



# Sixth Annual Report

of the President of the Special Court for Sierra Leone



June 2008 to May 2009





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6th

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# FOREWORD

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

It is my honour, privilege and pleasure to submit to you the Sixth Annual Report on the operations and activities of the Special Court for Sierra Leone, covering the period 1st June 2008 to 31st May 2009.

The seventh year of the Court's operation proved to be a very difficult year. We had to stand up to challenges we never expected to face. Only through the fierce collaboration of each and everyone at the Court and the rapid assistance from our friends and donors were we able to continue our important work without too much disruption.

The cover page of this report (with two photographs) looks very different from all previous ones for an unfortunate reason: it is with great sadness that I note the passing on 22 November 2008 of my colleague, Honourable Justice A. Raja N. Fernando, Judge of the Appeals Chamber and former president of the Court. Justice Fernando was a dear friend and an exceptional colleague to each of us at the Court. His sudden and unexpected death left us dearly missing his personal warmth, friendship and calm determination to reach just decisions. He will not be forgotten.

The Court's work has also been affected by the unfortunate but understandable departure of many valuable and well-trained staff members, who have accepted longer-lasting and better paid work at other courts and international institutions. Staffing levels have also significantly diminished as a consequence of personnel policies tied to the Court's completion strategy. Because it is not always easy to quickly find an appropriate replacement for now short term appointments, the Court's remaining staff face mounting workloads and stress.

The Court's equipment, particularly the IT system, has become a source of constant concern. The IT infrastructure is aging, and has been tested by computer

viruses and a recent fire near the Court's computer servers. During the year, the Court grappled with how to restore the system to full functionality — trying to allow for continuous work of the Parties, the research work of the legal staff, the Finance section, the Travel section organizing movements between West Africa and The Hague and the decision-writing of Chambers — while recognizing that there are few funds from which to make major equipment investments during the short time remaining for the Court's proceedings.

Facing these difficulties, the Court nevertheless achieved key goals in the reporting period.

During the year, the Special Court completed the trial in the third of its four cases. On 25 February 2009, Trial Chamber I delivered its Trial Judgment on the 18-count indictment against Sesay, Kallon and Gbao on 25 February 2009, with written reasons filed on 2 March 2009. Sesay and Kallon were convicted on 16 counts and Gbao was convicted on 15 counts. The Trial Chamber issued its Sentencing Judgment on 8 April 2009, sentencing Sesay to a term of imprisonment of 52 years, Kallon to a term of imprisonment of 40 years and Gbao to a term of imprisonment of 25 years.

Upon delivery of these verdicts and sentences, the Judges of Trial Chamber I fulfilled their judicial mandate and completed their service to the Special Court. During their tenure, the Judges of Trial Chamber I dealt with one of the most difficult and complex cases in the history of international courts — taking account of the scale of the crimes prosecuted, the temporal and geographical scope of the facts of the case, and the incredible psychological pressures resulting from listening for nearly six years to the harrowing testimony of victims and witnesses of horrendous atrocities. It is a tribute to their exemplary professionalism, that



*Hon. Justice Renate Winter, President, Special Court for Sierra Leone*



the Judges of Trial Chamber I and their staff produced another milestone achievement for the Special Court.

In the high-profile case of *Prosecutor vs. Charles Ghankay Taylor*, the Prosecution completed the presentation of its evidence in January 2009 and closed its case on 27 February 2009. On 4 May 2009, the Trial Chamber dismissed a Defence motion for a judgment on acquittal, ruling that there is evidence capable of sustaining a conviction on all eleven counts of the Indictment. Trial Chamber II scheduled the Taylor Defence case to begin mid- July 2009.

Mr. Taylor, the former President of the Republic of Liberia, was for security reasons transferred in 2006 to the International Criminal Court ("ICC") detention facilities in The Hague. I take this opportunity of expressing my gratitude to the President and other officers of the ICC and the Government of the Netherlands for their cooperation and support in the detention and trial of Charles Taylor in that city, thereby assisting the Special Court in the furtherance of international justice.

The Special Court has completed proceedings against eight Accused out of a total of 13 indictees. The whereabouts of Johnny Paul Koroma, who is an indictee at

large, are unknown, but the indictment against him remains in force.

In anticipation of the Special Court's completing its judicial activities by early 2011, significant attention was placed on planning for the Court's residual functions – its legal and practical obligations that continue beyond the completion of all trials and appeals proceedings, and which must be provided for in order to complete the Court's mandate in accordance with international standards of justice. The Special Court worked closely with the Management Committee and the Government of Sierra Leone to identify ten residual functions, determine the personnel required for each function and assess the feasibility of different institutional arrangements for a successor body that would carry out these functions.

The Management Committee of the Special Court visited the Hague sub-office and Freetown in February 2009. In discussions with the Judges and staff of the Special Court, the Committee endeavoured to provide answers and solutions to problems arising from financial and other constraints. The Management Committee also held high-level meetings with representatives of the Government of Sierra Leone to discuss planning for the residual issues as mentioned,



the archives and the future use of the Special Court's site.

The Legacy of the Special Court continues to be one of Court's topmost priorities. During the period under review, the Registry coordinated the implementation of the Special Court's legacy programmes through a Legacy Working Group which brought together all sections of the Special Court with numerous Sierra Leonean Government bodies, international development agencies and other stakeholders. I am very grateful for the generous funding provided by the MacArthur Foundation, the European Commission, the Peace Building Commission and the Rockefeller Philanthropy Advisors, for legacy initiatives undertaken by the Special Court.

The Outreach Section continued to bring the Special Court, its activities and accomplishments, to every town and village, to the schools and colleges in Sierra Leone and to the people of the sub-region generally, by making full use of the news media and organising regular visits by institutions and groups to our custom built courthouse. As a result of such continuous efforts, literally all citizens in the sub-region have come to realise that the Special Court is determined to ensure that serious international crimes are not allowed to go unpunished, that the rule of law in Sierra Leone is re-established, upheld and maintained, so as to become the supreme legacy of the Special Court for future generations.

The Special Court continued to struggle to raise funds necessary for its judicial activities, and the Special Court was required to request assistance from the Secretary-General of the United Nations, for only the second time in the Court's lifespan. With great gratitude, I note that in March 2009, His

Excellency Secretary-General Ban Ki-moon wrote to UN Member States to express his grave concern regarding the Special Court's funding situation and to appeal to States to provide funding to the Court as a matter of urgency. Fundraising remains a continuing priority of the Office of the Registrar.

In April 2009, Hon. Justice Shireen Avis Fisher (United States of America) was appointed by the United Nations Secretary-General to serve on the Appeals Chamber of the Special Court. Justice Fisher replaced Hon. Justice Fernando. I congratulate and warmly welcome Justice Fisher to our team.

Finally, I would like to express my sincere gratitude to the donor countries that through their unfailing financial assistance allow this Court to bring justice, and with it lasting peace, to beautiful Sierra Leone that endured hardship for so long.

I would like as well to thank my fellow judges and the staff of the Court for all their commitment and lasting efforts to fulfil their mission efficiently and successfully.

I am proud to say that they simply always do their best!



Hon. Justice Renate Winter

*President of the Special Court for Sierra Leone  
Freetown, Sierra Leone*



*Participants in a Outreach event in Moyamba District*



# INTRODUCTION

This is the sixth Annual Report of the Special Court for Sierra Leone, prepared pursuant to Article 25 of the Statute of the Special Court, which states that:

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

The report covers the period from the 1st of June 2008 to the 31st of May 2009. The report examines

the major activities of the Special Court, including Chambers, the Registry (with the Defence Office) and the Office of the Prosecutor. Drawing upon previous Annual Reports, it also reflects the significant steps taken by the Special Court during this period in respect of creating, defining and implementing policies to ensure a sustainable legacy. The Report explains the Special Court's funding situation and illustrates the work undertaken, in cooperation with the Management Committee, during this period in relation to its funding and administration duties.

## SUMMARY OF ACTIVITIES

In the case of *Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao* (the RUF trial), the Prosecution and two defendants had completed their cases during previous years. During the reporting period, the defence case for Gbao began on 2 June 2008 and concluded on 24 June 2008 after calling 8 witnesses. Final trial briefs were submitted by Kallon, Gbao and the Prosecution on 29 July 2008 and by Sesay on 31 July 2008, and the Trial Chamber heard closing arguments on 5 August 2008.

Trial Chamber I delivered its Trial Judgment on the 18-count indictment against Sesay, Kallon and Gbao on 25 February 2009, with written reasons filed on 2 March 2009. Sesay, Kallon and Gbao were each found guilty of acts of terrorism, collective punishments, extermination, murder as a crime against humanity, murder as a war crime, rape, sexual slavery, forced marriage as an other inhumane act, outrages upon personal dignity, mutilations, physical violence as a crime against humanity, enslavement as a crime against humanity, pillage, intentionally directing attacks against UNAMSIL peacekeepers, and murder in relation to the UNAMSIL peacekeepers. Sesay and Kallon were also found guilty of the crime of using children to actively participate in hostilities.

The Trial Chamber issued its Sentencing Judgment on 8 April 2009, sentencing Sesay to a term of imprisonment of 52 years, Kallon to a term of imprisonment of 40 years and Gbao to a term of imprisonment of 25 years. Upon delivery of these verdicts and sentences, the Judges of Trial Chamber I fulfilled their judicial mandate and completed their service to the Special Court.

All of the convicted persons and the Prosecution filed Notices of Appeal before the Appeals Chamber on 28 April 2009 and the Parties' appeals briefs are due on 1 June 2009.

In the case of *Prosecutor v. Charles Ghankay Taylor*, the Prosecution began the presentation of its evidence on 7 January 2008, and called 91 witnesses, representing 87 factual witnesses and 4 expert witnesses. The Prosecution closed its case on 27 February 2009. The Defence moved for a Judgment of Acquittal, and in oral proceedings, the Trial Chamber heard the submissions of the Defence and the Prosecution on 6 and 9 April 2009 respectively, and, on 4 May 2009, dismissed the Defence motion for a judgment on acquittal, ruling that there is evidence capable of sustaining a conviction on all eleven counts of the Indictment. The Taylor Defence case is scheduled to begin on 13 July 2009.



The Special Court's Outreach and Public Affairs section continued to publicise the activities and accomplishments of the Special Court in every town and village in Sierra Leone and to the people of the sub-region generally, and increasingly in Liberia. During the reporting period, eighteen Outreach Officers located in all of the districts of Sierra Leone, together with 54 collaborating partners, carried out 1892 screenings of redacted trial summaries in communities throughout Sierra Leone and in Liberia. More than 1400 town hall meetings and 1322 school visits were conducted.

The Special Court continued to engage in extensive Legacy programming, which focused during the reporting period, on the following projects: the Site Project (the project to assist the Government of Sierra Leone to develop the site of the Special Court after it reverts to the Government after completion the Court's mandate), the Witness Evaluation and Legacy Project, Communicating Justice (an Outreach project in cooperation with BBC World Service Trust), the Archiving Project and capacity-building for legal associates and interns.

The Special Court's focus on residual issues has proceeded in three parts: first, the Special Court identified its 'residual functions'; second, the Court has assessed the feasibility of different institutional arrangements for the 'residual mechanism'; and third, the Court has assessed the staffing and funding needs of possible residual mechanisms. All organs of the Special Court have worked closely with the Management Committee to assist the Government of Sierra Leone and the United Nations to establish mechanism that will efficiently provide the residual functions.

Planning for the completion of the Court's judicial activities also included work on the potential future uses of Court site. A brainstorming event was held in Washington, DC, hosted by the Government of Sierra Leone in collaboration with the law firm King and Spaulding and the public relations firm Hill and Knowlton. Those in attendance included various Government officials, foundations, NGOs and law firms.

The event led to a number of proposals for the further use of the site of the Court.

Court officials conducted extensive diplomatic and fundraising initiatives abroad during the reporting period. Fundraising trips have been led to New York, Washington DC, and Europe. The Registrar also travelled to the Middle East for the first fundraising initiative in that region, which included meetings with HRH Princess Haya Bint Al Hussein and high level officials in the United Arab Emirates.

The global financial crisis significantly affected the Court's ability to raise funds necessary for its judicial activities, and the Special Court was required to request assistance from the Secretary-General of the United Nations, for only the second time in the Court's lifespan. In March 2009, the Secretary-General wrote to UN Member States to express his grave concern regarding the Special Court's funding situation and to appeal to States to provide funding to the Court as a matter of urgency. At the request of the Management Committee, fundraising remains a continuing priority of the Office of the Registrar, which also placed considerable focus on efforts to conclude agreements with States on the enforcement of sentences and witness relocation.

In addition, the Special Court faced considerable logistical challenges as a consequence of aging computer and information technology. In particular, the computer network in Freetown — partly comprising equipment donated to the Special Court in 2003 — and suffered a system-wide outage for approximately two months as a consequence of a fire near the computer servers and large-scale computer virus attacks.

During the reporting period, the Special Court has successfully conducted significant parts of trials on two continents, requiring considerable support for the transport and care of witnesses from West Africa and testifying in The Hague in the *Taylor* trial.

In the year ahead, the Special Court faces continuing challenges in raising the necessary voluntary contri-

## A SMALL PRICE TO PAY

Rosa Davis  
The Guardian (UK)  
22 June 2007

"...With the convictions of three men in the special court of Sierra Leone, supporters of this tribunal can stand up and be proud of what they have achieved. The three men were each found guilty of 11 charges, including; war crimes, crimes against humanity, and enlisting children to become soldiers. The three men were all former leaders of the Armed Forces Revolutionary Council, a group which briefly controlled the country in 1998 before being defeated by a coalition of West African troops. The successful prosecution of these men should be built upon by the international community in order for justice to continue to be done in Sierra Leone.

...

The special court for Sierra Leone was an innovative idea, and the hope was that the international community would give voluntary contributions to fund the court. Unfortunately, not enough donations have been forthcoming to ensure that those accused of committing the most heinous crimes will be able to be brought before the court to stand trial."

butions that fund the Special Court's "core" operations. Without the voluntary contributions of donor States, the achievements of the Special Court detailed in this Annual Report would not be possible. In addition to monetary support, the Special Court continues to rely upon States for relocation of protected witnesses, and to seek the assistance of States in the enforcement of sentences imposed on the convicted persons.

As the Special Court nears the successful completion of its mandate, it continues the downsizing of its personnel. During this phase, the Special Court remained reliant on seconded personnel to fill key positions.



*The Trial Chamber I Justice from left to right – Justice Bankole Thompson, Justice Benjamin Itoe, Justice Pierre Boutet*



# JUDICIAL PROCEEDINGS

## TRIAL CHAMBER I

*THE PROSECUTOR V. ISSA HASSAN SESAY,  
MORRIS KALLON AND AUGUSTINE GBAO*

*(THE REVOLUTIONARY UNITED FRONT OR  
RUF TRIAL)*

### (a) Background

During the reporting period, Trial Chamber I delivered its Trial Judgment in the case of *Prosecutor v. Sesay, Kallon and Gbao* on 25 February 2009, with written reasons filed on 2 March 2009, and the Sentencing Judgment on 8 April 2009. Upon delivery of these verdicts and sentences, the Judges of Trial Chamber I fulfilled their judicial mandate and completed their service to the Special Court. The trial, commonly referred to as the RUF trial due to the fact that the three accused persons were members of the Revolutionary United Front ("RUF"), was one of the most legally complex and factually intensive trials in international criminal law. The case included allegations spanning six years of the conflict in Sierra Leone and innumerable incidents throughout more than half of the territory of Sierra Leone. The case is the first in international law in which crimes related to attacks on UN peacekeepers were adjudicated. Completion of the RUF trial was a milestone achievement in Special Court's efforts to combat impunity in Sierra Leone.

### (b) Summary of the Trial Proceedings

Foday Saybana Sankoh, Sam Bockarie, Issa Hassan Sesay and Morris Kallon were indicted on 7 March 2003 and Augustine Gbao was indicted a month later, on 16 April 2003. The indictments against Sankoh and Bockarie were withdrawn on 8 December 2003 due to the deaths of the two accused. On 28 February 2003 the Trial Chamber ordered the joint trial of Sesay, Kallon and Gbao, and on 5 March 2003 the Prosecution issued a consolidated Indictment. Sesay, Kallon and Gbao were each charged with eight counts of crimes against humanity, eight counts of war crimes

(violations of Article 3 common to the Geneva Conventions and Additional Protocol II) and two counts of other serious violations of international humanitarian law.

The trial commenced on 5 July 2004 and the Prosecution closed its case on 2 August 2006 after 182 days of trial during which a total of 85 Prosecution witnesses were called, in addition to one witness called at the behest of the Defence. 190 exhibits were tendered in evidence during the course of the Prosecution case.

On 3 May 2007, the Defence for Sesay began its case with Sesay appearing first as a witness in his own defence. The Sesay Defence called an additional 57 *viva voce* witnesses, and closed its case on 13 March 2008, although Sesay was later allowed to issue a subpoena for H.E. Alhaji Dr. Ahmad Tejan Kabbah, former President of Sierra Leone, who testified publicly on 16 May 2008. In total, the Sesay Defence case lasted for 85 trial days. On 10 April 2008, the Kallon Defence case commenced with the Kallon's testimony, and Kallon concluded his case on 20 May 2008 after calling 22 witnesses. The Gbao Defence case began on 2 June 2008 and concluded on 24 June 2008 after calling eight witnesses.

Final trial briefs were submitted by Kallon, Gbao and the Prosecution on 29 July 2008 and by Sesay on 31 July 2008, and the Trial Chamber heard closing arguments on 5 August 2008.

### (c) Interlocutory Decisions

During the reporting period, the Trial Chamber rendered six decisions on motions filed by the Parties, two of which are described below.

#### (i) *Sesay Application to Initiate Contempt Proceedings*

On 13 June 2008, the Trial Chamber dismissed an application by the Sesay Defence to initiate contempt

proceedings against Prosecution investigators for the Taylor trial for having contacted a Sesay Defence witness in contravention of the Trial chamber's order granting protective measures to Sesay Defence witnesses. The Trial Chamber held that the breach was unintentional and had occurred due to the fact that the Defence had not adequately disclosed information identifying the witness.

*(ii) Gbao Motion to Stay Counts Alleging Crimes against UNAMSIL Peacekeepers*

On 22 July 2008, the Trial Chamber ruled on a motion filed by the Gbao Defence seeking, *inter alia*, the stay of Counts 15-18 of the Indictment relating to the UNAMSIL peacekeepers due to the late disclosure of exculpatory evidence by the Prosecution. The Trial Chamber held that the Prosecution had breached Rule 68 by failing to disclose the witness evidence until after the close of the Prosecution case, however the Trial Chamber found that the Gbao Defence, which had been in possession of the disclosed evidence for 20 months prior to filing the motion, had not suffered any material prejudice as a result of the delayed disclosure. The Trial Chamber found no abuse of process and denied the motion.

**(d) The Trial Judgment**

The Trial Judgment against Sesay, Kallon and Gbao was issued by the Trial Chamber on 25 February 2009.

Issa Hassan Sesay and Morris Kallon were found guilty of crimes under Count 1 (acts of terrorism), Count 2 (collective punishments), Count 3 (extermination), Count 4 (murder, a crime against humanity), Count 5 (murder, a war crime), Count 6 (rape), Count 7 (sexual slavery), Count 8 (forced marriage as an other inhumane act), Count 9 (outrages upon personal dignity), Count 10 (mutilations), Count 11 (physical violence, a crime against humanity), Count 13 (enslavement, a crime against humanity), and Count 14 (pillage).

Sesay was also found guilty of crimes under Count 12 (the use of children to actively participate in hostilities) and Count 13 (enslavement). Pursuant to Article

6(3) of the Statute, Sesay was found guilty of crimes under Count 13 (enslavement), Count 15 (intentionally directing attacks against the UNAMSIL peacekeepers) and Count 17 (murder, in relation to events involving UNAMSIL peacekeepers).

Kallon was also found guilty of crimes under Count 4 (murder, a crime against humanity), Count 5 (murder, a war crime), Count 12 (use of children to actively participate in hostilities), and Count 15 (intentionally directing attacks against the UNAMSIL peacekeepers). Pursuant to Article 6(3) of the Statute, Kallon was also found guilty of crimes under Count 1 (acts of terrorism), Count 7 (sexual slavery), Count 8 (forced marriage, an other inhumane act), Count 9 (outrages upon personal dignity), Count 13 (enslavement), Count 15 (intentionally directing attacks against the UNAMSIL peacekeepers), and Count 17 (murder, in relation to events involving UNAMSIL peacekeepers).

By a majority, Justice Boutet dissenting, Gbao was found guilty of crimes under Count 1 (acts of terrorism), Count 2 (collective punishments), Count 3 (extermination), Count 4 (murder, a crime against humanity), Count 5 (murder, a war crime), Count 6 (rape), Count 7 (sexual slavery), Count 8 (forced marriage as an other inhumane act), Count 9 (outrages upon personal dignity), Count 10 (mutilations), Count 11 (physical violence, a crime against humanity), Count 13 (enslavement, a crime against humanity), and Count 14 (pillage).

Finally, the Trial Chamber found Gbao guilty of crimes under Count 15 for intentionally directing attacks against the UNAMSIL peacekeepers.

The convictions of Sesay, Kallon and Gbao for attacks intentionally directing attacks against UN peacekeepers and for forced marriage, an other inhumane act, are the first such convictions in international criminal law.

**(e) Sentencing Judgment**

After written submissions were filed, a Sentencing Hearing was held on 23 March 2009 during which the Prosecution and Counsel for Sesay, Kallon and Gbao

made oral submissions. The Trial Chamber delivered its Sentencing Judgment on 8 April 2009. Taking into consideration the gravity of the offences and the individual circumstances of the convicted persons, including aggravating factors and mitigating circumstances, the Trial Chamber sentenced Sesay to a total term of

52 years of imprisonment, Kallon to a total term of 40 years of imprisonment and Gbao to a total term of 25 years of imprisonment. The sentences took effect from the date on which each of the convicted persons was taken into the custody of the Special Court.

## TRIAL CHAMBER II

### THE PROSECUTOR

#### V. CHARLES GHANKAY TAYLOR

Justice Teresa Doherty served as the Presiding Judge of Trial Chamber II from 18 January 2008 to 17 January 2009. Justice Richard Lussick succeeded Justice Doherty as Presiding Judge of the Trial Chamber on 18 January 2009.

The Prosecution delivered its opening statement on 4 June 2007. However, proceedings were adjourned thereafter as Mr. Taylor withdrew his counsel. Following the subsequent appointment of a new Defence team, the Prosecution commenced the presentation of its evidence on 7 January 2008.

Since the commencement of the presentation of the Prosecution evidence, the Trial Chamber conducted the trial without any major interruptions or delays. During this time, the Prosecution called 91 witnesses, representing 87 factual witnesses (including 31 “linkage” witnesses) and 4 expert witnesses. A total of 87 witnesses testified in open session, some with protective measures, and 4 witnesses testified entirely in closed session.

The Prosecution closed its case on 27 February 2009. Immediately after the close of the Prosecution case, the Defence notified the Trial Chamber that it intended to move for a Judgment of Acquittal, on the basis that the Prosecution evidence adduced was incapable of sustaining a conviction on any of the counts of the Indictment. The Trial Chamber heard the oral submissions of the Defence and the Prosecu-

tion on 6 and 9 April 2009 respectively, and in its oral decision, delivered after the Easter Judicial Recess on 4 May 2009, the Trial Chamber ruled that there was evidence capable of sustaining a conviction on all eleven counts of the Indictment, and thus dismissed the Defence Motion.

The Trial Chamber held a Status Conference on 7 May 2009, in which it scheduled a Pre-Defence Conference to be held on 8 June 2009 and ordered the Defence to file by 29 May 2009 a list of witnesses it intended to call; a summary of facts on which each witness will testify; the points in the indictment as to which each witness will testify; the estimated length of time required for each witness; and a list of names of any expert witnesses and their areas of expertise. The Trial

*Hon. Justice Shireen Avis Fisher and Deputy Registrar, Binta Mansaray, during swearing in ceremony*



Chamber also set the date of the commencement of the Defence case as 29 June 2009.

During the reporting period, the Trial Chamber rendered 57 written decisions and orders, bringing the total number of interlocutory decisions since the start of trial on 4 June 2007 to 145. The Trial Chamber also rendered 92 Oral Decisions during the reporting period. The following represents a selection of the Decisions and Orders handed down by the Trial Chamber during the reporting period:

**(a) Decision on Confidential Defence Motion for the Disclosure of Exculpatory Material Pursuant to Rule 68 of the Rules of Procedure and Evidence, 22 May 2008**

Pursuant to Rule 68 the Trial Chamber ordered the Prosecution to disclose to the Defence the name and details of a “confidential source” who contacted a prosecution witness on behalf of the Prosecution.

**(b) Decision on Defence Application to Exclude the Evidence of Proposed Prosecution Expert Witness Corinne Dufka or, in the Alternative, to Limit its Scope and on Urgent Prosecution Request for Decision, 19 June 2008**

The Defence requested the Trial Chamber to exclude the evidence of the purported Prosecution Expert Witness Corinne Dufka. The Prosecution objected to the Defence request. The Trial Chamber held that Ms. Dufka could not properly be classified as an expert, nor could she be considered an impartial witness. In making this finding the Trial Chamber observed that the mere fact that an expert witness is employed by or paid by a party does not disqualify him or her from testifying as an expert witness. However, Ms. Dufka’s involvement in the present case went beyond that of a mere employee. In this regard, the Trial Chamber noted that Ms. Dufka worked with the Office of the Prosecutor from October 2002 to October 2003 as a human rights adviser and, in that capacity, she interviewed a number of persons who subsequently gave evidence for the Prosecution in the present case. Furthermore, the purported expert report did not qualify as expert evidence, as the Trial Chamber was of the

view that it did not require expert opinion in order to appreciate the contents of publicly distributed human rights reports or statements made by victims or factual witnesses. Nevertheless, the Trial Chamber considered that some of Ms. Dufka’s testimony, including certain photographs, video clips and associated transcripts marked in court had factual content and were admissible on that basis. The Trial Chamber reclassified Ms. Dufka as a witness of fact, and ruled that all opinion evidence contained in Ms. Dufka’s testimony, including any opinions touching upon the ultimate issue in the case, or reaching conclusions which are within the province of the Trial Chamber, would be disregarded.

**(c) Decisions on Prosecution applications for the admission of transcripts and exhibits of the prior testimony of 19 witnesses pursuant to Rule 92bis that testified before other cases of the Special Court**

The Trial Chamber admitted the transcripts and exhibits of the prior testimony of 19 witnesses that testified in other cases before the Special Court through the procedure of Rule 92bis. Thus the Prosecution did not examine the witnesses in chief, resulting in saving of time and resources. The Trial Chamber however granted the defence the right to cross-examine the witnesses on their prior testimony in order to ensure the rights of the Accused to a fair trial.

**(d) Decision on Confidential Prosecution Motion for an Investigation by Independent Counsel into Contempt of the Special Court for Sierra Leone and for Urgent Interim Measures, 8 December 2008**

Whilst giving evidence under oath, a protected witness for the Prosecution made remarks which amounted to serious allegations of contempt of court against named individuals. On the basis of the Witness’s sworn testimony, the Trial Chamber was satisfied that there was reason to believe that a person or persons may be in contempt of court, and directed the Registrar, pursuant to Rule 77(C)(iii) of the Rules, to appoint an experienced independent counsel to investigate the allegations made by the Witness. The independent counsel was directed to report back to the Trial Chamber as to whether there are sufficient grounds for instigating contempt proceedings and that any report produced by



the independent counsel in this regard should be kept under seal by the Registry and distributed only to the Trial Chamber.

**(e) Decision on Contempt Investigation Report by Independent Counsel, 8 April 2009**

Noting the Confidential and Under Seal “Report of Independent Counsel Pursuant to Decision of the Trial Chamber dated 8 December 2008,” dated 26 March 2009, the Trial Chamber found on the basis of the conclusion and recommendation of Independent Counsel in the report, that there were insufficient grounds for instituting contempt proceedings. The Trial Chamber ordered that no further action be taken in the matter.

**(f) Decision on Confidential Defence Application for Disclosure of Documents in the Custody of the Prosecution Pursuant to Rule 66 and Rule 68, 18 February 2009**

The Defence requested the Trial Chamber to order the Prosecution to disclose all handwritten notes and records taken by Prosecution Counsel and/or its investigating officers during interviews, statements and preparing/proving sessions with Witness TF1-539 and all other Prosecution witnesses. The Prosecution opposed the Motion. The Trial Chamber dismissed the Motion in its entirety. It found that the Defence had failed to demonstrate the requirements for disclosure pursuant to either Rule 66 or 68 for all handwritten notes and records. With regard to the notes of interviews with Witness TF1-539, the Trial Chamber was satisfied that the Prosecution had met its disclosure obligations.

**(g) Decision on Public with Confidential Annexes C to E Prosecution Motion for Admission of the Prior Trial Transcripts of Witnesses TF1-021 and TF1-083 Pursuant to Rule 92quater, 5 February 2009**

The Trial Chamber granted a Prosecution request to admit transcripts of prior testimony of two witnesses who gave evidence in other cases before the Special Court, as those witnesses were now deceased. Balancing the admission of the transcripts with the rights of the Accused to cross-examine witnesses that testify against him, the Trial Chamber noted that the witnesses were extensively subjected to cross-examination

## FORCED MARRIAGE IN SIERRA LEONE

Michele Ernsting  
Radio Netherlands Worldwide  
7 March 2008

“... The special court for Sierra Leone recognizes the crime of forced marriage giving so-called ‘bush wives’ the opportunity to put their abductors on trial.

...

The recent decision by the appeals chamber of the special court for Sierra Leone finally defines the crime committed against these women and offers them the chance to take their abductors to court.”

in the previous trials and that in any event the quality and/or extent of the cross-examination were issues which go to the weight to be attributed to the evidence rather than to its admissibility.

**(h) Decision on Motion for Disclosure of Evidence Underlying Prejudicial Statements Made by the Chief Prosecutor, Mr. Stephen Rapp, to the Media, 6 February 2009**

In light of several public statements given by the Prosecutor relating essentially to the ongoing investigation into the Accused’s alleged hidden wealth, the Defence sought orders from the Trial Chamber under Rule 66(A) compelling the Prosecution to disclose to the Defence any and all evidence it had regarding privately held funds that Mr. Taylor was said to have had or still has under his control and under Rule 54 barring Prosecutor Rapp from commenting on matters that are sub-judice and which tend to prejudice and heighten public condemnation of the Accused. The Prosecution objected to the requested orders. The Trial Chamber accepted the Prosecution submission that it had no such evidence to disclose, and further found that the Defence had not shown that any comments made by Prosecutor Rapp to



*The Trial Chamber II Justices from left to right – Justice Doherty, Justice Sow (alternate Judge), Justice Lussick, Justice Sebutinde*

the media concerned sub-judice matters, nor that any such comments have prejudiced the fair trial rights of the Accused. The Trial Chamber noted, however, that the statements complained of tended to heighten public condemnation of the Accused. However, the question of whether Prosecutor Rapp was in breach of the Special Court Code of Conduct for Counsel was not one for the Trial Chamber to decide.

**(i) Decisions on Eleven Prosecution Applications to Admit Documentary Evidence Pursuant to Rule 92bis**

The Trial Chamber granted eleven voluminous Prosecution applications, in whole or in part, to admit documentary evidence pursuant to Rule 92bis. During this exercise, the Trial Chamber examined more than 1500 pages of documentary evidence. The admission of the voluminous documentary evidence resulted in the saving of sitting hours and court resources.

**(j) Decision on Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE, 27 February 2009**

The Defence submitted that the Second Amended Indictment (Indictment) was fatally defective with regards to the pleading of joint criminal enterprise (JCE), and that the Trial Chamber should order the severance of JCE as a mode of criminal liability from the Indictment. The Prosecution objected to the Motion. By a majority Decision, Justice Lussick dissenting, the Trial Chamber held that by reading the Indictment as a whole, it was satisfied that the Prosecution had adequately fulfilled the pleading requirements of the alleged JCE, and that it had provided sufficient details to put the Accused on notice of the case against him. The Trial Chamber therefore dismissed the Motion and its Decision was upheld on Appeal.

**(k) Decision on Defence Motion for the Disclosure of the Identity of a Confidential 'Source' Raised During Cross-Examination of TF1-355, 6 March 2009**

The Defence moved the Trial Chamber to order Prosecution Witness TF1-355 to disclose a name the

witness withheld on grounds of journalistic privilege. The Trial Chamber held that a wide definition of journalistic "source" should be adopted and that no distinction could be drawn, as suggested by the Defence, between a "facilitator" and a "source". While the Trial Chamber noted that a journalistic privilege was not absolute, it ruled that in this particular case the journalistic privilege should be preserved. The Trial Chamber was of the view that obliging the Witness to divulge his sources without a compelling reason would set an uncomfortable precedent that could threaten the ability of journalists, especially those working in conflict zones, to carry out their newsgathering duties.

**(l) Decision on Defence Application for Judicial Notice of Adjudicated Facts from the AFRC Trial Judgment pursuant to Rule 94(B), 23 March 2009**

The Trial Chamber granted a Defence application to take judicial notice of 13 adjudicated facts in the Judgment of the *Prosecutor v. Brima, Kamara and Kanu*. The Trial Chamber held that taking judicial notice of adjudicated facts pursuant to Rule 94(B) falls within the discretion of the Trial Chamber and promotes judicial economy. The Trial Chamber, however, emphasised that the judicially noted facts were rebuttable by the opposing party.

During the reporting period the Trial Chamber loaned members of staff to Trial Chamber I in Freetown in order to replace former staff there who had moved on to other opportunities. This resulted in the Trial Chamber being without the support of a senior staff member for over a six month period, and placed the Judges and remaining staff members under inordinate pressure during an exceptionally heavy period of work.

In the interests of an expeditious trial the Trial Chamber worked through two scheduled public holidays and further decided to postpone the normal summer judicial recess in order to make the most of ICC courtroom availability.

## APPEALS CHAMBER

### *INTERLOCUTORY APPEALS IN PROSECUTOR V. TAYLOR*

#### **(a) Decision on the Prosecution Appeal Against the Decision to Vary the Protective Measures of Witness TF1-168**

On 17 October 2008, the Appeals Chamber filed a decision on an interlocutory appeal in the Taylor case regarding Trial Chamber II's decision to vary the protective measures previously provided to Prosecution Witness TF1-168 by Trial Chamber I in the RUF proceedings. Witness TF1-168 had been granted protective measures by Trial Chamber I as an insider witness. The Taylor Defence requested Trial Chamber II to rescind all of the protective measures, and Trial Chamber II partially granted the request in order to strike a balance between the rights of the accused and the security

of the witness. The Appeals Chamber reversed the decision because the Taylor Defence had not shown by a preponderance of the probabilities that the existing protective measures were no longer necessary because of changed circumstances. The Appeals Chamber reiterated that there was a strong presumption that witness protective measures which were found to be necessary for the protection of a witness before the Special Court in one proceeding will be maintained for that witness in additional proceedings.

#### **(b) Decision on Prosecution Appeal Regarding the Decision to Vary the Protective Measures of Witness TF1-062**

On 13 November 2008, the Appeals Chamber issued a decision on a Prosecution appeal against the Trial Chamber II's holding that Witness TF1-062 was not





granted protective measures by Trial Chamber I and therefore not subject to such protection in Trial Chamber II. A witness in a second proceeding at the Special Court retains protective measures ordered in the first proceeding unless the Chamber of the second proceeding, at the request of a party, determines there are changed circumstances such that the witness no longer needs the protective measures. The question on appeal therefore was whether the Trial Chamber erred in concluding that the witness was not granted protective measures in a previous proceeding. The Appeals Chamber held that Trial Chamber II had erroneously interpreted Trial Chamber I's order for protective measures, and that Witness TF1-062 enjoyed certain protective measures as a witness which continued into the second proceeding.

**(c) Decision on Prosecution Appeal Regarding the Decision on the Procedure for the Tender of Documents**

On 6 February 2009, the Appeals Chamber delivered a decision on the Prosecution's appeal concerning Trial Chamber II's Decision regarding the tender of documentary evidence in the Taylor case. The Appeals Chamber dismissed the appeal and decided that the Trial Chamber did not err in holding that Rule 92bis exclusively controls the admission of a document submitted in lieu of oral testimony and that such a document must be tendered through a witness in order to be admissible under Rule 89(C). The Appeals Chamber also held that the Trial Chamber was correct in law in ordering the Pros-

ecution to lay sufficient foundation for the purpose of determining whether a document could be introduced through a certain witness.

**(d) Decision on the Taylor Defence Appeal Regarding the Pleading of Joint Criminal Enterprise in the Indictment**

On 1 May 2009, the Appeals Chamber filed its decision on Taylor Defence's urgent appeal concerning the pleading of joint criminal enterprise in the Second Amended Indictment. The Appeals Chamber found that the Trial Chamber did not err in holding that the Second Amended Indictment sufficiently pleaded the alleged common purpose of the joint criminal enterprise when it alleged that the accused, acting in concert with others, committed the crimes charged in Counts 2 through 11 as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone. The Appeals Chamber also held that the Trial Chamber did not err in finding that the accused's personal participation in the joint criminal enterprise was sufficiently pleaded.

*APPELLATE PROCEEDINGS IN PROSECUTOR V. SESAY, KALLON AND GBAO*

Following Trial Chamber I's Sentencing Judgment on 8 April 2009, each of the convicted persons and the Prosecution filed Notices of Appeal on 28 April 2009. The Sesay Defence filed notice for 46 grounds of appeal, the Kallon Defence filed notice for 31 grounds of appeal, the Gbao Defence filed notice for 19 grounds of appeal, and the Prosecution filed notice for 3 grounds of appeal.

On 30 April 2009, the Kallon Defence filed a motion for extension requesting an additional eight weeks to file its appeal brief and leave to file an additional 300 pages. The Prosecution responded on 1 May 2009 contesting the motion, but requesting one additional week for each of the appeal and response briefs, and a total length of 200 pages for each brief. The Pre-Hearing Judge issued a decision on 4 May 2009, and made the following orders to all the Parties to the case: (1) granting an extension of ten days to file their

appeal briefs which were to be submitted no later than 1 June 2009; (2) granting an extension of seven days to file their response briefs which were to be submitted no later than 24 June 2009, (3) refusing extension of time to file their reply briefs which were to be submitted no later than 29 June 2009, and (4) granting leave to file an additional fifty pages for the appeal briefs and response briefs.

On 5 May 2009, the Sesay Defence filed a motion requesting additional extensions to the time limits and pages for their filings. The Pre-Hearing Judge found no

good cause and no exceptional circumstances warranting further extensions, and rejected the request.

On 7 May 2009, the Sesay Defence filed a motion requesting the Appeals Chamber to order the Prosecution to disclose material it alleges are subject to Rule 68 of the Rules of Procedure, which obligates the Prosecution to disclose exculpatory evidence. The Prosecution filed its response in opposition to the motion on 8 May 2009 and the matter was currently pending before the Appeals Chamber.

## OTHER ACTIVITIES OF THE CHAMBERS

### PLENARY MEETINGS OF THE JUDGES

The 12th Plenary Meeting of the Judges was held for the first time in The Hague from 26 to 28 November 2008 in order to minimize disruption to proceedings in the Prosecutor v. Taylor trial. The Judges discussed judicial legacy activities, the Special Court's residual issues, updated projections for the completion strategy and difficulties experienced by the Special Court in raising sufficient funds for its operations.

At the 13th Plenary Meeting of the Judges in Freetown from 18 to 20 May 2009, the Judges welcomed Hon. Justice Shireen Avis Fisher to the Appeals Chamber, bade farewell to Herman von Hebel, Registrar, before his departure to the Special Tribunal for Lebanon, discussed the residual issues, the completion strategy, and adopted this Annual Report.

### APPOINTMENT OF HON. JUSTICE SHIREEN AVIS FISHER

Justice Shireen Avis Fisher (United States of America) was appointed by the United Nations Secretary-General to serve on the Appeals Chamber on 3 April 2009. Justice Fisher was sworn in as Judge of the Appeals Chamber in a ceremony held at the Special Court in Freetown on 4 May 2009. Prior to her appointment, Justice Fisher served from 2005 to 2008 as an International Judge of the War Crimes Chamber, Court of Bosnia and Herzegovina. Since 1986 she has also served as a Judge of General Jurisdiction Trial Courts (criminal, civil and family courts) in the U.S. state of Vermont, currently with Active-Retired Status. Justice Fisher began her legal career as a Public Defender in Vermont, with a particular focus on juvenile justice cases.

## IN MEMORIAM: HONOURABLE JUSTICE A. RAJA N. FERNANDO

With sadness, the Judges of the Special Court noted the passing of our colleague Honourable Justice A. Raja N. Fernando, Judge of the Appeals Chamber, on 22 November 2008. We worked with Raja since March 2004 and over those years, we knew him as a dear friend and an exceptional colleague.

We admired our friend and colleague for his kindness and gentle nature. He approached everything with a deep awareness of the real human impact of his actions. Despite having remarkable talents, he remained completely modest. We relied upon and admired him particularly for his generosity with his time and his openness to discuss both professional and personal matters.



As a Judge, his contributions were invaluable. He was genuinely respected because of his remarkable ability to approach the law with both a probing intellect and an unwavering consciousness of the law's human consequences. Although soft-spoken, he helped guide the Court through difficult years. Due in large part to his contributions, we have become a court known for many "firsts" — we are the first to indict a sitting Head of State, the first to prosecute the crimes of conscripting, enlisting or using child soldiers and the first to define the crime of forced marriage. At each bend in the road, we relied on Justice Fernando, who was always inquisitive and driven to examine each issue from all angles. When our deliberations were sometimes difficult, we drew on his gift for remaining unflustered and finding constructive paths forward.

He was an unfailing friend, a committed colleague and a tireless judge. We will miss him sorely. As we continue the work we started with Justice Fernando, we will always bear in mind the lessons he has taught us, and we will endeavour to approach our work with the same humanity and insight that he displayed throughout his tenure at the Special Court.



*Prosecutor Stephen Rapp and Deputy Prosecutor Joseph Kamara at an Outreach event in Freetown*



# OFFICE OF THE PROSECUTOR

In the last year the Office of the Prosecutor (OTP) has seen the completion of several major milestones. On 25 February 2009 three former leaders of the Revolutionary United Front were convicted of 14 of 16 counts of the indictment. They were sentenced on 8 April. The rulings featured the first convictions in history for attacks on United Nations peacekeepers as a violation of International Humanitarian Law and for forced marriage as an Inhumane Act constituting a Crime Against Humanity.

Another major milestone for the OTP was the close of the Prosecution's case in the trial of former Liberian President, Charles Taylor. On 30 January 2009, the last witness for the Prosecution, a double amputee from Sierra Leone, concluded testimony. The Prosecution was able to formally close its case-in-chief on 27 February. In total, the Prosecution presented the evidence of 96 witnesses, with 91 of these testifying live before the Trial Chamber. They included 31 "insider" witnesses who testified to the links between Taylor and the crimes committed in Sierra Leone, and 52 "crime base" witnesses who themselves had seen or suffered these atrocities.

During the year, the OTP also welcomed the appointment of a new Deputy Prosecutor. Mr. Joseph Kamara, a Sierra Leonean, and formerly a Senior Trial Attorney on the CDF case, was appointed Deputy Prosecutor by the Government of Sierra Leone effective 15 August 2008.

Consistent with the Completion Strategy, the OTP continued with staff reductions as each of the milestones was reached. During the year since the last Annual Report, a total of 11 posts, or nearly one third of the established OTP posts, were eliminated, resulting in a significant reduction to the Court's overall budget. In the coming year, the OTP looks to the completion of the RUF appeal and of the trial phase in the Taylor case, milestones which will result in further reductions in the staffing levels and operating budget of the OTP.

With the conclusion of Closing Arguments in the RUF trial on 5 August 2008, the Taylor case became the Investigations Section's main focus with over 60 missions conducted, both within and outside of Sierra Leone. As the Taylor trial moves into the Defence phase, investigations will concentrate on issues concerning the Defence case generally, investigating the credibility and accuracy of Defence witnesses and following up on various leads for potential rebuttal evidence. As one indictee, Johnny Paul Koroma, has neither been located nor confirmed as dead, Investigations will continue to follow up on all leads.

The Prosecutor maintained an active schedule in the diplomatic arena, seeking funds for Special Court operations, exploring a possible Rule 11bis transfer, and opening negotiations for sentence enforcement agreements by making visits to many capitals throughout Africa, Europe and North America. He made presentations on the work of the OTP and the Special Court to a wide variety of governmental, non-governmental and academic groups in Nigeria, France, Germany, Switzerland, Tanzania, the Netherlands, the United Kingdom, and the United States. The Prosecutor also co-hosted, with the UN's Special Representative of the Secretary General for Children and Armed Conflict and the Permanent Mission of France to the UN, a special advance screening of the award-winning film on child soldiers, "Johnny Mad Dog," at the United Nations in New York. The movie, which premiered at the 2008 Cannes Film Festival, was filmed entirely in Liberia with a cast featuring former child soldiers.

Finally, the Office of the Prosecutor continued to be actively engaged in the Outreach and Legacy programmes of the Special Court. These initiatives are discussed in the sections on Outreach and Legacy in this Report.



*Prosecutor  
Stephen Rapp*



*Registrar Herman von Hebel and other Court staff members at an Outreach event in Pujehun District*

# OFFICE OF THE REGISTRAR

The Registry provides the administrative direction and support services to all organs of the Special Court, and is also the official channel of communication of the Special Court.

Herman von Hebel was appointed Registrar of the Special Court by the Secretary-General of the United Nations in July 2007, having previously served as Deputy Registrar and Acting Registrar. Binta Mansaray has served as Deputy Registrar since her appointment in July 2007.

The Registrar and the Deputy Registrar are supported by two Legal Advisors, two Special Assistants, and two Administrative Assistants. They are also assisted by a head of office in The Hague, and by a Liaison Officer in New York.

The Registrar is the head of the Judicial and Legal Services Division which comprises all sections responsible for judicial support to the Court, including Court Management, Witness and Victims Section, Detention, Chambers and the Office of the Principal Defender. He

is also responsible for the formulation and implementation of the Completion Strategy, in consultation with the President, Judges and other relevant parties of the Court. With advice and direction of the Management Committee, he implements the Special Court's fundraising strategy. The Deputy Registrar chairs the Advisory Committee on Personnel Questions and oversees the Administrative Support Services, General Services, and Outreach and Public Affairs.

Beyond the responsibilities outlined above, the Office of the Registrar focused on four major areas of work during the reporting period: residual issues, enforcement of sentences, its legacy work, and funding and diplomatic efforts. Key activities within or supported by the Registry are described in subsequent sections of this report.



*Registrar,  
Herman  
von Hebel*

## SERVICING OF THE JUDICIAL PROCEEDINGS

### THE HAGUE SUB-OFFICE

The Hague Sub-Office continued to provide support for all aspects of the proceedings in the Taylor trial conducted by Trial Chamber II. The Hague Sub-Office coordinated the cooperative relationship with the International Criminal Court, which pursuant to a 2006 agreement and 2008 annex to the agreement allows the Special Court to use a courtroom and detention facilities of the ICC for the purposes of the Taylor trial.

The Hague Sub-Office assisted with administrative matters concerning the supervision of Mr. Taylor's detention, including by facilitating his family visits. The Hague Sub-Office also worked with Dutch authorities, WVS and the Parties to ensure the timely and efficient movement of witnesses to and from The Hague, and provision of support for witnesses who testified in the Taylor trial.

The Taylor trial received significant public attention, and The Hague Sub-Office engaged in numerous activities to spread awareness of the Taylor trial and to facilitate public access to the proceedings (including journalists, NGOs, diplomatic missions, and academics).

## LEGAL OFFICE

The Legal Office continued to provide support to the Registrar and Deputy Registrar in all legal matters pertaining to the judicial and administrative functions of the Special Court. Generally, the Legal Office provided strategic advice on matters pertaining to the detention of accused or convicted persons, defence matters, witness issues including protection and relocation, international agreements concluded on behalf of the Special Court, as well as any personnel related matters.

The Legal Office intensified negotiations with States to enter into bilateral agreements on enforcement of sentences. A sentencing enforcement agreement was signed between the Registrar and the Government of Rwanda in March 2009. Further efforts were undertaken to conclude other agreements with European and West African countries as well as to secure funding to facilitate enforcement of sentences on the African

continent. In April 2009, the European Parliament adopted Resolution B6-0244/2009 urging European Member States to provide financial assistance to the Special Court for the purposes of enabling the enforcement of sentences of those convicted by the Court.

The Legal Office, on behalf of the Registrar, and subsequent to the change of status of the detainees in Freetown to that of convicted persons, reviewed the conditions of detention and issued on 5 April 2009 a Practice Direction on Access to Convicted Persons by Media and Non-Media entities, granting access to researchers and academics to place before the Registrar requests to interview convicted persons.

The Legal Office liaised with the International Criminal Court in The Hague concerning the conditions of detention of Accused Charles Taylor. It also assisted the BBC World Service Trust to obtain visas for journalists travelling to The Hague to attend and report on the proceedings.

*Deputy Registrar Binta Mansaray on an Outreach event in Gandorhun, Fakunya Chiefdom, Moyamba District*



## OFFICE OF THE PRINCIPAL DEFENDER (DEFENCE OFFICE)

The Defence Office is mandated to ensure respect for the rights of accused and convicted persons of the Special Court. The Officer-in-Charge attended to all matters within the Defence Office. Principally, the Defence Office provided both logistical and financial support as requested by all the Defence teams.

The Defence Office assigned counsel for appeals for Issa Hassan Sesay, Morris Kallon and Augustine Gbao



on 8 April 2009 immediately after the delivery of the Sentencing Judgment in their trial. The Office supported the RUF defence teams while their assigned counsel prepared their Notices of Appeal, Appellate Submissions, Respondent Submissions and Submission in Reply to be filed.

Defence counsel in the *Prosecutor v. Charles Taylor* trial utilized the support of the Defence Office as they prepared for the start of their defence case on 29 June 2009 in The Hague. The Defence Office ensured that

all logistical, administrative, and legal support was provided to the Taylor Defence team to ensure they had adequate facilities to present their case before Trial Chamber II in The Hague.

The Defence Office also maintained close contact with convicted persons of the Special Court who remain in detention in the Special Court's detention centre in Freetown. The Defence Office attended to all legal issues which arose in relation to the convicted persons whose cases have been fully adjudicated.

## WITNESSES AND VICTIMS SUPPORT

Witnesses appearing in international tribunals present special needs involving their support during testimony and protection from interference. This was even more the case at the Special Court, where large numbers of witnesses were frequently asked to testify to extremely traumatic events including amputations, sexual violence, and violence they experienced as children. In addition, the circumstances of the conflict in Sierra Leone put witnesses in greater danger than those appearing before other courts due to the fact that the trials were held in the country where the crimes were committed and because victims and perpetrators were often residents of the same localities.

Within the Registry, a specialized unit — the Witness and Victims Section (WVS) — is tasked with securing the protection and welfare of all witnesses appearing before the Special Court. WVS works with both prosecution and defence witnesses, and also has responsibility for the security of the witness dependents. WVS assesses the security needs of each witness and makes recommendations to the Special Court if additional protective measures are deemed necessary to ensure witnesses' security. The WVS is also responsible for developing long- and short-term plans for witness protection and support, and for ensuring that witnesses receive 'relevant support, counselling and other appropriate assistance, including medical assistance, physical and psychological rehabilitation, especially in cases of rape, sexual assault

and crimes against children.' The Special Court is the first international tribunal to recognize in its constitutive documents the special needs of witnesses to gender-based violence crimes and crimes against children.

To date, WVS has supported more than 800 potential witnesses, of which 533 have actually testified before the Trial Chambers. During the reporting period, an additional 118 witnesses came into the care of WVS,

## AMPUTEE IS LAST WITNESS AGAINST CHARLES TAYLOR

Associated Press  
30 January 2009

"...A man who had both hands hacked off during Sierra Leone's civil war testified Friday as the last prosecution witness in the war crimes case against Charles Taylor.

...

Taylor is being tried by the U.N.-backed Special Court for Sierra Leone in a courtroom rented from the International Criminal Court because of fears that holding the case in Sierra Leone could spark fresh unrest in the West African nation."

and support services continued for many of the witnesses that had testified during previous reporting periods. WVS has supported relocations of over 40 witnesses, many stemming from earlier reporting periods. However, WVS support for these witnesses continued during the period of this report.

During the reporting period, approximately 70 witnesses were taken to The Hague, of which 63 witnesses gave evidence in Court. Support for the Taylor trial in The Hague presented numerous unique challenges, including difficulties posed by (i) the fact that many of the witnesses had not previously travelled abroad,

(ii) the timing and process for obtaining passports and visas for witnesses, (iii) compliance with stringent health conditions for travel, (iv) isolation or separation of witnesses from each other and from any threats posed by their participation in proceedings, and (v) the provision of culturally appropriate food and activities to avoid the psychological strain of being held in a witness safe house in The Hague.

The Witnesses and Victims Section was requested to train relevant staff at the ICC in the developed practices at the Special Court.

## PERSONNEL

Personnel section continued to support the implementation of the Special Court's Completion Strategy by holding training and workshops for separating staff members. 24 former staff members secured positions with the UN and within Sierra Leone after training from the Court.

Within the Special Court, 41 Sierra Leonean General Services level staff members were promoted, including 12 who were promoted to National Professional levels, one who was promoted to Professional level. One Sierra Leonean staff member was promoted from National Professional Officer to Professional level.

60 posts were downsized at the completion of the RUF trial proceedings in April 2009. Between January 2009 and December 2009, a total of 144 posts will be downsized in both Freetown and The Hague.

The post of Chief of Court Management was downgraded from P5 to P4, whilst the post of Legacy Officer was downgraded from P4 to P3.

During the reporting period, 68 funded Sierra Leonean interns were recruited to perform duties within the Registry and 14 funded national professional interns were recruited for professional duties in Defence,

Chambers and Prosecution. In addition, 34 unfunded international interns worked at the Special Court, making a total number of 116 interns during the reporting period.

### Total number of posts downsized as of 31 March 2009

Security Section	14
WVS	4
Court Management	13
Outreach & Public Affairs	2
OTP	5
General Services Section	13
CITS	2
Office of the Registrar	1
Defence Office	3
Chambers	3
<b>TOTAL</b>	<b>60</b>

**Nationalities of Court Employees  
as of 31 May 2009**

Australia	3
Austria	1
Canada	4
Croatia	1
D.R. Congo	1
Egypt	1
Finland	2
France	1
Gambia	2
Germany	1
Ghana	4
Guatemala	1
India	4
Ireland	1
Italy	1
Kenya	4
Lebanon	1
Macedonia	1
Nepal	1
Netherlands	6
Nigeria	2
Pakistan	6
Phillipines	1
Rwanda	1
Samoa	1
Senegal	1
Sierra Leone	168
South Africa	2
St. Lucia	1
Sweden	1
Tanzania	9
Trinidad and Tobago	3
Uganda	2

**Nationalities of Court Employees  
as of 31 May 2009**

Ukraine	2
United Kingdom	16
United States	16
Zimbabwe	2
Office of the Registrar	1
Defence Office	3
Chambers	3
<b>TOTAL</b>	<b>60</b>

## COMMENTARY: A HEALING JUSTICE

Alexander Koff and Joseph L. Morales  
Legal Times  
16 July 2008

“... In its drive to justice following a decade of civil war, Sierra Leone is betting on a special international court with strong national ties. The Special Court for Sierra Leone has already built a promising track record of five convictions for war crimes and crimes against humanity.

...

Now it is revving up for its biggest challenge: the next phase in the trial of Charles Taylor. The claim is that the former Liberian president actively supported rebel forces in neighboring Sierra Leone during the latter country's bloody conflict. His trial before the special court resumed this year after a postponement to give a new defense team time to prepare.

...

But what really makes the Sierra Leone court special is how it has worked to obtain and maintain the active buy-in of the population. The court's outreach program is, in the words of chief prosecutor Stephen Rapp, “a model for almost any justice system in the world.””

# COMPLETION STRATEGY AND COMPLETION BUDGET

## THE COMPLETION STRATEGY

The Completion Strategy of the Special Court outlines the future activity of the Special Court's Trial and Appeals Chambers and identifies the main milestones for each of the trials and appeals before the Special Court. An updated Completion Strategy was presented to the Management Committee in December 2008. To date, proceedings against 8 of 13 indictees have been concluded. (See Annex I.)

The AFRC case has been completed. The Trial Chamber rendered its judgment on 20 June 2007, finding Brima, Kamara and Kanu guilty of seven Counts of war crimes and four Counts of crimes against humanity. On 19 July 2007, the Trial Chamber issued its Sentencing Judgment imposing a sentence of 50 years of impris-

onment on Brima and Kanu and 45 years for Kamara. On 22 February 2008, the Appeals Chamber issued its Appeal Judgment, dismissing the appeals of the convicted persons, granting the Prosecution's appeal that acts of forced marriage constituted other inhumane acts, a crime against humanity, and upholding the sentences.

The CDF case has also been completed. On 2 August 2007, the Trial Chamber rendered its Judgment against the remaining accused, Fofana and Kondewa. A majority of the Trial Chamber found Fofana guilty of four counts of war crimes and Kondewa guilty of five counts of war crimes. The majority of the Trial Chamber issued its Sentencing Judgment on 9 October 2007, sentencing Fofana to a term of 6 years and Kondewa to a term of 8 years imprisonment. The CDF Appeal Judgment was rendered on 28 May 2008. In part, the Appeals Chamber by majority reversed convictions for collective punishments, entered new convictions for murder and other inhumane acts as crimes against humanity, and revised the sentences to impose a term of imprisonment of 15 years on Fofana and of 20 years on Kondewa.

The trial phase of the RUF trial is completed and at the time of reporting the case was on appeal. The Trial Chamber rendered its Judgment on 25 February 2009, with written reasons on 5 March 2009, entering convictions for 14 counts of war crimes and crimes against humanity for Sesay and Kallon and 12 counts of war crimes and crimes against humanity for Gbao. On 8 April 2009 the Trial Chamber rendered its Sentencing Judgment issuing terms of imprisonment of 52 years for Sesay, 40 years for Kallon and 25 years for Gbao. The Parties filed Notices of Appeal on 28 April 2009.

## LEGAL RAMIFICATIONS OF CHILD SOLDIER RECRUITMENT

Commonwealth News and  
Information Service (London)  
8 December 2008

"... One of the most significant rulings from the Special Court for Sierra Leone was on the recruitment of child soldiers.

...

In its significant decision, the Appeals Chamber of the Court accepted that there was a norm prohibiting recruitment of child soldiers. Moreover the Court held that this prohibition applied equally to state and non-state entities, such as rebel groups."



The Prosecution closed its case in chief against Charles Taylor in The Hague in February 2009 and at the time of reporting the Taylor Defence case was scheduled to begin on 29 June 2009.

Two indictees, Foday Sankoh and Sam Bockarie, died before trial, and another, Samuel Hinga Norman died prior to Judgment. One accused, Johnny Paul Koroma, remains at large.

## THE COMPLETION BUDGET

On 31 January 2009, the Registrar of the Special Court submitted the fourth revised completion budget to the Management Committee. The completion budget covers the activities of the Special Court from 1 January 2009 until December 2010, which was projected to be the conclusion of all activities, including the liquidation phase of the Special Court.

The total amount requested in the revised budget is approximately US\$40.6 million. The budget for 2009 amounts to US\$27,974,100, and for 2010 to US\$12,710,500. Of the US\$40.6 million requested, at the end of the reporting period, the Special Court needed to raise approximately US\$30 million to ensure the completion of its mandate in a timely and efficient manner.

The milestones set out in the Special Court's Completion Strategy were closely reflected in the budget and have been used as a basis for the projections of staffing requirements and operational costs for most sections of the Special Court. The budget therefore reflected the expectation that Trial Chamber I would continue to be engaged full time until March 2009, Trial Chamber II until March 2010, and the Appeals Chamber until October 2010.

The budget included costs relating to both Freetown and The Hague.

The budget was based on a number of assumptions.

In the first place, it was the intention to co-locate the Hague Sub Office after the close of the defence case with another court in The Hague in order to create savings on the rental costs and security costs. In the second place, it was foreseen that the Appeals Chamber will move to The Hague at the moment an appeal will be lodged in the Taylor case. Although in itself the costs related to the Appeals Chamber and staff sitting in Freetown or in The Hague would not lead to important financial differences, the move will allow for the Court's Headquarters in Freetown to downsize staff requirements to a considerable extent. In combination with the assumption that all convicted persons will be relocated to the countries where they will serve their sentence, it can then also be envisaged that the site of the Court can in principle be handed over to the Government of Sierra Leone by 1 July 2010. Only skeletal staff will then be required to support the activities in The Hague in the Taylor case and to wrap up the Court's activities in Freetown. Some office space in Freetown is still required, but it would not be justified to occupy the entire Court site by such a small number of staff beyond the date of 1 July 2010. An update to the budget is due on 30 June 2009.

**Costs in Freetown and The Hague from 2008-2010**

	Freetown	The Hague	Total
2009	\$17,959,900	\$10,014,200	\$27,974,100
2010	\$10,231,000	\$2,479,500	\$12,710,500

**Costs for each section of the Special Court in both The Hague and Freetown from 2009 to 2010**

	Approved Budget	January 2009 to June 2010	
	Jan-Dec 08	2009	2010

**Organ****Judges**

Proposed Staffing	12	12	9
Permanent Staffing Cost (Net Salaries)	2,662,100	2,111,600	1,319,200
Common Staff Costs	122,500	157,500	137,500
Operational Costs	179,700	136,800	65,000
<b>Total Costs Judges</b>	<b>2,964,300</b>	<b>2,405,900</b>	<b>1,521,700</b>

**Chambers**

Proposed Staffing	21	21	16
Permanent Staffing Cost (Net Salaries)	1,798,200	1,629,600	922,300
Common Staff Costs	164,600	168,000	162,587
Operational Costs	-	-	-
<b>Total Costs Chambers</b>	<b>1,962,800</b>	<b>1,797,600</b>	<b>1,084,887</b>

**Organ****Office of The Prosecutor**

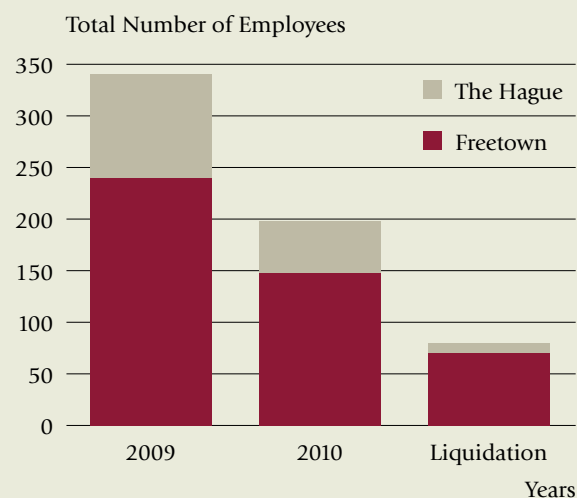
Proposed Staffing	45	32	14
Permanent Staffing Cost (Net Salaries)	3,793,100	2,386,300	1,045,400
Common Staff Costs	318,400	223,300	131,926
Operational Costs	769,100	606,500	84,500
<b>Total Costs OTP</b>	<b>4,880,600</b>	<b>3,216,100</b>	<b>1,261,826</b>

**Costs for each section of the Special Court in both The Hague and Freetown from 2009 to 2010**

	Approved Budget	January 2009 to June 2010	
	Jan-Dec 08	2009	2010
<i>The Defence Office</i>			
Proposed Staffing	7	2	1
Permanent Staffing Cost (Net Salaries)	459,800	111,400	84,600
Common Staff Costs	43,100	17,700	12,283
Operational Costs	2,904,500	1,113,000	330,000
<b>Total Costs Defence</b>	<b>3,407,400</b>	<b>1,242,100</b>	<b>426,883</b>
<i>Registry</i>			
Proposed Staffing	339	264	131
Permanent Staffing Cost (Net Salaries)	13,121,400	10,328,700	5,033,500
Common Staff Costs	1,141,300	895,800	726,404
Temporary Posts & Overtime	935,100	1,162,000	430,700
Operational Costs	7,711,300	5,904,400	2,006,600
<b>Total Costs Registry</b>	<b>22,909,100</b>	<b>18,290,900</b>	<b>8,197,204</b>
<b>Income Tax Liability</b>	<b>-</b>	<b>1,021,500</b>	<b>218,000</b>
<b>Total Income Tax Liability</b>	<b>-</b>	<b>1,021,500</b>	<b>218,000</b>
<b>Total Proposed Posts</b>	<b>424</b>	<b>331</b>	<b>171</b>
<b>Total Organisation Costs</b>	<b>36,124,200</b>	<b>27,974,100</b>	<b>12,710,500</b>

As personnel expenses constituted almost 70% of the total costs, the completion budget also described in great detail the downsizing of posts over two years. At the end of the reporting period, the total number of staff was 236 based in Freetown and 95 based in The Hague. As the chart below depicts, the number of staff members will decrease as milestones are achieved. From October 2010 to December 2010, almost 80 staff members will be needed for the liquidation period until the handover of the Special Court facilities to its future users.

#### Staffing Levels 2009-2010



In conclusion, the completion budget demonstrates that the Special Court has intensified its downsizing process in 2009 and 2010 in Freetown and The Hague.

*Deputy Registrar Binta Mansaray and Registrar Herman von Hebel conducting a meeting with civil society representatives*





# FUNDRAISING AND DIPLOMATIC RELATIONS

During the reporting period, Court officials from all organs of the Court, particularly from the Registry and Prosecution, conducted numerous fundraising initia-

tives in Europe, the Middle East, and the United States, which resulted in the contributions from States shown in Annex VI.

## EUROPE

Throughout the reporting period, Court officials met with several Members of the European Parliament and with Permanent Representatives to the EU in Brussels from the following countries: Belgium, Czech Republic, Finland, Germany, Hungary, Italy, Malta, The Netherlands, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. Court officials also met with representatives of the European Commission, in particular, the European Development Fund and the Instrument for Stability.

Court officials held several briefings in Brussels to raise the profile of the Special Court. The Court gave briefings to the EU Council Working Group on Africa (COAFR) to provide an update on the working of the Special Court and to raise the profile of the critical financial situation of the Court as well as the Court's legacy projects. The Court also briefed the EU Council Working Group on Public International Law (COJUR) and Court officials spoke at the European Parliament Development Committee's hearing on the ICC.

Court officials held extensive meetings with representatives of the German Government, including the Minister of Economic Cooperation and Development, officials at the Ministry of Foreign Affairs (MFA) and the representatives of the West-Africa desk.

Court officials also held meetings with representatives of the French and Irish ministries of foreign affairs.

The Court continued to hold diplomatic meetings with representatives of various embassies in The Hague during the reporting period.

## CIVIL WAR CRIMES TRIBUNAL UNDER THREAT AS DONATIONS DRY UP

*The Guardian*  
25 February 2009

"...The special court for Sierra Leone, which is prosecuting those responsible for the worst atrocities during the country's 1991-2002 civil war, faced a shortfall of more than \$5m from May due to cuts in donations from individual states. The UN-backed court is entirely reliant on voluntary contributions - the first international tribunal to be funded this way.

...

The court's bill for 2008-10 is \$68.4m, and it has now turned to the US and countries in the Middle East for the \$30m not yet secured. "A few important donors have so far not been able to provide financial support to the court or have provided less than in previous years," said Herman von Hebel, the court registrar."

## MIDDLE EAST

The Registrar and the Liaison officer travelled to the United Arab Emirates. Meetings were held with HRH Princess Haya Bint Al Hussein, the Minister of Justice and representatives of the Ministry of Foreign Affairs. The Registrar also met with the Directors of a number

of foundations in the United Arab Emirates including the Zayed Bin Sultan Al Nahyan Charitable Humanitarian Foundation and the Mohamed Bin Maktoum Humanitarian and Charity Establishment.

## UNITED NATIONS

Court officials met with Ambassadors and Representatives of various Missions to the United Nations to seek funding, seconded personnel and agreements on enforcement and relocation. In total, approximately 94

meetings were held with representatives of Missions to the UN. Court officials also met with the Under-Secretary-General for Legal Affairs and UN Legal Counsel and Assistant Secretary-General for Legal Affairs.

## UNITED STATES

During the reporting period, Court officials made several trips to Washington DC to meet with representatives of the United States Department of State and Congress. Meetings were held with several members of the US House of Representatives and Senate Committees on Appropriations for State and Foreign Operations as well as the Committees on Foreign Affairs and Foreign Relations. In New York, meetings were held with officials at the US Mission to the United Nations, including with the Deputy Ambassador.

In December 2008, a brainstorming event was held in Washington DC in which various stakeholders were invited to discuss potential uses of the 11.5 acre Court site after the Court completes its mandate. The event was hosted by the Government of Sierra Leone in collaboration with the law firm King & Spalding LLP

and the public relations firm Hill & Knowlton. Those in attendance included various Government officials, foundations, NGOs and law firms.

During the reporting period, the Registrar, Prosecutor and other representatives of the Special Court met with various foundations and other prospective donors to seek funding for the special court's legacy projects. The institutions include the International Coalition of Historic Site Museums of Conscience, Rockefeller Philanthropy Advisors, Rights and Democracy Foundation in Montréal, UN Foundation, Open Society Justice Initiative, and Human Rights Watch.

In addition, Court officials met with the law firms such as King & Spalding LLP and Freshfields Bruckhaus Deringer US LLP.

## AFRICA

In November 2008, representatives of the Court travelled to Senegal to meet with the representatives of the Ministry of Justice and the Ministry of Foreign Affairs to discuss a possible agreement for the enforcement of sentences.

In December 2008, Court officials met with government officials in Benin to discuss enforcement of sentences and, in January 2009, met with H.E. President Yayi Boni.

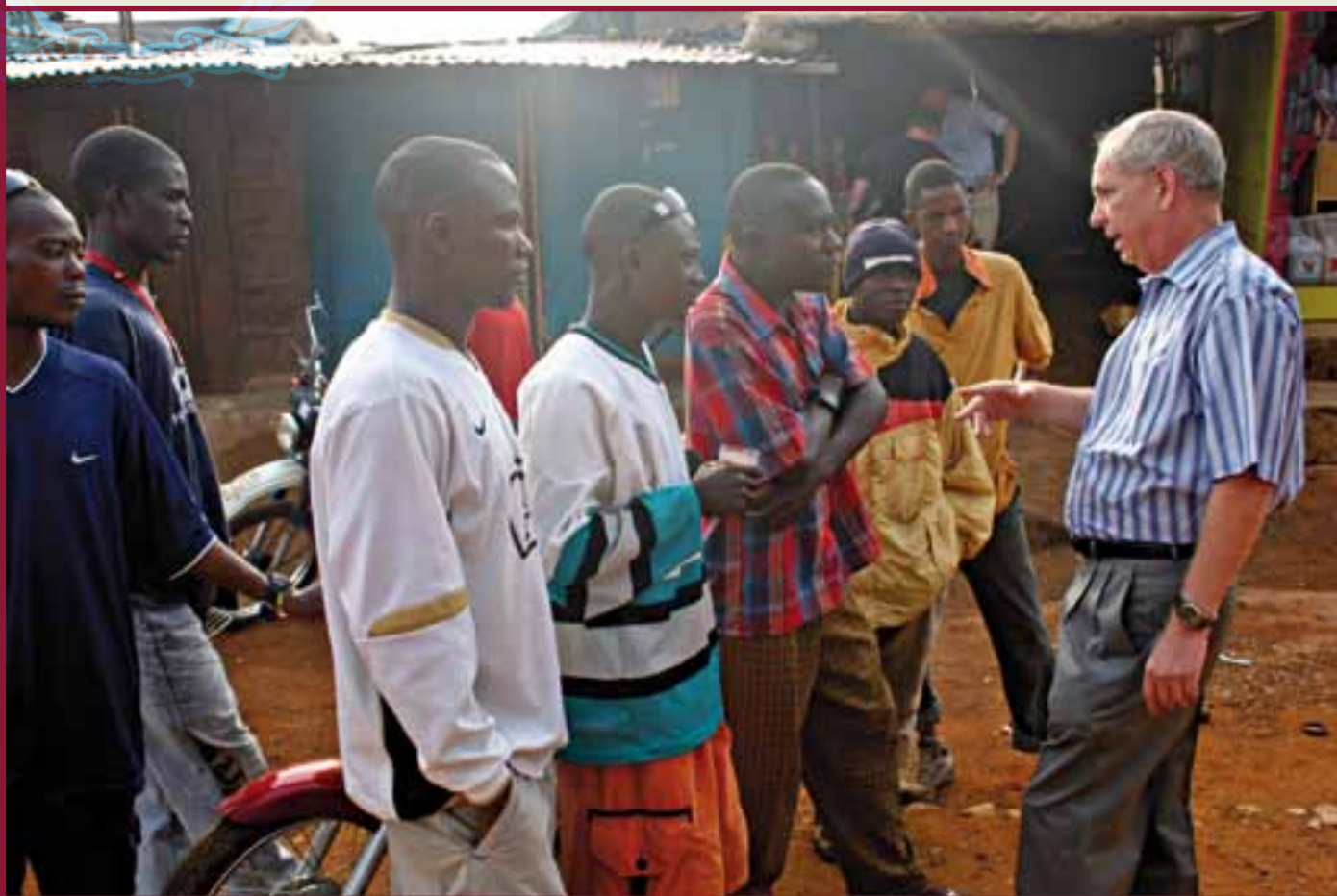
## NEW YORK SUB-OFFICE

The New York-based Liaison Officer continued to work closely with the Management Committee for the Special Court, liaised with United Nations Member States on matters pertaining to funding and coopera-

tion with the court, met with officials from the United States Government in Washington, and developed relationships with the NGO community and various foundations in the United States.

*Acting Principal Defender Elizabeth Nahamya at an Outreach event*





*Peter Andersen, head of Outreach and Public Affairs, discussing the Court with former combatants in Kailahun District"*



# OUTREACH AND PUBLIC AFFAIRS

The Outreach and Public Affairs section, brought about by the merger in April 2008 of the Public Affairs and Outreach sections, is responsible for bringing the work of the Court to the public. The section in Freetown and through its Sub-Office in The Hague,

worked directly with local and international media, civil society and human rights groups, researchers and academics to explain the work of the Court and its legacy, both for the people of Sierra Leone and Liberia, and for international justice.

## VIDEO SCREENING, VIDEO STREAMING, TOWN HALL MEETINGS, AND SCHOOL VISITS

18 District Outreach Officers and 54 collaborating partners carried out 1892 screenings of redacted trial summaries in communities throughout Sierra Leone and in Liberia. Over the past year, more than 1400 town hall meetings, and 1322 school visits were conducted by Outreach and Public Affairs staff.

The section also produced audio trial summaries for radio in Sierra Leone and Liberia, and worked with networks such as Cotton Tree News and UN Radio, along with a number of individual radio stations, to

provide coverage throughout Sierra Leone. The videos, which were produced by the Outreach and Public Affairs Video Unit, were also screened on television in Liberia, as well as around the country by Liberian civil society partners working in cooperation with the section.

The Court established video-streaming service on its public website to allow internet users from around the world to follow live proceedings in the trial of *Prosecutor v. Taylor*.

## COURT PRINCIPALS' OUTREACH EVENTS

The Outreach and Public Affairs section disseminated information on the Special Court's operations in Freetown and The Hague using a variety of approaches. The section planned and facilitated events for the Registry, Office of the Prosecutor, and the Defence Office. In addition, when requested, programmes were organized for individual defence teams, including in particular for the defence counsel for Charles Taylor, Issa Sesay, Morris Kallon and Augustine Gbao. In public meetings, lectures, seminars and in other formats, the activities of the Special Court were discussed from the perspective of the Special Court officials and participants in attendance. Court experts also conducted training programmes in Sierra Leone and Liberia.

During the reporting period, the Office of the Prosecutor and Defence Office participated in multiple radio and television programmes in Sierra Leone and Liberia. Radio programmes typically entailed live phone-ins during which questions and concerns from the audience were discussed. In collaboration with the Defence Office, the section performed an intensive three-day training for Liberia National Police, representatives from the print and electronics media, women, as well as civil society and human rights groups. The Registrar conducted town hall meetings in different locations, each with several hundred attendees. The Deputy Registrar and Chief of Administrative Services also participated in training sessions for women and human rights activists in Sierra Leone.

## MONITORING THE PROSECUTOR V. TAYLOR TRIAL IN THE HAGUE

The Special Court, through the Outreach and Public Affairs section, worked to ensure that Sierra Leoneans and Liberians remain apprised of the proceedings.

In the past year, 62 civil society and traditional leaders travelled to The Hague to monitor the trial. Additionally, two national interns were funded by the European Community to serve two six-month terms within

the Outreach and Public Affairs office in The Hague. Numerous members of the judiciary of other jurisdictions, diplomats, journalists and university students were accredited by the Outreach and Public Affairs section to view the trials in The Hague each month. Regular meetings with West Africans in The Netherlands were held and information on the Special Court was disseminated by Outreach staff.

## PARTNERING WITH CIVIL SOCIETY IN SIERRA LEONE AND LIBERIA

The Outreach and Public Affairs section worked with local civil society to raise awareness on the Special Court and its process. In Liberia, 18 civil society groups conducted outreach programmes. In Freetown, the Special Court convened 12 interactive forums,

each comprising more than 41 groups interested in the work of the Special Court. The Registrar chaired the interactive forums and provided regular updates on the Special Court's progress and achievements.

## INFORMATIONAL MATERIAL, SUPPORT TO ELECTRONIC MEDIA AND SUPPORT TO THE VISUALLY IMPAIRED

The section produced reader-friendly booklets on international humanitarian law and the Special Court. These included 20,000 copies of booklets on international humanitarian law and 15,000 copies of booklets on 'The Special Court Made Simple.' These booklets were distributed in Sierra Leone, Liberia and The Hague. In support of disabled persons in Sierra Leone, 150 booklets on international humanitarian law were transcribed in Braille and distributed to libraries of the

blind schools throughout Sierra Leone. 168 volumes of the Constitution of Sierra Leone were also transcribed into Braille and distributed in this manner. The Outreach and Public Affairs section has extensively utilised radio as the most effective means for disseminating important information in Sierra Leone, where the illiteracy rate is measured at greater than 65%. In total, 670 radio and television programmes were conducted in Sierra Leone and Liberia.

## TRAINING SEMINARS

The section conducted 'training of trainers' workshops for youth groups from various backgrounds, including the police, military, local government councillors,

market women, and parliamentarians. Eight such training sessions were conducted over the past year.

## COURT TOURS

In order to increase the Special Courts visibility and facilitate access to the Special Court campus, more than 50 court tours were organized for school chil-

dren, university students, disabled persons, visiting dignitaries and international visitors.

*Participants in an Outreach event on Day of the African Child in Freetown*





*Mongolian contingent of UNMIL (MONBAT)*



# LEGACY

During the reporting period, Legacy programming focused on the following projects: the Site Project (the project to assist the Government of Sierra Leone to develop the site of the Special Court after it reverts to the Government upon completion of the Court's mandate); the Witness Evaluation and Legacy Project;

Communicating Justice (an Outreach project in cooperation with BBC World Service Trust); the Archiving Project; and capacity-building for legal associates and interns. A brief description of significant achievements is provided below.

## PRINCIPAL LEGACY INITIATIVES OF THE REGISTRY SECTIONS

The Special Court's Witness and Victims Section (WVS) assessed the feasibility of setting up a witness protection and support unit within the national criminal justice system, the first project of its kind in Sierra Leone. The national witness protection and support unit envisaged would utilize Sierra Leonean expertise for witness protection and psychosocial support. Long-term plans for the project include the design of a witness protection system in Freetown. The Special Court worked with the Government of Sierra Leone on the implementation of the programme and continues to seek sustainable funding.

The Special Court, initially with funding from the Oak Foundation, assisted the Government of Sierra Leone to examine multiple potential uses of the Special Court site after the Court's physical closure. The Special Court worked with the Government of Sierra Leone to identify partner organizations for the possible development of a regional judicial training facility, a memorial facility, transfer of the courtrooms for the national judiciary, and use of the detention facility for women or juvenile offenders.

In collaboration with the BBC World Service Trust and Search for Common Ground, the Special Court raised awareness about the Taylor trial through the Communicating Justice programme. The programme deployed West African journalists to The Hague to report on the trial. Media produced during the reporting period included weekly radio programmes on nearly 60 radio stations in Sierra Leone and Liberia addressing issues

related to the trial, and numerous articles published in Sierra Leonean and Liberian newspapers. The project also trained journalists to report on transitional justice mechanisms.

The Archiving Project, funded by the Canadian government, employed an external consultant to determine the Special Court's needs for maintaining and permanently storing its archives. The consultant assessed potential locations and management structures in Sierra Leone and internationally for an archive depository; identified the next steps for implementation into the action plan and determined the best-practice methods for preserving, protecting and making available the archives.

With funding from the European Commission, the Special Court instituted an Interpreters Professionalizing and Training programme which trained national interpreters. In addition, the Court Management section produced a glossary of legal terminology in the four main Sierra Leonean languages, which is available on the Court's website. The Special Court also initiated the Library and Archives Development programme which provides law books out of the Special Court's library and access to online legal resources. As part of the Communicating Justice programme, the Outreach section targeted civil society organizations, women's groups, schools, disabled persons, religious leaders, military, and police and prison officers for events discussing legal procedures, rule of law, and criminal justice.

The Special Court substantially expanded its efforts to support development of the national justice system by providing capacity-building opportunities to national professionals both working inside the Court and those working externally in national justice sector institutions. Key initiatives during the reporting period included provision of periodic or intensive training sessions and secondments to the Special Court and technical assistance on particular issues. The key implementation partners were the national judiciary, the police force and the prison service. Within each institution, training needs were identified and

matched to the skills sets of particular sections of the Special Court. Training curricula were developed for middle and senior management of key national institutions. Training topics included court records management, ethics of interpretation, judicial management of juvenile cases, control and restraint training for prison guards, detainee human rights for prison guards, and investigation strategies for police officers. During the reporting period, various sections of the Court conducted more than 15 intensive training courses, benefiting over 575 external participants.

## LONG SENTENCES FOR ATROCITIES IN SIERRA LEONE

New York Times  
8 April 2009

“...An international war crimes court in Freetown, Sierra Leone, sentenced three rebel leaders on Wednesday to long prison terms for atrocities committed during the country’s decade-long civil war of the 1990s.

The sentences handed out at the Special Court for Sierra Leone said that the crimes for which the three men were responsible were of a “massive scale” and that their impact had been enormous.

...

The court sentenced Issa Hassan Sesay to 52 years, Morris Kallon to 40 years, and Augustine Gbao to 25 years.

...

Stephen Rapp, the court’s American prosecutor, said by telephone that Wednesday’s decision included the first sentence in an international court for attacks and killings of international peacekeepers. Four peacekeepers were killed, and more than 500 were imprisoned for several weeks, in 2000. He said it was also the first time that senior leaders were convicted for crimes of sexual violence, including mass rape by their forces and the new crime of “forced marriage.””

## TRAINING PROGRAMMES

In addition to the Deputy Registrar’s coordinating role for all of the Court’s legacy activities, the Office of the Registrar implemented the following trainings:

The Detention Unit conducted an intensive supervisory training for national prison officers and a three-month course on control and restraint techniques for 70 national prison officers. The Security section conducted training sessions on human rights standards, use of handcuffs, and safety planning for over 200 participants from the Sierra Leone Police department. The Court Management section conducted training sessions for the different offices within the national judiciary on records management, courtroom interpretation, and institutional information management. The Court also conducted two-week training for the entire staff of the National Archives and national staff in Court Management section. The Administration section conducted extensive training on human resources for a variety of external institutions, as well as training on procurement methods. Internal trainings have been conducted to assist Special Court national staff to secure outside employment during the downsizing phase of the Court’s lifespan. Such training sessions have included courses on interviewing and curricula vitae writing skills, career planning and support, and completing personal history forms.

The Interns and Legal Associates Programme provided professional development opportunities to Sierra Leoneans in the field of international humanitarian law.

The Special Court provided opportunities for Sierra Leonean interns on six-month contracts. During the reporting period the Special Court hosted 116 interns.

## PROSECUTION LEGACY ACTIVITIES

In addition to supporting and participating in the above described legacy activities, the Office of the Prosecutor directly facilitated a number of legacy projects that were established to augment the application of a variety of legal processes within the domestic legal system including specific trainings for the Sierra Leone Police Department, Fourah Bay College, the Sierra Leone Parliament, the Military, the Anti-Corruption Commission and the Human Rights Commission. A selection of these projects is described below.

Vice President of the Special Court Jon M. Kamanda with Deputy Prosecutor Joseph Kamara and senior Court staff, in collaboration with the Chief Justice and the Master and Registrar of the Supreme Court of Sierra Leone, began developing a freely accessible, searchable database of case law from Sierra Leonean's High Courts, Court of Appeals and Supreme Court. The project forms part of a larger effort to create a freely accessible internet website with all of Sierra Leone's primary legal texts, in collaboration with the Commonwealth Legal Information Institute.

Members of the Prosecution tutored university students on the application and use of international treaties in the domestic jurisdiction. Lectures were delivered over two semesters in international criminal law and humanitarian law and as a result courses in International Criminal Law Practice and Procedure and Humanitarian Law have now been added to university curriculum.

The Prosecution organized public lectures on pursuing justice and peace in post-conflict Sierra Leone and on the role of domestic courts, civil society and international tribunals in securing justice. These lectures were attended by members of the media and press, diplo-

matic missions, civil society groups, Military, Police, Bar Association and students. Other lectures included the ethics of administering justice in post conflict Sierra Leone designed specifically for the Justices of the Peace, and lecture for the Sierra Leone School

## IN AFRICA, JUSTICE FOR 'BUSH WIVES'

*The Christian Science Monitor*  
9 June 2008

"...For two years, until Sierra Leone's decade-long civil war finally ended, Ms. Jalloh was the domestic and sexual slave of her "husband." She cooked and cleaned for him; he fed and sheltered her.

...

"There was no way not to do it," she says. "If I would leave, I would have no food. He would kill me."

...

Jalloh is one of thousands of African "bush wives," women taken against their will and forced to be spouses of soldiers. Public health and human rights groups estimate that over 60,000 women were victims of sexual violence in Sierra Leone, and that thousands suffer similar fates in ongoing conflicts in northern Uganda and the Democratic Republic of Congo.

...

Now, an international criminal tribunal says forced marriage is a crime against humanity, in a ruling experts say may change the way future war criminals in Africa and elsewhere are prosecuted."

for the Blind on the rule of law and Special Court jurisprudence.

The Prosecution facilitated training seminars for police personnel on investigative skills and techniques, witness coordination and victim handling and on the efficient use of limited resources while working with insider witnesses for investigators of the Anti Corruption Committee.

Members of the Prosecution together with members of the Registry organized a full day seminar attended by Members of Parliament. Presentations were made on implementing legislations and sensitization on gender equality international treaties. The seminar was piv-

otal in the establishment of three Gender Acts – Devolution of Estates Act, Registration of Marriages Act, and The Domestic Violence Act which were enacted by Parliament following the seminar.

Members of the Prosecution staged the first of 3 Police Prosecutor training seminars held in the town of Makeni in northern Sierra Leone, and was designed to educate Police Prosecutors from the surrounding regions, in topics ranging from witness and evidence management, gender rights and to the fundamentals of Prosecution. The seminar was attended by over 40 local Police Prosecutors who were also accompanied by the local Paramount chief.

## CHAMBERS LEGACY ACTIVITIES

### Judges' Lecture Series in Freetown

On 3 December 2008, Hon. Justice Bankole Thompson delivered a lecture at the Courthouse of the Special Court on "Lessons and Insights from the Jurisprudence of the Special Court for the National Judiciary: A Legacy Perspective." The public lecture was one of a series of public lectures delivered as part of the Legacy of the Special Court to Sierra Leone. It was intended to promote an understanding of the issues pertaining to the transfer of the Special Court's jurisprudence to the national legal system.

### Justice Bankole Thompson acted as Interim Director of the Sierra Leone Law School

During the reporting period, as in previous years, Justice Bankole Thompson acted as the interim Director of the Sierra Leone Law School, pro bono, and in collaboration with his colleagues at the Law School, updated and substantially reorganized the curriculum.

### ICRC Moot Court

On 27 May 2009, the Special Court hosted the Fifth National Moot Court Competition on International Humanitarian Law (IHL) organised by the Inter-

national Committee of the Red Cross (ICRC) in partnership with the Special Court. The goal of the competition was to promote interest in and encourage the study of IHL in higher educational institutions throughout Sierra Leone. The Vice President of the Special Court, Justice Jon Moadeh Kamanda, acted as presiding judge of the judge's panel. Legal officers from the Appeals Chamber trained the competitors. The winning team will represent Sierra Leone at the International Moot Court Competition in Arusha, Tanzania in November 2009.

### Public Databases of the Special Court's Jurisprudence

The Special Court entered into a licensing agreement with Thompson Reuters, providers of Westlaw, in order to establish a database of all of the Special Court's public filings to be available in 2009.

The Special Court established collaboration with the World Legal Information Institute to develop a searchable database of the Special Court's jurisprudence. The freely accessible, searchable database is available at <http://www.commonlii.org/sl/cases/Special Court/>.

**Training for War-Affected Women**

The first group of six young war-affected women completed their six-month training in “print” tailoring in September 2008, and a second group of six women started their six-months training in October 2008. An exhibit of the work was held in May 2009, and the third group was expected to begin in Fall 2009. The project was initiated by President Winter and is sustained by contributions from several Austrian women’s associations and female staff members of the Special Court.

**Course on International Humanitarian Law and Criminal Tribunals at Fourah Bay College**

The legal officers from the Appeals Chamber taught a course on international humanitarian law, international criminal law and international tribunals at Fourah Bay College. The course was a continuation of a series of lectures initiated by the Prosecution in previous years.

*Outreach Coordinator Patrick Fatoma at an Outreach event in Freetown*





## RESIDUAL ISSUES

The Registry's focus on residual issues has proceeded in three parts: first, the Registry identified its "residual functions"; second, the Registry has assessed the feasibility of different institutional arrangements for

the "residual mechanism"; and third, the Registry has assessed the staffing and funding needs of possible residual mechanisms.

### THE TEN CRITICAL RESIDUAL FUNCTIONS

The Court has identified ten legal and practical obligations that continue beyond the completion of all trials and appeals proceedings, and which must be provided for in order to complete the Court's mandate in accordance with international standards of justice. These ten obligations were extensively characterized in a consultant report commissioned by the Court issued in December 2008 (the "Donlon Report") and are referred to as the 'residual functions'. This report was sent to the Management Committee. These residual functions have been divided into two catego-

ries, "ongoing functions" and "*ad hoc* functions." The "ongoing functions" are those that involve ongoing day-to-day responsibilities. The "*ad hoc* functions" are those that may only be required from time to time, and may, in practice, never be required at all. Thus for the "ongoing functions" a small permanent residual office is required for managing the "ongoing functions. Moreover, if the need for any of the "*ad hoc* functions" arises, the office will make all the necessary arrangements to manage these functions.



## Ongoing Functions

Maintenance, Preservation and Management of the Archive—Long-term preservation of Special Court records in a secure environment. Management of access to and classification of records must be undertaken. A consultant is currently analyzing the documents and will make recommendations regarding the long-term preservation of the Special Court archives in the course of this year.

Witness Protection and Support—Respond to threats related to testimony given before the Special Court and provide appropriate protection and support measures. A substantial part of this function must be performed in Sierra Leone; However, it may be possible to administer the function from elsewhere.

Assistance to National Prosecution Authorities—Manage Governmental requests for evidence and information to support investigations, prosecutions, forfeiture proceedings and asylum cases. Ensure that confidentiality obligations are upheld. Manage the disclosure of exculpatory evidence and requests from other States for documents relevant to witness protection orders.

Supervision of Prison Sentences/Pardons/Commutations/Early Releases—The supervision of the enforcement of sentences is a continuing obligation that may extend until 2055. This supervision includes inspection of the conditions of imprisonment, as well as tracking of time served and dates of release, including early release, pardon or commutation.

## Ad hoc Functions

Trial of Johnny Paul Koroma—Koroma is the only person indicted by the Special Court that is not in custody. The residual mechanisms must have the capacity to try Koroma if he is not confirmed deceased by the end of the duration of the Court. Under the Rules of Procedure and Evidence it is possible for this case to be transferred to a competent national jurisdiction. Efforts are currently being undertaken to identify possible jurisdictions and explore this possibility.

Review of Convictions and Acquittals—To guarantee the rights of those convicted, the residual mechanism will need to have the authority to manage requests for review from convicted persons and this function may extend until 2055.

Contempt of Court Proceedings—The need to ensure respect for and implementation of court orders as well as the need to sanction persons who violate them will be a continuing obligation.

Defence Counsel and Legal Aid Issues—Provision of Defence Counsel for residual proceedings. Management of legal aid scheme as required.

Claims for Compensation—Provision of information to claimants before Sierra Leonean Courts.

Prevention of Double Jeopardy—The residual mechanism will need to ensure that when the Special Court has completed a prosecution that person should not be tried again for the same offence by a national court of Sierra Leone.

The Donlon Report examined the feasibility of several institutional arrangements for the residual mechanism, and these were further examined in meetings held with the Management Committee and high-level representatives of the Government

of Sierra Leone during their visit to Freetown in February 2009. Following those meetings, the Special Court sought further guidance from the Government of Sierra Leone as to their preferences for the implementation of the various residual functions.

# ANNEX I

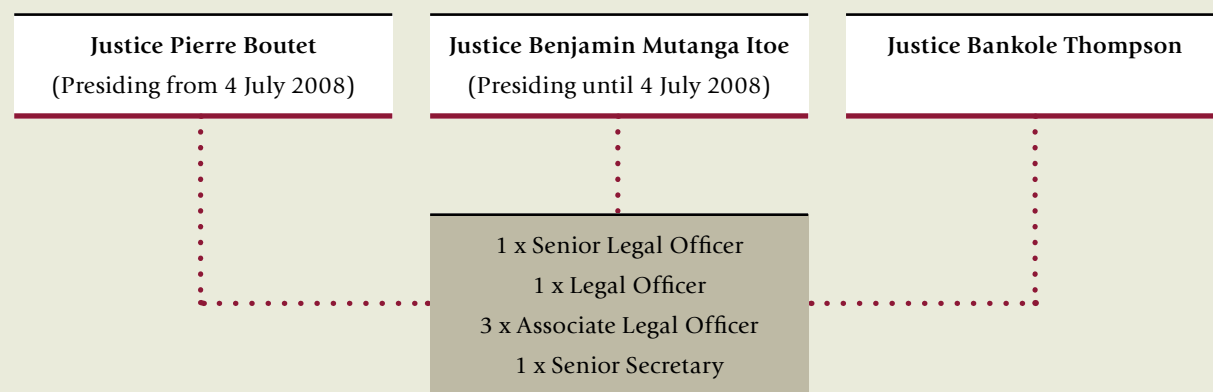
## List of Persons Indicted by the Special Court for Sierra Leone

Accused	Indictment Approved	Trial Judgment	Sentencing Judgment	Appeal Judgment	Current Status
Charles Ghankay Taylor	7 March 2003	Trial in progress			In custody as of 29 March 2006
Foday Saybana Sankoh	7 March 2003	N/A	N/A	N/A	Deceased Indictment withdrawn 8 December 2003
Johnny Paul Koroma	7 March 2003				At large
Sam Bockarie	7 March 2003	N/A	N/A	N/A	Deceased Indictment withdrawn 8 December 2003
Issa Hassan Sesay	7 March 2003	25 February 2009	8 April 2009	Appeal in Progress	In custody as of 10 March 2003
Alex Tamba Brima	7 March 2003	20 June 2007	19 July 2007	22 February 2008	Convicted In custody as of 10 March 2003
Morris Kallon	7 March 2003	25 February 2009	8 April 2009	Appeal in Progress	In custody as of 10 March 2003
Samuel Hinga Norman	7 March 2003	N/A	N/A	N/A	Deceased Indictment withdrawn 21 May 2007
Augustine Gbao	16 April 2003	25 February 2009	8 April 2009	Appeal in Progress	In custody as of 20 March 2003
Brima Bazzy Kamara	28 May 2003	20 June 2007	19 July 2007	22 February 2008	Convicted In custody as of 29 March 2003
Moinina Fofana	26 June 2003	2 August 2007	9 October 2007	28 May 2008	Convicted In custody as of 29 March 2003
Allieu Kondewa	26 June 2003	2 August 2007	9 October 2007	28 May 2008	Convicted In custody as of 29 March 2003
Santigie Borbor Kanu	16 Septem- ber 2003	20 June 2007	19 July 2007	22 February 2008	Convicted In custody as of 17 September 2003

# ANNEX II

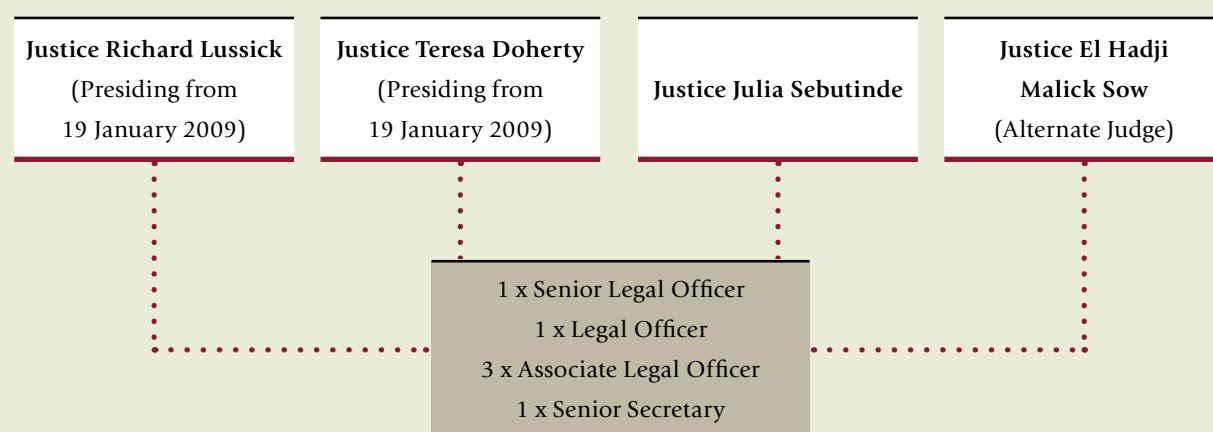
## TRIAL CHAMBER I

Special Court for Sierra Leone



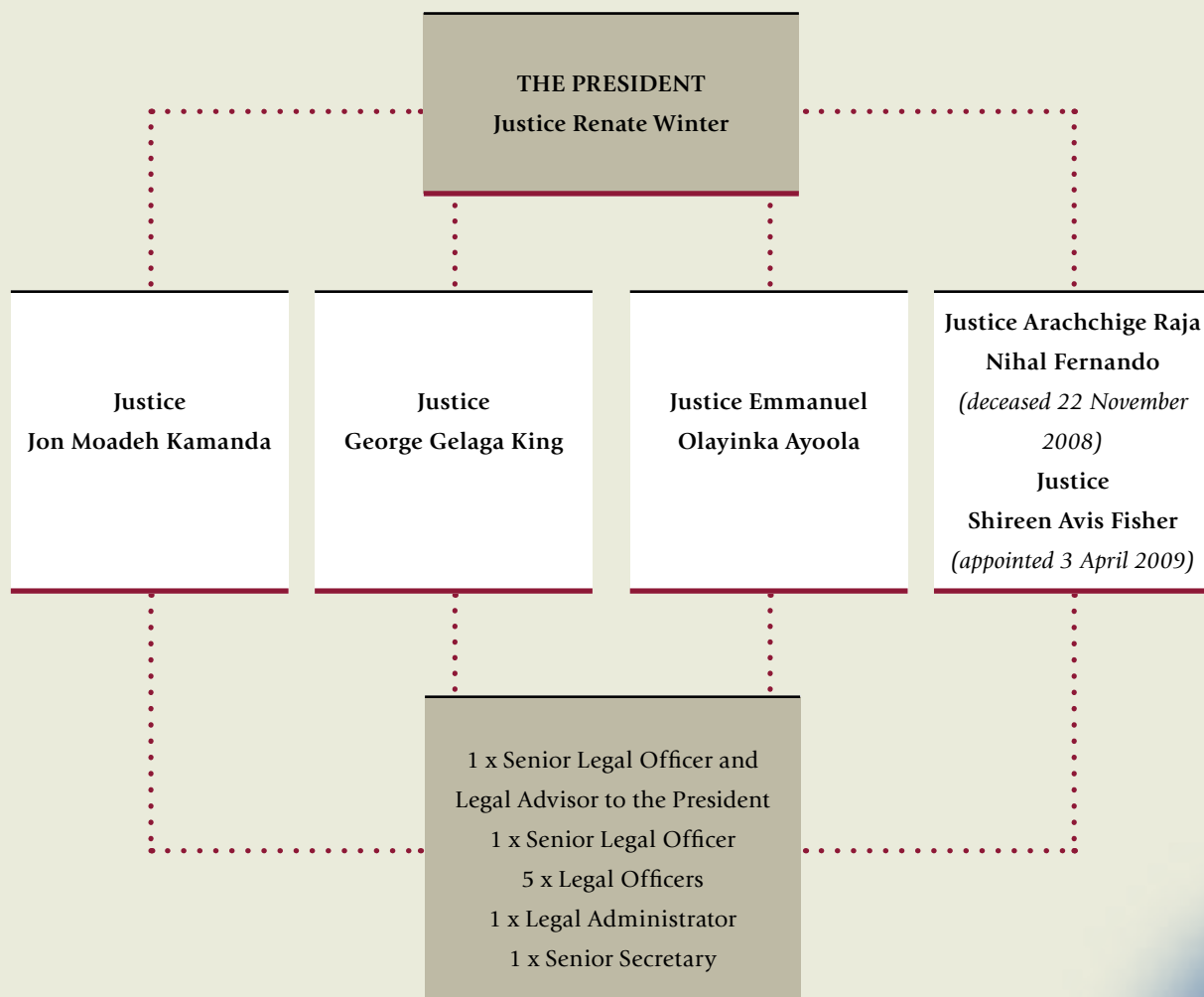
## TRIAL CHAMBER II

Special Court for Sierra Leone



## APPEALS CHAMBER

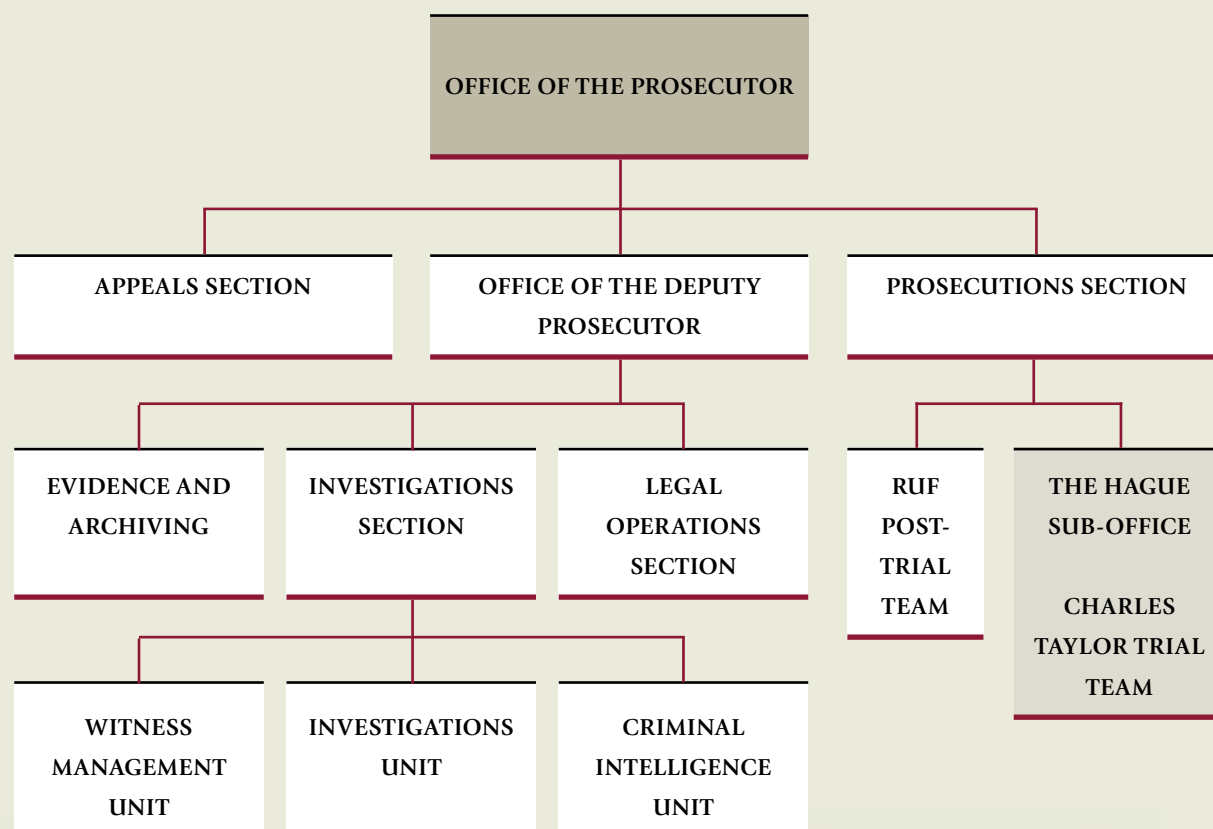
Special Court for Sierra Leone





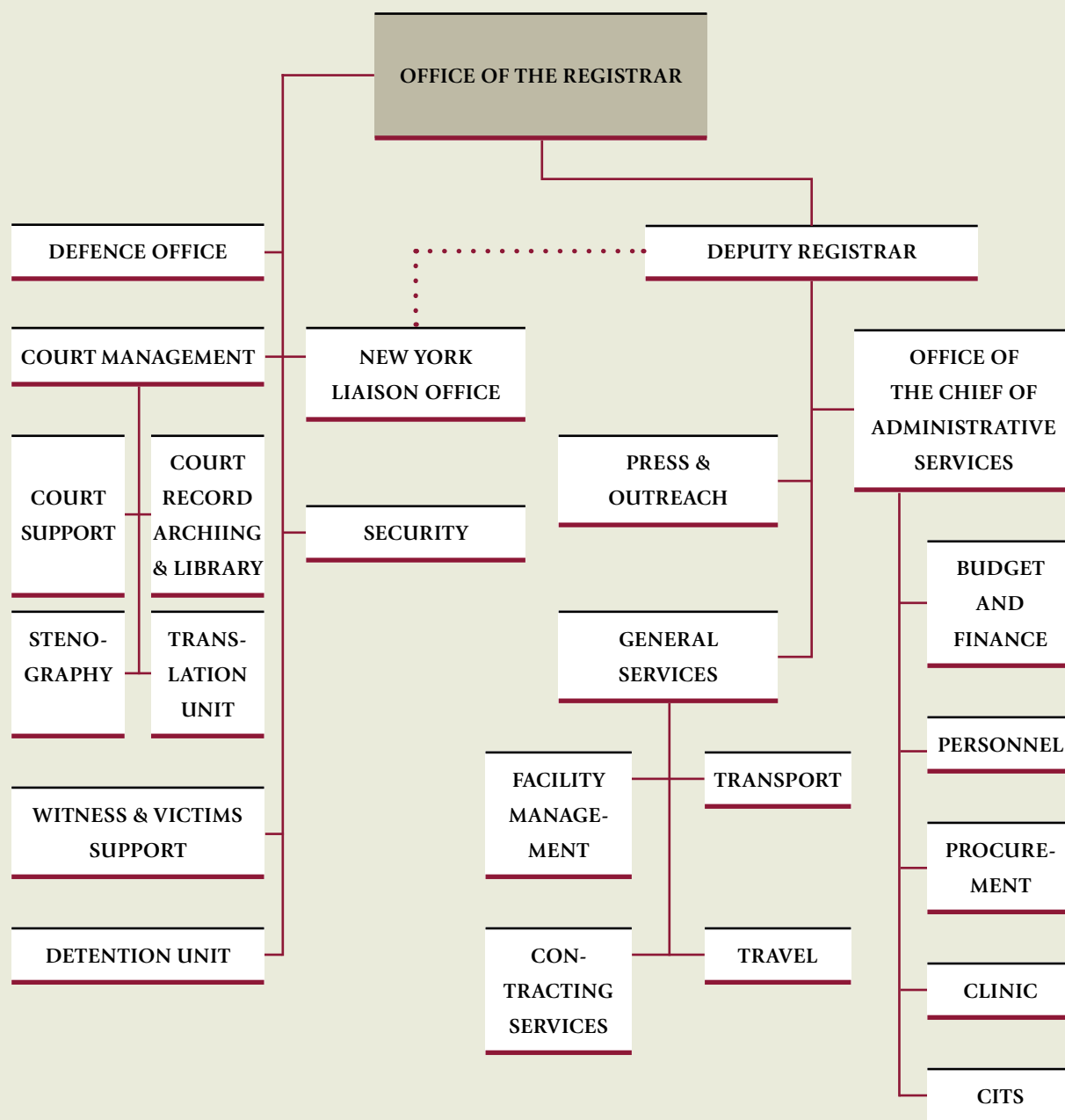
## THE PROSECUTION

Special Court for Sierra Leone



## THE REGISTRY

Special Court for Sierra Leone



## ANNEX III

### SIGNIFICANT PRESENTATIONS ON THE SPECIAL COURT'S JURISPRUDENCE

The Judges delivered numerous presentations on the jurisprudence of the Special Court during the reporting period, typically at the invitation and expense of the organizers. A selection of the presentations is described below.

In June 2008, President Winter participated in the United Nations Office on Drugs and Crime Conference on Forced Marriages and Child Soldiers, held in Amman, Jordan. During the visit to Jordan, President Winter held discussions with parliamentarians and government ministers on the Special Court's jurisprudence and progress.<sup>†</sup> President Winter also spoke before the Judges of the Supreme Court of Croatia, in Zagreb, on the Special Court, its mandate and major jurisprudential achievements,<sup>†</sup> and spoke at the L'Institut International des Droits de l'Enfant in Sion, Switzerland on the role of judges in juvenile justice cases related to child soldiers.<sup>†</sup> President Winter participated in an international seminar on family mediation in Strasbourg, France. In part, the seminar participants discussed mediation between child soldiers and their families.<sup>†</sup> Justice Doherty made a presentation on 'Changes to the Law Relating to Sexual Violence: an International Perspective' at a conference on Reforming the Law on Sexual Violence at University College, Cork, Ireland.<sup>†</sup>

In July 2008, President Winter made a presentation at the UNICEF meeting in Geneva on child support and violence against children. President Winter also participated in the Interagency Panel on Juvenile Justice to discuss child soldiers and the legal protection of child victims and witnesses.<sup>†</sup>

In July 2008, the Prosecutor co-hosted a screening at the United Nations in New York of the film "Johnny Mad Dog," a French made movie filmed in Liberia about

child soldiers. The event was co-hosted with the Special Representative of the Secretary-General for Children and Armed Conflict, and the Permanent Representatives of France, Sierra Leone and Liberia, and was sponsored by the Open Society Justice Initiative.<sup>†</sup>

In August 2008, President Winter participated in the 15th Anniversary of the World Conference on Human Rights, held in Vienna, Austria. The outcome of the Conference was presented to the UN General Assembly and the UN Human Rights Council in Autumn 2008.<sup>†</sup>

In September 2008, President Winter was invited by the Peruvian Office of "Fondation Terre des Homes" to chair the Conference on Children as Victims and Witnesses of Crime, and to give a discourse on the experience of the Special Court in juvenile justice, with emphasis on legal protection for former child soldiers.<sup>†</sup>

In October 2008, Justice Ayoola participated in the Third Hague Colloquium on Fundamental Principles of Law, at the Peace Palace, in The Hague, Netherlands. The colloquium addressed the impact of Jihad on domestic and international law. Also during October 2008, Justice Sebutinde participated as a trainer at the International Civilian Peace-Keeping and Peace-Building Training Program (IPT). The seminar was organized by the Austrian Study Centre for Peace and Conflict Resolution in conjunction with the Austrian Government and took place between 12 and 24 October 2008.<sup>†</sup>

In October 2008, Justice Sebutinde attended the Seminar from 21-22 October, during which time she conducted her part of the training. The course entitled "Women in Armed Conflict" was a pilot project by the IPT to celebrate the Institution's 15th Anniversary and focused on the experiences that women face in armed conflict. The purpose of the Seminar was to train experts who work or plan to work in conflict or post-conflict zones, among women and women's

organizations or in peace-keeping operations. Justice Sebutinde spoke on the subject “Security Sector Reform and Transitional Justice Instruments and the need for Reconciliation.”†

In addition, in October 2008, Justice Doherty delivered a speech on amendments to the Special Court indictments and subsequent prosecution of gender based crime in the Special Court at a conference on Prosecuting Sexual and Gender Based Crime at American University Washington College of Law, in Washington, DC.† President Winter attended the Third Hague Colloquium on fundamental Principles of Law, attended a seminar organized by The International Institute for the Rights of the Child (IDE) on “Children as Victims and Witnesses: A Question of Law and of Rights” in Sion, Switzerland, and President Winter participated in the third International Conference on Juvenile Justice organized by the International Juvenile Justice Observatory (IJJO), an international public utility foundation in Valencia, Spain.†

In October 2008, the Prosecutor gave a lecture at the Institut d’Etudes Politiques, Lille, France, entitled “*Rwanda, Sierra Leone, Darfour: Comment juger l’horreur? La justice internationale mise en perspective.*” Also in October, the Prosecutor gave lectures at two American

law schools. At Columbia Law School he presented on the topic of “Closing the Courts: The Completion Strategy of International Justice in the former Yugoslavia, Rwanda, and Sierra Leone,” while at Harvard Law School his guest lecture was entitled “Milosevic, Taylor, and al-Bashir: Is Justice Possible for Chiefs of State?”†

In November 2008, President Winter participated in an international colloquium, held in Accra, Ghana, with representatives of judiciaries of fifteen African countries and experts from around the world. The participants examined the role of the judiciary in promoting gender justice, and focused on empowering women to hold positions of authority in and gain greater access to the justice sector. President Winter spoke on the ‘gender laws’ enacted in Sierra Leone in 2007: the Devolution of Estates Act, the Registration of Customary Marriage and Divorce Act, the Child Rights Act and the Domestic Violence Act 2007.†

In November 2008, the Prosecutor attended a conference of domestic and international prosecutors in Arusha, Tanzania, where he gave the keynote address.†

In December 2008, Justice Doherty was invited as a resource person at the European Union-sponsored course on Rule of Law conducted by the German Centre for Peace Studies (ZIF) and Bernadotte Institute, Sweden. The course was held in Berlin, Germany and Justice Doherty spoke on the Special Court for Sierra Leone and the roles of judges ‘on mission.’†

In December 2008, the Deputy Prosecutor made presentations in London, England at the conference “Pursuing Justice in Ongoing Conflict” sponsored by the Swiss Department of Foreign Affairs.†

In January 2009, Justice Kamanda, Vice President, participated in the sixth session of the Brandies Institute for International Judges, in Trinidad. The Brandies Institute brought together eminent jurists from major international courts for high level discussions of recent developments in the case law and practices of those courts.† Also in January 2009, Justice Doherty par-

*Participants in a Outreach event in Moyamba District.*



ticipated as a judge on the Owen Jessop International Moot Court Competition (Netherlands Round) in The Hague.

In February 2009, President Winter was a speaker at the Special Court legacy project public lecture and panel discussion on peace and justice held at the Hill Valley Hotel, Signal Hill Road as part of a series of public information events undertaken by the Office of the Prosecutor. A discussion panel was chaired by Justice Gelaga King.

In February 2009, the Prosecutor made a lecture presentation at Oxford University, England, titled “Prosecutor v. Chief of State: The Test of International Justice.”†

In March 2009, Justice King and Justice Ayoola participated in the International Institute of Higher Studies in Criminal Sciences (ISISC) Conference on “Fighting Impunity and Promoting International Justice”, in Cape Town, South Africa. Justice King and Justice Ayoola discussed the origins and operations of the Special Court and its significant developments in international criminal law jurisprudence. Also in March 2009, Justice Doherty made a presentation at a conference on professional development held by the Institute of Directors, Women’s Division, in Belfast, Northern Ireland.†

During March 2009, President Winter also participated in a training course on juvenile justice targeted at judges, prosecutors, police and social workers, and a conference dedicated to the formation of a juvenile justice system in Belarus. The events were organized by UNDP and the Ministry of Justice of Belarus within the framework of a project on the promotion of a wider application of international human rights standards in the administration of justice in Belarus. The President discussed the achievements of the Special Court as a contribution to the development of human rights standards. President Winter was also invited to act as General Rapporteur for the 7th European Conference on Family Law on the topic of “International Family Mediation” by the Directorate General of Human

Rights and Legal Affairs of the Council of Europe. The aim of the Conference was to improve and harmonise cooperation and practices in the field of international family mediation. The event raised awareness of existing good practices in international family mediation and looked at other forms of alternative dispute resolution and their characteristics. The Conference also explored possible synergies between international organizations.†

In March 2009, the Prosecutor participated in the Berlin conference “Violence Against Women in Conflicts – How Can Development Policy Help?” hosted by the German Federal Ministry of Economic Cooperation, where he gave the presentation “International Justice and Violence Against Women in Conflicts: The Experience of Sierra Leone.”†

In April 2009, President Winter attended the First International Symposium on “*Children at Risk and in Need of Protection*” in Ankara, Turkey. The Symposium was organized by the Turkish National Police, under the auspices of the Speaker of the Grand National Assembly of Turkey. Justice Winter delivered the keynote presentation on the global perspective on protection of children from risk factors, including violence, forced marriage and lack of access to justice. She also conducted several workshops.† Also during April 2009, Justice Doherty spoke on Application of Human Rights Treaties in Development of Domestic and International Law and on Special Court for Sierra Leone at a Leiden University course for Thai Judges on international law in The Hague.

† Event was at the invitation and expense of the organizer.



## ANNEX IV

### Significant Fundraising and Diplomatic Meetings Held during the Reporting Period

Country	Contact persons
Australia	<ul style="list-style-type: none"> <li>• Andrew Rose, First Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Austria	<ul style="list-style-type: none"> <li>• H.E. Mr. Thomas Mayr-Harting, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Konrad Bühler, Counsellor, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Belgium	<ul style="list-style-type: none"> <li>• Mr. Gérard Dive, Head, International Humanitarian Law Unit, Ministry of Justice</li> <li>• Mr. William Roelants de Stappers, First Secretary, Legal Advisor, Permanent Mission to the United Nations (New York) and his successor Mr. Pierre Cartuyvels</li> </ul>
Benin	<ul style="list-style-type: none"> <li>• H.E. Mr. Yayi Boni, President</li> <li>• H.E. Mr. Jean-Marie Ehouzou, Minister of Foreign Affairs</li> <li>• Mr. Jean Francis R. Zinsou, Chargés d'affaires, Permanent Mission to the United Nations (New York)</li> </ul>
Bosnia and Herzegovina	<ul style="list-style-type: none"> <li>• Ms. Mirsada Čolaković, Chargés d'affaires, Permanent Mission to the United Nations (New York)</li> </ul>
Botswana	<ul style="list-style-type: none"> <li>• H.E. Ms. Tapiwa Sue Mongwa, Acting Ambassador, Acting Permanent Representative to the United Nations (New York)</li> </ul>
Canada	<ul style="list-style-type: none"> <li>• H.E. Mr. John McNee, Ambassador, Permanent Mission to the United Nations (New York)</li> <li>• Mr. Keith Morrill, Counsellor, Legal Advisor, Permanent Mission to the United Nations (New York)</li> <li>• Mr. Maciek Hawrylak, Department of Foreign Affairs and International Trade</li> <li>• Ms. Elizabeth Williams, Coordinator, International Criminal Tribunals Unit</li> <li>• Roundtable meeting with:               <ul style="list-style-type: none"> <li>» Ms. Sabine Nolke, Director, United Nations, Human Rights, Humanitarian and Economic Law Section, Ministry of Foreign Affairs</li> <li>» Ms. Donica Pottie, Director, Human Security Policy Division</li> <li>» Mr. Salim Fakirani, Sr. Policy Adviser on Rule of Law, Conflict Prevention and Peacebuilding Group</li> <li>» Mr. Paul Roche, Police Peacekeeping and Policy Advisor, Peacekeeping and Peace Operations Group</li> <li>» Ms. Jolene Harvey, Legal Officer, Criminal, Security, Privileges and Immunities Law Section</li> <li>» Ms. Jacqueline Palumba, Legal Counsel, International Assistance Group</li> <li>» Ms. Amelie Zinzius, Legal Counsel, War Crimes Unit</li> </ul> </li> </ul>
Chile	<ul style="list-style-type: none"> <li>• Mr. Hernan Quezada, Counsellor, Legal Affairs, Permanent Mission to the United Nations (New York)</li> </ul>
Costa Rica	<ul style="list-style-type: none"> <li>• H.E. Mr. Jorge Urbina, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Ms. Alejandra Solano, Minister Counsellor, Permanent Mission to the United Nations (New York)</li> </ul>
Croatia	<ul style="list-style-type: none"> <li>• H.E. Mr. Gordan Markotić, Ambassador - Ministry of Justice</li> </ul>
Cyprus	<ul style="list-style-type: none"> <li>• Ms. Poly Ioannou, Second Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>

### Significant Fundraising and Diplomatic Meetings Held during the Reporting Period

Country	Contact persons
Czech Republic	<ul style="list-style-type: none"> <li>• H.E. Mr. Martin Palouš, Ambassador, Permanent Representative to the United Nations (New York)</li> </ul>
Denmark	<ul style="list-style-type: none"> <li>• H.E. Mr. Carsten Staur, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Ms. Eva Raabyemagle, Counsellor, Permanent Mission to the United Nations (New York)</li> <li>• Mr. Christian Nygaard Nissen, Legal Advisor, Embassy (The Hague)</li> </ul>
EU	<ul style="list-style-type: none"> <li>• Representatives from the Instrument for Stability</li> <li>• Presentation to the COAFR working group (March 2009)</li> <li>• Presentation to the COJUR working group (September 2008)</li> <li>• Representatives from the Permanent Representations to the EU</li> <li>• Representatives of the European Parliament</li> <li>• Representatives of the European Development Fund</li> <li>• Representatives from the EP Development Committee on the ICC</li> </ul>
Finland	<ul style="list-style-type: none"> <li>• H.E. Ms. Kirsti Lintonen, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Ms. Sari Mäkelä, Legal Counsellor, Legal Department, Unit for Public International Law, Ministry of Foreign Affairs</li> <li>• Mr. Arto Haapea, First Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
France	<ul style="list-style-type: none"> <li>• Ms. Sylvie Pantz, Legal Advisor to Minister Bernard Kouchner, Ministry of Foreign Affairs</li> <li>• Ms. Patrizianna Sparacino-Thiellay, Special Adviser to the Director of the Legal Department, Ministry of Foreign Affairs</li> <li>• Mr. Christian Bernier, Foreign Affairs Counsellor, Ministry of External Relations</li> <li>• Ms. Claire-Emmanuelle Bernard, Officer-in-Charge, International Staff</li> <li>• Mr. Herbert Renié, First Counsellor, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Gambia	<ul style="list-style-type: none"> <li>• H.E. Mr. Alhadji Dembo Badjie, High Commissioner in Sierra Leone</li> </ul>
Germany	<ul style="list-style-type: none"> <li>• H.E. Ms. Heidemarie Wieczorek-Zeul, Federal Minister for Economic Cooperation and Development</li> <li>• H.E. Mr. Rolf Saligmann, Ambassador (Sierra Leone)</li> <li>• Mr. Andreas von Mettenheim, Deputy Director General and Legal Adviser, Ministry of Foreign Affairs</li> <li>• Dr. Georg Witschel, Federal Foreign Office, Director General, Head, Legal Department, Legal Adviser</li> <li>• Mr. Matthias Mülmenstädt, Director, Africa Desk</li> <li>• Mr. Rolf Krause, Head, West Africa Desk; and Sierra Leone Desk Officer, Ministry of Foreign Affairs</li> <li>• Ms. Christine Toetzke, Head, Department Peace Building and Crisis Prevention, Federal Ministry for Economic Cooperation and Development</li> <li>• Mr. Christoph Retzlaff, First Counsellor, Legal Advisor, Permanent Mission to the United Nations (New York)</li> <li>• Mr. Dirk Henrik Stockhausen and Ms. Carola Schmidt, United Nations Department, Ministry of Foreign Affairs</li> </ul>

### Significant Fundraising and Diplomatic Meetings Held during the Reporting Period

Country	Contact persons
Ghana	<ul style="list-style-type: none"> <li>• H.E. Ms. Mokowa Blay-Adu-Gyamfi, High Commissioner in Sierra Leone</li> </ul>
Greece	<ul style="list-style-type: none"> <li>• H.E. Mr. Dimitri Alexandrakis, Ambassador, Deputy Permanent Representative to the United Nations (New York)</li> </ul>
Hungary	<ul style="list-style-type: none"> <li>• Mr. Tamás Csaba, Third Secretary, Legal Affairs, Permanent Mission to the United Nations (New York)</li> </ul>
Ireland	<ul style="list-style-type: none"> <li>• H.E. Mr. Paul Kavanagh, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Seán McDonald, Counsellor, Deputy Permanent Representative to the United Nations (New York)</li> <li>• Mr. Brendan McMahon, Irish Aid, Department of Foreign Affairs</li> </ul>
Israel	<ul style="list-style-type: none"> <li>• Mr. Gil Limon, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Japan	<ul style="list-style-type: none"> <li>• Mr. Tomohiro Mikanagi, Counsellor (Political / Legal), Permanent Mission to the United Nations (New York)</li> </ul>
Kenya	<ul style="list-style-type: none"> <li>• H.E. Mr. Zachary D. Muburi-Muita, Ambassador, Permanent Representative to the United Nations (New York)</li> </ul>
Kuwait	<ul style="list-style-type: none"> <li>• Mr. Naser A Muhareb Al-Hayen, Counsellor, Permanent Mission to the United Nations (New York)</li> </ul>
Liechtenstein	<ul style="list-style-type: none"> <li>• H.E. Mr. Christian Wenasweser, Ambassador, Permanent Representative to the United Nations (New York)</li> </ul>
Luxembourg	<ul style="list-style-type: none"> <li>• H.E. Ms. Sylvie Lucas, Ambassador, Permanent Representative to the United Nations (New York)</li> </ul>
Malaysia	<ul style="list-style-type: none"> <li>• H.E. Mr. Datuk Hamidon Ali, Ambassador, Permanent Representative to the United Nations (New York)</li> </ul>
Malta	<ul style="list-style-type: none"> <li>• Ms. Sharon Zarb, First Secretary, Permanent Representation of Malta to the EU</li> </ul>
Mexico	<ul style="list-style-type: none"> <li>• H.E. Mr. Claude Heller, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Alejandro Alday Gonzalez, Second Secretary, Legal Affairs, Permanent Mission to the United Nations (New York)</li> </ul>
Namibia	<ul style="list-style-type: none"> <li>• Mr. David Thomas, First Secretary, Permanent Mission to the United Nations (New York)</li> </ul>
The Netherlands	<ul style="list-style-type: none"> <li>• H.E. Mr. Frank Majoor, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Ms. Ceta Noland, First Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
New Zealand	<ul style="list-style-type: none"> <li>• H.E. Ms. Rosemary Banks, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Ms. Bronwyn Shanks, Deputy Head of Mission, Embassy (The Hague)</li> <li>• Mr. Scott Sheeran, Second Secretary, Permanent Mission to the United Nations (New York)</li> </ul>
Nigeria	<ul style="list-style-type: none"> <li>• H.E. Mr. Michael Kaase Aondokaa, Minister of Justice</li> <li>• Ms. Angela Nworgu, Minister Counsellor, Permanent Mission to the United Nations (New York)</li> </ul>

### Significant Fundraising and Diplomatic Meetings Held during the Reporting Period

Country	Contact persons
Norway	<ul style="list-style-type: none"> <li>• Mr. Martin Sorby, Deputy Director General, Section for International Humanitarian and Criminal Law, Ministry of Foreign Affairs</li> <li>• Ms. Hilde R. Johansen, Senior Adviser, Section for Central, Southern and West Africa, Ministry of Foreign Affairs</li> <li>• Mr. Åsmund Eriksen, Counsellor, Legal Affairs, Permanent Mission to the United Nations (New York)</li> </ul>
Oman	<ul style="list-style-type: none"> <li>• Mr. Mohammed Aqeel Ba-Omar, Counsellor, Deputy Permanent Representative to the United Nations (New York)</li> </ul>
Poland	<ul style="list-style-type: none"> <li>• Ms. Beata Ziorkiewicz, Prosecutor, Department of International Cooperation and European Law, Ministry of Justice</li> <li>• Ms. Agnieszka Dabrowiecka, Ministry of Justice</li> <li>• Mr. Piotr Dolata, Second Secretary, Legal Affairs, Permanent Mission to the United Nations (New York)</li> </ul>
Portugal	<ul style="list-style-type: none"> <li>• Mr. Luís Serradas Tavares, Director, Department of Legal Affairs, Ministry of Foreign Affairs</li> <li>• Ms. Patrícia Galvão Teles, Department of Legal Affairs, Ministry of Foreign Affairs</li> </ul>
Qatar	<ul style="list-style-type: none"> <li>• Mr. Tariq Ali F. Al-Ansari, Counsellor, Permanent Mission to the United Nations (New York)</li> </ul>
Rwanda	<ul style="list-style-type: none"> <li>• H.E. Ms. Rosemary Museminali, Minister of Foreign Affairs</li> <li>• H.E. Mr. Tharcisse Karugarama, Minister of Justice and Attorney General</li> <li>• H.E. Mr. Joseph Nsengimana, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Alfred Ndabarasa, Second Counsellor, Permanent Mission to the United Nations (New York)</li> </ul>
Saudi Arabia	<ul style="list-style-type: none"> <li>• Mr. Abdullatif H. Sallam, Counsellor, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Senegal	<ul style="list-style-type: none"> <li>• H.E. Mr. Paul Badje, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Mamadou Ndiaye, Chef de Cabinet of Minister of Justice</li> <li>• Mr. Mohamed Thiaw, Director, Human Rights and Litigation, Dept. of Judicial and Consular Affairs, Ministry of Foreign Affairs</li> <li>• Mr. Demba Kandje, Director of Criminal Affairs</li> <li>• Ms. Lô, Foreign Affairs Advisor</li> </ul>
Slovakia	<ul style="list-style-type: none"> <li>• H.E. Mr. Peter Burian, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Igor Bartho, First Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Slovenia	<ul style="list-style-type: none"> <li>• Mr. Marko Rakovec, Second Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Spain	<ul style="list-style-type: none"> <li>• Ms. Concepción Escobar Hernandez, Head, Division Legal Affairs, Ministry of Foreign Affairs</li> <li>• Mr. Angel Lara, Director General, Prison Institutions</li> <li>• Mr. Mikel Irujo, Member of European Parliament</li> </ul>
Swaziland	<ul style="list-style-type: none"> <li>• H.E. Mr. Joel Musa Nhleko, Ambassador, Permanent Representative to the United Nations (New York)</li> </ul>

### Significant Fundraising and Diplomatic Meetings Held during the Reporting Period

Country	Contact persons
Sweden	<ul style="list-style-type: none"> <li>• H.E. Mr. Anders Lidén, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Hilding Lundkvist, First Secretary, Legal Affairs, Permanent Mission to the United Nations (New York)</li> <li>• Mr. Fredrik Nivaeus, Desk Officer, Ministry of Foreign Affairs</li> </ul>
Switzerland	<ul style="list-style-type: none"> <li>• H.E. Mr. Peter Maurer, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Markus Leitner, Head, Section for the Section for Peace Policy, Ministry of Foreign Affairs</li> <li>• Mr. Emmanuel Bichet, First Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
Tanzania	<ul style="list-style-type: none"> <li>• H.E. Mr. Augustine P. Mahiga, Ambassador, Permanent Representative to the United Nations (New York)</li> <li>• Ms. Tully Malecela Mwaipopo, Second Secretary, Permanent Mission to the United Nations (New York)</li> </ul>
Turkey	<ul style="list-style-type: none"> <li>• Mr. Fazli Çorman, Minister Counsellor, Deputy Permanent Representative to the United Nations (New York)</li> </ul>
UAE	<ul style="list-style-type: none"> <li>• HRH Princess Haya Bint Al Hussein</li> <li>• H.E. Mohamed Bin Nekhaira Al Dhaheri, Minister of Justice</li> <li>• Dr. Abdel Rahim Al Awadi, Assistant Under-Secretary , Legal and Information Affairs, Studies and Research, Ministry of Foreign Affairs • Mr. Anwar Othman Barout Saleem Al Barout, Counsellor, Legal Advisor, Permanent Mission to the United Nations (New York)</li> <li>• Mr. Salem Obaid Al Dhahiri, Director General, Zayed Bin Sultan Al Nahyan Charitable Humanitarian Foundation</li> <li>• Saleh Zaher Al Ma'arazi, Director General , Mohamed Bin Maktoum Humanitarian and Charity Establishment</li> </ul>
UK	<ul style="list-style-type: none"> <li>• H.E. Mr. Ian Hughes, British High Commissioner in Sierra Leone</li> <li>• Mr. Simon Thomas, First Secretary, Permanent Mission to the United Nations (New York)</li> <li>• Mr. Chanaka Wickremasinghe, First Secretary, Legal Advisor, Permanent Mission to the United Nations (New York)</li> </ul>
US	<ul style="list-style-type: none"> <li>• H.E. Mr. Clint Williamson, Ambassador-at-Large for War Crimes</li> <li>• H.E. Ms. June Carter Perry, Ambassador (Sierra Leone)</li> <li>• H.E. Ms. Rosemary DiCarlo, Ambassador , Alternate Representative for Special Political Affairs, Permanent Representative to the United Nations (New York)</li> <li>• Mr. Mark Simonoff, Counsellor, Permanent Mission to the United Nations (New York)</li> <li>• Representatives of the State Department</li> <li>• Members of the House of Representatives</li> <li>• Members of the Senate</li> </ul>

### Institutions

ICC

OSI

UN Institutions

ECOWAS



# ANNEX V

## SELECTED ACADEMIC PUBLICATIONS DISCUSSING JURISPRUDENCE OF THE SPECIAL COURT

Susan C. Breau, The Contribution of the Special Court for Sierra Leone to the Development of International Humanitarian Law, 34 Commonwealth Law Bulletin 817-824 (2008).

Christopher L. Dore, What to do with Omar Khadr? Putting a Child Soldier on Trial: Questions of International Law, Juvenile Justice, and Moral Culpability, 41 John Marshall Law Review 1281 (2008) (discussing the law related to child soldiers as elaborated by the Special Court).

Micaela Frulli, Advancing International Criminal Law: The Special Court for Sierra Leone Recognizes Forced Marriage as a 'New' Crime against Humanity, 6 Journal of International Criminal Justice 1033 (2008).

Christy C. Fujio, Invisible Soldiers: How and Why Post-Conflict Processes Ignore the Needs of Ex-Combatant Girls, 10 Journal of Law & Social Challenges 1 (2008).

Dermot Groome, Judge Donald E. Shaver, International Legal Developments in Review: 2007 Disputes International Criminal Law, 42 International Lawyer 399 (2008) (discussing the Special Court's jurisprudence on recruitment of child soldiers).

Kathryn Howarth, The Special Court for Sierra Leone : Fair Trials and Justice for the Accused and Victims, 8 International Criminal Law Review 399-422 (2008).

Neha Jain, Forced Marriage as a Crime Against Humanity, 6 Journal of International Criminal Justice 1013 (2008).

Pádraig MacAuliffe, Transitional Justice in Transit : Why Transferring a Special Court for Sierra Leone Trial to the Hague Defeats the Purposes of Hybrid Tribunals, Netherlands International Law Review; vol. 55, 365-393 (2008).

Valerie Oosterveld, The Special Court for Sierra Leone, International Criminal Law, Forced Marriages Recruitment and Use of Child Soldiers in *Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara and Santi-gie Borbor Kanu*, 103 American Journal of International Law 103 (2009).

Chile Eboe-Osuji, Crimes Against Humanity: Directing Attacks Against a Civilian Population, 2 African Journal of Legal Studies 118 (2008).

Stephen J. Rapp, The Compact Model in International Criminal Justice: The Special Court for Sierra Leone, 57 Drake Law Review 11 (2008).

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## ANNEX VI

### Status of Pledges and Non-Pledged Contributions (in United States Dollars)

Country	Jan - Dec 2008	Jan - May 2009	Total Receipt
Australia	-	137,660	137,660
Austria	120,000	132,430	252,430
Botswana	10,000		10,000
Chile	10,000		10,000
Canada	5,052,472	4,377,980	9,430,453
Cyprus	-	14,770	14,770
Czech Republic	10,000		10,000
Denmark		91,800	91,800
European Union	3,507,300	319,200	3,826,500
Finland	158,464		158,464
France	724,200		724,200
Germany	2,156,280		2,156,280
Greece		10,000	10,000
Israel	5,000	5,000	10,000
Ireland	466,563		466,563
Kuwait	-	100,000	100,000
Luxembourg	75,676	62,970	138,646
Liechtenstein	8,586		8,586
Mexico	2,500		2,500
Montenegro	-	1,000	1,000
Netherlands	2,702,703		2,702,703
Norway	561,207	588,465	1,149,672
Slovenia	15,000		15,000
South Africa	27,670		27,670
Spain	387,750		387,750
» The Basque Government	-	23,622	23,622
Sweden	490,575		490,575
United Kingdom	6,014,400	5,788,100	11,802,500
USA	12,399,000		12,399,000
<b>Total</b>	<b>34,905,346</b>	<b>11,652,997</b>	<b>46,558,343</b>

## ANNEX VII

### In-Kind and Non-State Contributions

Country	Jan - Dec 2008	Jan - May 2009	Total Receipt
Canada - Residual	62,167	4,520	66,687
Canada - Archiving	-	61,385	61,385
European Union Trust Fund	749,563	-	749,563
MacArthur Foundation	145,000	-	145,000
<b>Total</b>	<b>956,730</b>	<b>65,905</b>	<b>1,022,634</b>

## ANNEX VIII

### MANAGEMENT COMMITTEE

#### Member States

Canada

Nigeria

Netherlands

Sierra Leone

United Kingdom

United States of America

#### UN Secretariat

Office of Legal Affairs

Office of Programme Planning

Budget and Accounts

Office of Human Resource Development

Office of Central Support Services

## Special Court For Sierra Leone

Jomo Kenyatta Road, Freetown, Sierra Leone

TEL: +232 22 29 7000

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

VIA ITALY: +39 0831 25 7000

### NEW YORK:

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

+1 212 963 3327

### THE HAGUE:

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

+31 70 515 9750

[www.sc-sl.org](http://www.sc-sl.org)

