

005

SCSL-2003-07-I-005  
(40-61)

40



**SPECIAL COURT FOR SIERRA LEONE**

**JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE**

**PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995**

**FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996**

---

**THE PROSECUTOR**

**v.**

**MORRIS KALLON**

**CASE NO. SCSL - 2003 - 07 - I**

---

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

---



44

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

---

**CONTENTS**

**DOCUMENTS SERVED ON NATIONAL AUTHORITIES IN ACCORDANCE WITH  
RULE 47 OF THE RULES OF PROCEDURE AND EVIDENCE**

**MORRIS KALLON**  
Case number: SCSL-2003-07-1

- 1) Letter to National Authority
- 2) Warrant of Arrest, and Order for Transfer and Detention under Rule 47 of the Rules of Procedure and Evidence.
- 3) A copy of the Rights of the Accused (Article 17 of the Statute, Rules 42 & 43)
- 4) A copy of the Statute of the Court
- 5) Inventory Seizure List
- 6) Statement of hand over by authorities
- 7) A Return of Service on National Authorities (pursuant to Rule 55B)
- 8) An acknowledgement of Receipt by Accused Form (pursuant to Rule 55C)
- 9) A copy of the Rules of Procedure and Evidence of the SCSL

42



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

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

*7 March 2003*

Dear Sir,

**MORRIS KALLON**  
**Case number: SCSL-2003-07-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 Agreement 2002 (Ratification Act), Section 20,

and also considering Rule 8 (A) of the 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 the 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 for Arrest and Order for Transfer and Detention, signed by Judge Thompson on 7 March 2002, in response to an indictment filed by the Prosecutor of the Special Court under Rule 47.

I respectfully request 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 co-operation in this matter.

Yours sincerely,

R VINCENT  
REGISTRAR



SCSL-2003-07-I  
(37-39)



43

**SPECIAL COURT FOR SIERRA LEONE**

**JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE**

**PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995**

**FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996**

---

Before: Judge Bankole Thompson

Registry: Mr. Robin Vincent

Decision of: 07 March 2003

**THE PROSECUTOR**

**Against**

**MORRIS KALLON also known as BILAI KARIM**

CASE NO. SCSL-2003-07-I

---

**WARRANT OF ARREST AND ORDER FOR TRANSFER  
AND DETENTION**

---

The Office of the Prosecutor:

David Crane  
Brenda Hollis

**THE SPECIAL COURT FOR SIERRA LEONE (the "Special Court"),**

**SITTING AS** Judge Thompson, designated by the President of the Special Court according to Rule 28 of the Rules of Procedure and Evidence ("the Rules");

**CONSIDERING** that the Indictment against MORRIS KALLON also known as BILAI KARIM, a citizen of Sierra Leone, born 1 January 1964 at Bo, Bo District, Republic of Sierra Leone, who is accused of Crimes against Humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other Serious Violations of International Humanitarian Law ("the Accused"); was reviewed and approved by the Special Court on 7 March 2003,

**CONSIDERING** that an Order for the Non-Disclosure was granted on 7 March 2003;

**HEREBY ORDERS THE REGISTRAR OF THE SPECIAL COURT**

(A) to address this Warrant of Arrest, Decision Approving the Indictment, the Approved Indictment of the Accused and a Statement of the Rights of the Accused to the national authorities of Sierra Leone in accordance with Rule 55;

(C) to cause to be served on the Accused, at the time of his arrest, or as soon as is practicable immediately following his arrest, in English or have read to him in a language he understands, a certified copy of the Warrant of Arrest, a certified copy of the Indictment, a statement of the rights of the Accused and to caution the Accused that any statement made by him shall be recorded and may be used as evidence against him in coordination with the National Authorities of the State concerned;

(D) to remand the Accused, into the custody of the Special Court Detention Facility or such other Detention Facility as determined by the President in accordance with Rule 57.

**HEREBY ORDERS THE RELEVANT AUTHORITIES OF THE GOVERNMENT OF SIERRA LEONE**

(A) promptly notify the Registrar of the Court of the arrest of the Accused for the purposes of effectuating his transfer to the custody of the Court, and to surrender the Accused to the Court without delay;

(B) to transfer the Accused to the custody of the Special Court without delay, or to such other place as the President may decide. The transfer shall be arranged between with the relevant national authorities of the Government of Sierra Leone and the Registrar of the Special Court;

(C) to assist and facilitate the Office of the Prosecutor of the Special Court, at any location, in the search for and seizure of all evidence related to the crimes alleged to have been committed by the Accused;

45

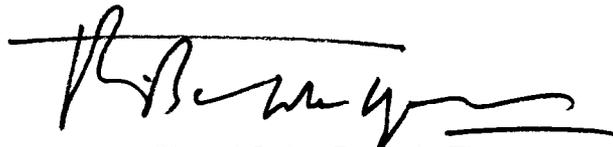
(D) to identify and locate assets owned by the Accused located within the territory of any State and adopt provisional measures to freeze such assets without prejudice to the rights of third parties;

(E) not to disclose to the public, including the media or any public record, the existence of the Indictment and this Warrant of Arrest, or any part thereof or information pertaining to the Indictment and this Warrant for Arrest until further order of the Court or at the direction of the Prosecutor;

(F) if the relevant national authorities of the Government of Sierra Leone are unable to immediately execute the present Warrant of Arrest and Order for Transfer, as requested, the Government of Sierra Leone is requested to indicate the reason for its inability to effect thereto.

A Member of the Office of the Prosecutor may be present from the time of arrest.

Done in London, this 7<sup>th</sup> day of March 2003.



Signed Judge Bankole Thompson  
Presiding Judge of the Trial Chamber

(Seal of the Special Court)





**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.

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

---

**STATUTE OF THE SPECIAL COURT FOR SIERRA LEONE**

**CONTENTS**

- Article 1: Competence of the Special Court for Sierra Leone
- Article 2: Crimes against Humanity
- Article 3: Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II
- Article 4: Other Serious Violations of International Humanitarian Law
- Article 5: Crimes under Sierra Leonean Law
- Article 6: Individual Criminal Responsibility
- Article 7: Jurisdiction over persons of 15 years of age
- Article 8: Concurrent jurisdiction
- Article 9: Non bis in idem
- Article 10: Amnesty
- Article 11: Organisation of the Special Court
- Article 12: Composition of the Chambers
- Article 13: Qualification and election of judges
- Article 14: Rules of procedure and evidence
- Article 15: The Prosecutor
- Article 16: The Registry
- Article 17: Rights of the Accused
- Article 18: Judgement
- Article 19: Penalties
- Article 20: Appellate Proceedings
- Article 21: Review Proceedings
- Article 22: Enforcement of Sentences
- Article 23: Pardon or commutation of sentences
- Article 24: Working Language
- Article 25: Annual Report

Having been established by an Agreement between the United Nations and the Government of Sierra Leone pursuant to Security Council resolution 1315 (2000) of 14 August 2000, the Special Court for Sierra Leone (hereinafter "the Special Court") shall function in accordance with the provisions of the present Statute.

**Article 1: Competence of the Special Court**

1. The Special Court shall, except as provided in subparagraph (2), have the power to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996, including those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone.
2. Any transgressions by peacekeepers and related personnel present in Sierra Leone pursuant to the Status of Mission Agreement in force between the United Nations and the Government of Sierra Leone or agreements between Sierra Leone and other Governments or regional organizations, or, in the absence of such agreement, provided that the peacekeeping operations were undertaken with the consent of the Government of Sierra Leone, shall be within the primary jurisdiction of the sending State.
3. In the event the sending State is unwilling or unable genuinely to carry out an investigation or prosecution, the Court may, if authorized by the Security Council on the proposal of any State, exercise jurisdiction over such persons.

**Article 2: Crimes against humanity**

The Special Court shall have the power to prosecute persons who committed the following crimes as part of a widespread or systematic attack against any civilian population:

- a. Murder;
- b. Extermination;
- c. Enslavement;
- d. Deportation;
- e. Imprisonment;
- f. Torture;
- g. Rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence;
- h. Persecution on political, racial, ethnic or religious grounds;
- i. Other inhumane acts.

**Article 3: Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II**

The Special Court shall have the power to prosecute persons who committed or ordered the commission of serious violations of article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include:

- a. Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- b. Collective punishments;
- c. Taking of hostages;
- d. Acts of terrorism;
- e. Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- f. Pillage;
- g. The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;
- h. Threats to commit any of the foregoing acts.

#### **Article 4: Other serious violations of international humanitarian law**

The Special Court shall have the power to prosecute persons who committed the following serious violations of international humanitarian law:

- a. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- b. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- c. Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

#### **Article 5: Crimes under Sierra Leonean law**

The Special Court shall have the power to prosecute persons who have committed the following crimes under Sierra Leonean law:

- a. Offences relating to the abuse of girls under the Prevention of Cruelty to Children Act, 1926 (Cap. 31):
  - i. Abusing a girl under 13 years of age, contrary to section 6;
  - ii. Abusing a girl between 13 and 14 years of age, contrary to section 7;
  - iii. Abduction of a girl for immoral purposes, contrary to section 12.
- b. Offences relating to the wanton destruction of property under the Malicious Damage Act, 1861:
  - i. Setting fire to dwelling - houses, any person being therein, contrary to section 2;
  - ii. Setting fire to public buildings, contrary to sections 5 and 6;
  - iii. Setting fire to other buildings, contrary to section 6.

**Article 6: Individual criminal responsibility**

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute shall be individually responsible for the crime.
2. The official position of any accused persons, whether as Head of State or Government or as a responsible government official, shall not relieve such person of criminal responsibility nor mitigate punishment.
3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior had failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.
4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the Special Court determines that justice so requires.
5. Individual criminal responsibility for the crimes referred to in article 5 shall be determined in accordance with the respective laws of Sierra Leone.

**Article 7: Jurisdiction over persons of 15 years of age**

1. The Special Court shall have no jurisdiction over any person who was under the age of 15 at the time of the alleged commission of the crime. Should any person who was at the time of the alleged commission of the crime between 15 and 18 years of age come before the Court, he or she shall be treated with dignity and a sense of worth, taking into account his or her young age and the desirability of promoting his or her rehabilitation, reintegration into and assumption of a constructive role in society, and in accordance with international human rights standards, in particular the rights of the child.
2. In the disposition of a case against a juvenile offender, the Special Court shall order any of the following: care guidance and supervision orders, community service orders, counselling, foster care, correctional, educational and vocational training programmes, approved schools and, as appropriate, any programmes of disarmament, demobilization and reintegration or programmes of child protection agencies.

**Article 8: Concurrent jurisdiction**

1. The Special Court and the national courts of Sierra Leone shall have concurrent jurisdiction.
2. The Special Court shall have primacy over the national courts of Sierra Leone. At any stage of the procedure, the Special Court may formally request a national court to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence.

**Article 9: Non bis in idem**

1. No person shall be tried before a national court of Sierra Leone for acts for which he or she has already been tried by the Special Court.
2. A person who has been tried by a national court for the acts referred to in articles 2 to 4 of the present Statute may be subsequently tried by the Special Court if:
  - a. The act for which he or she was tried was characterized as an ordinary crime; or
  - b. The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility or the case was not diligently prosecuted.
3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the Special Court shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

**Article 10: Amnesty**

An amnesty granted to any person falling within the jurisdiction of the Special Court in respect of the crimes referred to in articles 2 to 4 of the present Statute shall not be a bar to prosecution.

**Article 11: Organization of the Special Court**

The Special Court shall consist of the following organs:

- a. The Chambers, comprising one or more Trial Chambers and an Appeals Chamber;
- b. The Prosecutor; and
- c. The Registry.

**Article 12: Composition of the Chambers**

1. The Chambers shall be composed of not less than eight (8) or more than eleven (11) independent judges, who shall serve as follows:
  - a. Three judges shall serve in the Trial Chamber, of whom one shall be a judge appointed by the Government of Sierra Leone, and two judges appointed by the Secretary-General of the United Nations (hereinafter "the Secretary-General").
  - b. Five judges shall serve in the Appeals Chamber, of whom two shall be judges appointed by the Government of Sierra Leone, and three judges appointed by the Secretary-General.
2. Each judge shall serve only in the Chamber to which he or she has been appointed.
3. The judges of the Appeals Chamber and the judges of the Trial Chamber, respectively, shall elect a presiding judge who shall conduct the proceedings in the Chamber to which he or she was elected. The presiding judge of the Appeals Chamber shall be the President of the Special Court.

4. If, at the request of the President of the Special Court, an alternate judge or judges have been appointed by the Government of Sierra Leone or the Secretary-General, the presiding judge of a Trial Chamber or the Appeals Chamber shall designate such an alternate judge to be present at each stage of the trial and to replace a judge if that judge is unable to continue sitting.

#### **Article 13: Qualification and appointment of judges**

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. They shall be independent in the performance of their functions, and shall not accept or seek instructions from any Government or any other source.
2. In the overall composition of the Chambers, due account shall be taken of the experience of the judges in international law, including international humanitarian law and human rights law, criminal law and juvenile justice.
3. The judges shall be appointed for a three-year period and shall be eligible for reappointment.

#### **Article 14: Rules of Procedure and Evidence**

1. The Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda obtaining at the time of the establishment of the Special Court shall be applicable *mutatis mutandis* to the conduct of the legal proceedings before the Special Court.
2. The judges of the Special Court as a whole may amend the Rules of Procedure and Evidence or adopt additional rules where the applicable Rules do not, or do not adequately, provide for a specific situation. In so doing, they may be guided, as appropriate, by the Criminal Procedure Act, 1965, of Sierra Leone.

#### **Article 15: The Prosecutor**

1. The Prosecutor shall be responsible for the investigation and prosecution of persons who bear the greatest responsibility for serious violations of international humanitarian law and crimes under Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. The Prosecutor shall act independently as a separate organ of the Special Court. He or she shall not seek or receive instructions from any Government or from any other source.
2. The Office of the Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor shall, as appropriate, be assisted by the Sierra Leonean authorities concerned.
3. The Prosecutor shall be appointed by the Secretary-General for a three-year term and shall be eligible for re-appointment. He or she shall be of high moral character and possess the highest level of professional competence, and have extensive experience in the conduct of investigations and prosecutions of criminal cases.

4. The Prosecutor shall be assisted by a Sierra Leonean Deputy Prosecutor, and by such other Sierra Leonean and international staff as may be required to perform the functions assigned to him or her effectively and efficiently. Given the nature of the crimes committed and the particular sensitivities of girls, young women and children victims of rape, sexual assault, abduction and slavery of all kinds, due consideration should be given in the appointment of staff to the employment of prosecutors and investigators experienced in gender-related crimes and juvenile justice.

5. In the prosecution of juvenile offenders, the Prosecutor shall ensure that the child-rehabilitation programme is not placed at risk and that, where appropriate, resort should be had to alternative truth and reconciliation mechanisms, to the extent of their availability.

**Article 16: The Registry**

- 1. The Registry shall be responsible for the administration and servicing of the Special Court.
- 2. The Registry shall consist of a Registrar and such other staff as may be required.
- 3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the Special Court and shall be a staff member of the United Nations. He or she shall serve for a three-year term and be eligible for re-appointment.
- 4. The Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses. The Unit personnel shall include experts in trauma, including trauma related to crimes of sexual violence and violence against children.

**Article 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.

### **Article 18: Judgement**

The judgement shall be rendered by a majority of the judges of the Trial Chamber or of the Appeals Chamber, and shall be delivered in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

### **Article 19: Penalties**

1. The Trial Chamber shall impose upon a convicted person, other than a juvenile offender, imprisonment for a specified number of years. In determining the terms of imprisonment, the Trial Chamber shall, as appropriate, have recourse to the practice regarding prison sentences in the International Criminal Tribunal for Rwanda and the national courts of Sierra Leone.
2. In imposing the sentences, the Trial Chamber should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.
3. In addition to imprisonment, the Trial Chamber may order the forfeiture of the property, proceeds and any assets acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the State of Sierra Leone.

### **Article 20: Appellate proceedings**

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chamber or from the Prosecutor on the following grounds:
  - a. A procedural error;
  - b. An error on a question of law invalidating the decision;
  - c. An error of fact which has occasioned a miscarriage of justice.
2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chamber.
3. The judges of the Appeals Chamber of the Special Court shall be guided by the decisions of the Appeals Chamber of the International Tribunals for the former Yugoslavia and for Rwanda. In the interpretation and application of the laws of Sierra Leone, they shall be guided by the decisions of the Supreme Court of Sierra Leone.

### **Article 21: Review proceedings**

1. Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chamber or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit an application for review of the judgement.
2. An application for review shall be submitted to the Appeals Chamber. The Appeals Chamber may reject the application if it considers it to be unfounded. If it determines that the application is meritorious, it may, as appropriate:
  - a. Reconvene the Trial Chamber;
  - b. Retain jurisdiction over the matter.

### **Article 22: Enforcement of sentences**

1. Imprisonment shall be served in Sierra Leone. If circumstances so require, imprisonment may also be served in any of the States which have concluded with the International Criminal Tribunal for Rwanda or the International Criminal Tribunal for the former Yugoslavia an agreement for the enforcement of sentences, and which have indicated to the Registrar of the Special Court their willingness to accept convicted persons. The Special Court may conclude similar agreements for the enforcement of sentences with other States.
2. Conditions of imprisonment, whether in Sierra Leone or in a third State, shall be governed by the law of the State of enforcement subject to the supervision of the Special Court. The State of enforcement shall be bound by the duration of the sentence, subject to article 23 of the present Statute.

### **Article 23: Pardon or commutation of sentences**

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the Special Court accordingly. There shall only be pardon or commutation of sentence if the President of the Special Court, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

### **Article 24: Working language**

The working language of the Special Court shall be English.

### **Article 25: Annual Report**

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.





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

58

**STATEMENT RELATING TO THE TRANSFER OF AN ACCUSED TO THE CUSTODY OF THE  
SPECIAL COURT FOR SIERRA LEONE PURSUANT TO RULE 47.**

On the 10<sup>th</sup> day of the month of MARCH, in the year two thousand and three,

I A. KARROW-KAMARA (full name), Supt. (title),  
representative of the police / ministry of justice of \_\_\_\_\_

In ~~my~~ office / a holding cell, at Bonthe Island, have  
summoned:

Mr. **MORRIS KALLON**, born 1 January 1964, in Bo, Bo District, Republic of Sierra Leone,  
(occupation) \_\_\_\_\_, currently in detention at the  
Bonthe Island, and in possession of the following items of  
identification known personally to me.

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

- 1) Warrant of Arrest and Order for Transfer and Detention under Rule 55 of the Rules of Procedure and Evidence of the SCSL, signed by Judge Thompson on 7 March 2003.
- 2) A copy of the Rights of Suspects and Accused, duly admonished
- 3) A copy of the ~~Agreement~~ <sup>Agreement</sup> and Statute establishing the Special Court

And has acknowledged receipt thereof by signing the Acknowledgement of Receipt Form, dated  
10 March 2003.

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 [Signature]

Date 10 March 2003



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

10 9-0023222231824 P. 95  
**SPECIAL COURT FOR SIERRA LEONE**  
**COURT RECORDS**  
**RECEIVED**  
 NAME W. HART  
 SIGNATURE [Signature]  
 DATE 11-03-03 TIME 09:00

59

**RETURN of SERVICE ON NATIONAL AUTHORITY**  
**CASE NO. SCSL-2003-07-1**  
**THE PROSECUTOR VS MORRIS KALLON**

I, the undersigned, hereby confirm that I have received on this day, 9th March, 2003, from the Registrar of the Special Court for Sierra Leone (SCSL), three sets of certified true copies of the following documents:

- 1) Warrant for Arrest and Order for Transfer and Detention under Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, signed by Judge Thompson on 7 March 2003, for the transfer of Morris Kallon
- 2) A copy of the Rights of the Accused (Article 17 of the Statute, Rules 42 and 43)
- 3) A copy of the Statute of the Court
- 4) A copy of the Rules of Procedure and Evidence of the SCSL
- 5) A Return of Service on National Authorities (pursuant to Rule 55B)
- 6) An acknowledgement of Receipt by Accused Form (pursuant to Rule 55C)

Name : KETH BIDDLE  
 Designation : INSPECTOR GENERAL OF POLICE, SIERRA LEONE  
 Signature : [Signature]

Seal



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

**ACKNOWLEDGEMENT OF RECEIPT BY AN ACCUSED**  
**CASE NO. SCSL-2003-07-I**  
**THE PROSECUTOR VS. MORRIS KALLON**

I, the undersigned, **MORRIS KALLON**, hereby confirm that I have received on this day, 10 MARCH, 2003, certified true copies of the following documents:

- 1) Warrant of Arrest and Order for Transfer and Detention under Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, signed by Judge Thompson on 7 March 2003, for the transfer of Morris Kallon.
- 2) A copy of the Rights of the Accused (Article 17 of the SCSL Statute, Rules 42 and 43 of the SCSL Rules of Procedure).
- 3) A copy of the Statute of the Special Court
- 4) A copy of the approved indictment
- 5) An acknowledgement of Receipt by an Accused Form (pursuant to Rule 55C)

Name: MORRIS KALLON.

Date: 10/3/2003

Signature: *M. Kallon*

Seal

**CAUTION UPON TRANSFER INTO THE CUSTODY  
OF THE COURT**

TRANSFERRED BY THE NATIONAL AUTHORITIES OF THE ARRESTING STATE TO THE CUSTODY OF THE SPECIAL COURT ACCUSED OF CRIMES UNDER THE JURISDICTION OF THE COURT UNDER RULE 47 OF THE RULES OF PROCEDURE AND EVIDENCE OF THE SPECIAL COURT

1. You are now being transferred to the custody of the Special Court for Sierra Leone suspected of having committed a crime within the competence of the Special Court.
2. You are entitled to all rights applicable under the Statute and the Rules of Procedure and Evidence of the Special Court for Sierra Leone.
3. You have the right to be assisted by a counsel of your choice or to have legal assistance assigned to you if you do not have sufficient means to pay for it.
4. You have the right to free assistance of an interpreter in case you cannot understand or speak the language to be used for your questioning.
5. You have the right to remain silent. Anything that you say shall be recorded and may be used in evidence.
6. 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.