



FIRST ANNUAL REPORT OF THE PRESIDENT OF THE

SPECIAL COURT FOR SIERRA LEONE

FOR THE PERIOD 2 DECEMBER 2002 - 1 DECEMBER 2003

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FOREWORD



Mr Secretary General,

It is an honour to present this annual report on the performance of the Special Court for Sierra Leone in its first year of operation, from the date of swearing in of its judges on 2nd December, 2002. The very establishment of this court, by the United Nations and the government of Sierra Leone, was intended as an exercise in accountability for those who could be proved to bear the greatest responsibility for the atrocities of the war.

The court, I know, is close to your heart. It has only been during your period of office that international criminal justice has become a force in the world - in relation to tribunals for Rwanda and former Yugoslavia, for East Timor, Cambodia and Sierra Leone, and soon through the work of the International Criminal Court (ICC). These courts have different structures and it will be for the United Nations to assess which works best, and which model will be best suited to a particular country's post-war settlement.

There are a number of features of this court which make it unique. Its mandate is to try those who bear greatest responsibility for the crimes against humanity committed during the war and its goal is to accomplish this task both fairly and with expedition. It is established in the country where the crimes were committed and where its work can count as part of the reconciliation process. It comprises a majority of international judges and prosecutors appointed by the United Nations but with a significant input from Sierra Leoneans appointed by their government. It will provide a legacy for this recovering nation not merely by building and leaving behind an impressive, modern courthouse and by providing training and experience for local lawyers, investigators and administrators, but more importantly, by encouraging respect for the rule of law.

The law's delays are legendary. But this report testifies to the remarkable progress which had been made, by the end of the first year, towards the court's goals. The Registrar, Mr Robin Vincent, took up residence in Sierra Leone only in July 2002. At Easter 2003 a competition was held amongst architects to design the courthouse; progress thereafter was so rapid that it was possible to open the building in March 2004.

Throughout the year reviewed in this report, the judges prepared rules of procedure and evidence suitable for Special Court trials; the Registrar's office developed an effective managerial role together with reliable administrative support systems; the prosecution and defence teams settled down and made themselves ready for trial. The first indictments had been approved on 7 March 2003 and a number of arrests followed. Prisoners were initially kept in temporary accommodation at Bonthe Island, but a more up-to-date detention facility was built on the court's present site and was ready for occupation in August 2003. Trial Chamber judges worked indefatigably, dealing with over 150 motions in this early period. The Appeals Chamber held its first hearings in October and delivered some judgements in that session. One important indictee - ex-corporal Foday Sankoh, the leader of the RUF - died of natural causes whilst in custody and one other indictee - Sam Bockarie - was killed in Liberia before he could be arrested.

A war crimes court in a war torn country so soon after the war's end carries obvious risks, especially for its personnel. I want to pay particular tribute to our national staff, who are dedicated to the ideal of providing a fair trial for alleged perpetrators, and to express the hope that through their work with the court they can acquire or enhance skills that will be applied for the benefit of Sierra Leone in the future. I know they will be the first to join me in thanking the staff who have volunteered to come here from foreign countries often at considerable personal expense and inconvenience.

Operations in Freetown have been logistically challenging, but the advantages of delivering justice when and where it matters - where it can be seen to be done by those who need it - are very important. The presence of the court in Freetown symbolises the nation's emergence from the moral and physical degradation of the war: the process of prosecution and punishment of any who can be proved beyond reasonable doubt to bear greatest responsibility will permit some sense of closure for all living victims and advance the broader goal of sustainable peace, through the nation's return to the rule of law.

Justice Geoffrey Robertson QC · President of the Special Court for Sierra Leone
(December 2002 - March 2004)

INTRODUCTION

This is the first Annual Report of the Special Court for Sierra Leone, prepared pursuant to Article 25 of the Statute of the Special Court, which states “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”.

The report will cover the period from the swearing in of the Judges of the Court, on 2 December 2002, and the following twelve months. That being said, given the date of the completion of the report (31 March 2004), where it is sensible to include reference to any significant events or activities related to the Court’s progress outside that period, such reference will be included.

The report will cover the activities of all sections of the Court: the Chambers, Prosecution, Defence and the Registry. It will also consider the important issue of the legacy that the Court will leave behind, illustrate the Court’s funding situation and introduce the Management Committee which was set up to assist the Court on questions of funding and administration. Finally, it will offer some thoughts on the way ahead for the Court’s future years of operation.

6 **The Special Court for Sierra Leone was established 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”** 9

(Article 1 (1) of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone)

SUMMARY OF ACTIVITIES

The Special Court was created, pursuant to Security Council Resolution No. 1315 (2000) of 14 August 2000, by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (“Agreement”) dated 16 January 2002, to which is annexed the Statute of the Special Court for Sierra Leone (“Statute”) thereby forming an integral part of the Agreement.

Whilst the period covered by this report is the twelve months from 2 December 2002, the Prosecutor and the Registrar were appointed

by the Secretary-General on 17 April 2002 and 10 June 2002 respectively. The Court officially began its operations on 1 July 2002 with the Registrar, Robin Vincent, arriving in Freetown in the middle of July, followed shortly in early August by the Prosecutor, David Crane. On 13 November 2002, the Government of Sierra Leone appointed the Deputy Prosecutor, Desmond De Silva, QC.

Between the time of their arrival and the swearing in of the Judges, the Registrar and Prosecutor set about setting up their offices, securing staff and began their respective tasks of constructing the Court and conducting investigations.

Since December 2002, the Court has developed a previously barren 11.5 acre site in Freetown, building offices, a detention facility, a temporary courthouse and, at the time of producing this report, is close to completing the construction of the courthouse itself.

The Prosecutor has investigated and prepared cases against thirteen individuals who have been charged with crimes against humanity, war crimes and other related crimes. Nine indictees are currently held in custody in the Court’s detention facility, with two Accused having died and a further two still at large. In addition to the existing eleven indictments, it is possible that the Prosecutor may issue more indictments.

The Judges have adopted and amended the Rules of Procedure and Evidence and both the Trial and Appeals Chambers have held

hearings to consider many varied and complex legal issues. In early 2004, the Trial Chamber issued decisions by which three trials instead of nine separate trials will be held against the nine Accused currently in the custody of the Court. Trials will begin in June 2004.

A Defence Office, endowed with sufficient in house resources, has been established. Defence teams made up of highly experienced international and national counsel have been provided to indigent defendants. On 5 March 2004, a distinguished counsel was appointed as Special Court Principal Defender. The creation of a Defence Office, headed by a Principal Defender is an innovation in the structure of international courts and tribunals. This innovation is intended to ensure the rights of suspects and accused persons, provide a counterbalance to the Prosecution, and obviate problems of “fee-splitting” and inadequate defence.

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An ambitious outreach programme has been established with the aim not only of ensuring that the purpose of the Special Court is understood across Sierra Leone, but also to grant to all sections of civil society in the country the opportunity to have their voice heard and their expectations of the Court identified.

The Court also found itself evolving alongside a Truth and Reconciliation Commission (TRC). From an early stage, both organisations recognised their respective roles and objectives and, overall, the relationship proved to be cordial. The events surrounding a request by the TRC to interview two of the Special Court's indictees is dealt with in this report.

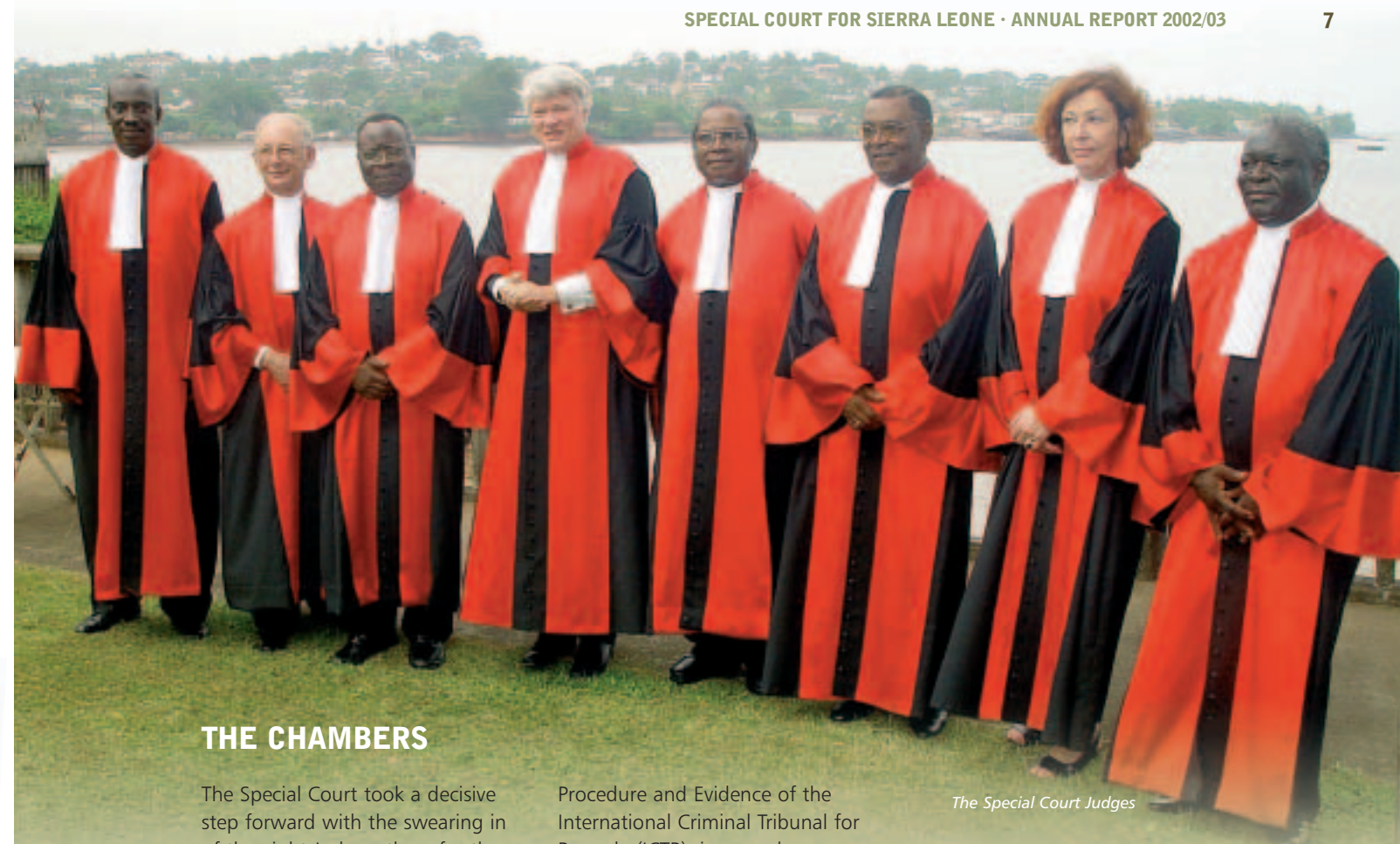
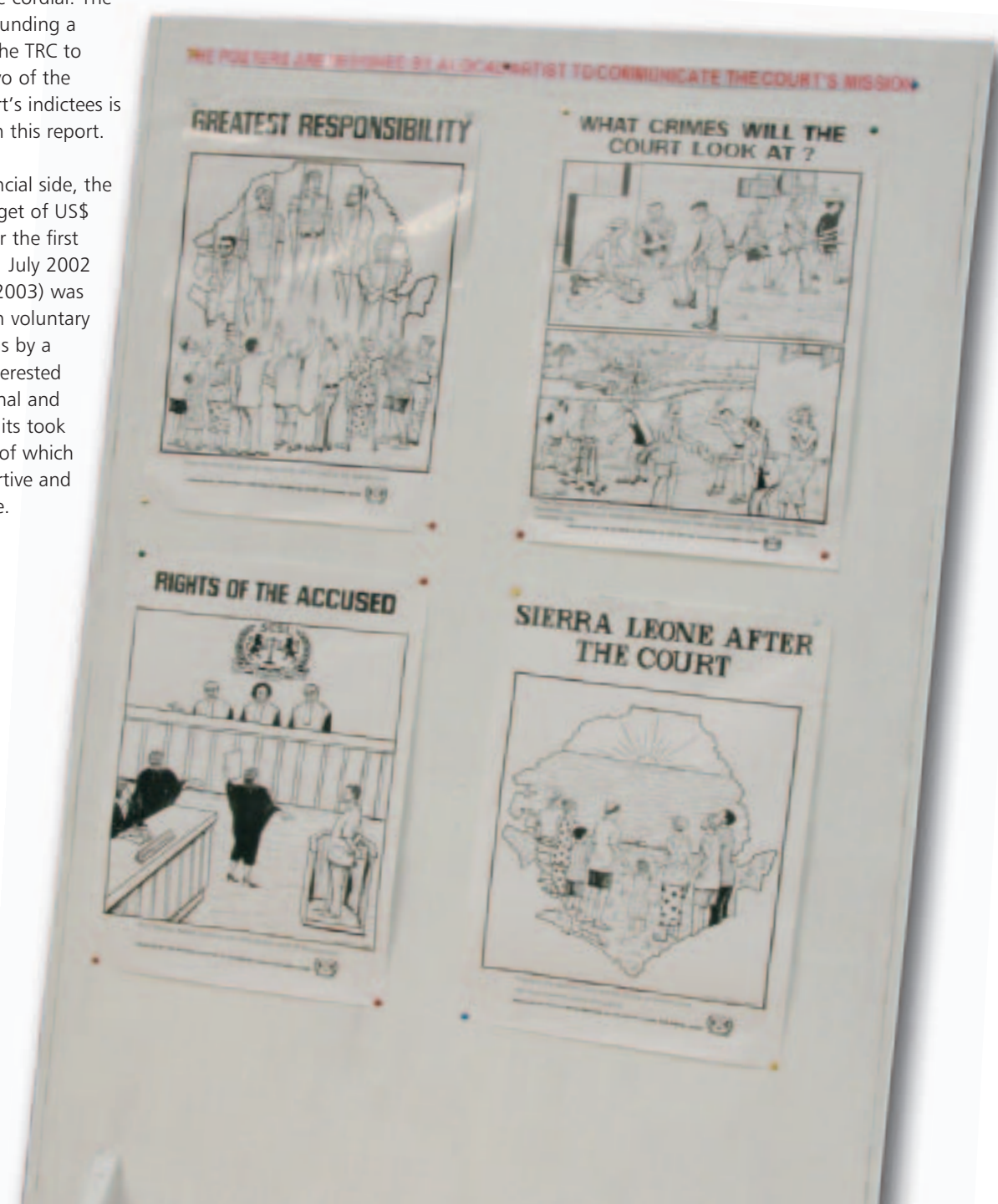
On the financial side, the Court's budget of US\$ 19million for the first fiscal year (1 July 2002 to 30 June 2003) was met through voluntary contributions by a group of interested states. Internal and external audits took place, both of which were supportive and of assistance.

Overall, as will be mentioned elsewhere in this report, the Court's major challenge, which continues to be ongoing, has been the securing of funding past its first full financial year. The Court remains grateful to those States who have made and, in many cases, have continued to make contributions, and it is to be hoped that the remaining period of the Court's life will see a more settled pattern in terms of funding.

The Court is also grateful to the United Nations Mission in Sierra

Leone (UNAMSIL) for the support extended, in particular in the realm of security and logistical support.

Finally, the Court has been the recipient of a wealth of advice, guidance and help from many organisations, especially in the Non-Governmental Organisations (NGOs) community. Such support is very much appreciated and the sincere hope is expressed that it will continue, subject to the Court continuing to demonstrate that it deserves such support.



The Special Court Judges

THE CHAMBERS

The Special Court took a decisive step forward with the swearing in of the eight Judges, three for the Trial Chamber and five for the Appeals Chamber, on 2 December 2002. The ceremony took place in Freetown, in the presence of Alhadji Dr. Ahmed Tejan Kabbah, President of the Republic of Sierra Leone; Members of his Executive; Mr. Behrooz Sadry, Acting Special Representative of the Secretary General of the United Nations in Sierra Leone; and other traditional, local, and foreign dignitaries, International and Non-Governmental Organisations and local and international press.

After the ceremony, the Judges retired into a conclave for a Plenary Meeting during which Judge Bankole Thompson was designated by his colleagues as Presiding Judge of the Trial Chamber and Judge Geoffrey Robertson as Presiding Judge of the Appeals Chamber, and this, in conformity with Article 12(3) of the Statute, automatically conferred on him the status of President of the Special Court.

All these operations were conducted within the context of the provisions of the Rules of

Procedure and Evidence of the International Criminal Tribunal for Rwanda (ICTR), in accordance with the provisions of Article 14(1) of the Statute that reads:

"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"

The Special Court's own Rules of Procedure and Evidence ("Rules") were adopted on 7 March 2003, during the Plenary Meeting of Judges which was held in London from 3 to 7 March 2003. They were later amended on 1 August 2003 and 30 October 2003.

TRIAL CHAMBER

During the London Plenary Meeting of March 2003, the Special Court was seized of eight individual indictments which had been filed by the Prosecutor. Acting under the provisions of Rule 28 of the Rules, the President of the Court designated Judge Thompson to approve

them in accordance with Rule 47 of the Rules. These indictments were against the Accused *Charles Taylor, Foday Sankoh, Sam Bockarie, Johnny Paul Koroma, Issa Hassan Sesay, Alex Tamba Brima, Morris Kallon and Samuel Hinga Norman*. The indictments were approved on 7 March 2003.

The Judges further examined the strategy for ensuring that the said Accused could immediately make their initial appearances in accordance with Rule 61 of the Rules. To this end, still at the first London Plenary Meeting, the President of the Special Court designated Judge Benjamin Mutanga Itoe to travel to Freetown on or before 15 March 2003, to preside over the initial appearances of the five indictees who were then held in the temporary Detention Facility of the Special Court in Bonthe Island in Sierra Leone.

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Owing to special security concerns, the President instructed the Registrar to negotiate with authorities of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague for the initial appearance of one indictee to take place at the ICTY in The Hague. The President designated Judge Pierre Boutet to stand by to travel to The Hague for this purpose as soon as the indictee's transfer was effected. This, however, did not materialise. The Registrar made another effort to secure the transfer of the same indictee, this time to the Detention Facility of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, but again this did not materialise. It was during these negotiations that Judge Itoe arrived in Freetown on 13 March 2003, and travelled to the temporary Detention Facility in Bonthe Island the next day. After a review of the pre-trial procedures, he started to preside over the initial appearances of all the indictees who were then held in custody. The Trial Chamber became fully effective with the subsequent arrival of Judge Thompson on 23 March 2003 and Judge Boutet on 14 May 2003, the transfer strategy mentioned above having failed to materialise.

The following indictees made their initial appearances and entered pleas of "Not Guilty" to all the counts before Judge Itoe between 14 and 21 March 2003: *Foday Saybana Sankoh*, *Issa Hassan Sesay*, *Alex Tamba Brima*, *Morris Kallon* and *Samuel Hinga Norman*.



Hearings in Bonthe Island

On 18 March 2003, Judge Itoe approved a request from the Prosecutor for the transfer and provisional detention pursuant to Rule 40bis of the Suspect *Augustine Gbao*. Subsequently, the suspect appeared pursuant to Rule 40bis(J) before Judge Thompson on 21 March 2003 in Bonthe Island, in order to assure that his rights as a suspect were respected. At the expiration of the one month period of provisional detention, the Prosecution filed an indictment against *Gbao* that had been approved on 16 April 2003 by Judge Thompson. Accordingly, the initial appearance of the Accused *Gbao* was held on 25 April 2003 in the same premises. The Accused pleaded not guilty to each and all the counts against him.

On 28 May 2003, Judge Boutet approved the indictment against the Accused *Brima Bazzy Kamara* as well as two requests for transfer and provisional detention pursuant to Rule 40bis of the suspects *Moinina Fofana* and *Allieu Kondewa*. The initial appearance of the Accused *Kamara* and the hearings pursuant to Rule 40bis(J) of the suspects *Fofana* and *Kondewa*

The Foday Sankoh Case

Foday Saybana Sankoh appeared before the Court in a wheel chair looking very frail and feeble. Judge Itoe refrained from allowing any plea to be entered because his appearance gave the impression that there was a need to determine his psychological and psychiatric state before calling on him to enter a plea. The said examinations were ordered and a psychiatric expert, Dr. Verkaik, was flown in from The Hague to conduct the examinations which, in the event, proved to be inconclusive.

Judge Itoe ordered a further physiological and psychiatric examination and adjourned the initial appearance and the taking of the plea to a date to be fixed by the Registrar after the results of the said examinations became available. However, Foday Sankoh died in custody before these medical procedures materialised. A comprehensive report on the background to, and the circumstances of, his death was prepared by the Registrar.

took place on 4 June 2003 in Bonthe Island. The Accused *Kamara* pleaded not guilty to each and all the counts against him. Subsequently, at the expiration of the one month period of provisional detention, the Prosecution filed two indictments against *Fofana* and *Kondewa* that had been approved by Judge Thompson on 26 June 2003. The initial appearance of both the Accused *Fofana* and *Kondewa* took place before Judge Boutet on 1 July 2003 and were the last held in Bonthe Island before the transfer of all the detainees to the permanent Detention Facility at the seat of the Special Court in Freetown in mid-August 2003. Both the Accused pleaded not guilty to each and all the counts contained in the indictments.

The latest indictment and arrest warrant were those issued against *Santigie Kanu* on 16 September 2003 by Judge Boutet. The Accused was arrested while in the custody of the authorities of Sierra Leone awaiting trial for treason and transferred to the Detention Facility of the Special Court. He later made his initial appearance before Judge Boutet at the temporary courthouse located in the site of the Special Court on 23 September 2003. The Accused pleaded not guilty to each and all the counts against him.

The following indictees made their initial appearances and entered their pleas before Judge Boutet: *Brima Bazzy Kamara* on 4 June 2003; *Moinina Fofana* on 1 July 2003; *Allieu Kondewa* on 1 July 2003; *Santigie Kanu* on 23 September 2003.

The following indictee made his initial appearance and entered his plea before Judge Thompson: *Augustine Gbao* on 25 April 2003.

The Charles Taylor Case

The indictment and warrant of arrest approved and issued against the Accused Charles Taylor, at the time President of Liberia, was initially subject to an order for non-public disclosure which was formally lifted on 12 June 2003. Charles Taylor was granted asylum by Nigeria in August 2003, and efforts to have him apprehended and transferred to the Special Court are ongoing. The warrant of arrest against Taylor was transmitted to the Governments of Liberia and Nigeria in November 2003. Pursuant to requests by the Special Court, the International Criminal Police Organisation (Interpol) issued "Red Notices" against him in December 2003.



Interpol "Red Notice"

After these initial appearances, both the Prosecution and the Defence filed a constant series of motions in the Chamber ranging from applications for bail, habeas corpus, protective measures for witnesses, defects in the form of indictment and objections based on the alleged lack of jurisdiction by the Special Court to try the indictees.

Indictments, Arrests and Initial Appearances

To date there have been 13 indictments approved by the Special Court pursuant to Rule 47, accordingly accompanied by 13 warrants of arrest issued to the national authorities of Sierra Leone. Two of these were also issued as international warrants of arrest. Ten of the Accused have consequently been arrested and brought before the respective Judges of the Trial Chamber for their initial appearance and pleading pursuant to Rule 61. Nine of the Accused pleaded not guilty to each and all the counts and are now detained in the custody of the Special Court.

Among these, three Accused were previously arrested as suspects subject to investigations following a request of the Prosecutor and transferred into the custody of the Special Court for their provisional detention pending the filing of an indictment against them pursuant to an order under Rule 40 bis.

On 5 December 2003 the Prosecutor, appearing before the full Trial Chamber pursuant to Rule 51(B), withdrew the indictments against *Foday Sankoh* and *Sam Bockarie* in view of the death of both Accused. The Chamber took note of these withdrawals.

The arrest warrants against *Charles Taylor* and *Johnny Paul Koroma* are the only ones still pending execution at the time of reporting.

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Protective Measures for Witnesses and Victims

The Prosecution filed motions for immediate protective measures for witnesses and victims and for non-public disclosure in each of the 10 cases whereby an Accused had been arrested and was in the custody of the Special Court. These motions were aimed at ensuring the protection of witnesses’ security and privacy and also their willingness to testify, together with the maintenance of the integrity of the evidence itself, by shielding witnesses’ identity from the public and scheduling disclosure to the Defence until only a short time before their appearance in court. With the exception of the case against *Sankoh*, all the prosecution motions were granted on different dates by a single Judge of the Trial Chamber, sitting as a Designated Judge.

On 10 December 2003, the Trial Chamber dismissed a motion for leave to appeal Judge Thompson’s relevant decision on protective measures in the case of *Kallon*.

Preliminary Motions and References to the Appeals Chamber under Rule 72 of the Rules

Pursuant to Rule 72, either party can raise before the Trial Chamber determined issues, such as lack of jurisdiction, abuse of process and other procedural formalities which, in the light of their relevant and overall importance, arise being preliminary to the beginning of a trial.

Pursuant to the new procedure introduced in Rule 72 as described below in the section dedicated to the Plenary Meetings of the Special Court, fourteen Preliminary Motions which raise serious issues relating to jurisdiction have been referred to the Appeals Chamber at the time of reporting.

So far, the Trial Chamber deemed that five preliminary motions either did not concern matters of

jurisdiction or otherwise did not warrant being referred to the Appeals Chamber. These involved three on Defects in the Form of the Indictment for *Sesay*, *Kamara* and *Kanu*, one on Command Responsibility for *Norman* and one on Personal Responsibility for *Fofana*. In addition, the procedural challenges to the indictments have been denied by the Trial Chamber, although particularisations of the indictments have been ordered and relevant Bills of Particulars filed by the Prosecution.

Motions on Denial of Right to Appeal

Before the Appeals Chamber hearings on the Preliminary Motions, the process of Rule 72 was challenged by the Accused *Kallon* and *Norman* in both the Trial and Appeals Chambers. The Trial Chamber heard the Denial of Right to Appeal challenges on 7 November 2003 in what was the first public hearing by that Chamber. The motions were dismissed in light of the decision by the Appeals Chamber, as discussed below in the relevant section dedicated to the Appeals Chamber.

Joinder Motions

In the week of 2-5 December 2003, the Trial Chamber held its first hearings which concerned the Prosecution Motions for Joinder. These were held in the temporary courthouse. The motions sought to join together the existing cases against those Accused already in custody into two combined indictments and trials as follows:

Revolutionary United Front (RUF) / Armed Forces Revolutionary Council (AFRC) grouping: *Sesay*, *Brima*, *Kallon*, *Gbao*, *Kamara* and *Kanu*.

Civil Defence Forces (CDF) grouping: *Norman*, *Fofana*, *Kondewa*.

The decisions on the joinder motions were delivered at a

public hearing on 28 January 2004. The Trial Chamber unanimously held that it would be in the interest of justice if the Accused *Sesay*, *Kallon* and *Gbao*, allegedly belonging to the RUF, be tried separately from the Accused allegedly belonging to the AFRC, namely *Brima*, *Kamara* and *Kanu*, and thus partially granted the Prosecution motion in ordering a separate joinder for the RUF and the AFRC. Subsequently, the Trial Chamber unanimously held that the Accused *Norman*, *Fofana* and *Kondewa* be jointly tried and granted the Prosecution motion. As a result of the decisions the existing cases against those accused in custody are now grouped as follows:

RUF grouping: *Sesay*, *Kallon* and *Gbao*;
AFRC grouping: *Brima*, *Kamara* and *Kanu*;
CDF grouping: *Norman*, *Fofana* and *Kondewa*.

Miscellaneous Applications

The Trial Chamber has rendered numerous other Orders and Decisions on minor procedural issues such as extensions of time. Several confidential orders have also been issued. The following are some decisions of particular note:

On 17 July 2003, the Trial Chamber dismissed an application from the Defence Office to file an *Amicus Curiae* brief in the case of *Kallon*.

On 22 July 2003, Judge Itoe rejected applications brought by *Brima* for *habeas corpus* and for bail. Subsequently, the Trial Chamber has denied a motion for extension of time to file a request for leave to appeal Judge Itoe’s decision.

On 22 July 2003, Judge Itoe dismissed a request by the Defence Office to stay proceedings in the case of *Sankoh*.



The Appeals Chamber sits for the first time in Freetown, October 2003

APPEALS CHAMBER

Article 19 of the Agreement provides that:
[...]

3. In the initial phase, Judges of the Trial Chamber and the Appeals Chamber shall be convened on an *ad hoc* basis for dealing with Organisational matters, and serving when required to perform their duties.

4. Judges of the Trial Chamber shall take permanent office shortly before the investigation process has been completed. Judges of the Appeals Chamber shall take permanent office when the first trial process has been completed.

Although the Appeals Chamber has not yet taken permanent office, it sat in Freetown for the hearings on the Preliminary Motions in November 2003, described next.

Preliminary Motions Referred under to Rule 72(E) and (F)

As previously stated in the relevant section dedicated to the Trial Chamber, to date 14 preliminary motions have been referred by the Trial Chamber to the Appeals Chamber pursuant to Rule 72(E) and (F). Of these, seven were the subject of oral hearings between 30 October and 6 November 2003. These were in the cases of *Taylor* (1 Motion), *Norman* (3), *Kallon* (2) and *Kamara* (1). In addition, counsel for *Gbao* and *Fofana* were also granted leave to appear. The number of counsel involved meant that this was a significant logistical and legal exercise, which proceeded remarkably smoothly. The Appeals Chamber sat with four Judges only, due to the resignation of Justice Hassan Jallow in September 2003, when he was appointed to the position of Prosecutor at the ICTR.

The motions involved significant questions as to the validity of the Special Court’s establishment, its

compatibility with the Sierra Leonean Constitution and the Amnesties under the Lomé Accord, and that the funding of the Special Court and structure of the Management Committee compromised the judicial independence of the Court. Additional motions related to whether *Charles Taylor* is entitled to sovereign immunity and whether the recruitment of child soldiers was a crime at the time alleged. *Amicus Curiae* submissions were presented in several instances, by experts on international law invited by the Appeals Chamber and interested organisations that were granted leave by the same. Deliberation on these motions is still pending at the time of reporting.

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After that, seven further Preliminary Motions were referred to the Appeals Chamber and are still under consideration. These are in the cases of *Gbao* (1 Motion), *Fofana* (3), *Kondewa* (2) and *Kanu* (1). Some of the new questions raised involve the legality of the United Nations in delegating powers, the infraction of the principle of nullum crimen sine lege and the legality of the delegation of jurisdiction by Sierra Leone.

Motions on Denial of Right to Appeal

Shortly before the Appeals Chamber hearings of the first group of Preliminary Motions, the process of referring jurisdictional objections to the Appeals Chamber was challenged by Accused *Kallon* and *Norman* in both the Trial and Appeals Chambers. They asserted that the newly introduced Rule 72(E) was contrary to the Statute and the right to appeal. The Appeals Chamber proceeded to hear these challenges first and on 4 November 2003 rejected the applications, and upheld the validity of the amendment to Rule 72 as justified on the basis of the right to an expeditious trial.

Miscellaneous

Amicus Curiae: The Appeals Chamber has rendered three decisions on applications from interested persons to intervene as *Amicus Curiae*, namely the Redress Trust and the Lawyers Committee for Human Rights, the University of Toronto International Human Rights Clinic and the African Bar Association, granting each of the applicants permission to intervene. In addition, the Appeals Chamber has also invited the United Nations Children’s Fund (UNICEF) to make submissions on the issue of child soldiers.

MISCELLANEOUS

The President

Orders and Decisions: The President, or in his absence the Vice-President, has issued several orders of judicial administration pursuant to the powers conferred to him by the Rules. In addition, on 26 November 2003 the President denied a request by *Norman* that his conditions of detention be modified to house arrest on the grounds that the application should have been made as a motion for bail.

Practice Directions: The President has also issued two Practice Directions supplementing the Rules as occasion arose. These Practice Directions concern the filing of documents under Rules 72 of the Rules of Procedure and Evidence and an expedited timetable for filing submissions before the Appeals Chamber.

Plenary Meetings

Four Plenary Meetings of all the Judges of the Special Court were held pursuant to Rule 25 of the Rules during the reporting period.

First Plenary Meeting - Freetown, 6-9 December 2002: The First Plenary Meeting took place between 6-9 December 2002 when all eight Judges gathered in Freetown for their swearing in to office, as reported in the introductory section.

Second Plenary Meeting - London, 3-7 March 2003: In the week of 3-7 March 2003, the Judges met again in plenary in London to proceed with the amendment of the Rules of Procedure and Evidence inherited pursuant to Article 14 of the Statute from the International Criminal Tribunal for Rwanda. Representatives of the Prosecution and the Defence were invited to attend the Plenary. Consequently, the amended version of the Rules was adopted on 7 March 2003 at the closing of the Plenary. In addition, Justice Gelaga King was appointed Vice-President of the Special Court pursuant to the rotational system established in Rule 20.

Among the more notable amendments, the Second Plenary Meeting revised the procedure for the approval of an indictment against an accused pursuant to Rule 47. In addition, the applicable body of the Rules was generally harmonised with the particular features contained in both the Agreement and the Statute and other specific situations.

Third Plenary Meeting - London, 28 July to 1 August 2003: The Judges met in London from 28 July to 1 August 2003 for their Third Plenary Meeting, when they further reviewed and amended the existing Rules. Once again, representatives of the Prosecution and the Defence attended the Meeting and presented their proposals for amendment.

Among the more notable amendments, the Third Plenary Meeting introduced the procedure outlined in new Rule 72 (E), (F) and (G). This redefined the competence of the Appeals Chamber. The Trial Chamber would henceforth refer motions raising questions of jurisdiction or of the fair and expeditious conduct of the proceedings directly to the Appeals Chamber. Accordingly, decisions on such

Preliminary Motions could not be appealed. The majority of the Judges agreed that such procedure would substantially expedite proceedings and the judicial workload. The Special Court thus departed from the procedure of the other international tribunals where preliminary motions on lack of jurisdiction are determined in the first instance by the Trial Chamber subject to interlocutory appeal before the Appeals Chamber.

Further, the Plenary Meeting introduced a new Rule 23 establishing the Council of Judges. The Council is composed of the President, the Vice-President and the Presiding Judge of the Trial Chamber, and is aimed at enabling consultations with the President on matters relevant to the functioning of the Court. The Council has never had occasion to meet during the reporting period.

Fourth Plenary Meeting - Freetown, 30 October 2003: A Fourth brief Plenary Meeting was held in Freetown on 30 October 2003, on the occasion of the Appeals Chamber’s hearings following the reference of several preliminary motions from the Trial Chamber pursuant to Rule 72(E) and (F). On that occasion, a further amendment to Rule 72 was adopted making provision for such preliminary motions to be determined by “a bench of at least three Appeals Chamber Judges”. This was required in order to address any concerns that may have arisen from the Appeals Chamber sitting with only four Judges after the resignation of Justice Jallow.

Requests by the Truth and Reconciliation Commission (TRC) to Conduct Public Hearings with Indictees

Following the Practice Direction issued by the Special Court regarding requests to take statements of persons within the custody of the Court, the TRC issued two separate requests to conduct public hearings with *Sam Hinga Norman* and *Augustine Gbao*, each of which was consented to by the Accused in question. Judge Thompson as Presiding Judge of the Trial Chamber rejected both TRC requests. Appeals against both of these decisions were made by the TRC and Defence to the President of the Court. On 28 November 2003, the President partially granted the appeal on the TRC request to hear *Norman*, stipulating the Accused may give statements to the TRC in writing and under oath. The decision on the *Gbao* application was still pending at the time of writing.

SPECIFIC ISSUES

Election of the President

Article 12(3) of the Statute stipulates as follows:

“The Judges of the Appeals Chamber and Judges of the Trial Chamber, respectively shall elect a Presiding Judge who shall conduct the proceedings in the Chamber to which he or she is elected. The Presiding Judge of the Appeals Chamber shall be the President of the Special Court”

This Article of the Statute which is now being applied produces the result of excluding the Judges of the Trial Chamber from participating in the election of the President of the Special Court, even though under the Statute and the Rules, he is supposed to ensure a supervisory administrative role over the entire Special Court, including the Trial Chamber.

The Judges of the Trial Chamber believed that this provision needs to be reviewed to allow for the participation of all the Judges in the election, not only of the Presiding Judge of the Trial Chamber, but also the Presiding Judge of the Appeals Chamber. More importantly, the Judges of the Trial Chamber have strongly suggested that the President of the Court should be elected at a Plenary Meeting of all the Judges appointed to serve in the Court.

SUMMARY OF WORK

A summary of the work produced by Chambers during the period between 7 March 2003 and the Joinder Decision on 28 January 2004 is illustrated in the following table:

	Trial Chamber	Appeals Chamber	President
Decisions Issued	84	6	
Orders Issued	87	9	
Total Decisions/ Orders	171	15	15



The Prosecutor, David Crane (right) and the Deputy Prosecutor, Desmond de Silva, QC

THE OFFICE OF THE PROSECUTOR

Following the initial deployment of core staff of the Office of the Prosecutor (OTP) to Sierra Leone in the summer of 2002, immense time and energy were devoted to meeting the logistical challenges inherent to the establishment of a fully functional prosecution office. Simultaneously, OTP began investigations, developed a prosecutorial strategy, and maintained constant interaction with the people of Sierra Leone. Following this successful initial concerted effort, during the year under review OTP focused even more intently on the core tasks of investigation and prosecution.

Prosecutions

Early in 2003, the Prosecution worked with the Investigations Section in two task forces - one examining crimes of the RUF and AFRC, the other those of the CDF - and moved from developing a theory of the case to placing more emphasis on drafting indictments. On 10 March 2003, just nine months after the first OTP staff arrived in Sierra Leone, the Prosecutor announced the indictments of seven individuals

charged with war crimes, crimes against humanity and violations of international humanitarian law: *Foday Sankoh, Johnny Paul Koroma, Sam Bockarie, Issa Sesay, Alex Tamba Brima, Morris Kallon, and Sam Hinga Norman*. The charges against these seven included murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, conscription of children into an armed force, and attacks on UNAMSIL peacekeepers.

Within several hours, five of these indictees, including the sitting Minister of the Interior for Sierra Leone, *Sam Hinga Norman*, were arrested and placed in Court custody. On 14 March 2003, the Prosecutor ordered the transfer and provisional detention of *Augustine Gbao* on charges relating to his alleged involvement in the 1999 assault on Freetown. With its first indictees now in custody, the Prosecution proceeded through April and May 2003 to participate in pre-trial hearings on topics ranging from protective measures for witnesses to motions for bail, and disclosed evidence to the Defence as called for under the Rules.

At the end of May 2003, three additional indictees were brought into Court custody: *Brima Bazzy Kamara*, a former commander of the AFRC, and two CDF commanders: *Moinina Fofana* and *Allieu Kondewa*. Then in early June 2003, the Prosecutor unveiled the indictment of *Charles Taylor*, then-President of Liberia, whose indictment had been judicially approved but sealed on 7 March 2003. The indictment accuses *Charles Taylor* of being at the heart of a "joint criminal enterprise" to commit war crimes, crimes against humanity, and serious violations of international humanitarian law within the territory of Sierra Leone since 30 November 1996.

In September 2003 the Prosecutor issued an indictment against *Santigie Borbor Kanu* ("Five-Five"), one of the AFRC leaders. Sierra Leonean authorities immediately transferred *Kanu* into Special Court's custody.

On 9 October 2003, the Prosecution filed motions to join all of the Accused presently in custody into two separate trials: one for the three CDF leaders, and the other for six AFRC/RUF leaders, with the aim of conducting more efficient trials, and assisting the Court in concluding its work within the foreseen three-year mandate. Keeping pace with the Prosecution's ambitious timeline, the Trial Chamber held joinder hearings in early December 2003, at which time the Prosecutor also withdrew the indictments against the deceased *Foday Sankoh* and *Sam Bockarie*.

Meanwhile, from June through December 2003, the Prosecution participated in pre-trial hearings for most of the indictees, filed responses to Defence motions challenging the jurisdiction of the Court, and replied to motions and responses on a variety of other issues related to several of the indictees.

In September 2003, the Prosecution focused on filing additional written submissions on jurisdictional issues relevant to motions scheduled to be heard directly by the Appeals Chamber. These jurisdictional hearings were held from 31 October to 6 November 2003 in Freetown, with full participation by the Prosecution.

Throughout the end of the year, representations were also made in response to two requests by the TRC to interview Accused in the custody of the Court, and motions raised by the Defence. By the end of December 2003, much of the groundwork for the start of trials in 2004 had been laid.

Investigations

The work carried out by OTP's Investigations Section during 2002 to refine target lists, establish leads, and uncover the background to crimes committed during the Sierra Leonean conflict fed the Prosecutions Section with the information it needed to draft and issue the first indictments in March 2003. Throughout 2003, investigators worked closely with prosecutors to provide information that will be needed at trial. Investigative teams were frequently deployed up-country under difficult conditions, and occasionally abroad, to interview

sources and witnesses and collect evidence, including financial evidence.

In the autumn of 2003, world-renowned forensic pathologist Bill Haglund returned to Sierra Leone on a short-term contract with the OTP. He and his team

Koroma, or his body - an effort that is ongoing at the time of this report.

As part of the court-wide effort to leave a positive legacy for the Sierra Leonean people, the Investigations Section has worked closely with the Sierra Leonean



A mass grave discovered during investigations

conducted forensic investigations at various sites to corroborate witness statements.

The Investigations Section also led the OTP effort to obtain from Liberian authorities the body of murdered indictee *Sam Bockarie* and confirm his identity. Likewise, investigators sought to locate fugitive indictee *Johnny Paul*

Police to develop their capacity in witness management. In addition to building up a core skill crucial to any functioning justice system, this will help the Sierra Leonean Police in providing continuing assistance to Special Court witnesses as needed beyond the lifespan of the Court.

Meanwhile, investigations continued into individuals potentially deemed to bear the greatest responsibility for serious violations of international humanitarian law in Sierra Leone during the period covered by the Court's mandate.

Diplomacy and Outreach

In addition to overseeing investigations and guiding prosecutions, the Prosecutor, David Crane, remained accessible to the diplomatic community, keeping it abreast of developments in the OTP and at the Court in general.

continued over



The Prosecutor speaking to the Sierra Leone Army (RSLAF)

Throughout the year under review, he - or the Deputy Prosecutor, Desmond de Silva on his behalf - travelled to meet with officials in the United Kingdom, The Netherlands, Norway, Sweden, Germany, Canada and the United States, including visits with United Nations officials in New York.

The Prosecutor conducted the bulk of his diplomacy in Freetown. Over the course of the year, he met with numerous local and international officials and NGO representatives. He maintained regular contact with officials of the Government of Sierra Leone and embassies in Freetown. He met with representatives from numerous organisations, including: UNAMSIL, the United Nations Mission in Liberia (UNMIL), the United Nations Children’s Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR), the International Military Advisory and Training Team (IMATT), the TRC, and the International Committee of the Red Cross (ICRC). In February 2003, the Prosecutor met with the Special Representative of the Secretary-General SRSG for Children and Armed Conflict, Olara Otunnu, and in June 2003 he and the Deputy Prosecutor met with a visiting delegation from the Security Council.

The Prosecutor continued to place emphasis on cooperation with the Court’s Outreach Section. With their assistance, he held town hall meetings around the country to talk about the Special Court, listen to the Sierra Leonean people, and, to the extent possible, answer their questions. Throughout the year, the Prosecutor spoke before various audiences, including schoolchildren, displaced war victims, amputees, police, and military officers.

THE DEFENCE OFFICE

The Special Court’s creation of a “fourth pillar”, in the form of a Defence Office, is an innovation in the structure of international courts. It ensures the rights of suspects and accused persons, providing a counterbalance to the Prosecution. The Office has implemented measures to attract only experienced, competent and honest counsel, so as to comply with the human rights principle that adversarial trials should manifest an “equality of arms” (i.e. reasonable equivalence in ability and resources of Prosecution and Defence).

While other international tribunals have administrative bodies to deal with the Defence, none have a permanent institution within the Court entrusted with “ensuring the rights of suspects and accused”, as is set out in Rule 45 of the Special Court’s Rules of Evidence and Procedure.

The Defence Office became effectively functional in February 2003, when its first attorneys took office. Thereafter, additional Legal Officers/Duty Counsel and Defence Advisors were installed. In March 2004, the Special Court Principal Defender was appointed. Whilst the Principal Defender and her Defence Office technically fall within the Registry, the Principal Defender acts independently from other organs in the interests of justice. It is the Registrar’s intention that the Office will, in the future, become as fully independent as the OTP.

In March 2003, when five Accused were transferred into the custody of the Court, the Office, through its Duty Counsel, offered initial legal advice and legal representation to them. These tasks were subsequently undertaken with all five additional Accused indicted before the Special Court. Given his state of health, the Office also continued to represent *Foday Sankoh* up to the withdrawal of the indictment against him, following his death in July 2003.

A list of highly qualified, experienced counsel willing to be assigned to indigent suspects and accused persons was prepared and continues to be updated. By the end of December 2003, the list included the names of more than 70 lawyers from over 15 different nationalities. The list also includes the names of more than a dozen Sierra Leonean lawyers with experience in criminal law. Within a few weeks of their initial appearance, all of the Accused were provisionally appointed with counsel selected from that list.



The Principal Defender, Simone Monasebian (left) meeting with a Defence Advisor and Duty Counsel

A Directive on the Assignment of Counsel was adopted on 2 October 2003, and a Legal Service Contract system was immediately put in place to regulate the payments of legal and other related expenses involved with the defence of the Accused. By the end of December 2003, five counsel had been assigned, under the terms of a Legal Service Contract, to lead Defence teams of legal



Defence town hall meeting in Bo

professionals, each including a Sierra Leonean lawyer, providing legal representation to the Accused until the conclusion of their trials. Discussions were still ongoing with the remaining four provisionally assigned counsel as to the signing of their contracts.

By December 2003, all of the nine currently detained Accused had claimed indigent status. As the Office decided to provide them with Assigned Counsel, paid by the Special Court, a methodology was developed for the conduct of investigations into the means of the accused, thus

enabling a final determination to be made as to the indigent status or otherwise of each of the Accused.

After the assignment of counsel to the Accused, members of the Defence Office engage in oversight of defence teams. The Office monitors trials and provides advice and substantive assistance to all teams in the preparation of their cases, from research on legal issues, to arguments on matters of common interest, to vetting the provision of expert witnesses, consultants and investigators, and liaising with various governments and other entities on matters of judicial cooperation. Pursuant to Rule 45 of the Rules of Evidence and Procedure, attorneys in the Defence Office may also appear in Court as counsel.

Throughout its existence, the Defence Office has interacted with different units, within the Registry, OTP or Chambers, on issues affecting the rights and

detention conditions of the Accused, and on matters affecting fair trial for the Accused, including through the development of the Code of Conduct for Counsel and consultations on other Practice Directives to be adopted. The Office has also represented the interests of the Defence in plenary sessions organised by the Judges of the Special Court.

The Office additionally liaised with diplomatic communities and NGOs, keeping them abreast of developments. The Office has also engaged in outreach activities in cooperation with the Outreach Section and meetings have been held around the country to discuss the Special Court, listen to the Sierra Leonean people, and, to the extent possible, answer their questions. The Office has an important role in educating the community about the Defence, the presumption of innocence, the burdens and standards of proof, and the rights of the accused.

“The Office has implemented measures to attract only experienced, competent and honest counsel, so as to comply with the human rights principle that adversarial trials should manifest an “equality of arms””

THE REGISTRY

The Registry is responsible for those functions which support the Court process as a whole, and during the year under review foundations and structures were put in place for all the activities falling under this mandate. These include the administrative support of the Court, comprising the

Finance, Personnel and Procurement Sections; the Communications and Information Technology Section; the General Services Section, and the Security Section. They also include the Court Management Section, the Witnesses and Victims Section, and the Detention Facility. Furthermore, the Registry is the official channel of communication of the Court, and consequently a

Public Affairs Office and an Outreach Section were set up to provide information about the Court to the international and national media, and to the people of Sierra Leone. The Defence Office is also officially part of the Registry, although it acts as an independent office in the interests of justice.



The Registrar, Robin Vincent, meeting with schoolchildren in Freetown

THE REGISTRAR'S OFFICE

The Registrar's Office sits at the centre of the Registry's operations. It is comprised of the Registrar, his Deputy, a Senior Legal Advisor and small legal team, the Registrar's Special Assistant and an Office Manager and support staff.

The Office has continued to develop its capabilities in a number of areas and, with the

invaluable assistance of the various Chiefs of Section in the Registry, has overseen both the financial and logistical support to the rest of the Court. There have been numerous and varied challenges to meet, not least of which has been the development of the Court's site, and significant progress has been made during the period of this report. In January 2003, the Registry moved to the prefabricated office facilities set up on the permanent premises of the Special Court in New England, Freetown, and the Office of the Prosecutor moved to the site during July 2003.

In his capacity as the channel of communications for the Court, the Registrar has maintained close links with the Government of Sierra Leone, with the Management Committee set up to assist the Court on questions of funding and administration, as well as with an array of diplomatic contacts both inside and outside Sierra Leone. The Registrar's Office has produced a regular monthly progress report to the Management Committee, and there has been regular contact with the interested states supporting the Court.

Through his Legal Office, the Registrar has negotiated and concluded agreements with states and organisations on various matters. These included the Memorandum of Understanding with UNAMSIL; the Exchange of Letters with the International Committee of the Red Cross; the Cooperation Agreement between the International Criminal Police Organisation - Interpol and the Special Court; and the Headquarters Agreement with the Government of Sierra Leone. The Legal Office has made progress in negotiations with a number of states in respect of Cooperation Agreements in the areas of arrest and transfer of accused and suspects, enforcement of sentences, temporary stay of detainees and

relocation of witnesses. Finally, agreements with States on contributions of personnel and funding have been concluded. To facilitate proceedings before the Court, a number of basic

presentation to officials of the European Union, a substantial financial contribution was granted. The Registry has also encouraged and hosted numerous visits to the Court site,

6 The purpose of the Special Court Interactive Forum (SCIF) is to enable the Court's progress to be monitored by civil society and for their expectations of the Court to be voiced and considered 9

legal documents have been issued by the Registrar during the year. These include the Rules of Procedure and Evidence adopted on 7 March 2003 and amended on 1 August 2003 and 30 October 2003; the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Special Court for Sierra Leone or Otherwise Detained on the Authority of the Special Court for Sierra Leone ("Rules of Detention") adopted on 7 March 2003 and amended on 25 September 2003; the Directive on the Assignment of Counsel adopted on 1 October 2003; and various Practice Directions on procedural matters.

Close links have been maintained on a variety of subjects with the ICTY and ICTR, as well as with the International Criminal Court (ICC). A number of projects for inter-tribunal cooperation have been identified, which will be funded by the European Union. In March 2004, the Registrar chaired in Freetown the first ever meeting of all four Registrars of those Tribunals and Courts.

Successful presentations have been made to a large number of delegations, including representatives of the Security Council. As a result of such a

including the Detention Facility, by NGO's, the media, politicians, diplomats and other bodies and agencies. Numerous interviews have been given to both national and international media, with appearances on local radio programmes.

In particular, the Registrar has given priority to contacts with civil society in Sierra Leone. With the invaluable assistance of the Outreach Section, the Registrar has spoken and answered questions at numerous meetings held with Parliamentarians, schoolchildren, the Republican Army of Sierra Leone (RSLAF), the Sierra Leone Police and other organised groups. The Registrar also chairs a regular monthly meeting, known as the Special Court Interactive Forum (SCIF), attended by civil society representatives. The purpose of the SCIF is to enable the Court's progress to be monitored by civil society and for their expectations of the Court to be voiced and considered.

Finally, the Registrar chairs an internal Senior Management Board, the membership of which includes the Prosecutor, Deputy Prosecutor, the Principal Defender, Deputy Registrar and other senior Court officials. The purpose of the Board is to monitor the overall performance of the Court and to discuss strategic and policy matters.

SUPPORT SERVICES

During the reporting period, the Administrative Support Section faced its establishment under formidable circumstances, akin to a start-up mission. To meet the immediate needs of the Court, the Section was required to develop, interpret and insert into practice a significant amount of administrative instructions, guidance, rules and regulations.

Budgetary insecurity and fiscal constraints have been a dominant feature of the Court during the period, and the impact on the delivery of administrative services has been two-fold. Firstly, the recruitment of the right program staff had in many instances to be delayed. Secondly, managers had to face a piecemeal availability of funds, therefore making it difficult to have a robust, efficient and timely procurement plan during the Court’s impressive construction phase. The flow-on effects, not only to ensure that funds were available for salaries and vendor payments, but also to provide timely and accurate historical and forecasting data are obvious.

In spite of the challenge, both an internal and external audit proved that in the main the Administration was able to ensure that the fundamental aspects of good management were implemented in a systematic and purposeful manner as resources permitted. Every acknowledgment was given by the Auditors that the Court’s Administration was moving from start-up to standardised practices.

During the 2002-2003 fiscal year, the Finance Section established the financial infrastructure for the Court. Operations began in July 2002 with a two-member team. Since then the staffing number increased to eight people.

The first year of operation has been particularly difficult for the Section, charged as it was with developing its infrastructure to

ensure compliance with adopted financial regulations and rules partially based on those of the United Nations. In essence, the Section was tasked with providing all the necessary functions of both a field mission’s finance section and United Nations Headquarters’. Unlike most United Nations field missions, where support sections are established at the duty station before the internal clients are deployed, the overriding need for the Court to become operational as soon as possible resulted in the Finance Section and its internal clients being deployed to Freetown at the same time, with the Section having to keep pace and, in some instances, catch up with their requirements.

Despite this challenge, in the majority of instances, the clients’ needs were met. The financial highlights for the period included the establishment of an accounting system, a payroll, accounts, claims, and cashiering unit and the negotiation of the secured and insured monthly supply of cash to meet payroll and cash management needs.

A significant feature of the period was the recognition that for the Court to succeed within its given mandate, its Financial Rules and Regulations required a better interpretation of the underlying principles of the United Nations best practices. With a combination of open debate and determination, the Court has now been provided with more flexible financial mechanisms and tools which will greatly assist it to meet the mandate which the Group of Interested States and the signatories to the Agreement expect. Based on the experience during the reporting period, the Section’s goal for its second year of operation was to implement systems which would streamline its processes, thereby allowing more time for planning and anticipating clients’ needs.

During the period under review, the Personnel Section, in addition

to a host of daily activities, accomplished the following tasks: organisation of employee records; creation of work flow charts and check lists; a reference check system; and the creation of a Personnel Management System database to address a number of personnel recruitment and exit functions.

As of December 2003, the three organs of the Special Court - the Chambers, OTP and the Registry (including the Defence Office) - had a total combined staff of 255 locally - and internationally - recruited personnel.

Statistics on Personnel - December 2003	
International staff	
Australia	6
Austria	1
Belgium	1
Bosnia	1
Brazil	1
Cameroon	1
Canada	10
Croatia	1
Eritrea	1
Finland	1
Gambia	3
Fed. Republic of Germany	1
Ghana	3
India	4
Italy	2
Ireland	2
Japan	1
Kenya	2
Nepal	1
Netherlands	1
Norway	2
Pakistan	3
Panama	1
Sierra Leone	8
South Africa	3
Syria	1
Rep. of Tanzania	4
Rep. of Trinidad & Tobago	4
Ukraine	2
United Kingdom	20
United States of America	13
Zimbabwe	1
Total	106
National Staff	
Sierra Leone	146
Nigeria	1
Senegal	1
United States of America	1
Total	149

The Procurement Section during 2003 focused on the development of the necessary physical and support infrastructure of the Court. This included the completion of the containerised office accommodation and the consolidation of all operational activities at the complex at New England, Freetown. The issuance of the indictments in March 2003 necessitated the identification/renovation of a provisional detention facility at Bonthe, Sherbro Island located 150 km from the complex in Freetown. This in turn necessitated the renovation/ conversion of a former warehouse into a temporary detention facility for those local detainees previously held at Bonthe. Likewise, in order to have adequate living accommodation for staff assigned to the Bonthe facility, it was considered necessary to lease and renovate a local guesthouse for this purpose.

After the establishment of the physical infrastructure for the Court’s complex, activities focused on bringing the on-site Detention Facility up to international standards and included the renovation of one former cell block into a temporary courthouse which was suitable for holding the initial judicial proceedings.

“The Court has now been provided with more flexible financial mechanisms and tools which will greatly assist it to meet the mandate which the Group of Interested States and the signatories to the Agreement expect”

Simultaneously, an international competition was conducted for the design of the permanent courthouse. This was followed by an international competition for the actual construction of the courthouse, the building of which commenced on 4 October 2003 (*at the time of writing, the courthouse has been officially inaugurated on 10 March 2004*).

Simultaneously, the Procurement Section continued to provide operational support services for the Court as a whole, including the procurement of 1.6 MW of electrical power for the Court complex; the acquisition of a state of the art PABX Telephone Exchange; the acquisition of a C-BAND VSAT earth station for the Courts long haul communications requirements; and the acquisition of all state of the art information technology equipment. During this period, a medical clinic was also established and equipped to ensure the well being of the detainees. Likewise, every attempt was made to identify and obtain catering contracts to ensure that the detainees received wholesome and nutritious meals. Total procurement amounted approximately to US\$ 13million.

During the period under review, the Communication and Information Technology Section ensured the provision of communication and information technology services to all the organs of the Court. A reliable telephone network was established and operated and, to facilitate the communication process further, a radio VHF network was installed and microwave links were established to Sierratel and the United Nations. A computer network was set up, which is supported for confidentiality, security, data back-up and uninterrupted operations. In order to assist effective operations, applications

were computerised for the areas of court records, book-keeping, payroll, assets management and billing for telephone usage. With a view to disseminating information to the public on activities, progress and achievements of the Court a comprehensive web-site (www.sc-sl.org) was designed, developed and launched. The Section also undertook audio-visual services for the various important events of the Court such as appeals hearings. A full fledged Audio-Visual Unit started operations in November 2003.

Finally, the General Services Section, comprising the Facilities Management, Transport, Supply, Travel and Traffic Units, provided multi-services to all areas of the Court. All staff movements during operations and recruitment, material acquisitions and operational requirements were supported by the Section. The out-fitting of all work areas, daily upkeep of facilities and property, management of investigative, trial and support activities, and the forecasting of requirements were all daily activities undertaken during the reporting period. A relatively under resourced Transport Section managed to meet all basic support requirements, including the acquisition of a reliable transport fleet, although demands deriving from the steady growth in staff numbers and the need for focused support to high profile Court positions remain a challenge.

SECURITY

The location of the Special Court in the country where the conflict under review took place represents one of the major challenges to the organisation. While no specific threat by an organised group against the Court's site or staff has been identified throughout the year, the Special Court has become more visible within the community and has emerged, in some people's eyes, as the most controversial and contentious organisation within the country.

Six major events raised the visibility of the Court and, concomitantly, have affected its security position: (i) In January 2003, the New England site near central Freetown was occupied by the Registry. As the Registry became operational in a densely populated, central area of the city, the reality of the Court, both physically and psychologically, became apparent to the surrounding community; (ii) In March 2003, the announcement of the indictments and the arrests of the first five indictees,

particularly the arrest of the serving Minister of Interior, *Sam Hinga Norman*, further reinforced the reality of the Court and provided evidence that the Court would fulfil its mandate to try those alleged to bear the greatest responsibility for the crimes committed during the conflict; (iii) Similarly, the second round of arrests, conducted in the countryside in May 2003; (iv) and the unsealing of the indictment against *Charles Taylor* in June 2003 resulted in the Court becoming the focus of attention within the region as well as in Sierra Leone; (v) In August 2003, the completion of the Detention Facility on the New England site allowed the transfer of the detainees from the temporary facility at Bonthe on Sherbro Island to Freetown. This event required the stationing of UNAMSIL troops at the Court site on a permanent basis; (vi) Although hearings on motions had been conducted by the Trial Chamber previously, in November 2003 the Appeals Chamber conducted the first hearings in the temporary courthouse within

the New England site. These hearings focused both national and international attention on the Court and marked the Court as a functioning judicial institution.

As the Court prepared for each of the events, the Security Section implemented plans to recruit, equip and train security personnel to ensure each event was conducted without incident. The year began with three international and ten national staff supported by twenty Sierra Leonean Police officers. To meet the increased security demands the end of the year saw the Section expanded to eighteen international officers and forty national staff with operational control of seventy Sierra Leonean Police officers and fifty UNAMSIL soldiers. The Section's incremental and focused approach in recruiting to its authorised strength ensured that it would be able to meet security requirements whilst affording substantial savings in staff and



The Special Court Security Section

6 **A program of security awareness training based on the United Nations recently established program has been implemented on a recurring basis for all staff 9**

equipment costs. The ability of the Section to provide the international and national staff to man the detention facility at Bonthe for six months allowed the Court to postpone the recruitment of eight international and forty national detention staff, providing additional savings in staff costs.

As the security situation evolved over the year, security plans were developed and modified in collaboration with UNAMSIL and host nation security organisations. A program of periodic exercises to test the contingency plans were implemented, including an activation of the Bonthe facility and movement of the detainees to Bonthe should the situation at the New England site become untenable. Communications between the security forces tasked to support the Court have been integrated and a joint communications and operations centre established at the New England Court's site.

In addition to security of the Court's facilities, the Security Section has implemented a program of residential security inspections and has established night time patrols of selected residences to ensure staff security. A program of security awareness training based on the United

Nations recently established program has been implemented on a recurring basis for all staff. As the security situation in some areas of the countryside remained problematic, security staff provided escorts to selected missions out of Freetown and have provided security escorts for missions to Liberia.

As noted, no specific threat by an organised group against the Court or Court staff has been developed; however, various elements have articulated their animosity toward the Court through the media. Threat analyses have been conducted in conjunction with UNAMSIL, international missions and the Sierra Leone Police and military officers. Whilst there continue to be elements within the Sierra Leonean population who have adopted an aggressive stance against the Court, it is not felt that there is any significant capability to disrupt the functions of the Court.

Nevertheless, the overall situation within Sierra Leone remains tense in many areas requiring continuing security precautions. The country remains in United Nations security phase three, having been downgraded from phase four in November 2003. In addition to domestic problems, such as rising fuel and food prices, instability in the region during the past year has adversely affected the security situation. The stability that has been enjoyed in Sierra Leone is principally attributable to the presence of UNAMSIL troops. Over the past year security preparedness has prevented any serious incident involving Court facilities or staff. However, the commencement of trials during a period when UNAMSIL decreases its presence will present a new dimension to the situation.

UNAMSIL troops

DETENTION FACILITY

The Bonthe Facility opened in early March 2003. The first detainees held there were subject to an isolation policy and the potential for regime development was seriously limited by the size and shape of the facility, the need for strict external security provided by UNAMSIL forces and its remoteness from the Special Court at New England.

Professional detention staff were introduced to Bonthe in April 2003, and early work on Rules of Detention and Detention Operational Orders began around this time.

The permanent Detention Facility, created from the renovated former New England Prison, opened on 10 August 2003 and the detainees were transferred to the site from Bonthe by helicopter. From that time the regime has developed significantly and, as mentioned elsewhere, Rules of Detention were adopted and Operational Orders governing detention processes and routines have been issued. On arrival at Freetown

detainees were able to enjoy a more relaxed regime within a stronger security perimeter and all have exercised, dined and associated with one another since the opening of the Facility.

The Detention Facility, which comprises 18 cells, an exercise area, visiting rooms, a clinic, a small library and several common areas, is now fully operational. It is headed by a Chief of Detention supported by highly experienced international supervisors, a Medical Officer and nursing staff, and Sierra Leonean correctional officers seconded from the Sierra Leonean Prison Service.

COURT MANAGEMENT

The period under review witnessed the formative phase of the Court Records Unit. The major problems experienced during the set up phase were insufficient equipment and human resources. Most of these needs have been met over the period, and the Unit accomplished the following tasks: the establishment of a public records access database available to all sections of the Court; an electronic filing system; a bulletin board giving access for all staff to all scanned public documents filed in each case; a procedural manual involving a compilation of all well-established procedures; and a storage system for the Court's audio-visual records.

6 In Freetown, the detainees were able to enjoy a more relaxed regime within a stronger security perimeter 9

Transfer of the indictees to the detention facility in Freetown

WITNESSES AND VICTIMS SECTION

The Witnesses and Victims Section (WVS) started operations in January 2003, and since then has become operational in all spheres of its activities.

With regards to personnel, posts for the Section's first year of operations were approved and provided for in the budget for 2003-04, with effect from July 2003. Prior to that, WVS utilised posts borrowed from other sections of the Court. All posts are now virtually completely filled; the few outstanding vacancies are in the process of recruitment at the time of this report. Meanwhile, office space, computers, radios, cellular telephones, unmarked vehicles, safe houses / secure premises were all made available to ensure that the Section could fulfil its activities. With the expected increase in operations once the trials start, the Section's resources will be fully stretched.

The WVS takes care of a number of protected witnesses who are relocated outside Sierra Leone, and also a large number of protected witnesses and their dependents, who are relocated in safe houses / secure premises within the country. Some of those assessed as high risk / high threat witnesses are provided with armed security day and night, others with a lesser degree of protection. This varies according to the periodic threat assessments carried out by the investigators teams and the WVS. Owing to the fact that trials will be held in the country where the alleged offences took place, the perception and reality of threat amongst the witnesses is high. Therefore, the number of relocated witnesses is likely to increase once the process of actual trials start. This includes Defence and Prosecution witnesses.

For witnesses who have not been relocated, other arrangements for monitoring have been made, such as setting up a network of focal points, provision of means of communication in case of an emergency and methods of quick contact.

Medical cover is provided by the WVS to all relocated witnesses and their dependents, in consonance with its mandate of producing witnesses before the Court in the best physical and mental state possible under the circumstances. All confirmed witnesses in need of medical support are treated similarly. Furthermore, a qualified Psychologist has been recruited as part of the Section, and a psychosocial support team has also been constituted, especially to deal with witnesses suffering from Post Traumatic Stress Disorders, and other vulnerable groups such as women who have been subjected to rape, torture and sexual violence, and children. Over one hundred witnesses in these categories have been dealt with to date.

With regards to preparations for the beginning of trials, the arrangements for having an on site secure facility for those witnesses testifying have been made, and the premises should be ready by the time the trials start. Arrangements for support and pre-trial briefings have also been finalised. All movements of protected witnesses are under proper escort provided by the Section.

A Court Library Unit has been established, to meet the research and legal information needs of the Court, as well as to offer reference services to the legal community in Sierra Leone. Low budget financing has however hampered a fast acquisition of library material and supplies. The Court Library became operational in October of 2003, due almost entirely to the generosity of the international community, and in particular of the Bar Human Rights Committee of England and Wales and the Australia Legal Research Institute.

Most of the Language Unit's work in the year under review was carried out behind the scenes. Among other things, documents such as the Agreement establishing the Special Court have been translated into Krio; the Unit has been actively involved with the Press and Public Affairs Section translating and delivering press announcements over the radio; extensive work has been done on development of a meta language for legal terms in Krio, Themne and Mende; interpretation services have been offered to defence counsel.

The past year has seen a relatively low activity for the Court Support Unit and Stenography Unit which will come into their own with the start of the trials in 2004. Court support officers have produced transcripts of the short hearings during the year. At the time of writing, the first international Court Reporter has joined the Court, speeding up and improving the production of transcripts. Others will come on board in the weeks leading up to trials.

Outreach event
in Makeni



OUTREACH

Outreach activities in the year under review underwent different phases. During the pre-indictment phase, until December 2002, Outreach was located in the OTP and comprised of a three-member team. During that period, activities were intended to establish a rapport with the people of Sierra Leone as well as to inform them about the imminent setting up of the Court. Several district outreach tours were undertaken by the Prosecutor and the Registrar, and meetings with various civil society groups were held in the Western Area.

In January 2003, outreach activities were relocated to the Registry, when an Outreach Section was created to address the Court's needs including those of the Defence Office. The process of recruitment of additional staff, structuring of the Section and program planning began.

In the post-indictment phase, starting in mid-March 2003, the imperative of educating people about the Court's mission and procedures in the wake of the indictments determined the type of activities conducted. Outreach staff increased to five with the recruitment of a Coordinator and two additional staff, all of whom were based in Freetown; five district outreach officers were also recruited. Outreach has also been supported by the work of several interns, both international and national.

In June-July 2003, Outreach's mission was defined in a mission statement, proclaiming its neutrality in relation to the OTP and the Defence Office, and outlining its mandate as fostering an environment of two-way communication between Sierra Leoneans and the Special Court.

To fulfil its mission, the Section has targeted the general population and specific groups -

including the Republican Army of Sierra Leone (RSLAF), the Sierra Leone Police, students at many levels - through diverse programs: community town hall meetings at district and chiefdom level; weekly and bi-weekly meetings with civil society, national and international NGOs; radio programs; publications and seminars.

Overall, Outreach has made progress in promoting understanding of the Special



Court and inviting the views and opinions of Sierra Leonean people with regards to the Court through its programs and by engaging civil society groups via networking. However, a good deal more still needs to be done in this all-encompassing venture of public information, public education and public relations.

The Outreach Section has suffered from the lack of the requisite financial support for its programs, which has curtailed its capacity to fully take advantage of the opportunities available for information dissemination, and of people's keen interest in learning and following up on the Court's activities. Networking and collaboration with civil society groups for joint program implementation has been affected, the power of visual images in raising awareness has not been explored, and radio programs that are an effective means of communication have also been affected. Logistical constraints (vehicle and audio-visual equipment) have caused delays in the recruitment of all district outreach officers as well as in the nation-wide information dissemination to upcountry networks and partners.

Several district outreach tours were undertaken by the Prosecutor and the Registrar, and meetings with various civil society groups were held in the Western Area

However, by the end of the reporting period, the Registry was able to secure funding for the Section from the Open Society Institute for West Africa (OSIWA) and the European Union (EU), for the duration of one year.

PRESS AND PUBLIC AFFAIRS

During the year under review, the Press and Public Affairs Office worked to provide information to local and international media, organisations, academics, governments and interested individuals in respect of the Special Court. It also advised all sections of the Court on media strategy.

The Office was set up during 2003, when staff were recruited and systems were implemented to provide the Special Court with an effective communications unit. To this end, an extensive database of national and international contacts was established. The Office recruited

Center for Transitional Justice (ICTJ), the British Council and the Thompson Foundation.

Throughout the year, the Office organised several press conferences to inform local and international media with regards to recent developments. Approximately 50 press releases were written and disseminated both within Sierra Leone and abroad. On a daily basis, the Office collated press clippings for staff members and the Management Committee. Twelve audio productions were made in English, Krio, Mende and Temne.

Hundreds of interviews have been conducted by the Press Office with international broadcasting corporations, press agencies and



an Audio Producer, a Video Producer, a Deputy Chief of Public Affairs, and a new Chief of Public Affairs was recruited in October 2003. A Video Unit and Audio Unit were established.

newspapers, and all local Sierra Leonean press. The Office has also coordinated interviews for the Registrar, Prosecutor and the Principal Defender on a regular basis over the year.

Following its creation, the Office has produced an internal media policy, which provides guidance on all public communication for staff of the Special Court. A handbook for journalists was also written, laying out protocols for local and international journalists reporting on the Special Court. The Office also provided assistance for a series of workshops for journalists on how to report on the Special Court supported by the International

In December 2003, the Press and Public Affairs Office was put in charge of the website and simplified the graphics, with the aim of providing up-to-date and accurate information to users around the world.

LEGACY

Whilst the combination of the Court's limited funding and three year mandate serves to provide a more than significant challenge in itself, the importance of leaving a legacy for the Government and people of Sierra Leone also presents both a challenge and an opportunity. Providing an impetus to the restoration of the rule of law in Sierra Leone and to the ending of impunity are the Court's key objectives, but it is to be hoped that those laudable aims can be accompanied by more tangible evidence of a lasting impact, through the transfer of equipment, facilities and expertise to the local community.

Firstly, the development of an international criminal court complex from a previously under used and barren 11.5 acre piece

of land in Freetown - comprising a two court room courthouse, a well stocked law library, a secure detention facility with clinic, a temporary courthouse (for possible future use as a magistrates court), a generator house, office accommodation and equipment for more than 300 staff, other ancillary accommodation and transport, all within a secure compound - will provide the potential for a lasting legacy of the Special Court's presence.

Secondly, and as importantly, the development of the Sierra Leonean staff to provide a corps of legal professionals, administrative and support staff, and correctional officers for the future is being undertaken. In this respect, beside the national staff employed by all sections of the Court, an internship program was formally established in January 2004 under which up to ten

funded internships are expected to be granted to Sierra Leonean university graduates during 2004.

In addition, there have been advocacy courses run for the local Bar and, with the Outreach Section in the lead, an ambitious programme to provide information and education on the court process itself has been undertaken across Sierra Leone, with schools, being targeted particularly.

History will judge how successful these initiatives have been, but the foundations for leaving behind a legacy of accountability and contributing to legal reform efforts in Sierra Leone are being laid. More globally, it is hoped that the legacy of the Special Court will also serve as a template for ensuring accountability for violations of international humanitarian law in other post-conflict situations.

Building the Court



FUNDING

The reporting period takes in the second half of the first fiscal year (FY1) and the first half of the second fiscal year (FY2). This report covers the first fiscal year (from 1 July 2002 to 30 June 2003) and the next annual report will cover the second fiscal year (from 1 July 2003 to 30 June 2004). The Court has adopted the United Nations' Financial Rules and Regulations with minor amendments to suit its unique character.

Funding

Security Council Resolution 1315 (2000) stated that the operations of the Special Court would be financed through voluntary contributions of funds, equipment and services from States, intergovernmental and non-governmental organisations.

Article 6 of the Agreement accordingly reads:

"The expenses of the Special Court shall be borne by voluntary contributions from the international community. [...] The Secretary-General will continue to seek contributions equal to the anticipated expenses of the Court beyond its first three years of operation. Should voluntary contributions be insufficient for the Court to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Special Court."

The Court's first year's funding requirements of US\$ 19million were met entirely through voluntary contributions from a Group of Interested States (GIS). However, the Court was required to use around US\$ 2million from the second year's contributions. (Key Budget & Financial Data is presented in Annex III).

Out of 35 Interested States, 28 pledged funds for the first year, and three provided in kind contributions (personnel and furniture). Almost all pledges were redeemed for the first year of operation, allowing the Court to grow rapidly as an institution. (Contributions are presented in Annex IV).

OIOS used the same standards as they would in auditing a United Nations mission or institution. The internal audit was conducted in March of 2003 covering the first six months of operation. The audit conclusion was that the level of control and management was satisfactory for the Court in its stage of development.



The Courthouse inauguration

Budget

The first year budget of US\$ 19million was approved by the Court's Management Committee. The budget for the first year was managed in two phases. In the first six months, expenditures were recorded against objects of expenditure. For the second half of the year, the Management Committee approved the total for the year against appropriations proposed by the Registrar. Due to changing priorities, some allotted resources had to be redeployed as would be expected in a fledgling organisation.

Audit

The Court contracted the United Nations' internal auditors, the Office for Internal Oversight Services (OIOS), for internal audit services and the United Nations Board of Auditors for external audit - this is currently the Auditor General of South Africa.

The external auditors conducted the audit in November 2003 in accordance with the common auditing standards of the Panel of External Auditors of the United Nations. The external auditors report was generally favourable, albeit concern was expressed with regard to the Court's precarious funding position. However, the unqualified opinion of the Auditor General was that the financial statements presented fairly, in all material respects, the financial position of the Court.

Information on the financial position of the Court for the audited period is available at the Special Court website (<http://www.sc-sl.org>)

THE MANAGEMENT COMMITTEE

The establishment of a Management Committee (MC) for the Special Court was first envisaged in the letter dated 22 December 2000 from the President of the United Nations Security Council to the Secretary General contained in United Nations document S/2000/1234.

Reiterating their position in favour of a court financed entirely from voluntary contributions and in response to the concerns expressed by the Secretary General in his report on the establishment of the Special Court contained in United Nations document S/2000/915, Members States on the Security Council stated that:

‘In order to assist the court on questions of funding and administration, it is suggested that the arrangements between the Government of Sierra Leone and the United Nations provide for a management or oversight committee which could include representatives of Sierra Leone, the Secretary General of the United Nations, the Court and interested voluntary contributors. The management committee would assist the court in obtaining adequate funding, provide advice on matters of Court administration and be available as appropriate to consult on other non-judicial matters’.

Following consultations, the United Nations, the Government of Sierra Leone and the Group of Interested States (GIS) - i.e. the States that negotiated with the United Nations and Sierra Leone the steps for the actual establishment of the Court, its budget and staffing - reached an agreement on the specific mandate and Terms of Reference (ToR) of the Management Committee and on its membership. Members on the Committee were appointed by the GIS on the basis of an

expression of interest by consensus. Criteria for appointment were a) having contributed to the budget of the Special Court and b) being ready to assume the functions specified in the ToR. The first version of the ToR is found in the annex to the Report of the United Nations Planning Mission for the establishment of the Special Court contained in United Nations document S/2002/246. The ToR were later revised in August 2002.

The decision to establish the Management Committee was also incorporated in the Agreement. Article 7 reads:

“It is the understanding of the Parties that interested States will establish a management committee to assist the Secretary-General in obtaining adequate funding, and provide advice and policy direction on all non-judicial aspects of the operation of the Court, including questions of efficiency, and to perform other functions as agreed by interested States. The management committee shall consist of important contributors to the Special Court. The Government of Sierra Leone and the Secretary-General will also participate in the management committee.”

During the period under review, the Management Committee met on a regular basis in New York at the United Nations Headquarters, and oversaw the non-judicial operations of the Special Court, reviewed and adopted the Court’s budget, provided policy advice and acted as a facilitator between the Court and the larger GIS. The Registrar appeared both before the Committee and the GIS on specific occasions throughout the reporting period, with the Prosecutor also appearing before the Committee, on fewer occasions.

(The composition of the Management Committee is presented in Annex V).

‘**The Special Court is still very much in its infancy, yet it has no significant life expectancy given its mandate and funding**’



CONCLUSIONS AND THE WAY AHEAD

In setting out those conclusions which may be drawn from the first period in the life of the Special Court, it has to be remembered that the Court finds itself in an extremely challenging position, when compared with the existing international criminal tribunals. As this report confirms, it is still very much in its infancy, yet it has no significant life expectancy given its mandate and funding. Yet, again, there are many expectations surrounding its development, both nationally and internationally. Many of those expectations may be justified, some clearly are not. It is against that background that the following conclusions are offered.

Taking a positive view, it is felt that this first period, in spite of numerous challenges, has demonstrated that it is possible to create an organisation from nothing and to do so with extremely limited resources. Some comfort is taken from the independent support of that conclusion by a number of international NGOs of repute in their respective assessments of the progress made by the Court, and from the positive feed-back received from internal and external auditors.

None of that ignores the fact that sterner challenges lie ahead and that the Court will be judged across a wide range of aspects of its performance. One of those challenges inevitably will be to secure effective cooperation agreements with States on a

number of issues, such as protection of witnesses and enforcement of sentences. The difficulties in respect to the transferring of *Foday Sankoh* in order that he could receive medical treatment served to demonstrate how dependent the Court is on such cooperation.

There have been very obvious advantages and disadvantages in establishing a Court in a country where the conflict under scrutiny took place. The advantage has been the opportunity to connect and interact with the civilian population in explaining the purpose of the Court and identifying their expectations of it. Inevitably, a significant disadvantage has been the pressure created by the security situation, especially the protection of witnesses. There is also a major cost to addressing that pressure.

There is no doubt that the Court’s progress would not have been the same were it not for the significant presence of a strong UNAMSIL Peacekeeping Force. The relationship with the Force has been crucial to many aspects of the Court’s operations, both within Freetown and also elsewhere in Sierra Leone. Similarly, the support from UNAMSIL administration improved considerably after a very difficult and disappointing early response in the days leading up to December 2002. The present position sees an excellent working relationship in place.

Maintaining the theme of assistance, as has been recognised elsewhere in this report, the support and advice of the NGO community has been and continues to be invaluable.

More generally, the continuing difficulties with funding have seriously threatened the capacity of the Court to meet its mandate

in all respects. At the time of the production of this report, the full funding for the Court’s second financial year has only been achieved by bringing forward the third year pledged contributions and, in some instances, additional funding by a few States. Inevitably, this leaves the issue of funding for the third year in the balance and a different approach may have to be taken.

Finally, and looking ahead to the future of the Court, the commencement without delay of the trial process will be crucial to the Court in meeting its mandate and those expectations attached to it. A second Trial Chamber is to be created to assist in expediting trials, but the position as to those indictees still at large and their appearance before the Court creates some uncertainty as to the length and nature of the trials, which can only be resolved as the Court’s third year progresses.

Looking further ahead to the Court’s third and final year, whilst the Court is still in its early stages, at least until trials are underway, it is crucial that planning begins now for the completion of its mandate as set out in the Agreement and the Statute. Preliminary work has been carried out within the Court on producing an Exit and Completion Strategy document for discussion. The Management Committee is now seized of that document and more detailed discussions are due to take place soon.

It would not be appropriate to complete this report without paying tribute to all those involved in the Special Court, especially the hard pressed staff, for the quite magnificent efforts made and their total dedication and commitment during the Court’s crucial start up phase and first year of operations.

ANNEXES

ANNEX I

LIST OF PERSONS INDICTED BY THE SPECIAL COURT FOR SIERRA LEONE

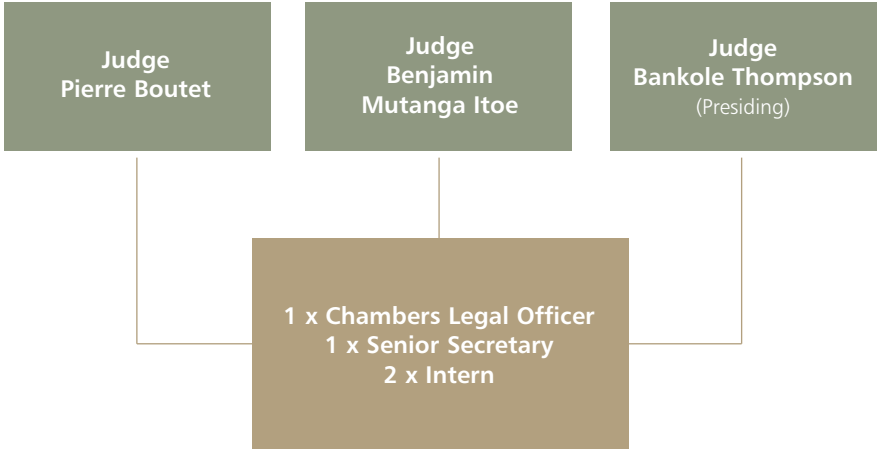
Accused	Indictment Filed	Indictment Approved	Current Status
Charles Ghankay Taylor	3 March 2003	7 March 2003	Granted asylum in Nigeria
Foday Saybana Sankoh	3 March 2003	7 March 2003	Indictment withdrawn 8 December 2003
Johnny Paul Koroma	3 March 2003	7 March 2003	At large
Sam Bockarie	3 March 2003	7 March 2003	Indictment withdrawn 8 December 2003
Issa Hassan Sesay	3 March 2003	7 March 2003	In custody as of 10 March 2003
Alex Tamba Brima	3 March 2003	7 March 2003	In custody as of 10 March 2003
Morris Kallon	3 March 2003	7 March 2003	In custody as of 10 March 2003
Samuel Hinga Norman	3 March 2003	7 March 2003	In custody as of 10 March 2003
Augustine Gbao	16 April 2003	16 April 2003	In custody as of 19 March 2003
Brima Bazzy Kamara	26 May 2003	28 May 2003	In custody as of 29 May 2003
Moinina Fofana	24 June 2003	26 June 2003	In custody as of 29 May 2003
Allieu Kondewa	24 June 2003	26 June 2003	In custody as of 29 May 2003
Santigie Borbor Kanu	15 September 2003	16 September 2003	In custody as of 17 September 2003

ANNEX II

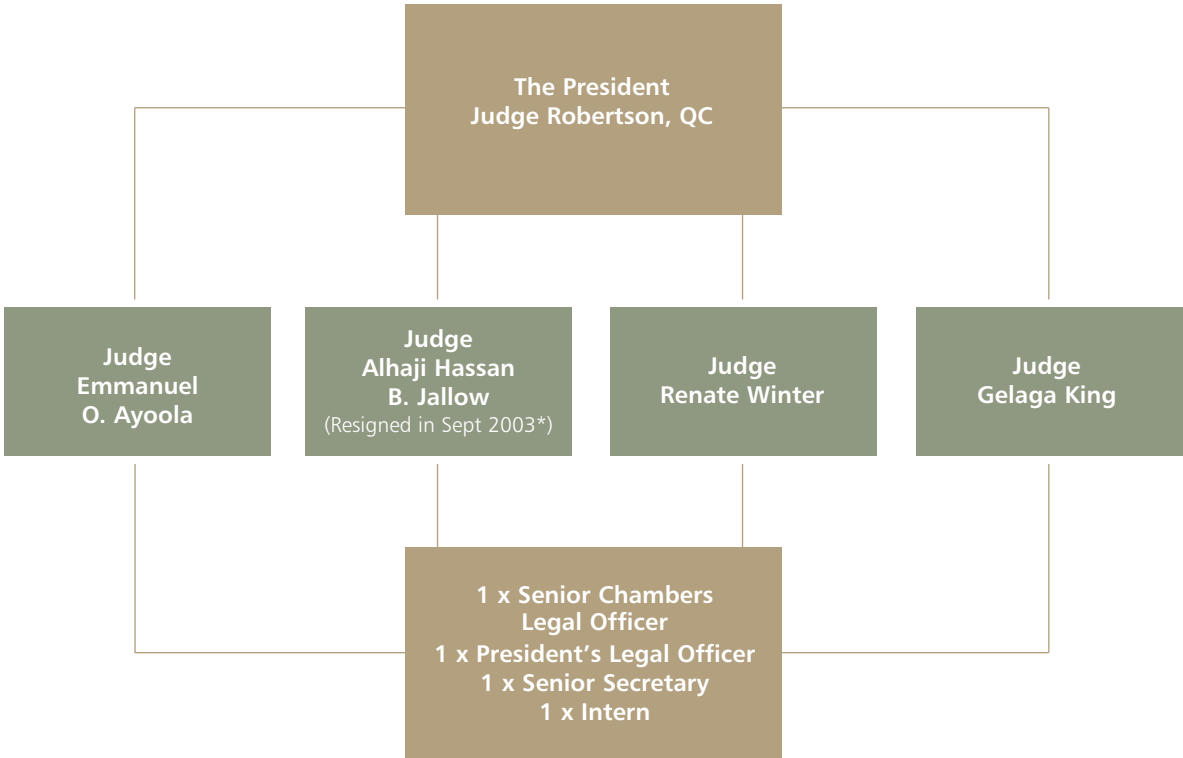
ORGANISATIONAL CHARTS



THE TRIAL CHAMBER
SPECIAL COURT FOR SIERRA LEONE



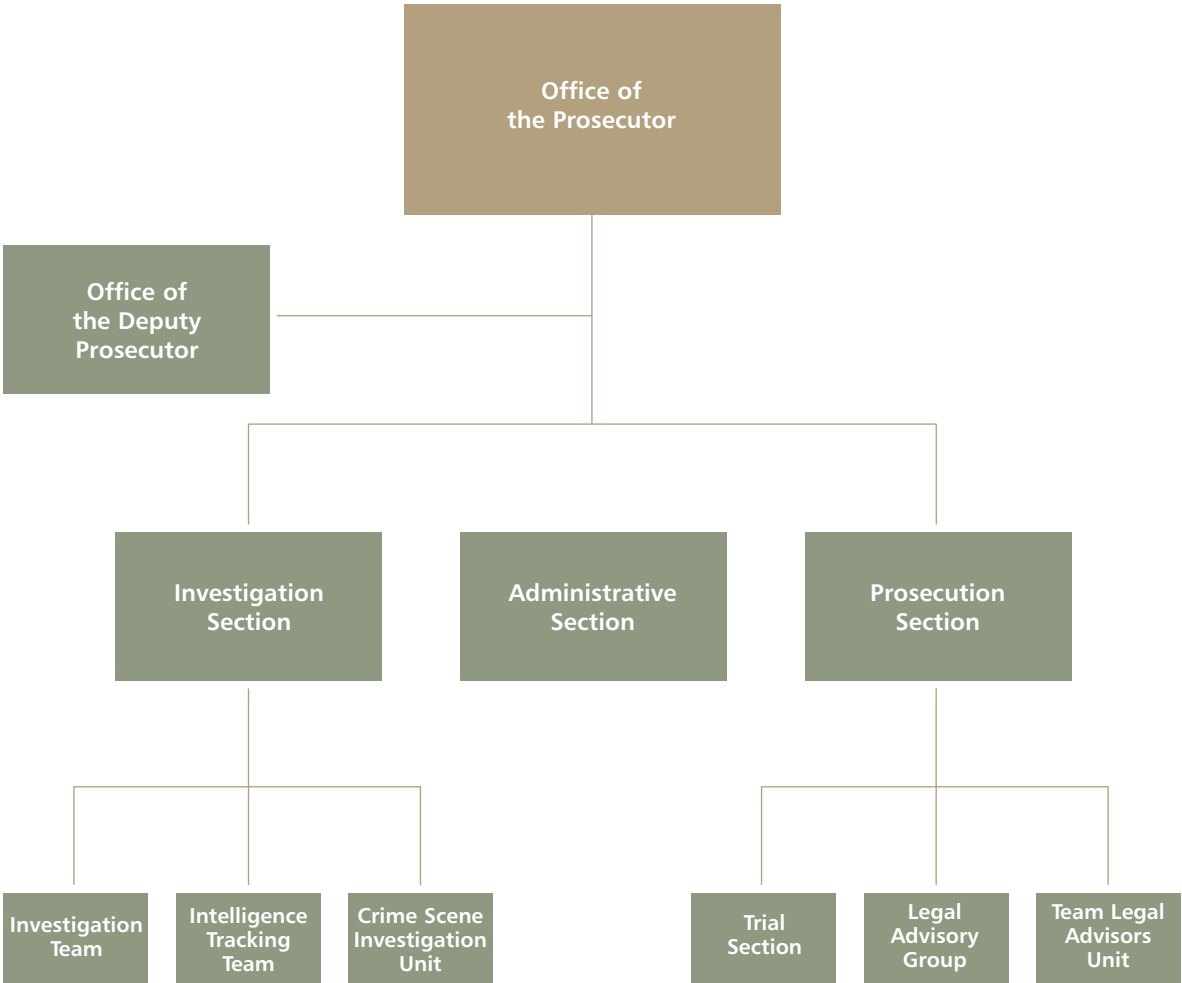
THE APPEALS CHAMBER
SPECIAL COURT FOR SIERRA LEONE



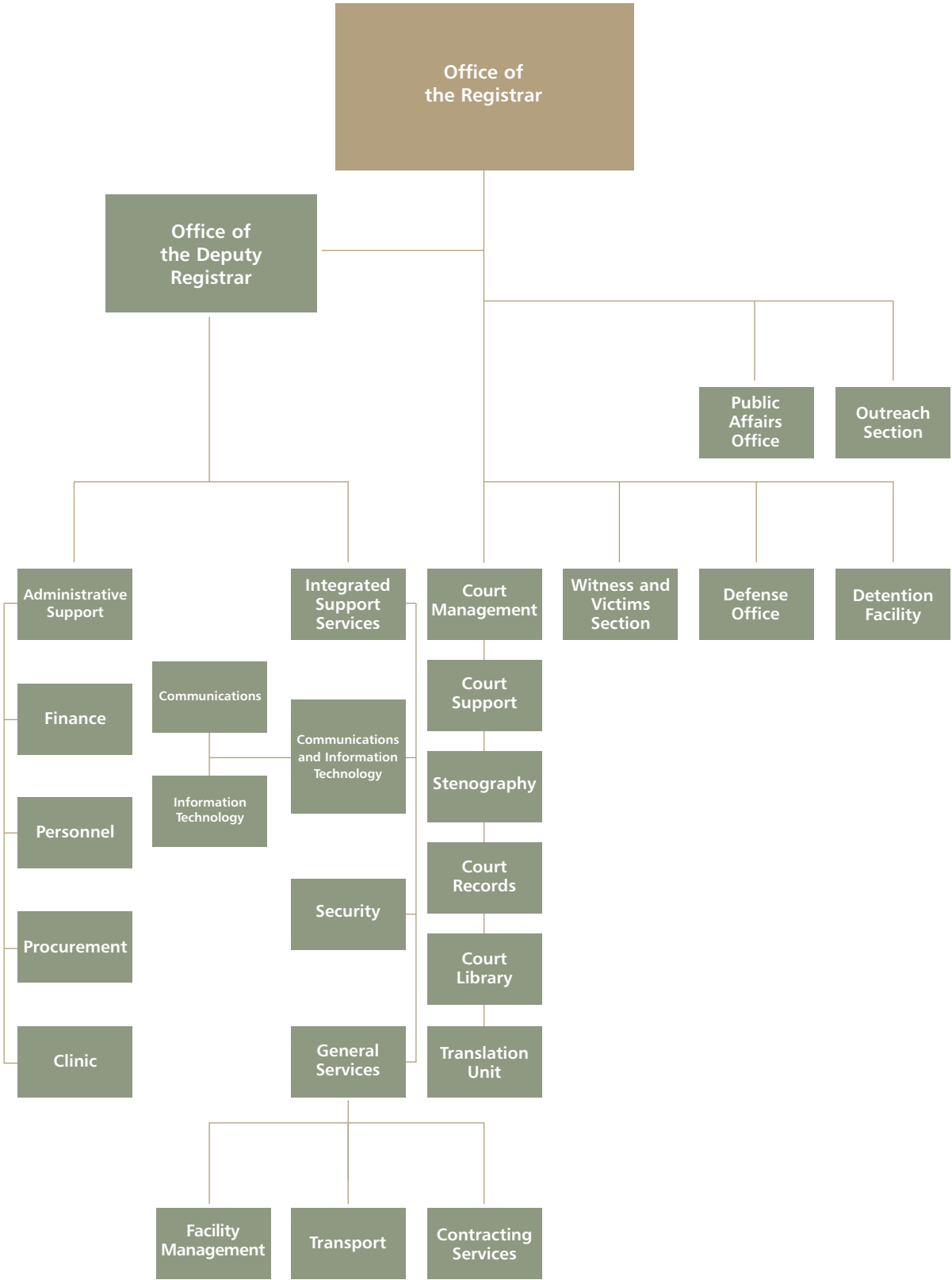
* Replaced by Mr. Arachchige Raja Nihal Fernando in March 2004



THE PROSECUTION
SPECIAL COURT FOR SIERRA LEONE



THE REGISTRY
SPECIAL COURT FOR SIERRA LEONE



ANNEX III

KEY BUDGET & FINANCIAL DATA

	1 July 2002 - 30 June 2003
Original Proposed Budget ¹	\$30,200,000
Redrafted Budget ²	\$16,800,000
Authorised Budget ³	\$19,219,759
Total Pledges	\$15,804,419
Total Contributions Received	\$16,278,502
Total Income	\$17,394,501
Actual Expenditure ⁴	\$19,425,781
Shortfall on Contributions Received	\$ 3,147,279
Shortfall on Total Income ⁵	\$ 2,031,280

¹ Letter dated 12 July 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/693).

² S/2001/693.

³ Authorised by the Management Committee

⁴ 1 July 2002 to 30 June 2003 Actual Reported Expenditure.

⁵ In order to fund the shortfall for Fiscal Year 1, including the advancement of the construction phase, the Special Court was authorised to use contributions received for Fiscal Year 2, plus miscellaneous income received during the period.

ANNEX IV

CONTRIBUTIONS

1 July 2002 - 30 June 2003	
Financial contributors	Contributions received (US\$)
Australia	52,790
Belgium	113,787
Canada	654,063
Chile	5,000
Cyprus	20,000
Czech Republic	100,000
Denmark	237,792
Finland	297,332
Germany	500,000
Ireland	112,030
Italy	83,465
Japan	500,000
Lesotho	40,549
Liechtenstein	5,000
Luxembourg	22,312
Malaysia	50,000
Mauritius	1,500
Mexico	6,000
Netherlands	3,994,173
Nigeria	10,000
Norway	500,000
Philippines	961
Singapore	15,000
South Africa	10,000
Sweden	337,448
United Kingdom	3,609,300
United States	5,000,000
Total	16,278,502
Financial contributors	Pledges outstanding (US\$)
Mali	3,076
In-kind contributors	Contributions received
Canada	Personnel
China	Furniture
Switzerland	Personnel

ANNEX V

MANAGEMENT COMMITTEE

Member States
Canada
Lesotho
Netherlands
Nigeria
Sierra Leone
United Kingdom
United States of America
UN Secretariat
Office of Legal Affairs
Office of Programme Planning Budget and Accounts
Office of Human Resources Management
Office of Central Support Services

