

Special Court for Sierra Leone
Press and Public Affairs Office

PRESS RELEASE

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THE COURT RULES TRIALS SHOULD BE HELD WITHOUT UNDUE DELAY

The Appeals Chamber of the Special Court for Sierra Leone yesterday turned down three defence motions, which the Court said could have led to lengthy delays in the trials of persons indicted for war crimes.

The Appeals Chamber is sitting for the first time in the Sierra Leonean capital, Freetown.

The Special Court is mandated to try those deemed to bear the greatest responsibility for war crimes committed in Sierra Leone after 30 November 1996.

Defence Counsel, acting for Sam Hinga Norman, Morris Kallon and Augustine Gbao, argued for a stay of proceedings based on their concerns about recent changes to Rule 72 of the Court's Rules of Procedure.

Defence Counsel argued that the process by which the Trial Chamber referred preliminary motions directly to the Appeals Chamber contravened the Statute of the Court and fell short of international human rights standards.

This fast-track process was introduced in August 2003 to accommodate issues which could significantly affect the fair and expeditious conduct of the proceedings or the outcome of a trial.

Those issues could include extra-territoriality (the Special Court's ability to indict defendants who are nationals of another country), sovereign immunity, or whether the accused are covered by an amnesty in the 1999 Lome Peace Accord.

Yesterday's decision upheld the view that the modifications served the interests of defendants' rights to an expeditious trial.

The lengthy ruling, delivered by the Court President Justice Geoffrey Robertson Q.C., had the unanimous support of the three other judges - Justice Emmanuel Ayoola (Nigeria), Justice Renate Winter (Austria) and Justice George Gelaga-King (Sierra Leone).

Yesterday's decision also noted that if issues concerning a defendant's case being heard in the Appeals Chamber deserved a hearing by the Trial Chamber, the Appeals Chamber would have the power to refer it back.

In a statement issued to media after the judgement, Justice Robertson stressed that everyone who is convicted has a right to appeal, but since the accused have not been convicted, they could not exercise that right.

"Detainees are entitled to be tried fairly, effectively and expeditiously and the Special Court has been set up as a model in order to avoid the delays that have occurred in other criminal tribunals," Justice Robertson said.

"The Special Court for Sierra Leone expects cases to be listed for trial within 12 months of arrest," Justice Robertson said.

Justice George Gelaga-King issued a short concurring statement in support of today's decision.

A full copy of the judgement can be obtained from the Public Affairs Office.

#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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