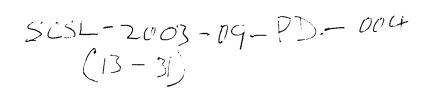
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SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995 FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

THE PROSECUTOR

v.

AUGUSTINE GBAO

CASE NO. SCSL - 2003 - 09 - I

DOCUMENTS SERVED ON THE NATIONAL AUTHORITIES PURSUANT TO RULE 55(C)



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CONTENTS

DOCUMENTS SERVED ON NATIONAL AUTHORITIES IN ACCORDANCE WITH RULE 55 OF THE RULES OF PROCEDURE AND EVIDENCE

CASE NO.: SCSL-2003-09-PD

THE PROSECUTOR against AUGUSTINE GBAO

- 1) Letter to the Inspector General, Sierra Leone Police;
- Certified true copy of the Order for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone signed by Judge Benjamin Mutanga Itoe on the 18th March, 2003, for the transfer and provisional detention of AUGUSTINE GBAO;
- Certified true copy of the Request for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, filed by the Office of the Prosecutor on the 17th March, 2003, for the transfer and provisional detention of AUGUSTINE GBAO;
- Certified true copy of the Rights of Suspect (Rules 42 and 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone);
- Certified true copy of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
- 6) Certified true copy of the Statute of the Special Court for Sierra Leone;
- , 7) Copy of the Special Court Agreement, 2002 (Ratification) Act, 2002;
- , 8) Certified true copy of the Rules of Procedure and Evidence of the Special Court for Sierra Leone;
 - 9) Statement of Hand Over by National Authorities to the Suspect;
 - 10) Return of Service on National Authorities Form;
 - 11) Acknowledgement of Receipt by Suspect Form.



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18th March 2003

TO THE INSPECTOR GENERAL, SIERRA LEONE POLICE

CASE NO.: SCSL-2003-09-PD

Dear Sir,

RE: Transmission of an Order for Transfer and Detention, in respect of the suspect AUGUSTINE GBAO

Pursuant to Rule 55 to 59 of the Rules of Procedure and Evidence ['the Rules'] of the Special Court for Sierra Leone ['the Special Court'], I transmit to you an Order for Transfer and Detention, signed by **Judge Benjamin Mutanga Itoe** on 18th **March, 2003**, in response to the Request for Transfer and Provisional Detention under Rule 40bis of the Rules, filed by the Office of the Prosecutor on 17th **March, 2003**.

In accordance with Rule 55B of the Rules, please find herewith two sets of the following documents:

- Certified true copy of the Order for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone signed by Judge Benjamin Mutanga Itoe on 18th March, 2003, for the transfer and provisional detention of AUGUSTINE GBAO;
- Certified true copy of the Request for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, filed by the Office of the Prosecutor on 17TH March, 2003, for the transfer and provisional detention of AUGUSTINE GBAO;
- Certified true copy of the Rights of Suspects (Rules 42 and 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone);
- Certified true copy of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
- Certified true copy of the Statute of the Special Court for Sierra Leone;
- Copy of the Special Court Agreement, 2002 (Ratification) Act, 2002;



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- Certified true copy of the Rules of Procedure and Evidence of the Special Court for Sierra Leone:
- Search and Seizure from Suspect Inventory List Form;
- Statement of Hand Over by Authorities to the Suspect;
- Return of Service on National Authorities Form;
- Acknowledgement of Receipt by Suspect Form.

In accordance with Rule 55C of the Rules, I kindly request the following assistance:

- 1) That you serve or cause to be served a set of the aforementioned documents upon the suspect;
- 2) That you ensure that the suspect acknowledges receipt of the aforementioned documents using the form "Acknowledgement of Receipt by Suspect", provided.
- 3) That all seized matters be submitted to the Special Court, accompanied by an inventory signed by the police authorities who undertook the search and seizure.
- 4) That you ensure the immediate execution of the Order and transfer of the suspect to the Special Court. In this connection, I would like to draw your attention to the fact that according to Part V and VI of the Special Court Agreement, 2002 (Ratification) Act, 2002, orders of the Special Court have the same force or effect as if they had been issued by a Judge, Magistrate or Justice of Peace of a Sierra Leone Court. Further, I would like to recall the obligation of Sierra Leone to cooperate with the Special Court in accordance to Article 17 of the Agreement establishing the Special Court; as well as Rules 56 and 57 of the Rules, which require prompt and effective action in the execution of the said Warrants and Orders.

Yours respectfully,

Son Vincent

Robin Vincent Registrar

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SPECIAL COURT FOR SIERR	ALEONE
CERTIFIED TRUE COPY OF THE O	RIGINAL
NAME. W. OTHER	
SIGNATURE MERCENEL DATE	18.03.05



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PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995 FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

Before: Judge Benjamin Mutanga Itoe

Registry: Mr. Robin Vincent

Decision of: 18th March, 2003

THE PROSECUTOR

Against

AUGUSTINE GBAO

CASE NO. SCSL-2003-09-PD

ORDER FOR TRANSFER AND PROVISIONAL DETENTION PURSUANT TO RULE 40BIS

The Office of the Prosecutor:

Mr. David Crane Ms. Brenda Hollis

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PEGIAL COURT FOR SIERRA LEONE
COURT RECORDS
, RECEIVED
NAME W. HAKT
SIGNATURE honolythem
DATE 16:02:05 TIME 19:00

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

WITH Judge Benjamin Mutanga Itoe, presiding pursuant to the provisions of Rule 28 and Rule 40 of the Rules of Procedure and Evidence ("the Rules");

HAVING RECEIVED on the 17th March, 2003 from the Prosecutor pursuant to Rule 40 *bis*, a request for the transfer and provisional detention of the suspect, AUGUSTINE GBAO, former officer in the Sierra Leone Police Force;

CONSIDERING the affidavit dated 14th of March, 2003, attached to the said request from the Prosecutor and signed by Morrie Lenghor, Investigator at the Office of the Prosecutor;

CONSIDERING the formal request dated 14th of March, 2003, addressed by the Prosecutor to the authorities of the Republic of Sierra Leone pursuant to Rule 40 of the Rules to arrest and hold in custody the said suspect, AUGUSTINE GBAO;

WHEREAS the authorities of the Republic of Sierra Leone granted the said request of the Prosecutor and are holding AUGUSTINE GBAO in custody;

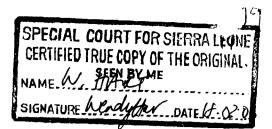
WHEREAS the Prosecutor reports that he is investigating crimes allegedly committed by AUGUSTINE GBAO in the territory of Sierra Leone since 30 November 1996, crimes which fall within the jurisdiction of the Special Court;

WHEREAS, according to the Prosecutor, AUGUSTINE GBAO participated in widespread attacks against UNAMSIL peacekeepers and personnel, including the unlawful killing and abduction of UNAMSIL peacekeepers;

WHEREAS the Special Court considers, on the basis of the request submitted by the Prosecutor, and on the evidence brought to its attention in the affidavit attached to the request, that there is a reason to believe that AUGUSTINE GBAO may, in the light of the above have committed SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, CRIMES AGAINST HUMANITY, VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable respectively under Article 4.b., Article 2.a., Article 3.a. and Article 3.c. of the Statute of the Special Court ("the Statute");

WHEREAS, furthermore, the Prosecutor contends that the provisional detention of AUGUSTINE GBAO is a necessary measure to prevent his escape and also to prevent the suspect from seeking to intimidate or to cause bodily harm to victims or witnesses or to destroy evidence, or to be otherwise necessary for the conduct of the investigation in the matter concerning him;

WHEREAS, the Judge, in the light of the above, is convinced that the provisional detention of AUGUSTINE GBAO is necessary;



NOW THEREFORE: I, Judge Benjamin Mutanga Itoe, for all the aforementioned reasons advanced by the Prosecutor, rule that the request submitted by the Prosecutor for the transfer and provisional detention of AUGUSTINE GBAO satisfies the conditions laid down by Rule 40 *bis* (B) of the Rules;

ON THESE GROUNDS,

GRANT the request submitted by the Prosecutor and consequently, order that AUGUSTINE GBAO be transferred as soon as possible to the Detention Facility of the Special Court, and be kept in provisional detention for a maximum of thirty days, with effect from the day after his transfer, and that he, in accordance with Rule 40 *bis* (J) of the Rules, be brought before me or another Judge designated under Rule 28 of the Rules, to ensure that his rights are respected;

INSTRUCT the Registrar to serve the present Order on the Authorities of the Government of Sierra Leone, for its immediate execution pursuant to the provisions of Section 20 of the Special Court Agreement 2002 (Ratification) Act.

Done in Freetown, this 18th day of March 2003.

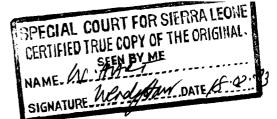
Judge Benjamin Mutanga Itoe Designated Judge

Seal of the Special Court for



SCSL-2003-09





OFFICE OF THE PROSECUTOR 1A SCAN DRIVE • OFF SPUR ROAD • FREETOWN • SIERRA LEONE PHONE: +1 212 963 9915 Extension: 178 7100 or +39 0831 257100 or +232 22 236527 FAX: Extension: 174 6998 or +39 0831 236998 or +232 22 295998

THE SPECIAL COURT FOR SIERRA LEONE

THE PROSECUTOR

Against

AUGUSTINE GBAO

REQUEST FOR TRANSFER AND PROVISIONAL DETENTION UNDER ARTICLE 40 *BIS* OF THE RULES OF PROCEDURE AND EVIDENCE OF THE SPECIAL COURT FOR SIERRA LEONE

TO ONE OF THE HONOURABLE JUDGES SITTING PURSUANT TO RULE 28 OF THE RULES OF PROCEDURE AND EVIDENCE OF THE SPECIAL COURT FOR SIERRA LEONE:

- I, DAVID M. CRANE, Prosecutor of the Special Court for Sierra Leone, pursuant to the authority given to me by Rule 40 *bis* of the Rules and Procedure and Evidence of the Special Court for Sierra Leone (hereafter "the Rules") request the issuance of an Order for the transfer and provisional detention of AUGUSTINE GBAO in the premises of the detention unit of the Special Court on the following grounds:
- 1. On Friday 14 March, 2003 pursuant to the authority given to me by Rule 40 I requested the Republic of Sierra Leone Police Force to arrest AUGUSTINE GBAO and place him in custody in accordance with the laws of Sierra Leone.
- 2. The Office of the Prosecutor is currently investigating AUGUSTINE GBAO for crimes committed within the territory of Sierra Leone and within the temporal jurisdiction of the Special Court namely:

PEGIAL COURT FOR SIERRA LEONE COURT RECORDS RECEIVED NAME W. HAR -

- A. CRIMES AGAINST HUMANITY, punishable under Article 2 of the Statute of the Special Court (hereafter "the Statute").
- B. VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3 of the Statute.
- C. OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, punishable under Article 4 of the Statute.
- 3. It appears from these investigations, particularly from the information contained in the affidavit of MORIE LENGHOR annexed hereto, that there is evidence that AUGUSTINE GBAO may have committed crimes over which the Court has jurisdiction, and which may give rise to the following provisional charges:
 - A. Between 23 December, 1999 and 31December, 2000, AUGUSTINE GBAO and other members of the AFRC/RUF alliance looted an unknown number of civilian homes in Makeni, Bombali District in the Northern Province Sierra Leone.

By his acts and omissions in relation to, but not limited to these events, AUGUSTINE GBAO, pursuant to Article 6.1. and or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crime alleged below:

PILLAGE, a Violation of Article 3 Common to the Geneva Conventions 1949 and of Additional Protocol II, punishable under Article 3f of the Statute of the Special Court for Sierra Leone (hereafter "the Statute").

B. Between about 15 April, 2000 and about 15 September, 2000, AFRC/RUF forces including AUGUSTINE GBAO engaged in widespread attacks against UNAMSIL peacekeepers and humanitarian assistance workers within the Republic of Sierra Leone, including but not limited to locations within Bombali, Kailahun, Kambia, Port Loko and Kono Districts. These attacks included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage.

By his acts or omissions in relation, but not limited to these events, AUGUSTINE GBAO, pursuant to Article 6.1 and, or alternatively, Article 6.3 of the Statute, is individually criminally responsible for the crimes alleged below:

INTENTIONALLY DIRECTING ATTACKS AGAINST PERSONNEL INVOLVED IN A HUMANITARIAN ASSISTANCE OR PEACEKEEPING MISSION, which constitutes OTHER VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, punishable under Article 4 b of the Statute.

For the unlawful killings:

MURDER, A CRIME AGAINST HUMANITY punishable under Article 2a of the Statute;

In addition, or in the alternative:

VIOLENCE TO LIFE, HEALTH AND PHYSICAL OR MENTAL WELL-BEING OF PERSONS, in particular, MURDER, a Violation of Article 3 Common to the Geneva Conventions 1949 and of Additional Protocol II, punishable under Article 3a of the Statute.

For the abductions and holding of persons as hostages:

TAKING OF HOSTAGES, a Violation of Article 3 Common to the Geneva Conventions 1949 and of Additional Protocol II, punishable under Article 3a of the Statute.

4. I submit that the provisional detention of AUGUSTINE GBAO is a necessary measure to prevent his escape, physical or mental injury to or intimidation of a victim or witness or the destruction of evidence, or to be otherwise necessary for the continued conduct of the investigations.

ACCORDINGLY, I REQUEST THAT YOU GRANT ALL ASPECTS OF THE PRESENT REQUEST AND THEREBY:

- A. **DECLARE** that there is reason to believe that AUGUSTINE GBAO may have committed the crimes specified in the provisional charges above, over which charges the Special Court has jurisdiction;
- B. CONSIDER provisional detention to be a necessary measure to prevent the escape of AUGUSTINE GBAO, physical or mental injury to or intimidation of a victim or witness or the destruction of evidence, or to be otherwise necessary for the conduct of the investigation;
- C. **ORDER** the transfer of AUGUSTINE GBAO from the custody of the Sierra Leone Police to the detention premises of the Special Court; and
- D. ORDER that AUGUSTINE GBAO be provisionally detained for an initial period not exceeding 30 days from the day of the transfer at the detention unit of the Special Court.

Dated this 14th day of March 2003 Freetown, Sierra Leone David M. Crane

The Prosecutor

SPECIAL COURT FOR SIERRA LEO CERTIFIED TRUE COPY OF THE ORIGINAL NAME_ SIGNATURE Acrelia DATE 8.0 4



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RIGHTS OF SUSPECT

Rules of Procedure and Evidence of the Special Court for Sierra Leone

Rule 42: Rights of Suspects during Investigation

(A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands:

(i) The right to be assisted by counsel of his choice or to have legal assistance assigned to him without payment if he does not have sufficient means to pay for it;

(ii) The right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning; and

(iii) The right to remain silent, and to be cautioned that any statement he makes shall be recorded and may be used in evidence.

(B) Questioning of a suspect shall not proceed without the presence of counsel unless the suspect has voluntarily waived his right to counsel. In case of waiver, if the suspect subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the suspect has obtained or has been assigned counsel.

Rule 43: Recording Questioning of Suspects

Whenever the Prosecutor questions a suspect, the questioning shall be audio-recorded or video-recorded, in accordance with the following procedure:

(i) The suspect shall be informed in a language he speaks and understands that the questioning is being audio-recorded or video-recorded;

SPECIAL COURT FOR GERRALICS ! CERTIFISC TRUE COPY OF THE DR. WINAL SEEN BY ME NAME a MUSSICE D. KOULDEDTER SIGNATURE

(ii) In the event of a break in the course of the questioning, the fact and the time of the break shall be recorded before audio-recording or video-recording ends and the time of resumption of the questioning shall also be recorded;

(iii) At the conclusion of the questioning the suspect shall be offered the opportunity to clarify anything he has said, and to add anything he may wish, and the time of conclusion shall be recorded;

(iv) The content of the recording shall then be transcribed as soon as practicable after the conclusion of questioning and a copy of the transcript supplied to the suspect, together with a copy of the recording or, if multiple recording apparatus was used, one of the original recorded tapes; and

(v) After a copy has been made, if necessary, of the recorded tape for purposes of transcription, the original recorded tape or one of the original tapes shall be sealed in the presence of the suspect under the signature of the Prosecutor and the suspect.

SIGNATURE.

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STATEMENT FOR HAND OVER TO THE SUSPECT

RELATING TO THE TRANSFER OF A SUSPECT TO THE CUSTODY OF THE SPECIAL COURT FOR SIERRA LEONE PURSUANT TO RULE 40BIS.

On the 20th day of the month of Mosch,	in the year two thou	isand and three,
I Allred Karnew-Karness (full name),_	SUPT.	(title),
representative of the police / ministry of justice of		
In my office / a holding cell, at	Bontto Bao	, have summoned:
born on 13/8/48 (birth date), in 13	Jarig	_ (village / town)
501		currently in detention at the
	_, and in possessior	n of the following items of personal
identification NIC		

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

- Certified true copy of the Order for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, signed by Judge Benjamin Mutanga Itoe on 18th March, 2003;
- Certified true copy of the Request for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, filed by the Office of the Prosecutor on 17th March 2003;
- 3) Certified true copy of the Rights of Suspect, duly admonished;

- Certified true copy of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
- 5) Certified true copy of the Statute of the Special Court for Sierra Leone;
- 6) Copy of the Special Court Agreement, 2002 (Ratification) Art, 2002;
- 7) Certified true copy of the Rules of Procedure and Evidence of the Special Court for Sierra Leone.

And the same party has acknowledged receipt thereof by signing the Acknowledgement of Receipt by Suspect Form, dated 20/3/03.

The interested party has been cautioned, informed of his rights and in particular his right to remain silent and to be assisted by a lawyer under the Special Court legal aid scheme.

- CIN 20/3/03 Signature

Seal



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RETURN OF SERVICE ON NATIONAL AUTHORITY FORM

CASE NO.: SCSL-2003-09-PD

THE PROSECUTOR against AUGUSTINE GBAO

I, the undersigned, hereby confirm that I have received on this day, 20/3/, 2003, from the Registrar of the Special Court for Sierra Leone, three sets of the following documents:

- Certified true copy of the Order for Transfer and Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, signed by Judge Benjamin Mutanga Itoe on 18th March, 2003, for the transfer and provisional detention of AUGUSTINE GBAO;
- Certified true copy of the Request for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, filed by the Office of the Prosecutor on 17th March, 2003, for the transfer and provisional detention of AUGUSTINE GBAO;
- Certified true copy of the Rights of Suspect (Rules 42 and 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone);
- Certified true copy of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
- 5) Certified true copy of the Statute of the Special Court for Sierra Leone;
- 6) Copy of the Special Court Agreement, 2002 (Ratification) Act, 2002;
- Certified true copy of the Rules of Procedure and Evidence of the Special Court for Sierra Leone;

And I have also received the following documents:

- 1) A Seizures from the Suspect Inventory List Form;
- 2) A Statement for Hand Over to the Suspect;
- 3) An Acknowledgement of Receipt by Suspect Form.

Name: Alfred Karnow - Karnary Designation: SUPT (PICC) Signature: GMAX

Official Seal



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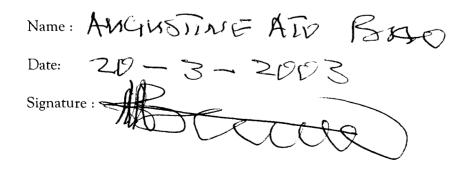
ACKNOWLEDGMENT OF RECEIPT BY A SUSPECT FORM

CASE NO.: SCSL-2003-09-PD

THE PROSECUTOR against AUGUSTINE GBAO

I, the undersigned <u>Augnstine</u> <u>Aw</u> <u>RAF</u>, hereby confirm that I have received on this day, <u>20 Marces</u>, 2003, the following documents:

- Certified true copy of the Order for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, signed by Judge Benjamin Mutanga Itoe on 18th March, 2003;
- Certified true copy of the Request for Transfer and Provisional Detention under Rule 40bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, filed by the Office of the Prosecutor on 17th March 2003;
- Certified true copy of the Rights of the Suspects (Rules 42 and 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone);
- Certified true copy of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
- 5) Certified true copy of the Statute of the Special Court for Sierra Leone;
- 6) Copy of the Special Court Agreement, 2002 (Ratification) Act, 2002;
- Certified true copy of the Rules of Procedure and Evidence of the Special Court for Sierra Leone;





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<u>CAUTION OF SUSPECTS UPON TRANSFER INTO THE</u> <u>CUSTODY OF THE COURT</u>

TRANSFERRED BY THE AUTHORITES OF SIERRA LEONE TO THE CUSTODY OF THE SPECIAL COURT AS A PROVISIONAL MEASURE AND UNDER RULE 40*bis* OF THE RULES OF PROCEDURE AND EVIDENCE OF SPECIAL COURT

- 1. You are now being transferred to the custody of the Special Court for Sierra Leone on suspicion of having committed a crime within the competence of the Special Court.
- 2. You are entitled to all rights applicable under the Statute and the Rules of Procedure and Evidence of the Special Court for Sierra Leone.
- 3. You have the right to be assisted by a counsel of your choice or to have legal assistance assigned to you if you do no not have sufficient means to pay for it.
- 4. You have the right to free assistance of an interpreter in case you cannot understand or speak the language to be used for your questioning.
- 5. You have the right to remain silent. Anything that you say shall be recorded and may be used in evidence.
- 6. You have nothing to hope from any promise of favour and nothing to fear from any threat which may be made to induce you to make an admission or confession of guilt.

Name and Signature of Security Officer

Name and Signature of Suspect

3/19/2003 - 11:44 AM