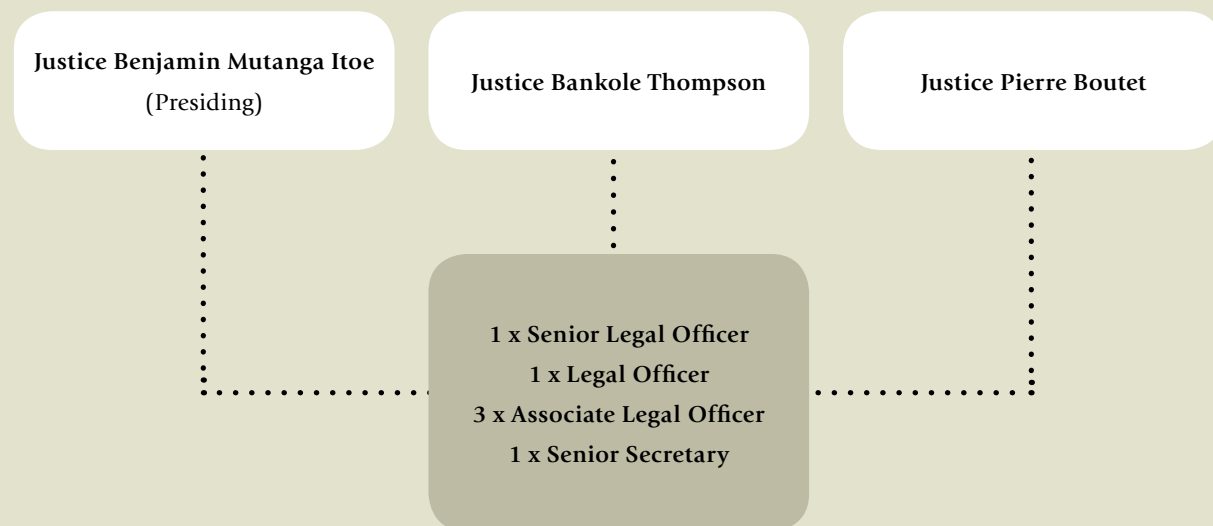
List of Persons Indicted by the Special Court for Sierra Leone

Accused	Indictment Approved	Trial Judgment	Sentencing Judgment	Appeal Judgment	Current Status
Charles Ghankay Taylor	7 March 2003	Trial in progress			In custody as of 29 March 2006
Foday Saybana Sankoh	7 March 2003	N/A	N/A	N/A	Deceased Indictment withdrawn 8 December 2003
Johnny Paul Koroma	7 March 2003				At large
Sam Bockarie	7 March 2003	N/A	N/A	N/A	Deceased Indictment withdrawn 8 December 2003
Issa Hassan Sesay	7 March 2003	Trial in progress			In custody as of 10 March 2003
Alex Tamba Brima	7 March 2003	20 June 2007	19 July 2007	22 February 2008	Convicted In custody as of 10 March 2003
Morris Kallon	7 March 2003	Trial in progress			In custody as of 10 March 2003
Samuel Hinga Norman	7 March 2003	N/A	N/A	N/A	Deceased Indictment withdrawn 21 May 2007
Augustine Gbao	16 April 2003	Trial in progress			In custody as of 20 March 2003
Brima Bazzy Kamara	28 May 2003	20 June 2007	19 July 2007	22 February 2008	Convicted In custody as of 29 March 2003
Moinina Fofana	26 June 2003	2 August 2007	9 October 2007	28 May 2008	Convicted In custody as of 29 March 2003
Allieu Kondewa	26 June 2003	2 August 2007	9 October 2007	28 May 2008	Convicted In custody as of 29 March 2003
Santigie Borbor Kanu	16 September 2003	20 June 2007	19 July 2007	22 February 2008	Convicted In custody as of 17 September 2003

ANNEX III

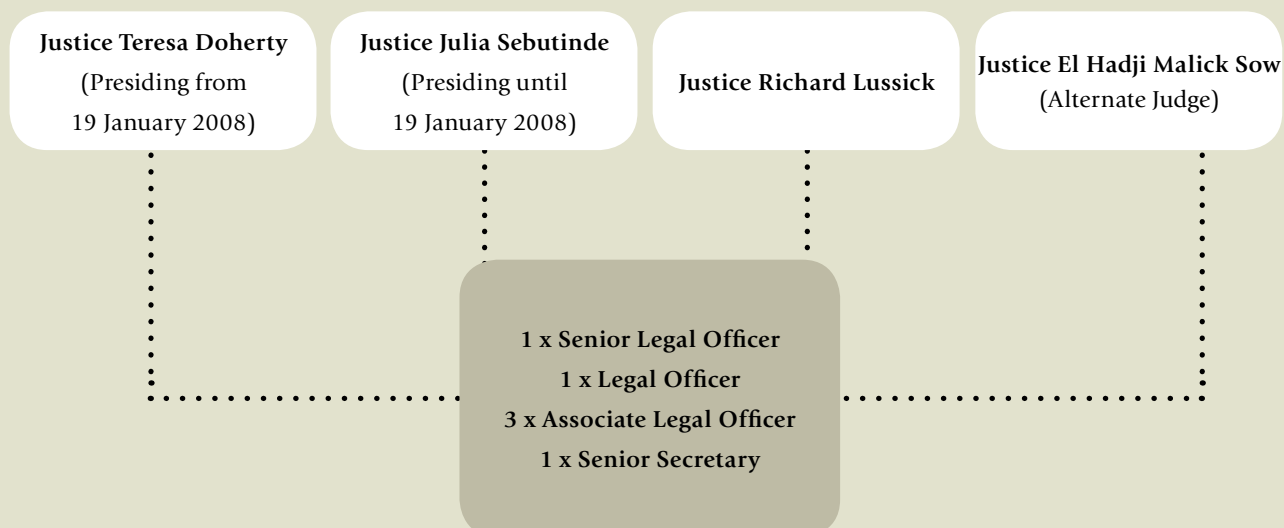
TRIAL CHAMBER I

Special Court for Sierra Leone



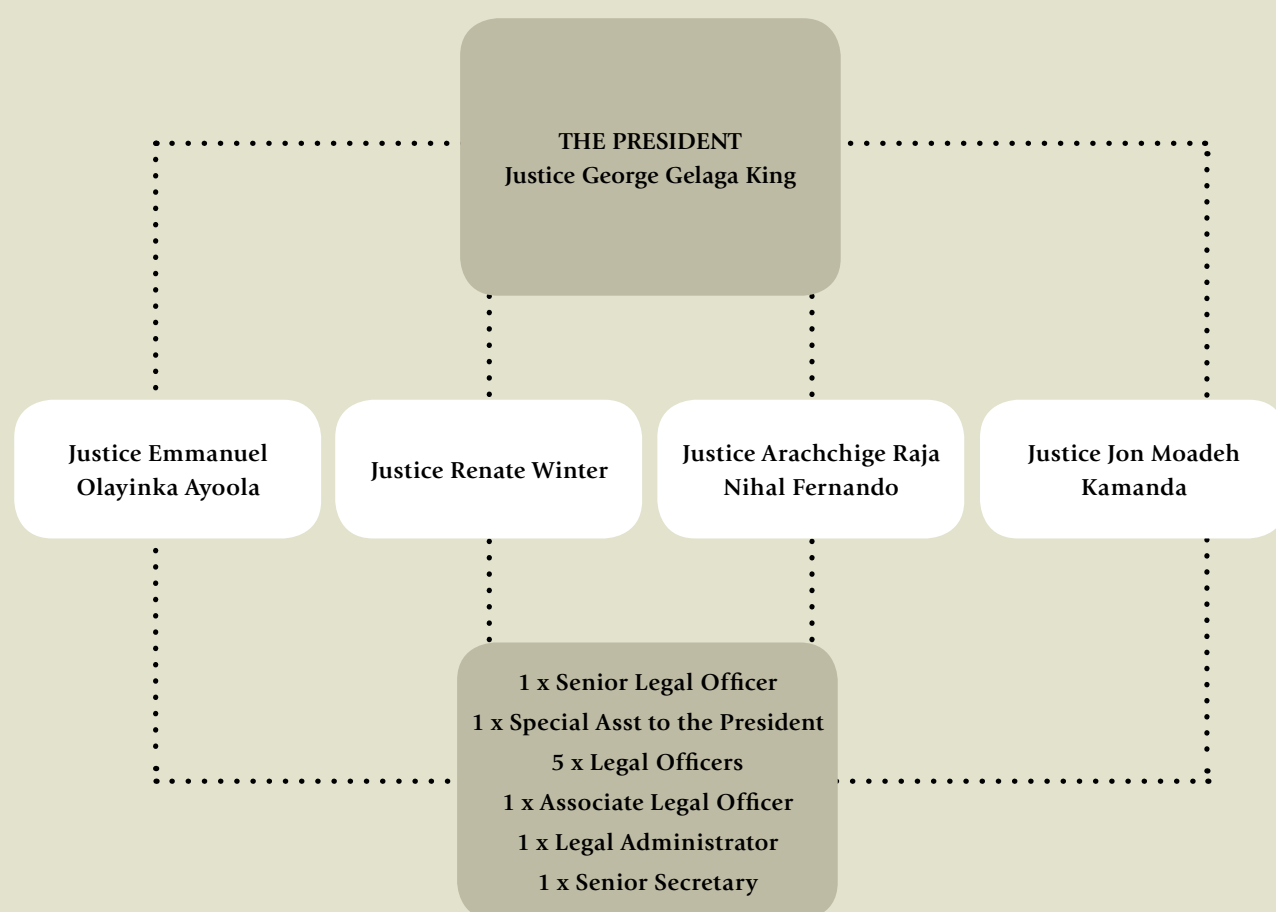
TRIAL CHAMBER II

Special Court for Sierra Leone



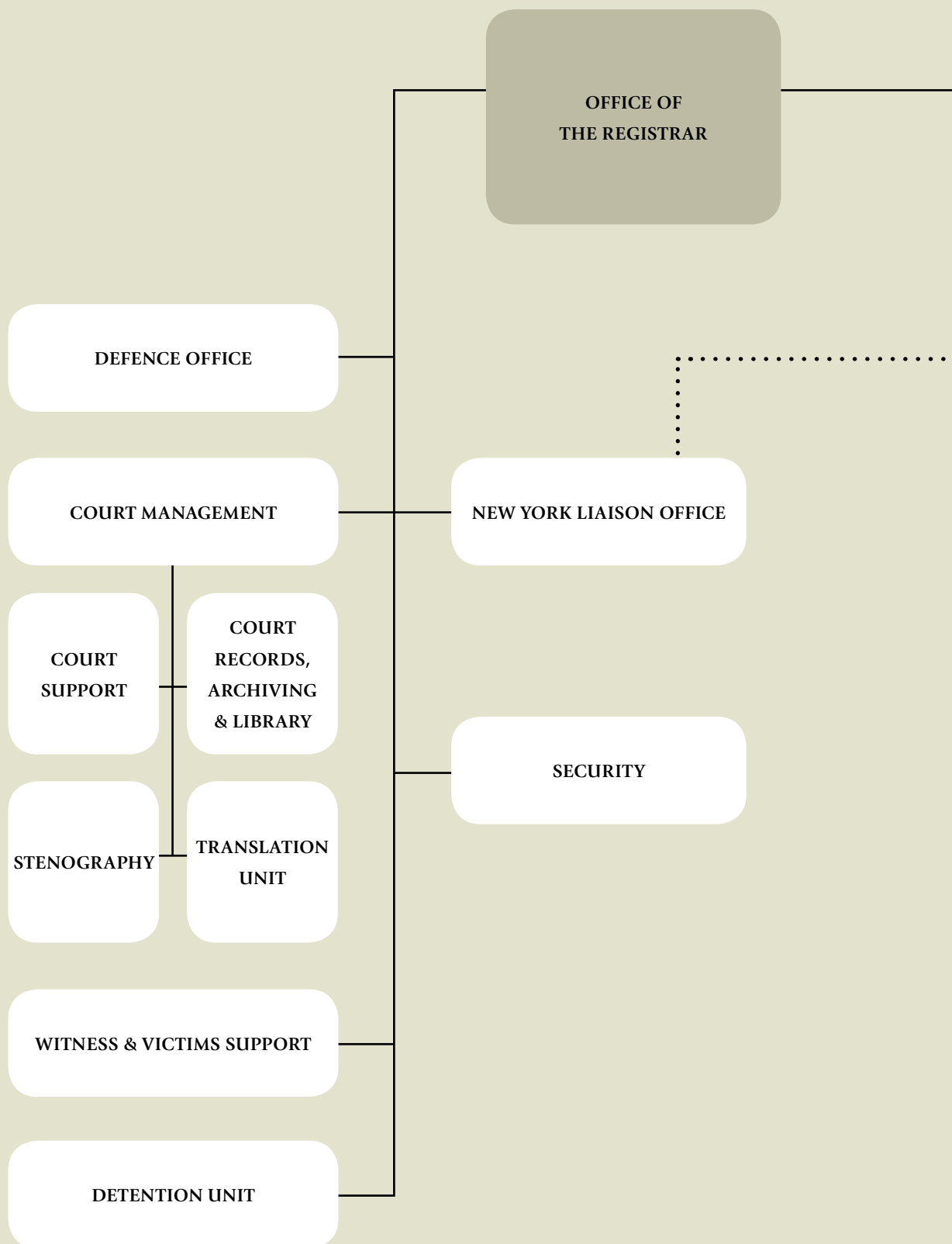
APPEALS CHAMBER

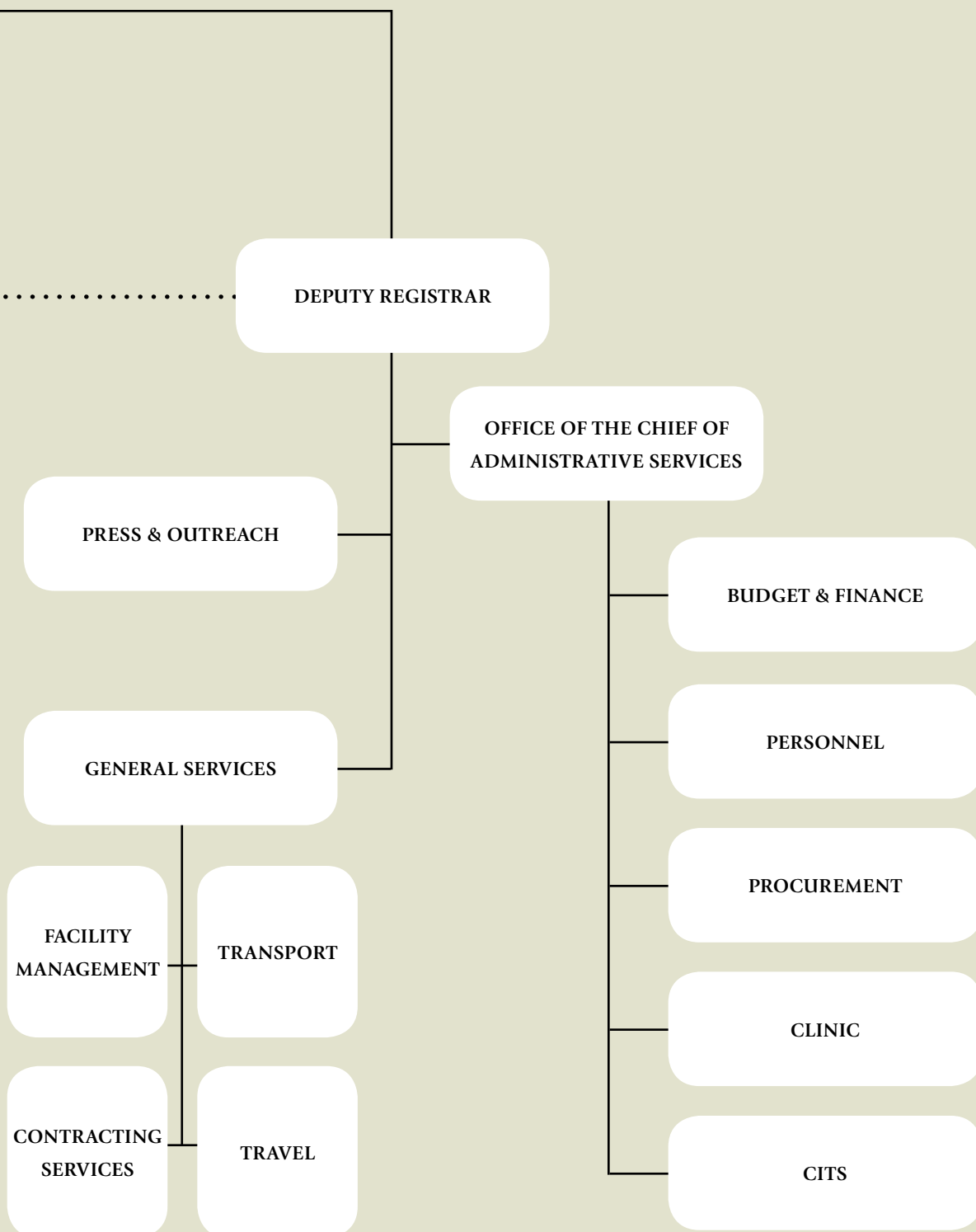
Special Court for Sierra Leone



THE REGISTRY

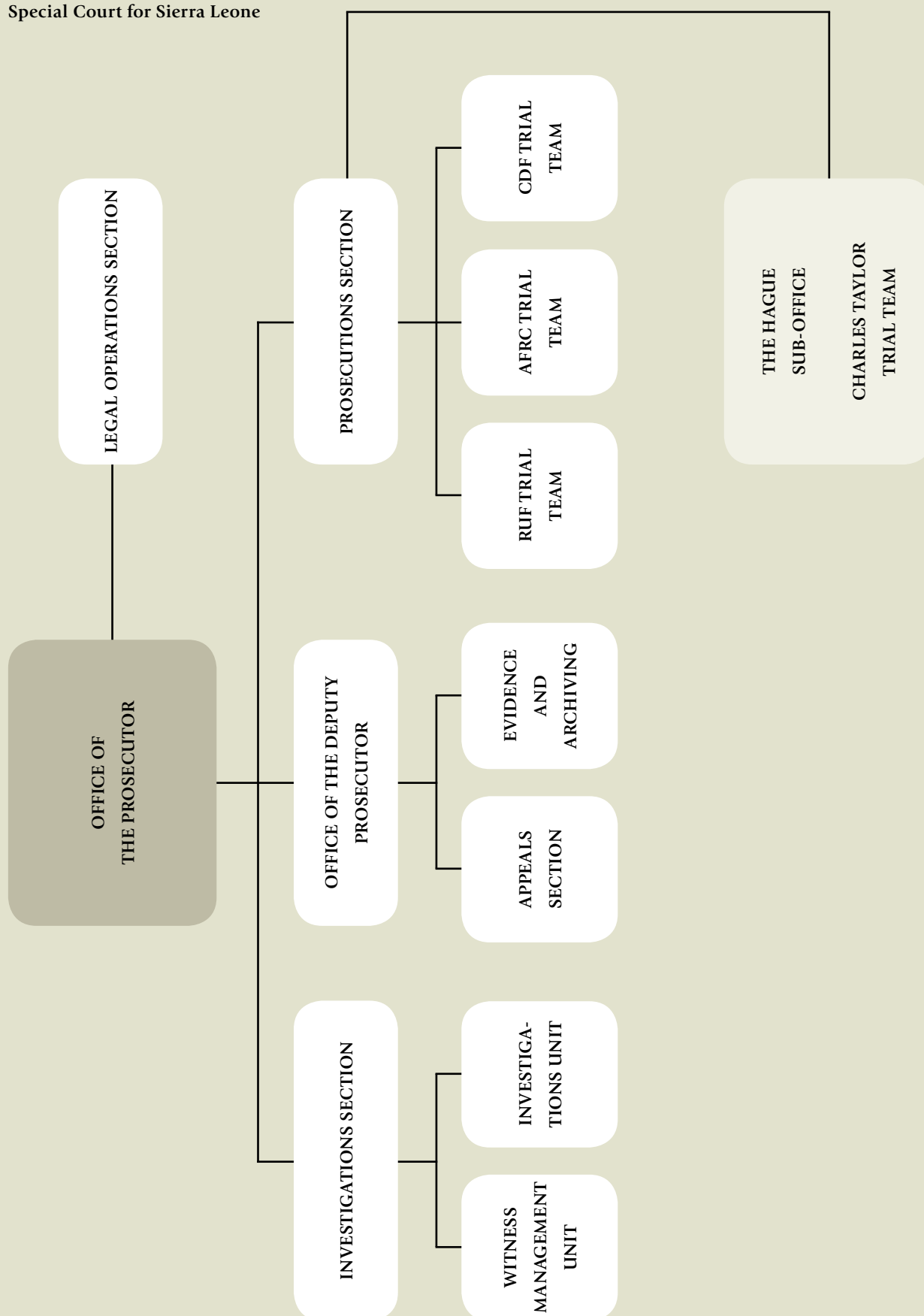
Special Court for Sierra Leone





THE PROSECUTION

Special Court for Sierra Leone



ANNEX IV

Special Court for Sierra Leone

Status of Pledges and Non-Pledged Contributions (in United States Dollars)

Country	Jan - Dec 07	Jan - May 08	Total Receipt
Albania	1,500.00	-	1,500.00
Australia	164,850.00	-	164,850.00
Austria	239,975.00	120,000.00	359,975.00
Belgium	191,919.26	-	191,919.26
Bosnia	1,000.00	-	1,000.00
Botswana	-	10,000.00	10,000.00
Bulgaria	3,868.80	-	3,868.80
Canada	1,724,420.49	4,629,767.45	6,354,187.94
Chile	20,000.00	-	20,000.00
Cyprus	14,770.00	-	14,770.00
Finland	135,210.40	-	135,210.40
France	645,950.00	724,200.00	1,370,150.00
Germany	797,880.00	2,156,280.00	2,954,160.00
Greece	60,000.00	-	60,000.00
Ireland	785,794.00	-	785,794.00
Israel	5,000.00	5,000.00	10,000.00
Luxembourg	45,787.00	29,450.00	75,237.00
Malaysia	50,000.00	-	50,000.00
Netherlands	2,399,968.00	-	2,399,968.00
New Zealand	100,000.00	-	100,000.00
Norway	723,820.89	-	723,820.89
Saudi Arabia	200,000.00	-	200,000.00
Serbia	-	5,000.00	5,000.00
Singapore	-	-	-
Slovenia	-	15,000.00	15,000.00
Spain	403,212.37	-	403,212.37
Sweden	591,960.03	-	591,960.03
Switzerland	961,178.09	-	961,178.09
United Kingdom	3,973,200.00	6,014,400.00	9,987,600.00
United States	13,000,000.00	-	13,000,000.00
Total	27,441,264.33	13,709,097.45	41,150,361.78

ANNEX V

In-Kind and Non-State Contributions

Canada	1,000,000 CAD/year	(Gratis personnel since Nov 2002)
Switzerland	275,000 USD/year	(Gratis personnel since Nov 2002)
Netherlands	51620 USD/Year	1 Gratis Personnel at the P-3 Level (Protocol Officer at SCSL Sub-Office)
Sierra Leone	\$24,081,981.48	In kind support including land for site of the Court, Security, Gratis Personnel, other services and logistical support
Ford Foundation	\$50,000	
OAK Foundation	\$170,000	
Rockefeller	\$75,000.00	
European Union	\$701,897.58	

ANNEX VI

Management Committee

Member States

Canada

Nigeria

Netherlands

Sierra Leone

United Kingdom

United States of America

UN Secretariat

Office of Legal Affairs

Office of Programme Planning

Budget and Accounts

Office of Human Resource Development

Office of Central Support Services



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