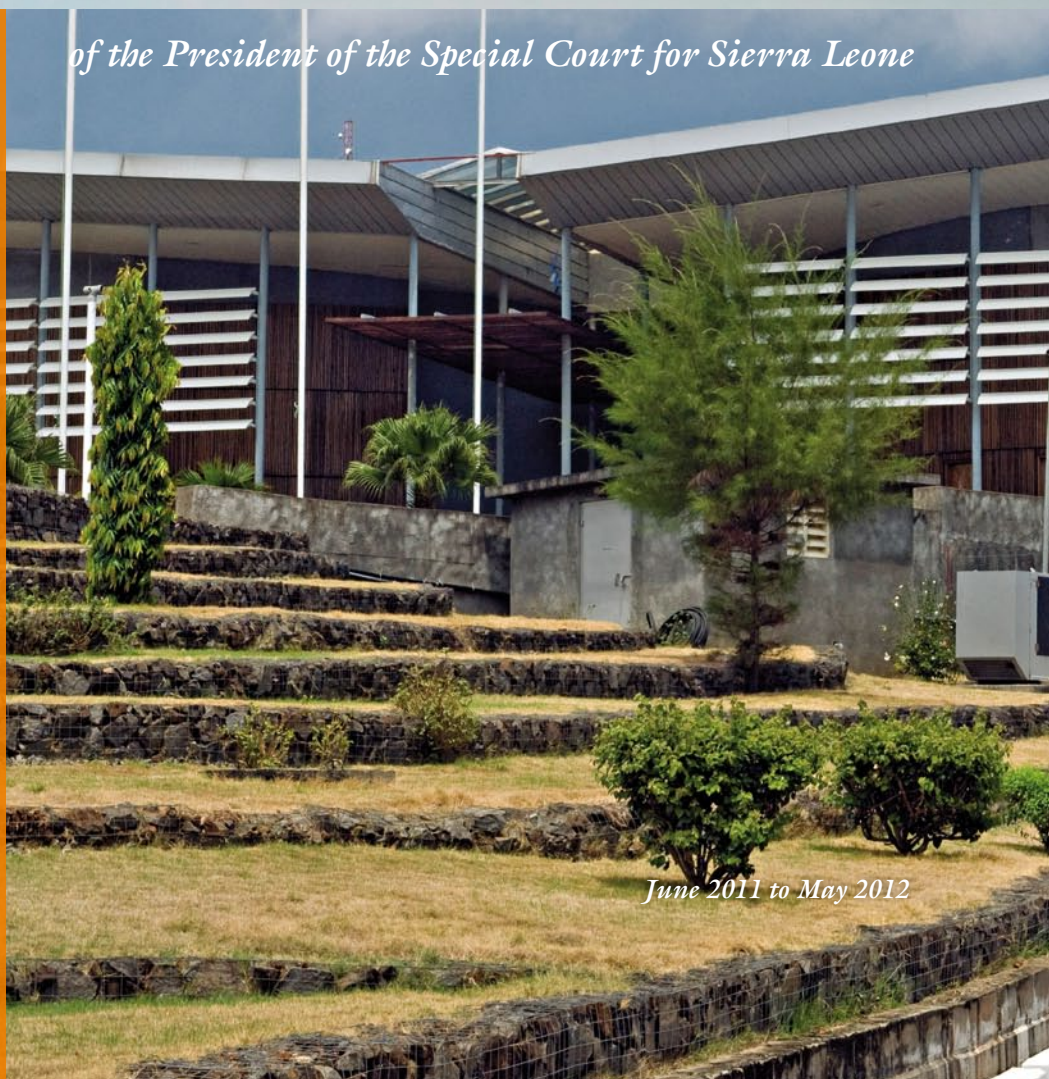


# NINTH ANNUAL REPORT



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



*June 2011 to May 2012*





# NINTH ANNUAL REPORT



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



*June 2011 to May 2012*

# FOREWORD



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

It gives me great pleasure to submit to you the Ninth Annual Report, my third as President, on the operations and activities of the Special Court for Sierra Leone, covering the period 1 June 2011 to 31 May 2012.

In the reporting period, the Special Court completed the trial in its fourth and final case. On 26 April 2012, Trial Chamber II delivered its Judgment in Prosecutor v. Charles Ghankay Taylor; with written reasons filed on 18 May 2012. The Accused, Charles Taylor was found guilty and convicted on eleven counts of acts of terrorism, murder, rape, sexual slavery, outrages upon personal dignity, cruel treatment, other inhumane acts (including mutilations and amputations), recruitment, enlistment and use of child soldiers, enslavement and pillage. The Trial Chamber unanimously found that Charles Taylor participated in planning the rebel attacks on Kono, Makeni and Freetown between December 1998 and February 1999. The Trial Chamber also found unanimously, that Charles Taylor aided and abetted RUF and AFRC rebels in the commission of war crimes and crimes against humanity in Sierra Leone. The Indictment alleged that Charles Taylor was in a position of command over the AFRC and RUF forces that committed war crimes and crimes against humanity. The indictment also alleged that Charles Taylor participated in a joint criminal enterprise, along with members of the AFRC/RUF. The Trial Chamber found that it had not been proven beyond reasonable doubt that the Accused was in command of the AFRC/RUF or that he was in a joint criminal enterprise with them. On 30 May 2012 Charles Taylor was sentenced to a single term of imprisonment of fifty (50) years for all the eleven counts on which he had been convicted.

Upon delivery of the verdict and sentence, the Judges of Trial Chamber II fulfilled their judicial mandate and completed their service to the Special Court. During their tenure, the Judges of Trial Chamber II dealt with one of the biggest cases in the history of international criminal courts. Over 100 witnesses were called; and 49,522 pages of transcript and 1,521 exhibits were reviewed by the Trial Chamber Judges. I take this opportunity to thank and congratulate the Judges and their staff on the achievement of this major milestone in the mandate of the Special Court.

I am happy to state that in recognition of Trial Chamber II having reached the end of its mandate by delivery of Judgment in the Charles Taylor trial, and in a bid to say farewell, the President's traditional Plenary Dinner was converted into a reception in honour of Trial Chamber II Judges, and the hardworking staff of that Chamber. Some of the Presidents and the Registrars of our sister tribunals in The Hague were in attendance; and the occasion served as an opportunity for the Judges of the Appeals Chamber of the Special Court to meet those important judicial personalities among whom they were going to be working in The Hague.

I also express my sincere gratitude to the respective Presidents and other officials of the Special Tribunal for Lebanon (STL) and the International Criminal Court (ICC); and to the Government of the Netherlands for their continued cooperation and support.

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In January 2012, the United Nations Secretary-General and the Government of Sierra Leone jointly appointed Hon. Justice Philip Nyamu Waki (Kenya) as Alternate Judge in the Appeals Chamber of the Special Court. I congratulate and warmly welcome Justice Waki to our team.

The 16th Plenary Meeting of the Judges was held in The Hague on 16 November 2011. Pursuant to Rule 24(i), the Plenary adopted amendments to Rule 26(A) ('Quorum and Vote') and Rule 124 ('Pardon and Commutation of Sentence').

The Judges also met in the 17th Plenary Meeting to deal with matters pertaining to the internal functioning of the Chambers of the Special Court.

The 18th Plenary meeting of Judges was held in The Hague from 29 May 2012 to 1 June 2012 during which the Judges welcomed Justice Philip Nyamu Waki, newly appointed Alternate Judge to the Appeals Chamber. The Judges discussed judicial legacy activities, the Special Court residual issues, updated projections for the completion strategy; and amended the Rules of Procedure and Evidence ("Rules"). The Plenary also bade farewell to the Judges of Trial Chamber II who had completed their judicial mandate in the Charles Taylor case. The Plenary elected Justice Shireen Avis Fisher as President of the Special Court for a period of one year. I take this opportunity to congratulate Justice Shireen Avis Fisher on her appointment and assure her of our support as we work towards completion of the mandate of the Special Court.

In November 2011, the Attorney-General and Chief Justice of Sierra Leone requested the use of office space for the Sierra Leone Law School. The Special Court made available one of its containerized office blocks to provide a lecture room for up to 100 students and study/office space.

The Special Court is presently preparing part of its building that used to house the Witness and Victims Section (WVS) for hand over to the Sierra Leone Police for use by the national Witness Protection Unit. With funding from the European Commission, it has also provided a stand-alone generator and office equipment to assist the Unit. The building has been isolated from the rest of the Special Court's compound, so that the Unit can manage its own security.

Efforts to establish a Peace Museum are still ongoing. The Special Court, in partnership with the Government has set up the Peace Museum project. The project will establish the Museum as an independent national institution, dedicated to the memory of

Sierra Leone's decade-long conflict. It will include a memorial, exhibition and an archive, which will provide information to future generations about the conflict's history and respect the memory of those who suffered during the conflict.

In December 2011 the Sierra Leone Parliament passed the Residual Special Court for Sierra Leone Agreement into law. At the completion of its mandate, the Special Court will transition into the Residual Special Court for Sierra Leone (RSCSL). The RSCSL shall, pursuant to Article 1.1 of its Statute:

... maintain, preserve and manage its archives, including the archives of the Special Court; provide for witness and victim protection and support; respond to requests for access to evidence by national prosecution authorities; supervise enforcement of sentences; review convictions and acquittals; conduct contempt of court proceedings; provide defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; respond to requests from national authorities with respect to claims for compensation; and prevent double jeopardy.

The Outreach and Public Affairs Section continues to bring the activities and accomplishments of the Special Court to towns and villages, schools and colleges in Sierra Leone; and to people of the sub-region generally. That Section has used the media and organized regular visits by institutions and various groups to the Court's site including the courthouse. By virtue of such relentless efforts, the people of Sierra Leone and other citizens in the sub-region have come to realize that the Special Court remains committed to ensuring that persons alleged to have committed heinous crimes will be accorded a fair trial in accordance with its mandate and that the rule of law in Sierra Leone is preserved and maintained in all circumstances.

On behalf of the Special Court, I would like to express sincere gratitude to the donor countries for their unwavering financial assistance which has enabled the Special Court to continue its operations efficiently.

Finally, I would like to express my gratitude to my fellow Judges, the Registry and entire staff of the Special Court for their dedication and hard work, culminating in the substantial achievements of the Special Court during its years of existence.



**Hon. Justice Jon M. Kamanda**

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



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# INTRODUCTION

This is the ninth 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 Court to the Secretary-General and to the Government of Sierra Leone.*

The Report covers the period from 1 June 2011 to 31 May 2012. The Report examines the major activities of all sections of the Special Court, including Chambers, the Registry (including the Office of the Principal Defender) and the Office of the Prosecutor. Drawing upon previous Annual Reports, it also reflects the significant steps taken by the Court during this period to create, define and implement policies that will ensure a lasting legacy for the people of Sierra Leone.

The Report will explain the Court's funding situation and also illustrate the work undertaken in cooperation with the Management Committee during this period in relation to its funding and administrative duties.

## SUMMARY OF ACTIVITIES

### • Charles Taylor Trial

In the case of Prosecutor v. Charles Ghankay Taylor, the Prosecution opened its case on 7 January 2008, and called 91 witnesses, representing 87 factual witnesses and 4 expert witnesses. The Prosecution concluded its case on 27 February 2009. After 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 oral submissions by the Defence and Prosecution on 6 and 9 April 2009 respectively.

On 4 May 2009, the Trial Chamber dismissed the Defence motion, holding that there is evidence capable of sustaining a conviction on all eleven counts of the Indictment against Charles Taylor. The Defence opened its case on 14 July 2009 and concluded its case on 12 November 2010 called twenty-one witnesses including the Accused. The Trial Chamber accepted written briefs and heard oral arguments under Rule 86 of the Rules of Procedure and Evidence in February and March 2011, with the final day of arguments taking place on 11 March 2011.

### • Charles Taylor Judgment

Trial Chamber II delivered its Trial Judgment in the case of The Prosecutor v. Charles Ghankay Taylor on 26 April 2012, with written reasons filed on 18 May 2012. The Trial Chamber unanimously found that Charles Taylor participated in planning the rebel attacks on Kono, Makeni and Freetown between December 1998 and February 1999. The Trial Chamber



also found unanimously, that Charles Taylor aided and abetted RUF and AFRC rebels in the commission of war crimes and crimes against humanity in Sierra Leone. Charles Taylor was found guilty and convicted on eleven counts of acts of terrorism, murder, rape, sexual slavery, outrages upon personal dignity, cruel treatment, other inhumane acts (including mutilations and amputations), recruitment, enlistment and use of child soldiers, enslavement and pillage.

- ***Sentencing Judgment***

The Trial Chamber issued its Sentencing Judgment on 30 May 2012 sentencing the Accused Charles Taylor to a single term of imprisonment of fifty (50) years for all the eleven counts on which he had been convicted. Upon delivery of the verdicts and sentence, the Judges of Trial Chamber II fulfilled their judicial mandate and completed their service to the Special Court.

- ***Special Court legacy***

The Special Court's legacy activities continue to be an integral aspect of its operations. As the Special Court moves towards completion, focus is being placed on the legacy that it will leave in Sierra Leone. Through its projects, the Special Court works to strengthen the domestic justice system and various national institutions with the active support of some Sierra Leonean non-governmental bodies, international development partners and other stakeholders. The Special Court's transparent and independent judicial process serves as a model for the rule of law in Sierra Leone. Furthermore, international and Sierra Leonean staffs have acquired significant skills that assist their professional development.

- ***Special Court Residual Mechanism***

At the beginning of 2012, the Registrar established the Residual Special Court for Sierra Leone Transition Working Group in order to coordinate work relating to the transition to RSCSL and closure of

the Special Court. The Working Group includes all relevant Registry Sections, as well as representatives from the other Organs of the Court. Through the Working Group, the Registrar will ensure that all preparations are made so that the Special Court can transition to the RSCSL and close as smoothly and expediently as possible following the completion of the Special Court's mandate.

In December 2011 the Sierra Leone Parliament passed the Residual Special Court for Sierra Leone Agreement (Ratification) Act into law. Ratification was the final legal hurdle before the RSCSL could formally be established. Article 6 of the Agreement provides that the RSCSL's interim seat shall be in The Netherlands, with a sub-office in Sierra Leone for witness protection matters. Preliminary discussions are underway for the RSCSL to share office space and an administrative platform with host institutions in both locations. The Residual Special Court for Sierra Leone Agreement (Ratification) Act was gazetted in February 2012.



# JUDICIAL PROCEEDINGS

## TRIAL CHAMBER II

Justice Teresa Doherty served as the Presiding Judge of Trial Chamber II from 18 January 2011 to 17 January 2012. Justice Richard Lussick succeeded Justice Doherty as Presiding Judge of the Trial Chamber on 18 January 2012.

In September 2011, four members, of the Trial Chamber Legal Support team including the Senior Legal officer, one Legal Officer and two Associate Legal Officers resigned during the final deliberations and judgment-writing. The Presiding Judge and the Registry spent considerable time searching for replacement staff, including seeking help from other Tribunals - a task that was rendered more difficult due to the late stage of the trial. Eventually, a new legal team comprising a Consultant (Senior Legal Officer), one Legal Officer, one Associate Legal Officer and four former interns as Assistant Legal Officers, were recruited to assist the Trial Chamber in completing its task of judgment-writing. The untimely departure of the Trial Chamber's legal staff en masse, coupled

with the difficulty of finding replacement staff at such short notice and the need for the new staff to get acquainted with the large volume of evidence, were all factors that set the judgment-writing process back and led to a delay in delivery of the Judgement in the case of *The Prosecutor v. Charles Ghankay Taylor*.

During this reporting period, the Trial Chamber issued a number of interlocutory decisions related to the case of *The Prosecutor v. Charles Ghankay Taylor* and continued to deliberate in private pursuant to Rule 87. The Chamber achieved its last milestone in the case of *The Prosecutor v. Charles Ghankay Taylor* with the delivery of the Trial Judgment on 26 April 2012 and the Sentencing Judgment on 30 May 2012. The Trial Chamber also conducted a number of Contempt of Court proceedings and issued a number of interlocutory decisions in relation thereto. The following represents a selection of the most significant written decisions handed down by the Trial Chamber during this reporting period:

(A) *Prosecutor v. Charles Ghankay Taylor: Decision on Public with Annexes A-B Defence Motion to Re-open its Case in Order to Seek Admission of Two Documents, 21 December 2011.*

On 9 December 2011, the Defence filed a Motion seeking the Trial Chamber's permission to re-open its case for the limited purpose of tendering into evidence pursuant to Rule 92bis, two Code Cables dated 5 June 2003 and 12 August 2003 published by *Wikileaks* and annexed to the Motion. The Prosecution opposed the Motion. The Trial Chamber held that the Defence failed to justify the delay between the disclosure of the Cables by *Wikileaks* in June and August 2011 and the filing of the Defence Motion in December 2011 and accordingly had not acted with due diligence. In weighing the probative value of the proposed evidence vis-à-vis the need to ensure a fair trial, the Trial Chamber took into account the following factors namely (a) that the proceedings were at advanced stage, (b) that the probative value of the evidence the Defence seeks to introduce was not of substantial weight, noting in particular that it tends to duplicate similar evidence that has already been admitted and is part of the record, (c) that much of the evidence the Defence sought to introduce is opinion evidence that



*Trial Chamber II Judges. From left to right Justice Sow, Justice Doherty, Justice Sebutinde and Justice Lussick*



was inadmissible under Rule 92bis. The Trial Chamber accordingly dismissed the Defence Motion on 21 December 2011.

**(B) *Prosecutor v. Charles Ghankay Taylor: Decision on Urgent and Public with Annex Defence Motion to Re-open Its Case in Order to Seek Admission of Panel of Experts Report on Liberia, 9 February 2012.***

On 31 January 2012, the Defence filed a Motion seeking the Trial Chamber's permission to re-open its case for the limited purpose of seeking admission of parts of the Panel of Experts Report on Liberia, submitted on 7 December 2011 by the United Nations Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia ("Report"), into evidence, pursuant to Rule 92bis. The Prosecution opposed the Motion. The Trial Chamber dismissed the Defence Motion on 9 February 2012, on the grounds that, given the advanced stage of the proceedings, re-opening the trial would result in undue delay and that the Report was not relevant to the issues to be decided in this case.

**(C) *Prosecutor v. Charles Ghankay Taylor: Decision on Urgent Public with Confidential Annexes A & B and Ex-parte Annex C Defence Request to Change Date of Judgment, 9 March 2012.***

On 7 March 2012, the Defence filed a Motion requesting the Trial Chamber to postpone the delivery of Judgment in the case of the Prosecutor v. Charles Ghankay Taylor from Thursday 26 April 2012 to Tuesday, 1 May 2012 or any other date thereafter on grounds that (a) Lead Counsel had prior professional engagements on 26 April 2012 and (b) the delivery of Judgment on the eve of Sierra Leone 51st independence day celebrations appears to be ill-timed and poses potential security risks. The Prosecution opposed the Motion. The Trial Chamber dismissed the said Motion on 9 March 2012 on the grounds that there were competent Co-

Counsel in the Defence team capable of representing the Accused in the absence of Lead Counsel and that the Defence's security concerns relating to Sierra Leone's Independence Day celebrations were entirely speculative and without merit.

**(D) *Prosecutor v. Charles Ghankay Taylor: Decision on Confidential with Confidential Annexes A-E Prosecution Motion for the trial Chamber to Summarily Deal with Contempt of the Special Court for Sierra Leone and for Interim Measures, 24 March 2011.***

On 3 February 2011, the Defence confidentially filed its "Confidential, with Annexes A-C Defence Final Brief" ("Defence Final Brief"). On 7 February 2011, the Trial Chamber, by a majority (Justice Sebutinde dissenting) held that the Defence Final Brief would not be accepted due to its late filing. On 8 February, the Defence filed a "Public with Annex A and Confidential Annex B Corrigendum to Defence Final Brief" ("Corrigendum"), noting that it did so for reasons of "posterity and in order to preserve the record on appeal" despite the refusal of the Trial Chamber majority to accept the Defence Final Brief. The Corrigendum included a table of contents at "Public Annex A" and a corrected version of the Defence Final Brief at "Confidential Annex B". Upon receipt of the Corrigendum filing, the Court Management Section ("CMS") handled it in accordance with the Defence instructions indicated on the Filing Cover Sheet by posting "Public Annex A" to the CMS Records Website that is accessible to the public and circulating it to the list of public recipients on the Court's database. CMS attached a "Certificate of Confidentiality" on "Confidential Annex B" and only circulated it to the recipients entitled to receive confidential filings.

On 14 February 2011, the Chief of Prosecution wrote an e-mail to the Court Management Section ("CMS"), with a copy to Lead Defence Counsel, indicating the Prosecution's concern that the names of seven

protected Prosecution witnesses had been disclosed in Public Annex A, and requested CMS to take immediate action to ensure there was no longer any public access to the pages of Public Annex A which identified the witnesses. CMS replied on the same day to the parties, indicating that it had temporarily withdrawn "Public Annex A" from the intranet/public website and that the public no longer had access to the names of the protected witnesses. On 17 February 2011, the Prosecution filed a Motion *inter alia* requesting the Trial Chamber to make a determination as to whether by publishing the names of several protected Prosecution witnesses, Lead Defence Counsel had violated the provisions of Rule 77 (A) (ii) of the Rules. In a decision of 24 March 2011, the Trial Chamber by a Majority, Justice Sebutinde partially dissenting, considered that, in the interests of a fair and expeditious trial, a decision on the merits of the Motion on whether Lead Defence Counsel is in contempt of the Special Court be deferred until the Taylor Trial is completed.

• ***The Prosecutor v. Charles Ghankay Taylor***

It will be recalled that in the case of The Prosecutor v. Charles Ghankay Taylor, the Prosecution opened its case on 7 January 2008, and called 91 witnesses, representing 87 factual witnesses and 4 expert witnesses. The Prosecution concluded its case on 27 February 2009. After 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 oral submissions by the Defence and Prosecution on 6 and 9 April 2009 respectively. On 4 May 2009, the Trial Chamber dismissed the Defence motion, holding that there is evidence capable of sustaining a conviction on all eleven counts of the Indictment against Charles Taylor. The Defence opened its case On 14 July 2009 and concluded its case on

12 November 2010. During this time the Defence called twenty-one witnesses including the Accused. The Trial Chamber accepted written briefs and heard oral pleadings under Rule 86 of the Rules of Procedure and Evidence in February and March 2011, with the final day of arguments taking place on 11 March 2011.

### ***Delivery of Trial Judgment***

The Trial Chamber delivered its Trial Judgment in summary form on 26 April 2012, with written reasons filed on 18 May 2012. The Chamber unanimously found the Accused, Charles Ghankay Taylor, individually criminally responsible pursuant to Article 6.1 of the Statute for participating in planning the rebel attacks on Kono, Makeni and Freetown between December 1998 and February 1999. The Trial Chamber also unanimously found the Accused individually criminally responsible pursuant to Article 6.1 of the Statute for aiding and abetting the rebels of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC) rebels in the commission of war crimes and crimes against humanity in Sierra Leone. Charles Taylor was accordingly found guilty and convicted on eleven counts of acts of terrorism, murder, rape, sexual slavery, outrages upon personal dignity, cruel treatment, other inhumane acts (including mutilations and amputations), recruitment, enlistment and use of child soldiers, enslavement and pillage.

### ***Delivery of Sentencing Judgment***

Pursuant to Rule 100 (A) of the Rules, the Prosecution and Defence filed relevant information to assist the Trial Chamber in determining an appropriate sentence. The Prosecution Sentencing Brief was filed on 3 May 2012, while the Defence Sentencing Brief was filed on 10 May 2012. At a sentencing hearing on 16 May 2012, oral submissions were made by the Parties in response to each other's written pleadings and the Accused also made a statement. The Trial Chamber delivered its Sentencing Judgment on 30 May 2012, sentencing the

Accused Charles Ghankay Taylor to a single term of imprisonment of fifty (50) years for all the eleven counts on which he had been convicted. Upon delivery of the verdicts and sentence, the Judges of Trial Chamber II fulfilled their judicial mandate and achieved their final milestone in this case.

### ***Other Contempt of Court Proceedings***

In March 2011, the Prosecution filed a number of Motions before the Trial Chamber complaining that named individuals were suspected to have interfered with the administration of justice contrary to Rule 77 of the Rules, in particular by threatening or attempting to bribe various witnesses that had testified before the Special Court in various trials. The Prosecution called upon the Trial Chamber to appoint Independent Counsel to investigate the allegations of contempt of court. The Trial Chamber issued two decisions (on 21 February 2011 and 18 March 2011, respectively), directing the Registrar to appoint Independent Counsel to investigate the allegations. Upon receipt of the Reports of the Independent Counsel, the Trial Chamber issued two Decisions on 24 May 2011 finding that there were sufficient grounds to proceed against the suspected contemnors and ordering the Independent Counsel to prosecute them, giving rise to the following contempt proceedings. The suspected contemnors were summoned to appear and answer charges of contempt of the Special Court.

### ***Independent Counsel v. Hassan Papa Bangura, Samuel Kargbo, Ibrahim Bazy Kamara, Santigie Borbor Kanu (Case No. SCSL-11-02)***

On 15 July 2011, two of the Accused persons namely, Hassan Papa Bangura and Samuel Kargbo made an initial appearance before Justice Doherty acting as single Judge of the Trial Chamber in Freetown. The other Accused persons in this case, namely, Bazy Kamara and Santigie Kanu (both of whom are convicted persons in the AFRC Case) ap-

peared via video link from detention in Rwanda where they are currently serving prison sentences. All Accused were represented by Counsel. On arraignment, Samuel Kargbo pleaded guilty on both counts, while the other three co-Accused pleaded not guilty. After consideration of the depositions, Samuel Kargbo was found guilty and convicted on both counts. His sentence was deferred. Hassan Papa Bangura and Samuel Kargbo were granted bail subject to conditions set by the Court. Trial proceedings in this case are scheduled to take place after the completion of the *Charles Taylor Trial*.

### ***Independent Counsel v. Eric Koi Senessie (Case No. SCSL-11-01)***

On 15 July 2011, Eric Koi Senessie made an initial appearance before Justice Doherty acting as single Judge of the Trial Chamber in Freetown. Eric Koi Senessie pleaded not guilty to all counts and was granted bail subject to conditions. He was represented by Counsel. Trial proceedings in this case are scheduled to take place after the completion of the *Charles Taylor Trial*.

In addition, Justice Doherty acting as single Judge of the Trial Chamber issued the following decisions and orders relating to contempt matters:

- Order summoning the Accused to Appear, (Prosecutor v. Eric Senessie), filed on 1 July 2011;
- Order summoning the Accused to Appear, (Prosecutor v. Bangura et al), filed on 1 July 2011.
- Decision on Defence Motion for Extension of Time, filed on 23 August 2011;
- Decision on Defence for Permission to File a Motion for Extension of Time in which to file Preliminary Motions, filed on 25 August 2011;
- Decision on Defence Motion for Permission to File a Motion for Extension of Time in which to File Preliminary Motions, filed 29 August 2011.



# SPECIAL COURT FOR SIERRA LEONE

## Outreach and Public Affairs Office

### PRESS RELEASE

Freetown, Sierra Leone, 26 April 2012

## Charles Taylor Convicted on all 11 Counts; Sentencing Scheduled for 30 May

*Charles Ghankay Taylor, the former President of Liberia, was convicted today on all counts of an 11-count indictment which alleged that he was responsible for crimes committed by rebel forces during Sierra Leone's decade-long civil war. The Special Court's Trial Chamber II found unanimously that Mr. Taylor aided and abetted RUF and AFRC rebels in the commission of war crimes and crimes against humanity in Sierra Leone.*

*Mr. Taylor was convicted on Count 1 for acts of terrorism (a war crime), on Count 2 for murder (a crime against humanity), on Count 3 for murder (a war crime), on Count 4 for rape (a crime against humanity), on Count 5 for sexual slavery (a crime against humanity), on Count 6 for outrages upon personal dignity (a war crime), on Count 7 for cruel treatment (a war crime), on Count 8 for inhumane acts, including mutilations and amputations, (a crime against humanity), on Count 9 for the recruitment, enlistment and use of child soldiers, on Count 10 for enslavement (a crime against humanity), and on Count 11 for pillage (a war crime).*

*The Prosecution had not alleged that Mr. Taylor had committed these crimes in person, but that he participated from Liberia in the commission of crimes by AFRC and RUF rebels and, under Articles 6.1 and 6.3 of the Special Court Statute, was individually responsible for them. The Chamber found that he had aided and abetted the rebels by providing them with arms and ammunition, military personnel, operational support and moral support, making him individually responsible for their crimes.*

*Charles Taylor is the first head of state to be indicted, tried and convicted by an international tribunal.*

*The Chamber has scheduled a sentencing hearing for Wednesday, 16 May 2012, and the sentencing judgement will be delivered on Wednesday, 30 May 2012. Under the Special Court Rules, sentences must be given in a specified term of years. The Special Court may not impose a life sentence or the death penalty. Mr. Taylor was ordered remanded in custody until the 16 May hearing. At the Special Court, both Prosecution and Defence may appeal. A notice of appeal must be filed within 14 days of the full judgement and sentence.*

*The Special Court for Sierra Leone is the first "hybrid" tribunal, created by an agreement between the United Nations and the Government of Sierra Leone, and is the first modern court to have its seat in the country where the crimes took place. It is the first court to convict former rebel and militia leaders for the use of child soldiers, for forced marriage as a crime against humanity, and for attacks directed at United Nations peacekeepers.*

*With today's judgement, the Special Court has reached a major milestone, and is on course towards being the first modern international criminal tribunal to complete its mandate.*

**#END**

# APPEALS CHAMBER

## OFFICE OF THE PRESIDENT

### *Authorisations Pursuant to Rule 4*

In June 2011, the President issued Authorisations Pursuant to Rule 4 for both Trial Chamber II Judges and the Appeals Chamber Judges. The Rule 4 Order issued on 21 June 2011 authorised the Judges of Trial Chamber II to work away from The Hague from 17 June 2011 to 1 July 2011 inclusive. The Rule 4 Order issued on 30 June 2011 authorised the Appeals Chamber Judges to work away from the seat of the Special Court in Free-town, from 1 July 2011 to 30 November 2011 inclusive. The President issued similar Orders Pursuant to Rule 4 on 25 November 2011, 1 February 2012 and 30 March 2012 respectively, authorising the Judges of the Appeals Chamber to work away from the seat of the Court.

### *Order Scheduling Judicial Recess*

In December 2011, the President issued an Order declaring that the Appeals Chamber will observe a judicial recess from Monday, 18 December 2011 through Friday, 6 January 2012 inclusive. On 22 March 2012, the President issued an Order scheduling a judicial recess for the Appeals Chamber from Monday 2 April to Friday 13 April 2012, inclusive.

### *Practice Direction on Structure of Grounds of Appeal*

On 23 May 2012 the President amended the Practice Direction on the Structure of Grounds of Appeal before the Spe-

cial Court, which was adopted on 1 July 2011. The new Practice Direction allows for the filing of documents in respect of any putative appeal proceedings in The Hague.

### *Order Designating Alternate Judge*

In May 2012, the President filed an Order designating the newly appointed alternate judge of the Appeals Chamber, Justice Philip Waki, to be present at each stage of the proceedings and deliberations of the Appeals Chamber in the *Charles Taylor* case and to perform such other functions as the Presiding Judge, in consultation with the Appeal Judges may deem necessary.

## OTHER ACTIVITIES OF THE CHAMBERS

### *Plenary Meetings of the Judges*

The 16th Plenary Meeting of the Judges was held in The Hague on 16 November 2011. Pursuant to Rule 24(i), the Plenary adopted amendments to Rule 26(A) ('Quorum and Vote') and Rule 124 ('Pardon and Commutation of Sentence').

The title to **Part IX** of the Rules was amended to now read:

### **"PARDON, COMMUTATION OF SENTENCE AND EARLY RELEASE"**

Rule 124 was amended to now read:

There shall only be pardon, commutation of sentence, or early release if the President of the Special Court, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law, but any early release shall only occur after the prisoner has served a minimum of two thirds of his original sentence.

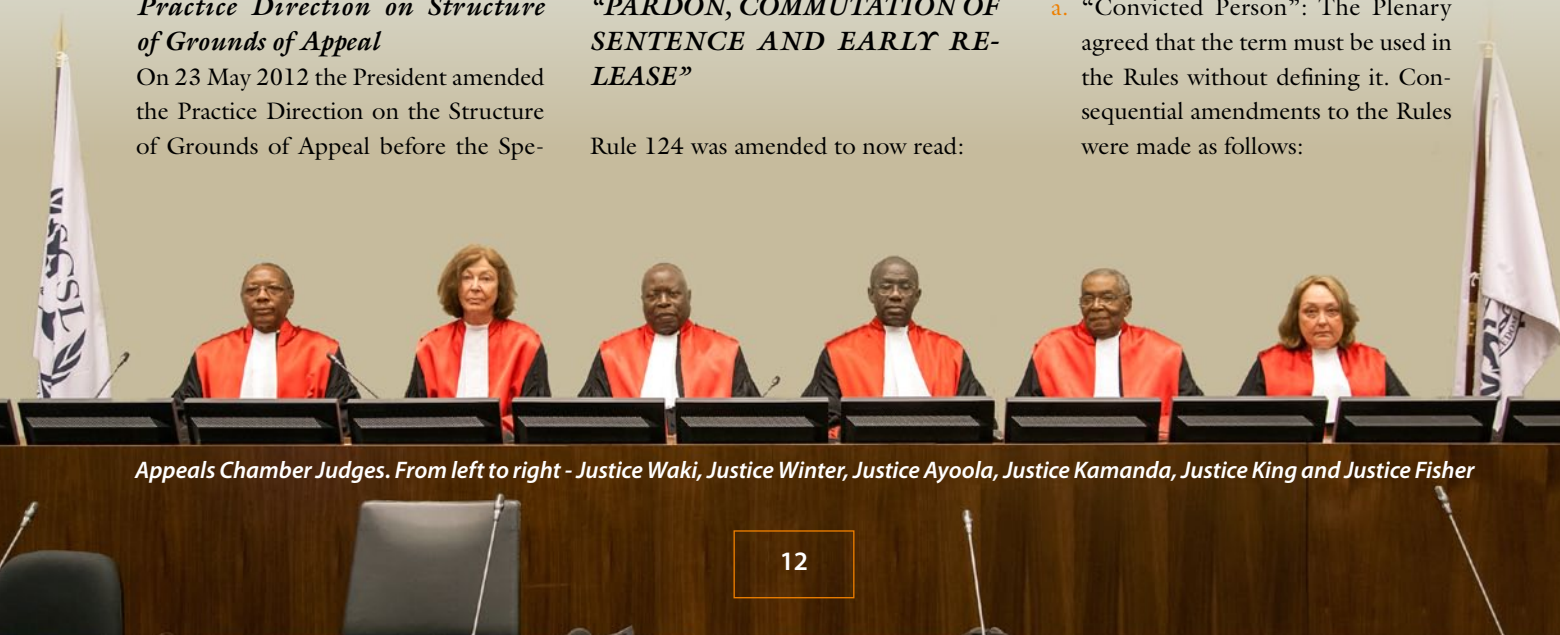
Rule 26(A) was amended to now read:

The quorum for each Plenary Meeting of the Special Court shall be seven Judges including at least one Judge from each Trial Chamber. On expiration of the terms to both Trial Chambers the quorum shall be four judges.

The Judges also met in the 17th Plenary Meeting to deal with matters pertaining to the internal functioning of the Chambers of the Special Court.

The 18th Plenary meeting of Judges was held in The Hague from 29 May 2012 to 1 June 2012 during which the Judges welcomed Justice Philip Waki, newly appointed Alternate Judge to the Appeals Chamber. The Judges also discussed judicial legacy activities, the Special Court residual issues, updated projections for the completion strategy; and made the following amendments to the Rules of Procedure and Evidence ("Rules"):

- a. "Convicted Person": The Plenary agreed that the term must be used in the Rules without defining it. Consequential amendments to the Rules were made as follows:



Appeals Chamber Judges. From left to right - Justice Waki, Justice Winter, Justice Ayoola, Justice Kamanda, Justice King and Justice Fisher





(i) Rule 3(b) was amended to now read:

*“The accused or suspect or convicted person shall have the right to use his own language.”*

(ii) Rule 44 (a) was amended to now read:

*“Counsel engaged by a suspect, an accused or a convicted person shall file his power of attorney with the Registrar at the earliest opportunity. Subject to verification by the Registrar, a counsel shall be considered qualified to represent a suspect, accused or convicted person, provided that he has been admitted to the practice of law in a State and practiced criminal law for a minimum of five years.”*

(iii) Rule 45bis was amended as follows: *Declaration of Means by the Accused or Convicted Person*

*(c) If a convicted person wishes to request legal assistance for the conduct of review proceedings, he shall make a declaration of his means to the Registrar.*

b. Rule 77(G) was amended to now read:

*“The maximum penalty that may be imposed on a person found to be in contempt of the Special Court pursuant to Sub-Rule (C)(i) shall be a term of imprisonment not exceeding six months, or a fine not exceeding 2 million Leones, or both; and the maximum penalty pursuant to Sub-Rule (C)(iii) shall be a term of imprisonment for seven years or a fine not exceeding 20 million Leones, or both.”*

c. Rule 77(L) was amended to now read:

*“In the event of contempt occurring during proceedings before the Appeals*

*Chamber or a Judge of the Appeals Chamber, the matter may be dealt with summarily from which there shall be no right of appeal or referred to a single Judge of any Trial Chamber or a Trial Chamber for proceedings in accordance with Sub-Rules (C) to (I) above.”*

The Plenary bade farewell to the Judges of Trial Chamber II who have completed their judicial mandate in the Prosecutor v. Charles Ghankay Taylor case. Justice Shireen Avis Fisher was also elected to serve as President of the Special Court for a period of one year.

#### **ICTY Global Legacy**

From 15-16 November 2011, Judges of the Special Court attended a two-day ICTY Global Legacy Conference in The Hague. The Conference brought together academics, state representatives, international judges and practitioners and members of civil society to explore the impact of the work of the ICTY on international humanitarian law and international criminal procedure; and on the future of global justice.

#### **Tribute in Honor of the Late Justice Antonio Cassese**

On 16 November 2011, the Judges represented the Special Court at a tribute honoring the career and achievements of the former President of the Special Tribunal for Lebanon (STL), the late Justice Antonio Cassese. In a Press Release dated 24 October 2011, the President described Justice Cassese as an “eminent international jurist.” The President further stated that:

“... among the many achievements in Judge Cassese’s distinguished career was his role as an Independent Expert charged with looking at the challenges faced by the Special Court. In his December 2006 report, he raised for the first time, the importance of preparing a Completion Strategy, including a consideration of the Special Court’s Legacy, and the need for a Residual Mechanism. With the completion of our mandate in sight, the Special Court for Sierra Leone will be the first to transition into a Residual Special Court. Other tribunals will also build on Judge Cassese’s legacy as they too complete their work.”

#### **Appointment of Justice Phillip Nyamu Waki**

Justice Philip Nyamu Waki (Kenya) was appointed by the United Nations Secretary-General to serve on the Appeals Chamber as Alternate Judge on 23 January 2012. Justice Waki was sworn-in during a ceremony held at the Special Court in Freetown on 27 February 2012. Prior to his appointment, Justice Waki practiced law in Kenya for 20 years before being appointed Judge of the High Court of Kenya and subsequently, Judge of its Court of Appeal. Justice Waki has also served on various committees in Kenya. In 2008, he chaired the Commission of Inquiry into post-election violence that occurred in Kenya after its 2007 general elections. That same year, he was conferred the distinguished honor of “jurist of the year award” by the International Commission of Jurists.

# ACTIVITIES OF THE PRESIDENT

## *Visit to The Hague*

In September 2011, the President travelled to The Hague and met with Trial Chamber II Judges to discuss matters relating to the Special Court. The President also met with the Dutch Minister of Foreign Affairs, H.E. Dr Uri Rosenthal, who was paying a courtesy call on the Special Court sub-office in The Hague, and then President of the Special Tribunal for Lebanon, Justice Antonio Cassese. He also attended other functions organised by the municipality of The Hague.

## *Meeting with the President of the Special Tribunal for Lebanon (STL)*

In November 2011, the President met with the newly elected President of the Special Tribunal for Lebanon (STL), Justice David Baragwanath in The Hague. They discussed various issues pertaining to the operations of both tribunals. The

President expressed gratitude to Justice David Baragwanath and the entire staff of the STL for their invaluable support to the Special Court in The Hague. Justice George Gelaga King of the Appeals Chamber was also present at the meeting.

## *Meeting with the UN Assistant Secretary-General for Legal Affairs*

In November 2011, the President met with the United Nations' Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias in The Hague to discuss matters pertaining to the Court. Justice George Gelaga King of the Appeals Chamber was also present at the meeting.

## *Launching of Best Practice Guide Handbook*

In January 2012, the President delivered the key note address at the launching of a Best Practice Guide handbook entitled

“Bridging the Gap: Ensuring the Lasting Legacy of the Sierra Leone Special Court and the Truth and Reconciliation Commission.” The Best Practice Guide is a project between the University of Nottingham Human Rights Law Centre and an NGO Green Scenery, which seeks to ensure that human rights and fair trial standards are respected within the national justice system by incorporating practices developed by the Special Court and findings of the Truth and Reconciliation Commission. The handbook will be distributed within the national judiciary, the Bar Association, and to other relevant stakeholders. The launching took place at the residence of the British High Commissioner in Freetown.



*Justice Jon Kamanda and Trial Chamber II Judges at the President's Farewell Dinner in honor of the Trial Chamber Judges*



# OFFICE OF THE PROSECUTOR

In the last year the Office of the Prosecutor (OTP) has seen the completion of two major milestones in the case of *The Prosecutor v. Charles Ghankay Taylor*. On 26 April 2012 the Trial Chamber announced judgment on the merits, convicting Charles Taylor of all 11 counts of the Indictment, including acts of terrorism, murder, rape, sexual slavery, outrages on personal dignity, physical violence including mutilations, conscripting and enlisting child soldiers, enslavement and pillage. On 30 May 2012 the Trial Chamber sentenced Charles Taylor to a single term of imprisonment of 50 years for the crimes of which he was convicted.

Charles Taylor was convicted of all counts for planning the AFRC/RUF attacks on Kono, Makeni and Freetown in December 1998 and early 1999. He was also convicted of all counts for aiding and abetting the RUF and AFRC/RUF alliance. The ruling represents the first conviction of a former head of state by an international criminal tribunal since the Nuremberg trials in 1946.

In The Hague, the Prosecution continued its preparation for possible points of appeal in the trial of Charles Taylor. In September 2011, a three-day training course on Appellate Legal Writing was delivered by expert consultants on a pro bono basis. This was followed by an Appeals Preparation Workshop in February 2012.

The OTP operations in Freetown have continued to function, albeit at a reduced level. The focus has been on providing investigative and administrative support to colleagues in The Hague and responding to witness issues. The Freetown office continues to be in contact with OTP witnesses and sources, providing them with

trial and Special Court updates, and following up on any security concerns that they may have.

In anticipation of the closure of the Special Court, the OTP has made significant progress in preparing both hardcopy and digital records for archiving. All Prosecution exhibits and disclosure materials are being mapped onto the OTP archival database, and the OTP has migrated the evidence database onto Total Records Information Management (TRIM) software. Good progress has also been made in the review of the existing appraisal documents and the review of the Rules of Procedure and Evidence in order to finalize a retention and classification protocol.

In Freetown and The Hague, the number of established posts within the OTP has reduced to 13, the majority of which are based in The Hague Sub-Office. The OTP has also been vigilant in its monitoring and review of expenditures in order to further contribute to overall reductions in the Special Court budget.

The Prosecutor and other senior OTP members have continued to energetically engage with the people of Sierra Leone by participating in 39 Outreach events in town halls, community halls, military barracks or schools. Prosecutor Hollis and the Chief of Prosecutions maintained active diplomatic schedules in order to promote the work of the Special Court and keep interested parties informed of the progress toward the completion of the Special Court's mandate. Additionally, senior OTP staff members have delivered lectures or presentations on the work of the OTP and international criminal law in Afghanistan, The Netherlands, Philip-pines, Indonesia, Hong Kong, Tunisia and the USA.



Prosecutor, Brenda Hollis

***Legacy Initiatives of the Office of the Prosecutor***

The OTP has actively engaged in legacy initiatives emphasising free access to law in Sierra Leone, and the promotion of best prosecutorial practice.

***Sierra Leone Legal Information Institute (Sierra Lii)***

The OTP led the Special Court's legacy initiative to establish the Sierra Leone Legal Information Institute (Sierra Lii). The Sierra Lii project commenced in 2009 with generous support from the Open Society Foundations. Sierra Lii now provides free online access to Sierra Leone's primary legal materials and

related information, and will soon be placed under the exclusive supervision of the nationally-constituted Sierra Lii Management Committee. The Sierra Lii Management Committee, which includes representatives from the Parliament, Judiciary, Attorney-General's Office, Law Reform Commission and Civil Society, is responsible for the long-term operational sustainability of Sierra Lii. Sierra Lii's website can be found at [www.sierralii.org](http://www.sierralii.org).

***International Prosecutors' Best Practice Project***

Enabled through the generous support of the Government of Canada, the Special Court OTP has been working in col-

laboration with the Offices of the Prosecutor of the International Tribunals for the former Yugoslavia and Rwanda, the Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon to document the recommended practices from each Office. Over the past year, the project has widely consulted with current and past members of the various OTPs including current and former Prosecutors. It is intended that the work product will be a practical tool to assist investigators and prosecutors at the international level as well as relevant national prosecuting authorities.



*Prosecutor, Brenda Hollis  
addressing students of the Annie  
Walsh Memorial School*



# OFFICE OF THE REGISTRAR

The Registrar is responsible for the servicing of the Chambers, the Office of the Prosecutor and the Office of the Principal Defender. She is also responsible for the administration of the Special Court's financial and staff resources, and is the channel for external communications<sup>1</sup>. During the reporting period, these responsibilities entailed support to the Charles Taylor trial and contempt of court proceedings, monitoring the enforcement of sentences for the Special Court's convicted persons, and preparations for a smooth transition to the Residual Special Court for Sierra Leone (RSCSL).

Binta Mansaray was appointed to the position of Registrar by the UN Secretary-General Ban Ki-moon in February 2010. She has worked at the Special Court since 2003, first as Outreach Coordinator, then as Deputy Registrar from 2007 until the departure of the former Registrar, Herman von Hebel in 2009.

The Registrar is assisted by the Deputy Registrar, Fidelma Donlon, who assumed her position in June 2010. Fidelma Donlon previously worked for the Special Court as an independent consultant, authoring two reports on residual issues in 2008 and 2009. The Deputy Registrar also serves as Head of the Special Court's Sub-Office in The Hague

The Registrar and Deputy Registrar are supported by a legal officer, legal assistant, special assistant, administrative officer and an administrative assistant, who comprise the Immediate Office of the Registrar. In addition, a liaison officer

in New York represents the Registrar before the Special Court's Management Committee<sup>2</sup> and assists with maintaining external relations.

The Registrar's mandate to service the organs of the Special Court encompasses four areas of responsibility. The Registrar is charged with providing all necessary protection and assistance to Special Court witnesses<sup>3</sup>; detaining Accused persons to an international standard<sup>4</sup>; ensuring that the rights of the Accused are upheld<sup>5</sup>; and facilitating the trial proceedings. In order to fulfil these obligations toward witnesses, Accused persons and the trial proceedings, the Registry is comprised of a Witness, Victims & Security Section, Defence Office and Court Management Section. Together, these Sections constitute the Judicial and Legal Services Division of the Registry.

In two areas of responsibility, significant collaboration between the different Sections of the Legal and Judicial Services Division is required. These two areas are the enforcement of sentences and contempt of court proceedings; and are discussed in separate sections of the report below.

The Administration Secretariat assists the Registrar to manage the financial and staff resources of the Special Court. It is com-



*Registrar, Binta Mansaray*

<sup>2</sup> The Management Committee is a group of interested states, which assists the Court with fundraising and provides advice and policy direction on all non-judicial aspects of the Court's operations (See Article 7 of the SCSL Agreement). Its members are the UN Office of Legal Affairs and the Governments of Sierra Leone, Canada, The Netherlands, Nigeria, the United Kingdom and the United States of America.

<sup>3</sup> Article 16, Statute of the Special Court for Sierra Leone Rule 34, Rules and Procedure and Evidence

<sup>4</sup> Rule 33C, Rules and Procedure and Evidence

<sup>5</sup> Rule 35, Rules and Procedure and Evidence

<sup>1</sup> Article 4, Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (hereafter 'the SCSL Agreement') and Rule 33A, Rules and Procedure and Evidence.

prised of the Budget, Finance and Procurement Unit, the Personnel and Travel Unit and the General Services Unit.

The Outreach and Public Affairs Section supports the external communications function of the Registrar by making the Special Court's proceedings accessible to the people of Sierra Leone, Liberia and observers around the world.

The Registrar's mandate also extends to additional work required for the successful completion of the Special Court's mandate. When the Appeals Chamber delivers the final judgment in the Charles Taylor case, the Special Court will transition to the Residual Special Court for Sierra Leone (RSCSL) and close. Working with the United Nations, Government of Sierra Leone, the Management Com-

mittee and other Organs of the Special Court, the Registry is preparing for this transition. Specifically, this includes preparing to set up the RSCSL, monitoring the enforcement of sentences, making arrangements for ongoing post-trial witness protection, archiving the Special Court's records and the liquidation of the Special Court's assets and site.



*Registrar, Binta Mansaray giving a presentation on the Special Court to members of the Sierra Leone Armed Forces*



# AGENCE FRANCE-PRESSE

Thursday, 26 April 2012

## Cheers, quiet relief in S. Leone as Taylor found guilty

By Fran Blandy (AFP)

FREETOWN — Sierra Leoneans cheered or quietly let the news sink in on Thursday as ex-Liberian president Charles Taylor was convicted of aiding and abetting a terror campaign by rebels during their country's 11-year civil war.

Victims, leaders and civil society representatives packed the headquarters of the Special Court for Sierra Leone (SCSL), a modern building in the lush, hilly capital, to watch on monitors as the verdict unfolded in a courtroom thousands of kilometres (miles) away.

People fidgeted uncomfortably on the hard seats as complex details were read out, their faces hard to read as they were reminded of terrors such as human heads and entrails being used at checkpoints to instill fear.

Al Hadji Jusu Jarka, former chairman of the association of amputees mutilated by the rebels, watched the nearly two-hour judgement stony-faced, using his prosthetic arms to clasp a handkerchief to wipe his face in the heat.

"I am happy ... I feel justice has been done," Jarka said, after calmly listening to judge Richard Lussick announce Taylor was guilty of arming the rebels who in 1999 hacked off first his left, then his right arm as he was pinned to a mango tree.

"We as victims expect that Taylor will be given 100 years or more in prison," he added.

Sentencing will take place on May 30, Lussick said, ending some five years of hearings before the SCSL in a special courtroom on the outskirts of The Hague.

While victims quietly filed out of the court building in Freetown, another hall packed with victims and tribal chiefs from around the country erupted into cheers as they turned to congratulate each other.

"People were so happy," said a broadly-smiling P.C. Kaimpumu, paramount chief for the southern Bonthe district, adding that he was "perfectly pleased."

The verdict served as a warning to the country that "you can't just commit crimes without impunity," he said.

Outside, the Accountability Now Club (ANC) silently held up posters reading: "Shame on you Taylor" and "Please give us our diamonds back before you go to prison".

Information Minister Ibrahim Ben Kargbo said he was "satisfied" with the verdict that would allow the country, which has to contend with grinding poverty on top of its war wounds, to move on.

The verdict "gives us the opportunity to work to a way forward, after so many years of fighting, to put in place structures for development, to put aside impunity, to ensure human rights are protected," he said.

...

# SERVICING OF THE JUDICIAL PROCEEDINGS

## The Hague Sub-Office

Pursuant to Security Council Resolution 1688 (2006), the Charles Taylor trial has been held at the Special Court's Hague Sub-Office (HSO) since 2006. The Office is based in the premises of the Special Tribunal for Lebanon (STL), and relies on the facilities of the International Criminal Court (ICC), including their detention facility, where Charles Taylor is held.

The Charles Taylor trial is serviced by Registry staff in the HSO and from Freetown. Although the courtroom is in The Hague, the Freetown office plays an essential role in facilitating the proceedings. During the trial phase the majority of investigations and witnesses were based in Sierra Leone, Liberia and the sub-region. The Special Court also makes the trial accessible to the people of Sierra Leone and Liberia through its outreach activities in those Countries and by arranging for civil society members to witness the trial first-hand in The Hague. Additional logistical and administrative support is also provided from the seat of the Special Court in Freetown. To ensure effective coordination between both offices, the Deputy Registrar acts as Head of the HSO and works closely with the Registrar on all matters.

The HSO, in coordination with Registry staff in Freetown, deals with administrative issues resulting from Charles Taylor's detention, enabling his participation in the proceedings and facilitating family visits.

Staff from the Court Management Section in The Hague are archiving the Special Court's records, in coordination with the Office of the Prosecutor. Since

December 2010, the Special Court's archives have been located in the Dutch National Archives (DNA), under the supervision of the Special Court. The Special Court's archivists work closely with the DNA to facilitate access to the archives for its staff.

In May 2012, the HSO hosted the 18th Plenary Meeting of Judges of the Special Court.

## Legal Unit within the office of the registrar

The Registrar's Legal Officer and Legal Assistant provide advice on all matters relating to the Registrar's mandate, including the detention of Accused and convicted persons, defence matters, witness relocation and protection, and personnel issues. The Legal Unit also assists the Registrar with negotiation, drafting and monitoring the implementation of all agreements. During the reporting period, the Legal Unit worked with all Registry sections and bilateral partners to provide legal advice and assistance to the Registrar on the following issues:

- At the 15th Plenary Meeting of Judges held in The Hague from 24 to 27 May 2011, the Plenary appointed Justice Teresa Doherty, Justice Shireen Avis Fisher and the Registrar to a Working Group on the Enforcement of Sentences. The Working Group considered the interpretation of Articles 22 and 23 of the Special Court Statute regarding pardon and commutation of sentences and the Legal Unit provided research assistance to the Working Group as directed. The Working Group proposed revisions to the Special Court's Agreement with

the Government of Rwanda, which were adopted; and the Agreement was amended accordingly.

- Charles Taylor is kept at the International Criminal Court's (ICC) detention facility and the Special Court's other convicted persons are serving their sentences in Mpanga Prison, Rwanda. The Legal Unit provided advice on legal issues arising from the conditions of imprisonment of these convicted persons.
- In 2011 two contempt of court cases were brought before the Special Court. The Legal Unit provided all necessary legal assistance to the Registrar in this regard.
- The Legal Unit continues to liaise with the Judicial and Legal Services Division, including the Witness, Victims and Security Section in relation to witness protection and support.
- The Legal Unit supported the Special Court's completion and legacy work. It drafted memoranda of understanding for the phased liquidation of the Court's assets and site, and drafted the Articles of Association for the Peace Museum, among other tasks.
- At the completion of the Special Court's mandate it will close and transition to a Residual Special Court. The Legal Unit also assists in the preparations for a smooth transition.
- The Legal Unit continues to monitor all existing legal agreements, including memoranda of understanding and agreements with other tribunals and UN agencies.

The Registry benefits from pro bono legal advice and services provided by the law firm Freshfields Bruckhaus Deringer LLP, a relationship that has continued since Freshfields authored a report for the Court on residual issues in 2009. In addition, the International Senior Lawyers Project provided pro bono support to the contempt of court proceedings, as discussed later in this report.



# UNICEF

Thursday, 26 April 2012

PRESS RELEASE

## Charles Taylor verdict serves as warning to war-time leaders, says UNICEF

NEW YORK/GENEVA, 26 April 2012 – *The verdict against former Liberian President Charles Taylor by the UN-backed Special Court for Sierra Leone is a victory for children recruited and used in war and will serve as a warning to other war-time leaders and warlords, UNICEF said today.*

*Taylor was convicted of aiding and abetting crimes against humanity, war crimes and other grave violations of international law committed by rebel forces in Sierra Leone. At his trial in The Hague he faced an 11-count indictment including the enlistment, recruitment and use of children under the age of 15. The prosecution argued that he was one of those bearing the greatest responsibility for crimes committed by rebel forces between 1996 and 2002.*

*“For the thousands of children brutalized, scarred and exploited as weapons of war, today’s verdict against Charles Taylor may not wipe out the atrocities they suffered, but we hope it will help to heal their wounds,” said Anthony Lake, UNICEF Executive Director. “This is the first conviction of a former head of state for aiding and abetting such crimes. It is a clear victory year for children -- and against impunity, even for the powerful.”*

*The verdict against Taylor follows the conviction by the International Criminal Court on March 14 of former Congolese warlord Thomas Lubanga of war crimes for enlisting and conscripting children under the age of 15 years into his armed movement in the Democratic Republic of Congo in 2002 and 2003.*

*The recruitment and use of children in hostilities is prohibited under international law, and constitutes a war crime when children are under the age of 15. Often it is the most vulnerable children who are at risk of becoming associated with armed forces or groups, whether through forced conscription or driven by factors such as poverty, violence, and ideology. During the civil war in Sierra Leone, UNICEF intervened directly with all parties to rescue children who had been recruited. In some cases children who had been branded and scarred by rebel forces received plastic surgery to help them to be accepted into their communities. UNICEF also led efforts to release and reunite children with their families and reintegrate children into their communities by providing skills training, education and psycho-social support.*

*Children were also used as human shields, sex slaves and as labourers in diamond mines. After the end of the war, 7,000 children were released and reintegrated into society. Ninety-eight per cent were reunited with their families. Another 7,000 separated children were supported for reintegration, among them girls who had been associated with the rebels.*

*“Those who exploit children for military gain violate their rights and rob them of their childhood,” said Lake. “We all should be heartened that grave violations against children are now being successfully prosecuted and perpetrators are being brought to justice.”*

## Witnesses and Victims Support

Pursuant to Article 16 of the Special Court Statute, a Witness and Victims Section was established to provide all the necessary support and protection to witnesses appearing for both the Prosecution and the Defence. Following the conclusion of all witness testimony in the Special Court's four cases, the majority of witness support and protection staff were downsized and the Unit was merged with the Security Section. The Witness, Victims and Security Section (WVS) is led by the former Chief of Witness and Victims Section.

The Special Court has seen 557 witnesses testify in its four cases. Given the gravity of the alleged crimes, rigorous measures are required to ensure that witnesses are able to testify without fear of reprisal and with the confidence to recount their traumatic experiences. In addition, the WVS dealt with over 150 witnesses who even-

tually did not testify, but were provided all security and support.

Witnesses required protection and assistance prior to trial, during their testimony and continue to require protection and assistance now that testimony in all cases has concluded. WVS has been responding to the individual needs of all witnesses; providing protection and relevant support, counseling and other appropriate assistance, including medical assistance, physical and psychological rehabilitation, especially in cases of rape, sexual assault and crimes against children. The provision of psychological support continues in the post-trial phase, especially the programs for child soldiers and victims of gender based violence. These responsibilities will be taken over by the RSCSL

Since June 2011, WVS has regularly monitored witnesses in Sierra Leone and Liberia to assess the continuing issues confronting them. As the Section

downsized significantly following the completion of testimony in the Charles Taylor trial, WVS has increased coordination with local authorities in both Countries so that they are able to respond immediately to ensure the safety and well being of witnesses, should the need arise.

WVS has responded to an increased number of concerns from its witnesses. One reason for this increase is the fear among the witnesses that the Special Court's completion would leave its witnesses unprotected. As discussed later in this report, a critical function of the RSCSL will be to continue to protect the Special Court's witnesses. All witnesses are being individually informed of the arrangements that are being put in place, including contacts of those who will continue to be responsible for their security and support. The Special Court has also initiated targeted outreach activities to inform the public about the RSCSL in communities across Sierra Leone and Liberia where witnesses have felt threatened.

Further, WVS continues to prepare for the transition of witness responsibilities to the RSCSL, including through the ongoing revision of witness threat assessments. WVS leads the National Witness Protection Unit legacy project. See the 'Legacy' section of this report for additional information.



*Members of the public re-acting to the verdict in the Charles Taylor Case*



# OFFICE OF THE PRINCIPAL DEFENDER (DEFENCE OFFICE)

Rule 45 of the Special Court's Rules of Procedure and Evidence ('Rules') mandates the Defence Office with ensuring that the rights of suspects, Accused persons and, by extension, convicts are upheld.

From June 2011 to May 2012, the Defence Office ensured that adequate resources were provided to the Charles Taylor defence team and attended to all matters which pertained to the rights of Charles Taylor, as an accused person, in accordance with its mandate. Charles Taylor had access to assigned counsel during this period, who, together with the Principal Defender, was able to address all legal issues.

Following the closing arguments and submission of final briefs, as no billable hours were anticipated, the contracts of some defense counsels were suspended until two weeks prior to the delivery of the Charles Taylor Judgment. Other members of the defence team were retained including some counsel to attend to Charles Taylor and any legal issues which may have arisen prior to delivery of the Judgment.

The Defence Office is responsible for issues relating to the Special Court's convicted persons, who are serving their sentences in Mpanga Prison, Rwanda. The Defence Office facilitated communications between the convicts and their families, including organizing one family member to visit each convict during 2011. The Office also liaised with pro bono defence counsel appointed by the convicts.

The Defence Office assigned counsel to some of the Accused in the two contempt of court proceedings before the Special Court. The necessary resources for counsel to investigate and present their case are also being provided by the Defence Office.

The Principal Defender represented the Defence Office in several meetings and Outreach activities organized by the Special Court and other institutions. The Defence Office continues to act as a voice for the rights of all Accused persons and convicts of the Special Court.



*Principal Defender, Claire Carlton-Hanciles*

# COURT MANAGEMENT

The Court Management Section (CMS) provides administrative, judicial and logistical support to all the proceedings before the Trial Chambers and the Appeal Chamber. The Section is made up of five units, namely, the Court Records, Court Support, Language, Stenography, and Library and Archiving Units.

CMS is responsible for the receipt, filing, reproduction and dissemination of all judicial records, such as Transcripts and Court Orders. Documents are served personally on counsel in The Hague, and also electronically through the Court Management Database to counsel situated abroad.

CMS ensures the courtroom is ready for proceedings, in coordination with Chambers, the parties and other Registry Sections. Interpreters translate proceedings into other languages, such as Krio, Liberian English and Gio when required. Stenographers are also contracted to transcribe court proceedings.

In December 2010, the Special Court moved the evidence and archives of its three completed trials, as well as the majority of other records, from Freetown to the Dutch National Archives (DNA) in The Netherlands. Since the transfer of records, the Archiving Unit has been archiving records being created in the Freetown Office, the records at HSO and liaising with the DNA to facilitate access to the records for Special Court staff. The Unit also completed copying existing judicial records, with the exception of audiovisual records, which will remain in Sierra Leone after the closure of the Special Court, in accordance with the RSCSL Agreement.

## Enforcement of sentences

Since November 2009, the Special Court's eight convicted persons have

been serving their sentences in Mpanga Prison, Rwanda. By an agreement with the Government of Rwanda, the convicts are kept in a dedicated wing of the prison, to an international standard and in accordance with the terms of a Memorandum of Understanding (MoU) between the Special Court and the Rwanda Prisons Authority.

In October 2011 the Sierra Leonean press printed allegations by the convicts that they were being mistreated by the Rwandan authorities. During a scheduled trip to Mpanga prison in November 2011, the Registrar and Deputy Registrar raised these issues with the convicts and the prison management. The Registrar determined that the allegations were baseless and that the Rwandan authorities were treating the prisoners in accordance with international standards and the terms of the MoU. Instead the convicts' complaints stem from their resistance to new prison regulations.

The Special Court facilitated the travel of a delegation to independently assess the conditions of imprisonment in November 2011. The delegation comprised of representatives from the Government of Sierra Leone, Human Rights Commission of Sierra Leone and a national NGO, Prison Watch Sierra Leone. During their visit, they made a video recording of their interviews and inspection of the facilities. The delegation concluded that the prisoners were not being mistreated and gave the footage to the Sierra Leone Broadcasting Corporation to broadcast on TV. Subsequently, members of the Special Court's Interactive Forum complained to the Special Court that the conditions of imprisonment were too good, especially given the existence of poverty in Sierra Leone.

In order to assist the Rwanda Prisons Authority in managing the prisoners, the Special Court and Government of Rwanda organized a capacity-building training course in international standards of prison management and, among other issues, control and restraint techniques for prison guards. The training course lasted two months and was led by Special Court staff and former Chief of Detention.

## Contempt of Court Proceedings

Two contempt of court cases are before the Special Court: *Independent Counsel v. Senessie* and *Independent Counsel v. Bangura et. al.*, On 24 May 2011, by Orders in lieu of Indictments, Trial Chamber II charged five persons with contempt of the Special Court. The Orders alleged that the Accused attempted to bribe or otherwise interfere with witnesses. In addition, one Accused is also alleged to have disclosed the name of a protected witness. Of the five Accused persons, two are Special Court convicts (Ibrahim Bazzay Kamara and Santigie Borbor Kanu) currently serving their sentences in Mpanga Prison in Rwanda.

On 15 July 2011, the initial appearances of all Accused persons occurred in Freetown before Justice Teresa Doherty. The two convicted persons in Rwanda appeared via video link from the International Criminal Tribunal for Rwanda's (ICTR) Kigali office. At the initial appearances, four of the Accused persons pleaded not guilty. The remaining Accused person pleaded guilty and the Presiding Judge entered convictions on both counts against him. The trial of the four Accused who pleaded not guilty and sentencing proceedings for the Accused who pleaded guilty will be conducted in June 2012.

The Registry, in particular, the Judicial and Legal Services Division, has sup-



ported the proceedings in a number of ways. The Registry maintained contact with the two *pro bono* Independent Counsel, provided by the International Senior Lawyers Project, who were appointed by the Registrar to investigate the two alleged cases of contempt. They will return to Freetown in June 2012 for trial and sentencing proceedings.

The Presiding Judge imposed strict bail conditions on Hassan Papa Bangura (aka “Bomblast”), Samuel Kargbo (aka “Sammy Ragga”) and Eric Koi Senessie. They are required to present themselves to the Special Court or Sierra Leone Police, as directed, once a week; are forbidden from contact with the co-Accused and Special Court witnesses; and restrictions have been placed on their travel. The Registry, through WVS, monitors compliance with bail conditions, which have been fully complied with as of May 2012.

Establishing a viable video link between Freetown and the ICTR’s Kigali office and transferring the convicts from Mpanga Prison to ICTR’s office posed serious logistical challenges. These were only overcome with the extensive cooperation from the ICTR, the Government of Rwanda and the United Nations Logistics Base in Brindisi, and the efforts of the Special Court’s Communications and Information Technology Unit (CITS).

The Registry has also modified one of the Special Court’s buildings to serve as a detention facility, in the event that the Presiding Judge orders the detention or imprisonment of one of the Accused or convicted persons.

## Personnel

The Personnel Section continues to provide support to the Special Court in its administration of human resources, application of the rules and regulations, recruitment of personnel and liaison with other UN agencies/offices for the loan

of staff to perform specialized functions as is required from time to time.

In view of the reduced number of staff, most of whom have already undergone all the training that was available including CV Writing and Interviewing Skills, there was no formal training held during the period under review. However, the Personnel Section continues to provide referral, as well as counseling, to staff members, including those endeavoring to join UN agencies.

Between June 2011 and May 2012, two General Service Level staff were promoted to Professional Level and one General Service Level staff member was upgraded to a higher level. One Field Service Level staff member was promoted to a Professional Level and one Professional Level staff member was upgraded to a higher level. During the reporting period, no posts were downsized in Freetown or The Hague.

## Interns and Seconded Personnel

Nationalities of Judges and Court Personnel as at 31 May 2012 (Regular budgeted staff in Freetown and The Hague)

Country	No. of Staff
Australia	1
Austria	1
Bosnia and Herzegovina	1
Canada	1
Ghana	1
India	1
Ireland	2
Kenya	2
Netherlands	4
Nigeria	1
Pakistan	2
Philippines	1
Rwanda	1

Country	No. of Staff
Samoa	1
Senegal	1
Sierra Leone	36
St. Lucia	1
Tanzania	1
Trinidad and Tobago	1
Uganda	2
United Kingdom	7
United States	9
Zimbabwe	1
Total	79

Funding for the *Pro-bono* Professionals and Internship Programme terminated in December 2010, limiting the number of paid internships that the Special Court was able to offer. There were therefore, no funded Sierra Leonean interns recruited for The HSO during the period June 2011 to March 2012. Two funded interns were paid for from regular funds to support the work of the Registry in Freetown during this period.

Since June 2011, 21 unfunded international interns and 10 unfunded national interns worked at the Special Court in both Freetown and The Hague.

Throughout its life, the Special Court has been assisted by the services of seconded personnel from many countries and agencies. During the reporting period, two members of staff were provided on loan—one from the ICC and the other from the United Nations Mission in Liberia. Further, the Special Court made use of the services of two volunteers through the United Nations Volunteers scheme, for an initial period of six months each.

The Court has benefited immensely from the services of interns, seconded personnel and *pro bono* lawyers.

# DAILY TIMES (NIGERIA)

*Wednesday, 30 May 2012*

**Former Liberian leader Taylor jailed for 50 years  
Prosecutors had demanded 80 years**

*By From the wires*

*Former Liberian President Charles Taylor was jailed for 50 years on Wednesday for helping Sierra Leonean rebels wage a savage war, receiving a precedent-setting sentence from a special war crimes court.*

*Taylor, the first head of state convicted by an international court since World War Two, had been found guilty of backing rebels who murdered, raped and mutilated tens of thousands of people in an 11-year war that ended in 2002.*

*Presiding judge Richard Lussick said there was no legal precedent by which to determine a sentence, but the term was intended to reflect Taylor's position of authority. Prosecutors had demanded 80 years.*

*"He was found responsible for aiding and abetting some of the most heinous and brutal crimes in recorded history," he said, reading out the sentencing.*

*"Leadership must be carried out by example by the prosecution of crimes not the commission of crimes."*

*The sentence is intended to "underscore the gravity it attached to the betrayal of public trust."*

*Dressed in a blue suit and yellow tie, Taylor sat impassively through the roughly 45-minute reading at the Special Court for Sierra Leone. Hands clasped in front of his mouth and his brow furrowed, Taylor shifted uneasily when the camera broadcasting proceedings settled on him.*

*Both sides are expected to appeal.*



# COMPLETION STRATEGY AND COMPLETION BUDGET

## THE COMPLETION STRATEGY

The previous Completion Strategy was approved by the 15th Plenary Meeting of Judges in May 2011. The Completion Strategy anticipated that the Charles Taylor Trial Judgment would be delivered in September 2011, with a Sentencing Judgment (if applicable), due in November 2011, and an Appeal Judgment (if applicable) due in May 2012.

During the course of 2011, unanticipated events occurred that necessitated a shift in the approved milestones. Trial Chamber II required additional time to prepare the trial judgment. The Trial Chamber noted that the large volume of evidence adduced in the trial – amounting to 50,000 pages of witness transcripts and 1,500 exhibits – and the complexity of the legal and evidentiary issues had made this change unavoidable. Challenges in retaining critical staff, specifically the loss of legal officers with significant case knowledge, had also impacted on the work of the Trial Chamber.

Trial Chamber II delivered the Charles Taylor Judgment on 26 April 2012 and the Sentencing Judgment on 30 May 2012. The delivery of these Judgments has implications for subsequent milestones.

In light of the volume of the Trial Judgment and the complexity of the Charles Taylor case, the 18th Plenary Meeting of Judges predicted that the appeals judgment would be delivered in September 2013. The milestones have been calculated in consultation with the President of the Special Court, the Presiding Judge of Trial Chamber II, the Judges, the Office of the Prosecutor and the Office of

the Principal Defender. The Completion Strategy draws on the Rules and the experience of prior trials. However, proceedings may be delayed as a result of the actions of the Parties. The current milestones only represent the best estimate, rather than a definitive set of deadlines.

Notwithstanding the challenges of meeting judicial milestones, progress has been made in the preparations for a smooth transition to the RSCSL. The RSCSL section of this report discusses progress made toward establishing the Special Court's successor institution. Further, as the Special Court has accomplished milestones and downsized staff, it has begun the process of handing over its site and liquidating its assets. The 'Legacy' section below discusses the transfer of the Special Court site to the Government of Sierra Leone.

The RSCSL Agreement and the Special Court's Liquidation Policy provide that the RSCSL shall take priority in the liquidation of assets, after which, the assets shall be transferred to the Government of Sierra Leone. In August 2011, the Special Court disposed of assets that were no longer in use. Vehicles, communications equipment, data processing equipment and some office equipment were transferred to Government of Sierra Leone offices and organizations, in accordance with the Liquidation Policy.

## The Completion Budget

In May 2011, the Special Court's Management Committee approved the 8th Completion Budget, covering the period January 2011 to May 2012. The Budget provided for the completion of the *Charles Taylor case*, the establishment

and transition to the RSCSL and the liquidation and transfer of the Special Court assets and site to the Government of Sierra Leone. It anticipated that the Special Court would require a total of USD 20,702,000, of which USD 16,013,400 is for 2011 and USD 4,688,600 for 2012, in order to complete its mandate.

In light of developments during 2011, the Special Court submitted a Revised Budget in October 2011, for the period January 2012 to July 2012. The Revised Budget took into account the latest information from Trial Chamber II regarding the Charles Taylor trial timeline, the contempt of court proceedings and the challenges in retaining critical staff. It revised its 2012 budget to USD 9,066,400.

The timeline set out in the Completion Strategy approved by the 18th Plenary Meeting of Judges will have budgetary implications. The budget is presently under review in light of the revised timeline.

The Special Court has taken steps to minimize costs as it approaches completion. With the implementation of phased downsizing resulting in fewer staff, it has restructured its Sections to streamline its management arrangements.

Securing adequate funding for the operations of the Special Court remains a significant challenge for the Registry. As an exceptional measure, and following a request from the UN Secretary-General, the UN General Assembly approved a subvention of USD 9.9 million to its 2011 Budget in December 2010. Recognizing the severe funding difficulties, the Special Court's Management Committee approached the United Nations Secretary-General again in 2011, to request a subvention from the UN for the Special Court's 2012 budget.

The United Nations scrutinized the Special Court's budget thoroughly and,

in order to secure the UN subvention, the Budget, Finance and Procurement Unit responded to the questions and concerns of the UN General Assembly's Advisory Committee on Administrative and Budgetary Questions and the 5th Committee. The UN General Assembly

approved almost USD 9.1 million to the 2012 Budget at the end of 2011.

Combined with voluntary contributions received, the UN subvention will finance the Special Court's operations until the end of July 2012. It is expected that the

present budget review will increase the 2012 Budget so that the Special Court will require further voluntary contributions to complete its mandate. Additional funding is required for the enforcement of sentences, outreach activities, the RSCSL and legacy work.

### Cost in Freetown and The Hague January – July 2012

	Freetown	The Hague	Total
2011	6,387,400	9,626,000	16,013,400
2012	4,072,100	4,994,300	9,066,400

### Cost for each section of the Special Court in both The Hague and Freetown from January – July 2012

	Approved Budget Jan-Dec 2011	January to July 2012
<i>Organ</i>		
<b>Judges</b>		
Proposed Staffing	9	6
Permanent Staffing Cost (Net Salaries)	1,904,300	838,800
Common Staff Costs	120,500	105,000
Operational Costs	72,000	35,000
<b>Total Costs Judges</b>	<b>2,096,800</b>	<b>978,800</b>
<b>Chambers</b>		
Proposed Staffing	13	8
Permanent Staffing Cost (Net Salaries)	953,500	469,100
Common Staff Costs	122,700	81,900
Operational Costs	-	-
<b>Total Costs Chambers</b>	<b>1,076,200</b>	<b>551,000</b>



### Cost for each section of the Special Court in both The Hague and Freetown from January – July 2012

	Approved Budget Jan-Dec 2011	January to July 2012
<b>Office of The Prosecutor</b>		
Proposed Staffing	16	14
Permanent Staffing Cost (Net Salaries)	1,691,400	769,300
Common Staff Costs	159,000	162,400
Operational Costs	156,200	82,000
<b>Total Costs OTP</b>	<b>2,006,600</b>	<b>1,013,700</b>
<b>The Defence Office</b>		
Proposed Staffing	2	2
Permanent Staffing Cost (Net Salaries)	136,000	82,400
Common Staff Costs	15,100	22,400
Operational Costs	1,078,400	552,400
<b>Total Costs Defence</b>	<b>1,229,500</b>	<b>657,200</b>
<b>Registry</b>		
Proposed Staffing	62	58
Permanent Staffing Cost (Net Salaries)	3,821,500	2,292,600
Common Staff Costs	474,600	586,800
Temporary Posts & Overtime	763,700	444,200
Operational Costs	3,632,000	2,010,400
<b>Total Costs Registry</b>	<b>8,691,800</b>	<b>5,334,000</b>
5% Contingency Funds	762,500	431,700
Income Tax Liability	150,000	100,000
<b>Total Vacancy Rate/Contingency</b>	<b>912,500</b>	<b>531,700</b>
<b>Total Proposed Posts</b>	<b>102</b>	<b>88</b>
<b>Total Organisation Costs</b>	<b>16,013,400</b>	<b>9,066,400</b>

# FUNDRAISING AND DIPLOMATIC RELATIONS

As the Special Court's funding regime is based on voluntary contributions, it must regularly seek funding from members of the international community. In accordance with the Special Court Agreement<sup>6</sup>, the United Nations Secretary-General, with the assistance of the Special Court's Management Committee, is responsible for obtaining adequate funding for the operations of the Court.

During the reporting period, the Management Committee worked closely with the Registrar to secure a UN subvention grant for the Special Court's 2012 Budget. The Committee members engaged Member States in the UN Security Council and UN General Assembly in order to seek support for the subvention grant. As a result, the UN approved a subvention of USD 9,066,400 for 2012.

The subvention was granted to the Special Court on the condition that fundraising efforts are intensified. A number of Management Committee members were able to find additional funding from within their own Governments to allow the Special Court to continue its operations. The Committee also encouraged other countries to contribute to the Special Court through their bilateral diplomatic meetings.

In support of the Management Committee's fundraising efforts, the Registrar regularly conducted fundraising activities and diplomatic meetings to raise the necessary funds for the Special Court to complete its mandate. A total of 222 fundraising letters were sent out during

the last 12 months to donors and other interested countries. The Registrar's fundraising efforts were supported by the President of the Special Court and the Office of the Prosecutor through their own diplomatic meetings.

The RSCSL will also be based on voluntary contributions, as discussed in the RSCSL section of this report. As the Special Court approaches the completion of its mandate, fundraising efforts also discuss the needs of the RSCSL.

## Major Diplomatic and Fundraising Meetings

The Registrar and Deputy Registrar traveled to Rwanda in November 2011 to conduct the annual monitoring and inspection visit to the Mpanga Prison, where the Special Court's convicts are imprisoned. While in Rwanda, they met with senior Rwandan Government officials including the Minister of Internal Security, the Minister of Justice, the Minister of Foreign Affairs and the Commissioner General and Deputy Commissioner General of the Rwanda Prisons Service. They discussed matters of mutual concern, including amendments to the Enforcement of Sentences Agreement with Rwanda. They also met with officials from International Committee of the Red Cross, the British High Commission and US Embassy in Kigali and updated them on the activities of the Special Court.

The Special Court has close ties with a number of European nations, not least The Netherlands, which hosts the Charles Taylor trial in The Hague. Alongside their role as financial supporters, a number of nations cooperate with

the Special Court on witness relocation and sentence enforcement issues. The European Commission has also been a major supporter of the Special Court, providing past funding for both core and legacy budgets. The April 2012 meetings in Brussels were held to update States on the Special Court's progress toward the completion of its mandate, to discuss matters of mutual cooperation and to appeal for the necessary contributions to fund the Special Court during its final year of operations.

While in Brussels, the Registrar met with officials from the Permanent Representations to the EU of Finland, Hungary, The Netherlands, Norway, Sweden, and the UK; an official of the Embassy of Sierra Leone to Belgium; and officials representing the High Representative for Foreign Affairs and Security Policy of the EU, the European External Action Service, and the European Commission. At the invitation of the Danish Presidency of the European Union, the Registrar also addressed the European Council Africa Working Group (COAFR).

During the reporting period, the Deputy Registrar continued to support the Registrar and exercise her duties from The HSO, working particularly with the Dutch Ministry of Foreign Affairs and the Dutch National Archives to discuss matters related to ongoing cooperation and the RSCSL. The Registrar also traveled to The Hague where she met with Dutch Government officials to discuss the completion of the Charles Taylor trial and cooperation on residual issues.

Despite these intensive diplomatic efforts, the Special Court has only secured sufficient contributions to fund its operations until July 2012. Following the completion of the present budget revue, the Senior Court officials and the Management Committee will intensify efforts to secure further contributions to address the expected shortfall in funding.

<sup>6</sup> Articles 6 and 7, Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone



## New York Liaison Office

The New York Liaison Officer assists the Registrar with fundraising activities by working closely with the Management Committee, liaising with representatives of the United Nations Member States on matters pertaining to funding and cooperation with the Special Court, meeting with officials from the United States Government in Washington, and developing relationships with the NGO community and various foundations in the United States.

The Liaison office supported the Management Committee with the application for a subvention by providing up to date information on the Special Court's financial and budgetary situation. The Liaison Office also provided assistance to Special Court Principals during their

fundraising and diplomatic meetings in the United States.

## Freetown and The Hague

The Registrar and Deputy Registrar conducted periodic briefings with the international community in Freetown and The Hague. In Freetown, the Registrar met with representatives of the British, German, Irish and US Governments, officials from the European Union Delegation and briefed the Heads of United Nations agencies during the last twelve months. Parliamentarians from Germany and Finland, and members of the UN General Assembly 5th Committee were received at the Special Court during their visits to Sierra Leone. In addition, a delegation of Austrian Parliamentarians visited the Special Court Sub-Office in The Hague.

The Registrar worked with Government of Sierra Leone officials and the United Nations Office of Legal Affairs to provide the assistance required for the ratification of the Agreement to Establish the Residual Special Court for Sierra Leone. The Registrar also worked closely with the Attorney-General, Deputy Attorney-General and Chief Justice regarding the liquidation of the Special Court's assets and the transfer of its site to the Government of Sierra Leone.

The Registrar and Deputy Registrar have also worked productively with the Government of The Netherlands, in particular with officials of the Ministry of Foreign Affairs.





# OUTREACH AND PUBLIC AFFAIRS

Since the inception of the Special Court, the Outreach and Public Affairs Section has been committed to providing the greatest possible accessibility to the Special Court. Freetown-based staff work with eight Field Officers in the Provinces of Sierra Leone; two staff in Liberia and a network of civil society organizations to inform the people of Sierra Leone about the progress of the trials, and to engender an informed discussion throughout the two Countries and the media on the trials, impunity, and the rule of law. The Freetown office has been opened to visits by journalists, scholars, researchers and members of the public. No one coming to the Special Court asking for information has ever been turned away.

## *Recent Developments*

On 26 April 2012 Charles Taylor became the first Head of State to be convicted by an international criminal tribunal since the Nuremburg trials. The Charles Taylor Judgment was of great significance to the people of Sierra Leone, many of whom blame him for the conflict in Sierra Leone. The Judgment was also important to the people of Liberia, who saw their former President on trial. The Special Court ensured that as many people as possible at its offices in Freetown and The Hague, and also, across Sierra Leone, Liberia and around the world had access to this historic event.

Prior to the delivery of the Charles Taylor Judgement, Outreach and Public Affairs

staff appeared on national and community radio stations throughout Sierra Leone and in The Hague, and jingles in Krio, Mende and Temne ran on radio stations.. In Liberia, the Special Court's civil society partners in the Outreach Secretariat of Liberia also appeared on radio stations. In The Hague, the Outreach and Press Officer appeared on weekly radio programmes aimed at a Sierra Leonean audience for the two months prior to the Judgement.

Outreach and Public Affairs accredited journalists and made logistical preparations so that international and national media organisations could broadcast the delivery of the Judgment. Some 200 journalists covered the Judgment live in The Hague, with ten Satellite News-Gathering (SNG) trucks and two radio trucks covering the event to transmit live to their international affiliates.

People around the world watched or listened to the Judgement on the BBC,



Aerial view of Freetown



CNN, Al Jazeera and other international media outlets, while people in Sierra Leone watched or listened to the verdict on the Sierra Leone Broadcasting Corporation's TV channel or on four networks of national and community radio stations, using a feed supplied from the Special Court. The local feed was broadcast in Krio, with a Krio interpreter supplied by the Court Management Section, thereby making the Judgement accessible to people who were not fluent in English. In the Liberian Capital City of Monrovia, several radio stations and one television station broadcast the Judgement live. It was also possible to watch the Judgment delivery online via links Special Court's website and the Open Society Justice Initiative-funded 'Charles Taylor Trial' website.

The Special Court broadcast proceedings to its site in Freetown. In seven locations around the Special Court's site over 1,100 people watched the verdict, including members of the public, civil society, victims associations, traditional leaders, the press, Government officials and the diplomatic corps. Several Registry Sections worked together to make this event a success. The General Services Section set up each screening location and the Witness, Victims and Security Section ensured that guests were able to safely visit the Special Court site. The Court Management Section contracted interpreters to translate the verdict into Krio for some of the guests and direct streaming in Freetown was possible through the hard work of the Special Court's Communications and Information Technology Unit (CITS) and UN Logistics Base in Brindisi. The Special Court accredited a total of 39 national and international media organisations to report on the verdict from its Office in Freetown, and many media organisations took the opportunity to interview members of civil society and others in attendance. In particular, the BBC broadcast its 'World Have Your Say' programme live from outside the

Courthouse, interviewing a Paramount Chief and civil society members, and connecting with people in Liberia and callers around the world to discuss their reactions to the verdict.

During the delivery of the Judgement, Outreach field officers, joined by former Outreach staff and members of civil society, held community meetings at crime scenes and the sites of mass graves around the Country, and listened to the Judgement over the radio.

At The Hague Sub-Office, 84 persons were seated in the courtroom gallery on the day of the Judgement, and about 40 more viewed the proceedings from the lobby. Between 50 and 100 Special Court and STL staff watched from a room in the STL building. The STL and the Dutch authorities worked with the Special Court to ensure that people were able to watch the delivery on the STL premises. Outreach and Public Affairs facilitated the travel of an official of the Government of Sierra Leone and ten civil society members from Sierra Leone and Liberia to watch the Judgment from the public gallery in The Hague Sub-Office. They were joined in the public gallery by diplomats, government officials, members of international human rights groups, former staff of the Special Court, journalists, family members of the Accused, and members of the public.

After the delivery of the Judgement, both the Prosecutor and the Lead Counsel for Charles Taylor, held press conferences in The Hague. For the first time ever from Sierra Leone, Freetown-based journalists were able to participate through video-conference (VTC) technology. This was made possible through the collaboration between CITS, UN Logistics Base in Brindisi, the STL and ICC, who provided the VTC equipment in The Hague.

On 30 May 2012, the Trial Chamber sentenced Charles Taylor to a term of

50 years imprisonment. The Sentencing Judgment delivery also received significant interest. The Special Court made all necessary arrangements for the media, civil society, the diplomatic corps, Government officials and members of the public to view the Sentencing Judgment at the Special Court offices in Freetown and The Hague; as well as through international and national media.

During the past year, Sierra Leoneans have increasingly raised concerns about what will happen to the Country when the Special Court completes its mandate, and what the Special Court's legacy will be. One frequent question relates to the safety of witnesses who testified before the Special Court. In June 2011, five persons were charged with attempting to induce former prosecution witnesses to recant testimony they gave before the Special Court. One of the Accused persons pleaded guilty. This has increased the dialogue on witness protection, especially in civil society. In community town hall meetings and in radio programmes, Outreach has emphasized that interfering with witnesses is a crime, and that even after the Special Court closes, provision will be made for the Residual Special Court to investigate and if necessary, prosecute anyone who interferes with witnesses.

During the past year, Outreach organized conferences on "Legacies of the Special Court and the impact on traditional justice" for traditional rulers, local government councilors and other community leaders. In all, 540 persons in all three of Sierra Leone's Provinces attended. The themes included those highlighted in the Special Court's trials: accountability, responsibility, the duty to stand up for the victims of mass violence in their community, and to bring to justice all of those alleged to have committed crimes, however rich, powerful or feared they may be. The conferences also highlighted the rights of the Accused. Many of those who

attended recommended that Outreach activities on the rule of law continue, and many also suggested that mid-level commanders who committed crimes during the war be tried.

In a bid to respond to the recurring community violence and gender crimes, Outreach collaborated with partner civil society groups to embark on nationwide focus group discussions with youth groups and organizations on the problem of community violence. Radio panel discussions on these issues and screening of trial summaries continued all year round.

### Ongoing Activities

#### *Community Town Hall Meetings and Video Screening*

Outreach and Public Affairs makes use of traditional methods of information dissemination such as community town hall meetings in villages and towns. Outreach Field Officers and occasionally Special Court Principals are able to speak directly to people who have been affected by the conflict, to brief them on the trials and to answer their questions. Since the Charles Taylor trial is conducted in The Hague, Outreach produces and screens video summaries from the Courtroom in The Hague, to bring the trial closer to the people of Sierra Leone and Liberia. With funds provided by the European Commission and the Government of Canada, Outreach Field Officers and civil society partners in Sierra Leone and Liberia are able to screen trial summaries at local community gatherings. The videos have also been broadcast on television in Monrovia and Freetown.

#### *Radio Programmes*

Outreach Section also uses non-traditional, but highly effective, ways to communicate about the Special Court to the people of Sierra Leone and Liberia. Field Officers and also Freetown-based staff regularly take part in radio discussions and call-in programmes about the Special Court. Some of these take place

on local community stations and others on radios which broadcast to nearly the entire Country. Outreach has also worked with third parties such as the BBC World Service Trust, which broadcast daily summaries of the Charles Taylor trial in Sierra Leone and Liberia.

#### *Legacy-Specific Activities*

The Outreach and Public Affairs Office has continued efforts to involve university students in justice-promotion activities through the Accountability Now Clubs (ANC), and has provided members with training in the rule of law, management, human rights, transparency and accountability, as well as briefings on the Special Court. The clubs exist at fourteen college campuses in Sierra Leone and seven campuses in Liberia, with 45 students from each chapter involved each year in the trainings.

The Office has continued its efforts to help the ANCs institutionalize, broaden their scope, and become self-sustaining so that they can carry on their work at a time when the Special Court will have completed its mandate. During the past year, the ANCs in Sierra Leone have begun to expand their range of activities, taking the lessons they learned from the Special Court to institutions such as the Anti-Corruption Commission and the National Electoral Commission, to promote accountability within the society.

#### *School Visits and Other Programmes*

Children, as displaced, as victims, as child soldiers were among those most affected by a decade of conflict in Sierra Leone, and they are consequently one of the Court's target groups. Outreach staff made regular school visits, sometimes with Court Principals, to discuss the Special Court, the Charles Taylor trial, human rights, impunity, and the rule of law.

On 16 June each year, Outreach and Public Affairs brings together hundreds of school pupils for the 'Day of the Af-

rican Child' celebrations. Special Court Principals and Outreach staff attend and make presentations on the Special Court.

#### *Special Court Interactive Forum*

A collection of around 40 national non-governmental organizations, who are interested in the work of Special Court meet once a month at the Special Court in Freetown. These Special Court Interactive Forum meetings brief civil society members on the latest developments in the Special Court's work and receive feedback from its members. During the last year the Forum discussed the contempt of court cases, the residual and closure issues and the Charles Taylor Judgment.

#### *The Hague Sub-Office (HSO)*

The HSO is staffed with one Press and Outreach Officer, assisted by an intern; and works in close consultation with its corresponding Office in Freetown. The Office works with media, covering the Charles Taylor trial, arranges and conducts briefings for visitors to the HSO, does Outreach at academic institutions and at events such as The Hague International Day. The Office also participates in radio programmes about the Special Court and the Charles Taylor trial which are aimed at the Sierra Leonean community in The Netherlands. This year in particular, HSO has supplied a great amount of video material for media organizations producing documentaries on the Charles Taylor trial.

During the past year, the Outreach office in The Hague hosted and arranged briefings for individual researchers and visiting groups from Africa, North and South America, Europe and Asia, including students and scholars, diplomats, lawyers, judges, human rights activists.



# THE CONVERSATION

Monday, 7 May 2012

## OPINION

<http://theconversation.edu.au/the-charles-taylor-verdict-a-step-forward-for-the-women-of-sierra-leone-6751>

### The Charles Taylor verdict: a step forward for the women of Sierra Leone

By Lisa Lee

*The recent decision of the Special Court for Sierra Leone (Special Court) in the trial of former President of Liberia, Charles Taylor, is a landmark and historic verdict.*

*Why is the judgement an important one for gender-based jurisprudence?*

*It is the first time a former head of state has been convicted by an international criminal court for gender-based crimes. International gender crimes scholar, Dr Kelly Dawn Askin, lauded the verdict as a “major victory for gender justice worldwide”.*

*The Special Court’s judgement affirms the increased recognition of gender-based violence in international law.*

...

*The Statute of the Special Court’s definition of crimes against humanity includes rape, sexual slavery, forced pregnancy, sexual violence and forced prostitution. Rape, humiliating and degrading treatment, enforced prostitution, indecent assault, and acts of terrorism are also defined as war crimes. The Special Court determined that women and girls in the Kono and Kailahun Districts, and the Freetown and Western Area, were raped and/or forced to be sex slaves by the rebel forces. The Special Court also considered rape within the broader ambit of terrorism. It held that rebel forces terrorised civilians in the target districts. The rebels raped women and girls in public as part of their campaign of terror.*

*How was Taylor involved?*

*He provided the rebels with vital operational, financial, military and technical support, and arms and ammunition – in exchange for “blood diamonds”. Taylor was found guilty of aiding and abetting the rebels, and in this sense, criminally responsible in the commission of gender-based atrocities. The judges determined that Taylor had requisite knowledge of the commission of gender crimes – obtained through daily security briefings, public reports, intergovernmental reports, and media coverage. It was established, beyond reasonable doubt, that Taylor possessed “a clear intent to act in support” of the gender crimes committed.*

## LEGACY

As the Special Court moves towards completion, focus is being placed on the legacy that it will leave in Sierra Leone. Legacy, in the context of hybrid courts has been defined as the ability to create a “lasting impact on bolstering the rule of law... by conducting effective trials to contribute to ending impunity, while also strengthening domestic judicial capacity.”<sup>7</sup>

Through its projects, the Special Court works to strengthen the domestic justice system and various national institutions. The Special Court’s transparent and independent judicial process serves as a model for the rule of law in Sierra Leone. Furthermore, international and Sierra Leonean staffs have acquired significant skills that assist their professional development.

The Special Court’s legacy initiatives have been funded by the Government of Canada, European Commission, Ford Foundation, MacArthur Foundation, Oak Foundation, Open Society Institute, Rockefeller Philanthropy Advisors and UN Peacebuilding Fund. With the conclusion of judicial activities in Freetown, only a limited time remains for the Special Court to transfer its skills, knowledge and resources to national partners. The projects discussed below are the culmination of the Special Court’s legacy initiatives and will hopefully leave a lasting impression on Sierra Leone and the sub-region.

### Principal Legacy Initiatives of the Registry Sections

Pursuant to the RSCSL Agreement, “in order to preserve and promote the legacy of the Special Court, electronic access to, and printed copies of, the public archives

7 UN OHCHR: Rule of Law Tools for Post-Conflict States: Maximizing the Legacy of Hybrid Courts, April 2008.

shall be available to the public in Sierra Leone.”<sup>8</sup> The Special Court has produced a public copy of its public judicial and outreach materials, which it continues to increase as progress is made in the Charles Taylor trial and contempt cases. As such, the records constitute one of the richest resources on the nation’s conflict. They will be made available to academics, journalists, civil society members and the general public through the Sierra Leone Peace Museum, another of the Special Court’s legacy projects.

Since 2008, the Special Court has worked closely with the Sierra Leone Police (SLP) to establish a national Witness Protection Unit. The Unit will provide protection and assistance to witnesses in national cases, such as organized crime, gender based violence and corruption cases. Following a training course in witness protection skills for 38 Police Officers, organized by the Special Court in 2009, the SLP formally established the Unit within its Criminal Investigations Division in February 2011. The Special Court made preparations to hand over the former Witness and Victims Section building to the Unit, along with equipment for their operations, in accordance with the liquidation policy and the concurrence of the Government of Sierra Leone. Throughout, the Court has worked with these officers and senior SLP leadership to provide witness protection for specific cases in support of the national judiciary. The WVS and SLP are now drafting standard operating procedures for the Unit and continue to fundraise for its operating costs.

In order to evaluate the legacy of the Special Court, an international NGO is working with national partners to implement a survey of people’s perceptions and understanding of the Special Court. A separate international NGO is organising

8 Article 7.2, Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone

two legacy conferences, that will assess the impact of the Court’s work and produce a best practices and lessons learned report.

### Site project

The Government of Sierra Leone allocated land in New England, Freetown for the exclusive use of the Special Court during its operations and also provides security for the premises through seconded Sierra Leone Police Officers. As the Special Court concludes its mandate, its site is gradually being transferred back to the Government of Sierra Leone.

In 2009, the Sierra Leone Government wrote to the Special Court expressing its preferences for the future use of its site. These include using the Special Court’s courthouse for the Supreme Court of Sierra Leone or a Regional Court; establishing an international, continental or regional judicial training centre; using the detention facility as a specialized prison for detainees with special needs, such as women and children; and dedicating part of the premises as a memorial to the conflict.

Following the transfer of convicted persons to Rwanda on 31 October 2009, the detention facility was vacant and the Special Court prepared it for use by national authorities. The Sierra Leone Prison Service took possession of the facility in May 2010 and has subsequently used it for female prisoners and their children born in custody.

In November 2011, the Attorney-General and Chief Justice of Sierra Leone requested the use of office space for the Sierra Leone Law School. The Special Court prepared and made available one containerized office block in the former Registry compound, which now provides lecture space for up to 100 students and study/office space. As noted above, the former WVS building is being prepared for hand over to the Sierra Leone Police



for use by the national Witness Protection Unit. The Special Court, with funding from the European Commission, provided a stand-alone generator and office equipment to assist the Unit. In addition, the building has been isolated from the rest of the Special Court's compound, so that the Unit can manage its own security.

Since the Government of Sierra Leone wrote its letter, the Special Court has worked with the Government to elaborate its vision for a memorial into the Peace Museum project. The project will establish the Museum as an independent national institution, dedicated to the memory of Sierra Leone's decade-long conflict. It will include a memorial, ex-

hibition and an archive, which will provide information to future generations about the conflict's history and respect the memory of those who suffered during the conflict. The archive will also be an excellent resource for academics, journalists and others researching the conflict, as it will contain the public records of the Special Court, those of the Truth and Reconciliation Commission and other war related materials.

The Museum is being designed by a committee of national stakeholders including Government representatives, national institutions, civil society groups and others. Since the project was initiated in March 2011, this committee has decided on the

Museum's management arrangements, run a public competition for the memorial's design and is implementing the winning design, and has started archiving the Truth and Reconciliation Commission records in partnership with the Human Rights Commission of Sierra Leone. The Museum will open after Court's closure.

The Special Court continues to receive requests from various institutions for the use of its site and assets after the completion of its mandate. All requests are sent to the Government of Sierra Leone for its consideration.



*A cross section of Special Court Security on the day of delivery of the Charles Taylor judgement in Freetown*

# RESIDUAL SPECIAL COURT FOR SIERRA LEONE

Upon the delivery of the final judgment in the Charles Taylor case, the Special Court's mandate will be complete. However, many of its legal obligations will not terminate with the conclusion of all cases. In August 2010, the United Nations and the Government of Sierra Leone agreed to establish a Residual Special Court for Sierra Leone, which will be responsible for fulfilling the Special Court's obligations. The RSCSL Agreement and the RSCSL Statute were ratified by the Parliament of Sierra Leone in December 2011 and the Ratification Act was gazetted in February 2012.

Article 1.1 of the RSCSL Statute sets out the competence of the RSCSL as follows:

The purpose of the Residual Special Court is to carry out the functions of the Special Court for Sierra Leone that must continue after the closure of the Special Court. To that end, the Residual Special Court shall: maintain, preserve and manage its archives, including the archives of the Special Court; provide for witness and victim protection and support; respond to requests for access to evidence by national prosecution authorities; supervise enforcement of sentences; review convictions and acquittals; conduct contempt of court proceedings; provide defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; respond to requests from national authorities with respect to claims for compensation; and prevent double jeopardy.

The RSCSL shall be composed of the Chambers, the Prosecutor and the Registrar. The Registrar will manage five to

seven staff to carry out their functions from an interim seat in The Netherlands, with a Sub-office in Sierra Leone for witness protection matters. The Prosecutor shall be aided by a Prosecution Legal Officer/Evidence Officer.

## Update on the Residual Activities of the Special Court

At the beginning of 2012, the Registrar established the RSCSL Transition Working Group in order to coordinate work relating to the transition to the RSCSL and closure of the Special Court. The Working Group includes all relevant Registry Sections, as well as representatives from the other Organs of the Special Court. The Working Group will ensure that all preparations are made so that the Special Court can transition to the RSCSL and close as smoothly and expediently as possible following the completion of its mandate.

Article 6 of the RSCSL Agreement provides that the RSCSL shall have its principal seat in Sierra Leone. The Agreement also provides that the RSCSL shall carry out its functions from an interim seat in The Netherlands, with a sub-office in Sierra Leone for witness protection matters. Preliminary discussions are underway for the RSCSL to share office space and an administrative platform with host institutions in both locations.

The Special Court's archive will become the property of the RSCSL upon its closure and will be co-located with the RSCSL at its interim seat in The Netherlands, pursuant to Article 7 of the RSCSL Agreement. To this end, the records and evidence of the Special Court were transferred from Freetown to The

Hague in December 2010. The Special Court archive is stored in the Dutch National Archives (DNA), which preserves and manages the records on a day-to-day basis, in line with the Special Court's archival policy. Special Court staff continues to archive the records of The Hague Sub-Office, with records being created in Freetown and liaise with the DNA to facilitate access to the records. The RSCSL will also facilitate access to the records for national prosecutorial authorities.

The RSCSL office in Freetown will respond to the needs and concerns of Special Court witnesses. Although any witness may contact the RSCSL for support, it is anticipated that of the 557 witnesses who testified, approximately 100 may require ongoing post-trial witness protection or support. The RSCSL staff will work closely with the Sierra Leone Police, in particular the Witness Protection Unit, to ensure that the concerns and needs of witnesses are adequately addressed.

On 31 October 2009, the Special Court's eight convicted people were transferred to Mpanga Prison, Rwanda for sentence enforcement. Detention is managed by the Rwanda Prisons Service to an international standard, under the supervision of the Special Court. The Special Court also facilitates visits by one family member each year and one child every other year. In 2011 all eight prisoners were visited by a family member. The visits were partially funded by the Special Court. The RSCSL will take on responsibility for yearly inspection of detention conditions and facilitating family visits after the Special Court closes.

The RSCSL President will consider any requests for ad hoc judicial proceedings such as contempt of court cases or review proceedings. In the event that the President decides that an application has merit, they may preside on the matter or constitute a Trial Chamber to consider the issue.



The RSCSL also has the jurisdiction to try Johnny Paul Koroma; the Special Court's only remaining fugitive. However, the Prosecutor is negotiating for the referral of the Johnny Paul Koroma case to a competent national authority prior to closure of the Special Court.

As the responsibilities of the RSCSL President and Prosecutor require them to work part-time, they will be remunerated on a pro-rata basis.

As with the Special Court, the RSCSL will be funded by voluntary contributions

from the international community. A preliminary budget for the RSCSL estimates that USD 1,625,300 will be required for its ongoing functions; however this budget is presently under review. In the event that ad hoc judicial proceedings are initiated, the annual budget will increase.





*Thursday, 26 April 2012*

## **Taylor verdict: Implications for international justice**

*By Jon Silverman Professor of media and criminal justice*

*The trial of Charles Taylor took almost five years.*

*In evaluating the significance of the Charles Taylor trial, it is necessary to strip away the partisanship with which many have responded to its judgment.*

*For proponents of international justice, it represents an “end to impunity” for the perpetrators of egregious crimes. For detractors, it symbolises the triumph of power politics over justice. As ever, the truth lies somewhere in between.*

*The achievements of the Special Court for Sierra Leone (SCSL) should not be under-estimated. In 2007 an earlier trial of three leaders of the Armed Forces Revolutionary Council made history when the court handed down convictions for the recruitment of child soldiers. This finding paved the way for the first successful prosecution at the International Criminal Court (ICC), of Thomas Lubanga who was a military leader in the Democratic Republic of Congo. And the SCSL was the first international court to create the post of Principal Defender to represent the interests of the defence. The indictment of Charles Taylor took war crimes jurisprudence to a new level, establishing the principle that a serving head of state was not immune from prosecution. The later indictments by the ICC of Sudan’s President Omar al-Bashir and Laurent Gbagbo, of the Ivory Coast, are a testament to the significance of the Taylor precedent.*





# ANNEX I

## Significant fundraising and diplomatic meetings held during the reporting period

### *Austria*

Permanent Representation of Austria to the European Union

### *Belgium*

Embassy of the Kingdom of Belgium to the Netherlands

### *Canada*

Department of Foreign Affairs and International Trade

Permanent Mission of Canada to the United Nations

Embassy of Canada to the Netherlands

### *European Union*

European Commission

European Union Delegation to Sierra Leone

European Union External Action Service Working Group on Africa (COAFR Working Group)

### *Finland*

Permanent Representation of Finland to the European Union

### *Germany*

Embassy of the Federal Republic of Germany to Sierra Leone

### *Ghana*

Ghanaian High Commission to Sierra Leone

### *Hungary*

Permanent Representation of Hungary to the European Union

### *Ireland*

Embassy of Ireland to Sierra Leone

### *The Netherlands*

Ministry of Foreign Affairs

Permanent Representation of the Netherlands to the European Union

Permanent Mission of the Kingdom of the Netherlands to the United Nations

### *Nigeria*

Nigerian High Commission to Sierra Leone

### *Norway*

Ministry of Foreign Affairs

Permanent Representation of Norway to the European Union

### *Rwanda*

Ministry of Foreign Affairs

Ministry of Internal Security

Ministry of Justice

National Prisons Services

### *Sierra Leone*

Government of Sierra Leone

Permanent Mission of Sierra Leone to the United Nations

Embassy of Sierra Leone to Belgium

### *Spain*

Permanent Representation of Spain to the European Union

### *Sweden*

Permanent Representation of Sweden to the European Union

### *United Kingdom*

Foreign and Commonwealth Office

British High Commission in Sierra Leone

Permanent Mission of the United Kingdom to the United Nations

Permanent Representation of the UK to the European Union

Embassy of the United Kingdom to the Netherlands

Embassy of the United Kingdom to Rwanda

### *United Nations*

Office of Legal Affairs

Advisory Committee on Administrative and Budgetary Questions

Peacebuilding Commission

Peacebuilding Mission in Sierra Leone (UNIPSIL)

Peacekeeping Mission in Liberia (UNMIL)

### *United States*

State Department

Embassy of the United States to Sierra Leone

United States Mission to the United Nations

Embassy of the United States to the Netherlands

Embassy of the United States to Rwanda

### *International Tribunals and Courts*

International Court of Justice

International Criminal Court

International Criminal Tribunal for the former Yugoslavia

International Criminal Tribunal for Rwanda

Special Tribunal for Lebanon

### *International Organisations*

International Committee for the Red Cross

### *Foundations*

MacArthur Foundation

Open Society Institute

Open Society Justice Initiative

## ANNEX II

### Significant presentations on the Special Court's jurisprudence

#### *June 2011*

Justice Teresa Doherty gave a lecture on Hybrid Tribunals at the T.C. Asser Institute to postgraduate students of various American Universities. During the lecture, she outlined the history of the growth of the ad hoc tribunals and compared them to the Hybrid tribunals in particular the Special Court for Sierra Leone, the East Timor and the Cambodian tribunals.

The University of Ulster conferred an honorary degree of Doctor of Laws on Justice Teresa Doherty for her work in international jurisprudence.

#### *July 2011*

Justice Teresa Doherty, the Deputy Registrar and Senior Legal Officer represented the Special Court at the premier of the ICTY legacy film presented by Justice Theodor Meron.

#### *August 2011*

Justice Renate Winter was invited by the Austrian Vice Chancellor to participate in the 'European Forum Alpbach 2011' in Austria; and chaired a seminar on the topic "Law and Justice after Wars" in which she discussed the jurisprudence of the Special Court. Justice Renate Winter was also a discussant at two round-tables on the themes "Justice-Responsibility for the Future" and "Justice and Individual Responsibility" respectively.

#### *September 2011*

Justice Renate Winter was invited by the International Bureau for Child Rights (Canada) and UNICEF (regional office West Africa), to participate in an event entitled "Atelier des experts sur la forma-

tion des agents de maintien de l'ordre aux droits de l'enfant en Afrique francophone de l'ouest et du centre." She led a discussion on the jurisprudence of the Special Court on child soldiers.

The Judges of the Trial Chamber II met with a group of judges visiting from the United States of America and answered many questions concerning the jurisprudence and the methodology of the Special Court

#### *October 2011*

Justice Shireen Avis Fisher participated in a discussion with the Judges and Registrar of the recently established Bangladeshi War Crimes Court. Participants shared their views on various substantive and procedural issues involved in conducting war crimes cases, such as the treatment of vulnerable witnesses; the issues of legality and retroactively; the rights of defendants, and trial management. The event was sponsored by the International Center for Transitional Justice.

Justice Renate Winter participated in a conference entitled "Climate change and its impacts on Children and their rights." During the Conference, she chaired a workshop on the theme "Convention on the rights of Child and climate change: How to legally ensure a harmonious development of the child;" and spoke about the impact of climate change in post-conflict countries.

#### *November 2011*

Justice Renate Winter was invited to give a lecture on the topic "Development of International Courts and International Law" at the Free University of Tbilisi, Georgia. During her lecture, Justice Renate Winter spoke about the jurisprudence of the Special Court. The lecture

was attended by Judges from other international tribunals, Prosecutors and University Professors. The lecture ended with a question and answer session with students from the University.

Justice Teresa Doherty gave the keynote address at the seminar on Integrating a Socio- Legal approach in the Evidence in the International Criminal Tribunals. During the Seminar, she spoke on practice of admission of evidence in International Criminal Tribunals making a contrast between domestic and international trials. The seminar was attended by other judges and a large number of academics who spoke on adducing evidence in the international tribunals.

#### *December 2011*

Justice Teresa Doherty joined other professionals in assisting in a children's moot and awareness day for the Convention on the Rights of the Child given at the Montessori School in Leiden, Netherlands.

#### *January 2012*

Justice George Gelaga King and Justice Emmanuel Ayoola attended the eighth session of the Brandeis Institute for International Judges, held in Carmona, Spain.

Justice Renate Winter was invited to give a lecture on the topic "Children as Victims and Witnesses" at the University of Umea, Sweden. During her lecture, Justice Renate Winter spoke about the practices and jurisprudence of the Special Court.

Justice Renate Winter was invited by the United Nations Office on Drugs and Crime (UNODC) to attend an Expert Group meeting on legal issues concerning child rights. The meeting, consisting of international experts on children's



issues, representatives from the Office of the High Commissioner for Human Rights and UNODC; and the SRSG on violence against children drafted a paper on prevention of and response to violence against children. Justice Renate Winter worked in particular, on issues concerning the protection of children in armed conflicts, highlighting the jurisprudence of the Special Court as a best practice.

Justice Renate Winter was invited by the University of Geneva and Terre des Hommes to chair a panel discussion on the topic “Quelle Justice pour les Victimes de Crimes de Masse?” The event was attended by judges and lawyers from various international criminal tribunals; and Defence lawyers from France, DR Congo and Switzerland.

#### *February 2012*

During an I.I.C.I. Workshop on the Investigation of Sexual and Gender-based Violence in The Hague, Justice Teresa Doherty spoke on the practical matters of evidence that investigators and prosecutors sometimes overlook such as a simple explanation of the place the witness says an event occurred; the importance of clear questions particularly when translations have to be made and the evidential elements that need to be proved given the definitions of the crimes legislated in the Special Court Statute.

Justice Teresa Doherty presided with lawyers from the ICTY and the ICC in judging the final rounds of the Owen Jessop moot competitions for The Netherlands. They made the selection of a team to go forward to New York to partake in the finals of the international Owen Jessop moots. This is the 4th year that Justice Teresa Doherty has been invited to judge the moot and partake in the finals.

Justice Renate Winter was invited by the Institute of Law and Philosophy, Department for post-war and transitional jus-

tice in Belgrade; and the former Deputy Chancellor of Austria to participate in the launching of the Centre for Advance Studies in Pristina, Kosovo.

Justice Renate Winter was invited by the Terre des Hommes and the Judicial Academy of Macedonia, to participate in the Congress on Youth at Risk. She spoke about ‘restorative justice’ as a means to solve conflicts in post-war countries with a focus on the Special Court’s jurisprudence on child soldiers and forced marriage.

#### *March 2012*

Justice Teresa Doherty spoke to a delegation of students from the American University of Georgetown and answered questions concerning the Special Court.

Justice Renate Winter was invited by the UN Commissioner on Human Rights to participate in a panel discussion. Under the chair of H.E. Laura Dupuy Lasserre, President of the Human Rights Council and with Navanetham Pillay, High Commissioner for Human Rights, she participated in a panel discussion with prominent members of the Committee of the Rights of the Child, UNICEF, the director of the international Human Rights Clinic, San Francisco, and a member of the African Committee of Experts on the Rights and the Welfare of the Child. She spoke on diversion and alternatives to incarceration of children, including child soldiers through the example of the Special Court. She was also a panelist on the panels concerning children deprived of their liberty and children of incarcerated parents.

At the invitation of the University of Vienna and the Boltzmann Institute for Human Rights Justice Renate Winter participated in a round table discussion with the Ambassador-at-Large for War Crimes, H.E. David Scheffer and Professor Manfred Nowak, former Special Rapporteur to the SRSG of the UN on Torture. The

discussion was entitled “The End of Impunity? Opportunities and Limitations of the International Criminal Court and international hybrid Courts.” Justice Winter gave a presentation on the Special Court’s jurisprudence.

#### *April 2012*

Justice Renate Winter was invited by ChildONEurope, to participate in a Seminar entitled: “Complementarities and Synergies between Juvenile Justice and the Social Services Sector”, held in Florence, Italy. She spoke on the topic “The fulfilment of children’s rights in the juvenile justice framework: the role of social services”, highlighting the work of the Victims and Witness Unit of the Special Court.

Justice Renate Winter attended the award-winning documentary film “The Future’s Past”; and together with Professor Dr Manfred Nowak, participated in a round table discussion on the Cambodia Tribunal as an example of a hybrid Court. Justice Renate Winter also spoke about the activities of the Special Court. The event was held in Vienna, Austria.

At the invitation of UNODC, Justice Renate Winter participated in the 21st Session of the UN Commission on Crime Prevention and Criminal Justice. At a side event held in conjunction with that Session, she spoke about on the topic: “Protection of the Human Rights of Children Deprived of their Liberty”, and highlighted the Special Court jurisprudence on child soldiers.

Justice Phillip Waki attended a UNEP-sponsored World Congress of Judges in Buenos Aires, Argentina. The Congress, which was held in preparation of the United Nations Conference on Sustainable Development (UNCSD, also known as Rio+20 to be held in Brazil in June 2012) discussed issues of justice, governance and law for environmental sustainability.

### *May 2012*

Justice Renate Winter represented the Appeals Chamber Judges at a meeting of high ranking Judges of the Appeals Court of Vienna, Austria. The high powered delegation of Austrian Appeal Court Judges paid a courtesy call on the Special Court sub-office in The Hague. During the meeting, the delegation was briefed about the activities and jurisprudence of the Special Court.

Justice Philip Waki attended the Annual General meeting and Conference of the East African Magistrates and Judges Association in Kigali, Rwanda; and participated in the Conference theme: "UNIVERSAL JURISDICTION AND AFRICA." The event was attended by

all the Chief Justices and Senior Judges in the East Africa region and focused on International Criminal Justice with reflections on how it has affected Africa through various International Tribunals.

Justice Shireen Avis Fisher represented the SCSL in the first annual memorial lecture honoring the life and work of the late Joakim Dungel, who served as Legal Officer in the Appeals Chamber. Justice Shireen Fisher delivered a speech entitled: "International Tribunals: Great Expectations, Successes, Limitations and Room for Improvement." The lecture was held at Gothenburg University, Sweden.

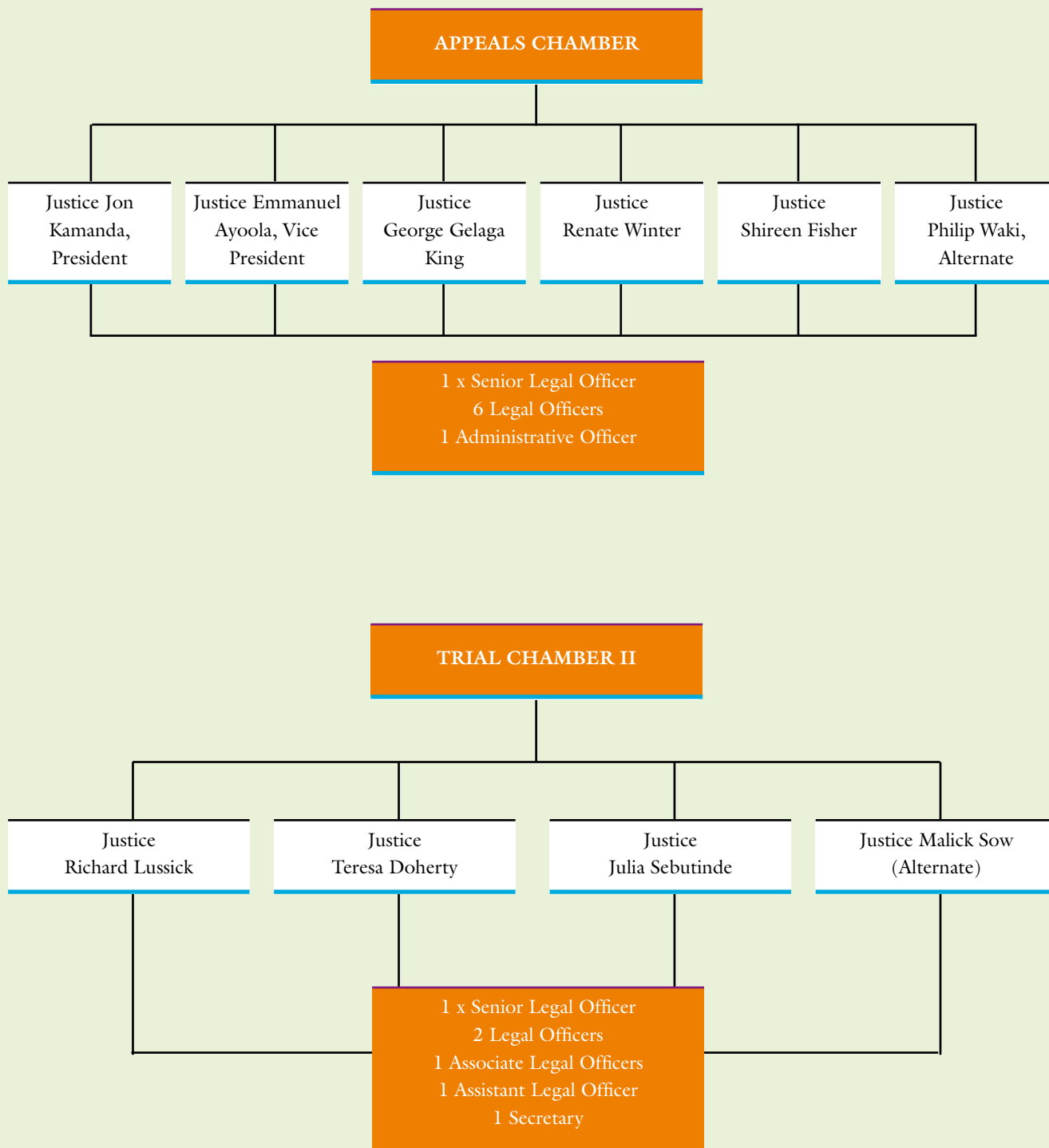
Justice Teresa Doherty spoke at the bi-annual conference of the International

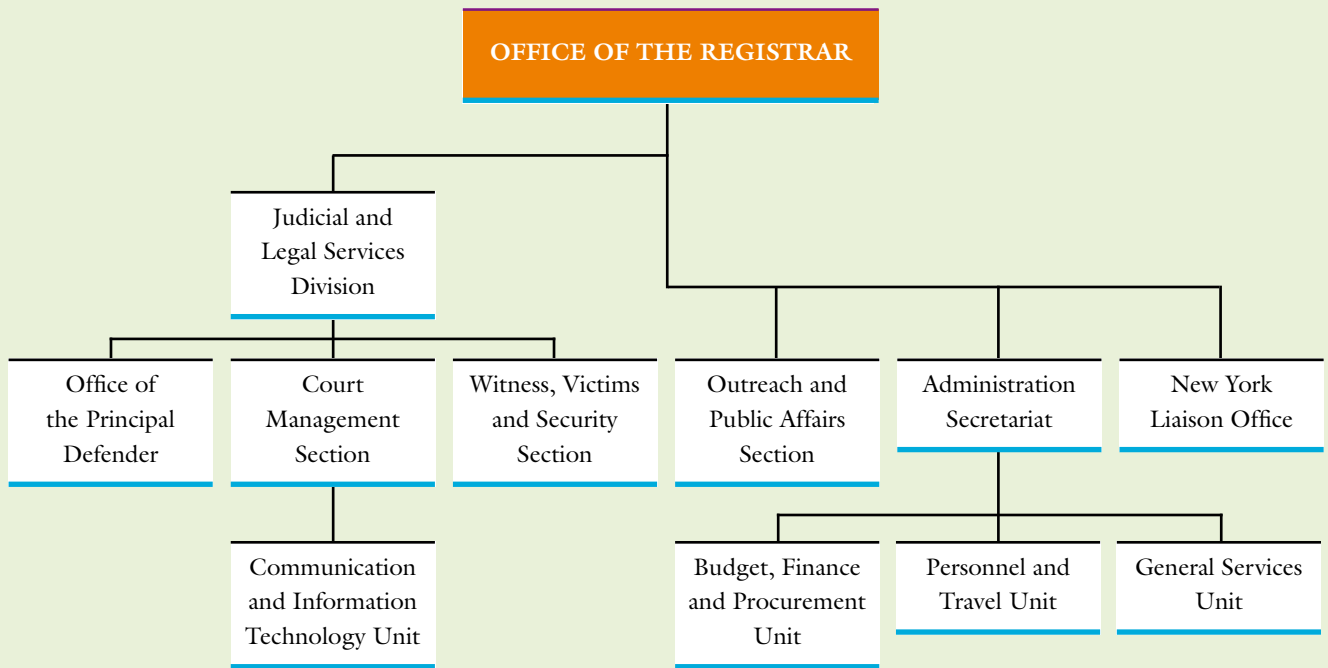
Association of Women Judges on child soldiers and the developments in the jurisprudence pioneered by the Special Court.

Justice Teresa Doherty was a member of a panel at the 14th International Symposium of World Society of Victimology on Justice for Victims Cross cultural perspectives on conflict trauma and reconciliation; and spoke on sexual violence as an international crime, mythological approaches and the application to transitional justice.



## ANNEX III









## Special Court For Sierra Leone

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