



**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PRESIDENT**

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE
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**PRACTICE DIRECTION ON THE PROCEDURE TO BE FOLLOWED UPON REQUEST
FOR A SPECIAL COURT CONVICTED PERSON TO APPEAR AS A WITNESS**

I, HON. JUSTICE RENATE WINTER, President of the Special Court for Sierra Leone;

MINDFUL of the Statute of the Special Court (“Statute”) as annexed to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone, signed on 12 January 2002, and in particular the provisions of Articles 15 and 17 of the Statute which, *inter alia*, provides for the Prosecutor’s power to question witnesses and the Accused’s right to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

MINDFUL of Article 16 of the Statute which provides, *inter alia*, that the Registry is responsible for the administration and servicing of the Special Court;

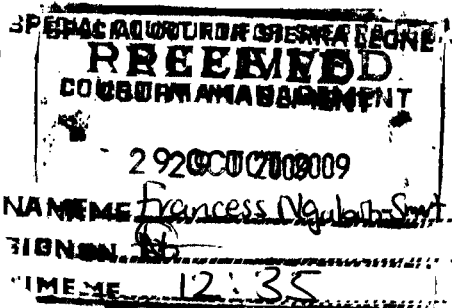
MINDFUL of the Rules of Procedure and Evidence of the Special Court (“Rules”) and in particular Rule 19 which provides, *inter alia*, that the President shall co-ordinate the work of the Chambers, and may issue Practice Directions addressing detailed aspects of the conduct of proceedings before the Special Court;

CONSIDERING that there exists a requirement to provide a procedure for a Special Court convicted person to appear as a witness or to testify remotely in proceedings before the Special Court;

HAVING CONSULTED with the Presiding Judge of Trial Chamber II and the Acting Registrar pursuant to Rule 19(B);

HEREBY ISSUE this Practice Direction in order to ensure the efficient functioning of proceedings before the Chambers:

1. A party to proceedings (“first proceedings”) before the Special Court seeking to obtain the appearance of a person convicted in proceedings before the Special Court (“Convicted Person” and “second proceedings”, respectively) as a witness, shall make an application to the Judge or Chamber seized of the first proceedings.
2. If the Judge or Chamber of the first proceedings determines that the Convicted Person may give evidence via audio or video-link technology, or by other means of remote communication, then the Judge or Chamber shall consult with the Registrar to determine whether such means of communication can be arranged, and if so, to order the Registrar to provide for the remote testimony of the Convicted Person.
3. If the Judge or Chamber determines that the appearance of the Convicted Person is required, then the Judge or Chamber shall order the Registrar to transfer temporarily the Convicted





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Person to the ICC Detention Centre or United Nations Detention Unit and specify the period of time for the temporary transfer.

4. The Registrar shall transmit the order of transfer to the national authorities of the State enforcing the sentence of the Convicted Person ("State of Enforcement") and all other authorities whose cooperation is required to carry out the order.
5. The Registrar shall ensure the proper conduct of the transfer, including the supervision of the Convicted Person in the ICC Detention Centre or United Nations Detention Unit.
6. On expiration of the period decided by the Judge or Chamber for the temporary transfer, the Convicted Person shall be remanded to the authorities of the State of Enforcement.
7. If, by the end of the period decided by the Judge or Chamber, the presence of the Convicted Person continues to be necessary, a Judge or Chamber may extend the period by order to the Registrar.
8. Pursuant to Agreement on the Enforcement of Sentences of the Special Court, the duration of the temporary transfer shall be deducted from the overall sentence to be served by the Convicted Person.

Done this 28th day of October 2009 at Freetown, Sierra Leone.

A handwritten signature in black ink, appearing to read 'Renate Winter', is written over a horizontal line.

Hon. Justice Renate Winter
President of the Special Court for Sierra Leone