



RSCSL Office in Freetown.

Residual Special Court for Sierra Leone

Fact Sheet





MAURITANIA

SENEGAL

GAMBIA

GUINEA-BISSAU

GUINEA

SIERRA LEONE

LIBERIA

CÔTE D'IVOIRE

BURKINA FASO

GHANA

TOGO

NI

AND

Gulf of Guinea

Residual Special Court for Sierra Leone

Fact Sheet





Former SCSL Court Building.

Foreword

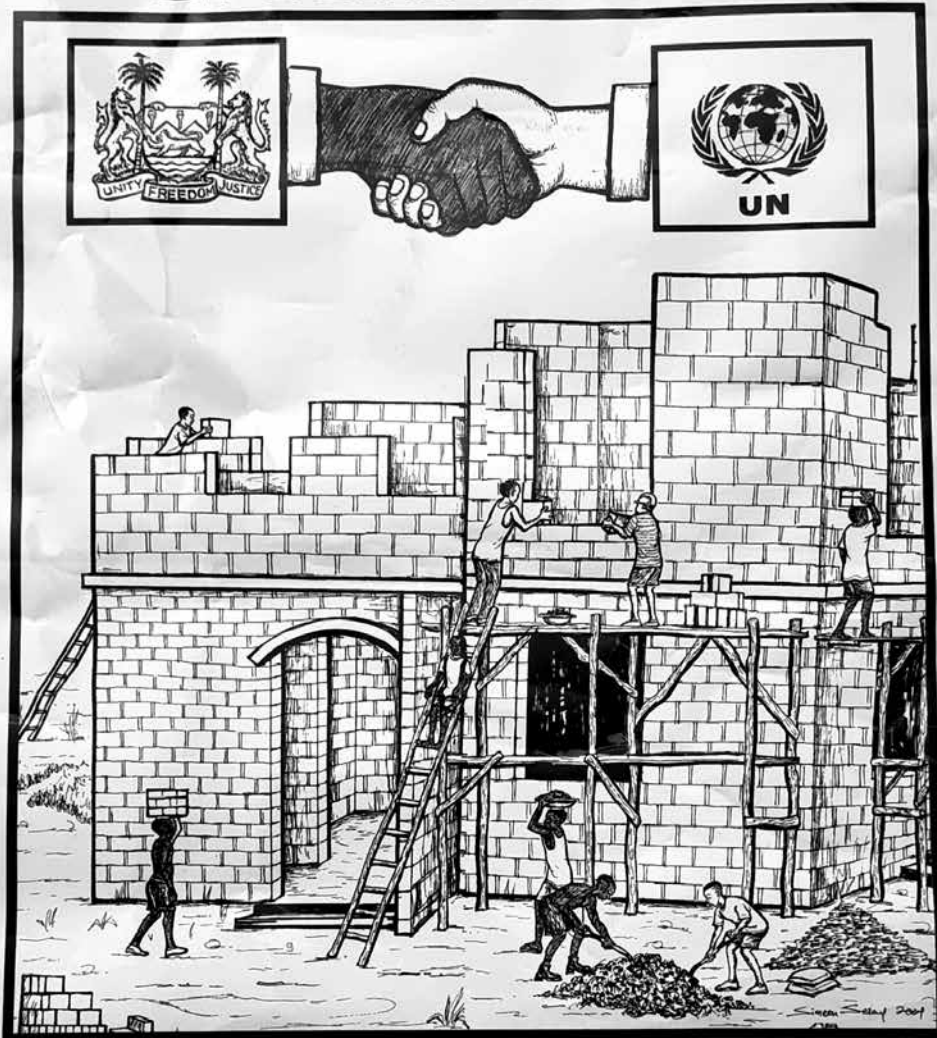
This Fact Sheet is dedicated to all those who in diverse ways have contributed to bringing justice to the victims of the 11-year war in Sierra Leone in the 1990s. The information contained in the Fact Sheet is a highlight of the achievements and challenges of the Residual Special Court for Sierra Leone (RSCSL) and its predecessor – the Special Court for Sierra Leone (SCSL). For additional information on these institutions, please visit our website www.rscsl.org

Acknowledgement

We wish to thank the Government of Sierra Leone and the United Nations who created the Residual Special Court for Sierra Leone and its predecessor (the Special Court for Sierra Leone), and the Court's Oversight Committee for their continued support of the Court; donors who have provided both restricted and unrestricted funding to the Court and all those who in diverse ways have contributed to the execution of the mandate of the Court.

Binta Mansaray
Registrar; Residual Special Court for Sierra Leone

THE CREATION OF THE SPECIAL COURT



The Government of Sierra Leone and the United Nations worked together to create the Special Court

PRODUCED BY THE OUTREACH SECTION OF THE SPECIAL COURT FOR SIERRA LEONE



Special Court for Sierra Leone

Completion of Mandate & Unique Model

On 31 December 2013, the Special Court for Sierra Leone (“Special Court”) became the first international criminal tribunal to complete its judicial mandate, close its doors and transition to a residual mechanism. Established by an agreement between the Government of Sierra Leone and the United Nations, the Special Court’s mandate was “to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996”.

The Special Court represents the first hybrid approach to international criminal justice and is a proven example that the hybrid model of national ownership complemented by international partnership is effective and efficient. It is in fact the first international criminal court since Nuremberg to sit in the country where the crimes took place, and to be funded by voluntary contributions.

Impact of Jurisprudence on International Criminal Justice

- The Special Court has made historic contributions to international criminal justice. It was the first tribunal since Nuremberg to successfully bring to justice a Head of State (at the time of his indictment). Charles Taylor, the former President of Liberia was tried in The Hague by the Special Court for Sierra Leone - Prosecutor v. Charles Ghankay Taylor, SCSL-03- 01 -T, Special Court for Sierra Leone, 18 May 2012. The Special Court was also the first in history to adjudicate on crimes relating to enlistment, recruitment, conscription or use of child soldiers; attacks on peacekeepers; forced marriage; sovereign immunity; effect of national amnesties on the jurisdiction of an international court and procedural relationships with a Truth and Reconciliation Commission.

- The Special Court delivered the principal judicial examination on the procedural relationship between a Court and a Truth and Reconciliation Commission. The Appeals Chamber's decision serves as a guide to future Courts in circumstances where Truth and Reconciliation Commissions and Courts operate simultaneously in a search for post-conflict justice. *Prosecutor v. Norman*, SCSL-03-08-PT, Appeals Judgment, para 41-44, Nov. 28, 2003.



SCSL Appeals Chamber Hearings.

- The Special Court rendered an important decision on the validity of amnesties under international law; which became the first ruling of an international criminal tribunal explicitly stating that amnesties do not bar the prosecution of international crimes before international or foreign courts. The Appeals Chamber ruled that amnesties granted to persons of the warring factions in the Sierra Leone civil war by the Lomé Peace Agreement are not barriers to prosecutions before it. The

Prosecutor v. Morris Kallon and Brima Buzzy Kamara, SCSL-2004-15-AR72(E) and SCSL-2004-16-AR72(E), Appeals Judgment, para 86-90, 13 March 2004.



SCSL Appeals Chamber Hearings.

- The Special Court's Appeals Chamber rejected a motion filed on behalf of former Liberian President Charles Taylor which challenged his indictment on the grounds of sovereign immunity and extra-territoriality. The Appeals Chamber's decision cleared the way for Mr. Taylor to be tried before the Special Court. *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-03-01-I, Appeals Judgment, para 52-53, 31 May 2004.

- The Special Court prosecuted persons for the conscription, enlistment or use of child soldiers, which was recognised as an international crime under customary international law. In the AFRC case, the Special Court delivered its first judgement convicting persons of conscripting and/or using children under the age of 15 years to participate in hostilities. *Prosecutor v.*



RSCSL Outreach.

Brima, Kamara & Kanu, Case No. SCSL-04-16-T, Judgment, Page 569-573, 20 June 2007.

- For the first time in history, the Special Court recognised, in the case against three former leaders of the Armed Forces Revolutionary Council (AFRC), that “forced marriage” constitutes a distinct crime against humanity; Prosecutor v. Brima, Kamara & Kanu, Case No. SCSL-2004-16-A, Judgment, para 202, Feb. 22, 2008. This led to the first ever convictions for forced marriage as a crime against humanity (falling within the ambit of “other inhumane acts”), in the case against the

three former leaders of the Revolutionary United Front (RUF) Prosecutor v. Sesay, Kallon & Gbao, Case No. SCSL-04-15-T, Judgment, para 1473, pages 677-684, Mar. 2, 2009.

- The Special Court was the first to try, and convict persons for attacks directed against United Nations peacekeepers, Prosecutor v. Sesay, Kallon & Gbao (RUF), Case No. SCSL-04-15-T, Judgment, para 2238, pages 677-684, Mar. 2, 2009.

- The Special Court's case against Charles Taylor is a landmark case in modern international criminal justice, as it was



RSCSL Outreach.

the first time since Nuremberg that trial proceedings against a former Head of State were successfully initiated and completed. In the case of Mr Taylor, he was convicted of war crimes and sentenced to 50 years imprisonment. Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-03-01-T, Judgment, pages 2475-2478, 18 May 2012.

Other Achievements & Legacy

- An independent survey conducted by 'No Peace Without Justice' ("the Survey"), found that 91% of Sierra Leoneans and 78% of Liberians believe that the Special Court helped to bring peace to their countries.
- Marking the successes of the Special Court's outreach programme, the Survey found that 90% of overall respondents knew of the Special Court, 65% indicated



Mobile exhibition.



Sierra Leone Peace Museum.



SCSL Protected witness carrying the scars of war.

that they were interested in its work and nearly 50% had participated in its outreach activities. This outreach model has received international acclaim, and also specific recognition for its success with women and girls. It now serves as a model in Sierra Leone and elsewhere, particularly in other post-conflict zones.

The Special Court has also received international acclaim for its Witness and Victims Protection Unit, particularly regarding the unit's success with women and girls. The 'Best-Practice Recommendations' detail the practices utilised by the Special Court in the protection of its witnesses and victims, and the lessons learned are invaluable for the design of analogous gender-sensitive witness programs within international and domestic systems.

- As part of its legacy, the Special Court handed over its 11.5 acre site and detention facility to the Government of Sierra

Leone before it closed in December 2013. This has been employed for various uses, including as a prison for women and juvenile detainees, a law school, a law reform commission office, a peace museum and a courthouse for use by the Supreme Court of Sierra Leone.

- The Sierra Leone Peace Museum, a legacy project of the Special Court and the Residual Special Court serves as a place of symbolic significance for the country, commemorating those who suffered in the civil war, preserving history and promoting a culture of human rights.



Miniature SCSL - built by Mongolian contingent (Peace Museum).

Residual Special Court for Sierra Leone

Establishment & Mandate

- On 1 January 2014, following the closure of the Special Court, the Residual Special Court for Sierra Leone (Residual Special Court), also established by an agreement between the Government of Sierra Leone and the United Nations, commenced its operations.

- The Residual Special Court is mandated to, *inter alia*, provide ongoing protection and support to witnesses and victims; supervise the enforcement of sentences; preserve and manage the archives of the Special Court and the Residual Special Court; provide legal aid; assist national authorities pursuant to requests for information; and conduct *ad hoc* proceedings including review of convictions and acquittals; contempt of court and the trial of Special Court's fugitive Johnny Paul Koroma, if alive, apprehended and his case is not transferred to a national jurisdiction.

- The Residual Special Court is funded by voluntary contributions. Accordingly, it is key to the fulfilment of the Court's

mandate that it is provided with the required resources.

- Fulfilment of its mandate is key to upholding good faith with the hundreds of witnesses and victims who placed their trust in the Special Court and to continuing to fulfil the residual functions mentioned above.

- Executing the Court's mandate is equally vital for purposes of ensuring that the enforcement of the sentences of prisoners are in accordance with the demands of international justice standards, and that the conditional early release of prisoners, where applicable, is carried out in a manner which in no way jeopardises witnesses, victims or public order in the country of release.

- Moreover, such fulfilment is essential for purposes of keeping good faith with the people of Sierra Leone and the region, continuing to strengthen the legacy of the Special Court to combat impunity and promote accountability.



Jurisprudential Highlights

- The Residual Special Court has set precedent in the development of international criminal law for the conditional early release of those convicted of war crimes and crimes against humanity.
- In August 2014, after serving two-thirds of his sentence, Moinina Fofana, who was the director of war of the Civil Defence Forces, became the first war crimes convict to be granted conditional early release.
- Following six months of subsequent training, a condition imposed by the Residual Special Court to ensure that he understood the severity of his crimes, Fofana was released and permitted to serve the remainder of his sentence in Bo, Sierra Leone, under the continued super-

vision of the Residual Special Court and the designated Monitoring Authority - the Sierra Leone Police.

- On 18 March 2016, a preliminary hearing was held concerning alleged violations of Fofana's Conditional Early Release Agreement, and particularly concerning his alleged involvement in local politics in Sierra Leone.
- On 25 April 2016, pursuant to Fofana's admission of the alleged violations, a Disposition was delivered by the Designated Judge. The Judge ordered that Fofana's conditional early release be subject to further stringent and modified conditions and that Fofana further undergo intensive training to ensure his understanding of the modified terms governing his release. Fofana completed his 15-year sentence on 28 May 2018.

- In July 2018, convicted person, Allieu Kondewa, a former initiator and high priest of the Civil Defense Forces, who was sentenced to 20 years in prison for war crimes and crimes against humanity, was transferred back to Sierra Leone on conditional early release. This measure was granted by decision of the President of the Residual Special Court of 29 May 2017 after Kondewa had served two-thirds of his sentence. Kondewa had to undergo a training on human rights and correct behaviour as a citizen of Sierra Leone prior to his release. Kondewa is the

second war crimes convict to be granted conditional early release.

- On 16 December 2019, Augustine Gbao, completed two-thirds of his 25-year sentence, thus making him eligible to apply for consideration for conditional early release under Rule 124 of the Rules of Procedure and Evidence of the Residual Special Court. Gbao was the former Overall Security Commander of the Armed Forces Revolutionary Council/Revolutionary United Front (AFRC/RUF) and commanded security and in-



telligence units in the AFRC/RUF forces. Gbao submitted his application for conditional early release to the Residual Special Court President, pursuant to Article 5 of the Practice Direction on the Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone, revised on 2 December 2016.

- On 8 September 2020, Augustine Gbao was granted conditional early release by the RSCSL President Justice Jon Kamanda, with a three month delay to undergo specific training geared to his understanding of and acceptance of responsibility for the harm he inflicted by his crimes. On 22 December 2020, Gbao was transported to his community in Blama, where he started serving the remainder of his 25-year sentence under strict conditions and close monitoring until 2028. He is the third Special Court convict, but the first member of the RUF rebel group, to receive conditional early release.

Legacy

- To preserve the legacy of the Special Court, the Residual Special Court Judges published a digitized compilation of the ground-breaking jurisprudence of the Special Court. The digitized compilation is fully indexed and searchable. The elec-



To read the electronic book, scan the QR code.



To watch the video, scan the QR code.

tronic book titled 'Bearing the Greatest Responsibility' consolidates the essential final judgments of the Special Court's Trial and Appellate Chambers into one digital volume, available to all on the Court's website at no cost to the user. This publication is one of many historic firsts for the Special Court and the Residual Special Court, and it was launched on 2 October 2019.





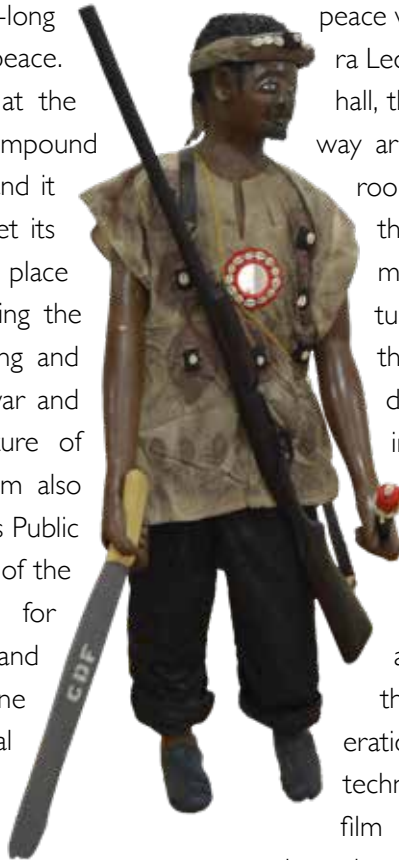
Sculptures representing warring factions - RUF, AFRC & CDF (Peace Museum).



- On 10 December 2019, the Residual Special Court launched in Freetown the Special Court Public Archives and the refurbished Sierra Leone Peace Museum. The refurbished Peace Museum is a legacy of the RSCSL and a monument to the country's decade-long civil war and its return to peace. The Museum is housed at the former Special Court compound on Jomo Kenyatta Road and it is now functioning to meet its objectives of serving as a place of remembrance, honouring the victims of the war, learning and telling the story of the war and peace, promoting a culture of human rights. The Museum also houses the Special Court's Public Archives and the archives of the Truth and Reconciliation for the use of researchers and scholars from Sierra Leone and abroad. The Special Court Public Archives were reproduced with funding from the Dutch Government.

From September 2020 to March 2022, the Global Affairs Canada sponsored developmental projects aimed at preserving and promoting the legacy of the Special

Court for Sierra Leone. Part of these projects dealt with further developing the Sierra Leone Peace Museum. The Museum has 7 Exhibition Areas and a mobile exhibition designed to explain the decade-long war and make the value of peace visible to the people in Sierra Leone. They include: the peace hall, the archives room, the hallway artefacts, the peace keepers room, the crime scene room, the ante room, and the memorial garden. It equally features the symbolic graves and the memorial wall of names dedicated to those who died in the Sierra Leone war. Under this project, the Special Court archives have been preserved in acid free folders to make them available and accessible to the present and future generations. In line with modern technology, the Museum has a film screening and audio-visual section where historical facts and other stories of the war are told electronically. It also has an audio tour guide that narrates the story of the war, peace and transitional justice. Development of the memorial garden and audio tour guide were completed in December 2021 and a series





Artifacts (Peace Museum).

WAR ARTIFACTS (CDF)



of outreach events including town hall meetings were held nationwide, to communicate the new developments and the legacy of the Special Court to Sierra Leoneans.

- On 23 March 2021, the Residual Special Court commemorated the 30th Anniversary of the commencement of Sierra Leone's civil war. The Residual Special Court sponsored event took place at the Sierra Leone Peace Museum and had speakers from the Human Rights Commission, the National Commission for Democracy, and the Sierra Leone Police. The event brought together civil socie-

ty organizations, victims, ex-combatants, students from Western rural and urban areas, members of the Sierra Leone Police, the Republic of Sierra Leone Armed Forces, and the Sierra Leone Correctional Service. This occasion was also an opportunity for the Court to promote the legacy of the Special Court.



SCSL & TRC archives.



Symbolic graves and Fountain of blood at the Memorial Gardens.





- On 18 January 2022, the Residual Special Court for Sierra Leone, in collaboration with the Freetown-based think tank Center for International Law and Policy in Africa (CILPA), commemorated the 20th anniversary of the formal end of Sierra Leone's civil war and the signing, two days earlier, of the Agreement between the United Nations and the Government of Sierra Leone which set up the Special Court. The event held at the Sierra Leone Peace Museum on the grounds of the for-

mer Special Court. Current and former Principals of the Court, the Dean of the Diplomatic Corps and the Parties to the Special Court Agreement gave keynote addresses. Survivors of the war, civil society and other stakeholders participated in the two panel discussions on the legacy of the Truth and Reconciliation Commission and the Special Court. The Memorial Garden was dedicated on this occasion.

Institutional and Financial Aspects

- The RSCSL has its interim seat in The Hague, with a branch office in Freetown. In The Hague, the RSCSL occupies office space in the International Residual Mechanism of Criminal Tribunals (IRMCT) building. In Freetown, it occupies space in the former SCSL premises and it is co-located with the National Witness Protection Office.



RSCSL office in The Hague.

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

- As mentioned above, the RSCSL operates on the basis of voluntary contributions from States. This has been challenging and has led to the intervention of the United Nations to supplement the budget. In June 2016, June 2018, May 2019, 2020, 2021 and 2022, the UN Secretary-General addressed letters to all Member States seeking their financial support for the activities of the RSCSL. In December 2016, the General Assembly of the United Nations authorised the Secretary-General to grant a subvention not exceeding USD 2,800,000 towards the projected RSCSL budget for 2017. In December 2017, a subvention of USD 2,300,000 was granted towards the projected RSCSL budget of USD 2,965,900 for 2018. In December 2018, a subvention of USD 2,537,000 was granted towards the projected RSCSL budget of USD



RSCSL Office in Freetown.

2,984,600 for 2019. In December 2019, a subvention of USD 2,537,000 was granted towards the projected RSCSL budget of USD 2,899,500 for 2020. In December 2020, a subvention of USD 2,537,000 was granted towards the RSCSL budget of USD 2,856,300 for 2021. In December 2021, a subvention of 2,773,000 was granted towards the RSCSL budget of USD 2,949,300 for 2022.

- The unrestricted voluntary contributions received by the RSCSL from 2016 to date is as follows:
USD 27,462 (2016), USD 164,942 (2017), USD 116,375 (2018), USD 75,293 (2019), USD 73,542 (2020), USD 43,036 (2021) USD 30,000 (2022).



Sierra Leone Peace Museum.

Residual Special Court for Sierra Leone

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Produced by the Residual Special Court for Sierra Leone – June 2022

Design & Printing by: Repro- van de Kamp, Wegestraat 40, 2516 AP The Hague