

Special Court for Sierra Leone
Press and Public Affairs Office

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APPEAL CHAMBER HEARINGS: QUESTIONS OF LAW

The Special Court for Sierra Leone, established by agreement between that government and the United Nations, is to hold its first hearings in Freetown, October 31st - November 7th, 2003.

It will hear motions which raise fundamental legal issues which have to be resolved before its war crimes trials can begin. These issues are:

1. Whether the Special Court has been lawfully established.
2. Whether the Special Court's voluntary funding by UN member states deprives it of the necessary guarantees of independence and impartiality.
3. Whether the indictment of Charles Taylor, at the time he was President of Liberia or subsequently, was invalid because he was/is immune from prosecution. Whether in any event the Special Court writ can run outside Sierra Leone.
4. Whether the indictees can benefit from any Amnesty or Government undertaking not to prosecute allegedly given them before or in the Lomé agreement.
5. Whether there is a crime of recruiting child soldiers in customary international law.

The Appeal Chamber will be presided over by Justice Geoffrey Robertson Q.C. (UK) sitting with other Justices from the Appeal Chamber. The Court's Practice Direction provides (Article 5) that

"The President or designated Pre-Hearing judge may give permission for an interested party to intervene by way of filing a written submission and/or by making an oral submission... written arguments by interveners must be filed more than 7 days before the hearing, and will be circulated forthwith to the parties."

Any organisation or person interested in making legal submissions to the Court on the above issues should contact the Registrar, Robin Vincent, for further details.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30

November 1996. To date, the Prosecutor has indicted thirteen persons on various charges of war crimes, crimes against humanity, and other serious violations of international humanitarian law. Nine indictees are currently in the custody of the Court.

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Press and Public Affairs Office
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Mobile: 232 76 655 237 Email: SCSL-pressoffice@un.org
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