

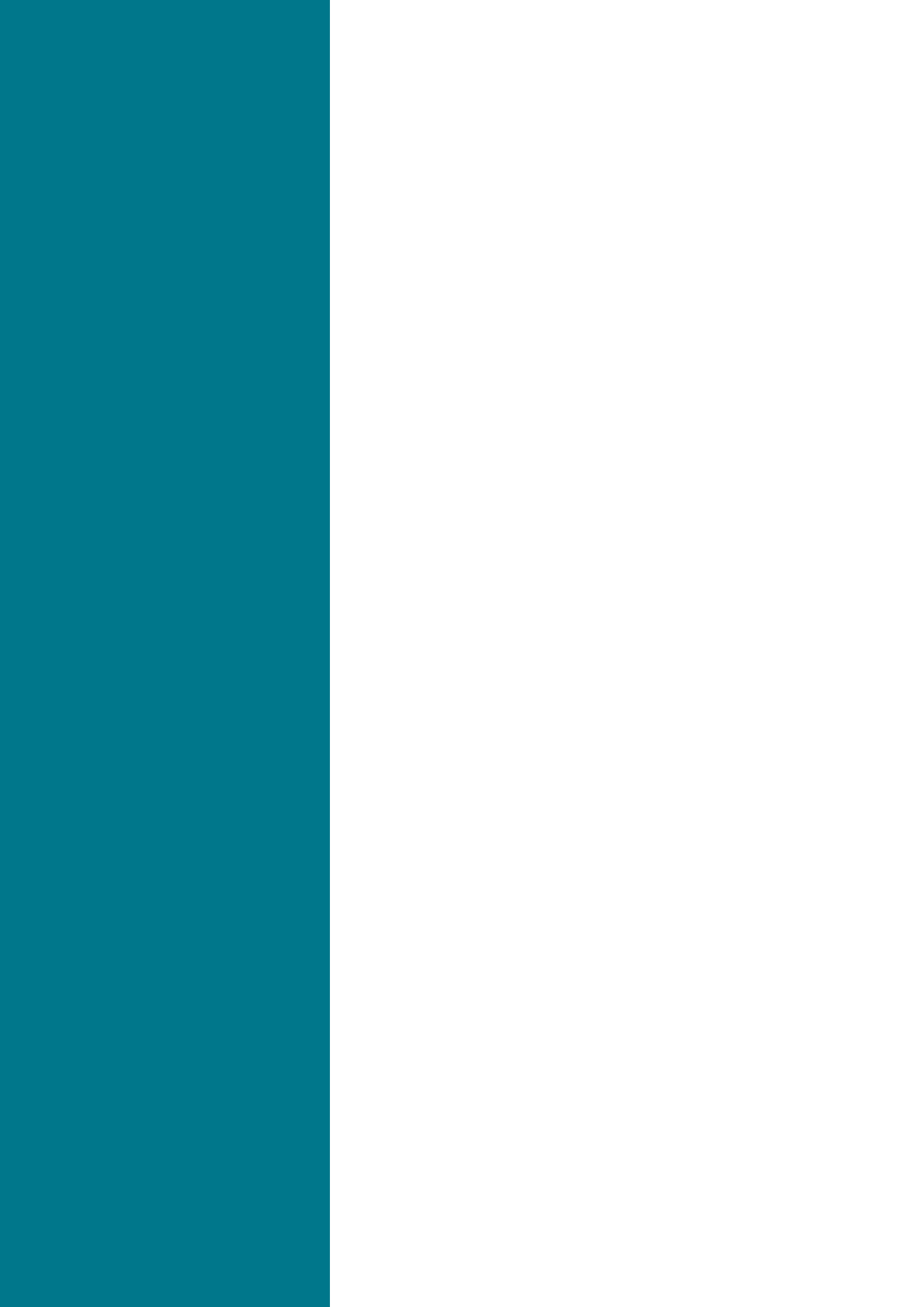
# SIXTH ANNUAL REPORT

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



*January 2019 – December 2019*





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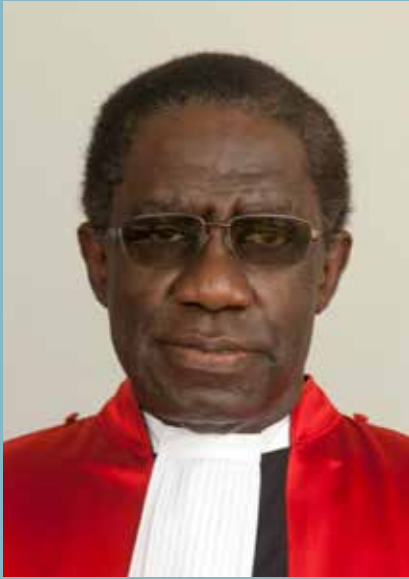
6<sup>th</sup>



*Oversight Committee and staff members of The Hague office.*

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*Justice Jon Moadeh Kamanda*

## FOREWORD

Your Excellencies,

It is my great honour to present to you this Sixth Report of the Residual Special Court for Sierra Leone (Residual Special Court) covering the period 1st January 2019 to 31st December 2019. The Statute establishing the Residual Special Court stipulates in Article 26 (1) that “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 Residual Special Court was established pursuant to an Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Residual Special Court for Sierra Leone, dated 11 August 2010, to carry out the functions of the Special Court for Sierra Leone (Special Court) that must continue after its closure: maintain, preserve and manage its archives, including those of the Special Court; provide for witness and victim protection and supervise enforcement of sentences; review convictions and acquittals; respond to requests for access to evidence by national prosecution authorities; conduct contempt of court proceedings; other relevant judicial and administrative matters.

To this extent, the Residual Special Court, in the period under review, has continued to take all necessary steps in the drive to achieve its mandate by actively monitoring and providing support (psycho-social assessments, welfare and medical assistance) to over 100 former witnesses of the Special Court located in various regions of Sierra Leone and other countries; responding to requests for assistance to national prosecution authorities and requests to take statements from convicted persons pursuant to the Court’s Practice Direction. During the reporting period, the Residual Special Court continued the supervision of the terms of conditional early release of one convicted person in Sierra Leone. Another application for determination of eligibility for consideration for conditional early release from one convicted person who became eligible for consideration in December 2019 was also pending before the Court.

The appointments of all 16 Judges on the Residual Special Court roster came to an end on 31st December 2019. In November 2019, the United Nations Secretary-General re-appointed ten Judges to the roster for another six-year term. The Government of Sierra Leone re-appointed four Judges to the roster for another six-year term and appointed two new Judges. The new Judges – Justice Eldred Taylor-Camara and Justice Miatta Maria Samba, both Justices of the Court of Appeal of Sierra Leone were sworn in on 31 December 2019 at a ceremony witnessed by the Attorney-General and Minister of Justice of Sierra Leone, Dr Priscilla Schwartz and held at the newly refurbished Peace Museum in Freetown. The Registrar, Ms Binta Mansaray represented the United Nations at this ceremony.

I once again warmly welcome the newly-appointed Judges to the Residual Special Court family on behalf of the Judges, Principals and staff.

The project to reproduce the Public Archives and refurbish the Peace Museum, initiated by the Residual Special Court, was successfully completed in Freetown in December 2019. The primary focus of the project aims at making the Special Court records/ public archives available and accessible in Sierra Leone. It is also hoped that the refurbishing of the Peace Museum would enable it to function properly as a tool for promoting peace, justice and accountability and serve as a research and tourist centre. The refurbished Peace Museum was opened by the Attorney-General and Minister of Justice at a well-attended ceremony in Freetown on 10 December 2019. The event was also graced by government ministers, diplomats, jurists, war victims and former combatants, civil society activists, academics, students and members of the public. The Residual Special Court is grateful to the Government of the Netherlands for its generous contribution to the project, and to other individuals who made small amounts of contributions as well.

The Residual Special Court Chambers legacy project and jurisprudential compilation *“Bearing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone”*, a digitized, fully indexed and searchable compilation of the ground-breaking jurisprudence of the Special Court was launched in The Hague by Justice Shireen Fisher. The Hague launch was done at a diplomatic briefing hosted by the Embassy of Canada on 2 October 2019. Justice Emmanuel Roberts introduced and launched the volume in Freetown on 10 December 2019 at an event attended by Residual Special Court Judges based in Freetown, representatives from the Sierra Leone Bar Association, students from Departments of Law and representatives from civil society.

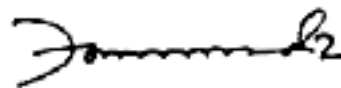
I express sincere thanks to the Registry of the Residual Special Court for facilitating, supporting and promoting the compilation and launch of this first-of-its-kind jurisprudential work. The Residual Special Court is also grateful to the International Residual Mechanism for Criminal Tribunals for providing technical assistance to the Residual Special Court Registry with respect to recording and editing the “how-to-use” video. I am proud to state that the Compilation is available for free on the Court’s website; [www.rscsl.org](http://www.rscsl.org). The video will be available in early 2020.

The reporting period also saw the departure of the first Prosecutor of the Residual Special Court, Ms Brenda J. Hollis, and the appointment of Mr James Johnson, former Chief of Prosecutions in the Special Court, as her replacement.

A Plenary of Judges could not be held in 2019 due mainly to the constraining budgetary situation of the Court, which by its constituent Agreement continues to rely mainly on voluntary contributions from the international community. Thus, during the period under review, despite intensified fundraising efforts, the Residual Special Court continued to face financial challenges. The Court was only able to perform its important functions through the approval of subvention funds by the United Nations.

We are grateful to the United Nations and the Government of Sierra Leone for their continued support to the work of the Court, and I urge the international community to continue to support its work.

I am also grateful for the support I have received from colleague Judges, the Principals and hard-working staff, all of whom continue to steadfastly contribute to discharging the mandate of the Residual Special Court and ensuring a lasting legacy.



Justice Jon Moadeh Kamanda  
President



## INTRODUCTION

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

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

The report provides an update on the Residual Special Court's work, including the fulfilment of its primary mandate, and reports on the major activities of all sections of the Residual Special Court, namely the Chambers, Office of the Prosecutor, Registry and Defence Office during the sixth year of its existence. It covers the period from 1 January to 31 December 2019.

### 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 Spe-*

*cial 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.*

## 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 sub-office in Freetown for witness and victim protection and support. During the reporting period, the Residual Special Court was funded by United Nations subvention funds and very limited voluntary contributions.

Pursuant to Article 2 of the Agreement, the Residual Special Court maintained its composition of the Prosecutor, the Registrar and the Chambers, consisting of 16 Judges on a roster which includes the President. The Residual Special Court also has a Principal Defender whose services are engaged on an *ad hoc* basis. The President and Judges continued to work remotely, or at the Court's principal or interim seat as required, and are remunerated on a *pro rata* basis.

## SUMMARY OF ACTIVITIES

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, Residual Special Court activities carried out during the reporting period include: maintenance, preservation and management of the archives in both Freetown and The Hague; witness protection and support, including actively monitoring and providing support (psycho-social assessments, welfare and medical assistance) to over 100 former witnesses of the Special Court located in various regions of Sierra

Leone and other countries; several requests for assistance to national prosecution authorities, including three requests to take statements from convicted persons pursuant to the Practice Direction on the Procedure Following a Request to Take a Statement From a Person in Custody of the Residual Special Court for Sierra Leone (Adopted on 3 June 2015); supervision and monitoring of prison sentences of convicted persons in Rwanda and the United Kingdom pursuant to enforcement of sentences agreements with the respective enforcement States; supervision of the terms of conditional early release of one convicted person in Sierra Leone and consideration of the application for determination of eligibility for consideration for conditional early release of one convicted person who became eligible for consideration in December 2019.

The *ad hoc* functions for which the Residual Special Court will convene or act 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. The Residual Special Court received a request to assign one *pro bono* counsel to a convicted person, which was handled by the Defence Office.

# THE OFFICE OF THE PRESIDENT

## JUDICIAL AND ADMINISTRATIVE MATTERS

At the beginning of the period under review, Residual Special Court President Justice Jon Kamanda worked remotely from the United States of America; he returned to Freetown in mid-March 2019. The President continued to work on Residual Special Court issues from Freetown until the end of the reporting period of this annual report.

President Justice Kamanda and Vice President Justice Teresa Doherty held a meeting in the Residual Special Court Offices in Freetown on Friday, 29 March 2019. The Vice President was in Freetown on an assignment with the Sierra Leone Judiciary. The President took the opportunity for a face-to-face consultation with her on matters to do with the operation of the Residual Special Court Presidency. The President and Vice President also met with the Chief Justice of Sierra Leone, Justice Desmond Babatunde Edwards, who is also a judge of the Residual Special Court. The judges discussed matters relating to continued potential collaboration between the Sierra Leone Judiciary and the Residual Special Court without prejudice to the independence of both institutions. The judges also discussed the launch of the Chambers Jurisprudential Compilation *“Bearing the Greatest Responsibility”* to take place later in the year in both The Hague and Freetown, details of which are reported below.

The President and the Registrar consulted on matters pertaining to Residual Special Court activities, including issues arising from the

Report of the International Committee of the Red Cross (ICRC) (which is the independent monitoring authority for convicted persons serving their sentences in Rwanda) on the conclusion of its annual inspection visit to Rwanda in October 2018. The President considered and approved the Amended Rules Governing the Detention of Persons Awaiting Trial or Appeal before the



*Justice Jon Moadeh Kamanda*

Residual Special Court for Sierra Leone or Otherwise Detained on the Authority of the Residual Special Court for Sierra Leone. The President's approval paved the way for the adoption of the Amended Rules by the Registrar.

A working group which was established by the Plenary of Judges in 2016 for the purpose of clarifying both the Court's basis for post-conviction review and the process for adjudication of review applications presented a Practice Direction gov-

erning review proceedings before the Residual Special Court to the President for his approval and signature. The Practice Direction was developed through the hard work and diligence of the working group chaired by Justice Teresa Doherty, and Justices Shireen Fisher, Pierre Boutet and Emmanuel Roberts. The working group consulted and took account of issues raised by the Prosecutor and Principal Defender. In February the President signed and issued the Practice Direction pursuant to Rule 19 (C) which provides that “[t]he President may after appropriate consultation and after allowing comment from the Prosecutor and RSCSL defence staff issue Practice Directions, consistent with the RSCSL Agreement, the RSCSL Statute and the Rules, addressing detailed aspects of the conduct of proceedings before the Residual Special Court ...”. In June 2019, a Presidential Directive to change the title of the ‘Practice Direction on Review of Sentences’ to ‘Practice Direction on Review of a Judgment’ was published.

In December 2019, the President received Revolutionary United Front (RUF) convicted person Augustine Gbao's application for determination of eligibility for consideration for conditional early release in accordance with the Practice Direction on the Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone. A decision on the application was pending at the end of the reporting period.

# THE CHAMBERS

## CHAMBERS JURISPRUDENTIAL COMPILATION "BEARING THE GREATEST RESPONSIBILITY"

### THE HAGUE LAUNCH

Throughout the reporting period, the President held several meetings on the phone and in person with the Registrar, Justice Shireen Fisher and Justice Emmanuel Roberts pertaining to the launch of the Chambers Jurisprudential Compilation *"Bearing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone"*. In October, Justice Shireen Fisher presented the digitized compilation of the ground-breaking jurisprudence of the Special Court. The compilation is indexed and searchable, and available without cost to the user. The launch of the compilation was done at a diplomatic briefing hosted by the Embassy of Canada on 2 October 2019 in The Hague. The work is a legacy project of the Judges of

the Residual Special Court, facilitated, supported and promoted by the Registry. Justice Shireen Fisher recorded a video tutorial for use with the jurisprudential compilation in order to demonstrate to researchers and the public how to search and use the volume. The International Residual Mechanism for Criminal Tribunals (IRMCT) provided technical assistance to the Residual Special Court Registry with respect to recording and editing the video. *"Bearing the Greatest Responsibility"* is available on the Residual Special Court website and will also be accessible to visitors of the refurbished Peace Museum in Freetown. The how-to-use video will be available on the website in early 2020.



*Rhoda Kargbo Senior Legal Officer-  
Freetown Compilation Launch.*



*Justice Emmanuel Roberts- Freetown  
Compilation Launch.*



*Justice Shireen Fisher delivers keynote  
address at Compilation Launch.*



*Justice Teresa Doherty- Compilation  
Launch.*



*Cross Section of Attendees-  
Compilation Launch.*



*Prosecutor James Johnson-  
Compilation Launch.*





*Prosecutor Brenda J. Hollis bids farewell to RSCSL staff in Freetown.*

## THE FREETOWN LAUNCH

Justice Emmanuel Roberts presented the Freetown launch of the compilation on 10 December 2019. The event was a platform to introduce the volume and to discuss the value of the judgments of the Special Court. It was attended by Residual Special Court Judges based in Freetown, representatives from the Sierra Leone Bar Association, students from the Departments of Law at Fourah Bay College (University of Sierra Leone) and the University of Makeni, along with representatives from civil society.

### *Electronic launch and distribution of the Compilation*

The Residual Special Court Associate Legal Officer and the Press Officer completed the electronic

launch and distribution of the compilation. The compilation was distributed to law schools, civil society organizations, courts, tribunals and libraries, among others in Africa, Europe, the United States and other parts of the world.

## OTHER CHAMBERS' ACTIVITIES

### *President bids farewell to Residual Special Court Prosecutor*

President Kamanda held a meeting on 8 August to say farewell to Residual Special Court Prosecutor Brenda J. Hollis. In attendance were Justices Bankole Thompson, Desmond Babatunde Edwards, Vivian M. Solomon, Emmanuel Roberts and Registrar Binta Mansaray. The Prosecutor informed the meeting about her potential appointment as

Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia (ECCC) – an appointment that was later confirmed as reported below. The visit was the Residual Special Court Prosecutor's last to Freetown in that capacity. Ms Hollis stated that she appreciated her time with the Residual Special Court and emphasized that she would take rich memories with her. In tributes to her professionalism, the Judges lauded her outstanding contribution, hard work, dedication and sense of fair play in bringing justice to the people of Sierra Leone. They noted that she would be an ambassador for the Residual Special Court, and would highlight the achievements of the court in her new location and beyond.

### ***President welcomes appointment of new Residual Special Court Prosecutor***

President Kamanda extended a warm welcome on behalf of the Judges, Principals and staff to Mr James C. Johnson of the United States of America. Mr Johnson was appointed by the United Nations Secretary-General to fill the Prosecutor position at the Residual Special Court left vacant upon Ms Brenda J. Hollis's departure. Mr Johnson is a former Chief of Prosecutions at the Special Court.



### ***Re-appointment of Judges, appointment of new Judges***

In November 2019, ten Judges whose appointments were set to expire in December 2019 were re-appointed to the Roster of Judges for another six-year term by the United Nations Secretary-General.

They are: Justice Renate Winter, Justice Shireen Fisher, Justice Philip Nyamu Waki, Justice Pierre G. Boutet, Justice Teresa Anne Doherty, Justice Richard Brunt Lussick, Jus-

*Swearing-in of new RSCSL Judges.*

tice Elizabeth Ibamda Nahamya, Justice Andrew J. Hatton, Justice Isaak Lenaola and Justice Oagile Bethuel Key Dingake.

Four Judges were re-appointed to the Roster for another six-year term by the Government of Sierra Leone, namely: Justice Jon Moadeh Kamanda (President), Justice John Bankole Thompson, Justice Des-

mond Babatunde Edwards and Justice Emmanuel Roberts.

Two new Judges were appointed to the Roster for a six-year term by the Government of Sierra Leone. They are Justice Eldred Taylor-Camara and Justice Miatta Maria Samba, to replace Justices Vivian Margarette Solomon and Abdulai Hamid Charm when their terms expired on 31 December 2019. Both Justices Taylor-Camara and Samba are Judges of the Court of Appeal in Sierra Leone. They were sworn in on 31 December 2019 at a ceremony held at the refurbished Sierra Leone Peace Museum. Each subscribed to the Solemn Declaration laid out under Rule 14 (A) to serve "honestly, faithfully, impartially and conscientiously" as a Judge of the Residual Special Court. The ceremony was witnessed by Attorney-General and Minister of Justice Dr Priscilla Schwartz, representing the Government of Sierra Leone, and by Registrar Binta Mansaray, representing the United Nations. President Kamanda warmly welcomed the new Judges to the Court on behalf of the Judges, Principals and staff.



*Swearing-in of Justice Miatta Samba.*



## PRESENTATIONS/ ENGAGEMENTS

Justice Renate Winter, in her role as President of the United Nations Committee on the Rights of the Child (CRC) and at no cost to the Residual Special Court, engaged the following countries on issues including child marriage and child soldiers: Bahrain – child marriage and forced marriage, Republic of Guinea and Syria – child marriage, Belgium – return of alleged child soldiers, Tschechia (Prague) – forced marriage and child marriage for Roma children.

In the second quarter of the reporting period, Justice Renate Winter engaged the following countries: Singapore, Tonga, Cape Verde, Sri Lanka, Rwanda, Ivory Coast and Botswana on child/forced marriages, and Sri Lanka, Rwanda and Ivory Coast on child soldiers.

In the third quarter, Justice Renate Winter continued to engage the following countries on: (i) recruitment of children – Bosnia & Herzegovina,

Australia, Georgia and Tunisia (especially return of children recruited by terrorist groups), Mozambique and Panama (especially recruitment of children by non-state organizations) and Afghanistan (recruitment by armed forces and terrorist groups alike); and (ii) forced/child marriages – Bosnia & Herzegovina, Australia (among indigenous and refugee people), Mozambique, Georgia (minorities only), South Korea (among minorities and refugees only), Portugal (among minorities and migrants only), Cambodia (rampant practice), Eswatini (rampant practice), Afghanistan (from very early age to below ten years) and Tunisia (among impoverished families).

On 18 January 2019 Justice Richard B. Lussick represented the Residual Special Court at the Ceremony for the Opening of the Judicial Year of the International Criminal Court. This was followed by a Judicial Seminar on Judicial Reflections on the International Criminal Justice System after the 20th Anniversary of the Rome Statute, in which he participated.



*Swearing-in of Justice Eldred Taylor-Camara.*



### *Swearing-in of new RSCSL Judges.*

Justice Teresa Doherty, at no cost to the Residual Special Court, attended the 100 Years of Women and Law seminar held at the Supreme Court of the United Kingdom. Lawyers were invited to attend and hear of the work of three women Judges: Lady Hale, the first woman to be appointed to the Supreme Court of the United Kingdom, Baroness Butler-Sloss, the first woman to be appointed a judge in the United Kingdom and first President of the Family Division, and Justice Doherty. Each judge was introduced by a noted academic in the field of law who detailed the judge's notable work and judicial precedents. Each judge then spoke briefly of those cases or actions which each of them thought were important or contributed to jurisprudence. Justice Doherty was introduced by Professor Rhona Smith of University of Newcastle upon Tyne, who spoke of cases and work decided in Papua New Guinea especially dealing with custom, and the impact of the jurisprudence of

the Special Court, in particular the law relating to child soldiers, rape, sexual slavery and forced marriage. Justice Doherty, in her remarks, highlighted her work with prisoners and women's rights

Justice Doherty also spoke to the Methodist Women of Ireland group on her work generally and for women's human rights in particular during the period under review. In late March, Justice Doherty joined a barrister and judge from England to take part in a training and mentoring course for newly appointed judges in Sierra Leone. This week-long training session commenced with a refresher course for sitting judges, followed by sessions for the newly-appointed judges. Topics included judicial ethics, judgment writing, motions and applications and the new provisions for bail and sentencing in Sierra Leone. Justice Doherty was also appointed to the Irish Department of Foreign Affairs Election Monitoring Register, after

which she undertook two election observation tours to North Macedonia.

Justice Shireen Fisher was appointed to the American Bar Association Task Force on the International Criminal Justice Standards Initiative (ICJS Initiative), a multi-year project devoted to creating a comprehensive online repository of pragmatic knowledge on the practice of international criminal law. She attended her first Task Force meeting in July in The Hague. Justice Fisher delivered a lecture to graduate students in international law at the National University of Ireland at Maynooth to introduce the Chambers Jurisprudential Compilation "Bearing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone". She also spoke on the legacy of the Special Court, and on the importance of the Residual Special Court in maintaining its legacy.





*Prosecutor James Johnson*



*Prosecutor Brenda Hollis*

## THE OFFICE OF THE PROSECUTOR

The Prosecutor's Office functioned normally in 2019. The period covered by this report encompasses the work of two prosecutors. Ms Brenda J. Hollis, the erstwhile Residual Special Court Prosecutor, left the Court during the reporting period and in her place, Mr James C. Johnson, was appointed the new Prosecutor. Ms Hollis had served as Prosecutor since the establishment of the Residual Special Court in January 2014. She departed the Court during the Third Quarter of the year, in September, to take up appointment as the International Co-Prosecutor of the ECCC. Mr James C. Johnson was appointed by the United Nations Secretary-General on 27 September 2019 with immediate effect. Both Prosecutors worked remotely from home and at the office in The Hague during the reporting period. In addition, both Prosecutors travelled on separate visits to Freetown and New York to carry out their official duties.

### PROSECUTOR MS BRENDA HOLLIS

In January, at no cost to the Residual Special Court, Prosecutor Hollis conducted training for a non-governmental organization in Kurdistan, Iraq. The training included general investigative techniques, including interviewing children and sexual and gender-based violence (SGBV) victims, along with training on evidence collection and preservation. The training also covered the law regarding common elements of crimes against humanity and war crimes, and common elements and underlying acts regarding the crime of genocide.

In February, also at no cost to the Residual Special Court, Prosecutor Hollis conducted a training of investigators of the Philippine Human Rights Commission regarding investigations, including interviewing and dealing with SGBV victims and children, evidence collection, security assessments, the crime of recruitment, conscription, and the use of child soldiers. The Prosecutor also made a presentation to civil society groups regarding child soldiers.

In May, Prosecutor Hollis worked from the office in The Hague for a period of one week, during which she teamed up with the Registrar to pay fundraising diplomatic visits to embassies and foreign missions. Together, the Prosecutor and the Registrar visited 15 embassies. Also during the period, the Prosecutor worked with her Legal Adviser to send a letter to the Government of Sierra Leone, inquiring about the status of her outstanding requests for assistance regarding the arrest and surrender of fugitive indictee Johnny Paul Koroma. The Prosecutor urged finality to the rumour about Koroma's recent death in Sierra Leone by a confirmation or denial of same.

In June, Prosecutor Hollis and the Registrar travelled to New York, where they engaged in further fundraising activity with visits to 13 permanent missions of United Nations Member States.

In August, Prosecutor Hollis visited and worked from the office in The Hague for one week, while *en route* to Sierra Leone. While in transit, the Prosecutor and the Registrar paid courtesy visits on three embassies in

The Hague and the Dutch Ministry of Foreign Affairs. The embassies were South Africa, the United Kingdom and the United States of America. In Freetown, the Prosecutor paid courtesy visits on the Acting British High Commissioner and the Inspector General of Police. The Prosecutor also met with the civil society group, Special Court Interactive Forum (SCIF). The Prosecutor used the opportunity of her meeting with the Inspector-General of Police to raise a reminder about outstanding requests for assistance to the Government of Sierra Leone spanning two years, regarding confirmation of rumours of the death in Sierra Leone of fugitive Special Court Indictée Johnny Paul Koroma. The Prosecutor urged finality, through a confirmation or denial of the rumours. The Prosecutor's briefing of the British High Commissioner centered on her imminent departure from the Residual Special Court, following her appointment as International Co-Prosecutor of the ECCC.

### APPOINTMENT OF NEW PROSECUTOR MR JAMES C. JOHNSON

Mr James C. Johnson of the United States of America, formerly the Chief of Prosecutions at the Special Court, was appointed by the United Nations Secretary-General in September to serve as Prosecutor at the Residual Special Court. Following Mr Johnson's appointment as Prosecutor, his first official act was to visit the office in The Hague on 1-5 October, to be installed administratively within the court's functioning system. The visit coincided with a previously planned diplomatic briefing by the Court on 2 October, in which the Prosecutor participated. The briefing, hosted by the Embassy of Canada, was held for the purpose of launching the Chambers Jurisprudential Compilation "*Bear-*

*ing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone*". The event provided an opportunity for the introduction of the Prosecutor to the diplomatic community present. During his visit, the Prosecutor also paid courtesy calls on two Hague-based diplomatic missions, the Embassy of Australia and the Embassy of the United States of America. In keeping with professional collegiality, the Prosecutor also paid a courtesy call on the International Criminal Court Prosecutor Fatou Bensouda, with whom he held fruitful discussions.



*Gift to Prosecutor Brenda Hollis  
from RSCSL Staff.*

From 22-27 October, Prosecutor Johnson paid a familiarisation visit to Sierra Leone. During his visit, the Prosecutor paid courtesy calls on the European Union, German, United Kingdom and United States of America diplomatic missions in the country. The Prosecutor also held meetings with the Inspector General of Police, Residual Special Court Judges resident in Freetown, and the civil society network, SCIF. On 21 November, Prosecutor Johnson travelled on a one day visit to New York City, where he held a familiarization meeting with members of the Oversight Committee, and later, separate courtesy meetings

with the Sierra Leone and United States Missions to the United Nations and the United Nations Office of Legal Affairs.

### REQUESTS FOR ASSISTANCE/ INFORMATION

The Office of the Prosecutor received six new requests for assistance from national prosecution authorities during the year. Three of these were in addition to existing requests from the prosecution authorities concerned. Responses were completed in respect of all the requests as of the close of the reporting period. In two of the requests, the Prosecution worked collaboratively with the Registrar to provide appropriate responses. One of the requests requiring collaboration was related to a protected witness, and raised issues of confidentiality regarding a third party's dealings with Residual Special Court protected witnesses.

In addition, the Office of the Prosecutor provided information/assistance to three researchers, from universities in Denmark, Japan and the United Kingdom. Also, the Office of the Prosecutor worked with research students of Case Western Reserve University School of Law, United States of America, on research topics of mutual interest.

### WITNESS ISSUES

The Office of the Prosecutor and the Witness and Victims Section (WVS) in Freetown, working together, completed measures to address threats faced by a Special Court informant/source, which arose in October 2018.

Also during the reporting period, the Office of the Prosecutor engaged with the WVS in a collaborative effort to address an outstanding request for assistance from a national prosecution authority.

## ARCHIVING

In June, Prosecutor Hollis gave approval for the Residual Special Court Consultant Archivist to commence work on an audit of the Prosecution's physical records stored at the Dutch National Archives (DNA). The exercise involved a detailed audit of individual files, and the development of a more comprehensible inventory documentation for each file. Inventory documentation of the Special Court's Office of the Prosecutor records was until this time limited to box level descriptions, not the individual files within boxes. Auditing at the file level will ensure search accuracy and accountability, especially as no audit of those records had been done since they were first archived in late 2013. The Prosecution Legal Adviser collaborated with the Consultant Archivist on this exercise. The exercise has since been expanded to include OCR scanning of all records not previously scanned. Around 50% of all Prosecution records had been completed, verified and scanned into the database by the end of the reporting period.

## OTHER ACTIVITIES

In January, the Prosecution Legal Adviser participated in a briefing by the Registrar to visiting students from The Hague Academy Institute. He responded to questions relating to the work of the Prosecutor.

In March, at no cost to the Residual Special Court, the Prosecution Legal Adviser delivered a lecture to post graduates students at the Faculty of Law, University of Barcelona on the topic "Victims' participation in the criminal justice process and reparation before international *ad hoc* tribunals". The lecture was at the invitation of the Danish Refugee Council in collaboration with

the university, under a European Union Aid Volunteer Initiative. Students were drawn from three different universities offering a Master in International Diplomacy and Public Service course, and were sponsored by the project.



*Gift to Prosecutor Brenda Hollis from SCIF.*

In May, at no cost to the Residual Special Court, the Prosecution Legal Adviser participated in a roundtable of experts on the Rules of Procedure of the African Court of Justice and Human Rights, at the invitation of the African Court Research Initiative (ACRI). The meeting was hosted at the University of Geneva.

In May-June, the Prosecution Legal Adviser and the Registry Legal Officer paid courtesy visits to legal officers at 20 embassies in The Hague. The meetings were primarily to raise funds, but the Residual Special Court legal officers used the opportunity to inform and update embassies about the work and achievements of the Special Court and its successor, the Residual Special Court.

In June, the Prosecution Legal Adviser hosted two members of the Investigations Division of the Office of the Prosecutor, International Criminal Court, to a meeting at their request. The purpose of the meeting was to seek Residual Special Court/

Special Court-Office of the Prosecutor experience on the subject of "Hibernation". As defined by the International Criminal Court, Hibernation is a practice which occurs when the Office of the Prosecutor decides to put a case on hold for lack of progress, arising from any number of reasons. The visiting officers were particularly interested in learning about steps and strategies that the Prosecution employs in ensuring it is trial ready when such a case is revived from Hibernation. Particular interest was shown in the currently dormant case of Johnny Paul Koroma and the Charles Taylor case during the period between unsealing of his indictment and his arrest.

In July the Prosecution Legal Adviser provided support to Justice Babatunde Edwards, Chief Justice of Sierra Leone, who was visiting The Hague as part of an official delegation of African Chief Justices, at the invitation of the Government of the Netherlands and in collaboration with the African Foundation for International Law (AFIL).

Also in July, the Prosecution Legal Adviser hosted a courtesy visit by two officers from a national prosecution authority, who, as part of a duty tour to The Hague, requested a meeting to discuss outstanding matters of support and cooperation.

Further in July, the Prosecution Legal Adviser represented the Prosecutor at a social event organised by the Embassy of Colombia to mark the country's National Day.

In October, the Prosecution Legal Adviser and the Registry Legal Adviser jointly addressed visiting scholars of the group Veritas International. This was the second visit organised by the group to the Residual Special Court.



*Registrar Binta Mansaray*

## THE REGISTRY

In accordance with Article 15 of the Statute of the Residual Special Court, the Registrar provided assistance to the respective organs and carried out the administration and servicing of the Residual Special Court. The following activities were carried out between 1 January and 31 December 2019.

### VICTIMS AND WITNESSES SECTION

During the course of 2019, the Residual Special Court Witness and Victims Section (WVS) in Freetown actively monitored and provided support to over 100 former witnesses of the Special Court located in various regions of Sierra Leone and other countries. The support provided includes psycho-social assessments, welfare and medical assistance to vulnerable witnesses. Security measures include strengthening of residential security of witnesses and relocation of witnesses in some cases. The WVS also continued to maintain updated information with respect to witnesses, such as their legal status, entitlements, and requirements for extensions of stay in the States where some have been relocated. In February this year, the relocation of a person at risk on account of cooperation with the Prosecutor's office outside of the West African sub-region was completed, following consultations and coordination with the Prosecutor and a witness expert. Further, at the request of States hosting the Residual Special Court's witnesses, a threat assessment was conducted with regard to witnesses relocated in Europe.

As directed by the Registrar, WVS conducted a nationwide compre-

hensive threat assessment and monitoring of the situation of witnesses in Liberia and in Sierra Leone. A witness expert was hired on a short-term basis to provide leadership and expert services in relation to the assessment.

### MAINTENANCE OF ARCHIVES AND COURT MANAGEMENT

The archivists maintain the Court's original archives and facilitate requests for information. The archivists also continued to archive all Special Court final documents and data and identify and correct identified gaps in the record.

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 records. 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. Over the reporting period, the archivists completed the audit of the records of the Defence Office and continued to review the records of the Office of the Prosecutor.

### THE PUBLIC ARCHIVES AND PEACE MUSEUM PROJECT

A reproduction of Public Archives and Peace Museum Project was initiated by the Court to make available the Public Archives of the Special Court in Freetown, Sierra Leone. The Dutch Government





*Attorney General Schwartz delivering Keynote Address.*



*Representative of Dutch Government delivering remark.*



*Representative of victims delivering remark.*



*Audience at Launch.*



*Launch of Public Archives & refurbished Peace Museum.*

contributed \$50,000 for the project to be implemented in Freetown. The funds were allocated to procure a generator, photocopier, computer, air conditioners and other logistics required for the implementation of the project. Preparation for the reproduction of the Public Archives, including a review of the set of preliminary public records, was carried out by archivists on short-term contracts in Freetown. The archivists

updated the records and organised them for storage and preservation. The project also entails an upgrade of the Peace Museum which currently houses the records of the Sierra Leone Truth and Reconciliation Commission. Small amounts of individual contributions were also made towards the procurement of museum items such as cabinets and display boards. Though the primary focus of the



*Chief Justice Desmond Edwards delivers remark at Launch.*





*Attorney General Schwartz leading a moment of silence in memory of victims of war.*

project aims at making the Special Court records available and accessible to the public in Sierra Leone, it is also hoped that it would enable the museum to function properly as a tool for promoting peace, justice and accountability and to serve as a research and tourist centre. The refurbished Sierra Leone Peace Museum was opened by the Attorney-General and Minister of Justice Dr Priscilla Schwartz at a well-attended ceremony in Freetown on 10 December. The event was graced by government ministers, diplomats, jurists, war victims and former combatants, civil society activists, academics, students and members of the public.



*Audiences at launch of Public Archives & refurbished Peace Museum.*

## 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.

Following the death of prisoner Alex Tamba Brima in 2016 and the completion of Moinina Fofana's 15 year sentence in 2018, seven Special Court convicted persons continued to serve their sentences in three countries in 2019. Five convicted persons serve their sentence in Rwanda, one in the United Kingdom (Charles Taylor), and one in Sierra Leone on conditional early release (Allieu Kondewa).

On 16 December 2019, another convict, Augustine Gbao, completed two-thirds of his 25-year sentence, thus making him eligible to apply for consideration for conditional early release under Rule 124 of the Rules of Procedure and Evidence of the Residual Special Court. Gbao was the former Overall Security Commander of the Armed Forces Revolutionary Council/Revolutionary United Front (AFRC/RUF) and commanded security and intelligence units in the AFRC/RUF forces. On 25 February 2009 he was found guilty on 14 of the 18-count indictment for war crimes including: acts of terrorism, collective punishments, murder, outrages upon personal dignity, cruel treatment and pillage; crimes against humanity including: extermination, murder, rape, sexual slavery, forced marriage, other inhumane acts and enslavement; other serious violations of international humanitarian law, namely attacks against United Nations Peacekeepers. On 26 October 2009, the Special Court Appeals Chamber overturned his conviction

for collective punishments, but confirmed his 25-year sentence.

Augustine Gbao submitted his application for determination of eligibility to apply for consideration for conditional early release to the Residual Special Court President, pursuant to Article 2 of the Practice Direction, revised on 2 December 2016. According to Article 2 of the Practice Direction, the President of the Residual Special Court shall, in his assessment of the application, take into account (i) whether he was successful in the completion of any remedial, moral, spiritual or other programme to which he was referred while in prison; (ii) whether he still represents a danger to his community or to any member of the public; (iii) his level of compliance with the terms and conditions of his imprisonment; (iv) his recognition of the fairness of his trial; (v) whether he refrained from incitement against the peace and security of the people of Sierra Leone while incarcerated; and (vi) any positive contribution of his to peace and reconciliation in Sierra Leone and in the region, such as any public acknowledgement of his guilt, public support for peace projects, public apology to victims or efforts towards victims restitution.

Should the President of the Court determine, pursuant to Article 4 of the Practice Direction, that Augustine Gbao is eligible to apply for consideration for conditional early release, he would then submit his application to the President, pursuant to Article 5 of the Practice Direction. Should the Residual Special Court President decide, pursuant to Article 8 of the Practice Direction, to grant the application for conditional early release, the President may impose special conditions on him as deemed necessary. In the cases of the first two convicts who were granted



conditional early release, Moinina Fofana and Allieu Kondewa, the requirements imposed included the successful completion of several months of training on human rights and correct behaviour as a citizen of Sierra Leone, the issuance of public apologies for past wrongful conduct, an acknowledgement of guilt, a demonstration of remorse and acceptance by the community in which their sentences would be overseen, subject to stringent supervisory conditions.

## RWANDA

In Rwanda, the Registry continues to work closely with the Rwandan Correctional Services (RCS) to monitor the enforcement of sentences of the five remaining prisoners at Mpanga Prison, located in the Nyanza District in Rwanda. Additionally, through the Defence Office, the Residual Special Court continues to respond to specific requests from the prisoners. During the reporting period, the convicted persons serving their sentences in Rwanda received family visits with the assistance of the Residual Special Court.

As reported in the Chambers' Section, the ICRC which serves as the independent monitoring authority for convicted persons serving their sentence in Rwanda, submitted its report to the President of the Residual Special Court in February 2019, following its visit of October 2018.

In June 2019, proposals for amendments to the Rwandan Commissioner General's Rules and Regulations in relation to discipline and sanctions governing the enforcement of sentences by Special Court convicts in Rwanda were submitted to the Commissioner General. These proposals were framed on the basis of a gap analysis of the relevant sections of the Commissioner General's

Rules undertaken by the Residual Special Court Registry in consultation with the Principal Defender, on the basis of the observations made by the ICRC. Consultations between the Registrar and the Commissioner General on the proposed amendments is ongoing.

The Residual Special Court Prison Adviser visited Rwanda in July 2019 to supervise the conditions of imprisonment of the remaining Special Court convicts.

## UNITED KINGDOM

Charles Taylor, the former President of Liberia, continues to serve his sentence in the United Kingdom. During the course of 2019, the Registrar continued to coordinate, as necessary, with prison authorities and Defence Counsel on various matters relevant to Charles Taylor's service of sentence. With the assistance of the Residual Special Court, Charles Taylor also received family visits. The British authorities issued two years multiple entry visas to Charles Taylor's family to facilitate their visits. The Residual Special Court Prison Adviser visited Charles Taylor in the United Kingdom in the first quarter of 2019 to monitor his conditions of imprisonment.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which serves as the independent monitoring authority for convicted persons serving their sentence in the United Kingdom, submitted its report to the President of the Residual Special Court in March 2019, following its annual visit of October 2018.

## SIERRA LEONE

Since July 2018, Allieu Kondewa has continued to serve his conditional early release in his community in Bo, in the Southern Province

of Sierra Leone. The Office of the Registrar continues to work closely with the Sierra Leone Police and the Principal Defender to monitor his compliance with the terms and conditions of his release. No incident was reported over the reporting period. Kondewa will remain on conditional early release until completion of his term in 2023, provided he complies with each and every condition.

## 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 2019.

The Registry continued to provide assistance to requesting States with respect to requests for interviews of convicted persons, in connection with national proceedings, 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 (Adopted on 3 June 2015). A request by a State, which was pending since 2014, to interview one of the Residual Special Court prisoners was concluded in September 2019. The Counsel for the convicted person notified the Registrar that his client does not consent to the interview requested by the authorities of the State. The requesting authority, the Residual Special Court President, Prosecutor and Principal Defender were all notified of the convicted person's decision, in accordance with the applicable Practice Direction.

Additionally, over the reporting period, the Registry received new requests from the authorities of another State for assistance with



*Staff members in Freetown.*

interviewing six Residual Special Court Prisoners currently serving their sentences in Rwanda and in the United Kingdom, in connection with pending domestic proceedings. The convicts, the President of the Court, the Prosecutor, the Principal Defender and, where applicable, the *pro bono* Counsel of the relevant convicts were all notified of the requests in accordance with the Practice Direction of 30 June 2015.

The Office of the Registrar and the Prosecutor received a request for assistance with access to materials relevant to ongoing domestic investigations by a national prosecution authority. In the interest of cooperation with national authorities, the Office of the Registrar continues to respond to these requests and provide assistance where possible.

Following a summons of the Commission of Inquiry in August, consultations between the President of

the Residual Special Court and the United Nations, the Government of Sierra Leone and the United Nations, and with the approval of the latter, the Registrar appeared before the Commission of Inquiry for the limited purpose of tendering the list of assets handed over to the Government at the closure of the Special Court in December 2013.

## STAFFING

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

The Registrar retained 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. In 2019, these included a Press Officer, a Detention Officer,

a Communication and Information Technology Services Officer, and a Finance Officer, all of whom were briefly brought in to complete a variety of tasks and projects.

## STAFF ON A ROSTER

In addition to a Roster of Defence Counsel, the Registry continues to maintain a roster of former Special Court staff, created pursuant to Article 15(4) of the Residual Special Court Statute.

## FULL-TIME STAFF

The Residual Special Court office in The Hague continues to be served by a small team consisting of Archivists, Office Manager, Legal Officer, Associate Legal Officer, Budget and Finance Officer, Prosecution Legal Adviser.

On 8 May 2019, the Budget and Finance Officer, who had been work-

ing for the Residual Special Court since its inception and who also worked before that for the Special Court since 2008, retired. She was replaced by a new Budget and Finance Officer.

As reported above, at the end of July, the Registrar informed staff that the Prosecutor of the Residual Special Court, Ms Brenda J. Hollis, may be appointed to another position with another organization. In August, Prosecutor Hollis visited The Hague and held a meeting with Residual Special Court staff at The Hague office while the Freetown office participated via Skype. The Registrar thanked Prosecutor Hollis for her indelible contributions to international criminal justice and her invaluable services to the Special Court and Residual Special Court. An in-house farewell event was also organised in honour of the Prosecutor who separated from the Residual Special Court in September following her appointment as the International Co-Prosecutor of the ECCC. Ms Hollis served as Prosecutor of the Residual Special Court since 2014 and of the Special Court since 2010. Her engagement with the Special Court dates back to 2002 when she served as a consultant to the Office of the Prosecutor.

As also reported above, in September, the Registrar announced that James C. Johnson has been named Prosecutor of the Residual Special Court to replace Ms Hollis. Mr Johnson joined the Office of the Prosecutor at the Special Court in 2003 as Senior Trial Attorney, and was named Chief of Prosecutions in 2006. He left the Special Court in 2012 in furtherance of his career. He previously served for 20 years as Judge Advocate in the United States Army before he joined the Special Court.

In September, the Legal Officer in

the Registrar's Office tendered his resignation with an effective date of 1 November 2019. An interim replacement for the legal officer position was identified and commenced work on 1 November.



*Registrar Binta Mansaray*

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 continues to serve on a part-time basis.

## FACILITIES

### *Interim Seat in The Hague and Branch Office in Freetown*

The Residual Special Court continues to share its seat and administrative and technical platforms with the IRMCT pursuant to the Memorandum of Understanding on Administrative and Technical Arrangements between the two institutions. In Freetown, the Residual Special Court continues to occupy a portion of the former Special Court site and shares the site with the Commission of Inquiry established by

the Government of Sierra Leone, the Law Reform Commission, the Sierra Leone Peace Museum and the Sierra Leone Law School.

## ADMINISTRATIVE FRAMEWORK

The review of the Amended Rules of Detention initiated in 2017 was completed. The final Amended Rules of Detention were signed by the Registrar on 13 May 2019, following the approval of the President of the Residual Special Court. The Amended Rules came into force on the same day. The review of the Directive on Assignment of Counsel and Code of Professional Conduct for Counsel to adapt it to the new context of the Residual Special Court is ongoing and it is expected to be completed in 2020.

The review of the Host State Agreement with the Netherlands is ongoing. Comments to the draft Host State Agreement have been submitted to the Dutch Ministry of Foreign Affairs. The Dutch authorities issued a series of *Notes Verbales* to international tribunals on issues such as taxation, which are of relevance for the Host State Agreement. The Court is also collaborating with other international organizations in The Hague, including the IRMCT and the International Criminal Court with respect to one of the *Notes Verbales* related to the liability of Defence Counsel for income taxes in the Netherlands.

The Registry provided assistance to Justice Fisher to facilitate the electronic and face-to-face launching of the Chambers Jurisprudential Compilation "*Bearing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone.*" As reported above in the Chambers section, the launching was done at a diplomatic briefing hosted by the Embassy of Canada in The Hague





*Oversight Committee meeting with RSCSL staff during visit to The Hague, June 2019.*

on 2 October 2019. The IRMCT provided technical assistance to the Residual Special Court Registry with respect to recording a video that would show researchers and the public how to easily use the digitized compilation of the jurisprudence of the Special Court for Sierra Leone. Justice Fisher featured in the video recorded at the IRMCT Press Briefing Room. The video was edited by the Audio Visual Director of the IRMCT. Preparations for making the video available on the Residual Special Court website were undertaken and would be completed in the first quarter in 2020. The Registry also facilitated the launch of the compilation in Freetown on December 10.

## FINANCIAL SITUATION

### *Budget*

A United Nations subvention grant was received in the amount of USD 2,537,000 to supplement the Court's funding to sustain activities

from 1 January to 31 December 2019, as a bridging financial mechanism. The United Nations General Assembly further expressed serious concern over the adverse financial situation facing the Residual Special Court and requested the Secretary-General to take measures such as intensifying his fundraising efforts to seek voluntary contributions and to report thereon to the General Assembly at the main part of its 74th session.

On 8 May 2019, the United Nations Secretary-General addressed letters to all United Nations Member States to seek voluntary contributions for the financing of the Residual Special Court. In 2019, the Residual Special Court received a total of USD 61,200 and 3000 euros in voluntary contributions.

The Residual Special Court estimated budget requirements for 2020 for both non-judicial and judicial activities amounts to USD 2,899,500. On 27 December 2019,

the Fifth Committee authorised 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 1 January to 31 December 2020 as a bridging financial mechanism and to report on the use of this commitment authority.

## AUDIT

In September, the South African Auditor General conducted an on-site audit of the Residual Special Court's 2018 accounts. The audit report was submitted to the Chair of the Oversight Committee in October.

# FUNDRAISING AND DIPLOMATIC RELATIONS

## OVERSIGHT COMMITTEE

During 2019, 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 and the Liaison Officer in New York also participated in such meetings.

On 14 June 2019, Ms Catherine Boucher, the Chair of the Oversight Committee and representative of the Canadian Mission to the United Nations, Ms Susan Dickson, representative of the British Mission to the United Nations, Mr Julian Simcock, representative of the United States Mission to the United Nations and Ms Hannah Dreifeldt Laine, Senior Legal Officer in the United Nations Office of Legal Affairs, visited the interim seat of the Residual Special Court in The Hague (at no cost to the Residual Special Court). During their visit, they met with IRMCT Registrar regarding services provided to the Residual Special Court in order to explore further cost reduction under the administrative sharing arrangements between the Residual Special Court and IRMCT. The representatives also met with all Residual Special Court staff members in The Hague and in Freetown via teleconference to discuss the Court's current financial situation. They expressed their renewed appreciation to the staff for their hard work and for continuing to fulfil their functions with such a lean structure, which they considered a

great achievement and a model in terms of efficiency. The representatives of the Oversight Committee assured their continued support to the Residual Special Court.

## FUNDRAISING CHALLENGES

As mentioned above, on 8 May 2019, the United Nations Secretary-General addressed a further appeal letter to United Nations Member States to garner their support. The Government of Sierra Leone also 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, Freetown and Brussels with officials from a total of 69 United Nations Member States, including Algeria, Australia, Azerbaijan, Belarus, Belgium, Botswana, Bulgaria, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Greece, Hungary, India, Indonesia, Ireland, Jamaica, Japan, Kazakhstan, Latvia, Lebanon, Lithuania, Malaysia, Malta, Mauritania, Mexico, Mongolia, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Peru, Poland, Portugal, Romania, Rwanda, Sierra Leone, Slovenia, Solomon Islands, South Africa, South Korea, Spain, Sri Lanka, Sweden, Switzerland, Tanzania, Togo, Ukraine, United

Arab Emirates, United Kingdom, United States of America, and Yemen. A combined total of 79 bilateral meetings were held in 2019, including bilateral meetings held with the Registrars of the Special Tribunal for Lebanon, the IRMCT and the former Registrar of the International Criminal Court, to share information and experience on fundraising matters.

Two diplomatic briefings took place at no cost to the Court. The first on 22 May 2019 at the Embassy of Venezuela, which was attended by representatives of over 25 States of the Non-Aligned Movement

plus China; the second at the Embassy of Canada in The Hague on 2 October 2019, which, as already reported, also served as an occasion for the launching of the compilation of Special Court for Sierra Leone's jurisprudence *"Bearing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone"*. The Diplomatic Briefing was also an opportunity for Justice Teresa Doherty, representing the President of the Court and the Registrar, to update the members of the diplomatic corps on the important work and challenges of the Residual Special Court. In addition to introducing the compilation at the event, Justice

Shireen Fisher delivered a keynote on the topic: *"Why Legacy Matters: Jurisprudence of the SCSL – Terrorism, Child Soldiers and Reconciliation"*. The Diplomatic Briefing was attended by court Principals and representatives of 28 diplomatic missions, including six ambassadors.

Following these meetings, letters were further distributed to representatives from each mission and organisation met to thank them for the meeting and reiterate the Court's financial challenges. The letter from the United Nations Secretary-General of 8 May 2019 was annexed thereto.



*Attorney-General/Minister of Justice Schwartz & Registrar Mansaray at IRMCT lobby in The Hague.*

In October 2019, pursuant to the request for subvention, the Registrar, via video teleconference (VTC), the Assistant Secretary General of the United Nations Office of 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. In November 2019, the Registrar, via VTC, a representative from Office of Legal Affairs and the Director of Programme Planning and Budget Division appeared before the Fifth Committee to provide additional information on the Residual Special Court budget. However, the Registrar was unable to respond to questions during the VTC due to technical problems.

## 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





*Visit of Sierra Leone's AG/Minister of Justice to RSCSL, The Hague.*

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 2019 Judicial Year, together with Justice Richard Lussick; the 25th Commemoration of the Genocide against the Tutsis in Rwanda, organised by the Embassy of Rwanda to the Kingdom of the Netherlands; the official farewell ceremony of the former Chairman of the Carnegie Foundation, Peace Palace and Chairman of the Board of The Hague Academy of International Law, Dr Bernard Bot; the luncheon on the occasion of the visit of the Swedish Minister of Foreign Affairs to the Netherlands on 14 May 2019; the luncheon organised by the Swedish Embassy on the opportunity of the visit of the Swedish Mistra Geopolitics Research Programme in The Hague; the 5th Annual Lecture on International Law organised by the British Embassy in The Hague; Canada's 152nd Anniversary of Confederation; and the 75th Anniversary Year of the Liberation of the Netherlands.

Visits hosted by the Residual Special Court in The Hague include the following: On 6 February 2019, the Attorney General of the Republic of Sierra Leone, Dr Priscilla Schwartz, visited the Residual Special Court and expressed her appreciation for the work done by staff members. The Registrar held additional meetings with the Attorney General of Sierra Leone over the year.

Under the umbrella of a press visit for journalists organised by Rijksdienst voor Ondernemend Nederland (RVO.nl), on behalf of the Dutch Ministry of Foreign Affairs, twelve West African Journalists visited the Residual Special Court in April 2019, where they were briefed by the Registrar on the theme of peace, justice and security and the promotion of the international legal order and international justice-related institutions.

Several groups of students visited the Residual Special Court's premises in The Hague where they were briefed by the Registrar: a group of 20 students from The Hague Academy of International Law, in January 2019;

a group of 31 students from Tecnológico de Monterrey in Querétaro, Mexico - a top five university in Latin America, in May 2019; and a group of students from a nonprofit organisation named Stichting Libertas International, The Netherlands. In October, students from Erasmus School of Law visited the Court, and in November, a group of students visited from the University of West London. The Registrar briefed them on the operations of the Special Court and the Residual Special Court.

The Registrar's office also participated in the following seminars and trainings over the course of the reporting period, at no cost to the Residual Special Court. In April 2019, Avocats Sans Frontières Belgium and United Nations Office on Drugs and Crime invited the Legal Officer in the Office of the Registrar to lecture on International Crimes in Bangui for a group of Counsel registered in the Bar of Central African Republic willing to appear before the Special Criminal Court for Central African Republic. The Legal Officer used that opportunity to relate the legacy of the Special Court





*Visit of Sierra Leone's Chief Justice to RSCSL, The Hague.*

and its case law to the definition of international crimes, namely, war crimes, crimes against humanity, and sexual violence, and to submit how relevant the specific experience of the Special Court can be for the new Special Criminal Court.

In July, the Registrar was invited by EU4Justice as an expert in Court Management to assist with capacity building and the review and development of procedures for Court Management. The Registrar visited Georgia together with another expert and held consultations with the High Council of Justice, the Chief Justice and court managers of Georgia in furtherance of judicial reform in that country.

In September 2019, the Registrar participated in a Symposium on *Lessons from the Gbagbo and BleGoude Cases and ICC Review*. The Sym-

posium was hosted by the Dutch Ministry of Foreign Affairs in The Hague, and it was organised by Africa Legal Aid (AFLA) in cooperation with Trust Africa and the Institute for Security Studies. Approximately 150 people, including members of the international justice community in The Hague, academics, civil society from Africa and members of the diplomatic corps attended.

On 12 October 2019, the Registrar was invited as Guest Speaker at the launch of a new organization Diaspora Ladies for Sierra Leone (DL4SL) where she delivered a keynote address on the impact of the armed conflict on elderly persons in Sierra Leone.

In November, the Registrar attended the Seventh International Meeting of the Defence, organised by the Defence Office of the Special Tri-

bunal for Lebanon in collaboration with the Office of Public Counsel for the Defence of the International Criminal Court, and with the support of the International Criminal Court Bar Association and the Association of Defence Counsel Practising Before the International Courts and Tribunals (ADC-ICT). She also attended The Hague Judicial Club Colloquium with the theme “International law and Contemporary Challenges: 75 Years after World War II”. The Colloquium was followed by a formal dinner hosted by the Mayor of The Hague, with the theme “Impact of Innovation on Courts and Tribunals”.

## DEFENCE OFFICE

The Defence Office continues to perform its functions pursuant to Rule 45 of the Rules of Procedure and Evidence. This report highlights key activities that took place in 2019 relative to the work of the Defence Office. These include but are not limited to communication with Special Court prisoners in Mpanga Prison in Rwanda and HMP Frankland in the United Kingdom; coordination of Special Court prisoners' family visits; monitoring of the Special Court prisoner who is on conditional early release in Sierra Leone; and drafting of a motion for application for conditional early release.

### COMMUNICATION BETWEEN THE UNITED KINGDOM, RWANDA AND THE DEFENCE OFFICE

During the period under review, the Defence Office regularly engaged prison authorities in Mpanga Prison and HMP Frankland to keep track of matters pertaining to the conditions of detention of Special Court prisoners. The Defence Office also maintained regular contacts with the prisoners and their *pro bono* counsel on matters relating to conditions of detention and other related matters. With specific reference to Charles Taylor, the Defence Office maintained communication with his *pro bono* counsel, Mr Essa Faal on matters concerning Charles Taylor's conditions of detention and future legal proceedings.

### VISITATIONS

The Defence Office, with support from the Residual Special Court Registrar, facilitated family visits for family members of Special Court

convicts. In February this year, the Defence Office facilitated a two-week visit by a member of Ibrahim Bazzi Kamara's family in the United Kingdom to visit him in Mpanga Prison in Rwanda. The relative, who was visiting Kamara for the first time, commended the Mpanga Prison authorities for a warm reception and observed that the general conditions of detention under which Kamara was being kept were humane.

In May 2019, two of Charles Taylor's relatives, Victoria Addison-Taylor and Victoria Kanneh, visited him at HMP Frankland and returned to Liberia after a two-week stay. The visit followed the issuance of a two-year United Kingdom visa to Victoria Taylor, two of her daughters, and a ward, facilitated by the Defence Office with support from the Residual Special Court Registrar.

In June 2019, the Principal Defender travelled to HMP Frankland to assess the detention conditions of Charles Taylor and hold legal consultative meetings with Charles Taylor and his *pro bono* counsel. The Principal Defender also met with the prison authorities at Durham and discussed issues concerning Taylor.

In August 2019, the Defence Office facilitated visits of family members of other Special Court convicts serving prison time in Rwanda as part of the annual visit organised by the Registry in collaboration with the Defence Office.



*Principal Defender Ibrahim Yillah*

## ON THE SPOT CHECK ON CONDITIONAL EARLY RELEASE OF ALLIEU KONDEWA

As part of the Defence Office's duties to monitor the conditions of enforcement of sentence of Special Court convicts, the Associate Defence Legal Officer, upon the instruction of the Principal Defender, travelled to Bo and Kailahun from 27 February to 1st March 2019 together with other Residual Special Court staff for two reasons:

first, to monitor, assess and inquire into general issues relating to Special Court convict Allieu Kondewa's compliance with the conditional early release terms currently being enforced by the Sierra Leone Police Monitoring Agent; second, to perform defence-related outreach in Bo and Kailahun Districts. Whilst in Bo, the Associate Defence Legal Officer liaised with the arm of the Sierra Leone Police Monitoring Agent based in Bo. They related that Allieu Kondewa was in full compliance with the terms and conditions of his conditional early release. The team also visited Kailahun District where defence-related outreach activities were held with former RUF combatants.

During the visit in Bo, the Associate Defence Legal Officer visited Allieu Kondewa at his residence to assess and inquire into his health condition and his compliance with the terms of his conditional early release. Allieu Kondewa assured the Associate Defence Legal Officer that he would continue to fully respect the terms and conditions ordered by the Residual Special Court President and promised to always promote peace and reconciliation within his community.

Allieu Kondewa further pleaded with the Court to assist him to seek medical attention as his health



*Principal Defender leading tour of the Sierra Leone Peace Museum.*

had drastically deteriorated because of lack of financial strength to visit the health centre. The Associate Defence Legal Officer drew his attention to some of the clauses contained in the Conditional Early Release Agreement which he had signed, and reminded him that issues such as his personal health were outside of the responsibility of the court.

However, in October, the Defence Office received information that Allieu Kondewa's health had deteriorated significantly. The Principal Defender instructed the Associate Defence Legal Officer to visit Allieu Kondewa again in Bo to ascertain the seriousness of his medical condition. Upon the Associate Defence Legal Officer's arrival, Allieu Kondewa explained his health problems which led to a recommendation by the Associate Defence Legal Officer for him to see a medical doctor for another medical examination. Having seen a medical doctor in Bo, Allieu Kondewa was referred to a bone specialist at the Connaught hospital in Freetown. Consequently, the Associate Defence Legal Officer had to travel with him

to Freetown. Upon arrival at Connaught hospital, Allieu Kondewa was examined by a physician and medical tests were recommended and performed on him. The medical tests conducted on Allieu Kondewa showed that his health situation was not life-threatening. A medical prescription was made and the drugs purchased. All medical bills related to Allieu Kondewa's recent health issues were paid for by the Residual Special Court. However, it is important to reiterate the point that the Defence Office and the Registrar's interventions in Allieu Kondewa's medical condition were purely on humanitarian grounds as the Residual Special Court is under no legal obligation to pay his medical bills. Allieu Kondewa returned to his residence in Bo, accompanied by the Associate Defence Legal Officer. Because of Allieu Kondewa's health condition, the Monitoring Agent in Bo volunteered to meet with him at his residence each time to sign the monitoring sheet until he is medically fit to report to the Police Station in person as per the Conditional Early Release Agreement. Additionally, the Defence Office continues to monitor his health condition.



## CONDITIONAL EARLY RELEASE OF AUGUSTINE GBAO

In accordance with conditional early release rules, the Principal Defender notified Special Court convict Augustine Gbao that he had reached the two thirds threshold of time served to be eligible for consideration for conditional early release. Augustine Gbao indicated to the Principal Defender his readiness and unreserved willingness to apply for consideration for conditional early release. The Principal Defender informed the Registrar about Augustine Gbao's intention to proceed with his conditional early release application from Mpanga Prison. The Defence Office submitted Augustine Gbao's application for Consideration of Eligibility for Conditional Early Release to the Residual Special Court President through the Registry on 2 December 2019, following the receipt by the Defence Office of a recommendation from the Mpanga Prison authorities as part of the criteria for conditional early release. The Defence Office continues to render the requisite legal support

that Augustine Gbao may require during this conditional early release application process. A decision on his application by the President was pending at the end of the reporting period.

## AMENDMENT OF THE RULES AND REGULATIONS IN RWANDA PRISON

The Principal Defender provided his final input on the Rules and Regulations No. 02 of Commissioner General Rwanda Correctional Service Regarding Treatment of Prisoners Transferred to Rwanda from Special Court for Sierra Leone for Sentence Enforcement.

## REQUEST TO ASSIGN NEW PRO BONO COUNSEL

During the period under review, the Defence Office received a request from Issa Hassan Sesay, Special Court convict in Mpanga Prison, to have a new *pro bono* counsel assigned to him. However, Sesay appears to have abandoned this request and has re-engaged the services of his *pro bono* counsel, Mr Wayne Jordash.

The Defence Office continues to work with convicts and their *pro bono* counsel on matters relating to the conditions of detention of the convicts as well as on requests for assistance filed by national authorities.

## REQUEST TO VISIT CONVICTS

The Defence Office received a request from a former United Nations Mission in Sierra Leone (UNAMSIL) Force Commander (2000 - 2003) to visit the Special Court convicts in Rwanda. The request was forwarded to the Registry for consideration.

## MEETINGS

The newly appointed Residual Special Court Prosecutor paid a courtesy call on the Principal Defender during his visit to Freetown.

## PEACE MUSEUM

The Defence Office jointly worked with the Registry to ensure former ex-combatants cooperated with the Sierra Leone Peace Museum to provide war relics for exhibit. The Defence Office contractor was also instrumental during preparations leading to the re-opening of the newly refurbished museum. During the ceremony, the Principal Defender and some former RUF ex-combatants participated meaningfully.

## BOOK LAUNCHING

The Principal Defender participated in the launching of the Chambers Jurisprudential Compilation "*Bearing the Greatest Responsibility: Select Jurisprudence of the Special Court for Sierra Leone*" at the newly refurbished Sierra Leone Peace Museum hall in Freetown on 10 December.



WVS Senior Protection Officer – leading tour of refurbished Peacekeepers' Room.

## VISITS TO RSCSL AND OTHER EVENTS



*Journalists from West Africa visit The Hague office, April 2019.*



*Farewell SCIF meeting with Prosecutor Hollis in Freetown, September 2019.*



*Visit by Mexican students of the Tecnológico de Monterrey, May 2019.*



*Visit by Mexican students of the Tecnológico de Monterrey, May 2019.*



*Visit of students from The Hague University, January 2019.*



*Visit of students from University of London, November 2019.*



*Model of SCSL Compound in Sierra Leone Peace Museum, December 2019.*



*Effigy of Combatants – Sierra Leone Peace Museum, December 2019.*



*Tour of Sierra Leone Peace Museum, December 2019.*



*Tour of refurbished Sierra Leone Peace Museum.*



*Visit of Students from University of London, November 2019.*

# ANNEX I

## *Overview of the 2019 Residual Special Court Budget*

### *Budget - 2019*

The Registrar submitted the Residual Special Court 2019 Budget to the Oversight Committee for their consideration and approval. The proposed Fiscal Year 2019 Budget was \$2,984,600.

### *Fiscal Year 2019 Budget*

To manage the non-judicial residual functions and the judicial and other proceedings, the budget for the Residual Special Court's operations for 2019 is **USD 2,984,600**. Further breakdown of the 2019 figure is as follows: permanent staffing costs (**USD1,675,400**), which includes income tax liability of (**USD45,000**); and operational costs (**USD1,309,200**). The operational costs include IRMCT administrative support services (**USD379,700**) and the annual cost for enforcement of sentences of the five remaining SCSL convicted persons in Mpanga Prison, Rwanda (**USD70,000**).

#### 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	1,032,200	137,000	1,169,200
Common Staff Cost	303,700	23,000	326,700
Compensation to Judges	49,800	129,700	179,500
Consultants and experts	31,500		31,500
Travel	110,000	178,000	288,000
Contractual services	537,700	50,000	587,700
General operating expenses	310,000	72,000	382,000
Supplies and materials	15,000		15,000
Acquisition of furniture and equipment	5,000		5,000
	<b>2,394,900</b>	<b>589,700</b>	<b>2,984,600</b>

## ANNEX II

### Residual Special Court Judges and Personnel Nationalities 2019

#### 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
<b>Total</b>	<b>16</b>

#### PRINCIPALS

Sierra Leone	2
United States of America	2
<b>Total</b>	<b>4</b>

#### STAFF

Canada	1
France	1
Nigeria	1
Sierra Leone	10
Somalia	1
<b>Total</b>	<b>14</b>

#### SHORT-TERM CONTRACTORS

Nigeria	1
Pakistan	1
Sierra Leone	4
St Lucia	1
United Kingdom	2
United States of America	3
<b>Total</b>	<b>12</b>

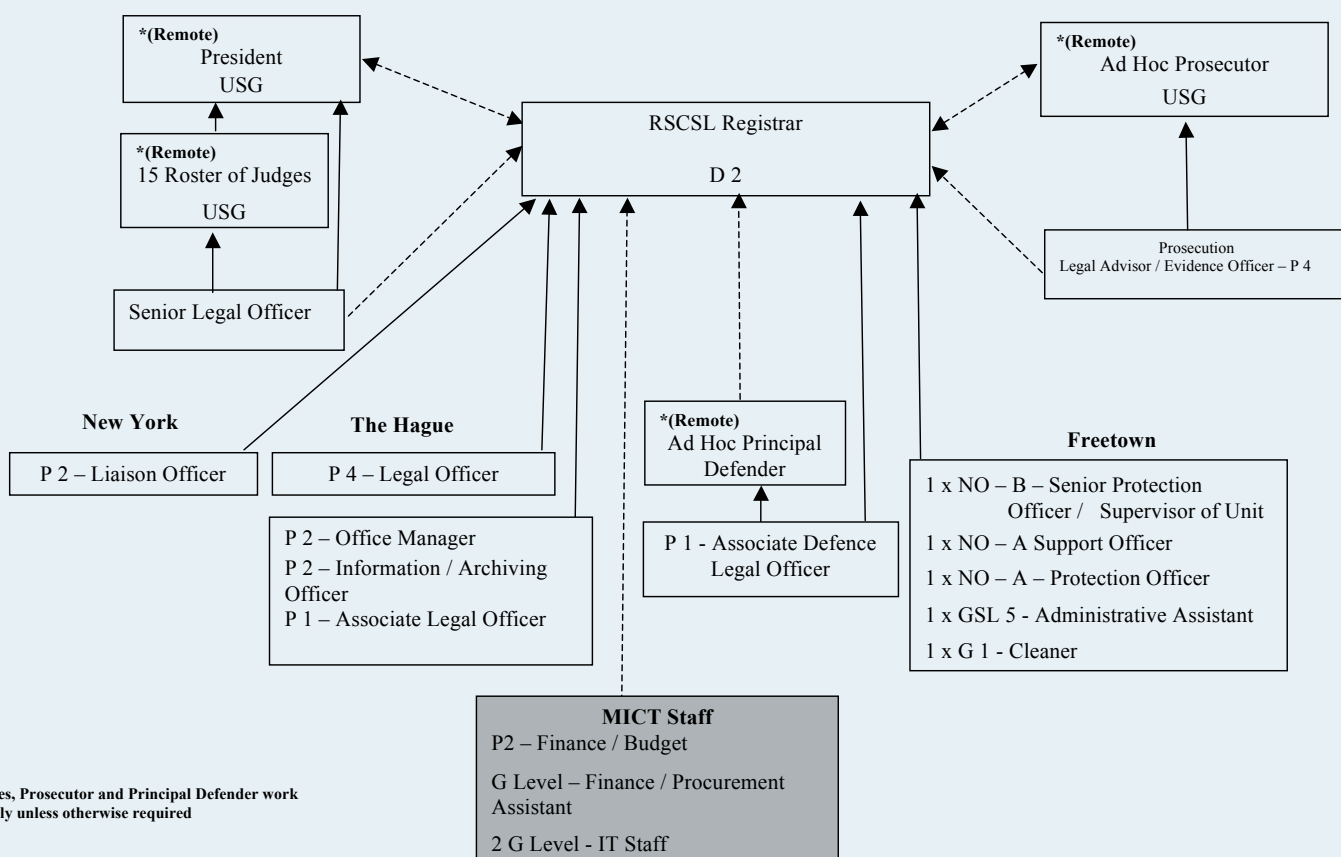
**Grand Total** **46**



# ANNEX III



## RESIDUAL SPECIAL COURT FOR SIERRA LEONE ORGANOGRAM 2019



\* Judges, Prosecutor and Principal Defender work remotely unless otherwise required



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