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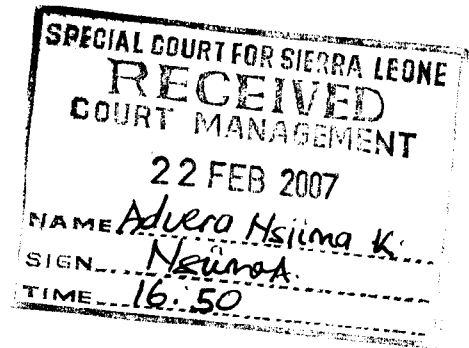
**THE SPECIAL COURT FOR SIERRA LEONE**

**Case No.:** SCSL-03-01-PT

**Before:** Hon. Justice Julia Sebutinde, Presiding  
Hon. Justice Richard Lussick  
Hon. Justice Teresa Doherty

**Registrar:** Mr Lovemore G. Munlo, SC

**Date filed:** 22 February 2007



**THE PROSECUTOR**

-v-

**CHARLES TAYLOR**

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**REGISTRAR'S SUBMISSION PURSUANT TO RULE 33 (B) RELATING TO ISSUES PERTAINING TO  
THE PROSECUTION MOTION TO ALLOW WITNESSES TO GIVE TESTIMONY BY VIDEO-LINK  
FILED ON 9 FEBRUARY 2007**

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**Office of the Prosecutor**

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Mr Karim A. A. Khan

**I. INTRODUCTION**

1. On 9 February 2007, the Prosecution filed a Motion To Allow Witnesses to Give Testimony by Video-Link before the Trial Chamber (the “Prosecution Motion”). In the Motion, the Prosecution requested the Chamber to issue a general order allowing the parties to present witness testimony by video-link or, alternatively, an order allowing the parties to present video-link testimony for certain categories of witnesses. The Prosecution also requests the Chamber to issue a “Practice Direction outlining the procedure to follow in presenting a witness’ testimony by video-link”<sup>1</sup> and to order the Registry to act for the immediate set up of technology, procedure and personnel before the commencement of trial “so as to guarantee the highest quality of video-link.”<sup>2</sup>
2. The present Registrar’s Submission does not aim to address, as such, the right of the parties to present witness’ testimony by video-link. In accordance with Rule 33(B) of the Rules of Procedure and Evidence (“Rules”), the Registrar submits this Submission in view of providing the Trial Chamber with the relevant information in terms of logistical and budgetary implications of the establishment of video-links facilities between the Courthouse of the Special Court house in Freetown and the International Criminal Court’s Building in The Hague. This information may be of relevance when the Chamber considers the motion.

**II. CONSIDERATIONS**

3. In relation to the Prosecution’s request for the installation of video-links facilities between The Hague and Freetown for the presentation of witness’ testimonies, the Registrar contacted the Special Court Communication and Information Technology Section (CITS) to gather information on the logistical feasibilities, timelines and costs for the installation and the running of such services.
4. The Registrar would like to respectfully draw to the attention of the Chamber the following information.

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<sup>1</sup> Prosecution Motion, para. 22.

<sup>2</sup> *Id.*

**a. Logistical and technical considerations**

5. The Special Court is currently connected to The Hague *via* the United Nations Logistical Base (UNLB) in Brindisi, Italy. The connection operates by means of two links: from Freetown to Brindisi, *via* a United Nations satellite linked to the UNLB and from Brindisi to The Hague *via* a cable called an “E1 Link”. The installation of video-camera links to allow for interactive witness testimonies would require substantial logistical measures on both links.

**i) Link from Freetown to Brindisi**

6. Currently, the connection from Freetown to Brindisi servicing The Hague sub-office has an approximate capacity of 1 megabyte per sec (Mbps) each direction. The establishment of video-links facilities between the Special Court and The Hague would first require the procurement of additional satellite capacity (called “bandwidth”) on the UN satellite between Freetown and Brindisi (from 1 to 2 Mbps). However, at the moment, the UN satellite to which the SCSL is connected does not have space available to secure any additional bandwidth. In addition, due to the topology of the land on which the Special Court is built, the Court’s satellite connection cannot be moved to another link. Consequently, the Special Court has to remain connected to the current UN satellite link.

7. In view of the above, an installation of video-conference technology for witness testimonies would require requesting the United Nations Logistical Base (UNLB) to move away the links to which other United Nations Peace Keeping Operations are connected to, in order to provide the Special Court with the necessary additional bandwidths. In the Registrar’s opinion, such solution would lead to significant difficulties, both in political and technical terms.

**ii) Link between Brindisi and The Hague**

8. Currently, the E1 link between Brindisi and The Hague has a capacity of 2 Mbps. In case it is decided that the UN satellite link from Freetown to Brindisi be upgraded from 1 to 2 megabytes, the link between Brindisi and The Hague would, in theory, not

require the provision of additional megabytes capacity. Therefore, the current capacity available on the current connection between Brindisi and The Hague would be adequate to handle video-links for witness' testimonies. However, it remains yet to be seen whether the quality and speed of such video feed may appear to the Trial Chamber to be adequate for the conduct of the trial and, in particular, for the proper examination and cross-examination of witnesses.

9. In view of the above, in order “to guarantee the highest quality of video-link”, as requested in the Prosecution’s Motion<sup>3</sup>, there may be a need to provide for an extra or new E1 between Brindisi and the ICC at The Hague, dedicated to the video-link facilities.

**b. Timeline considerations**

10. The Prosecution Motion requested the Trial Chamber to issue an order so as to guarantee that the adequate video-links facilities are in place “before the commencement of the trial”. The Registrar would like to respectfully provide the Trial Chamber with the following information regarding the timelines for establishing the required video-link facilities.
11. The design phase for the installation of the video-link facilities would require approximately two to four weeks.
12. The procurement of the video-link equipment for the satellite link between the Special Court and Brindisi would require about two months. If, in addition, it was to be decided that a new link would be required between Brindisi and The Hague, a total period of four months would be required.
13. Finally, after the procurement, there is an implementation and testing phase that will take between four to six weeks.

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<sup>3</sup> Prosecution Motion, para. 22.

14. It is therefore estimated that making the video-link facilities between the ICC in The Hague and the Special Court in Freetown fully operational would in total take approximately six months.
15. Consequently, an Order of the Trial Chamber to install high-video link facilities for witness testimonies between Freetown and The Hague, if it were to be issued soon, could only be implemented by the end of August 2007. Considering that the start of the trial against Charles Taylor is scheduled for 4 June 2007, the video-link facilities between the Special Court in Freetown and The Hague can only become operational about three months after the start of the trial.

**c. Financial considerations**

**i. Installation and subscription**

16. The current communication facilities between the Special Court and The Hague imply the following costs: the use of the UN satellite link between Freetown and Brindisi and the use of the E1 link between Brindisi and The Hague amount, respectively, to a cost of USD 10,000 and USD 3,500 per month.
17. The purchase and installation of the video-link facilities equipment on the satellite link between Freetown and Brindisi would approximately cost between USD 40,000 and USD 50,000.
18. The cost for the monthly running of the above-mentioned equipment would be between USD 5,000 and USD 10,000.
19. Furthermore, in case the Special Court decides to secure a new E1 Link between Brindisi and The Hague, so as to guarantee the high quality video-link communication, the installation costs would be approximately USD 3,000.
20. The monthly running of the above-mentioned installation for this second link would cost approximately USD 3,500. It is worth mentioning that such monthly cost would be charged, whether or not the new E1 link is being used by the Court: the installation

of the link would imply the conclusion of a one year contract according to which the Court is commits itself to a monthly payment of USD 3,500.

21. As a result, the decision to set up and run a high-quality video-link facility between the Special Court and the ICC in The Hague for the conduct of the trial of Charles Taylor may imply the total following costs: Approximately USD 50,000 for equipment purchase and USD 120,000 per annum for the additional satellite bandwidth. An additional charge of \$42,000 per annum may have to be incurred if a second dedicated E1 is installed. Therefore, the maximum total cost for installation and running of video-facilities for eighteen months would be approximately USD 300,000.

**i. Comparison: Costs of witness testimony in The Hague**

22. For comparative purposes, the Registrar would like to provide the Trial Chamber with information related to the financial implications of witnesses travelling to The Hague to give testimonies, as compared with costs implications of video-link facilities. This information may be of assistance when the Chamber considers the Motion.

23. Its is estimated that a maximum total number of 300 witnesses would give testimony before the Trial Chamber, of whom a maximum of 20% would be accompanied by support persons. However, these are maximum projections and it is expected that the final number of persons having to travel to The Hague may become substantially lower.

24. The overall estimated cost per witness/support person who would travel to The Hague is estimated as follow.

25. The Airfare Freetown-The Hague, both ways amounts to USD 1,100. In addition, the daily cost per witness/support person in The Hague is calculated as follow: DSA (USD 33) and food allowance (USD 25). It is estimated that each witness/support person would stay in The Hague between seven and ten days. Accordingly, the cost of the venue and stay in The Hague per witness/support person is estimated at approximately between USD 1,500 and USD 1,700.

26. Consequently, for the installation and the running of video-link facilities to be valuable, in financial terms, there should be at least 190 witnesses to testify through video-link, *i.e* above 60%. Yet, as pointed out in the Prosecution Motion, the “general rule of preference is that the witness be physically present in the Court to give or her testimony.”<sup>4</sup>

### III. CONCLUSION

27. In view of the above, the Registrar respectfully submits the following conclusions:

- a. The installation of video-link facilities for witness testimonies would require surmounting a number of political and logistical difficulties (with the UNLB as well as with other UN Peace Keeping Operations).
- b. Such installation would take up to six months and would not, therefore, be operational as of the commencement of the trial.
- c. The financial costs for an operational video-links facility for eighteen months would become valuable if 190 witnesses testify through such facility.

Respectfully submitted.

Done in Freetown, this 22<sup>nd</sup> day of February 2007



Lovemore G. Munlo, SC  
Registrar

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<sup>4</sup> Prosecution Motion, para. 13.