

004

SCSL-2003-13-I

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(54-65)

SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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FAX: +39 0831 257001 or +232 22 297001 or +1 212 963 9915 Ext: 178 7001

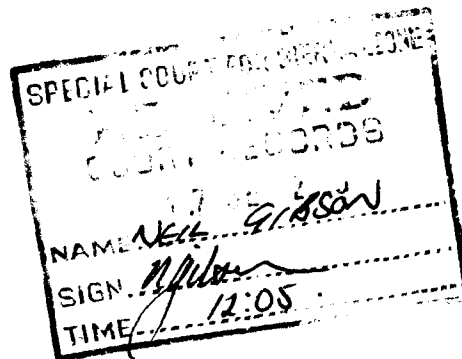
THE PROSECUTOR

v.

SANTIGIE BORBOR KANU

CASE NO. SCSL-2003-13-I

REGISTRAR'S REQUEST TO THE AUTHORITIES OF SIERRA LEONE FOR
THE EXECUTION OF THE ARREST WARRANT
PURSUANT TO RULE 55(C)





SPECIAL COURT FOR SIERRA LEONE

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CONTENTS

CASE NO.: SCSL-03-13-I

**SANTIGIE BORBOR KANU a.k.a. 55 a.k.a. FIVE-FIVE a.k.a. SANTIGIE KHANU a.k.a.
SANTIGIE KANU a.k.a. S.B.KHANU a.k.a. S.B. KANU a.k.a. SANTIGIE
BOBSON KANU a.k.a. BORBOR SANTIGIE KANU**

- 1) Letter to the Inspector General of Police, copied to the Attorney General and Minister of Justice;
- 2) Letter to the Attorney General and Minister of Justice, copied to the Inspector General of Police;
- 3) Certified True Copy of the Warrant of Arrest and Order for Transfer and Detention signed by Judge Pierre Boutet on 16 September 2003;
- 4) Certified True Copy of the Indictment, filed by the Prosecutor on 2003;
- 5) Certified True Copy of the Decision Approving the Indictment, the Warrant of Arrest and Order for Transfer and Detention and Order for Non-Public Disclosure signed by Judge Pierre Boutet on 16 September 2003;
- 6) Certified True Copy of the Statement of the Rights of the Accused;
- 7) Caution of Accused;
- 8) An Acknowledgement of Receipt by the Accused;
- 9) A Statement of Hand Over of the Accused by the National Arresting Authorities;
- 10) A Return of Service by the National Authorities of the Republic of Sierra Leone.



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CONFIDENTIAL

16 September 2003

Inspector General of Police of
the Republic of Sierra Leone

REF: REG/358/2003

Indictment of SANTIIGIE BORBOR KANU a.k.a. 55 a.k.a. FIVE-FIVE a.k.a. SANTIIGIE KHANU a.k.a. SANTIIGIE KANU a.k.a. S.B.KHANU a.k.a. S.B. KANU a.k.a. SANTIIGIE BOBSON KANU a.k.a. BORBOR SANTIIGIE KANU
Case No.: SCSL-2003-13-I

Dear Sir,

Please find herewith the Arrest Warrant and Order for Transfer and Detention, duly reviewed and signed by Judge Pierre Boutet on 16 September 2003.

Considering Article 17(2) of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;

Considering the Special Court Agreement 2002 (Ratification Act) 2002, Section 23 on Warrants of Arrest, whereby an Order of the Special Court shall have the same force or effect as if it had been issued by a Judge, Magistrate or Justice of the Peace of Sierra Leone;

Pursuant to the Special Court Agreement 2002 (Ratification Act) 2002, Section 24, on the Execution of Warrants of Arrest, whereby the arresting officer shall serve on the person against whom the warrant is issued certified copies of—

- (a) the warrant of arrest issued by the Special Court;
- (b) where appropriate, the indictment;
- (c) a statement of the rights of the accused; and
- (d) if necessary, a translation thereof into a language understood by the accused;

Pursuant to Rule 8(A) of the Special Court Rules of Procedure and Evidence (“the Rules”) on Requests and Orders, Rule 47 on the Review of Indictments and Rule 55 on the Execution of

Arrest Warrants; and in accordance with Rule 55(C) of the Rules of Procedure and Evidence, I hereby request that you:

- (a) Execute the arrest warrant and transfer the accused into the custody of the Special Court (Special Court Detention Facility) in liaison with, my Chief of Security;
- (b) Serve the following set of documents (folder labelled "for the Accused")
- (c) Cause the relevant documents to be read to the accused in a language understood by him and to caution him as to his rights in that language;
- (d) Return one set of the documents together with the completed proofs of service to the Special Court.

Yours faithfully,



Robert Kirkwood
Acting Registrar

CC: The Attorney General and Minister of Justice
Government of Sierra Leone
Guma Building
Freetown



SPECIAL COURT FOR SIERRA LEONE

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REF: REG/357/2003

16 September 2003

The Attorney General and
Minister of Justice
Guma Building, Freetown

Dear Sir,

Re: SANTIGIE BORBOR KANU a.k.a. 55 a.k.a. FIVE-FIVE a.k.a. SANTIGIE KHANU
a.k.a. SANTIGIE KANU a.k.a. S.B.KHANU a.k.a. S.B. KANU a.k.a. SANTIGIE
BOBSON KANU a.k.a. BORBOR SANTIGIE KANU

Case No.: SCSL-2003-13-I

Considering Article 17(2) of the Agreement between the United Nations and the Government of Sierra Leone on the establishment of the Special Court for Sierra Leone;

Considering the Special Court, 2002 (Ratification) Act 2002, Section 20;

Considering also Rule 8 (A) of Special Court Rules of Procedure and Evidence, which state that an order of the Special Court shall have the same force or effect as if it had been issued by a Judge, Magistrate or Justice of Peace of Sierra Leone;

Pursuant to Rules 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone,

I transmit to you a Warrant of Arrest and Order for Transfer and Detention, signed by Judge Pierre Boutet on 16 September 2003, in response to an indictment filed by the Prosecutor of the Special Court under Rule 47.

I respectfully request that the appropriate instructions be issued to the relevant authorities for the execution of this Warrant of Arrest and Order for Transfer and Detention.

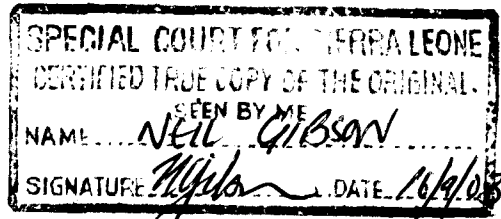
The documents listed overleaf are being transmitted to you and a copy of all documents is available for the relevant authorities for service upon the accused.

We appreciate your best cooperation on this matter.

Yours respectfully,

Robert Kirkwood
Acting Registrar

cc. Inspector General of Police



SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • NEW ENGLAND • FREETOWN, SIERRA LEONE

The Rights of the Accused – Article 17 of the Statute and Rules 42 & 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone

Article 17 of the Statute

Article 17: Rights of the accused

1. All accused shall be equal before the Special Court.
2. The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Court for the protection of victims and witnesses.
3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, he or she shall be entitled to the following minimum guarantees, in full equality:
 - a. To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;
 - b. To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
 - c. To be tried without undue delay;
 - d. To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;
 - e. To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
 - f. To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the Special Court;
 - g. Not to be compelled to testify against himself or herself or to confess guilt.

Rules 42 & 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone

Rule 42: Rights of Suspects during Investigation

(A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of

which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands:

- (i) The right to legal assistance of his own choosing, including the right to have legal assistance provided by the Defence Office where the interests of justice so require and where the suspect does not have sufficient means to pay for it;
- (ii) The right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning; and
- (iii) The right to remain silent, and to be cautioned that any statement he makes shall be recorded and may be used in evidence.

(B) Questioning of a suspect shall not proceed without the presence of counsel unless the suspect has voluntarily waived his right to counsel. In case of waiver, if the suspect subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the suspect has obtained or has been assigned counsel.

Rule 43: Recording Questioning of Suspects

Whenever the Prosecutor questions a suspect, the questioning shall be audio-recorded or video-recorded, in accordance with the following procedure:

- (i) The suspect shall be informed in a language he speaks and understands that the questioning is being audio-recorded or video-recorded;
- (ii) In the event of a break in the course of the questioning, the fact and the time of the break shall be recorded before audio-recording or video-recording ends and the time of resumption of the questioning shall also be recorded;
- (iii) At the conclusion of the questioning the suspect shall be offered the opportunity to clarify anything he has said, and to add anything he may wish, and the time of conclusion shall be recorded;
- (iv) The content of the recording shall then be transcribed as soon as practicable after the conclusion of questioning and a copy of the transcript supplied to the suspect, together with a copy of the recording or, if multiple recording apparatus was used, one of the original recorded tapes; and
- (v) After a copy has been made, if necessary, of the recorded tape for purposes of transcription, the original recorded tape or one of the original tapes shall be sealed in the presence of the suspect under the signature of the Prosecutor and the suspect.



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CAUTION OF ACCUSED

1. You have been arrested following an indictment of the Special Court for Sierra Leone.
2. You have the right to remain silent. Anything that you say may be recorded and may be used in evidence at your trial.
3. You have nothing to hope from any promise of favour and nothing to fear from any threat which may be made to induce you to make an admission or confession of guilt. Whatever you may say may be given in evidence notwithstanding such promise or threat.

I, the undersigned Police Officer of the Republic of Sierra Leone, following the service of the Arrest Warrant on the National Authorities, have undertaken the arrest of the Accused, and hereby declare that I have read the above caution on the Accused.

Name of **Arresting** Officer

Alfred Kamow-Kamoss

Signature of Arresting Officer

[Handwritten Signature]

I, the undersigned, Mr. SANTIGIE BORBOR KANU confirm that I have been read the above caution.

Name of **Accused**:

SANTIGIE BORBOR KANU

Signature of Accused

[Handwritten Signature] 17th 9/03.

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ACKNOWLEDGMENT OF RECEIPT BY THE ACCUSED

CASE NO.: SCSL-03-13-1

~~SANTIGIE BORBOR KANU a.k.a. 55 a.k.a. FIVE FIVE a.k.a. SANTIGIE KHANU a.k.a. SANTIGIE KANU a.k.a. S.B.KHANU a.k.a. S.B. KANU a.k.a. SANTIGIE BOBSON KANU a.k.a. BORBOR SANTIGIE KANU~~

[Handwritten signature]
17th 9/03.

I, the undersigned **SANTIGIE BORBOR KANU**, hereby confirm that I have received on this day, 17th September 2003, copies of the following documents and that I have been cautioned and that I have been read the Rights of the Accused in a language that I understand.

- 1) Certified True Copy of the Warrant of Arrest and Order for Transfer and Detention signed by Judge Pierre Boutet on 16 September 2003;
- 2) Certified True Copy of the Indictment, filed by the Prosecutor on 2003;
- 3) Certified True Copy of the Decision Approving the Indictment, the Warrant of Arrest and Order for Transfer and Detention and Order for Non-Public Disclosure signed by Judge Pierre Boutet on 16 September 2003;
- 4) Certified True Copy of the Statement of the Rights of the Accused (Article 17 of the Statute of the Special Court);
- 5) Caution of Accused;
- 6) The Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
- 7) The Statute of the Special Court for Sierra Leone;
- 8) The Special Court Agreement, 2002 (Ratification) Act, 2002;
- 9) The Rules of Procedure and Evidence of the Special Court for Sierra Leone.

Name : **SANTIGIE BORBOR KANU**

Date: 17th 09 03.

Signature : *[Handwritten signature]*

Witnessed by: *John Anthony* . 17/09/03



SPECIAL COURT FOR SIERRA LEONE

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STATEMENT OF HAND OVER OF AN ACCUSED

FROM NATIONAL ARRESTING AUTHORITY to SPECIAL COURT

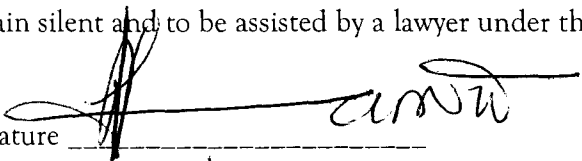
On the 17th day of the month of September, in the year 2003, I
Albert Kanne-Kanne (full name), SUP T. (title /
rank), representative of Republic of Sierra Leone Police - C.I.D . In my office /
a holding cell, at SCSL NEW England have summoned Mr.
Santigre, Kanne son of Pai Kanne, born on
March, 1965 (birth date), in Mafurki (village / town)
Prisoner (present occupation), currently in detention at the
_____, and in possession of the following items of
personal identification _____.

I have ensured that the party has been served with the following documents:

- 1) Certified True Copy of the Warrant of Arrest and Order for Transfer and Detention signed by Judge Pierre Boutet on 16 September 2003;
- 2) Certified True Copy of the Indictment, filed by the Prosecutor on 2003;
- 3) Certified True Copy of the Decision Approving the Indictment, the Warrant of Arrest and Order for Transfer and Detention and Order for Non-Public Disclosure signed by Judge Pierre on 16 September 2003;
- 4) Caution of Accused;
- 5) The Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
- 6) The Statute of the Special Court for Sierra Leone;
- 7) The Special Court Agreement, 2002 (Ratification) Act, 2002;
- 8) The Rules of Procedure and Evidence of the Special Court for Sierra Leone;

And the same party has acknowledged receipt thereof by signing the Acknowledgement of Receipt Form, dated 17/9/03.

The interested party has been cautioned, informed of his rights, and in particular his right to remain silent and to be assisted by a lawyer under the Special Court legal aid scheme.

Signature 

Date 17/9/ 2003

Seal



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RETURN OF SERVICE

NATIONAL AUTHORITIES OF THE REPUBLIC OF SIERRA LEONE

CASE NO.: SCSL-03-13-I

SANTIGIE BORBOR KANU a.k.a. 55 a.k.a. FIVE-FIVE a.k.a. SANTIGIE KHANU a.k.a.
SANTIGIE KANU a.k.a. S.B.KHANU a.k.a. S.B. KANU a.k.a. SANTIGIE BOBSON
KANU a.k.a. BORBOR SANTIGIE KANU

I, the undersigned, hereby confirm that I have received on this day, 17/19, 2003,
from the Registrar of the Special Court for Sierra Leone, copies of the following documents:

- 1) Letter to the Inspector General of Police, copied to the Attorney General and Minister of Justice;
- 2) Letter to the Attorney General and Minister of Justice, copied to the Inspector General of Police;
- 3) Certified True Copy of the Warrant of Arrest and Order for Transfer and Detention signed by Judge Pierre Boutet on 16 September 2003;
- 4) Certified True Copy of the Indictment, filed by the Prosecutor on 2003;
- 5) Certified True Copy of the Decision Approving the Indictment, the Warrant of Arrest and Order for Transfer and Detention and Order for Non-Public Disclosure signed by Judge Pierre Boutet on 16 September 2003;
- 6) Certified True Copy of the Statement of the Rights of the Accused;
- 7) Caution of Accused;
- 8) An Acknowledgement of Receipt by the Accused;
- 9) A Statement of Hand Over of the Accused by the National Arresting Authorities;
- 10) A Return of Service by the National Authorities of the Republic of SIERRA LEONE.

Name: Mfred Kason Karosa

Signature: [Handwritten Signature]

Designation: SUPT(SLP)

Official Seal: