

FIFTH ANNUAL REPORT

of the President of the Residual Special Court for Sierra Leone



January 2018 – December 2018





FIFTH ANNUAL REPORT

*of the President of the Residual
Special Court for Sierra Leone*



5th



Judges and RSCSL Principals, Austrian Foreign Minister in Vienna.

TABLE OF CONTENTS

Foreword	6
Introduction	8
The Office of the President	10
The Chambers	11
The Office of the Prosecutor	16
The Registry	19
Fundraising and Diplomatic Relations	24
The Defence Office	27
Annexes	31



Justice Renate Winter

FOREWORD

Your Excellencies,

I have the honour to submit for the last time as President of the Residual Special Court for Sierra Leone (Residual Special Court) the Annual Report concerning the operations and activities of the Court during the period 1 January to 31 December 2018.

The Residual Special Court continued to fulfill its core mandate of ensuring the protection and support of victims and witnesses, the enforcement of sentences of convicted persons in line with international standards according to its constitutive Agreement and Statute, as well as the maintenance and preservation of archives to protect the judicial integrity of the Special Court for Sierra Leone and to support research and projects concerning its legacy. The Residual Special Court had furthermore to deal with partially inappropriate requests and behaviour of convicted persons, and with legal aid for convicts and their families, to respond to national authorities concerning letter rogatories for interrogation of convicted persons, and to answer requests for assistance from universities in various countries.

At the end of the reporting period, six convicts were still serving their sentences in prison: one in the United Kingdom and five in Rwanda. One convict completed his sentence at the end of his conditional early release in May 2018 whilst another was transferred to continue serving his sentence in Sierra Leone. No problems were encountered with the first conditionally released person during this period; the second one, with still some possible political influence in his home district, had a prolonged information and learning period concerning his rights and especially duties in order to strengthen and not to disturb the peace and reconciliation policy of the country. Together, the respective prison authorities, the Registrar, the Principal Defender and the International Red Cross assured the maintainance of international standards for all convicts.

The Fifth Plenary of Judges was held in Vienna, Austria at the end of November in the framework of an international high level Colloquium on Children Recruited and Exploited by Terrorist and Violent Extremist Groups. The Colloquium was organized by the Residual Special Court (by me, with the important assistance of the Registrar and her staff) and the United Nations Office on Drugs and Crime (UNODC), which hosted both the Colloquium and the Plenary at the United Nations premises in Vienna. Financial assistance was provided by the Federal Ministry of European and International Affairs of Austria, the Council of Europe, the United Nations Development Programme San Salvador, and several Non-Governmental Organisations - Terre des Hommes, Raedda Barnen Sweden and Austrian Dreikoenigsaktion. The Austrian Minister of Foreign Affairs and the Executive Director of UNODC opened the Colloquium, and the Minister invited all participants to a reception at the Ministry of Foreign Affairs.

The Residual Special Court Judges were invited to address the theoretical problems of terrorism and children because of the great experience the Special Court had in this regard. Justice Bankole Thompson gave the keynote speech, and all Residual Special Court Judges either intervened in a special subject in the context of terrorism (African issues, crimes against humanity, jurisprudence, gender issues, child specific issues, defence challenges) or assisted in the subsequent discussion. On the second day, when professionals and practitioners brought up different challenges and possible solutions to rather general problems, the Judges assisted once again in the discussions in their specific areas of experience. UNODC promised at the end to assist with a documentation of the Colloquium, available both in hard copy and electronically.

On the third day, the Fifth Plenary took place with an intensive programme that was made possible by the detailed preparation work done in the last three months of 2018. Amendment proposals concerning Rule 6 (A) were sent to all the Judges with an invitation to comment. The Ethics Working Group, the Review Proceedings Working Group and the Rule Amendments Working Group did the same, which enabled quick and informed discussions at the Plenary. As a highlight, the pre-launch of the Special Court Appeals Chamber Jurisprudence Publication was done and all Judges familiarized themselves with the necessary electronic background in order to be able to use this really groundbreaking documentation. The scenario of a possible request for retrial by convicted persons and the consequences thereof (financially and concerning necessary personnel) were addressed as well.

The continuous relentless efforts of the Principals of the Residual Special Court to secure financial support have had a bit more success than during the last period, but once again, without the subvention funds of the United Nations, the Court would not have been able to exist and continue its work, an important one until now, as the Colloquium has shown.

For me as President, it was a real honour to work with my excellent and experienced colleague Judges, and I am grateful to have had the assistance of a committed and hard-working staff, all of them ready to achieve all endeavours of the Court and to present its legacy to the world.



Justice Renate Winter

President

INTRODUCTION

The President of the Residual Special Court (RSCSL) issues this Fifth Annual Report (Fifth 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.

This report 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 organs of the Residual Special Court, namely the Chambers, the Office of the Prosecutor and the Registry during the fifth year of its existence. It covers the period from 1 January to 31 December 2018.

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 RSCSL (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 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.



UNODC Executive Director Yury Fedotov and RSCSL President Renate Winter.

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 conditional early releases. The *ad hoc* functions for which the Residual Special Court could 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 accordance 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 sub-office in Freetown for witness and victim protection and support. During the reporting period, the Residual Special Court was funded by a United Nations subvention grant due to insufficient voluntary contributions to carry out its operations.

Pursuant to Article 2 of the Agreement, the Residual Special Court maintained its composition of the Chambers, consisting of 16 Judges on a roster including the President, plus the Prosecutor and the Regis-

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

THE OFFICE OF THE PRESIDENT

JUDICIAL AND ADMINISTRATIVE MATTERS

Allieu Kondewa’s Application for Conditional Early Release

On 13 March 2018, the President received a request for extension of time for completion of Allieu Kondewa’s further training as ordered in the Decision of the President granting his application for conditional early release of 29 May 2017. In granting Allieu Kondewa’s application for conditional early release, the President ordered that Allieu Kondewa should remain in custody for ten additional months from the date of the Decision to undergo specific training on human rights and correct behaviour as a citizen of Sierra Leone, followed by certification of the training by the Registrar. The President further ordered that upon completion and certification of the training by the Registrar, Allieu Kondewa be released on the 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. The ten month period was to end on 29 March 2018.

The Registrar sought an extension of the initial time limit of ten months by three months to complete the training, citing delays in completion of the last two modules of the training caused by Allieu Kondewa’s ill health. After receipt of responses from the Prosecutor and the Principal Defender, the President was satisfied that an extension of time was necessary to enable the Registrar to complete the required training and



Justice Winter

issue the proper certification. On 22 March 2018, the President granted the request for extension of time by three months and ordered that the training be completed and proper certification issued no later than 29 June 2018.

On 1 June 2018, the President received an interoffice memorandum from the Registrar certifying the completion of Allieu Kondewa’s training. The Registrar certified that Allieu Kondewa had successfully completed the training and was ready to commence his conditional early release following the completion of the relevant procedures stipulated in the Practice Direction on Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone. Allieu Kondewa signed a Conditional Early Release Agreement on 6 June 2018. Following consultations with the Prosecutor requesting her views on the impending release pursuant to Arti-

cle 10 (F) of the Practice Direction, the President issued a Supervision and Transfer Order on 18 June 2018 which *inter alia* directed the relevant authorities of the Government of Rwanda to transfer Allieu Kondewa to the Residual Special Court for the commencement of his conditional early release. Allieu Kondewa was returned to Sierra Leone from Rwanda where he was serving a 20 year conviction for war crimes and crimes against humanity on 8 July 2018. Mr. Kondewa has been serving the remainder of his sentence in his community in Bo subject to strict conditions and monitoring since that date and shall continue to do so until completion of his full term in 2023.

A letter of condolence was sent by the President on behalf of the Judges and staff to the wife and family of the late Sir Desmond de Silva, QC, who passed away on 2 June 2018 in the United Kingdom. As the first Deputy Prosecutor of the Special Court for Sierra Leone and the second Prosecutor, he was instrumental in the Special Court’s early success when he exhibited real passion for ensuring justice for the people of Sierra Leone. He successfully negotiated the transfer of Mr. Charles Taylor to the Special Court for Sierra Leone and contributed to the eventual successful completion of the Court’s mandate.

THE CHAMBERS

CHAMBER'S ACTIVITIES

First Quarter

PRESENTATIONS

The President of the RSCSL, Justice Renate Winter, engaged representatives from the following countries, as follows: Guatemala and Sri Lanka on child soldiers, and Guatemala, Marshall Islands, Palau, Seychelles, Solomon Islands and Sri Lanka on child marriage, in her capacity as President of the Committee on the Rights of the Child.

On 18 January 2018, Justice Andrew Hatton attended the 'Inaugural Ceremony for the International Criminal Court's Judicial Year' at its premises in The Hague. He attended as the representative of the President of the RSCSL, who was unable to attend. The day was split into two parts: Firstly, from 09:15 until 16:00 there was a judicial seminar entitled 'Complementarity and Cooperation of Courts in an Interconnected Global Justice System'. The seminar was structured around two working sessions, one on complementarity and one on cooperation. The format involved interactive discussions following presentations. Secondly, from 16:00 until 17:30, there was a formal ceremony with speeches, including a keynote address from the President of the Republic of Trinidad & Tobago. The day concluded with a reception.

Justice Shireen Fisher delivered a lecture at the Law Faculty of the National University of Ireland at Maynooth on 22 February. The subject of the lecture was international

criminal courts with an emphasis on the jurisprudence and practice of the Special Court for Sierra Leone.

Justice Teresa Doherty was part of a group invited by the University of Oslo Pluri-courts at a symposium on the Gender Representation of the Judges in International Tribunals and Courts. It brought representatives of various NGOs and courts from all around the world. Justice Doherty represented the RSCSL, and spoke on the contribution of women judges, prosecutors and others on the development of international criminal law, relying on the work of Special Court for Sierra Leone, and referred to its various jurisprudential precedents.

In February 2018, Justice Doherty continued with her appointment as a visiting professor at Queen's University, Belfast, and gave a public lecture dealing with international conventions and treaties and their use and application in the jurisprudence of international criminal courts and tribunals.

Also in February 2018, Justice Doherty was invited to join a large group of participants and speakers at a symposium on 'Women as Agents of Change in Rule of Law', organized and held at the University of South Carolina, USA. The chief organizer and instigator of the symposium was Anthony Triolo, who previously worked at the Special Court for Sierra Leone in Freetown and later in New York. The symposium was conducted with a keynote speaker and four panels, looking at issues such as human rights education and access to justice.



RSCSL Judges, Principals and staff.

The panel on which Justice Doherty participated included Residual Special Court Prosecutor Ms. Brenda Hollis and Judge Fiona Mwale of Malawi. Its topic was ‘Leadership of Women in the Justice Sector’. The symposium was broadcast live.

In February 2018, Justice Elizabeth Nahamya conducted a Roundtable in Uganda on behalf of the Commonwealth relating to vulnerable victims and witnesses, at which she spoke about witness protection at the Special Court for Sierra Leone.

In March 2018, Justice Doherty joined other experts at the Georgia Winter School, organized by Residual Special Court President Justice Winter and others, for judges and judges’ assistants in Tbilisi, Georgia. There were wide-ranging topics discussed such as juvenile justice and sociology. She spoke on the application of international conventions in Georgia’s domestic courts.

Second Quarter

PRESENTATIONS

During the period under review, President Justice Renate Winter in her role as President of the United Nations Committee on the Rights of the Child (CRC) engaged the following countries: Argentina, Lesotho and Algeria, on Special Court for Sierra Leone jurisprudence on prevention of child marriages and the recruitment of child soldiers.

Justice Shireen Fisher was keynote speaker at a two day conference on 21 and 22 June 2018, organized by Maynooth University. The Conference theme was: ‘The Universal Declaration of Human Rights at Seventy: A Review of Successes and Challenges’. Justice Fisher spoke on the topic: ‘The Universal Declaration of Human Rights as a standard setter for International Criminal Law’.

In May 2018, Justice Teresa Doherty joined President Justice Renate Winter in Georgia to speak to members of the Georgian judiciary on international conventions and treaties.

Justice Vivian Solomon attended and delivered a paper during a three-part workshop series organized by the Pluris Centre of Excellence in The Hague, Netherlands in May 2018 on the theme ‘Identity on the International Bench’. Her paper was titled: ‘Geography and Legal Culture on the International Bench. Challenges and Prospects of Women Judges’ Participation and Representation in International Criminal Tribunals: Perspectives From the RSCSL’.

In May 2018, Justice Elizabeth Nahamya participated in a Symposium organized by Avocats Sans Frontières in Uganda, during which she presented a paper on witness protection in the Rules of Procedure and Evi-

dence of the Special Court for Sierra Leone. In June 2018, Justice Nahamya attended a ‘Regional Conference on Complementarity and Positive Complementarity’ in Uganda, where she presented a paper titled: ‘Complementarity: Keys, Padlocks and Chain Links in the Criminal Justice System’.

Justice Nahamya also worked on a casebook on ‘Violence Against Women’ in June 2018, in which she included some Judgements of the Special Court for Sierra Leone. From January to June 2018, she assisted the Office of the Director of Public Prosecutions of Uganda in crafting guidelines on witness protection, using the Special Court for Sierra Leone as an example of best practices.

Third Quarter

PRESENTATIONS

During the period under review, President Justice Renate Winter in her role as President of the United Nations Committee on the Rights of the Child (CRC) engaged the following countries: Mauritania, El Salvador, Laos, Niger, Benin, Saudi Arabia and Ivory Coast on prevention of child marriages, and Mauritania, El Salvador, Niger, Benin, Saudi Arabia, Ivory Coast and Sri Lanka on the recruitment of child soldiers.

Justice Teresa Doherty and Registrar Binta Mansaray delivered lectures to Stanford University students on the achievements of the Special Court for Sierra Leone and the jurisprudential ‘firsts’ which the Court made in the development of international criminal law. These range from being the first international court to sit in the country of the conflict, to a decision that amnesties cannot apply to war crimes and crimes against humanity, to the

definitions and decisions relating to conscription, recruitment and use of children in conflict, forced marriage (all of which have been approved in other tribunals) and conditional early release. The lectures were delivered in The Hague.

Justice Teresa Doherty, Prosecutor Brenda Hollis and Registrar Binta Mansaray delivered lectures to members of the diplomatic corps, facilitated by the Ambassador of Canada, referring to the Special Court for Sierra Leone and the jurisprudential ‘firsts’ it achieved, elaborating on the decisions on sexual offences and gender-based violence in the light of the history of attitudes to these crimes and the contrasts that the Special Court decisions achieved. The lectures were delivered in The Hague.

Justice Doherty delivered a lecture in Northern Ireland to the Presbyterian Men’s Group on the developing jurisprudence on prisoners’ and women’s rights in Papua New Guinea and before the SCSL.

On Tuesday 14 August 2018,

RSCSL Judges based in Freetown – Chief Justice Abdulai Charm, Justice Jon Kamanda, Justice Emmanuel E. Roberts and Justice Desmond Babatunde Edwards –, together with Registrar Ms. Binta Mansaray and the Senior Legal Officer Rhoda Kargbo, attended a reception hosted by the High Commissioner of Canada accredited to Sierra Leone, H.E. Heather Cameron, during the visit to Sierra Leone of Canada’s Minister for International Development. The Minister, Hon. Marie-Claude Bibeau, was paying a three-day high-level visit to Sierra Leone, and requested a meeting with the RSCSL Judges during her visit. The Judges and Registrar held brief discussions with the Minister during the reception.

The Judges commenced preparations, including research and submission of papers, for two important upcoming events: the RSCSL high-level Colloquium on ‘Children Recruited and Exploited by Terrorist and Violent Extremist Groups’ and RSCSL Plenary holding in Vienna, Austria from 28th to 30th November 2018.



Austrian Foreign Minister H. E. Karin Kneissl & President Winter.

Fourth Quarter

FIFTH PLENARY AND COLLOQUIUM

The Judges of the Residual Special Court held their Fifth Plenary in Vienna, Austria on Friday 30 November 2018. The Plenary elected Justice Jon Kamanda of Sierra Leone to a two-year term as President. He succeeds Justice Renate Winter of Austria, who had served as President since December 2016. The Judges also elected Justice Teresa Doherty of Northern Ireland as Vice President, and Justice Pierre Boutet of Canada as Staff Appeals Judge. The Judges were briefed by the Offices of the Prosecutor, Principal Defender and Registrar, discussed *inter alia* the outcomes of Working Groups that were set up on Ethics, Review of Sentences and Rule Amendments, and amended Rule 6 of the Rules of Procedure and Evidence. The Plenary also saw the pre-launch of a compilation of the Special Court's jurisprudence by the Appeals Chamber, which will be published in 2019.

Prior to the Plenary, Residual Special Court Judges and Principals took part in a two-day high level Colloquium on 'Children Recruited and Exploited by Terrorist and Violent Extremist Groups'. Judges and the Principal Defender made presentations drawing on the Special Court's experience and jurisprudence in trying defendants on charges of acts of terror. The Colloquium was organized by Justice Renate Winter together with the United Nations Office on Drugs and Crime (UNODC), which hosted both the plenary and the Colloquium in the premises of the United Nations in Vienna. It was sponsored by the Federal Ministry of European and International Affairs of Austria, the Council of Europe, United

Nations Development Program San Salvador and several Non-governmental Organisations: Terre Des Hommes, Raedda Barnen Sweden and Austrian Dreikoenigsaktion. The Colloquium was opened jointly by the Austrian Minister of Foreign Affairs and the Executive Director of UNODC.

PRESENTATIONS

The following Judges delivered Papers at the Residual Special Court Colloquium held in Vienna from 28-29 November 2018:

Justice Bankole Thompson: Keynote Paper titled 'Conceptualizing, Defining and Adjudicating Terrorism as a War Crime: National, Regional and International Law Perspectives'. Justice Renate Winter: 'Children and Terrorism: Where Do We Want to End Up?'

Justice Shireen Fisher: 'The Problem of the Child as Victim, Target and Instrument of Terrorism: Lessons from the Special Court for Sierra Leone'. Justice Teresa Doherty: 'Gender Violence, Including Against Girls as a Tactic of Terror'.

Justice Elizabeth Nahamya: 'Grappling With Definitions: Is it Time to Reconsider Terrorism as a Crime Against Humanity?'

Justice Isaac Lenaola and Justice Oagile Dingake delivered two papers: 'International Criminal Court (ICC) and Africa: Embrace or Discard' and 'ICC and Terrorism'.

In November 2018, Justice Shireen Fisher made a presentation to the graduate students of international law at the University of Ireland Maynooth (MUI) on the jurisprudence of the Special Court and the work of the Residual Special Court.

In October 2018, Justice Doherty attended a workshop and confer-



Justice Teresa Doherty and Registrar Binta Mansaray meet with visiting Stanford University students.

ence on Creating a Culture of Justice. The conference was organized by the International Development Law Organisation (IDLO) for its members and others in numerous countries worldwide. The meeting was held in The Hague over three days. Justice Doherty presented papers on Gender Based Violence (GBV) Mechanisms; mainstreaming responses to GBV in conventional justice sector mechanisms and did a review of examples of oppression of women by customary laws. She also took part in the various discussions on related topics and recorded a podcast.

In November 2018, Justice Doherty was interviewed by a Ph.D candidate researching the early release of persons convicted by international tribunals, and answered questions on the conditional early release provisions and application of the SCSL practice direction on conditional early release. She also gave a talk on her work on women's rights as human rights to members of the North Down group of Probus clubs, and answered questions on such matters as forced marriage and violence in conflict. In the same month, Justice

Doherty was appointed by the United Nations as an expert to discuss a draft Handbook for Judges on the hearing of cases of violence (both physical and sexual) against women. She joined judges from India, Australia, Thailand, South America and Europe in Vienna and debated and spoke on issues over three days. In December 2018, Justice Doherty was invited by the University of Utrecht to write a foreword to a proposed book on the 'Intersections of Law and Culture in the International Criminal Court', and to attend and speak at the meeting of experts who will contribute to its writing. She delivered a paper on the clash of culture and law and how evidence was presented in the national courts and in the Special Court, and the lessons that can be learnt from those experiences. She answered questions and joined in a lively debate.

AWARDS AND HONOURS

In April 2018, the Women's Forum of Northern Ireland bestowed Justice Teresa Doherty with a lifetime achievement award for her contribution to public life. This is the second

time this honour was made and it is their highest award.

In May 2018, Justice Teresa Doherty attended the International Association of Women Judges (IAWJ) conference in Buenos Aires, Argentina. Over one thousand women judges from around the world attended. In the course of the conference she was presented with two awards for her dedicated advancement of 'Human Rights' and 'Global Vision', respectively. This is the highest honour conferred by the IAWJ. The citation cited in particular the judgments of the Special Court for Sierra Leone and its decisions on forced marriage as a crime against humanity, and the recruitment of child soldiers.



Prosecutor-Ms. Brenda J. Hollis

THE OFFICE OF THE PROSECUTOR

The Prosecutor's Office functioned normally during the reporting period. Highlights of the key activities undertaken by the Prosecutor within her mandate include addressing matters relating to the SCSL fugitive indictee Johnny Paul Koroma, responding to requests for assistance from national prosecution authorities and coordinating on witness issues with the Registry. During the period, the Prosecutor worked both from The Hague Office and from home. In addition, the Prosecutor attended conferences, symposia, workshops and trainings organized by other organisations, offering her the opportunity to speak widely about the work of the Court and its current challenges.

THE PROSECUTOR

In February, the Prosecutor travelled to The Hague to conclude her assistance to a sister tribunal, begun in July 2017. The Prosecutor used the opportunity to review some of the activities of her Legal Adviser in The Hague office.

From 6 to 14 May, the Prosecutor, accompanied by her Legal Adviser, travelled to Freetown to address issues relating to Johnny Paul Koroma. During her visit, The Prosecutor held discussions with Sierra Leone's Attorney-General and Minister of Justice and the Inspector General of Police. She also met with investigators.

While in Freetown, the Prosecutor held diplomatic meetings with some heads of foreign missions, the European Union Delegation and civil society. The foreign missions included

the Embassies of Germany, Liberia, the United States, the British High Commission and the European Union Delegation. The Prosecutor's message to each of these functionaries was standard. First, she apprised them of the mandate of the Residual Special Court, and then provided an update on the Court's operations. The Prosecutor discussed the current funding challenges faced by the Court and options for achieving long-term sustainability that will eliminate the need for frequent reversion to the UN for a subvention grant.

The Prosecutor's meeting with the civil society umbrella group, Special Court Interactive Forum (SCIF), was largely a Question & Answer session that gave SCIF members an opportunity to ask questions about current RSCSL operations. A third of the questions concerned the imprisonment of former Liberian President Charles Ghankay Taylor and other SCSL convicted persons.

In July, the Prosecutor travelled to Kurdistan, Iraq to train an NGO on interview techniques and best practices for collection and preservation of evidence relating to alleged genocidal activities by ISIS against Yazidis.

In August, the Prosecutor travelled to New York City with the Registrar for the purpose of fundraising. They held bilateral meetings with the representatives of several embassies and foreign missions, along with the UN Office of Legal Affairs.

Also in August, the Prosecutor attended the 12th Annual Human-

tarian Law Dialogs in Chautauqua, New York. This is an annual gathering of current and past Chief Prosecutors of various international criminal tribunals to discuss contemporary issues of International Humanitarian Law and to update participants on developments in their respective tribunals during the past year.

From 16 to 21 September, the Prosecutor travelled again to Freetown

In late September, following her visit to Freetown, the Prosecutor participated in further fundraising diplomatic activities with the Registrar in The Hague and Brussels. The two principals met with representatives of embassies and missions of states they had not previously engaged during their earlier visits.

In October, the Prosecutor participated in the International Nurem-

until the Prosecutor's Office had exhausted its ability to follow up the reports, given its limited investigative capacity. As the investigation of these rumours by the Prosecutor's Office had yet to produce a determinative result, the Prosecutor sent a request for assistance to the Government of Sierra Leone (GoSL) to investigate the veracity of the rumours and provide trusted and reliable information about the alleged occurrence. The request for assistance to the GoSL was delayed due to the sensitive political environment leading up to the political parties conventions and subsequent presidential campaigning. After the request, the Prosecutor's Office received additional information about a potential source and became aware of another source. Both sources were followed with no definitive results. The Prosecutor then filed an addendum to her earlier request for assistance while awaiting the installation of a new government and an official response to her outstanding requests.



Prosecutor Brenda J. Hollis conducts a Diplomatic Briefing.

to address issues relating to Johnny Paul Koroma. During her visit, the Prosecutor held discussions with Sierra Leone's newly appointed Attorney-General and Minister of Justice, following a change of government at elections. The Prosecutor also conducted outreach missions to Bo and Mattru Jong, where she held town hall meetings and addressed civil society groups and community stakeholders about the importance of respecting measures for the protection of witnesses and supporting the RSCSL Conditional Early Release (CER) scheme, which was then operational in relation to convict Allieu Kondewa.

berg Principles Academy Board of Advisors meetings and in a Forum on the International Criminal Court.

JOHNNY PAUL KOROMA

Following rumours in early August 2017 from Sierra Leone newspapers (online) and from social media groups that Johnny Paul Koroma had died in Sierra Leone and had been buried at a secret location, the Prosecutor initiated investigations to independently verify the information. The investigations, which spanned 2017 and 2018, began in mid-August 2017 and continued

During her May 2018 visit to Freetown, the Prosecutor sought to establish the status of her requests for assistance to investigate the rumors. At their separate requests, the Prosecutor prepared and served an updated Letter of Request for Assistance on the offices of the Attorney-General and Inspector General of Police, renewing her call for an investigation of the story and promising to provide forensic support for examining any remains found which are believed to be those of Koroma.

During her September visit to Freetown, the Prosecutor met with another newly appointed Attorney-General and discussed the issues relating to the status of Johnny Paul Koroma with her. The Prosecutor provided the Attorney-General with copies of previously served Requests for Assistance relating to this mat-

ter. The outcome of effort(s) by the Government of Sierra Leone at investigating the rumours is still awaited.

REQUEST FOR INFORMATION/ ASSISTANCE

In the period under review, the Prosecutor's Office received and responded to five new requests for information from national prosecution authorities, and follow-ups on responses to two previous requests. Three of the five new requests related to assisting with information about persons of interest or situations, while the other two had to do with facilitating access to RSCSL expertise for supporting operations of the requesting authorities.

The Prosecutor's Office also provided assistance, including reviewing potential pleadings on behalf of a Swiss-based NGO Civitas Maxima, engaged in investigation and supporting the prosecution of persons responsible for violations of war crimes and crimes against humanity in Sierra Leone and Liberia.

During the period, the Prosecutor's Office received requests for assistance from academic researchers from the University of Otago, New Zealand, University of Leiden, the Netherlands, and University of Liverpool, United Kingdom.

WITNESS ISSUES

The Prosecutor's Office worked with the Witnesses and Victims Support Office in Freetown to facilitate direct contact with witnesses by one of the Requesting Authorities. Also, while in Freetown, the Prosecutor was provided with updates on the protection and support situation of particular witnesses by staff of the Witness Support Office, including the current number of witnesses remaining on their list and the num-

ber of deceased witnesses.

In November, at the joint instruction of the Prosecutor and the Registrar, the Prosecution Legal Adviser collaborated with staff of the Witnesses and Victims Support Office to address an urgent protection and support issue relating to a source. This matter remained pending at the close of the reporting period.

OTHER MATTERS

On 9 March, the Prosecution Legal Adviser teamed up with the Registry Legal Officer to deliver a joint presentation to students of the Faculty of Law at the University of Groningen to mark their annual Career Day.

On 21 June the Prosecution Legal Adviser briefed two trainee judges from the Supreme Court of Georgia about the RSCSL Prosecutor's mandate and activities. The trainees were on a week-long visit to international courts in The Hague.

From late June to mid-August, the Prosecution Legal Adviser and the Legal Officer Registry, under the direction of the Registrar, jointly visited 22 embassies in The Hague to raise funds and promote awareness of the work of the RSCSL. They engaged mainly with their counterpart legal officers at these missions, and met with ambassadors or heads of mission only where this was consented to.

In July, the Prosecution Legal Adviser/Evidence Officer represented the Registrar at the Security Management Team (SMT) meeting to review security relating to the operations of UN and UN affiliated organisations in The Hague, including personal security of staff members and their dependants. The SMT meets once a year and works in coordination with the Dutch Na-

tional Coordinator for Security and Counterterrorism (NCTV) and the General Intelligence and Security Service (AIVD).

Also in July, the Prosecutor and her Legal Adviser reviewed and made inputs to two draft RSCSL documents circulated by the Registrar's Office, to wit, the Code of Professional Conduct for Counsel with the Right of Audience before the RSCSL and the Directive on the Assignment of Counsel.

In November, the Prosecution Legal Adviser participated in the Fifth Plenary of Judges in Vienna, representing The Prosecutor. The Legal Adviser presented a summary of the Prosecutor's Annual Report for 2018 to the Plenary in advance and responded to questions from the Judges during his oral presentation at a session of the plenary.



Registrar Binta Mansaray

THE REGISTRY

In accordance with Article 15 of the Statute of the RSCSL, 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 2018.

VICTIMS AND WITNESSES

During the course of 2018, the Residual Special Court Witness and Victim Protection and Support Office (WVS) in Freetown actively monitored and provided support to approximately 100 former witnesses of the Special Court located in various regions of Sierra Leone and other countries. The support provided includes 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.

As directed by the Registrar, WVS completed a nationwide comprehensive threat assessment and monitoring of the situation of witnesses in Sierra Leone and Liberia. A team of civil society and Court staff in Freetown have also been monitoring the impact, if any, of elections in Sierra Leone and Liberia on the safety and security of witnesses in both countries. A witness expert was also hired on a short-term basis to provide leadership and expert services in relation to the post-election nationwide monitoring of the situ-

ation of witnesses. Several outreach and witness protection missions were undertaken during the election period.

MAINTENANCE OF ARCHIVES AND COURT MANAGEMENT

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.

The original archives of the Residual Special Court continue to be maintained at the Dutch National Archives (DNA) in The Hague. The archivists, in coordination with the DNA, have been implementing changes identified during the review of the index of archives. The archiving team has additionally responded to requests and provided information internally and to external parties that have expressed interest in the work of the Court. Such requests relate to, *inter alia*, judicial filings before the Special Court for Sierra Leone.

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.

On 28 May 2018, Moinina Fofana, former Director of War for the Civil Defence Forces, completed his sentence. He is the first Special Court convict to have completed his sentence. Moinina Fofana was convicted by the Special Court and sentenced to a prison term of 15 years, with credit given for the time served in custody since his arrest in May 2003. From March 2015, Moinina Fofana was serving his sentence on conditional early release in his community in Bo, Sierra Leone, subject to stringent restrictions and monitoring. The successful completion of his sentence under these conditions is a major achievement, demonstrating the value of the Residual Special Court's conditional early release policy.

In early July 2018, Allieu Kondewa, the former Initiator and High Priest of the Civil Defence Forces, was also transferred from Mpanga Prison in Rwanda, to his community in Bo, Sierra Leone. He is the second Special Court convict to be granted conditional early release. He will continue to serve the remainder of his sentence under strict conditions and monitoring. Allieu Kondewa was serving a prison term of 20 years, with credit for the time served in custody since his arrest in May 2003. His full term will end in 2023.

Allieu Kondewa was granted conditional early release by decision of the President of the Residual Special Court, Justice Renate Winter, in May 2017 and as pre-conditions to his release, Allieu Kondewa had to successfully complete a training on human rights and correct behaviour as a citizen of Sierra Leone; issue public apologies for his past wrongful conduct; acknowledge his guilt, and demonstrate remorse. A team composed of two former Special Court staff members, a representative of the Defence Office and a rep-

resentative of the National Witness Protection Unit was commissioned to interview Allieu Kondewa and assess the success of his training. On 1 June 2018, the Registrar interviewed Mr. Kondewa to verify the findings of the team's report. On the basis of this interview, the Registrar certified that Mr. Kondewa had successfully completed his training. The Residual Special Court President issued a Supervision and Transfer Order on 18 June 2018. The transfer of Mr. Kondewa from Rwanda to Bo, Sierra Leone, under conditional early release was completed in early July 2018. Until final completion of his sentence in 2023, Allieu Kondewa is required to conduct himself honourably and peacefully in the community and not engage in secret meetings intended to plan civil unrest, nor join local or national politics. He must also report in person twice a month to the Sierra Leone Police, which serves as the monitoring authority.

With the release of Allieu Kondewa from prison, the number of Special Court Convicts serving their sentence in prison has been reduced to six, including five in Rwanda and one in the UK. These sentences are served in these two respective countries under the supervision of the Residual Special Court on the basis of bilateral agreements on enforcement of sentences with the enforcement States. Throughout the year, the Registrar provided regular updates to the Rwandan and UK authorities concerning the operations of the Residual Special Court and maintained an open line of communication with respect to the prisoners.

RWANDA

In Rwanda, the Registry continues to work closely with the Rwandan Correctional Services (RCS) to monitor the enforcement of sen-



Oversight Committee with RSCSL staff in The Hague.

tences of the five remaining prisoners at Mpanga Prison, located in the Nyanza District of Rwanda. Additionally, through the Defence Office, the Residual Special Court continues to respond to specific requests from the prisoners.

In May and July 2018, two new *pro bono* Counsel – Chief Charles Taku and Ms. Rachel Irura – were assigned to Special Court convict Morris Kallon at his request.

The convicted persons serving their sentences in Rwanda also received family visits over the summer of 2018.

In September 2018, the International Committee of the Red Cross (ICRC) conducted its annual visit to the Mpanga Prison. The ICRC's annual visit aims to ensure, as the designated monitoring authority, that the conditions of detention continue to meet international standards. Based on its findings, the ICRC will submit its confidential report to the President of the Residual Special Court.

The Registrar's annual visit to Rwanda to supervise the enforcement of sentences took place in October 2018. She was accompanied by the RSCSL prison advisor, Mr. Paul Wright. On this occasion, they held meetings with the Rwandan Minister of Justice, the Rwandan Commissioner General, Rwandan Correctional Services, the prisoners, the ICRC Delegation in Rwanda and Ambassadors of the United States and the Netherlands in Rwanda. The Registrar also examined complaints made by RSCSL prisoners.

UNITED KINGDOM

Mr. Charles Taylor, the former President of Liberia, continues to serve his sentence in the United Kingdom. During the course of 2018, the Registrar continued to coordinate as necessary with prison authorities and Defence Counsel on various matters related to Mr. Taylor's service of sentence.

With the facilitation of the Residual Special Court and its UK focal

points, Mr. Charles Taylor's wife and three minor children were issued UK visas. Mr. Taylor also received family visits while in prison in the UK.

At the request of Mr. Taylor, the Principal Defender assigned in May 2018 another *pro bono* Counsel, Mr. Essa Faal. Mr. Faal and Mr. Steven Powles are currently the counsel on record for Mr. Taylor. The Principal Defender also paid a legal visit to Mr. Taylor in the United Kingdom during the course of 2018.

In October 2018, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) conducted its annual visit to Mr. Taylor at HMP Frankland. The CPT's annual visit aims to ensure, as the designated monitoring authority, that Mr. Taylor's conditions of detention continue to meet international standards. The CPT will submit a confidential report of its findings to the President of the Residual Special Court.



RSCSL Staff in Freetown.

SIERRA LEONE

As reported above, on 28 May 2018, Moinina Fofana completed his sentence of 15 years and became a free citizen of Sierra Leone again. He was consequently relieved of all conditions imposed on him as a consequence of his conditional early release. Prior to his release, he continued to comply with the conditions of his conditional early release until the completion of his 15-year sentence. The Registrar advised the President, the Prosecutor, all Judges and the Principal Defender of the due date of completion of Mr. Fofana's sentence.

Allieu Kondewa is the second convicted person transferred to Sierra Leone on conditional early release in early July 2018. He will remain on conditional early release until full completion of his term in 2023.

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 received and responded to requests for assistance from national authorities in 2018.

In February 2018, the Residual Special Court facilitated the interview of two of its prisoners in Rwanda. These interviews took place with the prior authorization of the Residual Special Court President in response to a request for cooperation received from the national authorities of a third State in September 2017. The request was made pursuant to the Residual Special Court Practice Direction of 2015 on the procedure following a request to take a statement from a person in the custody of the RSCSL. The interviews were attended by the Principal Defender in order to ensure that the question-

ing remained within the scope of the questions presented in the request for assistance. The interviewees were also assisted by their *pro bono* counsel. The national authorities of the requesting State expressed their satisfaction with the handling of their request by the Residual Special Court.

FIFTH PLENARY OF JUDGES

During the final quarter of 2018, the Registry was engaged in preparations for the Fifth Plenary and 'Colloquium on Children Recruited and Exploited by Terrorist and Violent Extremist Groups', held in Vienna from 28 to 30 November 2018. The Registry coordinated all logistical and administrative arrangements, including facilitation of travel, visas and accommodation for all attendees.

The Fifth Plenary was also an opportunity for the Registrar to brief the RSCSL Judges, Prosecutor and

Principal Defender on the operations of the RSCSL, its achievements and challenges, and in particular, its funding challenges.

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.

FINANCIAL SITUATION

Budget

The Residual Special Court's approved budget for 2018 was USD 2,965,900. A United Nations (UN) subvention grant was received in the amount of USD 2,300,000 to supplement the Court's funding



Ms Charmaine Johnson - RSCSL Finance and Budget Officer.

to sustain activities until 31 December 2018, as a bridging financial mechanism. This represented a shortfall of USD 665,900 in the Residual Special Court budget for 2018. The UN 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.

On 13 June 2018, the UN Secretary-General addressed letters to all UN Member States to seek voluntary contributions for the financing of the Residual Special Court. In 2018, the Residual Special Court received total voluntary contributions of USD 116,400 and € 130,000.

The Residual Special Court estimated budget requirements for 2019 amounts to USD 2,984,600. The Fifth Committee authorised, on 22 December 2018, the Secretary-General to enter into commitments in an amount not to exceed USD 2,537,000 to meet the projected Residual Special Court budget for the period from 1 January 2019 to 31 December 2019 and to report to the General Assembly at its seventy-fourth session on the use of this commitment authority. The final resolution of the General Assembly A/Res/73/279 was issued on 8 January 2019.

AUDIT

From 10 to 21 September 2018, the Auditor General of South Africa conducted an on-site audit of the Residual Special Court's 2017 accounts. This audit has since been completed and an audit report was submitted to the Chair of the Oversight Committee.

FUNDRAISING AND DIPLOMATIC RELATIONS

OVERSIGHT COMMITTEE

During 2018, 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 Oversight Committee was also involved in consultations with the International Residual Mechanism for Criminal Tribunals (IRMCT) with a view to achieve further cost reduction under Memorandum of Understanding regarding Administrative and Technical Arrangements between the respective institutions. The Registrar regularly participated in the Oversight Committee meetings via teleconference and the Liaison Officer in New York attended all meetings.

On 14 June 2018, Ms. Catherine Boucher, the Chair of the Oversight Committee and representative of the Canadian Mission to the UN, Ms. Susan Dickson, member of the Oversight Committee/Representative of the United Kingdom Mission to the UN, Ms. Emily Pierce, member of the Oversight Committee/Representative of the United States Mission to the UN, Ms. Ronja Bandyopadhyay, member of the Oversight Committee/Legal Officer in the UN Office of Legal Affairs and Ms. Donna Middelkoop from the Dutch Ministry of Foreign Affairs, representing the Dutch member of the Oversight Committee, visited the interim seat of the Residual Special Court in The Hague. During their visit, they met with the IRMCT Registrar regarding services provided to the Residual Spe-

cial Court. The representatives also met with all Residual Special Court staff members in The Hague and in Freetown via teleconference to discuss the Court's work including its current financial situation. They expressed their appreciation to the staff members of the Residual Special Court to fulfil their functions with such a lean structure, which they considered a great achievement and a model in terms of efficiency.

FUNDRAISING CHALLENGES

Throughout 2018, the Oversight Committee, the Sierra Leonean Government and the UN Office of Legal Affairs maintained intensified efforts to secure a long-term funding solution for the Residual Special Court. As earlier reported, on 13 June 2018, the UN Secretary-General addressed a further appeal letter to UN Member States to garner their support. The Government of Sierra Leone held bilateral meetings with Member States to seek financial support for the Residual Special Court.

Moreover, intensified fundraising efforts continued in order to broaden the donor base and garner financial support. Residual Special Court Principals and staff members held bilateral meetings in The Hague, New York and Brussels with officials from a total of 52 UN Member States, including Argentina, Bangladesh, Bolivia, Bosnia-Herzegovina, Cameroon, Canada, Chad, Chile, China, Cuba, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, France, Gambia, Germany, Ghana, Guate-

mala, Honduras, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Mexico, Morocco, the Netherlands, Nigeria, Panama, Paraguay, Peru, Poland, Russia, Rwanda, Salvador, Senegal, Sierra Leone, Singapore, Sweden, Switzerland, Thailand, Uganda, Ukraine, United Kingdom, United States of America and Uruguay. A combined total of 80 meetings were held in 2018. In addition to these bilateral meetings, the Embassy of Canada in The Hague hosted a diplomatic briefing on 26 September 2018. The Diplomatic Briefing was attended by Court Principals and representatives of 27 diplomatic missions. The 28 Members of the European Union Working Party on Public International Law (COJUR) in Brussels was briefed by No Peace Without Justice on 1 October 2018, on the important mandate and challenges of the RSCSL, including the need to support its activities by way of voluntary contributions.

Following these meetings, letters were sent to representatives of each mission and organisation met to thank them for the meeting and reiterate the Court's financial challenges. The letter from the UN Secretary-General of 13 June 2018 was annexed thereto.

In October 2018, pursuant to the request for subvention, the Registrar, the Assistant Secretary General for Legal Affairs and a representative of the Director of Programme Planning and Budget Division at the Office of Programme Planning, Budget and Accounts of the United Nations' Department of Management (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 30 November 2018, the Registrar, via VTC, the Assistant Secretary

General of the Office of Legal Affairs and the Director of Programme Planning appeared before the Fifth Committee to respond to questions and provide additional clarification on the Residual Special Court budget.

DIPLOMATIC AND OTHER EVENTS

Throughout the year, the Registrar attended a number of diplomatic events and ceremonies in The Hague on behalf of the Residual Special Court. These included, *inter alia*, the New Year's Reception for the Diplomatic Corps and International Organisations hosted by Their Majesties The King and Queen of the Netherlands, the Opening Ceremony for the International Criminal Court 2018 Judicial Year, the luncheon on the occasion of the visit of the Chief Justice of Canada, Honourable Richard Wagner, to the Netherlands, the Oath-taking Ceremony of the newly elected Registrar of the International Criminal Court, the reception on the National Day of the Republic of Cameroon, a bilateral meeting with the new Registrar of the International Criminal Court, the launching of the 2018 Global Peace Index in June 2018, the birthday celebration in honour of Queen Elizabeth II, the Commemoration Reception in honour of Dr. Boutros-Ghali at The Hague Academy of International Law, the Farewell and Welcoming Reception for ongoing and outgoing Ambassadors at the Dutch Ministry of Foreign Affairs, the reception in honour of Canada's 151st Anniversary, the Commemoration of the 20th Anniversary of the Rome Statute of the International Criminal Court, the Reception in Honour of Mr. Karim Khan QC's appointment as Special Investigator for ISIS crimes in Iraq and the reception celebrating the 73rd Anniversary of the Independence of the Republic of Indo-

nesia. In August 2018, the Residual Special Court Registrar and Sierra Leonean Judges also attended a reception held by the High Commissioner of Canada on the occasion of the visit of the Canadian Minister of International Development to Sierra Leone.

In March 2018, Legal Officers met with students of the University of Groningen and briefed them on the activities of the Court and its contribution to international justice. Similar briefings were held in May 2018 for a group of students of Monterrey Institute of Technology and Education from Mexico and in August 2018 for a group of students from Algeria, Russia and Spain visiting international organisations in The Hague during a trip organised by Stichting Libertas International.

In June 2018, the Registrar paid courtesy calls on His Excellency Julius Maada Bio, the newly-elected President of Republic of Sierra Leone, and other members of the new government of transition. In Particular, the Registrar met with the new Minister of Foreign Affairs and the new Attorney General and Minister of Justice, the Secretary to the President, the Inspector-General of Police, the Chief Justice, and Sierra Leonean Judges and representatives of Sierra Leone civil society in order to brief them on the Court's work and challenges.

In June 2018, the Residual Special Court hosted the two Georgian magistrates who had successfully competed at the training seminar on international and national humanitarian and human rights law organized in Georgia by Residual Special Court President Renate Winter with relevant international stakeholders (the Winter School). The Residual Special Court facilitated their meetings with other judicial institutions present in The Hague, i.e. the



Diplomatic Briefing in The Hague.

Mechanism for International Criminal Tribunals, the Special Tribunal for Lebanon, the Kosovo Specialist Chambers, the International Court of Justice and the International Criminal Court. The two Georgian magistrates also received briefings on the Residual Special Court mandate, activities and achievements from the Office of the Registrar, the Office of the Prosecutor and the Defence Office.

In July 2018, the Registrar and Residual Special Court legal officers attended the International Conference for Iraqi Judges on the Accountability of ISIS/Dae'sh Crimes in Iraq, hosted at the Embassy of Iraq in The Hague. They actively contributed to the works of the Conference by sharing the specific experience and legacy of the Residual Special Court on, *inter alia*, witness protection and outreach.

In August 2018, the Registrar participated in a panel discussion at the 12th International Humanitarian Law Dialogs co-organised in New York by the Case Western Reserve University School of Law and the Syracuse University College of Law. This was an opportunity to promote the successful contribution of the Special Court to strengthening a lasting peace in Sierra Leone, at no cost for the Residual Special Court.

In September 2018, Justice Teresa Doherty and the Registrar delivered lectures on the achievements of the Special Court for Sierra Leone and the jurisprudential 'firsts' which the court made in the development of international criminal law to Stanford University students visiting the Residual Special Court. In November 2018 the Registrar briefed another group of students from the University of West London on the achievements of the Special Court

for Sierra Leone and the mandate and activities of the Residual Special Court.

In November 2018, the Registrar participated as an expert in a capacity building conference with Court Chairs, aimed at improving court management in Georgia. The Registrar also served as a trainer for Court Managers. The Conference and training took place in Tbilisi, Georgia.

DEFENCE OFFICE

During the period under review, the Defence Office continued to perform its duties as per its mandate pursuant to the Rules of Procedure and Evidence of the RSCSL.

COMMUNICATION WITH RSCSL CONVICTS IN THE UK AND RWANDA AS PART OF SUPERVISION OF SENTENCES

The Defence Office maintained constant communication with RSCSL convicts in Rwanda and the United Kingdom, respectively. The Office also maintains regular communication with the prison authorities enforcing the sentences in those jurisdictions. During these discussions, matters relating to the conditions of detention and complaints arising therefrom were discussed and resolved. In addition, the Office maintains regular communication with *pro bono* counsel representing the various convicts and the Office continues to provide support to them to ensure that they represent the convicts efficiently.

AMENDMENT OF RESIDUAL SPECIAL COURT RULES OF DETENTION

In January 2018, the Defence Office provided its written comments on the proposed amendment to the RSCSL Rules of Detention. These comments were informed mainly by the Mandela Rules as well as jurisprudence from the SCSL and other international criminal tribunals on the rights and duties of convicts.



Principal Defender Ibrahim Yillah

VISIT TO RWANDA TO ASSIST WITH THE INTERVIEWS OF CONVICTS BY THE NATIONAL AUTHORITIES

Following a request from a state seeking testimony from SCSL convicts, and in accordance with the President's decision granting the request to interview the convicts, the Principal Defender traveled to Rwanda on the 10 February 2018 to assist with the interviews. The purpose of the Principal Defender's visit was twofold: first, to provide legal assistance to RSCSL convicts before and during the interviews, and second, to serve as Registry Legal Officer during the interview of convicts by the requesting state. In effect, the Principal Defender had a dual mandate first in his official role as Principal Defender and second, as Registry Legal Officer during the interviews. In both capacities, he ensured that the interviews were conducted in accordance with the

Court's Statute, its Rules of Procedure and Evidence and the Practice Direction on the Procedure Following a Request to take a Statement from a Person in Custody of the RSCSL.

VISIT TO MPANGA PRISON

Whilst in Rwanda to supervise the interviews of the convicts by the Requesting State, the Principal Defender visited Mpanga Prison to check on and assess the conditions of detention of the RSCSL convicts. At Mpanga Prison, the Principal Defender met with the prison authorities and RSCSL convicts to get first-hand information on their conditions of detention and also undertook a conducted tour of the detention rooms where the convicts are held. The Principal Defender, the convicts and the prison authorities identified the common areas of concern, namely travels to Kigali for visiting medical specialists and increased number of hours for telephone calls for the convicts to their relatives. All parties concerned addressed these issues and the Principal Defender also used the occasion to settle and mediate intra-convicts' conflicts.

VISIT TO THE UNITED KINGDOM

In April 2018, the Principal Defender visited HMP Frankland to assess the detention conditions of Mr. Charles Taylor. The Principal Defender met with the prison authorities and discussed the issues of concern raised by Mr. Taylor, namely the issue of increasing his number of weekly hours for phone calls to his legal team as well as the delays he encounters in accessing the UK's National Health Service (NHS). After mediation and discussions, the authorities agreed to increase the number of hours for telephone calls to Mr. Taylor's legal team. Regard-

ing the issue of NHS, the authorities indicated to the Principal Defender that this process was informed by the professional opinions of the doctors who examine convicts, and was therefore not within the purview of the prison authorities.

REQUEST TO ASSIGN NEW PRO BONO COUNSEL

Following requests to assign new pro-bono counsel by two SCSL convicts, Messrs. Charles Taylor and Morris Kallon, the Defence Office assigned Mr. Essa M. Faal, a Gambian lawyer, to Mr. Taylor, and Chief Charles Taku and Ms. Rachel Irura to Mr. Kallon, respectively.

MEETING WITH OVERSIGHT COMMITTEE

On 14 June 2018, the Principal Defender and his Associate Legal Officer updated via teleconference/Skype from Freetown the Oversight Committee members on the work of the Office. During this meeting, the Principal Defender emphasized the need for the work of the Court to be supported, as well as the need to maintain the identity of the Court and not to be subsumed into the structure of other tribunals, such as IRMCT, to safeguard the Court's legacy and jurisprudence.

BRIEFING THE VISITING GEORGIAN JUDGES' DELEGATION TO RSCSL IN THE HAGUE

On 21 June 2018, the Principal Defender briefed a delegation of Georgian Judges visiting RSCSL in The Hague on the mandate and the work of the Defence Office via Skype. In particular, the Principal Defender informed the Judges of his Office's role in the supervision of sentences of SCSL convicts in both Rwanda and the UK, of its liaison with authorities in those jurisdictions on

the enforcement of sentences, and of its guidance in ensuring that the conditions of detention of the convicts conform with international law.

PROCESSING VISA APPLICATION FOR CHARLES TAYLOR'S WIFE TO THE UK

During the reporting period, the Defence Office, together with the Registry, worked on the visa application for Charles Taylor's wife, Mrs. Victoria Addison Taylor, to enable her visit to Mr. Taylor at HMP Frankland in the UK. The visa was issued and Mrs. Taylor visited her husband in the UK.

REVIEW OF THE CODE OF CONDUCT FOR COUNSEL AND THE DIRECTIVE ON THE ASSIGNMENT OF COUNSEL

In August 2018, at the request of the Registry, the Principal Defender reviewed two of the Court's documents: the Code of Professional Conduct for Counsel with the Right of Audience before the RSCSL and the Directive on the Assignment of Counsel. The Principal Defender submitted his comments on the review to the Registry.

RELEASE OF MOININA FOFANA FROM CONDITIONAL EARLY RELEASE

As stated in previous sections, Mr. Moinina Fofana completed his prison sentence imposed on him by the Special Court for Sierra Leone in May 2018. In accordance with its mandate, Defence Office personnel traveled to Bo on Monday 28 May 2018 to provide final legal advice to Mr. Fofana upon the completion of his prison sentence and release from the authority of the Residual Special Court and the Monitoring Authority, the Sierra Leone Police. The personnel informed Mr. Fofana of the completion of his sentence and

strongly admonished him to adhere to the lessons he had learnt from the Court. They advised him to serve as a peace ambassador to his community and the people of Sierra Leone.

SUPERVISION OF CONDITIONAL EARLY RELEASE OF ALLIEU KONDEWA

The Defence Office worked on the application for Mr. Allieu Kondewa's conditional early release. The Office continues to work with Mr. Kondewa to ensure that he complies with the conditions imposed on him by the President of the Court in her decision of 29 May 2017.

SUPERVISION OF TRANSFER OF ALIEU KONDEWA FROM MPANGA PRISON, RWANDA TO SIERRA LEONE

In accordance with the President's decision granting Mr. Alieu Kondewa conditional early release, the Defence Office worked together with the Registry and the Rwandese Authorities to ensure Mr. Alieu Kondewa's safe travel to Sierra Leone to serve the remainder of his prison term on conditional early release.

The Associate Defence Legal Officer in the Defence Office travelled together with Registry staff to Freetown International Airport at Lungi, Sierra Leone to receive both Mr. Alieu Kondewa and the accompanying Rwandese Prison Service Officer, Mr. Hillary Sengabo. Before transferring Mr. Kondewa to his authorized place of residence in Bo, Southern Sierra Leone, the Principal Defender briefed him in detail of the President's decision and provided legal advice on the conditions of his early release as directed by the President's decision.

Mr. Kondewa was accompanied to his residence in Bo by the Associate

Legal Officer in the Defence Office, together with representatives from the Registry. On arrival, the Personnel provided further legal advice to Mr. Kondewa on the conditions governing his early release and thereafter handed him over to the Monitoring Authority, the Sierra Leone Police.

MEETING WITH REGISTRAR IN FREETOWN

Representatives of the Defence Office met with the Registrar in August 2018 whilst the Registrar was in Freetown on official mission. During these meetings, matters relating to the welfare of the convicts in Rwanda and the United Kingdom were discussed. The Registrar was informed in detail of the conditions of detention of all SCSL convicts in the UK and Rwanda and was also briefed on the supervision of Mr. Kondewa's conditional early release



Entrance to the Peace Museum.

VISIT OF THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE AND THE ATTORNEY GENERAL TO RSCSL PREMISES IN FREETOWN.

At the request of the Government of Sierra Leone, the President and the Attorney-General and Minister of Justice visited the Court's premises in Freetown in August 2018. The Principal Defender and the Registrar worked with the Government on the protocols and logistics of the visit. The Principal Defender took the President and the Attorney-General on a conducted tour of the Court's premises and also provided brief historical background of the Court as well as the work the RSCSL currently undertakes.

VISIT OF FAMILY MEMBERS OF RESIDUAL SPECIAL COURT CONVICTS TO RWANDA

The Defence Office, in coordination with the Registry, organized the travel of family members of SCSL convicts to Rwanda in September 2018.

Five wives of SCSL convicts left Freetown for Rwanda in early September as part of their annual visit to their husbands currently serving their imprisonment at Mpanga Prison, Rwanda.

FOLLOW-UPS ON ISSUES RELATING TO CONDITIONS OF DETENTION OF RSCSL CONVICTS IN RWANDA

During the period under review, the Defence Office received complaints from all RSCSL convicts currently serving out sentences at Mpanga Prison in Rwanda, alleging mistreatment by the Authorities overseeing the Prison Facility. These allegations range from changes in prison procedures relating to food served in

the prison facility to transportation from Mpanga Prison to seek medical attention in Kigali. Given that some of the issues raised touch on the standard minimum rules under which the convicts should be held, the Defence Office referred the matter to the Registrar, who had slated a mission for Rwanda in October to conduct fact-finding and to address the issues arising therefrom with the Rwandese Authorities. At the same time, the Defence Office continued to work with the Rwandese Authorities to address these matters.

On the 23 November 2018, the Registrar released the report on her visit to Rwanda together with former SCSL Prison Director Paul Wright, on the concerns raised in the complaints of the SCSL prisoners in Rwanda. On receipt of the Registrar's report, the Principal Defender quickly ensured he disseminated same to the SCSL convicts in Rwanda and their *pro bono* Counsel. The Principal Defender furthermore explained the full content of the Registrar's report to all the SCSL prisoners in Rwanda.

2018 PLENARY HELD IN VIENNA

The Principal Defender travelled to Vienna from 26 November to 1 December 2018, where he participated in the RSCSL plenary session for 2018. During the session, the Principal Defender took part in the colloquium on 'Children Recruited and Exploited by Terrorist and Violent Extremist Groups'. At the conclusion of the plenary, the Principal Defender presented the Defence Office's position on the proposed amendment on the review of the Post-Conviction Proceedings Rules.

ANNEX I

Overview of the 2018 Residual Special Court Budget

Budget - 2018

The Registrar submitted the Residual Special Court 2018 Budget to the Oversight Committee for their consideration and approval. The proposed Fiscal Year 2018 Budget request was \$2,965,900.

Fiscal Year 2018 Budget

To manage the non-judicial residual functions and the judicial and other proceedings, the budget for the Residual Special Court's operations for 2018 is US\$ 2,965,900. Further breakdown of the 2018 figure is as follows: permanent staffing costs (US\$1,626,700), which includes income tax liability of (US\$80,000); and operational costs (US\$1,339,200). The operational costs include IRMCT administrative support services (US\$379,700) and the annual cost for enforcement of sentences of the six SCSL convicted persons in Mpanga Prison, Rwanda (US\$82,000).

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	947,900	137,000	1,084,900
Common staff cost	336,300	23,000	359,300
Compensation to Judges	52,800	129,700	182,500
Consultants and experts	31,500	-	31,500
Travel	122,600	178,000	300,600
Contractual services	538,900	50,000	588,900
General operating expenses	328,200	72,000	400,200
Supplies and materials	13,000	-	13,000
Acquisition of furniture and equipment	5,000	-	5,000
	2,376,200	589,700	2,965,900

ANNEX II

Residual Special Court Judges and Personnel Nationalities 2018

JUDGES

Austria	1
Botswana	1
Canada	1
Northern 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

Canada	1
France	1
Sierra Leone	8
South Africa	1
Saint Lucia	1
Total	12

SHORT-TERM CONTRACTORS

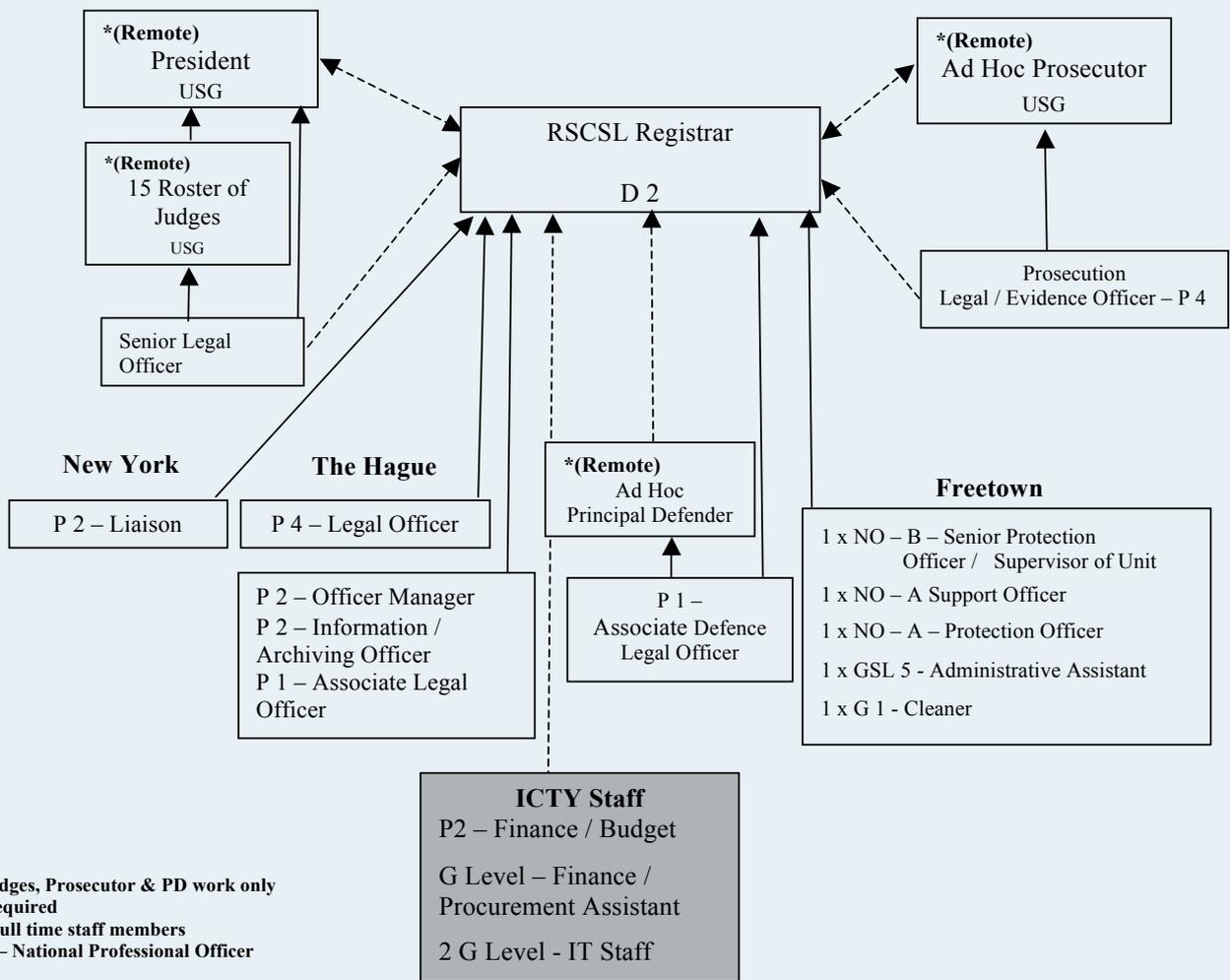
Associate Legal Officer	1
Court Management	1
Defence	1
Information Technology	1
Legal Officer	1
Outreach	1
Press Officer	1
Prison Advisor	1
Witness & Victims Support	1
Total	9

Grand Total 40

ANNEX III



RESIDUAL SPECIAL COURT FOR SIERRA LEONE ORGANOGRAM 2018



Residual Special Court for Sierra Leone

Jomo Kenyatta Road, Freetown, Sierra Leone

Churchillplein 1, 2517 JW, The Hague
P. O. Box 19536, 2500 CM The Hague

www.rscsl.org

