

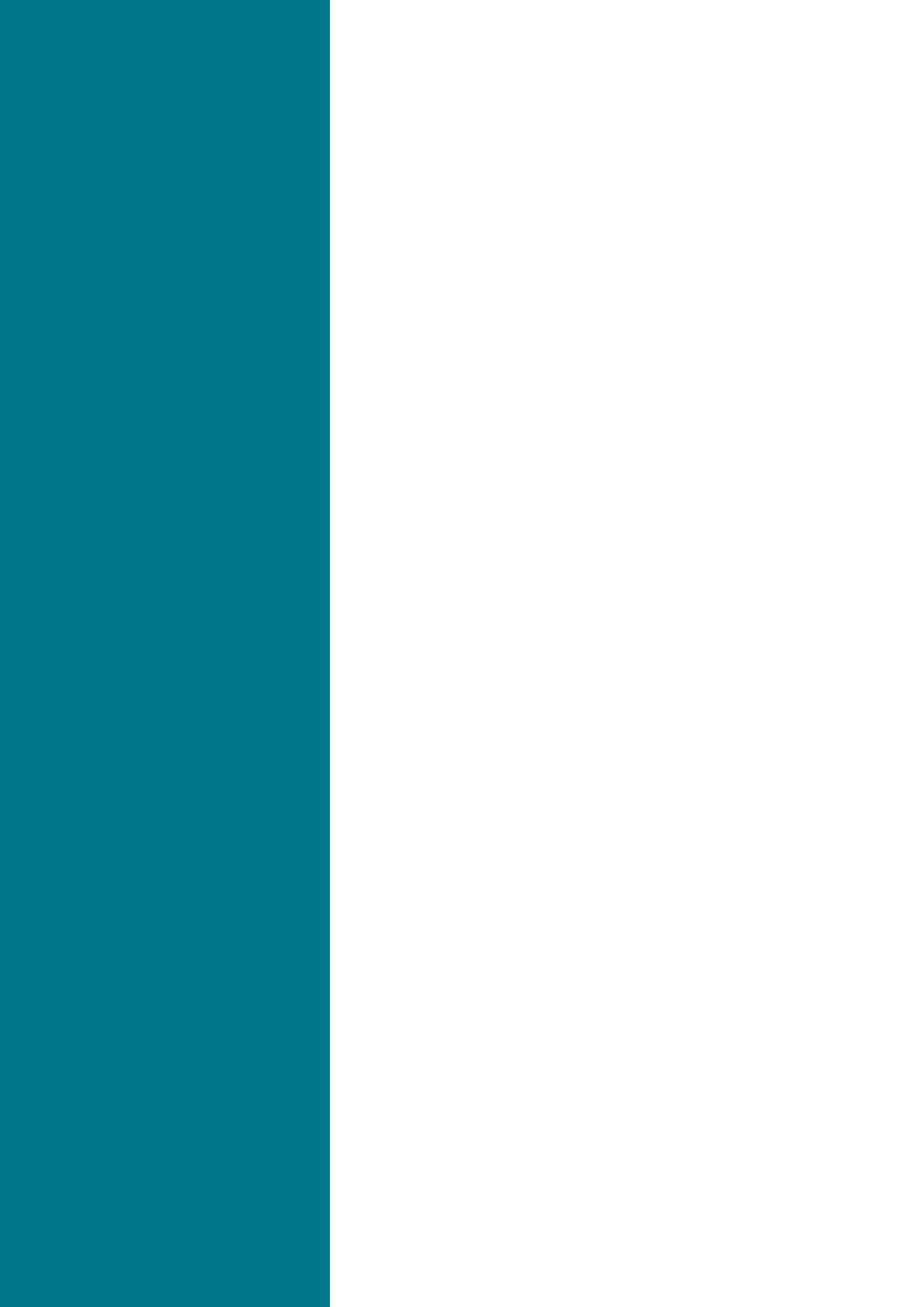
FOURTH ANNUAL REPORT

of the President of the Residual Special Court for Sierra Leone



January 2017 – December 2017





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4th



RSCSL officials meet with visiting Canadian UN delegation.

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Justice Renate Winters

FOREWORD

It is my honour and privilege to submit my first Annual Report as President of the Residual Special Court for Sierra Leone on the operations of this Court during the period 1 January 2017 to 31 December 2017.

The last report covered its core mandate of ensuring the protection and support of victims and witnesses, maintenance and preservation of archives and the enforcement of sentences of convicted persons in line with international standards and according to its constitutive Agreement and Statute. The Court is also mandated to conduct contempt of court or other proceedings, to provide defence counsel and legal aid for different requests from convicts, to respond to national authorities with respect to victim compensation issues, to assist judicial authorities in investigation procedures in response to rogatory letters as well as to answer requests from academia from various countries.

A total of eight convicted persons are still serving their sentences: six in Rwanda, one in the United Kingdom and one in Sierra Leone on conditional early release. The Court, after reviewing lessons learned, and having adopted appropriate amendments to the Practice Direction on the Conditional Release of Persons Convicted by the Special Court for Sierra Leone, considered the application of another prisoner for such release. The conditions for his early release had to be drafted with consideration of his own situation, and to assure a positive outcome for peace and reconciliation in Sierra Leone.

In all cases the Court, together with the respective prison authorities and the International Committee of the Red Cross, ensured that the convicts were detained in conditions consistent with the applicable international standards.

The Fourth Plenary of Judges was held in The Hague, the Netherlands in December 2017. It was organized by the Court staff, especially staff from The Hague, under the guidance of the Registrar. It provided the Judges with an opportunity to re-examine the Rules of Procedure and Evidence and amend them, especially concerning possible requests for review of trials. It was a great pleasure as well to celebrate the fact that several members of the Judiciary and the Prosecutor were awarded high distinctions during this year.

Discussions about whether the Residual Special Court should be included in the Mechanism for International Criminal Tribunals system, and the possibility of transferring this entity to Arusha, led the Principals to look into budgetary consequences of such a move. It turned out that there is no structure or system that costs less than the one currently in operation at the Residual Special Court.

The relentless quest by Court Principals concerning the perennial problem of financial support has not had much success, with only three states contributing. Therefore, without approval of subvention funds by the UN, the Court would not have had the possibility to continue its work. We all do hope that a lasting and dependable solution, respecting the special individual status of the Court, will be found.

I am very fortunate to be able to work with an exceptionally good and committed team of Judges and an excellent and efficient staff who are all adamant in their endeavor of achieving the goals of the Court and the preservation of its legacy.

A handwritten signature in black ink, appearing to read "Renate Winter". The signature is stylized and somewhat cursive.

Justice Renate Winter

President

INTRODUCTION

The President of the Residual Special Court for Sierra Leone (“Residual Special Court”) issues this Fourth Annual Report (“Fourth Report”) pursuant to Article 26(1) of the Statute of the Residual Special Court, namely the Chambers, which includes the Office of the President; the Office of the Prosecutor, and the Registry, which includes the Defence Office.

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 provides an update on the Residual Special Court’s work, including the fulfillment of its primary mandate, and reports on the major activities of all sections of the Residual Special Court, namely the Chambers including the Office of the President: the Office of the Prosecutor: and the Registry which includes the Defence Office, during the fourth year of its existence. This report covers the period from 1 January to 31 December 2017.

PRIMARY MANDATE

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 annexed to the Agreement sets out the competence of the Residual Special 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



Justice Emmanuel Ekundayo Roberts and Principal Defender Ibrahim Yilla in Tbilisi.

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.

The Residual Special Court continued to successfully execute its mandate during the period under review. In line with its on-going functions, which are managed by its small permanent offices in Freetown and The Hague, the Residual Special Court activities included maintenance, preservation and management of the archives, witness protection and support, assistance to national prosecution authorities and supervision of prison sentences including 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

In line with the Agreement, even though the Residual Special Court's principal seat remains in Freetown, it carries out its functions at an interim seat in the Netherlands with a suboffice in Freetown for witness and victim protection and support. During the reporting period, the Residual Special Court was funded partly by voluntary contributions from the international community, and partly from United Nations subvention funds.

Pursuant to Article 2 of the Agreement, the Residual Special Court maintained its composition of the Chambers, consisting of 16 Judges on a roster headed by the President, along with the Office of the Prosecutor and The Registry.

The President and Judges continued to work remotely, at the Court's principal seat, or its interim seat, as required.

THE CHAMBERS

CHAMBER'S ACTIVITIES

First Quarter

The five Residual Special Court Judges based in Sierra Leone, Justices Jon Kamanda, Chief Justice of Sierra Leone Abdulai H. Charm, Vivian M. Solomon, Emmanuel E. Roberts and Desmond Babatunde Edwards met with the British High Commissioner to Sierra Leone, His Excellency Guy Warrington, on 2 February 2017 in Freetown. The Judges and High Commissioner discussed, among other things, the possibilities concerning the future of the Residual Special Court.

On 21 March 2017, the five Residual Special Court Judges based in Sierra Leone, along with Principal Defender Mr Ibrahim Sorie Yillah, Senior Legal Officer Ms. Rhoda Kargbo Nuni, former Chief of Court Management and Residual Special Court consultant Ms. Elaine Thomas-Archibald and Witness and Victims Officer and Supervisor of the Freetown office Mr Thomas Akinbobola, met with the High Commissioner of Canada to Sierra Leone (based in Accra, Ghana) and a delegation from the Royal Canadian Navy who were on a mission in the context of the deployment of two Canadian ships to the country. The High Commissioner stated that the objective of the mission was to strengthen cooperation among participating countries and to improve maritime security in the Gulf of Guinea. According to the High Commissioner, for the Government of Canada the visit to Freetown represented a great opportunity to showcase the

strength of the bilateral relations and the long-standing collaboration that exists between Canada and Sierra Leone, and provided an opportunity to highlight and reiterate Canada's support for peace, security and democracy in Sierra Leone since the end of the civil war in 2002, in particular its role in the Special Court and the Residual Special Court. During the meeting, the Judges and staff highlighted the important work that the Special Court did, including its contribution to international jurisprudence and the legacy of "firsts", still carried on by the Residual Special Court. The delegation also visited the former Special Court site, which houses the Residual Special Court's Freetown office.

President Winter, consistent with her role as Vice President of the United Nations Committee on the Rights of the Child, engaged representatives from the following on the Special Court and Residual Special Court witness and victims protection programme: the Central African Republic, the Democratic Republic of Congo, Estonia, Malawi and Georgia. She also briefed representatives from Antigua and Bermuda, Barbados, and Serbia on the Special Court's jurisprudence concerning forced marriage.

In March 2017, Justice Teresa Doherty represented the International Association of Women Judges at a conference held in Istanbul, Turkey by the International Legal Assistance Consortium, which was planning for the reinstatement of the rule in law in Syria. Participants at the



Justice Elizabeth Nahomya in Ethiopia.

conference were joined by Syrian judges, lawyers and representatives of non-governmental organisations. Among the many issues discussed were consistency and transparency of the administration of justice in the “courts” and dispute settlement bodies presently operating in parts of the country not controlled by the government. The status of displaced women and their children was also discussed, especially considering that the Syrian Constitution does not permit a child to acquire nationality through the mother, but only through the father, and many of these fathers are now missing. On 30 March 2017, Justice Doherty gave a talk on Special Court for Sierra Leone jurisprudential developments in the field of women’s and children’s rights to the International Law Association, Irish Branch.

Second Quarter

A delegation comprising staff of the United Nations Development Programme (UNDP) from the

Gambia, together with the Gambian Minister of Justice, members of his staff, and members of Gambian civil society, visited the Residual Special Court in April 2017 as part of a tour of Sierra Leone to learn more about the country’s peace building process after the war. The visit involved discussions about the criminal justice system as well as the reconciliation process and how those processes contributed to social cohesion and the preservation of peace. The Residual Special Court was identified as one of the institutions that would be relevant in sharing experiences with them to help in their own processes. The Residual Special Court team was led by Justice Jon Kamanda and was comprised of representatives from the Chambers, Registry, and Witness and Victims Support Unit, Defence Office and Outreach.

Justice Jon Kamanda represented the President and the Residual Special Court at a reception to celebrate “Europe Day”, hosted in

Freetown by the Delegation of the European Union on 9 May 2017.

President Renate Winter became President of the United Nations Committee on the Rights of the Child. She engaged representatives from the following countries in that capacity as follows: the United States of America, Qatar, Lebanon and Cameroon on child soldiers, and Bhutan, Lebanon, Qatar, Romania, Antigua and Barbuda and Cameroon on child marriage.

Third Quarter

As President of the United Nations Committee on the Rights of the Child, Residual Special Court President Justice Renate Winter engaged representatives from the following countries as follows: Tajikistan and Guinea on forced marriage and child soldiers, Cyprus on child soldiers, Vanuatu on forced marriage and Angola, Algeria and Lesotho on both child soldiers and forced marriage.



Celebration of Austrian National Award to President Winter.

Justice Jon Kamanda attended the joint conference of the International Association of Court Administrators (IACA) and the National Association of Court Management (NACM) in Arlington, Virginia (USA) from 9 to 13 July 2017. The conference, which was attended by over 900 participants from all over the world, brought together judges, registrars, court administrators, prosecutors, trial lawyers, academics, researchers, exhibitors, governmental and non-governmental bodies and students under the theme “Excellence on a Global Scale”. It provided tremendous opportunities to share best practices and knowledge with leaders from various legal jurisdictions world-wide. There was an abundance of educational sessions and networking opportunities, focusing on the management, organization, presentation, disposition and integrity of judicial records and court management, amongst others. More than 24 types of software designed to bring accuracy, confidence and speed to all areas of court administration, including judgment writing, were on display. Justice Kamanda highlighted both the fact that the Special Court was

the first to complete its mandate and transition to a residual mechanism and its major jurisprudential achievements, including the Charles Taylor immunity decision. Justice Emmanuel Roberts represented the Residual Special Court at a regional conference on Legal Aid held in Tbilisi, Georgia on the theme “Challenges and Importance of Independent Legal Aid” from 28 to 29 September 2017. He spoke and participated in a panel discussion on Effective Models of Legal Aid System Administration.

Fourth Quarter

PLENARY OF JUDGES

During the Fourth Quarter, the Judges and Chambers’ legal staff were engaged in both legal research and administrative preparations in collaboration with the Registry in advance of the Fourth Plenary meeting of Residual Special Court Judges. The meeting was held in The Hague, the Netherlands from 15 to 17 December 2017. The Plenary discussed the challenge of budgeting for judicial proceedings, and deliberated extensively on the nature of review proceedings at the

Residual Special Court, considering proposals for amendments to Rules 120, 121 and 122 pertaining to review proceedings. The said rules were amended to streamline the process and make it more adaptable to the Residual Special Court model. The plenary also deliberated on and adopted this Fourth Annual Report.

Two working groups were established. The first was tasked with drafting a Practice Direction detailing the procedure and process for review proceedings. That group comprised Justices Teresa Doherty (chair), Shireen Avis Fisher, Emmanuel Roberts and Pierre Boutet. The second second group will write a comprehensive research/scientific paper, “Post-Conviction Review Proceedings: Recalibrating the Law of the Residual Special Court for Sierra Leone”. This group is made up of Justices Bankole Thompson (chair), Oagile Dingake and Elizabeth Nahamya. These working groups will formulate reports on these issues which will be circulated to the Judges before being tabled for discussion at the next Plenary.

The plenary also received preliminary

reports from two working groups that had been set up during the Third Plenary of Judges held in December 2016 to: (i) do a thorough and holistic examination of the Rules of Procedure and Evidence, and (ii) look at the possibility of drafting a code of ethics for Judges. The plenary was also briefed on feedback received so far on the online research tool and compilation of Special Court jurisprudence entitled “The Greatest Responsibility”, which had been pre-launched to specific individuals and institutions. The feedback was largely favorable.

PRESENTATIONS

Justice Shireen Fisher was guest speaker at the First Ceremonial Assembly of the Association of Judges that was held on 3 October 2017 at the Court of Bosnia and Herzegovina (BiH). This was a launch of the Association at which the President of the International Criminal Tribunal for the former Yugoslavia was also a guest speaker. Justice Fisher’s brief speech focused on the judicial independence of judges who adjudicate international criminal cases, drawing on her experiences at the Court of BiH and the Special Court.

Justice Doherty was invited to attend and speak at the Summit of Judges and Prosecutors at the Vatican, to discuss human trafficking and organized crime. The Summit was called at the instigation of Pope Francis. Judges and Prosecutors from Africa, the Americas, Europe and Asia-Pacific attended the Summit at their own expense. Justice Doherty spoke about her experience with fraudulent adoptions perpetrated in Sierra Leone and how such applications were rejected by judges in the courts, leading to the setting up of a commission of inquiry in the country. Two other African judges spoke on this issue, and Justice

Doherty drafted a resolution which was accepted by the Summit. She also spoke on the Special Court’s jurisprudence on child soldiers and the actions of the Irish government to combat human trafficking.

In November 2017 Justice Doherty attended a colloquium of judges, members of non-governmental organisations, lawyers and academics convened by the International Commission of Jurists in Geneva to discuss customary law and the rule of law. Delegates came from around the world and spoke on topics ranging from oppressive or discriminatory customs, constitutional provisions and international conventions. Justice Doherty chaired and spoke at the session on women and customary law. Also in November 2017, Justice Doherty was appointed a visiting professor at Queen’s University, Belfast. She gave a seminar on the jurisprudential and other achievements of the Special Court, and spoke at various workshops and seminars on transitional justice and the reinstatement of the rule of law in post-conflict societies.

Justice Elizabeth Nahamya participated in the Commonwealth Judges and Magistrates Conference in Dar es Salaam, Tanzania, an international conference on sexual and gender-based violence in the Great Lakes Region.

Two Judges of the Residual Special Court – Justices Andrew Hatton and Oagile Dingake – assisted the Judiciary of Sierra Leone in a judicial training organised in collaboration with the United Kingdom/Sierra Leone Pro Bono Network.

AWARDS AND HONORS

The President, Justice Renate Winter, was awarded the Grand Decoration of Honour in Gold

With Star for Services, one of Austria’s highest awards given to distinguished Austrian nationals who have excelled in their fields. The award was presented to Justice Winter at the Austrian Embassy in The Hague by the Ambassador on 15 December 2017. Judges and staff of the Residual Special Court, Judges from sister international tribunals in The Hague, Austrian Embassy staff and members of Justice Winter’s family were present at the ceremony.

Justice Shireen Fisher, Justice Teresa Doherty and Residual Special Court Prosecutor Brenda Hollis were honoured on 7 December 2017 by the group Women’s Initiative for Gender Justice for their contributions in the field of gender justice. Their names were included in the *Gender Justice Legacy Wall*, established to celebrate and honour those who have contributed to advances in the field of gender justice in the past 125 years.

Justice Oagile Dingake was appointed as a Justice of the Supreme Court of Papua New Guinea, an appointment he will take up on 2 February 2018.

The Residual Special Court congratulates its judges and principals on their various awards and appointments.

COMMISERATION

The President, Judges, Registrar and Staff of the Residual Special Court commiserated with the family of Justice Desmond Babatunde Edwards for the unfortunate circumstances surrounding an accident he suffered in The Hague on the first day of the Fourth Plenary meeting. Justice Edwards is wished a full and speedy recovery.



Justice Renate Winter

THE OFFICE OF THE PRESIDENT

JUDICIAL PROCEEDINGS

First Quarter

The Defence Office submissions in support of the convicted person's application were filed pursuant to Article 5(B) of the Practice Direction on the Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone revised on 2 December 2016 (CER Practice Direction) on 13 January 2017, in the matter of the application for conditional early release by convicted person Allieu Kondewa.

The Registrar's portfolio and submissions in respect of Allieu Kondewa's application for conditional early release were filed pursuant to Article 5 of the CER Practice Direction on 30 January 2017. The Prosecutor's submissions pursuant to Article 6(B) were received on 16 February 2017. No other filings were received in the matter, and the President commenced consultations, pursuant to Article 8(A) of the CER Practice Direction, with two of the Judges who imposed the sentence on Allieu Kondewa.

Second Quarter

The President's decision on Allieu Kondewa's application for conditional early release was issued on 29 May 2017. After consultations with the Judges who imposed the sentence, the President considered the following factors pursuant to Article 8(D) of the CER Practice Direction in reaching a decision: (i) the safety of the community if Kondewa were released; (ii) the

views and concerns of victims, witnesses, their families and others who might be at risk; (iii) reports on the behaviour of the convicted person during his imprisonment in both the Special Court Detention Facility and the prison in Rwanda; and (iv) the effect of any conviction for contempt of court.

Of all the factors discussed, the President found that the factor that militated most against the granting of conditional early release to Allieu Kondewa was the expressed concerns and fears that he is still viewed by many of former Civil Defence Forces (CDF) fighters and initiates as a "gallant leader of the Kamajors" and a "war hero" rather than as a convicted war criminal, that many of these remain loyal to him, and his likely involvement in politics because of the wide support he still enjoys. The President noted, however, that other factors militated in favour of granting the application. In particular, most of the witnesses interviewed by the Witness and Victims Section on behalf of the Prosecutor were not opposed to the granting of the application if, among other things, the Residual Special Court ensured that Allieu Kondewa would be strictly monitored and that regular follow-ups and visitations are made to them to assure them of their safety. Furthermore, the President noted the Prosecutor's request *inter alia* that should Allieu Kondewa be granted conditional early release, the release should be deferred until after Sierra Leone's general elections in March 2018.

In light of the above, and pursuant to Article 24 of the Statute, Rule 124 of the Rules of Procedure and

Evidence of the Residual Special Court for Sierra Leone (the Rules), and Article 8 of the CER Practice Direction, the President granted the application conditional upon the following:

- a. That Allieu Kondewa remains in custody for a period of ten months from the date of the Decision, during which time he would receive additional training, specifically on human rights and correct behaviour as a citizen of Sierra Leone;
- b. Thereafter and upon certification of the training by the Registrar, he would be released upon execution of a Conditional Early Release Agreement in accordance with Article 9(C) of the CER Practice Direction, the format of which is contained in Annex C thereof.

The President imposed further special conditions which do not appear in Annex C as follows:

- i After the ten-month training session, Allieu Kondewa shall again publicly apologize for his wrongful conduct, acknowledge his guilt and show remorse;
- ii Allieu Kondewa or any person acting with his consent or authority shall not, directly or indirectly, approach any of the witnesses in future, to directly or indirectly try to harm, intimidate or otherwise interfere with them in any way;
- iii Allieu Kondewa shall conduct himself honourably and peaceably in the community where he is ordered to live and shall not engage in secret meetings intended to plan civil unrest or join local or national politics.
- iv Allieu Kondewa shall strictly observe the reporting schedules set out by the Monitoring Authority and the Registrar,

and shall personally report to such centre or centres as are designated at least twice every month.

The President also ordered that regular visits shall be made by the Office of the Registrar to provide assurance of security to vulnerable former witnesses who may desire it.

Third Quarter

In September 2017, the President received notification of a request to take a statement from five convicted persons in the custody of the Residual Special Court from a National Authority of a Requesting State. This request was received pursuant to Article 3 of the Practice Direction on the Procedure Following a Request to take a Statement from a Person in the Custody of the Residual Special Court for Sierra Leone. The Registrar notified the convicted persons concerned and their counsel of the request pursuant to Article 2(4) of the Practice Direction.

Fourth Quarter

The Registrar informed the President that two of the convicted persons had consented to give a statement whilst one convicted person had given a conditional acceptance. The request was then officially placed before the President as required by Article 2(5) of the Practice Direction.

By interoffice memorandum dated 22 November 2017, the President instructed the parties, including the Prosecutor, Principal Defender, Pro Bono Counsel and the Registrar, to make representations concerning the request by 30 November 2017. Based on the representations received from the parties, the President was satisfied that the two convicted persons who had given

their consent had been fully advised in terms of paragraph 2(4) of the Practice Direction. The President accordingly granted approval in accordance with paragraph 2(5) for statements to be taken from them under certain conditions that would ensure the integrity of the proceedings. In order to maintain the integrity of the proceedings, however, the request was rejected with respect to one convicted person who had insisted *inter alia* that he be taken to another country to give the statement.



Registrar Binta Mansaray

THE OFFICE OF THE PROSECUTOR

The Prosecutor's Office functioned normally during the reporting period. The Office performed routine administrative functions and coordinated with or supported the activities of other sections of the Court. During the period, the Prosecutor worked both from her office in The Hague, and from home. In addition, the Prosecutor attended conferences, symposia, workshops and trainings set up by other organisations, offering her the opportunity to speak widely about the work of the Residual Special Court and its current challenges.

THE PROSECUTOR

From 17 to 25 January 2017, the Prosecutor travelled to The Hague to join the President, Principal Defender and the Registrar for a fundraising diplomatic briefing hosted by the Embassy of Canada. A previously-planned visit to Brussels to address a meeting of the European Union Working Group on Public International Law (COJUR), to coincide with the Prosecutor's trip, was cancelled by the hosts.

While in The Hague, the Prosecutor worked with her Legal Adviser/Evidence Officer reviewing her Office's position on Allieu Kondewa's application for conditional early release and the procedural steps on pending submissions. In addition, the Prosecutor reviewed routine administrative activities of her Legal Adviser.

From 24 to 28 April 2017 the Prosecutor, together with the President, Registrar and Principal Defender, travelled to New York on a fundrais-



Prosecutor Brenda Hollis

ing drive. The principals gave diplomatic briefings and held bilateral meetings with permanent representatives of several New York-based missions, including the Residual Special Court Oversight Committee, United Nations Security Council members, the European Union and G77 Members, other significant states and the United Nations Office of Legal Affairs. In early June, the Prosecutor participated in a Symposium in Arusha on "Fighting Impunity and Ensuring Accountability in East Africa", sponsored by the Wayamo Foundation.

In July, September and October, the Prosecutor provided "lessons learned" assistance to a sister institution in The Hague. In August, she acted as a consultant for a justice rapid-response project involving a non-governmental organisation, and in September she traveled to

the Kurdistan Region of Iraq, to provide expert assistance to Yazda, a non-governmental organisation which is collecting information about ISIS crimes against the Yazidi people.

During her September trip to The Hague, the Prosecutor worked with her Legal Adviser to gather additional information to determine what action, if any, may be required in light of reports that Johnny Paul Koroma had died in Sierra Leone. That process continued at the end of the reporting period.

From 18 to 19 October 2017, the Prosecutor participated in a meeting of the Advisory Board of the International Nuremberg Principles Academy, and from 20 to 21 October 2017 she attended the Academy's Annual Forum, which this year examined the interrelationship between peace and justice.

From 11 to 14 December 2017, the Prosecutor and her Legal Adviser reviewed, commented on and discussed with Registry personnel possible amendments to the Residual Special Court's Rules of Detention, and prepared the Prosecutor's briefing for the Fourth Plenary that was held in The Hague from 15 to 17 December 2017. From 13 to 14 December 2017 she and her Legal Adviser researched, reviewed and prepared comments on Review Proceedings as set forth in Article 22 of the Statute and Rules 120 to 122 of the Rules. The Prosecutor and her Legal Adviser attended various sessions of the Plenary.

ALLIEU KONDEWA'S APPLICATION FOR CONDITIONAL EARLY RELEASE

Following the Prosecution Legal Adviser's mission to Sierra Leone in December 2016 to consult with and

obtain the views of witnesses and victims on Allieu Kondewa's application for conditional early release, the Prosecution submitted its Report in accordance with Article 5(G) of the CER Practice Direction to the Registrar in January, incorporating the views of witnesses and victims. The Prosecution subsequently filed a Response in accordance with Article 6(B) of the CER Practice Direction to the Registrar's Article 5 Portfolio and Defence Office's Submissions which had been filed separately with the Registry filing office.

REQUEST FOR INFORMATION/ ASSISTANCE

The Office of the Prosecutor received four new requests for assistance from national investigations authorities during the reporting period. In addition, the Office responded to follow-up requests on its responses to the new and previous requests.

Also during the period, the Office of the Prosecutor collaborated with the Registrar's legal team in responding to a request from an academic researcher.

WITNESS ISSUES

The Office of the Prosecutor continues to be contacted directly by witnesses on matters relating to their protection and security. The Office coordinated with the Witnesses and Victims Office in Freetown and directly with the Registrar to address concerns raised. Such coordination included facilitating direct contact with witnesses by national prosecution authorities.

OTHER MATTERS

In June, the Prosecution Legal Adviser participated in a briefing for visiting university students from Mexico, hosted by the Registrar.

Residual Special Court President Justice Renate Winter, who was on a one-day visit to The Hague, also participated in the briefing. Also in June, the Prosecution Legal Adviser accompanied the Vice President of the Residual Special Court, Justice Elizabeth Nahomya, to a fundraising diplomatic meeting at the Embassy of Malaysia in The Hague.

The Prosecution Legal Adviser represented the Prosecutor at the Annual International Humanitarian Law Dialogs at the Chautauqua Institution from 26 to 30 September 2017, during which he participated in a session for prosecutors. He updated participants on the activities of the Residual Special Court and responded to questions about its current operations.

On 19 September, the Prosecution Legal Adviser joined the Residual Special Court Administrative Officer Jacquinn Stanley to attend the 2017 Security Management Team (SMT) meeting, hosted by the International Criminal Tribunal for the former Yugoslavia / Mechanism for International Criminal Tribunals (ICTY/MICT). The SMT comprises senior management officials including registrars, security chiefs and other section heads of international organisations in the Netherlands. It meets with the Dutch National Police annually to review security relating to the operations of these organisations.

From 21 September to 1 October 2017, the Prosecution Legal Adviser travelled to Freetown, where he represented the Prosecutor on special projects relating to her mandate in relation to fugitive Special Court indictee, Johnny Paul Koroma. The Prosecution Legal Adviser held meetings with the Attorney-General and Minister of Justice, Joseph F. Kamara, and Assistant Inspector General of Police Morie Lengor,

during which he briefed each about the work of the Residual Special Court. He also reviewed cooperation on specific prosecution activities with them, including seeking information to confirm or refute recent rumours of Johnny Paul Koroma's death in Sierra Leone, and, if alive in Sierra Leone, locating and arresting him for transfer to the custody of the Residual Special Court. The Prosecution Legal Adviser also discussed witness protection and support issues and the operations of the National Witness Programme & Assistance Unit (NWP & AU).

During the visit, the Prosecution Legal Adviser paid visits to three diplomatic missions in Freetown: the Embassies of Egypt, Lebanon and Liberia. He briefed each about the work of the Residual Special Court and its current funding challenges. In addition, he visited two secondary schools in Freetown where he spoke about the work of the Residual Special Court and continuity of the accountability process. He highlighted the importance for Sierra Leoneans to espouse the principles for which the Residual Special Court stands: judicial accountability, ending impunity, and upholding the rule of law, as pillars of a peaceful and democratic society.



Registrar Binta Mansaray

THE REGISTRY

In 2017, in accordance with Article 15 of the Statute, the Registrar provided assistance to the respective organs and carried out the administration and servicing of the Residual Special Court, including the following activities between 1 January and 31 December 2017:

VICTIMS AND WITNESSES

Throughout the course of 2017, the Residual Special Court Witness and Victim Protection and Support Office (“WVS”) in Freetown actively monitored and provided support to over one hundred former witnesses of the Special Court located in various regions of Sierra Leone and in other countries. Support included security measures, psycho-social assessments, the implementation of protective measures such as the relocation of witnesses, and the provision of welfare and medical assistance to vulnerable witnesses. WVS also continued to maintain updated information with respect to witnesses, including their legal status, entitlements, and requirements for extensions of stay in the states where they have been relocated.

In the first quarter of 2017, WVS completed a nationwide comprehensive threat assessment for all witnesses and victims commissioned by the Registrar and overseen by the witness protection expert, Mr Saleem Vahidy, who was the former Chief of the WVS section of the Special Court. The assessment provided a complete evaluation of the needs of witnesses and victims, including psycho-social, security and support needs. In early 2017, WVS conducted two missions in Sierra Leone and Liberia in order to perform specific

threat assessments for witnesses located in-country.

MAINTENANCE OF ARCHIVES AND COURT MANAGEMENT

In 2017, the Court archivists continued to maintain the Court’s archives, facilitate requests for information, and identify and correct identified gaps in the record. Archivists continued to archive all Special Court final documents and data and to implement the established system for the filing of Residual Special Court documents in real time to ensure efficient file management processes.

In 2017, the Court archivists prepared a comprehensive index of archives located at the Dutch National Archives (“DNA”), where the original archives of the Residual Special Court continue to be housed and maintained. A comprehensive review of the archival inventory is currently underway, in collaboration with the DNA, aiming to ensure complete and internally accessible records. Once the review process is finalised, the index will become an annex to the Memorandum of Understanding between the Ministry of Foreign Affairs of the Kingdom of the Netherlands and the Residual Special Court for Sierra Leone on the Conditions of Storage and Access to the Special Court’s Archives.

Moreover, major improvements in the Residual Special Court’s archival system were made. An upgrade to the electronic records management system (TRIM) enabled searchable content, improved metadata, increased data security, and facilitated the overall archiving process.

The archiving team further responded to requests for information from internal and external parties, including researchers, international and national institutions who expressed interest in the work of the Residual Special Court.

ENFORCEMENT OF SENTENCES

The Residual Special Court continues to monitor the enforcement of sentences imposed by the Special Court, pursuant to enforcement of sentences agreements with respective enforcement States.

During 2017, eight Special Court convicted persons continued to serve their sentences in three countries, with six convicted persons in Rwanda, one convicted person in the United Kingdom and one convicted person in Sierra Leone on conditional early release. Throughout the year, the Registrar provided regular updates to the Rwandan and United Kingdom authorities concerning the operations of the Residual Special Court and maintained an open line of communication with respect to the prisoners.

The Residual Special Court continues to liaise with Host States concerning matters relating to the enforcement of the respective headquarters agreements. Throughout 2017, the Residual Special Court has further continued cooperation efforts with the United Kingdom and Rwanda pursuant to bilateral agreements regulating enforcement of sentences in the respective countries.

RWANDA

In Rwanda, the Registry worked closely with the Rwandan Correctional Services (“RCS”) to monitor the enforcement of sentences of the six prisoners at Mpanga Prison,

located in the Nyanza District in Rwanda. Through the Defence Office, the Residual Special Court responded to specific requests from the prisoners.

In May 2017, the International Committee of the Red Cross (“ICRC”) conducted an annual visit to the Mpanga prison and submitted a report outlining its findings and recommendations. In its report, the ICRC raised concerns over gaps between the current rules and regulations and the amended Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations General Assembly on 17 December 2015 by Resolution 70/175 (“Mandela Rules”), in particular pertaining to disciplinary sanctions.

In July 2017, the Registrar commissioned an annual visit to Mpanga Prison by Paul Wright, former Chief of Detention at the Special Court, in coordination with the Principal Defender. During the visit, Mr Wright and the Principal Defender met with an ICRC representative to discuss its recommendations concerning the prison conditions of convicted persons at Mpanga Prison and to address the latter’s grievances or specific requests. The Registrar has further been working together with the RCS on the assessment and implementation of the ICRC recommendations.

CONDITIONAL EARLY RELEASE APPLICATION OF CONVICTED PERSON ALLIEU KONDEWA

On 30 January 2017 and in compliance with the President’s Decision of 2 December 2016 on Eligibility for Consideration for Conditional Early Release of Allieu Kondewa, former Initiator and High Priest of the Civil Defence Forces, the Registrar filed Submissions in accordance

with Articles 5(C) to (H) of the CER Practice Direction. In preparation of these Submissions, a mission to Sierra Leone had been completed to assess and report on the views of witnesses with respect to Allieu Kondewa’s application for conditional early release. The Defence and Prosecution subsequently filed their respective submissions pursuant to Articles 5(B) and 6(B) of the CER Practice Direction.

On 29 May 2017, the President of the Court granted the application for conditional early release subject to several conditions, including Allieu Kondewa’s remaining in custody for a further period of ten months, with effect from 29 May 2017, to undergo specific training on, *inter alia*, human rights and correct behaviour as a citizen of Sierra Leone.

As directed in the Decision, the Registrar’s Office consulted and coordinated with the Rwandan prison authorities to design a ten-month training programme comprising about ten modules, currently being implemented. At the beginning of the training, the Principal Defender, in coordination with the Rwandan legal officer and Mr Paul Wright, facilitated and conducted certain aspects of the training. The training was ongoing at the end of the reporting period.

UNITED KINGDOM

Charles Taylor continues to serve his sentence at HMP Frankland in Durham, United Kingdom. During the course of 2017, the Registrar continued to coordinate as necessary with prison authorities and Defence Counsel on various matters relevant to Charles Taylor’s service of sentence.

In January 2017, Charles Taylor was alleged to have addressed a



RSCSL Made Simple Booklet launch.

crowd of supporters in Liberia, by way of a phone call from the prison broadcast on loudspeaker. The United Kingdom prison authorities conducted an internal investigation. The matter was dealt with by them and the Registrar continues to closely monitor the situation. A review of Charles Taylor's list of authorized phone numbers was undertaken.

In the first quarter of 2017, the Registrar coordinated a visit by the Principal Defender to HMP Frankland. The purpose of the visit was to consult with Charles Taylor and with the United Kingdom prison authorities on his rights in prison and on a wide range of attorney-client privileged matters.

In March 2017, new *pro bono* Counsel Mr Steven Powles was assigned to Charles Taylor in replacement of his former *pro bono* counsel, Mr Christopher Gosnell.

During the third quarter of 2017, the Registrar, in coordination with the Defence Office staff, assisted

Charles Taylor's wife, children and ward to submit visa applications to visit him in the United Kingdom. Visas were issued by the United Kingdom authorities to his wife and children, but travel had not been undertaken at the end of the reporting period.

SIERRA LEONE

Moinina Fofana continues to reside in Bo in Sierra Leone, where he is serving the remainder of his sentence. Following the violation by Moinina Fofana of his conditional early release at the end of 2015, and pursuant to the disposition issued by Justice Vivian Margarette Solomon on 25 April 2016, Moinina Fofana is required to seek written permission from the Registrar prior to leaving Bo Town. The Defence Office submitted requests on his behalf concerning his travels to other regions of the country in order to facilitate his livelihood and address family matters. The Registrar considered these requests and issued written authorizations, subject to certain con-

ditions and ongoing supervision.

Moreover, in accordance with Special Condition 6(h) of the Conditional Early Release Agreement, the Office of the Registrar further conducted two spot checks at Moinina Fofana's residence. On both occasions, the outcome of these checks was satisfactory. The monitoring authority continues to provide effective supervision of his conditional early release.

ASSISTANCE TO NATIONAL AUTHORITIES

In keeping with the aspect of its mandate relating to the provision of assistance to national prosecuting authorities, the Residual Special Court has continued to receive and respond to requests for assistance from national authorities.

In 2017, the Registry responded to two requests for assistance for the purposes of conducting criminal investigations in the requesting States, pursuant to the Practice Direction

on the Procedure Following a Request to Take a Statement from a Person in the Custody of the Residual Special Court for Sierra Leone. The first request was submitted to the Residual Special Court in January 2017, seeking its assistance in collecting witness statements from two convicted persons. The request was later withdrawn by the requesting national authority in May 2017.

As earlier reported in other sections, the Residual Special Court received a request for assistance in September 2017 from a national authority to interview five convicted persons and three witnesses, in the context of investigations of war crimes and crimes against humanity against a Sierra Leonean suspect residing in the requesting State. Three of the five convicted persons agreed to be interviewed. In November 2017, after having considered submissions filed by the Registrar, the Prosecution, the Principal Defender and the convicted persons' Defence Counsel, the President was satisfied that the criteria enunciated in the Practice Direction were met and authorized the request for two of the convicted persons. The request was rejected with respect to the third convicted person, because the conditions he had set for accepting the interview could not be accommodated.

FOURTH PLENARY OF JUDGES

In the final quarter of 2017, the Registry was engaged in preparations for the Fourth Plenary of Judges, held in The Hague from 15 to 17 December 2017. The Registry coordinated all logistical and administrative arrangements, including facilitation of travel, visas and accommodation for all attendees.

During the Fourth Plenary of Judges, the Judges discussed the sensitive issue raised by the Registrar relating to the challenge of budgeting for

judicial proceedings for the Residual Special Court. The Registrar sought guidance as to whether or not measures could be adopted without prejudice to the judicial mandate of the Court.

The Registrar also presented submissions to the Plenary concerning proposals of amendments to the Rules of Procedure and Evidence, in particular, in respect of Rule 121 of the Rules of Procedure and Evidence.

The outcome of the discussions on review proceedings and rule amendment proposals are set out in the Chambers Section of this Report.

STAFFING

While the Residual Special Court functions as a streamlined organisation with minimal staffing requirements, its operations continue to require a diversity of skills to manage the workflow of its mandate.

The Registrar continues to retain the services of certain individuals who have previously worked for the Special Court, at minimal or no cost except where required on an ad hoc basis. During the current year, these have included a Press Officer, a Detention Officer, a Communication and Information Technology Services Officer, Archivists, a Financial Officer, a Legal Officer and interns, all of whom were briefly brought in to complete a variety of tasks and projects.

STAFF ON A ROSTER

The Registry continues to maintain a roster of former Special Court staff, created pursuant to Article 15(4) of the Residual Special Court Statute, in addition to a roster of legal officers and Defence Counsel. The Registrar relied on these rosters during the course of the year to

supplement staff resources as needed.

As a result of the ongoing cooperation between the Residual Special Court and Brandeis University in the United States, the Residual Special Court accepted a student from the University as an intern in the second quarter of 2017. This was the Residual Special Court's fourth intern from Brandeis University.

Full-time staff

The Residual Special Court office in The Hague continues to be served by a small team consisting of Archivists, an Office Administrator, a Registry Legal Officer, an Associate Legal Officer, a Finance Officer, and a Prosecution Legal Adviser. Residual Special Court staff positions in Freetown include three full-time witness and victim protection staff, an Associate Defence Legal Officer, an Office Administrator and a cleaner. In New York, a Liaison Officer serves on a part-time basis.

FACILITIES

Interim Seat in The Hague

During 2017, the Residual Special Court continued to share its seat and administrative and technical platforms with the ICTY pursuant to the Memorandum of Understanding Regarding Administrative and Technical Arrangements between the respective institutions. Following the closure of the ICTY in December 2017, the platform sharing arrangement remains in place *vis-à-vis* the MICT.

Moreover, throughout the current year, the Residual Special Court has efficiently managed its transactions with the use of the Inventive Software procured and implemented in 2016. This need arose following the ICTY and MICT's migration to the

Umoja platform in November 2015, and in light of the Residual Special Court having no access thereto.

In the summer of 2017, two Residual Special Court consultants conducted a comparative assessment on the implications of co-locating it with the MICT in The Hague or in Arusha. The consultants found that, at present, there is no space for the offices or archives of the Residual Special Court in the MICT premises in Arusha. They estimated that even if this space were to become available, the annual recurring costs for the Court could increase by approximately USD 318,700. In addition, the one-off cost of relocating the office from The Hague to Arusha would amount to approximately USD 1,823,000. The consultants also found that relocation would present logistical challenges and operational risks, such as the potential loss of data and the temporary disruption of activities.

BRANCH OFFICE IN FREETOWN

In Freetown, the Residual Special Court continues to occupy a portion of the former Special Court site and continues to share the site with the Law Reform Commission, the Peace Museum, the Sierra Leone Law School, and other justice sector organisations.

ADMINISTRATIVE FRAMEWORK

During 2017, the Residual Special Court continued to develop its administrative framework. Personnel policies were being reviewed as at the end of the reporting period.

In May 2017, the Residual Special Court initiated a review of its Rules Governing the Detention of Persons Awaiting Trial or Appeal or in Custody under the Supervision of the

Court (“draft revised Rules of Detention”). The draft revised Rules of Detention are intended to substitute the “Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Special Court for Sierra Leone or Otherwise Detained by the Special Court” which were adopted on 14 May 2005, and have since not been subject to amendment. The draft revised Rules of Detention are further intended to address the specific aspect of the Residual Special Court’s supervision of the conditions of enforcement of sentences by convicted persons pursuant to Article 23(2) of the Statute, and to take stock of the amended Mandela Rules. As part of the revision process, consultations are ongoing. It is expected that the amended Rules will be promulgated by the end of 2018.

RSCSL MADE SIMPLE

Pursuant to feedback received from civil society organisations on the need to clarify the mandate of the Residual Special Court, a booklet titled “The Residual Special Court Made Simple” was launched in the Second Quarter of 2017. This document provides information on the mission and functions of the Court in non-legal language and is accompanied by illustrations that communicate the same message. It is specially adapted to reach a wide sector of the public interested in the work of the Residual Special Court, irrespective of their level of education, in Sierra Leone and other countries. It follows the earlier first and second editions of the booklet entitled *The Special Court Made Simple*, launched by the Special Court.

FINANCIAL SITUATION

Budget

The Residual Special Court’s approved budget for 2017 was in



RSCSL Freetown Staff Members.

the sum of USD 2,980,500. A United Nations subvention grant was received in the amount of USD2,800,000 to supplement the Residual Special Court’s funding to sustain activities until 31 December 2017. In the year under review, the Residual Special Court received three voluntary contributions, namely USD 100,000 from India, USD 50,000 from Turkey and € 7,500 from Czech Republic.

The Residual Special Court estimated budget requirements for 2018 amounted to USD 2,965,900. On 23 December 2017, the Fifth Committee authorised the Secretary-General to enter into commitments in an amount not to exceed USD 2,300,000 to meet the projected Residual Special Court budget for the period from 1 January 2018 to 31 December 2018 as a bridging

financial mechanism and to report on the use of this commitment authority. The Fifth Committee further expressed serious concern over the adverse financial situation facing the Residual Special Court and requested the Secretary-General to redouble his efforts to seek voluntary contributions, including through broadening the donor base and holding regular consultations with key stakeholders, and to report thereon to the General Assembly at the main part of its seventy-third session.

Audit

From 4 to 13 September 2017, the South African Auditor General conducted an on-site audit of the Residual Special Court’s 2016 accounts. This audit has since been completed and an audit report was submitted to the Oversight Committee.

FUNDRAISING AND DIPLOMATIC RELATIONS

OVERSIGHT COMMITTEE

During 2017, the Oversight Committee and the Residual Special Court Registrar held a series of discussions concerning ongoing efforts to secure means of sustainable funding for the Residual Special Court. The Registrar regularly participated in the Oversight Committee meetings via teleconference, joined by the Liaison Officer in New York.

On 27 April 2017, while in New York on a fundraising mission, the Registrar and the Prosecutor met with members of the Oversight Committee. Discussions were held on the Residual Special Court's activities, financial challenges and fundraising efforts.

On 4 May 2017, Catherine Boucher, the Chair of the Oversight Committee and representative of the Canadian Mission to the United Nations, Liselot Egmond, representative of the Dutch Mission to the United Nations, Emily Pierce, representative of the United States Mission to the United Nations, Helen Mulvein, Legal Counselor at the United Kingdom Mission to the United Nations and Ana Peyro Llopis, Legal Officer at the United Nations Office of Legal Affairs, visited the interim seat of the Residual Special Court in The Hague. During their visit, they met with the ICTY and MICT Registrars regarding services provided to the Residual Special Court. They also met with Residu-



Fundraising.



Vice President Justice Nahamya with Venezuela Ambassador in The Hague - Fundraising Visit.

al Special Court staff, were briefed on the Residual Special Court's activities and conveyed the Oversight Committee's support of its work.

FUNDRAISING CHALLENGES

Throughout the course of 2017, the Oversight Committee, the Sierra Leonean Government and the United Nations Office of Legal Affairs maintained intensified efforts to secure a long term funding solution for the Residual Special Court. The Chair of the Oversight Committee convened ongoing coordination meetings to facilitate discussions on the matter. A further appeal letter was sent by the United Nations Secretary General to Member States to garner their support. Additionally, the Office of Legal Affairs continues to hold internal consultations on this issue.

As also reported in other sections of

this Report, intensified fundraising efforts continued in order to broaden the donor base and garner financial support. The Residual Special Court Principals, led by the President of the Court, held a combined total of forty-two bilateral meetings with officials from United Nations Member States, the G77, the European Union and other regional groups, and international organizations. These meetings were held in New York (April 2017, twenty-three bilateral meetings attended), The Hague (June 2017, nine bilateral meetings attended) and Addis Ababa (July 2017, six bilateral meetings attended) to promote the activities of the Residual Special Court and its legacy and to appeal for political and financial support. A combined total of sixty-nine meetings were held in the second half of 2016 and 2017.

In addition to these bilateral meetings, four diplomatic briefings were

held. The first was held on 18 January 2017 in The Hague, hosted by the Canadian Embassy, and was attended by Residual Special Court Principals, the Principal Defender and representatives of twenty-five diplomatic missions. The second was held in April 2017 in New York, hosted by the Canadian Mission, and was attended by representatives of thirty-three United Nations missions and organisations. Meetings which could not be held in New York were held in The Hague in May and June 2017, as recommended by the Oversight Committee and with its facilitation. In this regard, in May 2017, the President and Registrar held a meeting with the Ambassador of Cameroon in her capacity as the Dean of the African Group in The Hague. Pursuant to the meeting, the Cameroonian Ambassador agreed to facilitate a diplomatic briefing on behalf of the Court with Members of the African Group. The

diplomatic briefing took place on 1 June 2017 at the Embassy of Cameroon and was attended by the President, Vice President and Registrar of the Residual Special Court and representatives from ten African States. The fourth diplomatic briefing was held in July 2017 before the African Union Peace and Security Council in Addis Ababa and was attended by the Vice President, the Registrar of the Residual Special Court and forty participants, including participants from fourteen member states of the African Union Peace and Security Council.

Following these fundraising missions, letters were further distributed to representatives from each mission and organisation met to thank them for the meeting and reiterate the Residual Special Court's financial challenges.

Despite these ongoing fundraising efforts, the Residual Special Court received only two contributions towards the operating budget for 2017. In the circumstances, efforts to secure a subvention for the biennium 2018-2019 continued throughout the second half of the year.

In October 2017, pursuant to the request for subvention, the Registrar, via video teleconference ("VTC"), a representative of the Assistant Secretary General for Legal Affairs and the Director of Programme Planning and Budget Division at the Department of Management's Office of Programme Planning, Budget and Accounts ("Director of Programme Planning and Budget Division") responded to questions from the Advisory Committee on Administrative and Budgetary Questions regarding the Residual Special Court budget. On 15 November 2017, the Registrar, via VTC, a representative from Office of Legal Affairs and the Director

of Programme Planning appeared before the Fifth Committee to provide additional information on the Residual Special Court budget.

DIPLOMATIC AND OTHER EVENTS

On 26 April 2017, while in New York, the Registrar and the Prosecutor participated in an event on the Special Court and addressed its sixty-nine participants, including States Representatives and United Nations Agencies on the Special Court's contribution to accountability for sexual and gender-based violence. The event was organised by Professor Valerie Oosterveld, Associate Dean at the Western University and Deputy Director of the University's Centre for Transitional Justice and Post-Conflict Reconstruction and co-sponsored by United Nations Women and the Canadian and Sierra Leone Missions. For the purposes of the event, the Court Principals and Principal Defender constituted an expert panel and addressed questions on their respective roles in relation to the Special Court's approach to accountability for and prosecution of sex-based crimes violence crimes. A call for fundraising was also made on this occasion.

During the second quarter of 2017, Residual Special Court Principals and Legal Officers met with students of the London School of Economics and the Monterrey Institute of Technology and Education and briefed them on the Residual Special Court's activities and its contribution to international justice.

On 23 May, the Registry Legal Officer represented the Registrar at the Second European Union Day Against Impunity hosted at the Permanent Representation of Malta to the European Union. The Registry Legal Officer further represented the Registrar at other events and

receptions in The Hague including at the Embassies of Venezuela, Germany, Sweden and the United Kingdom.

On 15 September 2017, an Assistant Professor at the College of Policy Science, Ritsumeikan University located in Japan, visited the Residual Special Court to conduct an interview with representatives of the Offices of the Registrar and Prosecution. The interview concerned the role of the Residual Special Court as an innovative organisation in the field of international justice.

On 19 September 2017, the Legal Counsellor of the South African Embassy in The Hague paid a courtesy visit to the Residual Special Court. The Legal Counsellor was briefed on the activities and challenges of the Residual Special Court and its contribution to international justice.



Principal Defender Ibrahim Yillah

DEFENCE OFFICE

PRINCIPAL DEFENDER'S TRAVEL TO RWANDA

As part of the Defence Office's duty to monitor the conditions of enforcement of sentence of Special Court convicts, the Principal Defender travelled to Mpanga Prison in Rwanda from the 15 to 22 July 2017 to, *inter alia*, monitor, assess and enquire into issues such as prison disciplinary measures affecting all convicts' detention conditions. In this regard, discussions were held with the convicts to obtain their views with reference to the disciplinary regime employed by the prison authorities.

During the visit, the Principal Defender further enquired into and assessed the issue of conflicts between and among the convicts. In this respect and with a view to resolving these issues, the Principal Defender held discussions with the convicts and conducted mediation. At the conclusion of the mission, the Principal Defender succeeded in resolving these tensions and the convicts undertook to live in harmony.

PRINCIPAL DEFENDER'S TRIP TO GEORGIA

In September, 2017 the Principal Defender presented lectures at a regional conference on legal aid, focusing on the challenges and importance of independent legal aid held on 28 and 29 September 2017, in Tbilisi, Georgia.

CONDITIONAL EARLY RELEASE

Allieu Kondewa

The Defence Office continued to provide legal services to Allieu Kondewa with reference to his pending conditional early release application subject to, *inter alia*, his ten months of training as per the President's Decision of 29 May 2017. In furtherance of the President's Decision, the Principal Defender facilitated certain aspects of the conditional early release training with Allieu Kondewa during his trip to Rwanda in July 2017.

On the 29 September 2017, the Registrar contracted three former Special Court staff members to interview Allieu Kondewa in order to confirm his understanding of the training programs he had done in Mpanga Prison in Rwanda on the issues outlined in the training pursuant to the President's Decision of 29 May 2017 granting him conditional early release. The evaluation was conducted by phone in Allieu Kondewa's local language, Mende. The team included former Chief of Court Management, former Special Court Mende Interpreter Mr Kelson Sesay, Mr Joseph Saffa and a Defence staff member who served as Allieu Kondewa's representative to ensure that the interview was done fairly. Thereafter, the team submitted a report stating they were not satisfied with the clarity of the telephone line and suggested that the interviews be redone because Allieu Kondewa found it difficult to understand all the questions posed.



OC and Hague Staff.

On 7 October 2017, SCSL convict Allieu Kondewa was admitted to King Faisal Hospital and the medical team advised him to undergo surgery, a recommendation he accepted. The surgery was successful.

Moinina Fofana

With reference to a request from Moinina Fofana dated 7 August 2017, the Defence Office applied to the Registrar pursuant to paragraph 6(d) of his Conditional Early Release Agreement of 18 May 2016, outlining his desire to travel to Minah Village, Bonthe District in order to undertake certain farming activities from the 11 August to 11 September 2017. The application was subsequently granted by the Registrar. Moinina Fofana returned to Bo at the end of the period allowed.

VISIT OF FAMILY MEMBERS OF SCSL CONVICTS TO RWANDA

The Defence Office, together with

the Registry, facilitated applications for the renewal of two passports and one new passport for family members of a Special Court convicted person at the Sierra Leone Immigration to enable family visits.

The Defence Office, in coordination with the Registrar, subsequently organized the travel of family members of Special Court convicts to Rwanda. In August 2017, all the convicts' relatives, 6 in number, departed Freetown for Rwanda and returned to Freetown in August and September 2017, respectively. The Rwandan prison authorities for the first time commended the comportment of the relatives during their stay in Rwanda.

VISA APPLICATIONS OF CHARLES TAYLOR'S FAMILY MEMBERS TO THE UK

During the reporting period, the Defence Office, in collaboration with the Registrar's Office, facilitated the online visa application of

Charles Taylor's wife, Mrs Victoria Addison Taylor, and his children to visit him at HMP Frankland in the United Kingdom.

ANNEX I

Overview of the 2017 Budget

To manage the non-judicial residual functions and the judicial and other proceedings, the budget for the RSCSL's operations for 2017 is (US\$2,980,500). Further breakdown of the 2017 figure is as follows: permanent staffing costs (US\$1,557,700); income tax liability (US\$100,000); and operational costs (US\$1,322,800). The operational costs include ICTY administrative support services (US\$379,700) and the annual cost for enforcement of sentences of the 6 SCSL convicted persons in Mpanga Prison, Rwanda (US\$90,000).

Non/Judicial and Judicial

Requirements by object of expenditure - Non Judicial & Judicial Proceedings

(United States dollars)

Object of expenditure	Non Judicial	Judicial	Total Budget
Posts	940,800	30,600	1,071,400
Common staff cost	280,300	23,000	303,300
Compensation to Judges	53,300	129,700	183,000
Consultants and experts	31,500	-	31,500
Witness Costs	80,000	-	80,000
Travel - Witness	10,000		10,000
Travel	112,600	167,500	280,100
Contractual services	541,000	50,000	591,000
General operating expenses	152,600	72,000	224,600
Supplies and materials	10,600	-	10,600
Acquisition of furniture and equipment	5,000	-	5,000
Tax Liability	100,000		120,000
Enforcement	90,000		90,000
	2,407,700	572,800	2,980,500

ANNEX II

Residual Special Court Judges and Personnel Nationalities 2017

JUDGES

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

PRINCIPALS

Sierra Leone	2
United States of America	1
Total	3

STAFF

France	1
Saint Lucia	1
Sierra Leone	10
South Africa	1
Total	14

CONTRACTORS

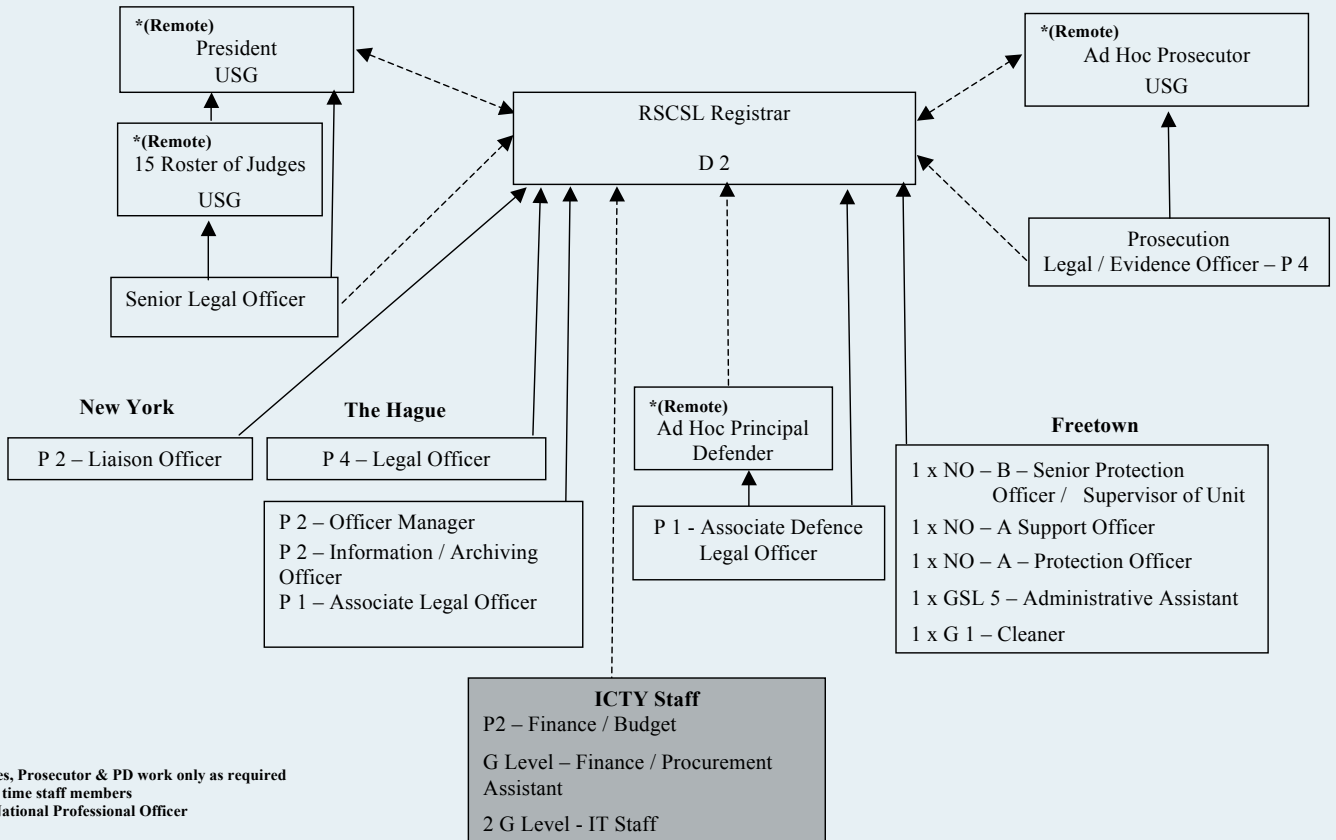
Canada	1
Pakistan	1
Portugal	1
Sierra Leone	7
United Kingdom	3
United States of America	6
Total	19

Grand Total 52

ANNEX III



RESIDUAL SPECIAL COURT FOR SIERRA LEONE (RSCSL) ORGANOGRAM (2017)



* Judges, Prosecutor & PD work only as required
13 Full time staff members
NO – National Professional Officer

Residual Special Court for Sierra Leone

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