

622

SCSL-04-15-T
(24885-24920)

24885

THE SPECIAL COURT FOR SIERRA LEONE

BEFORE:

**Justice Bankole Thompson, Presiding
Justice Pierre Boutet
Justice Benjamin Itoe**

Registrar: Mr. Lovemore G. Munlo SC

Date filed: 2nd August 2006

The Prosecutor

-v-

**Issa Hassan Sesay
Morris Kallon
Augustine Gbao**

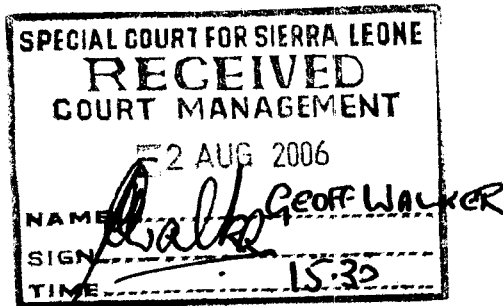
Case No: SCSL – 2004 – 15 – T

PUBLIC

**DEFENCE REPLY TO PROSECUTION RESPONSE TO SESAY DEFENCE
MOTION FOR IMMEDIATE PROTECTIVE MEASURES FOR WITNESSES
AND VICTIMS AND FOR NON-PUBLIC DISCLOSURE**

Office of the Prosecutor
James C. Johnson
Peter Harrison

Defence Counsel for Sesay
Wayne Jordash
Sareta Ashraph



Defence Counsel for Kallon
Shekou Touray
Charles Taku
Melron Nichol-Wilson

Defence Counsel for Gbao
Andreas O'Shea
John Cammegh

Introduction

1. The Defence on behalf of Sesay (the “Sesay Defence”) files this Reply to the “Public Sesay Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure” (the “Motion”¹) and the “Prosecution Response to the Motion” (the “Response”). All other titles are as outlined in the Motion and Response. It is the submission of the Defence that the Motion is sound and should be granted with all requested orders granted.

A. Legal basis of the Motion

2. It is trite law before the Special Court for Sierra Leone that the rules governing the application of protective measures are Rules 53, 54, 69(A), 73 and 75 of the Rules and Articles 16 and 17 of the Statute.² It is further clear that the determination of written submissions in relation to protective measures is made pursuant to Rule 73 of the Rules.
3. Rule 69(A) allows for the Trial Chamber to order the non-disclosure of a victim or witness who may be in danger or at risk. The Motion (and the submissions and evidence referred to therein) satisfies, without more, the requirements of Rule 69(A).
4. The Sesay Defence accept that the granting of protective measures is not an automatic exercise. Nor should it be. Further, notwithstanding the Prosecution’s misplaced arguments, the Sesay Defence agree that there must be an objective basis for concluding the existence of security risks and threats to victims and witnesses. This objective assessment underpins the subjective fears of victims and witnesses.

¹ *Prosecutor v Sesay et al.*, SCSL-04-15-T-608, “Public Sesay Defence Motion for Immediate Protective Measures for Witnesses and for Non-public Disclosure” 25 July 2006.

² *Prosecutor v Sesay et al.*, SCSL-03-05-PT-IP-038 “Decision on the Prosecutors Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure,” 23 May 2006, p. 861. It is acknowledged that this decision explicitly refers to pre-trial issues. This situation, it could be argued, no longer pertains, since the trial is well underway. However, the Sesay Defence submit that the legal position with respect to the application for protective measures at the outset of the defence case is identical to that which pertained prior to the outset of the Prosecution case, albeit that that was also the outset of the trial as a whole. That is, there is no distinction to be made between applications for protective measures by the Prosecution pre-trial and Defence applications for same prior to the Defence case.

5. This objective and subjective evidential burden is rightly described as the socio-legal context within which an application for special measures is made.³

C. The subjective and objective element

6. Sesay Defence wish to draw the Trial Chamber's attention to the declarations of Mr Morie Lengor, dated 5 March 2003, and Dr Alan White, dated 7 April 2003. The declarations were attached to the "Prosecution Motion for Immediate Protective Measures for Witnesses and Non-Public Disclosure."⁴ Both these individuals describe their extensive relevant experience in criminal investigation and witness protection that no doubt lent great weight to their declarations. These have underpinned the continued special measures orders applicable to the Prosecution witnesses, which apart from a very few exceptions (and mainly those witnesses who reside outside Sierra Leone, for example Mr Tarnue (TF1-139), Mr Ganese (TF1-042), Mr Bility (TF1-355), Mr Ngondi (TF1-165) and Mr Kasoma (TF1-288)) have operated throughout the last three years. It is instructive that apart from Mr Johnson (TF1-167), Dennis Koker (TF1-114) and Alfred Sesay (all of whom themselves agreed to waive their putative rights to protective measures), the Prosecution has not suggested any change in its perception of the risks to witnesses, based (it is to be presumed) on these declarations. Regrettably their "principled" stance in relation to these crucial issues appears to have been abandoned in favour of prosecutorial advantage.

7. Mr Lengor declares, commencing at paragraph 6:

6. Members of the civilian population who may be called upon to appear as witnesses before the Special Court have expressed concern regarding their safety and security if it becomes known they are co-operating with the Special Court, especially if their identities are revealed to the general public, or to a suspect or accused, before protective measures can be put in place.
7. These potential witnesses point out that the Government of Sierra Leone is

³ *Id.* at p. 863, para. 12.

⁴ *Prosecutor v. Issa Hassan Sesay*, SCSL-2003-05-I-015, 7 April 2003.

not actively prosecuting those who actually carried out such crimes such as those alleged in the Indictments presented for confirmation. As a result, these potential witnesses live among these perpetrators, and fear retaliation from them if the potential witness's identity becomes known to the public. This fear is heightened by the fact that many of the perpetrators now serve as members of the Armed Forces of Sierra Leone.

8. Potential witnesses have expressed fear of reprisals not only from those who actually carried out the crimes, but also from relatives and friends of the Accused, from those who are associated with the Accused and from those who support the causes or factions the Accused represent.
9. The fears expressed are genuine and in my opinion, are well founded, especially considering that many of the potential witnesses live in remote areas without any police presence or other semblance of security.
10. I believe that it is essential for the safety and security of these potential witnesses, their family members and for the work of the Special Court that the identifying data regarding these persons be withheld from the public and not be disclosed to any suspect or accused until such time as appropriate protective measures are in place.⁵

Dr White declares (from paragraph 7, line 3):

The security situation in most of Sierra Leone and the neighbouring countries is volatile. The perpetrators, the victims and the witnesses are not separated. They are co-habitants of the same communities. They live and work in a closely-knit setting. In the past weeks there have been increasing instances involving interference with and intimidation of Prosecutor's witnesses. The situation ranges from witnesses having their lives threatened either individually or by a group, to witnesses' general fear and apprehension that they or their families will be harmed or harassed or otherwise suffer if they testify or co-operate with the court. This is due to the existence throughout West Africa of large numbers of members of the armed factions involved in the conflict that happened in Sierra Leone, including the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC) and other people who collaborated with such factions. Additionally, there are numerous members with the Republic of Sierra Leone Army and Sierra Leone Police who are sympathisers and supporters of Johnny Paul Koroma, an

⁵ *Ibid.* at pp. 125-126.

indicted war criminal. Further, I have first hand information that supporters and sympathisers of Samuel Hinga Norman, former Chief of the CDF, are actively attempting to identify and intimidate witnesses to the Special Court. Therefore, witnesses living in Sierra Leone, and also those living in other countries in West Africa, are directly affected by this situation and feel threatened.⁶

8. Save from a few sentences in the declaration of Dr White and paragraph 8 of the declaration of Mr Lengor, the Sesay Defence submits that it is abundantly clear that the passages quoted from the declarations apply to victims and witnesses *sui generis* and not solely to witnesses for the Prosecution. Thus, notwithstanding the more than three-year age of both declarations, the Sesay Defence rely on the assertions contained within.
9. It is uncontroversial to submit that there were several parties to the Sierra Leone conflict. Dr White reiterates this in his declaration. The Sesay Defence submits that it would be to ignore the reality of the conflict to deny that the Sierra Leone state was a party.⁷ Both Mr Lengor and Dr White confirm this and make clear the added problem that the instruments of the state now contain some of the most violent perpetrators of crimes during the conflict. Dr White goes further than this. He identifies that there remain members of the Republic of Sierra Leone Army and Sierra Leone Police who are sympathisers and supporters of Johnny Paul Koroma. The Prosecution then, at least in the declarations attached to their pre-trial motion for protective measures, endeavoured to show that there are a multiplicity of parties whose members, some of whom are now agents of the state, pose a threat to victims and witnesses, *sui generis*. The Sesay Defence respectively submit in affirmation of this view.
10. The Sesay Defence further submit that there are sympathisers and indeed ex-combatants from all factions in all the instruments of the state, but particularly the police and armed forces. It is also submitted that members of the RUF are the least

⁶ *Ibid.* at p. 129

⁷ It is crucial to understand that *only for paragraphs 10 and 11, infra*, the instruments of the state are separate from the Government of Sierra Leone.

likely of all involved combatant groups to be subsequently employed by the instruments of the state, again given the nature of the conflict and the apparent fact that the RUF were the only combatant group which at no point had any structural ties to the state of Sierra Leone. The first of these two submissions means that all potential witnesses, irrespective of which party's behalf they testify, in all trials before the Special Court, have a valid fear of the instruments of the state. If the second submission is accepted, either as a corollary or in the alternative to the first submission, witnesses for the RUF accused have a valid fear of a security situation different from (and more dangerous than) that of all other witnesses for any other party before the Special Court.

11. Further the Sesay Defence respectfully submit that this structural problem of members or supporters of belligerent parties remaining within the Sierra Leone Police Force creates an extra risk or "threat" in relation to some of the employees and agents of the Office of the Prosecutor. Dr White identifies that individuals loyal to belligerent parties remain within the Sierra Leone Police. It is readily apparent that the Office of the Prosecutor habitually employs current and ex-police officers, as well as using the police and its resources to carry out specific tasks. This submission is made without having to allege any wrongdoing on the part of the Prosecution. It is an unavoidable determination, given the Prosecution's own evidence in this regard. Moreover, the Office of the Prosecutor is fully cognisant of this reality. The Office of the Prosecutor regularly employs members, and has enlisted the assistance, of the Sierra Leone Police.⁸ Consequently there is a risk to victims and potential witnesses arising from the premature dissemination of information to the Office of the Prosecution. In other words, just as the Prosecution have alleged that risks arise from the premature disclosure of identities of its witnesses to the Accused and/or their agents, the same logically can be said in relation to members of the Office of the Prosecutor and witnesses for the Defence.

⁸ See, for example, para. 23 of *Prosecutor v Norman et al.*, SCSL-04-14-T, "Decision on Joint Defence Motion Regarding the Propriety of Contacting Defence Witnesses," 20 June 2006.

12. For completeness, the Sesay Defence also submit that paragraph 8 of Mr Lengor's declaration outlines a situation which still exists. The additional concern arising is that witnesses for Mr Sesay also have to fear (i) relatives, friends and associates of other accused before the Special Court and (ii) other members of belligerent parties.

D. Further basis

13. The President of the Special Court in his recent "Order Changing Venue of Proceedings"⁹ authorising a Trial Chamber to hear a case outside of Sierra Leone stated that "the security situation renders it necessary for the efficient exercise of the Special Court's functions to move Mr Taylor's trial to a location outside of the West African region. The security threat identified by the Security Council is a serious one and has been accorded significant weight in my analysis."¹⁰

14. The Sesay Defence acknowledges that an argument could be made that this security situation applies only to Charles Taylor. However, as alleged at all times by the Prosecution there is a perceived nexus between the activities of Charles Taylor and the RUF. Whether or not this is accurate or a figment of the Prosecutorial strategy/imagination, the mere fact that this is alleged must give rise to a legitimate fear that any security risks relating to Charles Taylor may relate in whole or in part to Mr Sesay, and indeed all the RUF accused.

15. Similarly, the Security Council has recently noted that the security situation in Sierra Leone and surrounding territories remains difficult. The President referred to this analysis, though he did not specify precisely upon what he relied. It is submitted that resolutions 1652, 1657, 1667, 1682, 1683, 1688, 1689, attached hereto at Annex A, are all pertinent, detailing the security situation in the West African region in 2006. Further, the Secretary General of the United Nations Integrated Office in Sierra Leone, attached at Annex B, holds in his recent report that "the ongoing trials of the former fighting groups at the Special Court for Sierra Leone ... could be a source of

⁹ *Prosecutor v Charles Ghankay Taylor*, SCSL-03-01-PT, 19 June 2006, pp. 3343-3346.

¹⁰ *Ibid.* at p. 3345, para 10.

potential security incidents.”¹¹ Indeed, this report as a whole details the fragility of Sierra Leone’s post-conflict reconstruction and places it within the context of the general lack of stability across the region as a whole, as made clear by the totality of the Security Council resolutions cited above.¹² This fragility bears on all victims of the conflict and potential witnesses for the Special Court across the West African region and particularly in Sierra Leone.

16. Thirdly, there are a multitude of newspaper and radio reports, NGO reports, academic articles and general commentary leading right up to the present day that acknowledges the delicate nature of peace in Sierra Leone. Simply put, the Sesay Defence submit that it is common knowledge at both the level of international NGOs and to the man on the street that the security situation in Sierra Leone remains fragile and there are potentially grave difficulties for anybody who seeks to testify before the Special Court. This ought not to be controversial and certainly ought not to be “hijacked” by the Prosecution to suit its latest objective, which appears to be, rather than genuine, adversarial in nature.

17. The Sesay Defence submit that the attachments serve as objective evidence of the current security situation in Sierra Leone. They describe a situation that has continued, largely unchanged, since the commencement of the Prosecution’s case. As referred to above (see Para. 7) this is accepted by the Prosecution. In their recent review of the protective measures applicable to their own witnesses they saw fit to apply to change only the status of witnesses TF1-042 and TF1-044 – both of whom reside outside of the region.¹³ The Sesay Defence then, in relation to all matters relating to protective measures, having been previously defeated on submissions made to the Trial Chamber on this point, have accepted that the security situation remains as it was at the time of the Prosecution’s original motion for protective measures. This situation has been reaffirmed on several occasions throughout the

¹¹ United Nations Security Council, S/2006/269, “First Report of the Secretary-General on the United Nations Integrated Office in Sierra Leone,” 28 April 2006, at p. 3, para. 15.

¹² Ibid. In particular, *see* paras. 13-17 and 52.

¹³ *Prosecutor v Sesay et al.*, SCSL-04-15-T, “Confidential Prosecution Motion to Vary Protective Measures for Group 1 Witnesses,” 3 May 2006.

conduct of the trial by the Trial Chamber.¹⁴ The resolutions of the United Nations Security Council and the recent executive deliberations of the President of the Special Court confirm this view. It is thus incumbent upon the Prosecution to show how the security situation has changed, not simply by mounting misplaced attacks on the Defence evidence but by either abandoning its own claim to protective measures and/or by relying upon its own evidence. In the absence of either approach the Prosecution's submissions ought to be dismissed as both meretricious and lacking bona fides.

18. The Sesay Defence further submit, following the decision of the Trial Chamber, that the Refahi Declaration is sufficient evidence upon which the Motion ought to be granted.¹⁵ Even if the Refahi Declaration does contain unsubstantiated assertions as the Prosecution so allege, it is virtually identical in form to the declarations the Prosecution relied and in respect of which the previous Trial Chamber decision was made. The declarations of Mr Lengor and Dr White are nothing more than assertions, not substantiated by anything other than the professional experience of the declaration maker. This is identical to the position with Ms Refahi. The Defence reiterate it is significant that there has been no affidavit in opposition to the Refahi Declaration or indeed the Motion as a whole.¹⁶

E. Conclusion

19. The Sesay Defence submit that sufficient objective material has been put before the Trial Chamber for it to be reasonably foreseeable that a level of threat exists for victims and witnesses as specified by the Motion and attachments according to which protective measures ought to be granted. Further, there has been no material alteration, and no evidence led as to any material alteration, in the security situation in Sierra Leone or the West African region. Thus the Sesay Defence application for

¹⁴ See, for example, *Prosecutor v Sesay et al.*, SCS-04-15-T, "Order to Review Current Protective Measures," 29 March 2006.

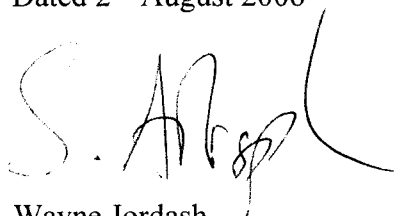
¹⁵ See *supra*, note 2, at p. 864, para. 14.

¹⁶ *Ibid.* at pp. 862-863, para. 10.

protective measures takes place under exactly the same conditions as those of the Prosecution.

20. The Sesay Defence are surprised and disappointed by the Prosecution's Response. Whilst we accept the need to act in a way consistent with professional obligations, there is an obvious line between testing and countering arguments for proper reasons and seeking simply to put disingenuous and dangerous objections before the Court for the sake of prosecutorial advantage. Special Measures are for the benefit of witnesses and the judicial process and parties to the process ought to approach them with circumspection. The Sesay Defence has long been cognisant of the very real fears and circumstances of those coming before the Special Court. We acknowledge the incredible suffering that this conflict has and continues to cause. Testifying before the Special Court can often be a part of that suffering, albeit one that, it is to be hoped, assists in the healing process.

Dated 2nd August 2006



Wayne Jordash

Sareta Ashraph

BOOK OF AUTHORITIES

Decisions and Orders

Prosecutor v Norman et al., SCSL-04-14-T, “Decision on Joint Defence Motion Regarding the Propriety of Contacting Defence Witnesses,” 20 June 2006.

Prosecutor v Sesay et al., SCS-04-15-T, “Order to Review Current Protective Measures,” 29 March 2006.

Prosecutor v Sesay et al., SCSL-03-05-PT-IP-038 “Decision on the Prosecutors Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure,” 23 May 2006.

Prosecutor v Charles Ghankay Taylor, SCSL-03-01-PT, “Order Changing Venue of Proceedings,” 19 June 2006.

Motions

Prosecutor v. Issa Hassan Sesay, SCSL-2003-05-I-015, “Prosecution Motion for Immediate Protective Measures for Witnesses and Non-Public Disclosure,” 7 April 2003.

Prosecutor v Sesay et al., SCSL-04-15-T, “Confidential Prosecution Motion to Vary Protective Measures for Group 1 Witnesses,” 3 May 2006.

Prosecutor v Sesay et al., SCSL-04-15-T-608, “Public Sesay Defence Motion for Immediate Protective Measures for Witnesses and for Non-public Disclosure” 25 July 2006.

Annex A

Resolutions of the United Nations Security Council 2006.

Annex B

United Nations Security Council, S/2006/269, “First Report of the Secretary-General on the United Nations Integrated Office in Sierra Leone,” 28 April 2006.

ANNEX A

**Security Council**

Distr.: General
24 January 2006

Resolution 1652 (2006)

**Adopted by the Security Council at its 5354th meeting on
24 January 2006**

The Security Council,

Recalling its previous resolutions and statements of its President relating to the situation in Côte d'Ivoire and in the subregion,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the final communiqué of the International Working Group (IWG) of 15 January 2006, and *reaffirming* the mandate of the IWG to assist the Prime Minister and his government in the implementation of the roadmap it has established, and to evaluate, monitor and follow up closely the implementation of the peace process, in accordance with resolution 1633 (2005),

Taking note of the report of the Secretary-General dated 3 January 2006 (S/2006/2),

Expressing its serious concern at the persistence of the crisis in Côte d'Ivoire and of obstacles to the peace and national reconciliation process from all sides,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the respective mandates of the United Nations Operation in Côte d'Ivoire (UNOCI) and of the French forces which support it shall be extended until 15 December 2006;

2. *Decides* to extend the provisions of paragraph 3 of resolution 1609 (2005) for the period specified in paragraph 1 above;

3. *Expresses* its intention to keep under review the tasks and the troop level of UNOCI, and specifically to review these when the Security Council considers the forthcoming report of the Secretary-General on the United Nations Mission in Liberia, taking into account the situations in both Côte d'Ivoire and Liberia, in the light of the progress in the implementation of the roadmap established by the

International Working Group, in order to lead to the organization of free, fair, open and transparent elections no later than 31 October 2006;

4. *Decides* to remain actively seized of the matter.
-

**Security Council**Distr.: General
6 February 2006

Resolution 1657 (2006)**Adopted by the Security Council at its 5366th meeting, on
6 February 2006**

The Security Council,

Recalling its previous resolutions and statements of its President relating to the situation in Côte d'Ivoire and in the subregion, in particular its resolutions 1609 (2005) of 24 June 2005, 1626 (2005) of 19 September 2005 and 1652 (2006) of 24 January 2006,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Taking note of the letter of the Secretary-General addressed to the President of the Security Council dated 1 February 2006 (S/2006/71),

Recalling that the current mandate of the United Nations Mission in Liberia (UNMIL) will expire on 31 March 2006,

Expressing its serious concern at the persistence of the crisis in Côte d'Ivoire and of obstacles to the peace and national reconciliation process from all sides,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to authorize the Secretary-General to redeploy immediately a maximum of one infantry company from UNMIL to the United Nations Operation in Côte d'Ivoire (UNOCI), until 31 March 2006, in order to provide extra security coverage for United Nations personnel and property, and to perform other tasks mandated to UNOCI, without prejudice to any future decision by the Security Council concerning the renewal of the mandate and level of troops of UNMIL and a further extension of the redeployment mentioned above;

2. *Expresses* its intention to review the provisions of paragraph 1 above in 30 days and by 31 March 2006, in light of the situation in Côte d'Ivoire and in Liberia;

3. *Expresses* its intention to keep under review possible additional redeployments of troops between UNMIL and UNOCI;

4. *Decides* to remain actively seized of the matter.

**Security Council**Distr.: General
2 June 2006

Resolution 1682 (2006)**Adopted by the Security Council at its 5451st meeting, on
2 June 2006***The Security Council,*

Recalling its previous resolutions and statements of its President relating to the situation in Côte d'Ivoire and in the subregion, in particular its resolutions 1652 (2006) of 24 January 2006 and 1667 (2006) of 31 March 2006, and *reaffirming* in particular the provisions of paragraph 3 of resolution 1667,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Taking note of the reports of the Secretary-General dated 3 January 2006 (S/2006/2) and 11 April 2006 (S/2006/222) and his letters addressed to the President of the Security Council dated 1 February 2006 (S/2006/71), 22 March 2006 (S/2006/184) and 25 May 2006 (S/2006/334),

Expressing its serious concern at the persistence of the crisis in Côte d'Ivoire and of obstacles to the peace and national reconciliation process from all sides,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Notes* the recommendations of the Secretary-General contained in his report dated 3 January 2006, in particular its paragraphs 48 and 52, and *noting* that those recommendations have been reiterated in the Secretary-General's report dated 11 April 2006;

2. *Authorizes* until 15 December 2006 an increase in the strength of the United Nations Operation in Côte d'Ivoire (UNOCI) of up to 1,500 additional personnel, including a maximum of 1,025 military personnel and 475 civilian police personnel;

3. *Expresses* its intention to keep under review the appropriate personnel levels for UNOCI, in light of the situation in Côte d'Ivoire and in the subregion;

4. *Decides* to remain actively seized of the matter.

**Security Council**

Distr.: General
13 June 2006

Resolution 1683 (2006)

**Adopted by the Security Council at its 5454th meeting, on
13 June 2006**

The Security Council,

Recalling its previous resolutions and statements by its president on the situation in Liberia and West Africa,

Welcoming the leadership of newly elected President Ellen Johnson Sirleaf and her efforts to restore peace, security and harmony throughout Liberia,

Underscoring the continuing need for the United Nations Mission in Liberia (UNMIL) to support the Government of Liberia in building a stable environment that will allow democracy to flourish,

Recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, including policing, intelligence gathering, and executive protection,

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the measures imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to the weapons and ammunition already provided to members of the Special Security Service (SSS) for training purposes pursuant to advance approval under paragraph 2 (e) by the Committee established by paragraph 21 of that resolution and that those weapons and ammunition may remain in the custody of the SSS for unencumbered operational use;

2. *Further decides* that the measures imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to limited supplies of weapons and ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003;

3. *Decides* that a request made in accordance with paragraph 2 shall be submitted to the Committee by the Government of Liberia and the exporting state,



and, in case of approval, the Government of Liberia shall subsequently mark the weapons and ammunition, maintain a registry of them, and formally notify the Committee that these steps have been taken;

4. *Reiterates* the importance of UNMIL's continuing assistance to the Government of Liberia, the Committee established by paragraph 21 of resolution 1521 (2003) and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, including in monitoring the implementation of the measures in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and in this regard requests UNMIL to inspect inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 above to ensure all such weapons and ammunition are accounted for, and to make periodic reports to the Committee established by paragraph 21 of resolution 1521 (2003) on its findings;

5. *Decides* to remain seized of the matter.

**Security Council**Distr.: General
16 June 2006

Resolution 1688 (2006)**Adopted by the Security Council at its 5467th meeting, on
16 June 2006***The Security Council,*

Recalling its previous resolutions and the statements of its President concerning Liberia, Sierra Leone, and West Africa, in particular its resolutions 1470 (2003) of 28 March 2003, 1508 (2003) of 19 September 2003, 1537 (2004) of 30 March 2004 and 1638 (2005) of 11 November 2005,

Recalling that the Special Court for Sierra Leone (“the Special Court”) was established by Agreement between the United Nations and the Government of Sierra Leone on 16 January 2002 (“the Agreement”) pursuant to its resolution 1315 (2000) of 14 August 2000,

Recalling article 10 of the Agreement pursuant to which the Special Court may meet away from its seat if it considers it necessary for the efficient exercise of its functions, and recalling also Rule 4 of the Rules of Procedure and Evidence of the Special Court pursuant to which the President of the Special Court may authorize a Chamber or a Judge to exercise their functions away from the seat of the Special Court,

Recalling the Council’s determination to end impunity, establish the rule of law and promote respect for human rights and to restore and maintain international peace and security, in accordance with international law and the purposes and principles of the Charter,

Expressing its appreciation to Liberian President Johnson-Sirleaf for her courageous decision to request the transfer of former President Taylor in order that he may be tried at the Special Court,

Expressing its appreciation to President Obasanjo of Nigeria on his decision to facilitate the transfer of former President Taylor, and noting the role Nigeria has played in securing and promoting peace in Liberia and the wider subregion, including President Obasanjo’s decision in 2003 to facilitate the removal of former President Taylor from Liberia which allowed the Comprehensive Peace Agreement to take effect, and recognizing the contribution made by the Economic Community of West African States (ECOWAS) in this regard,



Recognizing that the proceedings in the Special Court in the case against former President Taylor will contribute to achieving truth and reconciliation in Liberia and the wider subregion,

Expressing that it remains committed to assisting the Governments of Liberia and Sierra Leone in their efforts to a more stable, prosperous and just society,

Reiterating its appreciation for the essential work of the Special Court and its vital contribution to the establishment of the rule of law in Sierra Leone and the subregion,

Welcoming the transfer of former President Taylor to the Special Court on 29 March 2006, and noting that at present the trial of former President Taylor cannot be conducted within the subregion due to the security implications if he is held in Freetown at the Special Court,

Noting that it is not feasible for the trial of former President Taylor to be hosted at the premises of the International Criminal Tribunal for Rwanda due to its full engagement on the completion strategy, and that no other international criminal tribunals exist for the trial of former President Taylor in Africa,

Taking note of the exchange of letters between the President of the Special Court and the Minister of Foreign Affairs of the Kingdom of the Netherlands dated 29 March 2006 (“the exchange of letters dated 29 March 2006”),

Taking note also of the Memorandum of Understanding between the Special Court and the International Criminal Court dated 13 April 2006 (“the Memorandum dated 13 April 2006”),

Noting that former President Taylor has been brought before the Special Court at its seat in Freetown and determining that the continued presence of former President Taylor in the subregion is an impediment to stability and a threat to the peace of Liberia and of Sierra Leone and to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Takes note* of the intention of the President of the Special Court to authorize a Trial Chamber to exercise its functions away from the seat of the Special Court, and his request to the Government of the Netherlands to host the trial, including any appeal;

2. *Welcomes* the willingness of the Government of the Netherlands, as expressed in the exchange of letters dated 29 March 2006, to host the Special Court for the detention and trial of former President Taylor, including any appeal;

3. *Takes note* of the willingness of the International Criminal Court, as requested by the Special Court and as expressed in the Memorandum dated 13 April 2006 to allow the use of its premises for the detention and trial of former President Taylor by the Special Court, including any appeal;

4. *Requests* all States to cooperate to this end, in particular to ensure the appearance of former President Taylor in the Netherlands for purposes of his trial by the Special Court, and encourages all States as well to ensure that any evidence or witnesses are, upon the request of the Special Court, promptly made available to the Special Court for this purpose;

5. *Requests* the Secretary-General to assist, as a matter of priority, in the conclusion of all necessary legal and practical arrangements, including for the transfer of former President Taylor to the Special Court in the Netherlands and for the provision of the necessary facilities for the conduct of the trial, in consultation with the Special Court, as well as the Government of the Netherlands;

6. *Requests* the Special Court, with the assistance of the Secretary-General and relevant States, to make the trial proceedings accessible to the people of the subregion, including through video link;

7. *Decides* that the Special Court shall retain exclusive jurisdiction over former President Taylor during his transfer to and presence in the Netherlands in respect of matters within the Statute of the Special Court, and that the Netherlands shall not exercise its jurisdiction over former President Taylor except by express agreement with the Special Court;

8. *Decides further* that the Government of the Netherlands shall facilitate the implementation of the decision of the Special Court to conduct the trial of former President Taylor in the Netherlands, in particular by:

(a) Allowing the detention and the trial in the Netherlands of former President Taylor by the Special Court;

(b) Facilitating the transport upon the request of the Special Court of former President Taylor within the Netherlands outside the areas under the authority of the Special Court;

(c) Enabling the appearance of witnesses, experts and other persons required to be at the Special Court under the same conditions and according to the same procedures as applicable to the International Criminal Tribunal for the former Yugoslavia;

9. *Decides* that the measures imposed by subparagraph 4 (a) of resolution 1521 (2003) of 22 December 2003 shall not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court, as well as any travel related to the execution of the judgment, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial is required;

10. *Recalls* that the costs to be incurred as a result of the trial of former President Taylor in the Netherlands are expenses of the Special Court in the sense of article 6 of the Agreement and that no additional costs can be incurred by any other party without their prior consent;

11. *Recalls* the Secretary-General's letter of 5 April 2006 and reiterates its appeal to States to contribute generously to the Special Court and notes with appreciation the States which have done so in the past;

12. *Decides* to remain seized of the matter.

**Security Council**

Distr.: General

20 June 2006

Resolution 1689 (2006)**Adopted by the Security Council at its 5468th meeting, on
20 June 2006***The Security Council,**Recalling* its previous resolutions and statements by its President on the situation in Liberia and West Africa,*Welcoming* the rapid progress made by President Ellen Johnson Sirleaf since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,*Applauding* the actions of President Sirleaf, Nigerian President Olusegun Obasanjo, and others in the international community for their roles in transferring Charles Taylor to the Special Court for Sierra Leone,*Welcoming* the Government of Liberia's progress in implementing the Governance and Economic Management Assistance Program, designed to ensure prompt implementation of the Comprehensive Peace Agreement and to expedite the lifting of the measures imposed by resolution 1521 (2003),*Applauding* the Government of Liberia's commitment to transparent management of the country's forestry resources for the benefit of Liberians and its reforms in the timber sector, including promulgating Executive Order No. 1, which declared all purported forest concessions null and void; creating a Forest Reform Monitoring Committee (FRMC); placing an internationally-recruited financial controller in the Forestry Development Authority, making progress towards implementing a management contract to ensure transparency in timber operations; establishing a mechanism for civil society to monitor the forestry sector; and drafting new forestry laws and regulations,*Stressing* that Liberia's progress in the timber sector is held back by the absence of appropriate forestry legislation, and urging speedy adoption of the necessary laws,*Taking note* of President Sirleaf's June 10 announcement of a moratorium on timber exports and new timber concessions pending the passage by the Liberian legislature of forestry legislation that respects Executive Order No. 1 of 2 February 2006, and that is consistent with the recommendations of the FRMC,*Welcoming* the Government of Liberia's continuing cooperation with the Kimberley Process Certification Scheme and noting Liberia's progress towards compliance with the Kimberley Process,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security throughout Liberia and helping the new Government establish its authority throughout the country, particularly in the diamond and timber-producing regions, and border areas,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 7 June 2006 (S/2006/379),

Having reviewed the measures imposed and conditions set out by paragraphs 6 through 9 of resolution 1521 (2003) and concluding that insufficient progress has been made towards meeting those conditions,

Having reviewed the measures imposed and conditions set out by paragraphs 10 and 11 of resolution 1521 (2003), and concluding that sufficient progress has been made towards meeting those conditions,

Underlining its determination to support the Government of Liberia, and encouraging donors to do likewise,

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* not to renew the measure in paragraph 10 of resolution 1521 (2003) that obligates Member States to prevent the import into their territories of all round log and timber products originating in Liberia;

2. *Decides* to review the decision in paragraph one (1) after a period of ninety (90) days and expresses its determination to reinstate the measures in paragraph 10 of resolution 1521 (2003) unless the Council is informed by that time that the forestry legislation proposed by the FRMC has been passed;

3. *Urges* the speedy adoption of the forestry legislation proposed by the FRMC;

4. *Further decides* that the measures imposed by paragraph 6 of resolution 1521 (2003) shall be renewed for an additional six (6) months with a review by the Council after four (4) months, to allow the Government of Liberia sufficient time to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process, and calls upon the Government of Liberia to provide the Sanctions Committee, established according to paragraph 21 of resolution 1521 (2003) with a detailed description of the proposed regime;

5. *Requests* that the Secretary-General renew for an additional six (6) months the mandate of the Panel of Experts re-established according to paragraph 9 of resolution 1647 (2005), and requests that the Panel of Experts report to the Council through the Committee no later than 15 December 2006 its observations and recommendations;

6. *Decides* to remain actively seized of the matter.

ANNEX B



Security Council

Distr.: General
28 April 2006

Original: English

First report of the Secretary-General on the United Nations Integrated Office in Sierra Leone

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1620 (2005), by which the Council authorized the establishment of the United Nations Integrated Office in Sierra Leone (UNIOSIL), and requested me to keep it regularly informed of progress in the setting up of UNIOSIL and in the implementation of that resolution. The report covers developments in Sierra Leone and the activities of UNIOSIL since 1 January, when the Office became operational.

II. Establishment of UNIOSIL

2. The transition from the United Nations Mission in Sierra Leone (UNAMSIL) to UNIOSIL was well planned and carried out without major obstacles. The Government of Sierra Leone and all concerned national and international partners were consulted on the establishment of the Office. An effective public information campaign conducted by UNAMSIL, and later UNIOSIL, prepared the population for the departure of UNAMSIL and for the role that the United Nations would play. As a result, UNIOSIL has been fully accepted by all stakeholders concerned.

3. UNIOSIL comprises a small office to support my Executive Representative and five components focusing on the key areas of its mandate, namely, peace and governance, human rights and the rule of law, civilian police, military, and public information. The United Nations country team constitutes the development component of the Office. In addition, the Office has an administrative/logistical support component, which also provides support to the UNAMSIL liquidation team.

4. The Peace and Governance Section focuses on activities aimed at tackling the root causes of the conflict, enhancing political and economic governance, promoting transparency and accountability in the government process and providing advice on anti-corruption measures. It also collaborates with the United Nations Development Programme (UNDP) in supporting and monitoring the work of the National Electoral Commission.

5. The civilian police section of UNIOSIL, which comprises 20 police advisers, is building upon the work accomplished by UNAMSIL in the training and mentoring of the Sierra Leone police. It is also working with the military cell in monitoring the

overall security situation. Six United Nations police personnel are deployed to the four provinces, where they are embedded in mixed United Nations police and the Sierra Leone police provincial teams located in Freetown, Kenema, Makeni and Bo. Another three United Nations police officers are assigned to the Sierra Leone police headquarters in the Human Resources, Training and Complaints Departments, where they provide advice to the Inspector-General and the executive management of the Sierra Leone police. The remaining 11 United Nations police officers are operating from UNIOSIL headquarters.

6. The UNIOSIL military cell, comprising 10 officers, is focusing on supporting the ongoing reform of the security sector, collecting information on the security situation, developing recommendations concerning external and internal threats, providing early warning on potential threats to stability, and liaising with the United Nations Mission in Liberia (UNMIL), the United Nations Operation in Côte d'Ivoire (UNOCI) and the national security agencies, as well as the United Nations contingent from Mongolia protecting the Special Court for Sierra Leone. All UNIOSIL military officers, together with one liaison officer from UNMIL and another from UNOCI, are operating from Freetown.

7. The Human Rights and Rule of Law Section is assisting the Government of Sierra Leone in building the capacity of State institutions to address the root causes of the conflict, developing a national plan for human rights, establishing the National Human Rights Commission, and strengthening the capacity of rule of law institutions through training.

8. The Public Information Section of UNIOSIL facilitates the outreach work of the mission and its substantive sections. The Section is also working on integrating the public information strategies of the United Nations country team. A United Nations communications group has been established at the initiative of UNIOSIL. The Section is also working on the ongoing preparation for the transfer of the United Nations radio to Sierra Leonean ownership.

9. In addition to its headquarters in Freetown, UNIOSIL has opened field offices which are co-located with UNDP, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) in all 12 administrative districts of the country.

10. UNIOSIL, the United Nations country team and the Government of Sierra Leone have jointly developed a peace consolidation strategy which identifies the broad categories of challenges that need to be addressed to consolidate the peace in Sierra Leone, such as (a) minimizing external and internal threats to security; (b) ensuring accountability and transparency in governance; (c) promoting and monitoring respect for human rights and access to justice; (d) promoting national reconciliation; (e) promoting economic recovery; and (f) putting in place a national infrastructure for peace.

11. The strategy also sets out specific programme interventions to address these challenges. UNIOSIL and the United Nations country team have developed an integrated workplan for 2006, which sets out activities that individual UNIOSIL components will undertake together with the relevant United Nations agencies. Those activities will be in support of such priority areas as building the capacity of the National Electoral Commission, supporting anti-corruption measures, promoting a culture of peace and dialogue, promoting the rule of law, supporting security

sector reform, assisting in the development of the national plan for human rights and the establishment of the National Human Rights Commission, helping to build the capacity of the judicial system, and building the capacity of State institutions to deliver basic services to the population. The peace consolidation strategy complements the national poverty reduction strategy and the United Nations development assistance framework.

12. As part of the process of integrating the activities of the United Nations system in Sierra Leone, UNIOSIL and the United Nations country team have also agreed on a joint public information strategy to promote national cohesion, political tolerance and partnership in the development process. In addition, as from 1 January 2006, the security structures of the UNAMSIL liquidation team, UNIOSIL and the United Nations country team were fully integrated. A joint United Nations level-1 clinic is also expected to be fully operational by the end of April. In order to reduce operational costs, UNIOSIL and the United Nations country team continue to explore further areas where services can be shared.

III. Security situation

13. The overall security situation in the country has remained calm since the departure of UNAMSIL. Currently, the most immediate threat to stability in Sierra Leone is the worsening youth employment situation. As a result of the continuing dire economic situation in the country, there has been an increasing number of violent student and labour protests, as well as an upsurge in criminality throughout the country. There has been no improvement in water and power supplies since the war ended. The cost of basic commodities, including the staple food, rice, is beyond the reach of most households. Persistent fuel shortages are also adding to the hardships. There is a general perception that the Government's inability to deliver basic services or respond to the needs of the population is due to corruption and mismanagement of public resources, and this has become a source of tension.

14. Illegal diamond mining and trading also continue to pose a serious challenge to the efforts to consolidate peace and stability in Sierra Leone. Although diamond exports reached \$145 million in 2005, the Government's revenue from the sector represents less than a 3 per cent tax on the legally exported diamonds. There is concern that the continuing illegal mining carries the severe risk of attracting international criminals and fighters from the subregion.

15. There is also growing concern that the ongoing trials of the former fighting groups at the Special Court for Sierra Leone and the recent transfer of the former President of Liberia, Charles Taylor, to the Court could be a source of potential security incidents. So far, the small contingent of United Nations troops protecting the Court, who are under UNMIL command, have the security situation at the Court premises under control. At the time of the transfer of Mr. Taylor to the Special Court, UNMIL deployed temporary reinforcements to Freetown.

16. At the same time, there has been a recent increase in incidents of encroachment by the armed forces of Guinea on Sierra Leonean territory in the Eastern and Northern Provinces of Sierra Leone. The dialogue between the two countries aimed at resolving the dispute over the border areas along the Makona/Moa River, in the Yenga village area, has stalled. Some Guinean troops are

still occupying the area and there are persistent reports of harassment of the local Sierra Leonean civilian population.

17. The most recent round of bilateral consultations was held at Freetown and Yenga on 5 and 6 October 2005. The meeting requested cartographical experts from France and the United Kingdom to carry out a study on the interpretation of the 1912 Franco-British Protocols regarding the exact line of the disputed boundary between Sierra Leone and Guinea. The experts produced conflicting reports, however, which further compounded the stalemate. On 10 March, the President of Sierra Leone, Ahmad Tejan Kabbah, reconfirmed his Government's intention to pursue the bilateral negotiations.

18. There are also concerns about further boundary problems developing in the northern part of the country, especially in Kambia District. Recently, Guinean troops encroached on Sierra Leonean territory in the Kambia area and ordered a bauxite mining company licensed by the Government of Sierra Leone to stop prospecting activities.

19. On 19 April, I sent separate letters to President Kabbah and the President of Guinea, Lansana Conté, expressing concern over recent reports of mounting tensions in the border areas between the two countries. I informed the two leaders that the United Nations stands ready to assist their bilateral efforts to resolve the boundary dispute.

Security sector reform

20. The security architecture currently in place consists of the Sierra Leone police, which has taken over security primacy following the departure of UNAMSIL, the Republic of Sierra Leone Armed Forces, which focus on addressing external threats and protecting the country's borders, the District and Provincial Security Committees, which serve as the early warning mechanisms at the district and provincial levels, and the Office of National Security, which coordinates the activities of all the national security agencies and oversees the work of the Security Committees.

21. The reform and training of the police force continue to make satisfactory progress. On 4 February, 405 more police recruits graduated from the Police Training School at Hastings, bringing the overall strength of the Sierra Leone police to 9,267 personnel. The Sierra Leone police intends to recruit and train additional personnel, in order to reach the full strength of 9,500 established by the Government. Training of these personnel is expected to begin on 3 June.

22. The Sierra Leone police is now well equipped and maintains high mobility and visibility throughout the country. The force is still plagued by a number of serious challenges, however. Corruption is reportedly rampant among some elements within the force, which is blamed on irregularly paid low salaries. In addition, 40 per cent of the police personnel have been in service for only three years and therefore lack experience and have limited capacity to assimilate professional skills. In the meantime, discussions on a proposal to establish a Police Complaints Department are ongoing.

23. About 40 per cent of the Operations Support Division of the Sierra Leone police, which is trained to deal with crowd control, is still not deployed to the

provinces, owing to a shortage of accommodation, vehicles and communications equipment. There is moreover a general perception among the public that some elements of the Sierra Leone police are politicized. In the assessment of UNIOSIL, the top management of the Sierra Leone police is well trained, professional and efficient. However, the middle management suffers from low skills and low motivation. One third of the middle management has been in the police service for only three years. UNIOSIL is focusing on mentoring these elements and the lower ranks, in particular those deployed in the field. The United Kingdom Department for International Development, which promotes the Justice Sector Development Programme, is also integrated into the police reform programme and intends to sponsor the deployment of additional police advisers from the United Kingdom who would complement the work of the United Nations police.

24. The International Military Advisory and Training Team continues to restructure and train the Sierra Leone armed forces, focusing on low-level training and reducing the troop strength to the level of 10,500, as was initially approved by the Government. As of February 2006, the armed forces' strength stood at some 10,600 military personnel. The International Military Advisory and Training Team has proposed, however, a further reduction in strength, to 8,500, which is currently under consideration by the Government. There are concerns, however, about the increasing disaffection within the armed forces with regard to the demobilization of personnel, including more than 70 senior officers.

25. On 10 March 2006, China donated a patrol boat to the Sierra Leone armed forces. Three additional patrol boats, donated by the United States of America, are also expected to be delivered shortly. India has donated some 400 prefabricated accommodation units to supplement the accommodation constructed under operation Pebu, which is funded by the United Kingdom. The construction of barracks at two battalion sites under this operation is expected to be completed early in 2007.

26. The District and Provincial Security Committees are not functioning well. The Committees suffer from severe capacity constraints and do not have the communications equipment needed to transmit sensitive information to the Office of National Security. The Committees were working well under UNAMSIL oversight, but there has been a serious decline in their operations since the Mission's departure. UNIOSIL and the Office of National Security are discussing ways of improving the work of the Committees.

IV. Political developments

27. There is increasing concern about what is perceived as a heavy-handed approach by the Government in dealing with the political opposition. The ongoing trial of Charles Margai, who left the ruling Sierra Leone People's Party (SLPP) and formed his own party, the People's Movement for Democratic Change (PMDC), is widely seen by some as politically motivated, as is the arrest of the former spokesman of the Revolutionary United Front (RUF), Omrey Golley, in January 2006. Opposition political parties have complained about the Government's use of the police force to break up their political meetings. There have also been allegations about the politicization of the paramount chieftaincy system and the use of paramount chiefs to deny the opposition access to their supporters, particularly in the Eastern and Southern Provinces.

28. The Anti-Corruption Commission has made some progress towards the streamlining of its operations by adopting specific and attainable performance benchmarks for 2006. Much more needs to be done, however, to implement the Government's declared commitment to weed out corruption. Notwithstanding some progress in the prosecution mechanism, not a single high-profile case has been fully prosecuted so far. There is a general feeling among the population that the Commission is not able or willing to achieve tangible results. The review of the implementation of the above-mentioned benchmarks later in the year may have a significant impact on the attitude of the donor community.

29. The progress made in the decentralization process in Sierra Leone since the elections in May 2004 has been slow but encouraging. One area of progress has been the implementation of a capacity-building programme by the Decentralization Secretariat through a programme funded by the World Bank. Likewise, initiatives by the Ministry of Agriculture for the decentralization of the agricultural sector and achieving food security, supported by UNDP, have registered success.

30. Efforts are being made to strengthen the capacity of the local councils to assess the pressing needs of their communities, in order to address them. The councils have acquired some skills in general administrative and financial management and in the formulation of development projects. The delay in implementing the projects has however created concerns among the communities. Further measures aimed at improving councils' service delivery capacity, especially in areas such as procurement and implementation, are being considered by the Decentralization Secretariat.

31. Meanwhile, progress was made in the trial of members of the former RUF and "Westside Boys" arrested and detained without trial since 2000. Of the 57 RUF members charged with conspiracy to murder and shooting with intent to kill, 42 have thus far been acquitted and discharged. Three were sentenced to 10 years' imprisonment each, while a final ruling on the remaining 12 indictees is expected soon. With respect to the "Westside Boys", 32 of them were charged with conspiracy to commit murder and shooting with intent to kill; 26 have been acquitted and discharged while 6 have been sentenced to long prison terms.

Preparations for the 2007 elections

32. The next national elections are to be held between February and May 2007. The National Electoral Commission has already established 14 regional offices. The allocation of seats to the 14 electoral districts was announced on 23 March, and the boundary delimitation process is expected to start in July, while voter registration is expected to begin in September. According to the Chairperson of the National Electoral Commission, the main challenges facing the Commission include shortage of vehicles, overall logistics support for the elections, recruitment and training of 800 Commission staff, and civic and voter education.

33. The cost of the elections is estimated at \$26 million. The Government intends to provide one third of this sum (\$8.5 million), the balance coming from donors. The Government has already started paying its contribution in quarterly grants to the National Electoral Commission and the payments are thus far up to date. So far, Ireland has pledged €1 million and the United Kingdom (Department for International Development) £3 million.

34. UNIOSIL provides technical assistance to the National Electoral Commission and the Political Parties Registration Commission, while UNDP provides funding. The Office is also helping to mobilize donor support for political party capacity-building, and promoting inter-party dialogue. The Commission has proposed that the United Nations should consider deploying an electoral expert at the Commission headquarters to impart the necessary expertise to its personnel.

35. It is expected that the Sierra Leone police will provide the overall security for the 2007 elections. A committee comprising UNIOSIL, the United Kingdom Department for International Development, the Sierra Leone police and the Justice Sector Development Programme of the Department for International Development has been set up to continuously review police preparedness for the 2007 elections. The National Electoral Commission has signed a memorandum of understanding with the Sierra Leone police, and consultations are ongoing on the preparation of a police operational plan for supporting the elections. The Department for International Development has provided £2.5 million to help the police prepare to support the elections. The Sierra Leone police is also seeking assistance to facilitate the deployment of riot control police personnel to the provinces (see para. 23 above).

36. Since its establishment on 19 December 2005, the Political Parties Registration Commission has formulated a plan of action for 2006 with an emphasis on inter-party conflict management and monitoring of party activities. On 11 April 2006, the Commission granted registration to the People's Movement for Democratic Change.

37. There are 28 registered political parties in Sierra Leone. Only four of them are active between the elections (the ruling SLPP, the All People's Congress, PMDC and the Peace and Liberation Party). The opposition political parties and representatives of civil society have expressed a number of serious concerns about the forthcoming elections, in particular with regard to the lack of an even playing field. The opposition also alleges that the ruling party is campaigning ahead of schedule and that it denies to its opponents access to the State radio. The Chairperson of the National Electoral Commission has broadcast a statement on the radio explaining what constitutes electoral activities and calling on all parties to abide by the rules.

V. Human rights and the rule of law

38. Sierra Leone has seen steady progress towards adherence to international norms and standards on human rights. In particular, there is a continuing, gradual trend towards respect for women's rights. Through increased sensitization, women are now demanding the protection of their rights more than ever before. However, the problems of illiteracy, poverty and traditional practices, as well as the continuing existence of discriminatory laws against women in several areas, still need to be addressed. The economic empowerment of women, especially in the rural areas, also remains a key challenge. Increased sensitization, legislative action, and microcredit targeting women in the rural areas are needed to address these challenges and enhance the political, economic and social empowerment of women.

39. The Government has taken some initial steps towards the establishment of the National Human Rights Commission. At the end of March, the Selection Panel established by the Truth and Reconciliation Commission shortlisted seven

candidates for appointment as Human Rights Commissioners to be considered by the President of Sierra Leone.

40. Further steps need to be taken towards enacting legislation on the rights of children. A draft child rights bill is currently before the Cabinet for consideration. In the meantime, a task force led by the Ministry of Social Welfare has finalized the Orphans and Other Vulnerable Children Action Plan. The Government supported by UNIOSIL has initiated the implementation of the Plan, for which complementary funding is being raised. In addition, the Ministry of Social Welfare, Gender, Women's and Children's Affairs, with UNICEF assistance, launched the Inter-Ministerial Committee to boost the implementation of the anti-human trafficking legislation.

41. The full implementation of the recommendations of the Truth and Reconciliation Commission will contribute to sustaining reconciliation, peace and stability. While only a few recommendations have been implemented so far, such as the adoption of a binding code of conduct for judges and magistrates and a system to minimize political interference in the prosecution of corruption cases, most of the recommendations still remain unaddressed.

42. The structural weaknesses of the justice system continue to pose challenges to the consolidation of peace. The Justice Sector Development Programme sponsored by the United Kingdom Department for International Development continues to facilitate improvements in this sector. The United Nations helped to train and deploy resident magistrates in all districts, which resulted in a reduction of the perennial; case backlog, prolonged pre-trial detentions and delays in the adjudication of cases. These initiatives notwithstanding, a number of serious challenges remain, especially in the area of the prosecutorial and trial process, which is too slow and may be susceptible to extrajudicial pressure.

43. As in other post-conflict countries, the Sierra Leone corrections system suffers from poor conditions undermining prisoners' human rights. UNIOSIL and the United Nations country team are developing, in consultation with other partners, a strategic approach aimed at developing and strengthening a national detention system with sufficient capacity and integrity to detain and manage prisoners and control prison incidents, consistent with internationally accepted standards.

VI. Humanitarian activities

44. The voluntary repatriation of Liberian refugees has gained momentum since the holding of successful elections in Liberia, with over 2,500 refugees per month now returning in organized convoys, compared with some 4,200 returnees for the entire year of 2005. The eight refugee camps in Sierra Leone remain open, but their population has now been reduced to some 30,000 people and is further decreasing. A further 12,500 Liberians remain in urban areas, receiving limited forms of assistance from UNHCR. In view of the improved situation in Liberia many of the urban-based refugees are now considering voluntary repatriation.

45. The World Food Programme, in partnership with the non-governmental organization World Vision, has commenced supplementary feeding of malnourished children and the provision of rations to pregnant and nursing women in a number of areas throughout the country. In the first quarter of 2006, more than 28,100 mothers

and children were supported in eight districts. Meanwhile, UNIOSIL, in collaboration with the Food and Agriculture Organization of the United Nations (FAO), UNDP, WFP and the United Nations Industrial Development Organization (UNIDO), continues to support Sierra Leone's efforts towards national food security.

46. The Joint United Nations Programme on HIV/AIDS has contributed to supporting the Government of Sierra Leone response and initiatives in the development of a national HIV/AIDS strategic framework for 2006-2010, the establishment of a partnership with civil society organizations and spearheading the collaboration with the African Development Bank and the Mano River Union secretariat.

VII. Socio-economic situation

47. While the general assessment is that economic expansion will gain more traction in the medium to long term as peace and security are consolidated, the elimination of administrative barriers is an important prerequisite. Sustained external technical and financial assistance is critical to rectify institutional weaknesses, including in the justice sector, and achieve structural adjustments related to a more focused regime of legal, administrative and regulatory measures. In addition, widespread corruption is a serious disincentive to economic growth.

48. The fiscal performance of the Government remains affected by the public sector's overdependence on external revenue sources and by a very narrow economic base. To respond to financial pressures, it has resorted to heavy borrowing, which has resulted in inflationary pressures. The country's savings and investment rates remain very low, which reflects a weak income level. This is compounded by the existence of a large informal sector leading to the growing "black-marketization" of the economy. The investment rate also remains too dependent on external factors.

49. The creation of conditions conducive to rapid expansion of the private sector remains essential. The lack of a climate conducive to private growth is compounded by the largely outdated, inconsistent and ineffective laws affecting business activities. The absence of an adequate property rights regulatory regime, accentuated by the lack of a functioning legal environment, has meant a situation in which contracts are difficult to enforce, which leads to high transaction costs, and the discouragement of potential investors.

50. The first international investment forum organized in Sierra Leone was held in Freetown from 28 to 30 March 2006, attended by more than 400 representatives from 23 countries in Europe, North America and Africa. A sizeable group of Sierra Leoneans from the diaspora also participated in the forum, which was organized by the Commonwealth Business Council, jointly with the Ministry of Trade and Industry of Sierra Leone and with technical support from UNIOSIL, UNDP, FAO, UNIDO, the United Kingdom Department for International Development, and the European Union. During the forum, workshops were held aimed at encouraging Sierra Leoneans from the diaspora to mobilize skills and investment and enhancing the participation of women in business. Given the broad-scale attendance and interest shown during the forum, Sierra Leone's potential for development prospects

seems to be encouraging, especially for the core sectors of agriculture, mining and tourism.

VIII. Observations

51. UNIOSIL is the first integrated United Nations office established to support the peace-consolidation process after the completion of a peacekeeping operation. I am pleased to report that this integration experiment has so far worked well. The United Nations system in Sierra Leone and the Government have developed a common strategic plan for peace consolidation and the integration process is also expanding to the use of common services.

52. It is also encouraging to note that the security situation in the country has remained calm since the departure of UNAMSIL. I remain seriously concerned however about the potentially destabilizing factors identified in the present report, in particular increasing youth unemployment, the dire economic situation and rampant corruption and mismanagement, as well as the increasing tension in areas along the border with Guinea. I urge the Government, with support from its partners, to pay particular attention to these factors and introduce corrective measures expeditiously. Good governance and healthy economic policies and the continuation of major reforms should remain the long-term priority for Sierra Leone.

53. At the same time, the steady progress made in implementing the security sector reform programme is encouraging. In this area too, however, the Government should redouble its efforts to stem the corrupt elements of the police force. I appeal to Member States in a position to do so to provide further logistical assistance to the Sierra Leone police and armed forces.

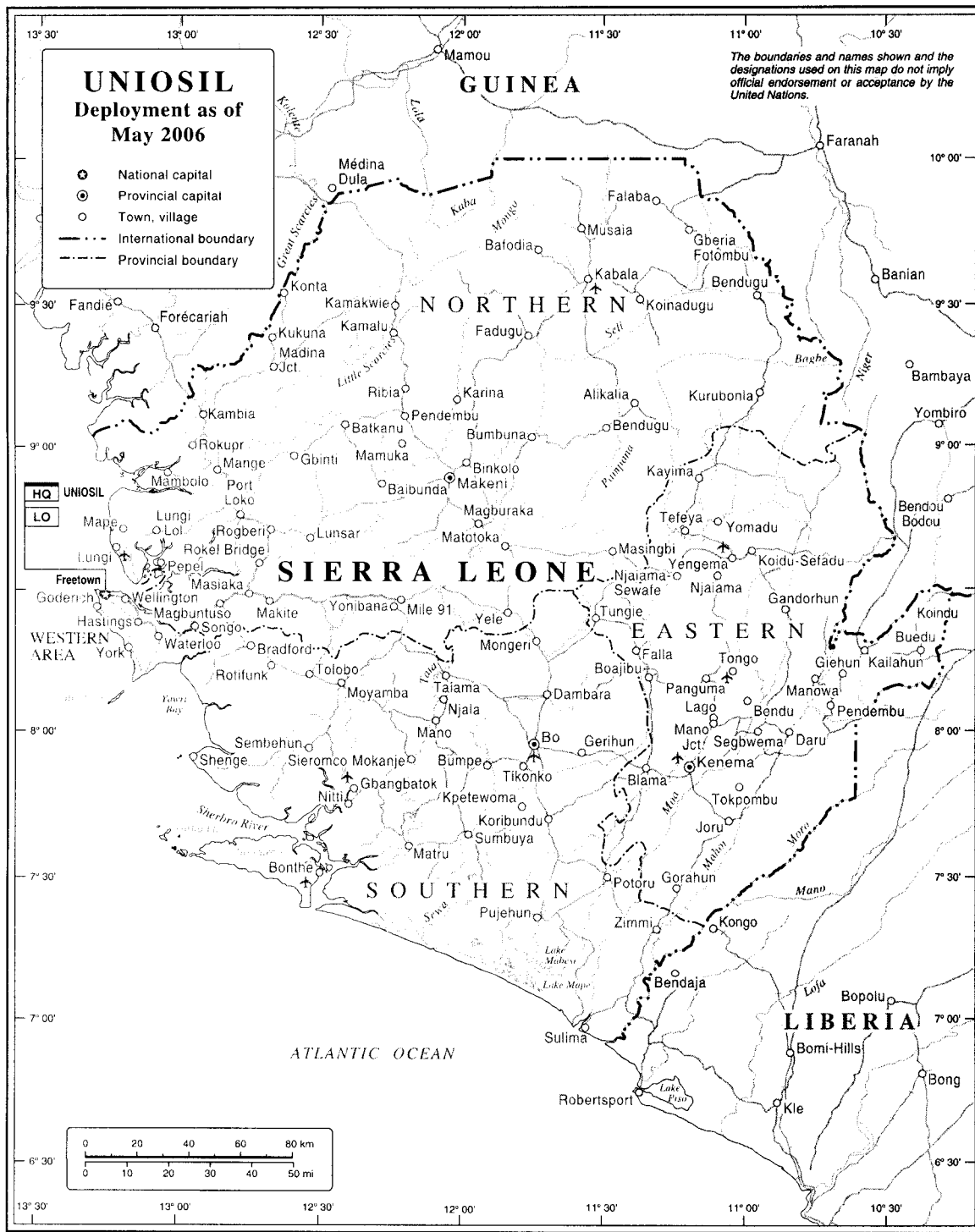
54. Additional assistance to the Sierra Leone police is particularly critical in view of the national elections to be held in 2007. Particular attention should be given to facilitating the deployment of the riot control units of the police force to the provinces.

55. The elections in 2007 will be a major test of the sustainability of the peace and stability in Sierra Leone. Every effort should therefore be made to ensure that the elections are credible, and the Government must do its part to create an even playing field for the elections. Donors should also assist the National Electoral Commission, especially with logistical support for the electoral process. I am grateful to Member States that have so far pledged to contribute to the UNDP-managed basket fund for the elections, and I commend the Government of Sierra Leone for its commitment to meet one third of the estimated cost of the elections. It is however important for the National Electoral Commission to make an early announcement of the date of the elections, in order to allow adequate time for proper preparations. The Commission should also take a decision, as soon as possible, on whether the parliamentary and presidential elections will be held on the same day. All in all, these elections will be crucial from the standpoint of the democratization and rejuvenation of the political and economic life in Sierra Leone.

56. Despite the difficulties described above, I am reasonably optimistic about the future of Sierra Leone. However, the international community, which has invested considerable resources over the past seven years to end the war and consolidate the

peace, needs to keep a close eye on some of the negative trends identified in this report, and continue to support the Government in addressing the many challenges that remain, in particular promoting economic recovery and good governance.

57. In conclusion, I would like to extend my deep appreciation to the military and police personnel of contributing countries for their continued support to the cause of peace and security in Sierra Leone. I would also like to thank my Executive Representative, Victor da Silva Angelo, and UNIOSIL personnel, as well as the United Nations country team, for their important contribution to the efforts aimed at ensuring that Sierra Leone can achieve durable peace, security and sustainable development within a democratic framework.



Map No. 4263 Rev. 1 UNITED NATIONS
May 2006

Department of Peacekeeping Operations
Cartographic Section