

Special Court for Sierra Leone
Press and Public Affairs Office

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New Rules of Procedures and Evidence Adopted

Judges of the Special Court for Sierra Leone on Friday adopted a unique set of rules of procedures and evidence under which the world's newest ad hoc international criminal court is to operate. Construction of the Court, which is located in Sierra Leone's capital Freetown, is only partially complete but the various branches are more or less functioning.

"The Court is adapted to the specific circumstances of Sierra Leone and to the specific international crimes that took place here," said Justice Geoffrey Robertson, the president of the Judges, following the week-long meeting in London. "We started with rules that existed in other international tribunals, particularly for Rwanda, but we found that justice would have to be delivered in some distinctly different ways."

One difference from the tribunal for Rwanda, which is located in Arusha, Tanzania, and the tribunal for the former Yugoslavia, which is located in The Hague, is that the Court in Sierra Leone is located in the country where the crimes took place. "This makes protection of witnesses a particular concern," said Justice Robertson. Rule 34 strengthens the language that has existed in other international courts on witness support with specific provisions for safeguarding children.

Rule 45 establishes a Public Defender's Office to coordinate the Defence, something that has not existed at the other international criminal courts. The Office will provide legal aid to defendants from the moment they are indicted and ensure that throughout the trial they are being properly represented.

Rule 8 establishes a means by which a Court order can be executed by police and other agencies of the Government of Sierra Leone without having to first go through diplomatic channels. The provision, which is also precedent-setting for an international criminal court, will allow the Court to function quickly and effectively.

The Special Court was conceived differently from the other international courts in that it is not a United Nations body. It was created through an agreement between the UN and the host Government while remaining independent of them both. "This gives us flexibility," said Justice Robertson. But he added that the Special Court also has a much shorter mandate to complete its work by. "We had to ensure that the rules do not slow us down."

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