

ELEVENTH AND FINAL REPORT



Judges of the SCSL

of the President of the Special Court for Sierra Leone





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11th



Sierra Leone Market Women's Association, The Registrar and Principal Defender during a visit to the Court

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FOREWORD



*Hon. Mr. Justice George Gelaga King,
GORSL, President of the Special Court
for Sierra Leone.*

Your Excellencies, Secretary-General Ban Ki-moon and President Dr Ernest Bai Koroma of Sierra Leone:

On June 4, 2013, I was elected Presiding Judge of the Appeals Chamber of the Special Court for Sierra Leone, (“Special Court”), and thereby automatically became the Court’s President, pursuant to Article 12 (3) of the Statute of the Special Court. It is, therefore, my duty and privilege to submit to you and the Government of Sierra Leone this Final Report on the operations and judicial activities of the Special Court since it was established on 1 July 2002, as an independent hybrid special court, by an Agreement between the Government of Sierra Leone and the United Nations in accordance with Security Council Resolution 1315 of 14 August 2000.

The Special Court was mandated to prosecute persons who bore the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. This is the eleventh and final report of the Special Court because on 26 September, 2013, the Appeals Chamber delivered its decision in the appeal by Mr. Charles Taylor, former President of Liberia, which was the Court’s last and final Judgment. Consequently, by 31 December, 2013, the Special Court having finished its judicial activities has closed down permanently and has been superseded by the Residual Special Court for Sierra Leone (“Residual Special Court”).

The Residual Special Court was established to carry out the functions of the Special Court that might continue after its closure. The Residual Special Court will be governed by its own Statute under which it will have the power to continue the jurisdiction, functions, rights and obligations of the erstwhile Special Court. The principal seat of the Residual Special Court will be in Sierra Leone, but it will carry out its functions at an interim seat in the Netherlands. The Residual Special Court will have an Oversight Committee, replacing the Management Committee of the Special Court, and will perform similar duties. The Residual Special Court will be responsible for the management, preservation and control of access to the archives of the Special Court.

In its eleven years existence, apart from Mr. Charles Taylor’s prosecution, the Special Court has dealt with and completed three sets of cases, as well as five Contempt of Court trials. The accused persons indicted were alleged to have committed some of heinous, atrocious and horrendous criminal offences such as mass murders, dastardly and inhuman amputations, acts of horrific sexual violence, recruitment of child soldiers, forced marriages and wanton destruction of property. The indictees were members of the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC) and the Civil Defence Forces (CDF) – the main groups involved in the terrible civil conflict in Sierra Leone.

I am pleased to report that the Special Court made a number of important contributions to the development of international humanitarian law, as well as decisions relating to its own legality. One of its earliest decisions regarding the latter issue was a preliminary motion, filed on 26 June 2003 before the Appeals Chamber (which dismissed it), in which the applicant challenged the judicial independence of the Special Court Judges on the ground that because the Court was funded by voluntary contributions from just a handful of States and not, as was the usual practice, by all the States under Chapter 7 of the UN Charter, it would be influenced in its decisions by the handful of States.

The Special Court scored many firsts in its eleven years existence. It was the first international tribunal to hold that a national amnesty against prosecution does not apply to prosecutions for war crimes, crimes against humanity and other serious violations of international humanitarian law. It also broke new ground in holding that Mr. Charles Taylor's official position as Head of State of Liberia at the time when the criminal proceedings were initiated against him was not a bar to his prosecution by the Special Court. The Special Court was the first international court to prosecute and convict individuals for conscripting and enlisting children under the age of 15 years or using them to participate actively in hostilities. It was also the first international tribunal to recognize the criminality of the practice of "forced marriage" as a crime against humanity. The Special Court was the first to prosecute and convict individuals for sexual slavery as a crime against humanity, and for intentionally directing attacks against United Nations peacekeepers.

It was the first court to establish an Office of the Principal Defender mandated to protect the rights of suspects, accused and convicted persons. The Special Court's Outreach and Public Affairs Section was the first to have a presence on the ground in a post-conflict country, and the first to conduct outreach programmes not only throughout Sierra Leone, but also in the sub-region and beyond. By the tireless efforts of Outreach, Sierra Leoneans and the world at large were given the opportunity to observe the Special Court at work in its endeavours to ensure that impunity will not be allowed to go unpunished and that the rule of law prevails at all times.

The Special Court, by sheer devotion to duty, self-sacrifice and utter dedication, was able to achieve those and other firsts despite the danger involved in its being set up in a war-torn country so soon after the end of hostilities. I take this opportunity to thank the Judges, Prosecutors, Registrars, Principal Defenders and all other personnel, both national and international, who contributed steadfastly to the accomplishment of the Court's mandate. It is my hope that the skills they have enhanced will continue to be applied to the development of justice and the rule of law both within and outside Sierra Leone, for the benefit of humanity. My special thanks must go to those Judges who were sworn in as Judges of the Appeals Chamber on 2 December 2002: the Hon. Justice Renate Winter of Austria and the Hon. Justice Emmanuel Ayoola of Nigeria, not forgetting myself (a Sierra Leonean), who although they served diligently and indefatigably and continuously for eleven years, are said not to be entitled to a pension, unlike their colleagues in the International Criminal Tribunal for Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)!

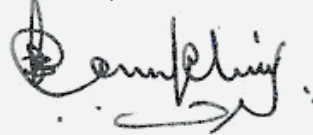
I also want to thank the people of Sierra Leone for believing in the Special Court, despite some pernicious propaganda to the contrary. It is my fervent hope and wish that the Court's presence in the country will not only have created a sense of purpose and belonging to all the citizens of Sierra Leone, but will have contributed immensely to the advancement of the broader goal of achieving sustainable and lasting peace and tranquillity in the country, even after the Court would have closed its doors finally. My sincere thanks and gratitude go to the international community and those States that have supported the Special Court both logistically and financially over the eleven years of its existence.

My appreciation goes to the Management Committee of the Special Court whose duty it is to provide advice and policy direction on all non-judicial aspects of the Court's operation, as well as to assist the Secretary-General in obtaining adequate funding for the Special Court. In the interest of justice, I hope that the Management Committee will deem it their overriding duty and priority to urgently seek credible legal advice with a view to obtaining funding for the pension of those Judges that have served the Special Court for over nine years, since 2 December 2002.

Regretfully, I record the passing away on 22 November 2008 of the Honourable Mr. Justice Raja Fernando of Sri Lanka and of the Appeals Chamber and on June 12, 2011, of Mr. Robin Vincent of the United Kingdom, the first Registrar of the Special Court. They served the Special Court well. May their souls rest in perfect peace.

One of the greatest legacies that the Special Court has left behind is the strengthening of the domestic justice system and national institutions, the training and development of skills of both international and Sierra Leonean staff and the transfer of professionalism, knowledge and resources to national partners. In the process, the Special Court has upheld the ideals and values that motivated its establishment by the bodies represented by Your Excellencies since its inception eleven years ago.

I thank Your Excellencies for your unwavering support to the Court throughout its existence and I say congratulations to all of us for a job well done!



The Honourable Mr. Justice George Gelaga King, GORSL,
President of the Special Court for Sierra Leone.
(December, 2013).

INTRODUCTION

Following the successful completion of its mandate, the Special Court for Sierra Leone (“Special Court”) issues this Final Report pursuant to Article 25 of the Statute of the Special Court (“Statute”), which states:

The President of the Special Court shall submit an annual report on the operation and activities of the Court to the Secretary-General and to the Government of Sierra Leone.

This Final Report reflects upon the history of the conflict in Sierra Leone and the events that led to the Special Court’s establishment. It reports the work undertaken by the Special Court throughout its existence and the achievements of the Special Court in holding accountable those who bore the greatest responsibility for the crimes committed during the conflict. In particular, this Final Report traces the major activities of all sections of

the Special Court namely the Chambers, the Registry (including the Office of the Principal Defender) and the Office of the Prosecutor, since its creation.

The Report also provides an overview of the legacy of the Special Court and its contribution to the people of Sierra Leone.

Finally, it introduces the Residual Special Court for Sierra Leone (“Residual Special Court”).

THE ARMED CONFLICT

The armed conflict in Sierra Leone spanned a period of eleven years from 1991 to 2002. During that period, Sierra Leone experienced atrocity crimes. These crimes included mass killings, widespread amputation of limbs and mutilation of civilians, sexual violence and the use of children in armed conflict.



Child soldiers



Courthouse construction in 2003

Justice demanded that the perpetrators of these crimes be held accountable. It was in this spirit that the Special Court was established in 2002.

Sierra Leone gained independence from Britain on 27 April 1961. In 1978, a one-party state (the All People's Congress ("APC")) under President Siaka Stevens was established.

In the period that followed, Sierra Leone experienced general economic decline. This coincided with the creation of an armed opposition known as the Revolutionary United Front (RUF) in the late 1980s. Headed by a Sierra Leonean called Foday Sankoh, a former corporal in the Sierra Leone Army ("SLA"), the RUF was comprised of former students of middle class origin, alienated and impoverished youths, former members of the

SLA and Liberian fighters from a rebel group led by Charles Taylor known as the National Patriotic Front of Liberia ("NPFL"). The aim of the RUF was to forcibly remove the APC Government and to restore democracy and good governance to Sierra Leone.

1991 TO 1996

On 23 March 1991, the RUF launched an invasion into eastern Sierra Leone. This commenced the conflict in Sierra Leone. By 1992, the RUF had managed to consolidate its positions in the east of the country. It recruited and captured civilians who were forced to train to fight with the RUF, and also began to seek out peace talks with the APC Government of the incumbent President of Sierra Leone, Joseph Momoh. In early 1992, however,

President Joseph Momoh's Government was overthrown in a military coup by the National Provisional Ruling Council ("NPRC"). Captain Valentine Strasser, who was named Chairman of the NPRC, refused to pursue negotiations with the RUF and by the end of 1992 the NPRC had succeeded in pushing back RUF-held positions.

By 1995, the resurgent RUF was in control of large parts of Sierra Leone and had established a stronghold in the north of the country. The inability of the Government forces to independently repel the RUF led to the emergence of civilian-led paramilitary groups comprised of vigilantes and later traditional Sierra Leonean hunters. From 1995 to 1996, the SLA with the assistance of these pro-Government militias who became collectively known as the Civil Defence Forces

(“CDF”), was able to push back the RUF from several locations.

In 1996, Captain Strasser was ousted by his deputy, Brigadier General Julius Maada Bio. Multi-party democratic presidential elections were subsequently held and, on 29 March 1996, Ahmad Tejan Kabbah (“President Kabbah”) was inaugurated as the President of Sierra Leone.

In the period that followed, peace negotiations with the RUF continued, and on 30 November 1996, President Kabbah and Foday Sankoh signed the Abidjan Peace Accord. This called for a cease-fire and formal recognition of the RUF, granting its members an amnesty for any crimes committed. However, by January 1997 the peace process broke down and hostilities resumed.

1997 TO 1998

On 25 May 1997, members of the SLA overthrew the Government of President

Kabbah in a military coup. They formed the Armed Forces Revolutionary Council (“AFRC”) on 28 May 1997. The Chairman of the AFRC was a later retired SLA officer named Johnny Paul Koroma. After assuming power, the AFRC suspended the 1991 Constitution of Sierra Leone, dissolved Parliament, and banned all political parties. President Kabbah and other members of his Government were forced to leave Sierra Leone, forming a government-in-exile in Conakry, Guinea. The AFRC also invited the RUF to join it and an AFRC/RUF alliance was formed. The Junta Government declared its aim as being to bring peace and political stability to Sierra Leone.

The coup was widely condemned both locally and internationally. On 26 August 1997, the Economic Community of West African States (“ECOWAS”) imposed a trade and arms embargo on Sierra Leone and also deployed the Economic Community of West African States Cease-fire Monitoring Group (“ECOMOG”) to enforce the embargo. This led to the AFRC

accepting a six-month peace plan initiated by ECOWAS and known as the Conakry Accord. The Conakry Accord once again called for the immediate cessation of hostilities throughout Sierra Leone and the restoration of constitutional government. Soon after the Conakry Accord was signed, hostilities resumed.

1998 TO 2002

On 14 February 1998, ECOMOG forces dislodged the AFRC/RUF from various locations in and around Freetown. President Kabbah was reinstated. On 6 January 1999, AFRC/RUF forces who had launched an attack beginning in the north and east of the country attacked Freetown resulting in killings, sexual violence, mutilation of civilians, pillage and major destruction of the infrastructure of the city.

Peace negotiations between the Government and AFRC/RUF resumed shortly thereafter and on 7 July 1999, the Lomé



Judges sworn in on 2 December 2002

Peace Accord was signed. The Lomé Peace Accord called for a power sharing arrangement between the Government of President Kabbah and the RUF, and a cessation of hostilities as well as disarmament. On 22 October 1999, the United Nations (“UN”) Security Council authorised the deployment of a 6,000 strong UN peacekeeping mission to Sierra Leone (“UNAMSIL”), to assist with the implementation of the Lomé Peace Accord.

On 10 November 2000, another ceasefire agreement between the Government of President Kabbah and the RUF was signed in Abuja, and the two parties affirmed their commitment to the Lomé Peace Accord. On 18 January 2002, President Kabbah declared an end to the hostilities in Sierra Leone.

THE BIRTH OF THE SPECIAL COURT

On 12 June 2000, President Ahmad Tejan Kabbah of Sierra Leone wrote to UN Secretary-General Kofi Annan requesting assistance in setting up a “special court” for Sierra Leone.

On 14 August 2000, the UN passed Security Council Resolution No. 1315 (2000) authorising the UN Secretary-General to establish the Special Court for Sierra Leone. On 16 January 2002, the UN and the Government of Sierra Leone signed an Agreement on the Establishment of a Special Court for Sierra Leone in Freetown. The Agreement was ratified by Sierra Leone’s Parliament in March of that year, thus establishing the Special Court.

Pursuant to its Statute, the Special Court was to be comprised of three organs: the Chambers (Appeals Chamber and Trial Chamber); the Registry (including the Defence Office); and the Office of the Prosecutor. Its seat was to be in Freetown, in Sierra Leone.

Its mandate was to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

COMMENCEMENT OF OPERATIONS

On 17 April 2002, UN Secretary-General Kofi Annan appointed David Crane of the United States as the Special Court’s first Prosecutor. Shortly thereafter, on 10 June 2002, Robin Vincent from the United Kingdom was appointed Registrar of the Special Court. The Special Court officially began its operations on 1 July 2002.

On 26 July 2002, the UN Secretary-General announced the appointment of three trial and five appellate Judges. On 2 December 2002, at a ceremony in Freetown and in the presence of President Kabbah of Sierra Leone, Mr. Behrooz Sadry, Acting Special Representative of the UN Secretary-General in Sierra Leone, and other dignitaries, all eight Judges were sworn into office.

KEY INSTITUTIONAL DEVELOPMENTS

Following the commencement of operations, the Registry of the Special Court took several initiatives that enhanced the Special Court’s ability to fulfil its mandate. In January 2003, pursuant to Article 16(4) of the Statute, the Registrar of the Special Court established a Witnesses and Victims Section (“WVS”). As a neutral body responsible for supporting and protecting all witnesses, WVS was crucial in providing witnesses who were prepared to testify in proceedings before the Special Court with security, psychosocial support, relocation and material support.

In January 2003, the Registry also set up an Outreach Section. This established an ambitious Outreach programme with the aim not only of ensuring that the purpose of the Special Court was understood across Sierra Leone, but also of granting to all sections of civil society in the country the opportunity to have their voices heard and their expectations of the Special Court identified.

In February 2003, the Registry established a Defence Office for the purpose of ensuring the rights of suspects and persons accused of crimes within the jurisdiction of the Special Court. On 5 March 2004, Simone Monasebian was appointed as the Special Court’s first Principal Defender.

On 7 March 2003, a Plenary of Judges meeting in London adopted Rules of Procedure and Evidence (“Rules”) that would apply to the conduct of legal proceedings before the Special Court.

On 10 March 2004, the Special Court officially opened its new courthouse. Situated in the centre of Freetown, the new courthouse comprised a world-class international court complex with a detention facility and offices to accommodate up to 320 staff.

THE CHAMBERS

THE JUDGES OF THE SPECIAL COURT: THE TRIAL CHAMBERS AND THE APPEALS CHAMBER

The Special Court was originally composed of two Chambers – a Trial Chamber composed of three Judges and an Appeals Chamber composed of five Judges. The Trial Chamber consisted of two Judges appointed by the UN Secretary-General and one appointed by the Government of Sierra Leone. The Appeals Chamber consisted of three Judges appointed by the UN Secretary-General and two appointed by the Government of Sierra Leone.

Justice Pierre Boutet from Canada, Justice Benjamin Mutanga Itoe from Cameroon and Justice Rosolu John Bankole Thompson from Sierra Leone were sworn in to sit as the Trial Chamber. Justice George Gelaga King from Sierra Leone, Justice Emmanuel Ayoola from Nigeria, Justice Renate Winter from Austria, Justice Hassan Jallow from The Gambia and Justice Geoffrey Robertson Q.C. from the United Kingdom were sworn in to sit as the Appeals Chamber.

In 2004, following a request from the President of the Special Court and pursuant to Article 12 of the Statute, a second Trial Chamber (Trial Chamber II) was established in order to deal with the growing workload at the Special Court. On 17 January 2005, Justice Teresa Doherty from Northern Ireland, Justice Julia Sebutinde from Uganda and Justice Richard Lussick from Samoa were sworn in to sit as Trial Chamber II. On 9 May 2007, Justice El Hadji Malick Sow from Senegal was sworn in as an Alternate Judge of Trial Chamber II, to sit in the trial of Charles Taylor, former President of Liberia.

The composition of the Appeals Chamber changed over time. On 10 March 2004, Justice A. Raja N. Fernando from Sri Lanka replaced Justice Hassan Jallow following his appointment to the International Criminal Tribunal for Rwanda. On 7 November 2007, Justice Jon Kamanda from Sierra Leone was sworn in to replace Justice Geoffrey Robertson Q.C., whose term of office had ended. On 4 May 2009, following the death of Jus-



Late Justice Fernando

tice Fernando, Justice Shireen Avis Fisher from the United States of America was sworn in as a Judge of the Appeals Chamber. On 27 February 2012, Justice Philip Nyamu Waki from Kenya was sworn in as an Alternate Judge to sit in any appeal proceedings which might arise from the Taylor trial.

INITIAL INDICTMENTS AND ARRESTS

The first indictments were approved on 7 March 2003, by Justice Thompson. These indictments were against individuals from all factions associated with the conflict and included Charles Taylor, President of Liberia (Under Seal); Foday Sankoh, Sam Bockarie, Issa Hassan Sesay and Morris Kallon (members of the RUF); Johnny Paul Koroma and Alex Tamba Brima (members of the AFRC); and Samuel Hinga Norman (member of the CDF). A number of arrests followed. Prisoners were initially kept in temporary accommodation at Bonthe Island, but were transferred to the permanent detention facility in Freetown in August 2003.



The Appeals Chamber

On 14 March 2003, the Prosecutor of the Special Court made a formal request to the authorities of Sierra Leone for the arrest and detention of Augustine Gbao for crimes allegedly committed whilst he was a member of the RUF. On 18 March 2003, Justice Itoe ordered that Gbao be transferred to the detention facility of the Special Court.

On 26 June 2003, Moinina Fofana and Allieu Kondewa were each indicted for crimes allegedly committed whilst they were members of the CDF. On 29 May 2003, both Fofana and Kondewa were arrested and transferred to the detention facility at the Special Court in Freetown.

On 29 May 2003, Justice Boutet approved an indictment against Brima Bazzy Kamara for crimes allegedly committed whilst he was a member of the AFRC. Similarly, on 16 September 2003, an indictment against Santigie Borbor Kanu was approved for crimes allegedly committed whilst he was a member of the AFRC. Both were arrested and transferred to the detention facility at the Special Court in Freetown.

In 2003, two of those indicted for crimes died. Sam Bockarie was killed in Liberia in May 2003 before he could be arrested and Foday Sankoh, the leader of the RUF, died of natural causes whilst in custody of the Special Court. On 5 December 2003, the Prosecutor withdrew the indictments against both men.

Also in June 2003, the Prosecutor unveiled the indictment of Charles Taylor, then President of Liberia, whose indictment had been judicially approved and sealed on 7 March 2003. The 17-count indictment accused Taylor of being at the heart of a “joint criminal enterprise” resulting in the commission of war crimes, crimes against humanity and other serious violations of international humanitarian law within the territory of Sierra Leone since 30 November 1996. The

Special Court transmitted the warrant of arrest against Taylor to the Governments of Liberia and Nigeria in November 2003. Pursuant to requests by the Special Court, the International Criminal Police Organisation (INTERPOL) issued a “Red Notice” for his arrest and transfer in December 2003.

On 29 March 2006, following a request by Liberian President Johnson-Sirleaf to the Nigerian authorities, Taylor was arrested in Nigeria. On the same day, he was transferred into the custody of the Special Court.

TRIALS AND APPEALS

The Trial Chamber held its first hearings during the week of 2-5 December 2003. On 28 January 2004, the Trial Chamber unanimously held that it would be in the interests of justice if the Accused Sesay, Kallon and Gbao, belonging to the RUF, be tried separately from the Accused Brima, Kamara and Kanu, belonging to the AFRC. The Trial Chamber subsequently held that the three Accused Norman, Fofana and Kondewa, belonging to the CDF, be tried together. As a result of these decisions, the existing cases against

the Accused in custody were grouped as follows: (i) *RUF* case: Sesay, Kallon and Gbao; (ii) *AFRC* case: Brima, Kamara and Kanu; and (iii) *CDF* case: Norman, Fofana and Kondewa.

AFRC case

The *AFRC* case (*Prosecutor v. Brima, Kamara and Kanu*) was a trial against three leaders of the Armed Forces Revolutionary Council (“AFRC”): Alex Tamba Brima (aka “Gullit”), who rose to the rank of Staff Sergeant during the AFRC Government period; Brima Bazzy Kamara, who rose to the rank of Sergeant; and Santigie Borbor Kanu (aka “Five-Five”), who rose to the rank of Sergeant.

The indictment contained a total of 14 counts against each of the Accused:

- (i) Seven counts of crimes against humanity, namely: extermination (Count 3); murder (Count 4); rape (Count 6); sexual slavery and other forms of sexual violence (Count 7); other inhumane acts (Counts 8, 11); and enslavement (Count 13);
- (ii) Six counts of violations of Common Article 3 and Additional Protocol II, namely: acts of terrorism (Count 1); collective punishments (Count 2);



Trial Chamber I

violence to life, health and physical or mental well-being of persons, in particular murder (Count 5); outrages upon personal dignity (Count 9); violence to life, health and physical or mental well-being of persons, in particular mutilation (Count 10); and pillage (Count 14);

- (iii) One count of other serious violations of international humanitarian law, namely, conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities (Count 12).

At their initial appearances, all three Accused pleaded not guilty to all charges.

On 7 March 2005, Trial Chamber II began hearing evidence in the AFRC trial. The Prosecution closed its case on 29 November 2005 and all three Accused subsequently filed motions for judgment of acquittal pursuant to Rule 98 of the Rules. The Trial Chamber rendered its decision on 31 March 2006 dismissing all three motions.

Between 5 June and 27 October 2006, the Trial Chamber heard the Defence case.

The AFRC trial closed on 8 December 2006 after two days of closing arguments.

In total, the Prosecution called 59 witnesses while the Defence called 87 witnesses, over a period of 176 trial days. In addition, the parties tendered 119 exhibits during the proceedings.

On 20 June 2007, the Trial Chamber delivered its Judgment in the AFRC case. The three Accused were found guilty of acts of terrorism, collective punishments, extermination, murder, rape, outrages upon personal dignity, physical violence, conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, enslavement and pillage.

A sentencing hearing was held on 16 and 17 July 2007 and the Sentencing Judgment was delivered on 19 July 2007. The Trial Chamber considered the gravity of the offences and the individual circumstances of the convicted persons, including aggravating and mitigating factors. The Chamber imposed sentences of 50 years imprisonment for Brima, 45 years imprisonment for Kamara and 50 years imprisonment for Kanu.

All of the convicted persons and the Prosecution appealed, and the Appeals Chamber heard oral arguments on 12, 13 and 14 November 2007. On 22

February 2008, the Appeals Chamber dismissed the convicted persons' appeals and affirmed their sentences. It upheld the Prosecution's arguments that convictions for forced marriage should have been entered, but declined to enter further convictions thereon.

CDF case

The *CDF* case (*Prosecutor v. Fofana and Kondewa*) was a trial against three leaders of the former Civil Defence Forces ("CDF"): Samuel Hinga Norman was the "National Coordinator" of the CDF, Moinina Fofana was its "Director of War" and Allieu Kondewa was its "High Priest".

The CDF was comprised mainly of "Kamajors," a militia based on the traditional hunting society, normally serving as defence units in the employ of local chiefs in the rural parts of the country, and it supported the elected Government of Sierra Leone in its fight against the RUF and the AFRC.

The indictment contained eight counts against each of the three Accused:

- (i) Two counts of crimes against humanity, namely: murder (Count 1); and other inhumane acts (Count 3);
- (ii) Five counts of violations of Common Article 3 to the Geneva Conventions and Additional Protocol II thereto, namely: violence to life, health and physical or mental well-being of persons, in particular murder (Count 2); violence to life, health and physical or mental well-being of persons, in particular cruel treatment (Count 4); pillage (Count 5); acts of terrorism (Count 6); and collective punishments (Count 7);
- (iii) One count of other serious violations of international humanitarian law, namely: conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities (Count 8).



Trial Chamber II



CDF Appeal Judgment

At their initial appearances, all three Accused pleaded not guilty to all charges.

On 3 June 2004, the CDF trial opened before Trial Chamber I. The Prosecution closed its case on 14 July 2005, and the Accused subsequently filed motions for judgment of acquittal pursuant to Rule 98 of the Rules. On 21 October 2005, the Trial Chamber dismissed the motions for judgment of acquittal. The Defence commenced the presentation of its case on 19 January 2006 and closed its case on 18 October 2006.

The CDF trial was completed on 30 November 2006, following closing arguments held over a three-day period. In total, the Prosecution called 75 witnesses while the Defence called 44 witnesses, over a period of 159 days of trial. In addition, the parties tendered 204 exhibits during the proceedings.

On 22 February 2007, the Trial Chamber was informed that the First Accused,

Samuel Hinga Norman, had died while undergoing medical treatment in Dakar, Senegal. On 21 May 2007, the Trial Chamber issued a decision terminating the proceedings against Norman and held that its Trial Judgment would be rendered only against Fofana and Kondewa on the basis of the entirety of the evidence adduced during the trial.

On 7 August 2007, the Trial Chamber delivered its Judgment in the *CDF* case. The Chamber, by a Majority (Justice Thompson dissenting), found Fofana and Kondewa guilty of four counts of murder, cruel treatment, pillage and collective punishments. The Majority also found Kondewa guilty of enlisting children under the age of 15 years into an armed group. The Chamber found both Fofana and Kondewa not guilty of two counts of crimes against humanity, namely murder and other inhumane acts, as the Chamber held that it had not been established beyond a reasonable doubt that the civilian population was the primary object of the attack.

A sentencing hearing was held on 19 September 2007 and the Sentencing Judgment was delivered on 9 October 2007. The Trial Chamber, by majority, Justice Thompson declining to participate, considered the gravity of the offences and the individual circumstances of the convicted persons, including aggravating factors and mitigating circumstances. Fofana was accordingly sentenced to a total term of six years and Kondewa to a term of eight years imprisonment.

Both convicted persons and the Prosecution appealed, and the Appeals Chamber heard their oral arguments on 12 and 13 March 2008. The Appeals Chamber delivered its Judgment on 28 May 2008. The Majority of the Appeals Chamber, Justice King dissenting, reversed the acquittal of Fofana and Kondewa on murder and other inhumane acts as crimes against humanity and found them guilty of those crimes. The Appeals Chamber, Justice Winter dissenting, also reversed Kondewa's conviction for the use of child soldiers. The majority of the Appeals



Chamber, Justices King and Kamanda dissenting, also revised the concurrent sentences imposed by the Trial Chamber and entered new concurrent sentences for a total term of imprisonment of 15 years for Fofana and 20 years for Kondewa.

RUF case

The *RUF* case (*Prosecutor v. Sesay, Kallon and Gbao*) was a trial against three senior members of the Revolutionary United Front (RUF): Issa Hassan Sesay, the Interim Leader of the RUF; Morris Kallon, a former commander of the RUF; and Augustine Gbao, a senior officer and Chief of Security of the RUF.

The indictment contained a total of 18 counts against each of the three Accused:

- (i) Eight counts of crimes against humanity, namely: extermination (Count 3); murder (Count 4); rape (Count 6); sexual slavery and any other form of sexual violence (Count 7); other inhumane acts (Counts 8, 11); enslavement (Count 13); and murder (committed United Nations peacekeepers) (Count 16);
- (ii) Eight counts of violations of Common Article 3 to the Geneva Conventions and Additional Protocol II

thereto, namely: acts of terrorism (Count 1); collective punishments (Count 2); violence to life, health and physical or mental well-being of persons, in particular murder (Count 5); outrages upon personal dignity (Count 9); violence to life, health and physical or mental well-being of persons, in particular mutilation (Count 10); pillage (Count 14); violence to life, health and physical or mental well-being of persons, in particular murder (committed against UNAMSIL peacekeepers) (Count 17); and the taking of hostages (committed against UNAMSIL peacekeepers) (Count 18);

- (iii) Two counts of other serious violations of international humanitarian law, namely: conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities (Count 12); and intentionally attacking personnel on a peacekeeping mission (committed against UNAMSIL peacekeepers) (Count 15).

At their initial appearances, all three Accused pleaded not guilty to all charges.

On 5 July 2004, the RUF trial began before Trial Chamber I. The Prosecution closed its case on 2 August 2006, and each of the Accused subsequently filed a motion for a judgment of acquittal pursuant to Rule 98 of the Rules. On 25 October 2006, the Trial Chamber delivered its decision dismissing all of the Defence motions, although the Chamber found that no evidence was adduced by the Prosecution in relation to several geographical locations pleaded in various counts of the indictment.

The Sesay Defence commenced its case on 3 May 2007 and closed on 13 March 2008. The Sesay Defence was, however, permitted to call one additional witness as the Trial Chamber granted the Defence application to issue a subpoena for Alhaji Dr Ahmad Tejan Kabbah, former President of Sierra Leone. Former President Kabbah testified publicly on 16 May 2008. The Kallon Defence case commenced on 10 April 2008 and concluded on 20 May 2008. The Gbao Defence case began on 2 June 2008 and concluded on 24 June 2008.

The Trial Chamber heard closing arguments on 4 and 5 August 2008. In total, the Trial Chamber sat in trial for 308 days and admitted 437 Exhibits. It also heard evidence from 85 Prosecution witnesses, one additional witness called during the Prosecution case at the behest of the Defence, 59 witnesses for the Sesay Defence, 22 witnesses for the Kallon Defence and eight witnesses for the Gbao Defence.

The Trial Chamber delivered its judgment in the RUF case on 25 February 2009, with written reasons filed on 2 March 2009. Sesay, Kallon and Gbao were each found guilty of acts of terrorism, collective punishments, extermination, murder as a crime against humanity, murder as a war crime, rape, sexual slavery, forced marriage as an “other inhumane act”, outrages upon personal dignity, mutilations, physical violence as a crime against

humanity, enslavement as a crime against humanity, pillage, intentionally directing attacks against UNAMSIL peacekeepers, and murder in relation to the UNAMSIL peacekeepers. Sesay and Kallon were also found guilty of the crime of using children under the age of 15 years to participate actively in hostilities.

A sentencing hearing was held on 23 March 2009 and the Trial Chamber delivered its Sentencing Judgment on 8 April 2009. Taking into consideration the gravity of the offences and the individual circumstances of the convicted persons, including aggravating factors and mitigating circumstances, the Trial Chamber sentenced Sesay to 52 years imprisonment, Kallon to 40 years imprisonment and Gbao to 25 years imprisonment.

All of the convicted persons and the Prosecution appealed, and the Appeals Chamber heard oral arguments on 2, 3 and 4 September 2009. The Appeals Chamber delivered its Judgment on 26 October 2009. The Appeals Chamber reversed the

guilty verdict on some of the counts, but upheld the majority of the convictions including the convictions for forced marriages and attacks against peacekeepers. The Appeals Chamber also affirmed that the convicted persons participated in a joint criminal enterprise (JCE) with the AFRC, and affirmed the convicted persons' sentences.

Charles Taylor case

The former President of the Republic of Liberia, Charles Ghankay Taylor, was indicted under seal on 7 March 2003 on a 17 count indictment. The Special Court Prosecutor unveiled the indictment in June 2003, during Taylor's first trip out of Liberia since the signing of the indictment.

The Special Court transmitted the warrant of arrest against Taylor to the Governments of Liberia and Nigeria in November 2003. Pursuant to requests by the Special Court, the International Criminal Police Organisation (INTERPOL) issued a "Red Notice" for his arrest and transfer in December 2003.

On 16 March 2006, a Judge of the Special Court approved an amended indictment containing 11 counts against Taylor:

- (i) Five counts of crimes against humanity, namely: murder (Count 2); rape (Count 4); sexual slavery (Count 5); other inhumane acts (Count 8); and enslavement (Count 10);
- (ii) Five counts of violations of Common Article 3 and of Additional Protocol II, namely: acts of terrorism (Count 1); violence to life, health and physical or mental well-being of persons, in particular murder (Count 3); outrages upon personal dignity (Count 6); violence to life, health and physical or mental well-being of persons, in particular cruel treatment (Count 7); and pillage (Count 11);
- (iii) One count of conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities (Count 9), a serious violation of international humanitarian law.

RUF Trial Judgement



Taylor was arrested and transferred to the Special Court on 29 March 2006. On 3 April 2006, Taylor made his initial appearance before the Designated Judge and pleaded not guilty to all charges. On 20 June 2006, he was transferred to The Hague and detained at the detention facilities of the ICC.

On 4 June 2007, the Prosecution made its opening statement in the Taylor trial. On the same day, Taylor withdrew his Defence Counsel and the Trial Chamber ordered that Duty Counsel from the Defence Office represent Taylor during the opening statement and until new counsel was appointed. The Principal Defender appointed a Taylor Defence team by the end of August 2007, at which point the Chamber granted the Defence request for additional time to prepare their case.

The Prosecution began the presentation of its evidence on 7 January 2008 and closed its case on 27 February 2009. On 4 May 2009, the Trial Chamber dismissed a Defence motion for judgment of acquittal pursuant to Rule 98 of the Rules, finding that there was evidence capable of sustaining a conviction on all 11 counts of the Indictment.

The Defence began the presentation of its evidence on 14 July 2009 and closed its case on 12 November 2010.

On 11 March 2011, after 420 trial days over a period of three years and ten months, the Charles Taylor case was formally declared closed. A total of 115 witnesses testified and 1,522 exhibits were admitted into evidence.

On 26 April 2012, the Trial Chamber delivered its Judgment in the Charles Taylor case, with written reasons filed on 18 May 2012. Taylor was convicted on all 11 counts of acts of terrorism, murder, rape, sexual slavery, outrages upon personal dignity, cruel treatment, other inhumane acts (including mutilations and amputa-

tions), recruitment, enlistment and use of child soldiers, enslavement and pillage. The judgment represented the first conviction of a former head of state by an international criminal tribunal since the Nuremberg trials in 1946.

The Trial Chamber unanimously found that Taylor aided and abetted RUF and AFRC rebels in the commission of war crimes and crimes against humanity, in particular by providing assistance in the following ways (while and among others):

- (i) By providing arms and ammunition, either directly or through intermediaries;
- (ii) By providing military personnel, including the Scorpion Unit, who helped commit crimes in various operations;
- (iii) By providing communications support, logistical support, financial support and other operational support (e.g. an RUF guesthouse in Monrovia, safe haven for RUF fighters in Liberia, medical support, food, clothes, cigarettes and alcohol for the RUF); and

- (iv) By providing moral support through ongoing advice and encouragement to senior members of the RUF on tactics.

The Trial Chamber also unanimously found that Taylor participated in planning the rebel attacks on Kono, Makeni and Freetown between December 1998 and February 1999. In particular, the Chamber found that Taylor worked with Bockarie in November 1998 to design a “two-pronged” attack on Kono and Kenema, with Freetown as the ultimate destination. This plan was conveyed to RUF and AFRC commanders in December 1998 at Waterworks in Kailahun District. Taylor was found to have told Bockarie to make the attacks “fearful”, and Bockarie repeated this request as he conveyed his orders for the attacks. Taylor was also found to have told Bockarie to use “all means” to get to Freetown. The Trial Chamber found that Taylor was kept aware of the evolution of the Bockarie-Taylor plan and the resulting RUF-AFRC crimes committed against civilians.





Independent Counsel v. Prince Taylor

The exchange of diamonds was an important part of the Trial Chamber's discussion: Taylor was found to have accepted diamonds from the RUF and, in exchange, supplied the RUF with weapons and ammunition. Taylor was also found to have accepted diamonds from the RUF for safekeeping.

The Trial Chamber found that the Prosecution had failed to prove beyond a reasonable doubt that Taylor had superior responsibility for the RUF, AFRC, joint RUF-AFRC junta and/or Liberian fighters, or that he participated in a JCE with these groups. The Trial Chamber also found that the Prosecution had failed to prove beyond a reasonable doubt that Taylor ordered RUF or AFRC crimes in Sierra Leone.

A sentencing hearing was held on 16 May 2012 and the Trial Chamber delivered its Sentencing Judgment on 30 May 2012. The Chamber considered the gravity of

the offences and the individual circumstances of the convicted person, including aggravating and mitigating factors. Taylor was sentenced to a term of 50 years imprisonment.

Both the Prosecution and Defence appealed, and the oral hearings of the appeals were held on 22 and 23 January 2013. The Appeals Chamber delivered its Judgment on 26 September 2013. The Appeals Chamber unanimously allowed Charles Taylor's Ground 11 in part, and revised the Trial Chamber's Disposition for planning liability under Article 6(1) of the Statute to exclude Kono District under Counts 1-8 and 11; dismissed Taylor's remaining grounds of appeal and affirmed his convictions and his sentence of 50 years imprisonment.

Contempt proceedings

The Special Court had the inherent power to punish persons who commit offences against the administration of

justice, such as contempt of court. This aims at protecting the public interest in the proper administration of judicial functions, whilst also promoting respect for the rule of law.

The offence of contempt as laid down in Rule 77 of the Rules, states that "[t]he Special Court, in the exercise of its inherent power, may punish for contempt any person who knowingly and wilfully interferes with its administration of justice".

The Special Court conducted five trials for contempt of court. In addition, one alleged incident of contempt was dealt with summarily by the Trial Chamber.

In 2005, the Special Court prosecuted four individuals (Margaret Fomba Brima, Neneh Bai Jalloh, Esther Kamara and Anifa Kamara) for contempt relating to the ongoing AFRC trial. The Accused in this contempt case were the wives and friends of the three Accused in the AFRC

case. The Accused all pleaded guilty to contempt, and on 21 September 2005 a Single Judge of Trial Chamber I sentenced them to a conditional discharge.

The Special Court also prosecuted Brima Samura, an Investigator attached to the Defence Team of Alex Tamba Brima in the *AFRC* case, for contempt. On 26 October 2005, a Single Judge of Trial Chamber I found the Accused Samura not guilty of contempt.

On 21 June 2012, a Single Judge of Trial Chamber II convicted Eric Koi Senessie of contempt for interference with Prosecution witnesses. On 5 July 2012, the Single Judge sentenced Senessie to 2 years imprisonment. On 10 August 2012, Senessie filed a Motion for Review, which the Appeals Chamber dismissed on 4 September 2012.

On 6 July 2012 in the Charles Taylor case, a Single Judge directed that an alleged incident of contempt be dealt with summarily in accordance with Rule 77(C)(i)

of the Rules. The Prosecution alleged that the Accused Courtenay Griffiths, Lead Defence Counsel in the Charles Taylor case, was in contempt of the Special Court by wilfully and knowingly, and/or with reckless indifference to Court-ordered protective measure, disclosing the identities of seven protected witnesses. On 19 October 2012, the Single Judge found Griffiths not guilty of contempt.

On 25 September 2012, a Single Judge of Trial Chamber II convicted four former AFRC leaders (Hassan Papa Bangura, Samuel Kargbo, Brima Bazzy Kamara and Santigie Borbor Kanu) of contempt for interference with Prosecution witnesses. On 11 October 2012, the Single Judge sentenced Bangura to 12 months imprisonment, Kargbo (who had pleaded guilty) to 18 months imprisonment (which was suspended), Kanu to one year and 50 weeks imprisonment, and Kamara to one year and 50 weeks imprisonment. Kanu and Kamara, who were already Special Court convicted persons, were ordered to serve their sentences consecu-

tively with their existing sentences. On 21 March 2013, a three-member panel of the Appeals Chamber rejected appeals filed by Kargbo, Kamara and Kanu.

As two defendants were serving sentence in Rwanda and two defendants were resident in Sierra Leone, the Single Judge in order to uphold the rights of all defendants conducted the trial partly in Freetown with a video link to Kigali and during the defence of Kamara and Kanu in Kigali with a video link to Freetown. This was facilitated with the co-operation of the ICTR and the Government of Rwanda.

On 25 January 2013, the Single Judge convicted a former Special Court Defence Investigator of contempt for interfering with Prosecution witnesses in the case of *Independent Counsel v. Prince Taylor*. On 8 February 2013, the Single Judge sentenced Prince Taylor to a term of imprisonment of two and a half years. On 30 October 2013, a three-member panel of the Appeals Chamber, by a majority,



CITS Staff

overturned Prince Taylor's conviction and entered a verdict of acquittal.

SUMMARY OF THE SPECIAL COURT'S LANDMARK DECISIONS

The Special Court made a number of important contributions to the development of international criminal law, including decisions relating to its own legality and constitutionality, the validity of domestic amnesties, Head of State immunity, child soldiers and forced marriage. These decisions, among others, broke new ground in a number of unsettled areas of international law and therefore helped to secure a lasting judicial legacy for the Special Court.

Legality and constitutionality of the Special Court

Early in the Special Court's existence, the Appeals Chamber was called upon to consider the nature and scope of the Security Council's power to authorise an international court, as well as the legal nature, status and consequences of treaty-based courts such as the Special Court.

The Appeals Chamber held that the Special Court was competent to determine the legality of its own creation, that the Agreement between the UN and the Government of Sierra Leone had been validly implemented without any breach of the Sierra Leone Constitution, and that the Special Court was an international court and not part of Sierra Leone's judicial system. The Appeals Chamber further held that the Special Court provided the necessary fundamental safeguards for a fair trial.

Accordingly, the Appeals Chamber concluded that the Special Court was lawfully and validly established.

Amnesties

The Special Court was the first international court to hold that a national

amnesty against prosecution does not apply to prosecutions for war crimes, crimes against humanity and other serious violations of international humanitarian law.

On 7 July 1999, the RUF and the Government of Sierra Leone signed a peace agreement in Lomé, Togo ("Lomé Accord"). The Lomé Accord included a blanket amnesty which granted "absolute and free pardon and reprieve to all combatants and collaborators in respect of anything done by them in pursuit of their objectives", up to the time of the signing of the Agreement.

Article 10 of the Special Court Statute provided that "[a]n amnesty granted to any person falling within the jurisdiction of the Special Court in respect of the crimes referred to in Articles 2 to 4 of the present Statute shall not be a bar to prosecution."

On 13 March 2004, the Appeals Chamber held that the amnesty granted by the Lomé Accord was no bar to prosecutions for war crimes, crimes against humanity and other serious violations of international humanitarian law before an international tribunal such as the Special Court.

Head of State immunity

The Special Court also broke new ground in holding that Charles Taylor's official position as Head of State at the time when the criminal proceedings were initiated against him was not a bar to his prosecution by an international tribunal such as the Special Court.

The Special Court issued an indictment and warrant of arrest for Taylor on 7 March 2003, when he was still the President of Liberia. Taylor sought to quash the indictment and set aside the arrest warrant on the basis that he enjoyed immunity from arrest and prosecution as Head of State.

On 31 May 2004, the Appeals Chamber dismissed Taylor's preliminary motion relating to sovereign immunity. The Appeals Chamber noted that the principle of state immunity derives from the sovereign equality of states and therefore had no relevance to international criminal tribunals, which are not organs of a state but derive their mandate from the international community. As such, state immunity did not prevent a Head of State from being prosecuted for war crimes, crimes against humanity and other serious violations of international humanitarian law before an international tribunal like the Special Court.

The Appeals Chamber referred to Article 6(2) of the Special Court Statute, which provides that "[t]he official position of any accused persons, whether as Head of State or Government or as a responsible government official, shall not relieve such person of criminal responsibility nor mitigate punishment." After considering the statutes of other international criminal courts and tribunals, which contain similar provisions, the Appeals Chamber held that Article 6(2) was not in conflict with any peremptory norm of international law.

It concluded that the official position of the Applicant as an incumbent Head of State at the time when these criminal proceedings were initiated against him was not a bar to his prosecution by the Special Court.

Child soldiers

The Special Court was the first international court to prosecute and convict individuals for recruiting and using child soldiers. In a landmark interlocutory decision early in the Special Court's existence, the Appeals Chamber by a majority, Justice Robertson dissenting, held that individual criminal responsibility for the crime of recruiting child soldiers had crystallised as customary international law prior to November 1996, the time period



Barristers of the SCSL

relevant to the indictments before the Special Court. When dismissing a motion on child recruitment filed by the Accused Samuel Hinga Norman in the *CDF* case, the Appeals Chamber considered international human rights law, international humanitarian law and national practices.

In June 2007, in the *AFRC* case, Trial Chamber II delivered the first judgment in international criminal law convicting persons of conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities. This was followed by convictions for this crime in the *CDF*, *RUF* and Charles Taylor cases. All of these convictions were upheld on appeal.

Forced marriage

During the conflict, thousands of women were taken and forced to serve as “bush wives” by combatants. The Special Court was the first international court to recognize the criminality of this practice. In a ground-breaking Judgment in the *AFRC* case, the Appeals Chamber adopted the reasoning of the dissent in the trial judgment that “forced marriage” may amount to crimes against humanity as “other inhumane acts”. The Appeals Chamber held that “forced marriage” is a distinct crime and cannot be subsumed within existing categories of sexual crimes on the grounds that it involves a forced conjugal relationship that subjects women to particular psychological and moral suffering, distinct from that experienced by victims of rape or sexual slavery.

In light of this landmark decision, the first convictions for the crime against humanity of forced marriage as an inhumane act were entered by the Trial Chamber in the *RUF* case in 2009. These convictions were subsequently upheld on appeal.

Gender crimes and sexual slavery

The Special Court also prosecuted and convicted individuals for sexual slavery as a crime against humanity.

In the 2007 *AFRC* Trial Judgment, the Trial Chamber spelt out the ingredients of the legal elements of sexual slavery, although the majority declined to enter any

convictions for this crime. The 2009 Trial Judgment in the *RUF* case represented the first international convictions for sexual slavery as a crime against humanity, and these convictions were subsequently upheld on appeal, thus helping to solidify international law in relation to this relatively undeveloped area of jurisprudence.

Attacks on UN Peacekeepers

The Special Court was the first international court to prosecute and convict individuals for “intentionally directing attacks against peacekeepers”.

Whilst acknowledging that this offence is a particularisation of the fundamental prohibition in international humanitarian law against attacking civilians and civilian property, the Special Court’s convictions for this specific offence has enormous symbolic value, highlighting the severe consequences for the entire international community if such attacks spark a decline in the willingness of nations to co-operate in peacekeeping and humanitarian operations.

THE OFFICE OF THE PROSECUTOR

OTP Report, 2002 to 2013

Article 15 of the Special Court Statute mandates the Prosecutor to investigate and prosecute the “persons who bear the greatest responsibility for serious violations of international humanitarian law and crimes under Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996”. On 19 April 2002, Secretary-General Annan appointed Mr. David Crane as the first Prosecutor of the Special Court. Following his arrival in Freetown on 7 August 2002, Prosecutor Crane began implementing the prosecutorial mandate of the Special Court in earnest. He was succeeded as Prosecutor by Sir Desmond de Silva from 5 May 2005, Mr. Stephen Rapp from 7 December 2006 and Ms. Brenda J. Hollis from 22 February 2010 to the Special Court’s closure.

At the close of the Special Court, the Office of the Prosecutor had completed the mandate that it was set, except for Prosecutor v. Johnny Paul Koroma, who remains a fugitive from justice if alive. In doing so, the following significant milestones were accomplished:

1 JUNE 2013 TO CLOSURE

In the final period of operations, the Office of the Prosecutor (OTP) played an essential role in ensuring that the Special Court completed its mandate and closed in accordance with the set schedule. The Office also collaborated with the Registry and Chambers to conduct necessary preparation for the establishment of the Residual Special Court. Prosecutor Hollis maintained open lines of commu-

nication with diplomatic representatives and other members of the wider Special Court community, not least the people of Sierra Leone, following the Court’s final judicial pronouncement, the Taylor Appeals Judgment.

Downsizing of the OTP

The OTP continued to exercise vigilance in its monitoring and review of expenditures in order to further contribute to overall reductions in the Special Court budget, while at the same time ensuring it retained adequate resources to fulfil its remaining obligations. The Taylor Appeals Judgment constituted the penultimate milestone for OTP, pursuant to which one established post was downsized in The Hague. All remaining eight established posts were on schedule to be downsized at intervals between the Taylor Appeals Judgment and the final milestone for the Special Court, its closure.

Records and Archive Management

The OTP completed the process of archiving all hardcopy and digital records. As reported in the 2012/2013 Annual Report, additional staff resources were committed to archive management following the conclusion of the Taylor Oral Appellate Hearings in January 2013 through the final months of the Special Court, thereby ensuring that the archiving process was finalised. The voluminous files associated with the Taylor case, which became available for archiving following the Oral Appellate Hearings, were on schedule to be uploaded onto TRIM before the close of the Special Court, along with all other outstanding digital records. All remaining OTP administrative and substantive hardcopy



Prosecutor Brenda Hollis



Former Prosecutor Stephen Rapp



Former Prosecutor Desmond de Silva



Former Prosecutor David M. Crane



OTP Final Outreach

files in the Freetown Office were shipped to The Hague and archived. Following the closure of the Special Court, all digital and hardcopy archives of the Special Court OTP will be managed by the Prosecutor's representative in the Residual Special Court.

Preparation for the Residual Special Court

The OTP continued to fully participate in the meetings and activities of the Residual Special Court Transition Working Group. The OTP collaborated with Registry colleagues to finalize the Special Court archive access policy and to provide appropriate input on the budget for the Residual Special Court. The Prosecutor met with the Registrar and the Chief of WVS regarding issues pertaining to the protection and support of witnesses by the Special Court and the Residual Special Court.

OTP Operations in Freetown

OTP operations in Freetown were administered by one OTP staff member,

with the assistance of two secondees from the Sierra Leone Police. Regular supervision and monitoring of progress on assigned tasks was conducted by telephone between Freetown and The Hague and during senior OTP staff *ad hoc* visits to Freetown.

Witnesses and Victims

An essential component of the mandate of the Residual Special Court is the continued protection of witnesses and victims. In the final phase of the Special Court's work, OTP contacted Prosecution witnesses and sources to inform them of the impending closure of the Special Court, and the Statutory provisions which will protect and support witnesses and sources once the Residual Special Court commences operations. On these missions OTP personnel also confirmed contact data and recorded any security or other issues raised by the witnesses and sources. The OTP office in Freetown continued to work with the Registry's WVS concerning any such issues raised by the Prosecution witnesses or sources.

Outreach

Following the delivery of the Appeal Judgment in the Taylor case, the Prosecutor visited Sierra Leone in order to promote understanding of the judgment and awareness of the mandate of the Residual Special Court, with particular emphasis on witness protection and support. The Prosecutor or a senior representative of the OTP spoke with some 5,500 Sierra Leoneans at 18 outreach events. Events were conducted in all 12 provincial districts of Sierra Leone, plus locations within Freetown.

Diplomatic Activities

In Freetown and The Hague, the Prosecutor met with diplomatic representatives to discuss the Taylor Appeal Judgment, and to raise awareness of the mandate of the Residual Special Court. The Prosecutor emphasised the Residual Special Court's obligation to protect and support witnesses and others made vulnerable by their cooperation with the Court. Diplomatic missions were briefed on the need to ensure that the Residual Special Court

will have the necessary resources in place at or before its inception, in particular those resources required for ensuring the security of witnesses and others made vulnerable by the Court processes or by their cooperation with the Court.

External Relations

Prosecutor Hollis delivered lectures or presentations on the work of the OTP and international criminal law in a number of locations. In Tbilisi, Georgia, the Prosecutor delivered a workshop presentation for prosecutors on the investigation of organised crime, in which she spoke to the structure and functions of criminal enterprises, and how cases against the leadership may be built. In August 2013 the Prosecutor participated in the 7th International Humanitarian Law Dialogues at the Chautauqua Institution in the USA. Prosecutor Hollis participated as a panelist, and answered questions on Special Court developments over the preceding year, and the challenges which the OTP has faced.

The Prosecutor continued to assist the UK's Preventing Sexual Violence Initiative as a member of an expert working

group developing the Initiative's "International Protocol on the Investigation and Documentation of Sexual Violence in Conflict". To this end, she travelled to Geneva in September 2013 to address an international conference on the matter.

Legacy Initiatives

The OTP made significant progress in legacy initiatives emphasising free access to law in Sierra Leone and the promotion of best investigative and prosecutorial practices.

Sierra Leone Legal Information Institute

(Sierra Lii, www.sierralii.org)

The OTP led the Special Court's legacy initiative to establish the Sierra Leone Legal Information Institute (Sierra Lii). The Sierra Lii project commenced in 2009 with generous support from the Open Society Foundations, and provides free online access to Sierra Leone's primary legal materials with links to the Special Court's jurisprudence and related information. Sierra Lii is registered as a company limited by guarantee in Sierra Leone, and is supervised by a Manage-

ment Committee chaired by the Consultant Master and Registrar of the Sierra Leone Judiciary. In the final months of the Special Court's operations, the OTP provided support to the Sierra Lii Management Committee, to help ensure that Sierra Lii will have a sustainable future beyond the life of the Special Court.

International Prosecutors' Best Practices Project

Enabled through the generous support of the Government of Canada, the Special Court OTP working in collaboration with the Offices of the Prosecutor of the International Tribunals for the former Yugoslavia and Rwanda, the Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon has created a Manual which captures the lessons learned and suggested practices from the Offices of the Prosecutor of those tribunals. The Manual has been launched and will be a practical tool to assist investigators and prosecutors at the international level as well as relevant national prosecuting and investigative authorities. The link is also available on the RSCSL website.



OTP Staff

OTP Milestones

Indictments and Arrests	
3 March 2003	The Prosecutor signs Indictments against Issa Hassan Sesay, Morris Kallon, Foday Sankoh, Sam Bockarie, Alex Tamba Brima (also known as “Gullit”), Johnny Paul Koroma, Samuel Hinga Norman and Charles Taylor.
7 March 2003	Justice Bankole Thompson approves the Indictments against Sesay, Kallon, Sankoh, Bockarie, Brima, Koroma, Norman and Taylor.
10 March 2003	Sesay, Kallon, Norman and Brima are arrested. Sankoh is transferred into Special Court custody.
20 March 2003	Augustine Gbao is arrested under Rule 40bis of the Rules of Procedure and Evidence.
16 April 2003	The Prosecutor signs an Indictment against Augustine Gbao, which is approved by Justice Bankole Thompson.
6 May 2003	Bockarie dies in Liberia.
26 May 2003	The Prosecutor signs an Indictment against Ibrahim Bazy Kamara, also known as Brima Bazy Kamara.
28 May 2003	Justice Boutet approves the Indictment against Kamara.
29 May 2003	Allieu Kondewa and Moinina Fofana arrested under Rule 40bis of the Rules of Procedure and Evidence. Kamara is arrested.
2 June 2003	Prosecution receives the body of Bockarie.
4 June 2003	Taylor’s Indictment is unsealed.
24 June 2003	The Prosecutor signs an Indictment against Allieu Kondewa and Moinina Fofana.
26 June 2003	Justice Bankole Thompson approves the Indictments against Kondewa and Fofana.
29 July 2003	Sankoh dies in Special Court custody at Choithram Memorial Hospital.
15 September 2003	The Prosecutor signs an Indictment against Santigie Borbor Kanu, also known as ‘Five-Five’.
16 September 2003	Justice Boutet approves the Indictment against Kanu.
17 September 2003	Kanu is arrested.
8 December 2003	The Trial Chamber endorses the withdrawal of the Indictments against Sankoh and Bockarie due to their deaths.
4 February 2004	The Indictments against Norman, Kondewa and Fofana are joined for the Civil Defence Forces (CDF) case.
5 March 2004	The Indictments against Sesay, Kallon and Gbao joined for the Revolutionary United Front (RUF) case. The Indictments against Brima, Kamara and Kanu also joined for the Armed Forces Revolutionary Council (AFRC) case.
16 March 2006	Taylor’s Amended Indictment is filed.
29 March 2006	Taylor is arrested and transferred to Special Court custody.
20 June 2006	Taylor is transferred to The Hague for the trial.
29 May 2007	Taylor’s Second Amended Indictment is filed.
Trials	
3 June 2004	The Prosecution opens its case in the CDF trial.
5 July 2004	The Prosecution opens its case in the RUF trial.
7 March 2005	The Prosecution opens its case in the AFRC trial.
14 June 2005	The Prosecution closes its case in the CDF trial, having called 75 witnesses
11 November 2005	The Prosecution closes its case against the AFRC accused, having called 59 witnesses
2 August 2006	The Prosecution closes its case against the RUF accused, having called 86 witnesses (including witnesses eligible under Rule 92bis of the Rules of Procedure and Evidence).
30 November 2006	CDF Closing Arguments conclude.
8 December 2006	AFRC Closing Arguments conclude.
22 February 2007	Norman dies in Special Court custody.
21 May 2007	The CDF Trial Chamber terminates proceedings against Norman due to his death.
4 June 2007	The Prosecution presents its Opening Statement in the Taylor trial. Taylor is allowed to dismiss his legal team. The trial is adjourned until new counsel can be assigned.
20 June 2007	The AFRC Trial Judgment is announced. Brima, Kamara and Kanu are convicted of 11 of the 14 counts charged in the Indictment: Count 1 (acts of terrorism), Count 2 (collective punishments), Count 3 (extermination), Count 4 (murder, a crime against humanity), Count 5 (murder, a war crime), Count 6 (rape), Count 9 (outrages upon personal dignity), Count 10 (physical violence, a war crime), Count 12 (conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities), Count 13 (enslavement), and Count 14 (pillage). In a dissenting opinion, Justice Doherty opined that forced marriage is punishable as a separate crime from that of sexual slavery, and should be considered as a crime against humanity under the classification of an “other inhumane act”.

16 July 2007	AFRC trial oral arguments on sentencing.
19 July 2007	AFRC Trial Chamber sentences Brima to 50 years, Kamara to 45 years and Kanu to 50 years of imprisonment.
2 August 2007	The CDF Trial Judgment is announced. Kondewa and Fofana are convicted by a majority vote of Count 2 (violence to life, in particular murder), Count 4 (violence to life, in particular cruel treatment), Count 5 (pillage) and Count 7 (collective punishments). Kondewa is also convicted by a majority vote of Count 8 (conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities).
19 September 2007	CDF trial oral arguments on sentencing.
9 October 2007	CDF Trial Chamber sentences Kondewa to 8 years, and Fofana to 6 years imprisonment.
7 January 2008	Taylor trial recommences; Prosecution calls its first witness.
5 August 2008	RUF trial closing arguments.
25 February 2009	The RUF Trial Judgment is announced. Sesay, Kallon and Gbao are convicted on 14 crimes charged in the Indictment: Count 1 (acts of terrorism), Count 2 (collective punishments), Count 3 (extermination), Count 4 (murder), Count 5 (violence to life, in particular murder), Count 6 (rape), Count 7 (sexual slavery and other forms of sexual violence), Count 8 (other inhumane acts of sexual violence), Count 9 (outrages upon personal dignity), Count 10 (violence to life, in particular cruel treatment), Count 11 (other inhumane acts of physical violence), Count 13 (enslavement), Count 14 (pillage) and Count 15 (intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission). Sesay and Kallon are also convicted on Count 12 (conscripting of child soldiers) and Count 17 (murder, a war crime) in relation to the abduction of peacekeepers.
27 February 2009	Prosecution closes its case against Taylor, having called 95 witnesses.
23 March 2009	RUF trial oral arguments on sentencing.
8 April 2009	RUF Trial Chamber sentences Sesay to 52 years, Kallon to 40 years and Gbao to 25 years of imprisonment.
5 – 10 August 2010	Prosecution re-opens its case in the Taylor trial, introducing the evidence of three additional witnesses.
11 March 2011	Taylor trial closing arguments conclude.
26 April 2012	The Taylor Trial Judgment is announced. Taylor is convicted on all 11 counts charged in the Indictment: Count 1 (acts of terrorism), Count 2 (murder), Count 3 (violence to life, in particular murder), Count 4 (rape), Count 5 (sexual slavery and any other form of sexual violence), Count 6 (outrages upon personal dignity), Count 7 (violence to life, in particular cruel treatment), Count 8 (other inhumane acts of physical violence), Count 9 (conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities), Count 10 (enslavement) and Count 11 (pillage).
16 May 2012	Taylor trial oral arguments on sentencing.
30 May 2012	Taylor is sentenced to 50 years of imprisonment.

Appeals

14 November 2007	Oral Arguments conclude in the AFRC Appeal.
22 February 2008	The AFRC Appeal Judgment is announced. The Appeals Chamber upholds the convictions and sentences imposed by the AFRC Trial Chamber on Brima (50 years), Kamara (45 years) and Kanu (50 years). The Appeals Chamber finds that acts of forced marriage amount to the crime against humanity of "other inhumane acts". The Appeals Chamber also reverses a Trial Chamber decision that the Prosecution had not properly pleaded Joint Criminal Enterprise as a mode of liability.
13 March 2008	Oral Arguments conclude in the CDF Appeal.
28 May 2008	The CDF Appeal Judgment is announced. The Appeals Chamber, by a majority vote, overturns Kondewa's conviction on Count 8 (conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities), and convictions for both Fofana and Kondewa for Count 7 (collective punishments). The Appeals Chamber, by a majority vote, enters new convictions for both Kondewa and Fofana for Count 1 (murder) and Count 3 (inhumane acts) of the Indictment. By a majority vote, the Appeals Chamber increases Fofana's sentence (from 6) to 15 years, and Kondewa's sentence (from 8) to 20 years.
4 September 2009	Oral Arguments conclude in the RUF Appeal.
26 October 2009	The RUF Appeal Judgment is announced. The Appeals Chamber upholds the RUF Trial Chamber's convictions of Sesay and Kallon on 16 counts of the Indictment. The Chamber upholds Gbao's convictions on 12 counts of the Indictment but overturns his convictions for Count 2 (collective punishments) and Count 15 (intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission). The Appeals Chamber upholds the sentences of 52 years for Sesay, 40 years for Kallon and 25 years for Gbao. The Appeals Chamber upholds the convictions for forced marriage as a crime against humanity, and for attacks against United Nations peacekeepers. The Chamber also upholds convictions for conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities.
23 January 2013	Oral Arguments conclude in the Taylor Appeal.
26 September 2013	The Taylor Appeals Judgment is announced. The Appeals Chamber upholds the Trial Chamber's conviction of Taylor on all eleven counts of the Indictment, and upholds the sentence of 50 years.



Registrar Binta Mansaray



Former Registrar Herman von Hebel



Former Registrar Lovemore Munlo



Former Registrar Late Robin Vincent

THE REGISTRY

The Registry was responsible for those functions which supported the Court process as a whole. During the first year of the Special Court's operations, all the foundations and structures were put in place for all the activities falling under this mandate. These included the administrative support of the Court, comprising the Finance, Personnel and Procurement Sections; the Communications and Information Technology Section; the General Services Section, and the Security Section. They also included the Court Management Section, the Witness and Victims Section, and the Detention Facility. In order to save costs during the completion phase of the Special Court, the Registrar streamlined the administration and security sections of the Court by creating an Administrative Secretariat and merging Security with the Witness and Victims Section. Furthermore, the Registry was the official channel of communication of the Court, and consequently a Public Affairs Office and an Outreach Section were set up to provide information about the Court to the people of Sierra Leone and to the international and national media. Since the creation of the Court in 2002, the Registry supported the CDF, AFRC, RUF and Charles Taylor trials and appeals proceedings, as well as eight contempt of court proceedings. An overview of the work and critical achievements of the Registry sections during the work of the Special Court from 2002-2013 is outlined below.

THE REGISTRAR

The Registrar's Office sat at the centre of the Registry's operations. The first Registrar of the Court, Mr. Robin Vincent, was succeeded by Mr. Lovemore Munlo, and thereafter Mr. Herman von Hebel.

The last Registrar, Ms. Binta Mansaray, was appointed in February 2010 by the UN Secretary General in consultation with the President of the Special Court. She worked at the Special Court for Sierra Leone since 2003, first as Outreach Coordinator, then as Deputy and Acting Registrar from 2007 until 2010.

She was assisted by Deputy Registrar, Ms. Fidelma Donlon, who assumed her position in June 2010. Ms. Donlon previously worked for the Court as an independent consultant, authoring two reports on the residual functions and residual institution options of the Special Court in 2008 and 2009. The Deputy Registrar also served as head of the Court's Hague Sub-Office.

The Registrar and Deputy Registrar were supported by a legal officer, legal assistant, special assistant and an administrative assistant who comprised the immediate Office of the Registrar. In addition, a liaison officer in New York represented the Registrar before the Special Court's Management Committee and assisted with maintaining external relations.

The Registrar was responsible for the servicing of the Chambers, the Office of the Prosecutor and the Office of the Principal Defender. The Registrar was also responsible for the administration of the Special Court's financial and staff resources. In her capacity as the channel for external communications for the Court, the Registrar maintained close links with the Management Committee which was set up to assist the Court on questions of funding and administration, the United Nations and the Government of Sierra Leone as well as an array of diplomatic contacts both inside and outside of Sierra Leone. The Registrar was responsible for detention matters including



Registry Staff Member

monitoring the enforcement of sentences for the Special Court's convicted persons. The Registrar's mandate also extended to additional work required for the successful completion of the Special Court's mandate.

The Registrar's mandate to service the Court's Organs encompassed four areas of responsibility. The Registrar was charged with providing all necessary protection and assistance to the Court's witnesses; detaining accused persons to an international standard; ensuring that the rights of the accused were upheld; and facilitating the trial proceedings. In order to fulfil these obligations toward witnesses, accused persons and the Court's trial proceedings, the Registry was comprised of a Witness, Victims & Security Section, Defence Office and Court Management Section. Together, these Sections constituted the Judicial and Legal Services Division of the Registry. The Administration Secretariat assisted the Registrar to manage the financial and staff resources of the Special Court. It was comprised of the Budget, Finance and Procurement Unit, the Personnel and Travel Unit, Communication and Information Technology Section and the General Services Unit. The Outreach and Public Affairs

Section supported the external communications function of the Registrar by making proceedings accessible to the people of Sierra Leone, Liberia and observers around the world.

THE HAGUE SUB-OFFICE

Pursuant to Security Council Resolution 1688 (2006), the Taylor trial and appellate proceedings were held at the Court's Hague Sub-Office (HSO) from 2006 to 2013. The Office was based in the premises of the Special Tribunal for Lebanon (STL), and also relied on the facilities of the International Criminal Court (ICC), where it was previously housed, and utilized their detention facility for the custody of Mr. Taylor.

The Taylor trial was serviced by Registry staff in the HSO and Freetown. Although the courtroom was in The Hague, the Freetown office played an essential role in facilitating the proceedings. During the trial phase, the majority of investigations were carried out and witnesses were based in Sierra Leone, Liberia and the sub-region. The Court also made the trial accessible to the people of Sierra Leone and Liberia through its outreach activities

in those countries and by arranging for civil society members and other opinion-leaders to witness the trial first-hand in The Hague. Additional logistical and administrative support was also provided from the Court's seat in Freetown. The Hague Sub-Office, in coordination with Registry staff in Freetown, dealt with administrative issues resulting from Mr. Taylor's detention, enabling his participation in the proceedings and facilitating family visits.

Staff from the Court Management Section in both Freetown and The Hague began archiving the Court's records. Since December 2010, the Court's archives of the trials have been located in the Dutch National Archives, under the Special Court's supervision. This role will be inherited by the Residual Special Court. The Court's archivists worked closely with the Dutch National Archives to facilitate access to the archives for Court staff.

LEGAL UNIT WITHIN THE OFFICE OF THE REGISTRAR

Through the Registrar's Legal Office, the Legal Advisors undertook the following work supporting all functions of the Registrar.

The day to day work of the Office included advising the Registrar on matters relating to the detention of accused persons, the Witness and Victims Unit, personnel matters, including staff disciplinary proceedings and staff appeals; reviewing contracts entered into by the Court for the supply of goods or services and the application of the Financial Regulations and Rules; and drafting amendments to Practice Directions and administrative instruments. The Office continued negotiations with States to enter into cooperation agreements with the Court for the enforcement of sentences and relocation of witnesses.

The Office was also responsible for appointing independent counsel to investigate and prosecute persons charged for contempt of court. This action was taken under the direction of the Trial Chamber.

Through the years, the Office drafted submissions in response to a number of motions and appeals in the Trial Chambers and Appeals Chamber respectively. The decisions determined various issues relating to the role and functions of the Registrar, including special measures of detention, the Registrar's responsibility for the rights of the accused and the inherent jurisdiction of Chambers to review the Registrar's decisions.

NEW YORK LIAISON OFFICE

The New York Liaison Officer assisted the Registrar with fundraising activities by working closely with the Management Committee for the Special Court, liaising with representatives of the United Nations Member States on matters pertaining to funding and cooperation with the Court, meeting with officials from the Management Committee member states in Washington, and developing relationships with the NGO community and various foundations in the United States.

The Liaison office supported the Management Committee with the Special Court's application before the General Assembly for subvention grants by providing up to date information on the Court's financial and budgetary situation. The Liaison office also provided assistance to Special Court Principals during their fundraising and diplomatic meetings in the United States.

ADMINISTRATIVE SUPPORT SERVICES

In 2002 the Administrative Support Section was established under formi-

dable circumstances, akin to a start-up mission. To meet the immediate needs of the Special Court, the Section was required to develop, interpret and insert into practice a significant amount of administrative instructions, guidance, rules and regulations. In spite of the challenges, the Administration was able to ensure that the fundamental aspects of good management were implemented in a systematic and purposeful manner. The Administrative Support Services Section met the continued challenges of the Special Court throughout its operations and improved the links between the Personnel, Finance, Budget and Procurement Sections and other Sections of the Court. As part of the completion process of the Special Court, in 2010 the Administrative Support Services Section was streamlined by the Registrar into an Administrative Secretariat that manages and controls the recording, keeping and management of international funds and assets. The secretariat also managed procurement, personnel, and asset record keeping, tracking and disposal. The staff of the secretariat delivered strong and coordinated financial management of international funds and assets in line with the financial and procurement rules and regulations together with the recommendations of auditors.

PERSONNEL

During the first year of its work the Personnel Section in addition to a host of daily activities, set up a system of organizing and managing employee records together with the set up of the Personnel Management System database to address a number of personnel recruitment and exit functions. At the height of its operations, the three organs of the Special Court – the Chambers, OTP and the Registry – had a total combined staff of 315 internationally recruited personnel. The Personnel Section was responsible for, among other things, determining and

advising on benefits and entitlements for staff on the basis of contractual status; administering, reviewing and providing advice on interpretation and application of policies, regulations and rules; reviewing/approving paperwork pertaining to staff members, Individual Contractors and Consultants including the issuance of personnel actions, appointments, extensions of appointments, notifications on separations, annual leave, sick leave; providing advice and support to managers on human resources related matters and ensuring compliance with laid-down procedures. The Personnel Section provided referrals and guidance to staff members endeavouring to join the mainstream UN offices/agencies as well as counselling in relation to downsizing. In accordance with the Special Court's Completion Strategy the Personnel Section also developed a Staff Training and Career Development Programme which provided a framework to enhance the skills of qualified Sierra Leonean staff, assist them in career development and planning, and empower them to assume posts at higher levels.

BUDGET AND FINANCE SECTIONS

The Budget Section continued to perform a critical analysis of programmed expenditures against fund availability and to report to the Management Committee and the United Nations Office of Programme Planning, Budget & Accounts on the financial performance of the Court. The section also prepared statistical and summary reports for the various trust funds to satisfy contributor requirements.

The Finance Section established the financial infrastructure for the Court. It was responsible for developing its infrastructure to ensure compliance with the financial regulations and rules adopted by the Court which were partially based on those of the United Nations. During the

first year of the Court's work the Section established an accounting system, a payroll, accounts, claims, and cashing unit and the negotiation of the secured and insured monthly supply of cash to meet payroll and cash management needs. At the end of each month the Finance Section produced the Special Court's financial statements with all required materials for submission to the Management Committee, the Controller of the United Nations, the Registrar and all account holders. Additionally, the Finance Section embarked on capacity building for the Sierra Leonean staff. Sierra Leonean staff were recruited and trained to work in various capacities across the Section.

In light of the revised timeline set out in the Completion Strategy approved by the 18th Plenary of Judges, the Budget for 2013 was revised to accommodate the additional time required to complete the *Taylor* case in September 2013 and transition to the Residual Court by the end of 2013. Consequently, the total level of resources required for the period from December 2012 to the transition to the Residual Special Court, was USD 14 million, including core funding and transition budgets. The Court requested this amount in subvention from the United Nations. This subvention was approved in December 2012. [Please see Annex III for Completion Budget.]

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Since its inception in Freetown, the Communication and Information Technology Section (CITS) developed electronic processes for collection and storage of evidence, court management, electronic filing, live video streaming and the multitude of other backend services allowing Court personnel of up to 500 people to effectively carry out their duties in a challenging environment. Beginning in 2002 with a team of seven people, the



CITS Staff in the Server Room

Court rapidly escalated in numbers, ensuring a dedicated team of Information Technology professionals were kept hard at work. Throughout its history CITS successfully deployed a secure network infrastructure in Freetown covering an 11.5 acre site, two court rooms, a detention facility and suite of offices. A reliable telephone network was established and operated and, to facilitate the communication process further, a radio VHF network was installed and microwave links were established to Sierratel and the United Nations. In addition, it set up and managed the infrastructure for The Hague sub-office.

GENERAL SERVICES SECTION

The General Services Section (GSS) was responsible for providing logistical and administrative support to all areas of the Court. The services provided by the section included facilities management, transport, general supply, travel, traffic, mail services, and inventory control. The section also generated 24 hour power on-site and was responsible for the provision of all utility services. Throughout the work of the Court the GSS provided multi-services to all areas of the Court. The outfitting of all work areas and the daily upkeep of the Court were managed by the



GSS Staff



Section. In addition the Transport Section successfully managed the acquisition of a reliable transport fleet, met the demands of the steady growth in staff numbers over the years and provided focused support to the Court positions principals.

During the initial years of the Court's operations, GSS focused on the development of the necessary physical and support infrastructure of the Court. This included the completion of the containerized office accommodation and the consolidation of all operational activities at the complex at New England, Freetown. The issuance of the indictments in March 2003 necessitated the identification/renovation of a provisional detention facility at Bonthe, Sherbro Island located 150 km from the complex in Freetown. After the establishment of the physical infrastructure for the Court's complex, activities focused on bringing the on-site Detention Facility up to international standards and included the renovation of one former cell block into a temporary courthouse which was suitable for holding the initial judicial proceedings. Simultaneously, an international competition was conducted for the design of the permanent courthouse. This was followed by an international competition for the actual construction of the courthouse, which was officially inaugurated on 10 March 2004.

PROCUREMENT

The efficiency of the Court procurement plan was enhanced with the introduction of an online procurement management system, which allowed all users to channel and monitor their activity through one integrated source. It played a crucial role in obtaining value-for-money in respect of goods and services provided to the Special Court. Throughout the work of the Court the Procurement Section continued to provide operational support services for the Court as a whole.



SCSL Security

SECURITY SECTION

The location of the Special Court in the country where the conflict occurred represented one of the major challenges to the organisation. During the first two years of its operations numerous major events raised the visibility of the Court in the region. In January 2003, the New England site near central Freetown was occupied by the Registry. As the Registry became operational in a densely populated, central area of the city, the reality of the Court, both physically and psychologically, became apparent to the surrounding community. In March 2003, the announcement of the indictments and the arrests of the first five indictees, particularly the arrest of the serving Minister of Interior, Samuel Hinga Norman, further reinforced the reality of the Court and provided evidence that the Court would fulfill its mandate to try those alleged to bear the greatest responsibility

for the crimes committed during the conflict. Similarly, the second round of arrests, conducted in the countryside in May 2003 and the unsealing of the indictment against Charles Taylor in June 2003 resulted in the Court becoming the focus of attention within the region as well as in Sierra Leone.

In August 2003, the completion of the Detention Facility on the New England site allowed the transfer of the detainees from the temporary facility at Bonthe on Sherbro Island to Freetown. This required the stationing of UN troops at the Court site on a permanent basis until 2009 when the Detention Facility closed. As the Court prepared for each of the events, the Security Section implemented plans to recruit, equip and train security personnel to ensure each event was conducted without incident. The year 2003 began with three international and ten national staff supported by twenty

Sierra Leonean Police officers. To meet the increased security demands, the end of the year saw the Section expanded to eighteen international officers and forty national staff with operational control of seventy Sierra Leonean Police officers and fifty UNAMSIL soldiers. During the history of the Court security preparedness has prevented any serious incident involving Court facilities or staff.

As the security situation evolved over the years, security plans were developed and modified in collaboration with UNAMSIL, and later UNIPSIL, as well as other host nation security organizations. Additionally, following the closure of UNAMSIL, UNMIL – the UN arm in Liberia – coordinated with the Special Court to deploy the Mongolian Guard Forces to take responsibility for the protection of the Special Court from 2006 to 2011, when their duties were handed back to the Security Section of the Court.

The Security Section directed and coordinated operational plans to ensure a safe and secure working environment within the Court complex. In addition, the Security Section implemented protective and preventative security measures to enhance the safety of the principals and staff members when off duty.

It provided specialist security services to meet the different needs of the separate entities within the Court. These included:

- Support to the Witness and Victims Support Section;
- Support to the Detention Facility;
- An armed close protection service for the court Principals;
- Emergency response, training, and advice to all staff members regarding personal and residential security precautions;
- Secure movement of detainees from Detention to trial chambers and back

- Secure movement of detainees to and from hospitals, both in and outside the country
- Investigation of all incidents involving Special Court staff and property
- Access control to the Special Court compound using manpower as well as the automated Integrated security system (ISS)
- Support to visitors and outreach programmes up-country

THE DETENTION FACILITY

In early March 2003 the Special Court constructed and opened a temporary Detention Facility on Bonthe Island. Professional detention personnel were recruited at that time and commenced work on the Rules of Detention, and Detention Operational Orders. The Special Court's permanent Detention Facility which was created from the former New England

prison at the Special Court's site in Freetown opened on 10 August 2003, at which time the detainees were transferred from Bonthe Island. The Detention Facility comprised 18 cells, an exercise area, visiting rooms, a clinic, a small library and several common areas and was fully operational from 2003 until the transfer of the eight convicted persons to serve their sentences in Rwanda in 2009. During the period 29 March to June 2006, Charles Taylor was held in the Detention Facility. Under the authority of the Registrar the Facility was headed by a Chief of Detention supported by highly experienced international supervisors, a Medical Officer and nursing staff, and Sierra Leonean correctional officers seconded from the Sierra Leone Prison Service. The Detention Facility and the overall regime met the international standards for detainees. Throughout its history, the Facility undertook several projects as part

Court Management Staff



of its commitment to comply with such standards including:

- The Court provided a high level of medical services to its detainees. The medical clinic included a psychiatrist who assisted the detainees in coping with incarceration; and
- Remedial English and computer classes continued to assist detainees to improve their written, oral language and basic computer skills.

The welfare of the detainees was monitored by the ICRC to ensure that they were treated in a manner consistent with the Rules of Detention and international minimum standards. Following the transfer of the Court's convicted persons to Rwanda on 31 October 2009, the detention facility became vacant and the Court prepared it for use by national authorities. The Sierra Leone Prison Service took possession of the facility in May 2010 and has subsequently used it for female prisoners and their children born in custody.

In 2012, a section of the Detention Facility was reopened to house persons accused of contempt of the Special Court, and consists of one block with 5 cells, renovated for this purpose. In August 2013, the Special Court signed a Memorandum of Understanding with the Government of Sierra Leone, handing over both the custody and responsibility for enforcement of sentences of the Special Court convicted persons, subject to the supervision of the Special Court, and the detention facility, to the Government.

WITNESSES AND VICTIMS SUPPORT

Pursuant to Article 16 of the Special Court Statute, a Witness and Victims Section was established to provide all necessary support and protection to witnesses appearing for both Prosecution and Defence, and to establish measures



for short term, and long term protection and support. Following the conclusion of all witness testimony in the Court's four cases, the majority of witness support and protection staff was downsized and the Unit was merged with the Security Section. The Witness and Victims and Security Sections was headed by the former Chief of Witness and Victims Section.

Five hundred and forty seven witnesses have testified in the Court's four major cases. This included 316 for the prosecution and 231 for the Defence. Given the gravity of the alleged crimes, rigorous measures were required to ensure that witnesses were able to testify without fear of reprisal and with the confidence to recount their traumatic experiences. In addition, the WVS dealt with over 100 witnesses who eventually did not testify, but were provided all security and support.

Witnesses required protection and assistance prior to trial, during their testimony and continue to require protection and assistance now that testimony in all cases is concluded. WVS responded to the individual needs of all the Court's witnesses, providing protection and relevant support, counseling and other appropriate

assistance, including medical assistance, physical and psychological rehabilitation, especially in cases of rape, sexual assault and crimes against children. The provision of psychological support continues in the post-trial phase, especially the programs for child soldiers and victims of gender based violence. These responsibilities will be taken over by the Residual Special Court.

The WVS has regularly monitored witnesses in Sierra Leone and Liberia to assess the continuing issues confronting them. A final support and security assessment of each and every witness was carried out for a period of eight months, and complete records along with addresses and contacts are available for all witnesses for use by the Residual Special Court.

As the Court wound up its operations, witnesses expressed concern both for their security and their support. This increase reflects the fear among the witnesses that the Court's completion would leave its witnesses unprotected. A critical function of the Residual Special Court will be to continue to protect the Court's witnesses. All witnesses have been individually informed of the arrangements that are being put in place, including con-

tacts of those who will continue to be responsible for their security and support.

The WVS made very satisfactory arrangements for the transition of witness responsibilities to the WVS of the Residual Special Court. Finally the establishment of the National Witness Protection Program is nearing completion, and this would provide an extra measure of protection to the Court's witnesses in addition to becoming an important aspect of the Court's legacy for improving the system of administration of justice in Sierra Leone.

COURT MANAGEMENT SERVICES

The Court Management Section (CMS) provided administrative, judicial and logistic support in all proceedings before the Trial Chambers and the Appeals Chamber. The Section was made up of five units: Court Records, Court Support, Language, Stenography, and Library and Archiving.

COURT RECORDS UNIT

The Court Records Unit was responsible for the receipt, filing, reproduction and dissemination of all court documents, from motions, responses, replies, orders and decisions, to trial transcripts and Judgments. CMS served these documents personally on counsel within Sierra Leone or, for the Taylor trial, at The Hague, and also distributed them electronically to counsel abroad through the Court Management Database.

The Court Management Database, part of the Court Records Unit, was established in 2005 to provide access to all documents filed before the Court. Initially accessed by password, the Database is now open to use by researchers, jurists and members of the public who wish to

access the public documents of the Special Court.

COURT SUPPORT UNIT

Court Support Unit ensured that the courtrooms were trial-ready, and kept the court calendar to ensure that the parties and Special Court staff were aware of the dates and themes to be covered in hearings. The Court Support Unit provided courtroom officers and ushers to ensure that, when the hearings opened, the court was trial-ready.

The Court Officer, within the Court Support Unit, performed the functions of the Registrar during court proceedings, and acted as the main liaison between Chambers, Prosecution and Defence counsel. The Court Usher was an intermediary between parties during court sessions, and provided logistical support in the courtroom itself.

STENOGRAPHY UNIT

The Stenography Unit was responsible for making accurate transcripts of all proceedings before the Court and at the Plenary of Judges. After each day's hearings, the Court Reporters ensured that the Judges, the parties, and other Court users received the final transcript within 24 hours. Court reporters were sometimes sent on mission assignments up country to ensure the accurate recording of witness statements. In Freetown, the services of Case Catalyst were engaged for stenography, while in The Hague, Live Note was employed for the Taylor trial.

LANGUAGE UNIT

The Language Unit provided simultaneous interpretation in English, Mende, Temne, Krio and various other Sierra Leonean and Liberian languages at trial pro-



ceedings in Freetown and in The Hague. To deal with the challenges of simultaneous interpretation and interpreting legal concepts in multiple languages, CMS established a court interpreter training programme – the first of its kind in Sierra Leone. The Language Unit also recruited and trained male and female interpreters to ensure accuracy, gender balance and to respond to the special needs of the witnesses.

The interpreters and translators also offered their expertise to other Sections: Outreach and Public Affairs, the Office of the Prosecutor, Personnel and the Office of the Registrar. Interpreters often accompanied Defence teams up-country to assist with witness interviews. The Language Unit assisted in training interpreters for the national judiciary, and compiled a Glossary of Legal Terminology in Krio, Mende, Temne, Limba, Mandingo and Kono.

ARCHIVING AND LIBRARY UNIT

The Archiving Unit was responsible for the creation and preparation of the Special Court's archives. This included the collection of judicial and administrative

documents from all sections of the Court in Freetown and The Hague, the organisation, transportation and storage of the physical documents to The Hague, and the scanning of all documents for the electronic archives.

The CMS archivists carried out traditional archival functions, including ensuring the long-term preservation, retention and disposal responsibilities for all judicial and administrative records in the Court, with the exception of those from the Office of the Prosecutor. The unit was temporarily reinforced by 26 SSA contractors, some of whom, with a view to the Special Court's legacy to the national system, were drawn from Sierra Leone's National Archives.

Training of staff was an essential part of the archiving process. CMS conducted two courses for archivists on "Achievement Development" and "Introduction to Records and Information Management". Senior CMS staff and personnel from Sierra Leone's National Archives received training in the UK and were also sent on a two-week course at the US National Archive.

The Special Court Library housed books and publications on Sierra Leonean law and international criminal law and jurisprudence, as well as the video and audio library of all public hearings held at the

Special Court. Many of these books were purchased specifically for the library; other books and legal texts were donated by outside organisations and countries. The Library was also equipped with computers that allowed court users and law students to conduct research online, and access to Westlaw and the Lexis-Nexis legal database. The Library ceased operations in 2010, but upon the close of the Special Court the Library in its entirety was donated to the Sierra Leone Peace Museum.

OUTREACH AND PUBLIC AFFAIRS

During the initial planning stages of the Special Court, the international NGO No Peace Without Justice (NPWJ) worked with interested civil society groups to form the Special Court Working Group (SCWG). The SCWG conducted Outreach prior to the formation of the Special Court in 2002, and the establishment of the Outreach Section in 2003. From April 2003, the SCWG continued to work under the guidance of the Outreach Section, which also provided training and micro-grants.

The Special Court's Outreach Section, and the Public Affairs Office, which merged in 2007 to become the Outreach and Public Affairs section, each faced challenges not experienced by any

previous international tribunal. After this merger in 2007, the "cultures" of each office were very much the same: to promote the highest degree of transparency and accessibility, and to find innovative and hands-on ways to do it.

Situated, as the Court was, in the country where the crimes took place, a decade of war had taken its toll on the communications network and the road infrastructure. Telephone coverage was limited to Freetown and a couple of provincial cities, few media houses had access to email, low-power community radio stations were not networked, roads were rough and, in the rains, often dangerous. Rumours and misinformation spread frequently.

Against these challenges, both sections worked to find creative ways to provide accurate information on the Court and the trials. Public Affairs pioneered the use of SMS text messaging to support press releases, press releases (in English and Krio) were recorded on CD for the use of radio stations, and, later, set up a call-in line, supported by text-messaging, for electronic media to access recorded statements. The Public Affairs Office was also responsible for working with the local and international press, writing the press releases, and operating the Court's website and (later) the Court's use of social media.



Staff of the Finance Section



Staff of the Security Section

The Outreach Section, too, needed to invent the concept of outreach from the ground up, since there was no precedent in any other tribunal. Starting first with Freetown-based staff, the Section soon had as many as 18 District Outreach Officers throughout the country. While relatively few in number, the Court's reach was extended by partnerships with civil society groups whose members, trained by the Outreach Section, spoke about the Special Court, the rule of law, human rights and impunity around the country and later, with the formation of the Outreach Secretariat for Liberia, in that country as well.

In April 2004, Outreach recruited 18 District Outreach Officers to be resident in the country's twelve districts, in addition to the Freetown staff. Training was necessary. Although the new District Outreach Officers had civil society backgrounds, they also came from areas affected by the war. All had lost relatives or friends, or had otherwise been affected by the conflict. Three had direct experience in the conflict, and others had relatives and friends who were combatants. Outreach drew up guidelines, through trainings, emphasized the need for them to represent the Special Court dispassionately and from a judicially neutral position. The same was also true of Outreach's civil society partners. With remote staff, working with a minimum of direct supervision, the format of Outreach changed.

Outreach used a mixture of traditional and modern formats to reach audiences, including community town hall meetings – often with Special Court principals; video screenings of trial summaries produced in-house and screened in villages with portable equipment; radio call-in shows, school visits, trainings, and targeted outreaches. Special Court officials reached out to the military and police, parliamentarians, traditional leaders and district counselors, market women, handicapped and disabled citizens, “youths”

– which included ex-combatants – and many others. Under the guidance of Outreach, students at tertiary institutions in Sierra Leone and Liberia established Accountability Now Clubs to involve university students in justice and accountability issues and to carry on the principles of the Special Court. The section wrote and distributed, in two editions, some 30,000 copies each of pamphlets on the Special Court and on international humanitarian law.

In 2006 and 2007, Outreach engaged Sierra Leone's Civil Society Movement (CSM) which did Outreach in all of the country's 149 chiefdoms. As with the SCWG, Outreach provided training and micro-grants. The CSM was particularly valuable in telling people what the Court was here to do and – as important – what it was not here to do. Assistance took the form of distribution of materials, community town hall meetings, and radio discussions.

When the Taylor trial was moved to The Hague due to regional security concerns, opinion leaders were sent to observe the trial and to then report to their constituencies on what they saw.

Initially, the work was not easy. Court staff explained the workings of the Court, the principles of law and human rights, the respect for the rights of the accused, and the protection of witnesses. People asked why some people were tried and not others, or whether holding those who committed crimes accountable might not reignite the war, amongst many other questions.

Although there were setbacks, especially the anger in some parts of the country following the death of Samuel Hinga Norman, the Special Court gradually was accepted as an important, even an indispensable, institution. Those who showed up at community meetings asked why more people weren't tried, or whether

the Court could broaden its mandate to cover political violence.

In 2009 and 2010 two memorable events symbolic of growing respect for the Court took place. The first was an event in Faku-nya Chiefdom, Moyamba District, formerly a CDF stronghold which strongly opposed the trial of former CDF leaders during which the paramount chief held a huge community meeting to honour the Special Court Registrar. Then in 2010 the youths of Talia Yawbeko in Bonthe District, the site of the CDF training base called “Base Zero,” asked that the Special Court send a high-level outreach to their town, and requested that a monument to the Court be erected there. The meeting took place in March, and the marble monument, near the town's court barrie, was dedicated by the Registrar.

On 26 April 2012 the Taylor judgment was delivered in The Hague. More than 1,200 people gathered at the Special Court complex in Freetown to watch the judgment streamed live. Nearly all the country's 149 paramount chiefs, civil society members, victims, and many others attended while, in the provinces District Outreach Officers held community meetings at crime scenes and the community listened to the proceedings on radio. For the first time, a nationwide hookup and Krio translation from the Court allowed people throughout the country to follow the events live.

On 26 September 2013 the Appeals Chamber unanimously upheld the conviction of Mr. Charles Taylor on 11 counts of war crimes and crimes against humanity, and affirmed the 50-year sentence imposed by the Trial Chamber. The attendees at the Courthouse for this historical day included Government Ministers and Officials, Paramount Chiefs representing all regions, Tribal Headmen of Freetown, witnesses and victims, key members of the diplomatic corps and civil society.

OFFICE OF THE PRINCIPAL DEFENDER

The Special Court's Defence Office, which was headed by the Principal Defender, was an innovative office in the international criminal justice system. It acted as a counterbalance to the Prosecution and was mandated to ensure the rights of suspects and accused person, and by extension convicted persons. While other international tribunals had administrative bodies to deal with the Defence, none had a permanent institution within the court entrusted with "Ensuring the rights of suspects and accused", as set out in the Rule 45 of the Special Court's Rules of Procedure and Evidence ("Rules").

The Office of the Principal Defender became functional in February 2003, when its first attorneys took office. Thereafter, Legal Officers/Duty Counsel and Defence Advisors were recruited. Pursuant to Rule 45 of the Rules, attorneys in the Principal Defender's Office also appeared in court as Counsel, and Duty Counsel in the Office offered initial legal advice and legal representation to all accused persons and continued to provide legal and administrative support to all accused persons. The Office also extended its services to convicted persons who were serving their respective jail terms in Rwanda.

Since its inception, the Defence Office had four Principal Defenders. The first Ms. Simone Monasebian, was appointed in March 2004, followed by Mr. Vincent O. Nmehielle, Ms. Elizabeth Nahamya, and Ms. Claire Carlton-Hanciles. The Defence team of lawyers appointed by the Principal Defender worked together with the Principal Defender to address all legal issues pertaining to the defence of the Special Court indictees. The Principal Defender provided advice on legal

aid, and maintained a roster of highly qualified and experienced counsel willing to be assigned to indigent suspects and accused persons appearing before the Special Court. This was an ongoing list as the Office continued to receive applications from Counsel worldwide. In addition, Defence office staff served as duty counsel when necessary, and liaised with Defence witnesses.

After the assignment of counsel to the accused persons, the office monitored trials and provided advice and substantive assistance to Defence Teams in the preparation of their cases. This ranged from conducting research on legal issues as needed, working jointly on arguments on matters of common interest to the accused persons, providing expert witnesses, consultants and investigators, both national and international, and in conjunction with the Registrar, liaising with various governments and courts in other jurisdictions.

The Office implemented measures to attract only experienced and qualified Counsel so as to ensure the accused persons' fair trial rights and adequate representation.

Throughout its existence, the Office interacted with different units within the Registry, OTP and Chambers on issues affecting the rights and detention conditions of the accused or convicted persons. The Office also interacted on matters affecting fair trial rights of the accused, including the development of the Code of Conduct for Counsel, consulted on Practice Directions to be adopted, assisted in making proposals for Rule changes at Plenary, ensured a smooth lawyer-client



Principal Defender, Claire Carlton Hancile



Former Principal Defender Elizabeth Nahamya



Former Principal Defender Vincent Nmehielle



Former Principal Defender, Simone Monasebian

relationship, and provided support facilities for Defence teams. The Office also represented the interests of the Defence Office in plenary sessions of the Judges of the Special Court.

The Office of the Principal Defender also liaised with the diplomatic community and NGOs in order to keep them abreast of developments within the respective cases from the beginning of each of the trials until the delivery of the respective Appeal Judgments. The Office also had an important role in educating the public and justice sectors about the substantive and procedural rights of persons charged with and convicted of violations of international humanitarian law before the Special Court.

PRINCIPAL LEGACY PROJECTS

As the Special Court moved towards completion, focus was placed on the legacy that the Special Court would leave for the people of Sierra Leone. Through its projects, the Special Court worked to strengthen the domestic justice system and various national institutions. The Court's transparent and independent judicial process served as a model for the rule of law. Furthermore, international and Sierra Leonean staff acquired significant skills that assist their professional development.

Special Court legacy initiatives were funded by the Government of Canada, European Commission, Ford Foundation, MacArthur Foundation, Oak Foundation, Open Society Institute, Rockefeller

Philanthropy Advisors and UN Peace-building Fund. With the conclusion of judicial activities in Freetown, there was limited time for the Court to transfer its skills, knowledge and resources to national partners. The projects discussed below are the culmination of the Special Court's legacy initiatives and will hopefully leave a lasting impression on Sierra Leone and West Africa.

Final Plenary of Judges

The 20th and Final Plenary Meeting of Judges was held in Freetown, Sierra Leone on 28 and 29 November 2013. The Judges were briefed on closure activities by different sections of the Court, in particular the Registry, the Office of the Prosecutor and the Office of the Principal

Defender. The Judges also adopted this Final Report.

Closing Ceremony

The Special Court Official Closing Ceremony was held on 2 December 2013 at the State House in Freetown. The event was attended by the President, Vice President and high level members of the Government of Sierra Leone, the UN, members of the diplomatic corps, representatives of civil society and Special Court staff. The Keynote Address was delivered by H.E. Dr. Ernest Bai Koroma, President of the Republic of Sierra Leone. Statements were also made by the representative of the United Nations Secretary General, Mr. Miguel de Serpa Soares, Under Secretary General for Legal Affairs and UN Legal Counsel; Justice George Gelaga King, President of the Special Court; the Inspector General of the Sierra Leone Police (SLP) Mr. Francis Munu and a Paramount Chief

Closing Ceremony of the SCSL at State House





Handing over the SCSL flag to the Sierra Leone Police

Member of Parliament, representing Civil Society. The event also included the ceremonial hand over of the Special Court flag, symbolic of security for the Special Court premises, from the Special Court security to the Sierra Leone Police.

Practice Direction on the Conditional early Release of Persons Convicted by the Special Court for Sierra Leone

A Practice Direction detailing the procedure to be followed when a person convicted by the Special Court becomes eligible to be considered for early release was signed by the President of the Special Court and entered into force on 1 October 2013. It is the first practice direction governing this aspect of international proceedings, to be issued by an international criminal tribunal.

PRINCIPAL LEGACY PROJECTS OF THE REGISTRY SECTIONS

The Registry engaged in multiple legacy projects in the past years, including:

preservation of Archives; conducting a Legacy Survey; and hosting two Legacy Conferences in partnership with the International Center for Transitional Justice, and various site projects including the Peace Museum and War Memorial; and the National Witness Protection Unit. Additionally, throughout the years, Sections engaged in various training and capacity building schemes to facilitate skills-acquisition in their respective areas of expertise. For example, the Court Management section provided training on records management and interpretation.

Archives

Pursuant to Article 7.2 of the Agreement between the UN and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (“Residual Special Court Agreement”), “in order to preserve and promote the legacy of the Special Court, electronic access to, and printed copies of, the public archives shall be available to the public in Sierra Leone.” The Court produced a public copy of its public, judicial and outreach materials which constitute one

of the richest resources on the nation’s conflict. They will be made available to academics, journalists, civil society members and the general public through the Sierra Leone Peace Museum, another of the Court’s legacy projects.

Legacy Survey

In order to evaluate the Special Court’s legacy, it contracted No Peace Without Justice, in partnership with five local NGOs, to implement a survey of perceptions and understanding of the Special Court in Sierra Leone and Liberia.

Legacy Conferences

The Court contracted the International Center for Transitional Justice (“ICTJ”) to organize two legacy conferences to assess the impact of the Court’s work and produce a best practices and lessons learned report. The conferences took place on 7-8 November 2012, in New York, and on 6-7 February in Freetown, and were attended by various current and former Special Court staff, high level diplomats, academics, members of civil society and local government.



Guests at soft opening of Peace Museum

Gender Book

The Court partnered with local women's NGOs to publish a book that is based on how the Special Court gender jurisprudence has affected the national jurisdiction with regard to sexual and gender based crimes. These book will be disseminated amongst women and girls and will provide a source for them to read of their rights and protections under the law.

Handover of the Court Site

The Government of Sierra Leone allocated land in New England, Freetown for the exclusive use of the Special Court during its operations and provides security for the compound through seconded Sierra Leone Police Officers. As the Court has concluded its mandate the site has been transferred back to the Government.

In a letter dated 24 April 2009, the Government requested that all courtrooms be dedicated for use by the Office of the Attorney General upon the Courts closure, and expressed its preferences for the future use of the site. These included using

the courthouse as the seat of the Supreme Court; establishing an international, continental or regional judicial training centre; using the detention facility as a specialized prison for detainees with special needs, such as women and juveniles; and a memorial site to attract tourism and to hold war related materials including the Court's archives, the TRC archives, and the Court's library.

Following the transfer of the Court's convicted persons to Rwanda on 31 October 2009, the detention facility was vacant and the Court prepared it for use by national authorities. The Sierra Leone Prison Service took possession of the facility in May 2010 and has subsequently used it for female prisoners and their children born in custody.



Ceremonial handing over of Courthouse key by Registrar Mansaray to the Attorney General



Judges of the RSCSL

In November 2011, the Attorney-General and Minister of Justice and the Chief Justice of Sierra Leone jointly requested the use of office space for the Sierra Leone Law School. The Court prepared and made available one containerised office block in the former Registry compound, which now provides lecture space for up to 100 students and study/office space.

On 2 December 2013 the Special Court formally handed over the Court's landmark courthouse and the surrounding court complex to the Government of Sierra Leone, as part of its final steps towards closure of the institution. Registrar Binta Mansaray handed an over-sized ceremonial key to Sierra Leone's Attorney-General and Minister of Justice Franklyn Bai Kargbo. The building will now house the Supreme Court of Sierra Leone.

National Witness Protection Unit

The former WVS building was handed over to the Sierra Leone Police (SLP) for use by the National Witness Protection Unit. The Court, with funding from the

European Commission, provided a stand-alone generator and office equipment to assist the Unit. In addition, the building was isolated from the rest of the Court's compound, so that the Unit can manage its own security.

Since 2008, the Special Court worked closely with the SLP to establish the National Witness Protection Unit. The Unit will provide protection and assistance to witnesses in national cases, such as those involving organized crime, gender based violence and corruption. Following a training course in witness protection skills for 38 police officers, organized by the Special Court in 2009, the SLP formally established the Unit within its Criminal Investigations Division in February 2011. In 2012, the Court formally handed over the refurbished former Witness and Victims Section building to the Unit, along with equipment for their operations, in accordance with the Court's liquidation policy and under the terms of a Memorandum of Understanding with the Government of Sierra Leone. Throughout, the Court has worked with these officers

and senior SLP leadership to provide witness protection for specific cases in support of the national judiciary. The WVS and SLP have drafted standard operating procedures for the Unit and continue to fundraise for its operating costs.

Peace Museum

Since the Government wrote its letter of 24 April 2009, the Special Court worked with the Government to elaborate its vision for a memorial into the Peace Museum project. The project was to establish the Museum as an independent national institution, dedicated to the memory of Sierra Leone's decade-long conflict. It will include a memorial, exhibition and an archive, which will provide information to future generations about the conflict's history and respect the memory of those who suffered during the conflict. The archive will also be an excellent resource for academics, journalists and others researching the conflict, as it will contain the public records of the Special Court, those of the Truth and Reconciliation Commission and other war related materials.

The Museum is being designed by a committee of national stakeholders including Government representatives, national institutions, civil society groups and others. Since the project was initiated in March 2011, this committee has decided on the Museum's management arrangements, run a public competition for the memorial's design and has begun implementing the winning design, and archiving the Truth and Reconciliation

Commission records in partnership with the Human Rights Commission of Sierra Leone. A Peace Bridge linking the Peace Museum and the Memorial Garden has been built and exhibits have been collected from around the country. On 2 December 2013 there was a soft opening of the partially completed Museum that allowed staff and visitors to preview the exhibition.

The Court continued to receive requests from various institutions for the use of its site and assets after the completion of its mandate. All requests have been sent to the Government of Sierra Leone for its consideration.

Guests at the Peace Museum



FUNDRAISING AND DIPLOMATIC RELATIONS

As the Court's funding regime was based on voluntary contributions, it regularly sought funding from members of the international community. In accordance with the Special Court Agreement, the United Nations Secretary-General, with the assistance of the Court's Management Committee, was responsible for obtaining adequate funding for the operations of the Court.

During the course of the Court's life, the Management Committee worked closely with the Registrar to secure voluntary donations, or, when voluntary funding became unavailable, UN subvention. In support of the Management Committee's fundraising efforts, the Registrar regularly conducted fundraising activities and diplomatic meetings to raise the necessary funds for the Court to complete its mandate. The Registrar's fundraising efforts were supported by the Court's President and the Office of the Prosecutor through their own diplomatic meetings.

Article 6 of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone stipulates that "should voluntary contributions be insufficient for the Court to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Special Court." As a result of inadequate voluntary contributions, yielding financial crises that would have rendered the Court unable to implement its mandate, on four occasions the Court sought and received subventions from the United Nations. These subventions covered budgetary requirements in 2004, 2005, 2011 and 2012.

The Residual Special Court for Sierra Leone will be funded on voluntary contributions, as discussed in the relevant section of this report. Fundraising efforts have also been aimed at the future needs of the Residual Special Court.



Visit by President George Gelaga- King to the Nigerian High Commission

RESIDUAL SPECIAL COURT FOR SIERRA LEONE

Update on the Residual Activities of the Special Court

Following the closure of the Special Court the Residual Special Court continues the jurisdiction, functions, rights and obligations of the Special Court subject to the provisions of the Residual Special Court Agreement and the Statute annexed to it. Pursuant to Article 1(1) of the Statute, the Residual Special Court shall maintain, preserve and manage its archives, including the archives of the Special Court; provide for witness and victim protection and support; respond to requests for access to evidence by national prosecution authorities; supervise enforcement of sentences; review convictions and acquittals; conduct contempt of court proceedings; provide defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; respond to requests from national authorities with respect to claims for compensation; and prevent double jeopardy. Moreover, pursuant to Article 1(2) of the Residual Special Court Statute the jurisdiction of the Residual Special Court is limited to persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. The Residual Special Court shall have the power to prosecute the remaining fugitive Special Court indictee if his case has not been referred to a competent national jurisdiction, and to prosecute any cases resulting from review of convictions and acquittals.

At the beginning of 2012, the Registrar established the Residual Special Court Transition Working Group in order to

coordinate work relating to the transition to the Residual Special Court and closure of the Special Court. The Working Group included all relevant Registry Sections, as well as representatives from the other Organs of the Court. The Working Group ensured that all preparations were made so that the Special Court could transition to the Residual Special Court and close as smoothly and expeditiously as possible following the completion of the former's mandate.

Article 6 of the Residual Special Court Agreement provides that the Residual Special Court shall have its principal seat in Sierra Leone. The Residual Special Court Agreement also provides that the Residual Special Court shall carry out its functions from an interim seat in The Netherlands, with a sub-office in Sierra Leone for witness protection matters. An agreement for the Residual Special Court to share office space and an administrative and IT platform with the International Criminal Tribunal for the Former Yugoslavia in The Hague has been finalized.

The Special Court's archive became the property of the Residual Special Court at the Court's closure and is co-located with the Residual Special Court at its interim seat in The Netherlands, pursuant to Article 7 of the Residual Special Court Agreement. To this end, the Special Court records and evidence were transferred from Freetown to The Hague in December 2010. These archives are stored in the Dutch National Archives, which preserves and manages the records on a day-to-day basis, in line with the Special Court's archival policy. Until the closure of the Special Court, Special Court staff continued to archive the records of The Hague

Sub-Office, and records being created in Freetown and liaised with the Dutch National Archives to facilitate access to the records. The Residual Special Court will also facilitate access to the records for national prosecutorial authorities.

The Residual Special Court's Freetown office will respond to the needs and concerns of the Special Court's witnesses. Although any witness may contact the Residual Special Court for support, it is anticipated that of the 557 witnesses who testified, approximately 100 may require ongoing post-trial witness protection or support. The Residual Special Court staff will work closely with the Sierra Leone Police, in particular the Witness Protection Unit, to ensure that the concerns and needs of witnesses are adequately addressed.

Detention of eight Special Court convicted persons in Mpanga Prison in Rwanda, is managed by the Rwanda Prisons Service by international standards, under the supervision of the Special Court. The Special Court facilitated visits by one family member each year and one child every other year. In 2012 all eight prisoners were visited by a family member and the visits were partially funded by the Court. On 15 October 2013 Mr. Charles Taylor was transferred to the United Kingdom where he will serve the remainder of his sentence. The Residual Special Court took on the responsibility for yearly inspection of detention conditions and facilitating family visits after the Court's closure.

The President of the Residual Special Court will consider any requests for *ad hoc* judicial proceedings, such as contempt of court cases or review proceedings. In the event that the President decides that an application has merit, he or she may preside on the matter or constitute a Trial Chamber to consider the issue.

The Residual Special Court also has the jurisdiction to try Johnny Paul Koroma (JPK), the Court's only remaining fugitive. However, as at time of closure, the Special Court Prosecutor was negotiating for the referral of the JPK case to a competent national authority, pursuant to Article 7 of the Residual Special Court Statute.

As the responsibilities of the President and Prosecutor of the Residual Special Court require them to work part-time, they are remunerated on a pro-rata basis.

FUNDING OF THE RESIDUAL SPECIAL COURT

As with the Special Court, the Residual Special Court will be funded by voluntary contributions from the international community. A preliminary budget for the Residual Special Court estimates that approximately USD 2 million will be required for its ongoing functions. In the event that *ad hoc* judicial proceedings are initiated, the annual budget will increase.

ANNEX I

IN MEMORIAM

The Special Court honours the following staff members who passed away whilst serving the Special Court. Forever remembered, the Special Court pays tribute to their dedication and service.

Chambers

Hon. Justice A. Raja N. Fernando
Ms. Zainab Lagara
Mr. Joakim Dungal

Office of the Prosecutor

DPC. Mustapha Koroma

Office of the Principal Defender

Mr. Terrence Terry

Facilities Management Unit

Mr. Issa Mansaray
Mr. Samuel Eyeson

Court Management

Mr. Eustace Thompson

Transport Unit

Mr. Abdul Kanu
Mr. Mohamed Bangura
Mr. Muniru Gandhi

Outreach and Public Affairs

Mr. Francis Joseph Nuni
Mr. Alphan Kallon
Mr. Samuel Sisko Conteh

Procurement

Mr. David Oluma

Security

Mr. Robert Parnell
Mr. Dauda Kamara

Detention Unit

Mr. Alexander Moore
Sgt. Foday Sillah

Witness and Victims Support

Ms. Mayata Lebbie
Mr. Idrissa “Abu” Kargbo
Ms. Marie Sesay
Mr. Abu Koroma

Police

Mr. Abu Dumbuya
Sgt. 6157 Augustine
PC 7712 I.F. Koroma
PC 7721 Ahmed Austine Sillah
PC 6893 J. Sam
PC 10773 A. Koroma
PC 10748 M.A. Kanneh
PC 10867 Lamin Sesay

ANNEX II

EXPRESSION OF GRATITUDE

The Special Court for Sierra Leone would like to thank the following States and Organizations for their myriad contributions over the years that have assisted in the successful completion of the Special Court's mandate.

Albania	New Zealand
Andorra	Nigeria
Australia	Norway
Austria	Oman
Belgium	Philippines
Bosnia and Herzegovina	Qatar
Botswana	Saudi Arabia
Bulgaria	Senegal
Canada	Serbia
Chile	Singapore
China	Sierra Leone
Croatia	Slovenia
Cyprus	South Africa
Czech Republic	Spain
Denmark	Sweden
Estonia	Switzerland
European Commission	Thailand
Finland	Turkey
France	United Arab Emirates
Germany	United Kingdom
Greece	United Nations
Ireland	United States
Israel	
Italy	
Japan	
Kuwait	
Liechtenstein	
Luxembourg	
Malaysia	
Mauritius	
Mexico	
Montenegro	
Netherlands	

Organizations

American Bar Association
European Commission
Ford Foundation
MacArthur Foundation
Oak Foundation
Open Society Institute
Rockefeller Foundation

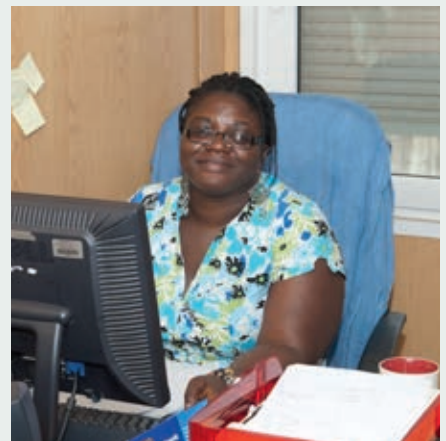
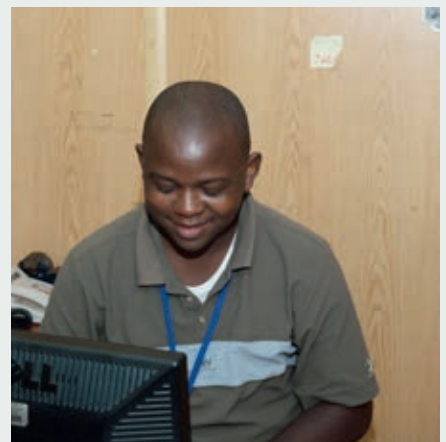
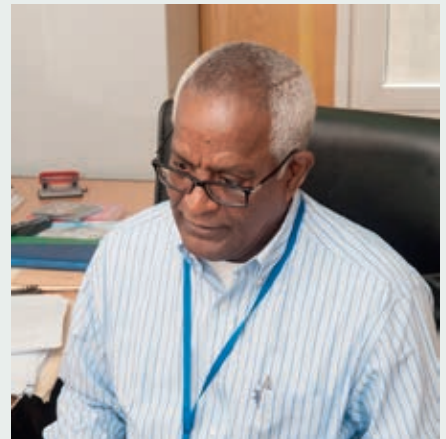
ANNEX III

BUDGET SUMMARY

JANUARY – SEPTEMBER 2013

	January to September 2013	Total Budget
Organs		
Judges		
Proposed Staffing	6	6
Salaries	976,600	976,600
Common Staff Costs	90,000	90,000
Total Cost Chambers	1,066,600	1,066,600
Chambers		
Proposed Staffing Salaries	8	8
Permanent Staffing cost (Net salaries)	624,900	624,900
Common Staff Cost	80,300	80,300
Operational Costs	15,000	15,000
Total Cost Chambers	720,200	720,200
Office of The Prosecutor		
Proposed Staffing Salaries	12	12
Salaries	860,700	860,700
Common Staff Cost	134,400	134,400
Operational Costs	75,000	75,000
Total Cost OTP	1,070,100	1,070,100
The Defence Office		
Proposed Staffing Salaries	2	2
Permanent Staffing cost (Net salaries)	112,600	112,600
Common Staff Cost	27,600	27,600
Operational Costs	334,500	334,500
Total Cost Defence	474,700	474,700

	January to September 2013	Total Budget
Registry		
Proposed Staffing Salaries	60	60
Permanent Staffing cost (Net salaries)	3,235,200	3,235,200
Common Staff Cost	736,700	736,700
Temporary Posts & Overtime	489,000	489,000
Operational Costs	2,770,300	2,770,300
Total Cost Registry	7,231,200	7,231,200
Total Income Tax	100,000	100,000
Total Proposed Post	88	88
Sub Total Organization Costs	10,662,800	10,662,800
5% Contingency	533,100	533,100
Total Organization Costs	11,195,900	11,195,900



Staff of various Sections at the SCSL



Special Court For Sierra Leone

Jomo Kenyatta Road, Freetown, Sierra Leone

TEL: +232 22 29 7000

VIA UN IN NY: +1 212 963 9915 EXT. 178 7000

VIA ITALY: +39 0831 25 7000

NEW YORK:

Chrysler Building, 405 Lexington Avenue, 5th floor, New York, NY 10174

+1 212 963 3327

THE HAGUE:

P.O. Box 19536, 2500CM Den Haag, The Netherlands

+31 70 515 9750

www.sc-sl.org

