

**ANNOTATED LEADING CASES OF
INTERNATIONAL CRIMINAL TRIBUNALS**

**VOLUME XLV:
THE SPECIAL COURT FOR SIERRA LEONE
(26 MAY 2006 – 31 DECEMBER 2007)**

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PREFACE

This is the forty-fifth volume in the series 'Annotated Leading Cases of International Criminal Tribunals' (ALC) and contains the most important decisions of the Special Court for Sierra Leone (SCSL) from 26 May 2006 up to and including 31 December 2007. It is the third volume in the series containing decisions of the SCSL. At the time of writing this preface, the SCSL has finalised all its trials in Freetown, Sierra Leone; the convicted persons were transferred very shortly after their convictions were upheld on appeal. It has also finalised its last trial, the Taylor case, in The Hague and this has been followed up by the establishment of a Residual Special Court. We intend to cover all of these decisions in the near future in subsequent ALC volumes on the SCSL, ALC Volume 46, ALC Volume 47 and ALC Volume 51.

The present volume is in its approach and structure similar to the previous volumes. Thus, the book contains the full text of all the decisions and judgements, including separate, concurring and dissenting opinions, as well as annexes to the decisions. As with the previous volumes, the editors have ensured that the decisions are fully identical to the *written* original text, as issued by the SCSL Press and Information Office and which bears the signatures of the Judges. We are aware that most decisions are available on the internet. However, only the written decisions bearing the signatures of the Judges can be considered as authoritative versions. In the course of our editorial work on this and previous volumes, we have discovered inconsistencies between the written original version of the decision and the internet version, if the latter is available at all. Much of our editorial efforts involve ensuring that the texts in this series are identical to the written original version. We could only include the full text of the decisions in this volume by reducing their original format. Still, we wanted the reader to be able to identify the page number of the original text, which is throughout the text put in brackets [].

We are again very happy that a number of distinguished scholars in the field of international criminal law were prepared to write interesting and stimulating commentaries regarding the decisions.

A few words regarding the selection of decisions may give the user insight into our working method. In principle, we select all final judgements. In addition, we publish decisions taken at any stage of the procedure that are important for other reasons: because they deal with a specific legal question, because they are representative of a specific type of decision, or because they enter new legal waters. Of course, we cannot publish all decisions. As a result, we may not publish decisions in which issues have been decided in a similar or identical way to a decision that has already been selected.

The decisions published in this volume are presented in different parts and under different headings. Part 1, 'Preliminary Matters', includes a decision concerning the indictment (1). Part 2 deals with procedural matters. Under different headings it contains a wide array of procedural decisions: various decisions related to witnesses (2), an important issue relating to the subpoena of President Kabbah, which led to a series of decisions (3), the transfer of Charles Taylor to The Hague (4), and several decisions on aspects of a fair trial (5). Part 3, 'Judgement and Sentencing', contains two judgements and two sentencing judgements.

We owe acknowledgements to many persons without whom we could not have completed this forty-fifth volume. These include the SCSL Press and Information Office, which offered generous assistance in obtaining all the necessary copies of decisions. Our publisher Intersentia, in particular Hans Kluwer, Tom Scheirs and Isabelle van Dongen, facilitated our work. We also acknowledge the work of our assistant-editor, Anzinga Low, who assisted us and without whom we would not be able to publish this series. The Netherlands School of Human Rights Research stimulated our work.

We hope that this volume will contribute to the further dissemination of the important work of the SCSL and that it will provide access to its decisions to practitioners, academics and students. As always, we welcome any comments or suggestions from readers in order to help us to ensure that the ALC series promotes a greater understanding of the jurisprudence of all of the major international criminal courts and tribunals.

André Klip and Steven Freeland
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