

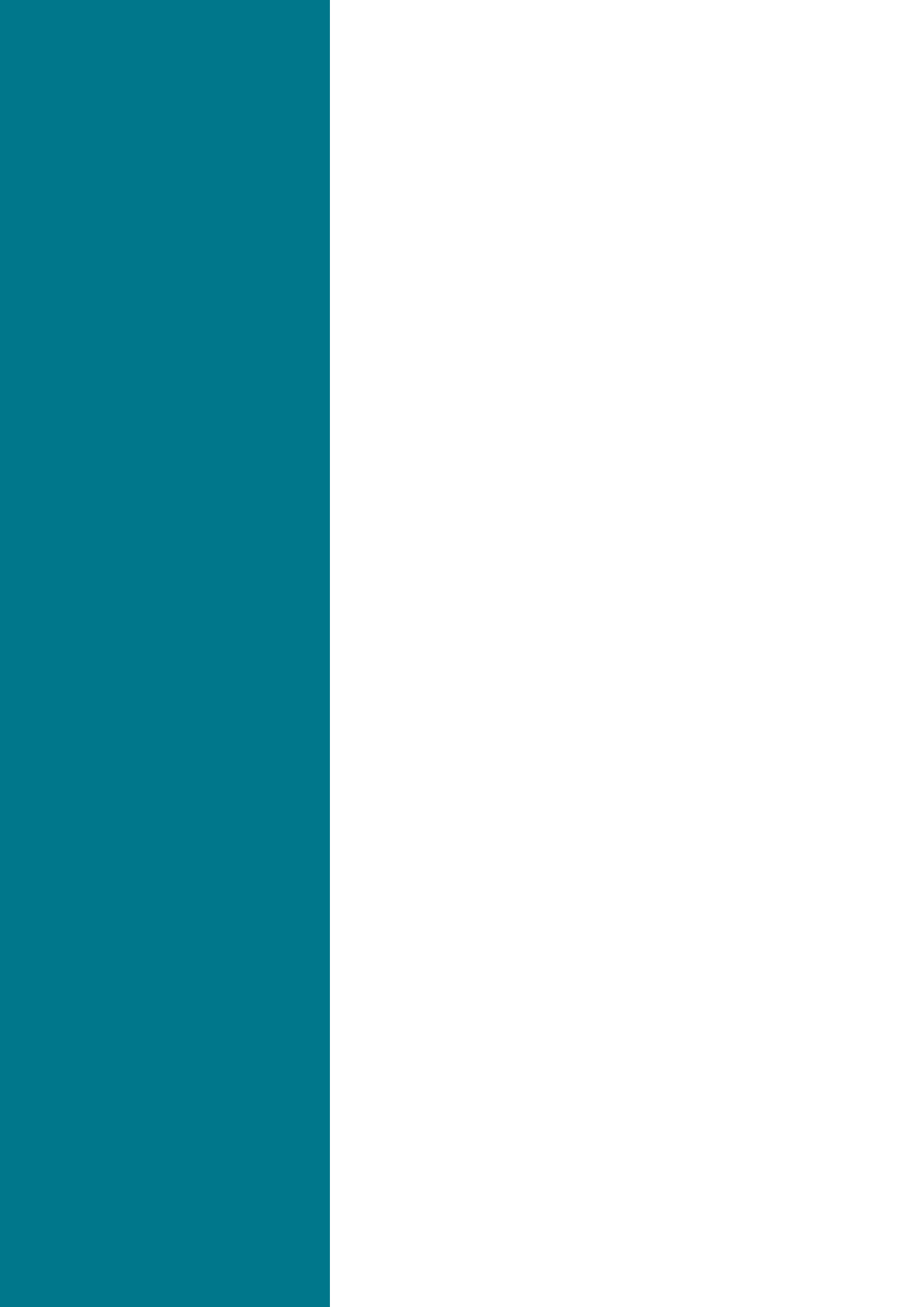
FIRST ANNUAL REPORT

of the President of the Residual Special Court for Sierra Leone



January 2014 – December 2014





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Special Court for Sierra Leone*



1st



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FOREWORD

The Secretary-General of the United Nations; Ban Ki-moon; The President of the Republic of Sierra Leone, Dr Ernest Bai Koroma; Your Excellencies,

It is my honour and privilege to submit to you the First Annual Report on the operations and activities of the Residual Special Court for Sierra Leone (“Residual Special Court”), covering the period 1st January, 2014 to 31st December 2014.

The Special Court for Sierra Leone (“Special Court”) closed its doors after announcing the final judgment in the case of Charles Ghankay Taylor, the ninth and final person prosecuted in the Special Court. In a seamless transition to a residual mechanism, sixteen Judges were sworn in at an elaborate ceremony in Freetown on 2nd December 2013, and they held their first plenary meeting in which they elected me as the President of the Court and Justice Jon Kamanda as Vice President. The Special Court thus became the first international court/ tribunal to transition to residual status after closing its doors.

Your joint decision to create the Residual Special Court was as visionary as the setting up of the Special Court. As stated in the Te Annual Report of Special Court, the Special Court not only completed and accomplished its mandate successfully but also registered several jurisprudential firsts in international criminal justice. More fundamentally, an independent survey funded by the European Union and conducted in Sierra Leone and Liberia confirmed that 79.16% of those surveyed believed the court had achieved its objectives. Furthermore, 91% of those surveyed in Sierra Leone believed that the court had contributed to bringing peace in the country. According to the survey report, these results were due to “the vision established during the early stages of the Court of it being an institution embedded in and responsive to the expectations and needs of the people of Sierra Leone and Liberia.” Your Excellencies foresaw the distinct possibility that these accomplishments may disappear if we did not keep faith with the people in the region who put their trust in us, hence the creation of the residual mechanism to continue our responsibility to them.

Your Excellencies, the residual responsibilities contained in the Agreement and Statute governing the Residual Special Court are an essential part of the global fight against impunity. We must continue to meet the judicial obligations arising after the closure of the Special Court, including reviews and contempt of court proceedings; ensuring that witnesses and victims are protected and supported; maintaining, preserving and managing all archival material for research and posterity, and ensuring that the enforcement of sentences of convicted persons continues to meet international standards. The difficult part is the funding of the activities of the Residual Special Court which, like the Special Court, is dependent on voluntary contributions from the international community. This has sometimes in the past posed enormous challenges which your Excellencies have assisted in your own ways, to surmount. As stated in the earlier report, however, the cost of maintaining the Residual Special Court will be modest, and it is a cost that is critical, not only to the preservation of the accomplishments of the Special Court, but also, to the huge personal and financial investments which made those accomplishments possible.

This Annual Report catalogues the activities and challenges of the past year which underscore the viability of the court. A special challenge to the court was the outbreak of the Ebola scourge in Sierra Leone in May 2014 which continued beyond the reporting period. Despite the outbreak, however, the Witnesses and Victims Protection staff continued to work in difficult circumstances to meet the obligations of the court. I thank God for the people of Sierra Leone who bravely and resiliently fought the challenge of the Ebola virus. I am particularly grateful to the court staff at all

levels for their dedication to duty. The other significant challenge was funding which was running low. I am grateful to the Oversight Committee for its support and guidance as the court principals traversed various diplomatic missions in Africa, the United Nations, and Europe, soliciting for funds. Those efforts elicited some positive responses and I sincerely thank those nations which made contributions for their commitment to international justice, even in times of austerity.

Your Excellencies, I congratulate you once again for your vision as well as your dedication, and encourage you to continue in support of your court, the Residual Special Court.



The Hon. Mr. Justice Philip Waki
President of the Residual Special
Court for Sierra Leone,
The Hague, Netherlands

INTRODUCTION

The President of the Residual Special Court for Sierra Leone (“Residual Special Court”) issues this First Annual Report (“First Report”) pursuant to Article 26(1) of the Statute of the Residual Special Court (Statute) which states:

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

The report highlights the transition process from the Special Court for Sierra Leone (“Special Court”) to the Residual Special Court, which began prior to the Special Court’s closure, and continued through the first year of the Residual Special Court’s operations. It also provides an update on the Residual Special Court’s work, including the fulfilment of its primary mandate, and reports on the major activities of all Sections of the Residual Special Court, namely, the Chambers, the Office of the Prosecutor and the Registry, during the first year of its existence. It covers the period from 1 January to 31 December 2014.

PRIMARY MANDATE

The Special Court successfully completed its mandate and closed down on 31 December 2013, following an official closing ceremony and handover to the Government of Sierra Leone on 2 December 2013.

The Residual Special Court was established pursuant to an Agreement dated 11 August 2010,

between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (the “Agreement”). The Agreement was ratified by the Sierra Leone Parliament on 15 December 2011 and signed into law on 1 February 2012.

Pursuant to Article 1(1) of the Agreement:

There is hereby established a Residual Special Court for Sierra Leone (“the Residual Special Court”) to carry out the functions of the Special Court for Sierra Leone that must continue after the closure of the Special Court

Article 1(1) of the Statute of the Residual Special Court annexed to the Agreement sets out the competence of the Court as follows:

The purpose of the Residual Special Court is to carry out the functions of the Special Court for Sierra Leone that must continue after the closure of the Special Court. To that end, 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.



Furthermore, pursuant to Article 1(2) of the 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. That is, 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.

Thus the residual functions of the Residual Special Court are divided into two categories: ‘ongoing functions’ and ‘ad hoc functions’. The ongoing functions which are managed by the Residual Special

Court’s small permanent office involve: maintenance, preservation and management of the archives, witness protection and support, and assistance to national prosecution authorities and supervision of prison sentences including pardons, commutations and early releases. The ad hoc functions for which the Residual Special Court will convene if required include the trial of Johnny Paul Koroma, review of convictions and acquittals, contempt of court proceedings, defence counsel and legal aid issues, claims for compensation and prevention of double jeopardy.

COMPOSITION AND STRUCTURE

The Agreement stipulates that the Residual Special Court shall have its principal seat in Freetown, but shall carry out its functions at an interim

seat in The Netherlands with a sub office in Freetown for witness and victim protection and support.

The Residual Special Court, like the Special Court, is funded by voluntary contributions from the international community, but the Agreement permits it to seek alternative funding. The Residual Special Court has an Oversight Committee to assist in obtaining adequate funds and to provide advice and policy direction on non-judicial aspects of the Court.

Article 2 of the Agreement provides that the Residual Special Court shall be composed of the Chambers consisting of a President and when necessary a Trial Chamber and Appeals Chamber, the Prosecutor and the Registrar.

Article 11(1) of the Statute provides that there shall be a roster of no

fewer than 16 Judges who may be assigned to the Trial and Appeals Chamber. Ten of the current Judges are appointed by the Secretary-General and six by the Government of Sierra Leone as provided in Article 11(3) of the Statute.

The sixteen Judges on the roster were sworn in during a ceremony in Freetown on 2 December 2013. The Judges appointed by the Secretary General are: Justice Renate Winter (Austria), Justice Shireen Fisher (USA), Justice Philip Waki (Kenya), Justice Pierre Boutet (Canada), Justice Richard Lussick (Samoa), Justice Teresa Doherty (Northern Ireland), Justice Elizabeth Nahamya (Uganda), Justice Oagile Dingake (Botswana), Justice Andrew Hatton (UK) and Justice Isaack Lenaola (Kenya). The Judges appointed by the Government of Sierra Leone are: Justice George Gelaga King, Justice Jon Kamanda, Justice John Bankole Thompson, Justice Vivian Solomon, Justice Emmanuel Eku Roberts and Justice Abdulai Charm, all from Sierra Leone.

Article 12(1) of the Statute provides that the judges on the roster shall elect a President who shall serve as the Duty Judge of the Residual Special Court. The Duty Judge handles any judicial work, including but not limited to contempt proceedings, that arises but that does not require convening a Trial Chamber pursuant to Article 13(1) or an Appeals Chamber pursuant to Article 13(2). During the first Residual Special Court Plenary held on 3 and 4 December 2013, the Judges elected Justice Philip Waki of Kenya as President and Justice Jon Kamanda of Sierra Leone as Vice President, respectively. The Presidency is for a period of three (3) years until 31 December 2016, while the Vice Presidency is for a period of two (2) years and will end on 31 December 2015. Both are

eligible for re-election under Rule 18 (C) and Rule 20 (A), respectively.

The Judges, including the President are required to carry out their functions remotely, and to be present at the seat of the Court only as necessary to carry out functions.

Pursuant to Article 14 of the Statute, the Prosecutor is appointed by the Secretary-General in consultation with the Government of Sierra Leone.

A Registrar is also appointed by the Secretary-General in consultation with the President of the Residual Special Court as provided in Article 15(1) of the Statute.

The Prosecutor, Ms. Brenda J. Hollis, and the Registrar, Ms. Binta Mansaray, were both appointed in 2014.

TRANSITION TASKS

The work of transitioning the Special Court to the Residual Special Court continued throughout 2014. The President and Judges continued to work remotely, or at the Residual Special Court's principal or interim seat as required. Former Special Court staff of General Services ("GSS"), Facilities Management ("FMU"), Communications and Information Technology Services ("CITS") and Court Management ("CMS") continued to work, ad hoc, on various projects that facilitated the proper establishment and running of the Residual Special Court. Additionally, the Registrar continued to work with key staff to draft and adopt rules, codes and regulations necessary for the long-term functioning of the Residual Special Court.

THE CHAMBERS

JUDICIAL PROCEEDINGS

In the Matter of Charles Ghankay Taylor (Case No. RSCSL-03-01-ES)

On 13 June 2014, Counsel for Mr. Taylor - Mr. John Jones and Mr. Chris Gosnell - filed a “Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda” (the Motion), in which Mr. Taylor requested for transfer to serve his sentence in Rwanda and ‘his continent of origin’ due to alleged violations of his rights in prison in the United Kingdom, inter alia, his right to family visits and the conditions under which he is being detained. Specifically Mr. Taylor alleged that he was being held in effective solitary confinement, and that his wife and family were unable to visit him in the United Kingdom.

On 10 July 2014, the Prosecution filed “Prosecutor’s Application for Leave to File Prosecutor’s Submissions in Response to Mr. Taylor’s Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda”, in which it sought the leave of the President to file its attached submissions in response to Mr. Taylor’s Motion.

On 14 July 2014, the President granted the Prosecutor’s application for leave and ordered that the submissions in response be re-filed no later than 15 July 2014.

On 15 July 2014, the Prosecutor re-filed her submissions in response to Mr. Taylor’s Motion. The

Prosecutor opposed the Motion, submitting that it was without factual or legal basis and requested that it be denied. The same day, Mr. Taylor filed a Request for Leave to Reply to the Prosecutor’s Response, and on 18 July 2014 the President granted the request for leave and ordered that the Reply attached to the application for leave be deemed to be properly on record.

On 21 July 2014, the President issued an Order pursuant to Article 23(3) and Article 13(1) of the Statute of the Residual Special Court for Sierra Leone convening a Trial Chamber composed of Justice Richard Lussick, Justice Teresa Anne Doherty and Justice Emmanuel Eku Roberts to hear and determine all matters arising from Mr. Taylor’s Motion. The Trial Chamber was to exercise its functions remotely unless otherwise decided by the President for good reason. The Judges of the Trial Chamber elected Justice Teresa Doherty as the Presiding Judge, pursuant to Rule 27 of the Rules of Procedure and Evidence.

Following consideration of the submissions in the Motion, Response and Reply, the Trial Chamber on 20 August 2014 requested the Registrar to submit information for their consideration pursuant to Rule 33(B) of the Rules of Procedure and Evidence. In its “Confidential Direction to the Registrar pursuant to Rule 33 arising from the Motion, and Direction to Re-Classify Annex JJ to the Motion as Confidential”, the Trial Chamber requested from the Registrar further clarifications on, inter alia:

- The conditions of detention of Mr. Taylor in the United Kingdom, including, inter alia, if he is in solitary confinement;
- The procedures undertaken by the United Kingdom’s authorities, the Residual Special Court and Mr. Taylor’s family to facilitate family visits and communications between Mr. Taylor and his family;
- Any alleged safety and security concerns should Mr. Taylor return to Africa;
- Rwanda’s position on accepting Mr. Taylor as a prisoner and its entry requirements; and
- The conditions of detention in Rwanda.

On 30 September 2014, the Trial Chamber received Mr. Taylor’s “Confidential Motion to Set a Deadline for Rule 33 Submissions pursuant to the Trial Chamber’s Direction of 20 August 2014”. The Trial Chamber dismissed Mr. Taylor’s request to set a deadline for the Registrar’s submissions, finding that it is not appropriate to direct State(s) or organisations independent of the Residual Special Court to submit information within a restricted time period, and deferred the Decision on disclosure of all material submitted by the Registrar until the receipt of the information requested

The Registrar filed her Rule 33(B) submission on 12 November 2014. Her submission was comprised of two parts – a confidential submission and 22 annexes, and a supplemental ex parte submission for sight by the Trial Chamber only.

On 27 November 2014, Mr. Taylor filed his Notice of Intention to File Additional Submissions and of Non-Delivery of Submissions to Mr. Taylor”.

On 4 December 2014, Mr. Taylor filed “Request for Leave to File Submissions in Response to Rule 33(B) Submissions of the Registrar”.

On 15 December 2014, the Trial Chamber issued “Decision on Mr. Taylor’s Request for Leave to File Submissions in Response to Rule 33(B) Submissions of the Registrar”, wherein the Trial Chamber granted Mr. Taylor leave to file a Response to the Registrar’s submissions, and granted the Prosecutor leave to file a Reply if she deems it appropriate to do so.

On 31 December 2014, the Defence filed its response to the Registrar’s Rule 33(B) submission. The Trial Chamber’s Decision on the Motion was pending at the end of the reporting period.

In a related filing, on 29 September 2014 Mr. Taylor filed another Motion for a Formal Request or Order Directing the United Kingdom to Permit Family Visits in which it requested that the President orders or in the alternative formally requests pursuant to Article 23 of the Statute, the United Kingdom “to permit family visits by Mr. Taylor’s wife and young children”.

On 17 October 2014, the President issued “Decision on Mr. Taylor’s Motion for a Formal Request or Order Directing the United Kingdom to Permit Family Visits”. The President directed that the Motion be struck out as being frivolous and constituting an abuse of process for the following reasons: that the Motion raised issues that are directly and substantially similar to issues raised before the

Trial Chamber convened pursuant to Article 13(1) of the Residual Special Court Statute to hear and determine all matters arising from their earlier Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda; that the Trial Chamber was duly constituted and fully seized of the earlier Motion; that the Trial Chamber was yet to finalise the hearing and determination of the earlier Motion and as such any interlocutory matters arising may legitimately be raised before the Trial Chamber for consideration.

OTHER CHAMBERS ACTIVITIES

The Judges of the Residual Special Court Chambers participated in activities such as conferences, seminars and/or round table discussions and delivered lectures on Special Court/Residual Special Court jurisprudence and related topics during the reporting period. Some of these activities are as follows:

Justice Renate Winter conducted a training seminar and round table discussion with Judges from the Appeals and Supreme Courts of Georgia on ‘Reasoning of Judgments’, using the Special Court Judgments as examples. A similar training was conducted on ‘Drafting of Indictments’ for Prosecutors in Georgia using methodology developed by the Prosecution in the Special Court. Justice Winter also assisted and advised the United Nations Committee of the Rights of the Child in drafting the recommendations for eight Member states (Cuba, Netherlands, Mexico, Honduras, Nepal, Morocco, Singapore and Hungary) concerning the two Optional Protocols (on children in armed conflict and child prostitution,

child pornography and sale of children) based on the jurisprudence of the Special Court for Sierra Leone concerning recruitment and use of child soldiers and forced marriages, respectively.

Justice Renate Winter also assisted the Ministry of Justice of Georgia in drafting a new juvenile justice law, including child victims and witness protection, based on the experience and regulations of the Special Court for Sierra Leone. She delivered lectures in Georgia, Mexico, Albania and Algeria about child soldiers and forced marriages (first additional protocol to the Convention on Child Rights) and the jurisprudence and practice of the Special Court for Sierra Leone as well as about child victims and witness protection and the protection measures, introduced by the Special Court for Sierra Leone as an example of good practice.

Justice Shireen Avis Fisher was awarded the ‘Global Jurist of the Year Award’ by the Centre for International Human Rights at the Northwestern University School of Law. The award is granted annually to a judge in recognition of that judge’s contribution to the advancement of international human rights law or international criminal law. Special account is taken of those who have shown outstanding dedication to the rule of law and jurists from all nations and tribunals are eligible for consideration. Justice Fisher was also interviewed by a group from New York University’s Global Affairs Program on the Special Court outreach program and the importance of outreach for international courts. The interview will be featured in a movie being produced by the group.

Justice Bankole Thompson delivered a speech as part of the ‘Distinguished Speaker Series Programme’ of the College of

Law, New York University, on 2 October 2014 on the topic – “The Special Court for Sierra Leone: An International War Crimes Tribunal: A Model In The Combat Against Impunity” .

Justice Teresa Doherty gave a public lecture on the developments in international criminal law made by the Special Court for Sierra Leone and lectured to students on the hybrid tribunals at University of Cork, Ireland in February 2014. She also gave a public lecture on “Child Soldiers – a Development in Law or a Clash of Cultures?”, presided at a moot court and gave two lectures on the developments in international criminal law and international humanitarian law to the students of Emory University, Atlanta, Georgia in the United States in March 2014.

Justice Doherty attended the Bi-Annual Conference of the International Association of Women Judges in Arusha, Tanzania in May 2014. She participated in a workshop on case management using the example of the Special Court, and in the Global Summit to End Sexual Violence in Conflict in London, England in June 2014, where she spoke on a panel dealing with prosecution of crimes of sexual violence in the international tribunals; on a panel dealing with the co-operation and training by Physicians for Human Rights to judges dealing with crimes of sexual violence in DR Congo; and on a panel with Justice Fisher, the Registrar, Prosecutor and defence counsel organised by Professor Oosterveld on the work and achievements of the Special Court.

Justice Doherty also attended and gave a paper on evidence and procedure in the international tribunals at a conference in Developments in Evidence and

Procedure in the International Tribunals at Bangor, Wales, in June 2014, and spoke on work of the courts in post conflict Sierra Leone at U3A, Bangor, Northern Ireland in July 2014. She gave the keynote address at the Tri-annual Conference of Family Court Judges in Wellington, New Zealand and spoke on the Law Relating to Children in Conflict in September 2014. Justice Doherty also attended the OSCE Rule of Law training course and lectured on Transitional Justice and the Rule of Law in post conflict situations in Stockholm, Sweden in October 2014. She gave a public lecture on Developments in International Law: the Sierra Leone experience at a seminar with post graduate students at Irish Human Rights Centre, University of Galway, Ireland in October 2014

Justice Doherty attended the closing meeting of the International Association of Women Judges Programme on the Global Leadership of Women (GLOW) in The Hague and, spoke on prosecution of crimes of sexual violence and on more efficient case management. She also acted as a resource person for this programme.

A Legal Officer was hired part-time to complete the Residual Special Court for Sierra Leone Briefing Book: Harmonisation of Factual and Legal Pronouncements on Crime Bases project, under supervision of the Senior Legal Officer (Rhoda Kargbo) in Chambers. The Briefing Book brings together the factual findings from the Special Court’s four trials in one resource. The project, begun under the Presidency of the Hon. Justice Jon Kamanda, continued under the Presidencies of Hon. Justice Shireen Avis Fisher and Hon. Justice George Gelaga King of the Special Court. It organises the factual findings of the Trial and Appeals Chamber on

the crimes committed during the Sierra Leonean conflict and the individual criminal responsibility of the accused. The tool will allow researchers and the public to more quickly review the Court’s findings by location, time period and types of crimes committed, as well as compare the Court’s findings across multiple cases.



THE OFFICE OF THE PRESIDENT

JUDICIAL ACTIVITIES

Conditional Early Release Matters Independent Counsel v Eric Senessie (Case No. RSCSL-11-01-ES)

On 13 June 2014, Special Court contempt of court prisoner Eric Senessie completed service of the full term of his sentence at the Special Court Detention Centre in Freetown. Prior to his release, he submitted an application for eligibility for consideration for conditional early release to the President of the Residual Special Court in accordance with the Practice Direction on the Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone.

On 29 April 2014, the President issued “Decision on Eric Senessie’s Eligibility for Consideration for Conditional Early Release” in which he determined that Mr. Senessie was eligible for consideration for Conditional Early Release pursuant to Article 24 of the Statute, Rule 124 of the Rules of Procedure and Evidence of the Residual Special Court and Article 4 of the Practice Direction.

On 4 June 2014, the President issued a Decision on Mr. Eric Senessie’s application for Conditional Early Release: “Decision of the President on Application for Conditional Early Release”. The President granted the application, subject to Mr. Senessie’s completion and execution of a Conditional Early

Release Agreement in accordance with Article 9(C) of the Practice Direction.

The Registry Section sets out the administrative process leading up to Senessie’s conditional early release.

Prosecutor v. Moinina Fofana and Allieu Kondewa (Case No. RSCSL-04-14-ES)

On 24 April 2014, the President issued “Decision on Moinina Fofana’s Eligibility for Consideration for Conditional Early Release” in which he determined that Mr. Fofana (Former Civil Defence Forces convicted person) was eligible for consideration for conditional early release pursuant to Article 24 of the Statute, Rule 124 of the Rules of Procedure and Evidence of the Residual Special Court and Article 4 of the Practice Direction on Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone.

On 11 August 2014, following receipt of further submissions from the convicted person, the Prosecutor, the Defence Office and the Acting Registrar, the President issued his considered and reasoned Decision on Application for Conditional Early Release in the case. The President granted the application subject to certain conditions, the main one being service by Mr. Fofana of a further period of six (6) months in prison custody from the date of the Decision. During those six months, the Registrar, in conjunction with, the Prison authorities in Rwanda was to ensure that Fofana underwent training at

the end of which the Registrar must certify that: (i) Fofana had, “so far as his level of intelligence can take him”, understood the nature of the crimes for which he was convicted in that they were serious violations of International Humanitarian Law, the Geneva Conventions and Crimes Against Humanity; (ii) that he had understood that what may be a legitimate cause does not justify the use of illegal means; and (iii) that he acknowledged his own responsibility and the leadership role that he played in the armed conflict in Sierra Leone. Upon certification of the training by the Registrar, Fofana was to be released, subject to his execution of a Conditional Early Release Agreement in accordance with Article 9(C) of the Practice Direction on Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone. Further conditions were also imposed to take effect on his eventual release.

FUNDRAISING MISSIONS

The Residual Special Court Principals, President Philip Waki, Prosecutor Brenda J. Hollis, and Registrar Binta Mansaray, travelled – independently or in tandem – to various locations on a mission to raise the profile of the Residual Special Court and introduce its mandate to the international community, brief diplomatic missions on the legacy of the Special Court for Sierra Leone and request voluntary donations in order to execute the mandate of the Residual Special Court.

From 31 October to 31 December 2014, they held a combined total of 70 bilateral meetings, as well as multiple briefings involving groups of countries and a roundtable discussion with various Diplomatic Missions and non-governmental organisations in Addis Ababa, New

York, Washington, The Hague, and Brussels. In Addis Ababa, the President and Registrar held twelve bilateral meetings with the African Union and Diplomatic Missions to the African Union. Ambassador Osman Keh Kamara of the Sierra Leone Mission was instrumental in assisting with the organisation of the meetings.

In New York, the Registrar’s Office worked with the Member States of the Oversight Committee to organise bilateral meetings with Diplomatic Missions to the United Nations. The Canadian Mission, as Chair of the Oversight Committee, hosted a luncheon at the Canadian Mission attended by members of the Diplomatic Missions. The President, accompanied by the Legal Officer, and Prosecutor, accompanied by the Liaison Officer, held bilateral meetings with Diplomatic Missions. For efficiency purposes, the Registrar attended meetings with either the President or Prosecutor and separately held three meetings with non-governmental organisations. The result was a total of 41 bilateral meetings held during the course of the visit.

In Washington, Ambassador Stephen Rapp’s (former Prosecutor of the Special Court) office was instrumental in organising a briefing for the Tom Lantos Human Rights Commission in the United States House of Representatives and a roundtable discussion at the United States Department of State. The Principals also met with the Highest Ranking Member of the United States House Appropriations Committee.

In The Hague, the President held ten bilateral meetings with diplomatic missions, three meetings with presidents from international courts, and attended the NATO conference held at the World

Forum. The Registrar held three additional bilateral meetings with diplomatic missions.

During her fundraising trip to Brussels, the Prosecutor attended and made remarks at the European Union COJUR (the EU Council Working Group on Public International Law) Meeting attended by 28 Diplomatic Missions to the European Union. COJUR comprises Legal Officers from the current 28 members of the European Union, and meets monthly in Brussels to consider developments in the field of Public International Law. The Prosecutor also provided briefings to Dutch Ministry of Foreign Affairs officials, and to H.E Willy De Buck, the Permanent Representative of Belgium to International Institutions in The Hague. Discussions with officials of the Dutch Ministry of Foreign Affairs (Multilateral Organisations and Human Rights Department) included the Prosecutor receiving an update on an ongoing Dutch sponsored project to translate the Prosecutor’s International Best Practices Manual into French as part of the OTP’s contribution to Special Court legacy.

The Registrar held one bilateral meeting with the Sierra Leone Mission to the European Union.

Following the meetings, letters were sent to each Mission, Organisation, and Office thanking them for the meeting and highlighting the need for funding to adequately implement the Residual Special Court’s mandate. Three missions have since responded with sizable contributions.

The Court Principals also travelled to Arusha for the 20th Anniversary of the International Criminal Tribunal for Rwanda.



THE OFFICE OF THE PROSECUTOR (OTP)

THE PROSECUTOR'S ACTIVITIES

The Prosecutor undertook a wide range of activities during the reporting period, encompassing presentations at conferences, meetings and other international fora on issues relating to international criminal law.

These activities included: participation in an International Criminal Tribunal for Rwanda conference on conflict related sexual violence in Uganda; training of investigators and prosecutors in Rwanda; conducting meetings on international criminal law and the work of the Special Court/Residual Special Court in Kenya; participation in an Open Society Initiative workshop on the International Criminal Court Victims and Witness Section; presentations at different fora during the Global Summit on Ending Sexual Violence in Conflict in London; presentations on international criminal law and the work of the Special Court/Residual Special Court at meetings in Colorado and Ohio, USA; presentations at a conference in Nuremberg; participation in the Prosecutors' Colloquium and International Criminal Tribunal for Rwanda legacy conference in Arusha; fundraising meetings in New York City, Washington, DC and The Hague; briefing EU COJUR in Brussels.

In addition, the Prosecutor paid three working visits to the Hague office during the year and

undertook activities that included diplomatic courtesy calls to Hague-based foreign missions during those visits. She also provided direction and guidance to staff on ongoing activities. On the second of two visits, the Prosecutor made a familiarisation call on Ambassador Nora Stehouwer, the Ambassador for International Organisations at the Dutch Ministry of Foreign Affairs.

Details of these and other activities are outlined below as follows:

In August 2014, the Prosecutor attended the 8th International Humanitarian Law Dialogs at the Chautauqua Institution in New York. The meeting, which annually attracts Prosecutors of the various ad hoc international criminal tribunals and the International Criminal Court, discusses developing trends and contemporary issues of interest in the field of International Humanitarian Law.

In early November, the Prosecutor delivered presentations on the Special Court/Residual Special Court at both the International Criminal Tribunal for Rwanda Prosecutor's Colloquium and at a Legacy Conference that followed, in Arusha, Tanzania, as part of events marking 20 years of existence and closure of the International Criminal Tribunal for Rwanda. The Prosecutor acted as panel moderator in her official capacity at both events.

Also as reported under the Office of the President, in November,

the Prosecutor joined other principals of the Residual Special Court on fundraising travel which took them to New York, Washington DC, The Hague and Brussels, spanning two weeks.

PROSECUTOR'S DIPLOMATIC ACTIVITIES (THE HAGUE)

As a way of enhancing contact with the Hague diplomatic community, the Prosecutor sent out letters to embassies and foreign missions based in The Hague. The letters introduced the Prosecutor's Office as an organ of the Residual Special Court, but generally raised awareness about the existence of Residual Special Court as the successor to the Special Court and its activities, as a way of canvassing support for its activities. Thirty-five embassies and foreign missions were contacted.

The Prosecution Legal Adviser/Evidence Officer represented the Prosecutor at several Hague-based diplomatic events hosted by foreign missions, international organisations and international criminal tribunals. Also, during the period, the Prosecution Legal Adviser/Evidence Officer honoured invitations and represented the Prosecutor at diplomatic social events in The Hague.

The Prosecutor's Legal Adviser made remarks on behalf of the Prosecutor at a lunch discussion on Complementarity hosted by the Swedish Embassy in The Hague. The Prosecutor's Legal Adviser also gave a briefing on her behalf at the Residual Special Court Hague Office to a delegation from the International Commission of Jurists (ICJ), Zimbabwe.

In early August, the Prosecution Legal Adviser/Evidence Officer

representing the Prosecutor, joined the Acting Registrar to attend a meeting organised by the Dutch Ministry of Foreign Affairs for a visiting UN Security Council delegation, with UN organisations and associated institutions based in the Netherlands, the first such visit by the UN Security Council to institutions in the Netherlands. Several meetings were arranged for the visiting delegation, all hosted at the Peace Palace, the seat of the International Court of Justice (ICJ). The Residual Special Court took part in the session hosted for ad hoc international tribunals. Topics discussed included, suggestions to integrate operations of the residual mechanisms of ad hoc tribunals under one administrative entity as a cost cutting measure.

In December, the Prosecution Legal Adviser/Evidence Officer represented the Prosecutor in the Hague segment of the International Criminal Tribunal for Rwanda's ceremony to mark 20 years of its existence and the launching of a new website for the Mechanism for International Criminal Tribunals, hosted by the International Criminal Tribunal for the Former Yugoslavia.

During the Prosecutor's visits to The Hague, she paid a familiarisation call on H.E. Nora Stehouwer, Ambassador for International Organisations at the Dutch Ministry of Foreign Affairs in April. The Prosecutor used the occasion to thank the Dutch Government for its continued support to the court, and appraised the envoy and staff of achievements of the Special Court and current activities of the Residual Special Court.

In addition, the Prosecutor spent time during visits to provide direction and guidance to staff on ongoing activities in the Hague

Prosecution Office. During her November visit, the Prosecutor sat in two meetings on administrative matters with the Registrar, one with ICTY representatives, and the other with an information technology consultant, to discuss continuing problems with key word access in the TRIM database, which were undermining the Prosecution's ability to respond timely to States' requests for information.

The Prosecutor also worked remotely from home in the United States as necessary.

STAFFING

The vacant post of Prosecution Legal Adviser/Evidence Officer was recruited and filled by Mr. Mohamed A. Bangura, whose contract formally started on 1 June 2014. Ms Ruth Mary Hackler a former Special Court-OTP staff was hired on two short term Special Services Assistance (SSA) contracts, (1 January – 28 February; 24 April – 11 June) to assist in completing outstanding Special Court archiving tasks and provide additional support to the Prosecutor, including compiling information requested from States and formatting and drafting portions of the Prosecutor's responses to the early release applications. Further details on these tasks are outlined below under the relevant sub-headings.

CONDITIONAL EARLY RELEASE MATTERS

In response to separate Decisions by the President on applications for conditional early release by Special Court Prisoners Moinina Fofana (24 April 2014) and Eric Koi Senessie (29 April 2014), the Prosecutor's representative contacted Prosecution witnesses,

including victims, to inform them of the applications and ascertain their views and concerns, if any, to the applications. The Prosecutor also reviewed the convictions and bases for sentencing for both prisoners, as well as material provided by the Registrar pursuant to the Practice Direction on Conditional Early Release, which included information and material provided by the Prisoners. With the assistance of the Prosecution Legal Adviser/Evidence Officer, the Prosecutor filed submissions to the President for each of the Applicants indicating her opposition to the applications pursuant to Article 5(H) of the Practice Direction on Conditional Early Release. The Prosecutor made subsequent filings under Articles 6(B) and 6(C). Further details on these applications are included in the Section of the Office of the President above.

In September, the Prosecutor's Office provided its contributions in response to a call by then Acting Registrar, now Registrar, for proposals of changes to the Practice Direction on Conditional Early Release, intended to be reviewed by the Judges at a plenary. The Prosecutor's proposals included input from the Prosecution Legal Adviser/Evidence Officer.

TAYLOR'S TRANSFER MOTION

In June, the Prosecutor, with the assistance of the Prosecution Legal Adviser/Evidence Officer and leave of the President, filed submissions in response to Prisoner Taylor's "Motion for Termination of Sentence in the United Kingdom and for Transfer to Rwanda" as outlined in the Chambers' Section above.

REQUESTS FOR INFORMATION/ASSISTANCE

The Prosecutor's Office responded to requests for information from national prosecuting authorities of various States. The Prosecutor's Office also received requests from private entities during the year. In total ten applications were received and responded to, some of which required extensive searches for information in the archiving database. Some responses will be finalised in 2015.

In addition, the Prosecutor's Office received requests for information and assistance from researchers on academic projects and for media production. Two such requests were granted. Speed and accuracy in responding to requests were significantly reduced due to a lack of proper functioning of search tools in the TRIM database. The key word search function for underlying documents was not fully enabled.. This hampered smooth operations in the Prosecutor's Office. This problem continues to be addressed as at the end of the reporting period.

WITNESS ISSUES

The Prosecutor continued to maintain contact with victims, witnesses and confidential sources during the period under review.

Witnesses were contacted for various reasons, including to update their personal information in the Prosecutor's database; to inform them about Charles Taylor's application for termination of his sentence in the UK and for transfer to Rwanda, and to gauge reactions; to inform them of the requests for conditional early release and the President's Decisions on those applications, and record any further concerns or reaction the Decisions might have evoked; to inform and educate them on the Ebola Virus Disease (EVD) outbreak in Sierra Leone, learn of their status regarding this outbreak, and advise them on steps to take in the event of an infection or other medical complaints, bearing in mind that before the outbreak witnesses were entitled to call WVS and report cases of ill health. The Prosecutor relied on the responses of victims and witnesses in its written submissions as relevant.

TRIM AND ARCHIVING ISSUES

Operations in the Residual Special Court Prosecutor's Office commenced in January 2014 with efforts at addressing a spill-over of archiving work from the Special Court. At the closure of the Special Court in December 2013 there remained a considerable quantity of OTP documents and material awaiting archiving. This necessitated the retention of one staff member with relevant experience and training to serve as Associate Information Management Officer on a short term contract, to help bridge the manpower, experience and knowledge gap during the transition from Special Court-OTP to the yet to be functional, Prosecutor's Office, Residual Special Court. Much of this archiving work however, remained uncompleted at the end of the contract period,

and was taken over by former OTP staffer Ruth-Mary Hackler, in her first SSA contract, as Prosecutor's Legal Adviser. Substantial archiving work remained at the end of her contract, and this necessitated an extension to get the task completed. The Prosecution Legal Adviser/Evidence Officer eventually completed outstanding archiving tasks upon assuming office.

To avoid repeating the situation that led to the backlog at Special Court, real time archiving has been embarked upon as work progresses in the Residual Special Court to ensure a continuous update of the TRIM database with information generated from active work files.

INTERNSHIP APPLICATIONS

The Prosecutor's Office has been receiving an increasing number of applications for internship opportunities, averaging three per quarter, from applicants all over the world. No interns were selected due to the reduced staffing requirements of the Residual Special Court. Consideration would be given to such applications in the future, depending on expansion of its operations.



THE REGISTRY

EXECUTION OF PRIMARY MANDATE

The Residual Special Court's primary mandate is to carry on the continuing legal obligations of the Special Court, specifically to ensure ongoing protection to witnesses and victims, maintenance of the Special Court archives, supervision of enforcement of sentences and the provision of assistance to national prosecution authorities.

ONGOING TRANSITIONAL TASKS

The work of transitioning the Special Court to the Residual Special Court was somewhat delayed by the intense work required by ad hoc issues, and this delay was unfortunately compounded by the Ebola outbreak. Nevertheless, former Special Court staff of General Services ("GSS"), Facilities Management ("FMU"), Communications and Information Technology Services ("CITS") and Court Management ("CMS") continued to work, ad hoc, on various projects to facilitate the proper establishment and running of the Residual Special Court. Additionally, the Registrar continued to work with key staff to draft and adopt rules, codes and regulations necessary for the long-term functioning of the Residual Special Court.

THE EBOLA VIRUS OUTBREAK

The Ebola Virus Disease outbreak in Sierra Leone and the surrounding region started during the reporting period in May 2014. The Residual

Special Court office in Freetown continued operations in spite of the crisis, but its work was significantly affected by the outbreak.

The Ebola virus, which was first detected in Sierra Leone in May 2014, spread throughout the country and caused serious concerns for the country. The focus of the entire nation then turned to stopping the spread of the disease, which had already ravaged parts of Sierra Leone, as well as its bordering nations of Guinea and Liberia. Travel was restricted between countries. Many African nations closed their borders to Ebola-affected countries, and many international airlines suspended flights until the situation improved. The advice of both the United States of America and United Kingdom governments was that only essential travel into Sierra Leone should take place.

In order to continue the day-to-day work in the Freetown office, the Residual Special Court implemented all protection procedures established by the Ministry of Health, such as setting up hand washing stations and providing hand sanitizer for each staff member. The Residual Special Court was on the listserv created by the National Ebola Response Centre (NERC) to provide news on the crisis and updates about required safety measures. This information is sent via Residual Special Court broadcast to all staff members and is printed and explained for all employees without email access. Such broadcasts were sent out frequently, and chlorine and other sanitization supplies were provided to all court employees, as well as Close Protection Officers and police

assigned to the Court. Court staff observed all government orders and restrictions, including closures on days the government deemed stay-at-home days.

The Residual Special Court's ongoing work was affected by the Ebola Virus. Staff have not been sent on any up country missions to affected areas. This status quo will be maintained until the virus has been brought under control. This constrained the regular missions of Witness and Victims Section ("WVS"), and affected Outreach programmes designed in anticipation of the possible conditional early release of Moinina Fofana. Additionally, as a result of the uncertainty regarding flights, the Registrar's office postponed Special Court prisoners' wives' annual visit to Mpanga Prison in Rwanda. Shortly after this decision was taken, Kenya Airways (the carrier that would take the wives to Rwanda) suspended its service to Freetown. The suspension of the annual family visits in respect of the prisoners in Rwanda remains in effect until the end of the State of Public Emergency in Sierra Leone.

On 29 August 2014, the Chair of the Oversight Committee, Mr. Giles Norman, wrote a letter to the then-Acting Registrar to be conveyed to all staff of the Residual Special Court. In his letter, Mr. Norman, on behalf of the Oversight Committee, thanked the Registrar and staff for their continued dedication, hard work and professionalism during this difficult time. The Registrar and staff are grateful to the Oversight Committee for their moral support, and thank them for their thoughts and concern. The President of the Residual Special Court, on behalf of the Court, also sent a message of solidarity and encouragement, especially to Judges and staff from Sierra Leone.

The Residual Special Court continued its work where possible in line with the execution of its primary mandate. The Registry in particular embarked on the following activities:

VICTIMS AND WITNESS PROTECTION

The Residual Special Court WVS staff stayed in place at the office in Freetown fulfilling the specific WVS obligations since the commencement of the operations of the Residual Special Court. The staff in Freetown continued to monitor over 100 active witnesses, maintain contact with witnesses in Freetown as well as those relocated both within and outside Sierra Leone, and monitor all other witness-related matters within and outside the country. The WVS continues to provide support and assistance to the relocated witnesses, and was working on two specific relocation cases during the reporting period. In July, the WVS travelled to two countries within the West African sub region to check on relocated witnesses there. However, in light of the Ebola crisis, WVS was not able to travel to any affected region after July 2014. The WVS staff nevertheless maintained frequent contact with witnesses by phone and provided support through established networks including medical support and supplies, and information about preventing the spread of the Ebola virus.

Additionally, in order to provide information necessary for the Registrar's submission in the two conditional release applications that were brought before the President in 2014, WVS staff travelled to four areas in the country - two proposed areas of relocation for each of the two applicants - and met with witnesses and victims to explain the conditional early release policy, and

to seek their views on the prospect of an early release for the respective prisoners.

MAINTENANCE OF ARCHIVES AND COURT MANAGEMENT

Maintenance and preservation of the Special Court and Residual Special Court archives continued during the reporting period. Archivists continued to work, as a part of transition tasks, to complete archiving of all final documents and data, as well as to establish a system to enable filing of Residual Special Court documents in real time, to allow for most efficient file management going forward.

The former Chief of the Court Management Section, Ms. Elaine Bola-Clarkson was hired on a short term contract to provide advice on ongoing filing and archival matters, review and revise relevant Practice Directions, compile submissions for conditional early release applications, and attend two conferences in Nuremberg and The Hague, at which the various tribunals shared best practices. At the latter conference, Ms. Bola-Clarkson made a presentation on lessons learnt in the Special Court's management of its trials to achieve due process and efficiency.

Staff of the Archives Section in The Hague continued to work on a number of projects. During 2014, they worked with the Dutch National Archives on matters pertaining to the allocation of document numbers to all files stored there; created an index highlighting duplicated documents; labelled all audio-visual files; removed fasteners from 1,000 boxes of documents, and worked with the Dutch National Archives to add specific DNA storage location numbers to all the boxes in order to create an index matching the two

sets of information for reference/locating purposes. This task as well as work on mirroring the Registry's electronic record with its physical record continued throughout 2014.

An assessment was conducted in the fourth quarter to review progress made and to identify gaps remaining in the Special Court archiving. Following this assessment, a plan was devised to address these gaps efficiently. An information technology and archiving specialist from the Residual Special Court roster of staff, previously seconded to the Special Court from the Swiss government, was hired to assist in implementing this plan.

ENFORCEMENT OF SENTENCES

The Residual Special Court continues to monitor the enforcement of sentences imposed by the Special Court, with the day-to-day management of the enforcement of sentences being carried out by the Enforcement States. Eight Special Court convicted persons were serving their sentences in Rwanda in accordance with Special Court's enforcement of sentences agreements with third states and one in the United Kingdom during 2014. One Special Court contempt of court prisoner, Eric Senessie, served his sentence at the Special Court Detention Centre in Freetown. The Registrar's office also continued to coordinate with the International Committee of the Red Cross/Red Crescent ("ICRC") to ensure that the conditions of confinement in Rwanda met international standards. The ICRC continued to visit the prison once a year to check that the sentences were enforced in accordance with international standards. The Residual Special Court worked in cooperation with the Rwanda

Correctional Service to implement recommendations received from the ICRC's latest report.

The Registrar provided regular updates to the Rwandan and United Kingdom authorities in order to keep them up to date on the operations of the Residual Special Court as well as on the Ebola virus situation in Sierra Leone. This was also meant to maintain an open line of communication with respect to the prisoners, as well as open discussions about the ongoing cooperation between the Residual Special Court and Rwanda with specific regard to the conditional early release procedures.

In turn, the Rwandan and United Kingdom authorities provided updates on the status of the prisoners and any issues that arose requiring the Registrar's action. Details of issues arising throughout the year are outlined below.

Conditional Early Release

Pursuant to the Practice Direction on Conditional Early Release, the Special Court's former Outreach Coordinator, Patrick Fatoma, travelled to the four potential areas of relocation – two each from two applicants, Senessie and Fofana – to gauge each community's response to the possibility of the convicted person returning to the area. Additionally, the Outreach representative held a meeting in each location to provide information about the conditional early release policy and addressing any questions that arose. These were done before the outbreak of the Ebola Virus Disease.

Senessie – Freetown Detention Centre

On 13 June 2014, Senessie completed service of the full term of his sentence at the Special Court Detention Centre in Freetown. Prior to his release, he submitted an application for eligibility for consideration for conditional early release to the President of the Residual Special Court. As set out in the section of the Office of the President, on 29 April 2014, the President granted his application for consideration of conditional early release, and on 4 June 2014, the President granted his conditional early release, subject to the conditions of the Conditional Early Release Agreement signed by Senessie on 4 June 2014.

In line with her administrative duties and pursuant to Article 10 (D) of the Practice Direction, the Registrar met with Senessie to determine his willingness to comply with the terms of the conditional early release agreement that he had signed. From discussions at this meeting, she determined that he a) did not understand the Agreement at the time of signing, and b) was not willing to comply with its terms. She therefore notified the President accordingly pursuant to Article 10 (E). In reply, the President determined that the issue barring Senessie's compliance was a result of either improper execution of Article 10 (A) and (B) of the Practice Direction, or renegeing on his acceptance of the terms imposed for his conditional early release by the Agreement signed on 4 June 2014. Therefore, by the President's order, unless he freely decided to comply with the terms of the conditions spelt out in the Agreement Annex C, he was to remain in custody until completion of the full term of his sentence, which was only

an additional nine days from the delivery of the President's Decision. On 13 June 2014, the Registrar's representative, members of the Prison staff, two Outreach officers and two WVS staff members witnessed Senessie's release.

Fofana-Mpanga Prison, Rwanda

The Registrar's Office facilitated the application for conditional early release by Civil Defence Forces (CDF) prisoner Moinina Fofana pursuant to its mandate in the Practice Direction. Following his submission of a request for legal aid to the Court, Fofana's counsel sadly fell ill and passed away. Following this unexpected loss, the Defence Representative worked directly with Fofana to assist him to file his application.

Following the President's Decision on Fofana's conditional early release which was issued on 11 August 2014, (See: President's Office Section above), the Registrar's Office consulted with the Rwandan authorities to create a training programme based on the detailed instructions of the Decision and coordinated with the prison authorities in Rwanda to implement some aspects of the programme. The training scheme included education regarding the nature of his crimes under international law, differentiating legitimate cause from illegitimate means, leading to an acknowledgment of responsibility for his leadership in the armed conflict in Sierra Leone. An evaluation of the training programme was to be conducted on completion of the training.

Furthermore, a robust Outreach Programme was devised to communicate the President's Decision to the people of Sierra Leone. Radio programmes were

designed and a strategy for visiting key areas in the country was outlined. Unfortunately, due to Ebola-related travel restrictions, the outreach travel was delayed. Radio programmes were broadcast in some areas, which were somewhat limited by the need for continual updates on the Ebola crisis via radio. The implementation of the President's Decision was continuing as at the end of the reporting period.

ENGAGEMENT WITH ENFORCEMENT STATES

Rwanda

In June 2014, the Acting Registrar travelled to Kigali to conduct her annual visit to the prisoners and to meet with the Rwandan authorities, including the Commissioner General and Deputy Commissioner General of Prisons, the Minister of Justice, the Minister of Internal Security, and a representative of the Minister of Foreign Affairs. Additionally, she met with representatives of Oversight Committee member states – the US, UK and Dutch Ambassadors in Kigali. Finally, she met with the head of the ICRC, which continues to visit Mpanga Prison once a year to verify whether the sentences continue to be enforced in accordance with international standards. As stated earlier, the Residual Special Court continues to work with the Rwanda Correctional Service to implement recommendations received from the ICRC's reports.

During the course of the Registrar's annual visit, the prisoners raised a number of issues with the Registrar, most notably regarding the appointment of counsel. A number of prisoners had written to the Registrar requesting appointment of pro bono counsel. The Registrar subsequently had a teleconference

with the prisoners on this issue and confirmed their understanding that such counsel must be pro bono, unless there is a judicially ordered review proceeding or the President orders otherwise. The Registrar's office continues to communicate with the prisoners about their requests.

Following her trip to Rwanda, the Registrar travelled to Nairobi for a briefing session with the Residual Special Court President where she provided updates on all activities related to the prisoners and the Residual Special Court offices in The Hague and Freetown.

United Kingdom

Charles Taylor continues to serve his sentence at Her Majesty's Prison ("HMP") Frankland in Durham, United Kingdom. Taylor has raised a number of issues with the Court since his transfer, and the Residual Special Court continues to engage with the relevant authorities and parties to address these issues. In particular, in September of the reporting period, the Registrar travelled to the United Kingdom to meet with government authorities and HMP Frankland officials in order to discuss issues related to enforcement of sentences for Mr. Taylor, and to meet with Mr. Taylor to discuss any issues or concerns he may wish to raise. Mr. Paul Wright, the former Special Court Chief of Detention, accompanied the Registrar on this mission.

The Residual Special Court also received the confidential report of the European Committee for the Prevention of Torture and Inhuman Treatment ("CPT"), with which it has an agreement to conduct annual checks of Mr. Taylor's conditions of imprisonment, detailing their visit to Mr. Taylor. This report was simultaneously sent to the President

of the Residual Special Court and the United Kingdom authorities.

On 13 June 2014, Counsel for Mr. Taylor - Mr. John Jones and Mr. Chris Gosnell - filed a Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda. Issues raised therein include allegations that Mr. Taylor is being held in effective solitary confinement, and that his wife and family are unable to visit him in the United Kingdom. Details of the application and subsequent filings in the matter are set out in the Chamber's Section above.

STAFFING

The Residual Special Court remained fully staffed with its limited full time personnel. Due to its small number of staff, the Residual Special Court has made use of short-term SSA contractors and interns to complete a variety of tasks and projects. These include legal officers supporting Chambers and the Registrar, a Defence Legal Assistant, and a number of other non-legal support staff. The appointment of the Prosecution Legal Advisor/Evidence Officer was also finalised.

Full-time staff

The process for appointment of a Residual Special Court Registrar was completed and former Acting Registrar, Ms. Binta Mansaray, was appointed by the United Nations Secretary-General. She made her Solemn Declaration before President Waki on 29 September 2014.

Other Residual Special Court staff positions in Freetown include three full-time witness and victims protection staff and one office administrator. In The Hague, the

office is staffed by archivists and an office manager, a finance officer, and a prosecution legal advisor.

Part-Time Staff and Rosters

The appointment of a Principal Defender was still pending at the end of the reporting period but the post is currently filled by an SSA Contractor. A defence representative was in place to assist with any matters and to facilitate transition to the Residual Special Court. However, in the fourth quarter, the defence representative decided not to renew her contract with the Residual Special Court. Therefore, in accordance with the Rules, the Registrar held consultations with the President and submitted a proposal to the President for re-organisation of the Residual Special Court Defence Office. In the interim, a Defence Legal Assistant has continued to occupy the office, and has responsibility for its daily operations and coordination with prisoners and their family members.

Pursuant to Article 15.4 of the Statute, a roster was compiled with the names of former Special Court staff with specialised skills who may be called upon as necessary for ad hoc proceedings. A roster of legal officers to assist the President and Registrar, ad hoc, as well as a roster of defence counsel were compiled.

FACILITIES

Residual Special Court Interim Seat in The Hague

The Residual Special Court staff continue to occupy dedicated offices in the premises of the International Criminal Tribunal for the former Yugoslavia, sharing both administrative and technical platforms with it. The Residual Special Court and the International Criminal Tribunal for the former Yugoslavia continue to coordinate and to address matters related to both the cooperation arrangement for this sharing, as well as to ensure its sustainability following the intended migration of the International Criminal Tribunal for the former Yugoslavia to the Umoja administrative platform in the fourth quarter of 2015. Umoja means "unity" in Swahili, and is a new system featuring a complete re-working of the way the United Nations Secretariat manages its administration, in both business processes and information technology solutions. It is expected to transform how the United Nations conducts its business and how it manages its resources. Consultations are ongoing regarding future cooperation with the International Criminal Tribunal for the former Yugoslavia in light of Umoja implementation and the possible use of a courtroom for ad hoc proceedings, should the need arise. .

Residual Special Court Branch Office in Freetown

In Freetown, offices were established adjacent to the National Witness Protection Unit, which was previously handed over from the Special Court to the Sierra Leone Police. Refurbishments that were begun during the first quarter to



provide sufficient security for the Residual Special Court facilities, including addition of fencing and reinforcement of doors, among other improvements, were completed, and the Residual Special Court offices fully occupied. The Defence continues to occupy the refurbished former Special Court Transport building.

Two offices were set up in the two blocks that were retained as office space for Judges and counsel in the event of ad hoc proceedings before the Residual Special Court. The two offices are made available to the Vice President and the Senior Legal Officer as and when required.

Pending ongoing consultations with the National Judiciary, it may also be feasible to conduct ad hoc proceedings, depending on their nature and duration, at the former Court House in Freetown.

At the time of the Special Court's closure, the Government of Sierra Leone received the remaining portion of the former Special Court site that had not yet been handed over. The plan for the site, which proposed occupation by judicial sector organisations, was partially implemented. The Government of Sierra Leone assumed responsibility for the security of the premises. The Law Reform Commission occupied space at the site in July 2014 and the Sierra Leone Law School, which had been on the site since 2011, moved its administrative offices and continues to conduct classes there. The newly formed United Nations Mission for Emergency Ebola Response (UNMEER) established its Freetown offices in the former OTP section of the Special Court site. Other related agencies, including the National Ebola Response Centre, also established their headquarters at the former Special Court site.

The Special Court Detention Centre which until 13 June 2014 held Special Court contempt of court prisoner Eric Koi Senessie, was closed down and prison staff returned to regular service in the Sierra Leone Prisons. Following the release of Senessie, the prison site was immediately assessed and an inventory of all assets was taken before it was legally handed over to the government. Minor repairs were also completed on the temporary courthouse which forms part of the detention centre. Discussions continued to be held regarding the demolition of the former Mongolian Guard barracks, which at the request of the Sierra Leone Prisons remained intact before handover. In the course of making the request, the Sierra Leone Prisons made baseless accusations, accompanied by manufactured video footage, claiming that the Special Court previously handed over dilapidated and ransacked buildings in violation

of an agreement. At a meeting convened by the Attorney General's office to discuss the allegations made by the Sierra Leone Prisons, prison officials acknowledged that the allegations were baseless. They were asked to retract and apologise, and did so. They subsequently made a request for the barracks to remain intact for use as additional office space, and the court took additional precautions to avoid any embarrassment before the final handover.

Pursuant to Article 4.4 of the Memorandum of Understanding between the Special Court for Sierra Leone and the Government of Sierra Leone on the handover of the detention facility, the Government of Sierra Leone was allowed to use the facility as it sees fit, with the proviso that should circumstances arise that would necessitate the use of the facility again for housing persons detained or convicted by the Special Court or Residual Special Court, upon provision of notice by the Residual Special Court, the facility would be vacated sufficiently to comply with the request. The Registrar has written to the Government of Sierra Leone informing them that they should henceforth assume responsibility for maintaining the facility to the same standard and to ensure that it is made immediately available if the need arose for incarceration of any persons detained or convicted by the Residual Special Court.

Following the informal opening of the Peace Museum on the Special Court's Freetown site on 2 December 2013, efforts to build and promote that project continue. The museum is utilised for trainings and workshops by various governmental institutions.

COMMUNICATIONS

Information Technology ("IT") Infrastructure

At the end of January, the CITS section officially closed down the servers and dismantled the final components of the sophisticated and expensive communications and IT system linking Freetown to The Hague and New York, via Brindisi, which was the foundation of the Special Court's work. Therefore, the Residual Special Court has had to find alternate means to conduct its work, and relies on commercial service providers for its communications services. The Residual Special Court's IT infrastructure has been installed at the International Criminal Tribunal for the Former Yugoslavia as part of the technical platform-sharing.

A Residual Special Court broadcasting service was established to fill the role of the Special Court broadcasts. The Special Court broadcast system was dismantled as a part of the CITS closure and the Residual Special Court created a new broadcast list to distribute information to its officials and staff members via group email. At the request of the Residual Special Court plenary held in December, all Judges on the Residual Special Court roster of Judges were issued United Nations webmail addresses, thus providing them with the ability to conduct confidential communications. The Judges' personal email addresses were to facilitate easy communication.

PRACTICE DIRECTIONS AND ADMINISTRATIVE DOCUMENTS

The Residual Special Court continues the process of revising internal documents. Though the Rules allow for practice directions governing the internal workings of the Special Court to apply, mutatis mutandis, to the Residual Special Court, they were updated to best reflect the needs of the Residual Special Court and continue to be under review. During the reporting period the following administrative policies, practice directions and codes for the Residual Special Court were adopted, created, reviewed and/or updated:

- Practice Direction on Conditional Early Release – The Practice Direction was reviewed following its implementation in two conditional early release applications. The Registrar's office solicited and received, comments from the various branches of the Court, and compiled them for review. An Enforcement of Sentences Working Group comprised of Justices Doherty and Fisher and the Registrar has also been formed to provide further advice and guidance.
- Practice Direction on Filing of Documents Before the Residual Special Court for Sierra Leone (adopted 24 April 2014);
- The following other Practice Directions were under review in 2014:
 - Practice Direction for Designation of State for Enforcement of Sentence (adopted 10 July 2009); and
 - Practice Direction on the

Internal Functioning of the Trial Chamber (Trial Chamber I) (dated 26 October 2005);

- Practice Direction on the Internal Functioning of the Trial Chamber (Trial Chamber II) (dated 26 October 2005).

Special Court Appeals Chamber Briefing Book – A former Legal Officer from the Appeals Chamber was hired to complete the Special Court Appeals Chamber Briefing Book with updated information from the completion of the Taylor trial. The Taylor Appeal Judgment (349 pages) was added to the Briefing Book which includes all the Special Court trial and appeal judgments. Additionally, final detailed edits of each of the 14 chapters were completed, and a complete table of contents was created. The book was submitted to the Registrar, for transmission to the Judges and other Principals of the court before adoption by the plenary.

Media Policy – The draft media policy, submitted to the Registrar at the close of the second quarter, was distributed to the various Residual Special Court branches for review.

Residual Special Court Made Simple – A draft of Residual Special Court Made Simple, in a Q and A format was submitted to the Registrar for review. It is an outreach tool, like Special Court Made Simple, containing key information about the Residual Special Court.

An access policy for the Special Court archives, ‘Residual Special Court for Sierra Leone: Records and information sensitivity, classification, changes in classification, handling and access policy’ was signed on 1 January 2014.

A Code of Conduct for interpreters and translators was adopted.

A Code of Conduct for Counsel was adopted via Rule 46(G) of the Rules of Procedure and Evidence, stating in relevant part:

The Code of Professional Conduct enunciating the principles of professional ethics to be observed by counsel having right of audience before the Special Court obtaining at the time of closure of the Special Court shall apply mutatis mutandis to counsel having the right of audience before the Residual Special Court. Amendments to the Code shall be made in consultation with representatives of the Prosecutor and defence counsel, and subject to adoption by the Plenary Meeting.

Thus, the Special Court Code of Conduct for Counsel applies to the Residual Special Court subject only to amendments by the Judges in plenary.

COOPERATION WITH OTHER INTERNATIONAL COURTS AND TRIBUNALS

International Criminal Tribunal for the former Yugoslavia– As already stated, Residual Special Court staff in The Hague occupy office space at the International Criminal Tribunal for the former Yugoslavia’s premises and share an administrative and technical platform with it. The Residual Special Court continues to liaise with the International Criminal Tribunal for the former Yugoslavia to implement the Memorandum of Understanding between the two entities. In this context, the Registrar met with the Umoja team in New York to discuss matters pertaining to the migration of the latter’s current administration platform to the Umoja system, and the potential consequences for the Residual Special Court as a result of the migration.

International Criminal Tribunal for Rwanda – The Residual Special Court Principals attended the 20th anniversary of the opening of the International Criminal Tribunal for Rwanda in November

UN Mechanism for International Criminal Tribunals (ICTR/ICTY Residual Mechanism)–The Residual Special Court Practice Direction on Filing requires further amendment in order to create a new indexing system for Residual Special Court files, distinct from the Special Court system. To that end, Ms. Bola-Clarkson continues to liaise with the International Criminal Tribunal for Rwanda staff who are also working on a draft Practice Direction for their Residual Mechanism. The two organisations are working together to discuss draft amendments.

International Criminal Court – The Residual Special Court Registrar is a member of the Registry Review Board of the International Criminal Court. In September, she met with members of the Board in The Hague to discuss the International Criminal Court Registrar’s proposal for restructuring the Registry.

DEFENCE OFFICE

The Defence Office continued to exercise its mandate as per Rule 45 of the Rules of Procedure and Evidence and handled legal issues pertaining to the mandate of the Court. These included the following:

- Working with Special Court prisoner Moinina Fofana and his counsel on his application for eligibility for consideration for early release. The Defence Office acted as counsel and liaised with the Rwandan authorities to provide all necessary legal support.
- Working with Special Court contempt of court prisoner Eric Koi Senessie on his application for eligibility for consideration for early release, and dealing with his request for legal aid.
- Providing assistance to Mrs. Victoria Taylor on her application for a British visa in order to visit her husband in the United Kingdom.
- Communicating with relatives and friends of all Special Court convicts and providing regular updates regarding the prisoners to those concerned.

The Defence Office made practical arrangements in respect of family visits for the eight convicts in Rwanda. In light of the suspension of the visits due to the Ebola outbreak, family members continue to keep in touch with the Office for updates. It is anticipated that the visits will take place once the epidemic is abated with normal flight resumption to the country and the lifting of the state of emergency.

Mr. A F Serry-Kamal, the pro bono Counsel for Mr. Issa Sesay, died in January 2014. Mr. Sesay requested

that two of his former Counsel namely Mr. Wayne Jordash and Ms. Sareta Ashraph be appointed to act as his pro bono Counsel.

As stated in the Staffing Section above, upon the non-renewal of the contract of the Defence Representative effective November 2014, the Defence Legal Assistant temporarily assumed the full duties of a defence representative. The Defence Legal Assistant continues to address all sentence enforcement issues referred by either the Rwandan Prison authorities or Special Court convicts themselves for the attention of Residual Special Court. During the fourth quarter, the prison authorities advised the Defence Legal Assistant that all the eight passports of Special Court convicts had expired. The Defence Legal Assistant facilitated the renewal of the passports of convicts in Rwanda who had consented to append their signatures on the Sierra Leone immigration application form in order to obtain new passport. Three of the convicted persons refused to sign the immigration forms and to have their passport pictures taken. As a result those who did not sign the forms were not issued with new passports. The defence legal assistant continues to perform administrative functions by ensuring the proper maintenance and smooth running of the office.

FUNDRAISING AND DIPLOMATIC RELATIONS

DIGNITARY VISITS

In the first quarter of the Residual Special Court's operations, the then Acting Registrar met with various diplomats and dignitaries on behalf of the Court, including the Australian High Commissioner and the Deputy High Commissioner of the United Kingdom. Additionally, when the Secretary-General Mr. Ban Ki-Moon visited Sierra Leone to attend the formal closing ceremony for United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), Vice President Kamanda and the Registrar attended the event and met with him.

Meeting with the Protocol Department of the Dutch Ministry of Foreign Affairs

In April, the then Acting Registrar met with the representatives of the Protocol office of the Dutch Ministry of Foreign Affairs to seek an update on the comprehensive Headquarters Agreement between the Residual Special Court and the government of The Netherlands. It is important to note that the current Provisional Headquarters Agreement does not allow for the appearance of suspect, accused or convicted persons before the Residual Special Court in The Hague. The Registrar was advised that the comprehensive Agreement should be complete by the end of 2014. The Registrar had additional meetings with the Dutch Officials throughout the year.

Visit from Ambassador Stephen Rapp

United States Ambassador-at-Large for War Crimes Issues in

the Office of Global Criminal Justice and former Special Court Prosecutor Stephen Rapp visited Freetown in June and met with the Acting Registrar, Justices King and Kamanda, and other staff of the Residual Special Court. He also held high level meetings with the Attorney General, Chief Justice, and the Secretary to His Excellency the President of Sierra Leone.

Global Summit

The Registrar attended the Global Summit to end sexual violence that took place in London from 10-13 June 2014. She participated as a panellist in two panels, a Special Court Legacy panel and a panel sponsored by United Nations Women (UN Women) on economic empowerment for women in post-conflict areas. Other Residual Special Court representatives including the Prosecutor, Justices Fisher and Doherty, and defence counsel Wayne Jordash, as well as Ambassador Stephen Rapp were also in attendance.

Meeting with the Oversight Committee

The Registrar travelled to New York to meet with the Residual Special Court's Oversight Committee to discuss the financial situation of the Court. The Registrar presented issues based on experiences of the Special Court, and described some of the unique challenges facing the Residual Special Court. A fundraising strategy was prepared to help focus discussions these issues and present possible options for overcoming financial challenges. The Registrar continues to work

closely with Oversight Committee members on fundraising issues

Meeting with Security Council Members

On 11 August, members of the United Nations Security Council travelled to The Hague to meet with representatives of the international Tribunals. The Registrar and representatives of the Prosecutor attended this meeting, together with representatives of the International Criminal Tribunal for the former Yugoslavia, Mechanism for International Criminal Tribunals, and Special Tribunal for Lebanon, and briefed the Security Council representatives on the work of the Residual Special Court, its cooperation with other Tribunals, and the challenges it faces.

Meetings with Tribunals

The Registrar met with Prosecutor Hassan B. Jallow of the Mechanism for International Criminal Tribunals to discuss cooperation between that tribunal and the Residual Special Court with regard to sharing experiences and lessons learned. She met with Registrar John Hocking of the International Criminal Tribunal for the former Yugoslavia to discuss platform- sharing in light of the proposed migration of that tribunal to the Umoja platform and to ensure that the Residual Special Court is included in this migration. She also met with Registrar Bongani Majola of the International Criminal Tribunal for Rwanda to discuss shared experiences on its closing activities as it prepares to complete its transition to the Mechanism for International Criminal Tribunals.



OBITUARIES

Death of former President Tejan Kabbah

The Court sent a message of condolence to the family and the people of Sierra Leone on the death of former president Alhaji Ahmad Tejan Kabbah. The Vice President and the Acting Registrar were also authorised by the President to attend any official functions attendant to the death of the former President.



Death of former Special Court Defence Counsel Mr. Serry-Kamal

Mr. A.F. Serry-Kamal, former Special Court Defence Counsel and pro bono counsel for convicted persons, passed away in January 2014. The Court sent a message of condolence to the family. Multiple funeral services were conducted, some of which were held in Freetown and were attended by the Vice President, Acting Registrar and Defence Officer.



ANNEX I

Residual Special Court BUDGET - 2014

OVERVIEW OF THE 2014 BUDGET

- To manage the ongoing residual functions the budget for the first year of operations of the Residual Special Court amounts to (US\$2,128,700). Included in the figure is the permanent staffing costs of the Residual Special Court in the amount of (US\$920,700); the operational costs of (US\$986,600), for income tax liabilities is (US\$120,000) and 5% contingency of (US\$101,400). The operational costs figure includes the following: the sum of (US\$379,500) for administrative fees charged for the Residual Special Court to share an administrative platform in The Hague; (US\$125,200) as an estimate amount for the annual cost for enforcement of sentences of the 8 Special Court convicted persons in Mpanga Prison, Rwanda and 1 person convicted of contempt of court who is housed in the Special Court Detention Unit in Freetown until mid-2014 when the convict is due for release.

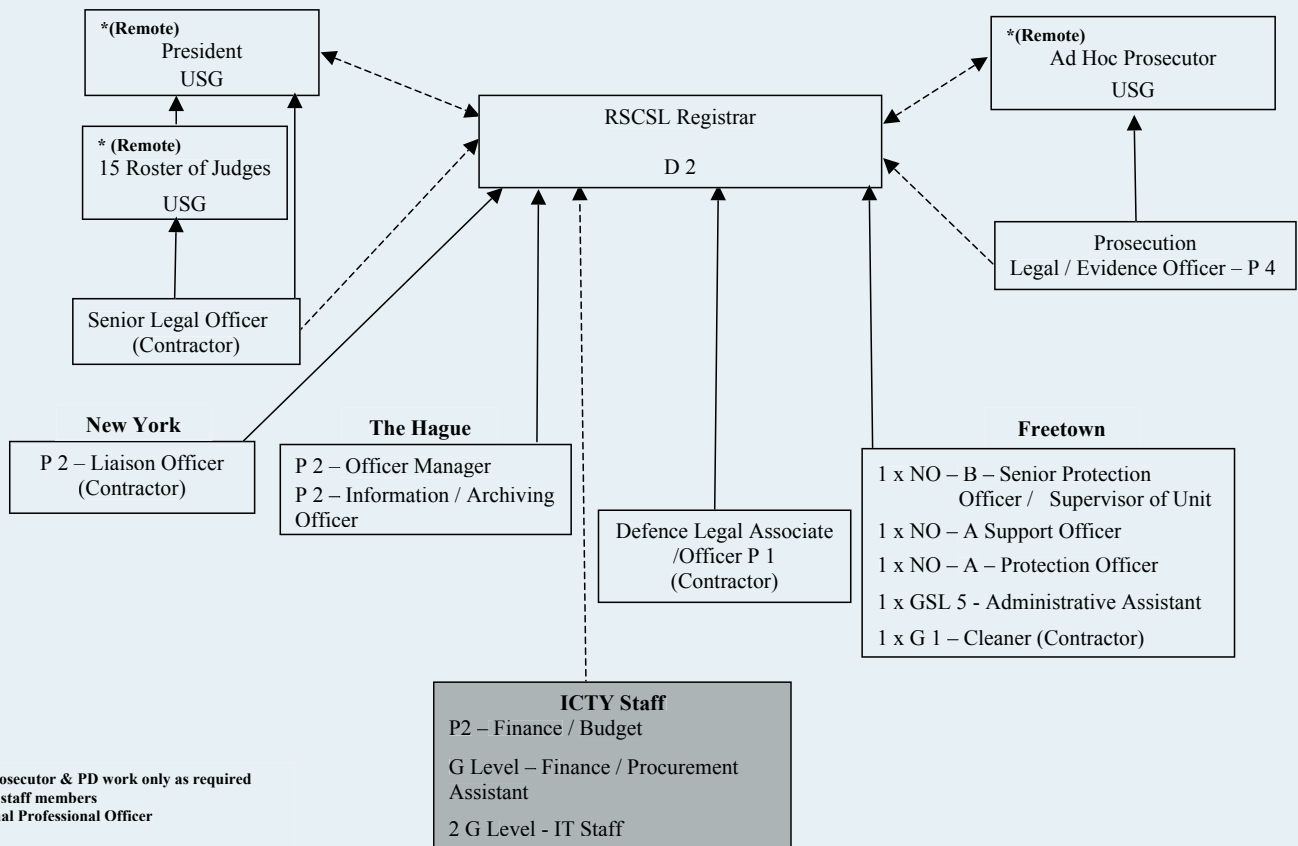
Requirements by object of expenditure (United States dollars)

<i>Object of expenditure</i>	<i>Ongoing Residual Functions</i>	<i>Total Budget</i>
Posts (gross)	572,300	572,300
Other Staff Cost	245,400	245,400
Temporary posts	54,200	54,200
Salary to Judges	48,800	48,800
Consultants and experts	142,000	142,000
Witness Costs	80,000	80,000
Travel - Witness	10,000	10,000
Travel	54,500	54,500
Contractual services	503,000	503,000
General operating expenses	49,900	49,900
Supplies and materials	22,000	22,000
Tax Liability	120,000	120,000
Enforcement	125,200	125,200
Contingency	101,400	101,400
Total	2,128,700	2,128,700

ANNEX II



RESIDUAL SPECIAL COURT FOR SIERRA LEONE (RSCSL) ORGANOGRAM (2014)



ANNEX III

Residual Special Court Judges and Personnel Nationalities 2014

JUDGES

Austria	1
Botswana	1
Canada	1
Ireland	1
Kenya	2
Sierra Leone	6
Samoa	1
Uganda	1
United Kingdom	1
USA	1
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Total	16

PRINCIPALS

USA	1
Sierra Leone	1
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Total	2

STAFF

Sierra Leone	7
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Total	7

SHORT TERM CONTRACTORS

Australia	2
Canada	1
Ireland	1
Israel	1
Sierra Leone	1
St. Lucia	1
United Kingdom	2
USA	6
<hr/>	
Total	25

Grand Total **50**

Residual Special Court for Sierra Leone

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