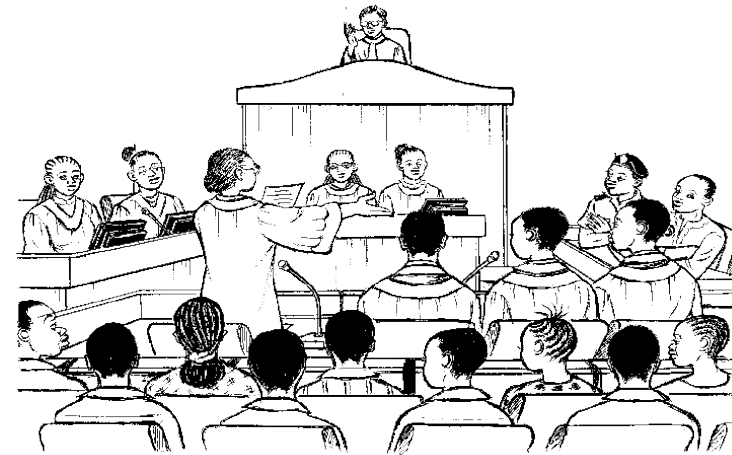


Wetin Na Di Residual Speshal Kot?

The Residual Special Court Made Simple

Second Edition



A Residual Special Court for Sierra Leone Publication
June 2022



Residual Special Court for Sierra Leone
Outreach
June 2022

© Copyright 2022 by the Residual Special Court for Sierra Leone

Permission to reproduce and distribute this document is hereby granted provided that this notice is retained on all copies, that copies are not altered and that the Residual Court for Sierra Leone is credited.

Printed by NABs Tech, 6B Handel Street, Kingtom, Freetown

All pictures drawn by local artist, Simeon Sesay (30 Smythe Street, Freetown who passed away in 2018

Picture of judges and burning of arms were drawn in 2022 by Abubakarr Kamara, 10^o Barracks Road, Murray Town
+ 232 79 488445 / +232 90 488445

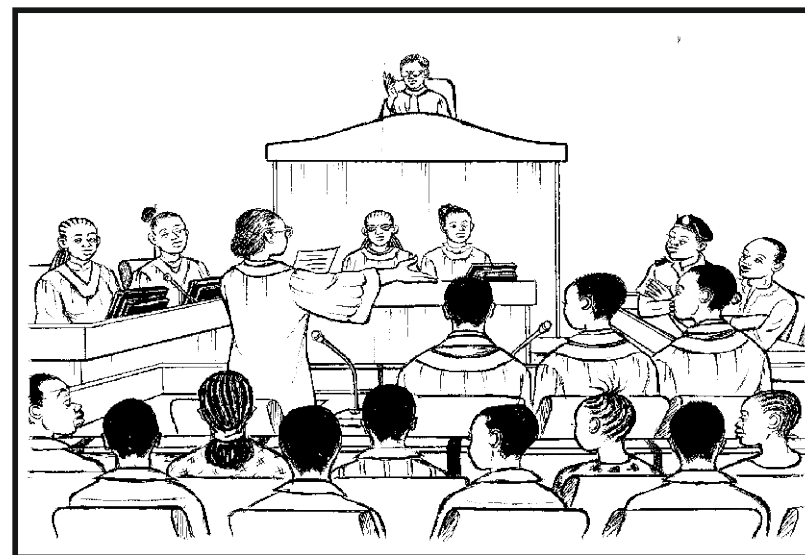
Pictures of Carving at the Memorial garden were done by Marco Touch Academy,

Visit the Residual Court website: <http://www.rscsl.org>

Wetin Na Di Residual Speshal Kot?

The Residual Special Court Made Simple
Second Edition

A Residual Special Court for Sierra Leone Publication
June 2022



**Residual Special Court For Sierra Leone
Outreach**

OUTREACH MISSION STATEMENT

The Residual Special Court for Sierra Leone (RSCSL) was established to oversee the continuing legal obligations of the Special Court for Sierra Leone (SCSL), following the SCSL's successful completion of its work and closure in December 2013.

The RSCSL also works to preserve the legacy of the SCSL, and this includes the legacy left by the Special Court's Outreach Section. The SCSL was the first international court to engage the public directly, and it promoted an understanding of the SCSL's work and respect for human rights and the rule of law.

Unlike the SCSL, the RSCSL does not have a distinct Outreach Section, but the court continues to engage the public on important issues related to its mandate. This is done through former outreach staff, through civil society partners, and through materials such as this booklet. It continues the SCSL's tradition of maintaining a two-way communication through its grassroots network with the public at large.

As with the SCSL, the RSCSL is committed to dissemination of information, to encouraging dialogue, and to maintaining an environment of two-way communication with the people of Sierra Leone and Liberia, and to civil society leaders in the region and beyond. RSCSL Outreach works with all branches of the Court, and Outreach initiatives are premised on the fundamental principles of impartiality and independence.

Who was the President of Sierra Leone when the war started?

In 1991 Major-General (Rtd.) Joseph Saidu Momoh was President when the war broke out. He succeeded Siaka P. Stevens in 1985. President Momoh fled to Guinea after the NPRC coup in 1992. He returned to Sierra Leone, but fled Freetown in 1999 during the rebel attack on Freetown. He died in exile in Guinea in 2003.

How can I contact the Residual Special Court?

The RSCSL can be contacted by email at info@rscsl.org, by telephone at +31 70 512 8481, or by mail at P.O. Box 19536, 2500CM, The Hague, The Netherlands.

The Prosecutor's office can be contacted at prosecution@rscsl.org.

How can I contact the Sierra Leone Peace Museum?

You can contact the Sierra Leone Peace Museum at:
Site of the former Special Court for Sierra Leone
Jomo Kenyatta Road,
New England Ville,
Freetown, Sierra Leone.
Tel: +232 79 88 05 49, +232 7735 57 49, +232 76 91 78 18
Email: peacemuseum1@gmail.com

Is the government providing security for those convicted persons who have been released from prison?

The Government does not provide security for released prisoners, but if they are threatened, the police are supposed to protect them as they would any citizen. The police, in their role as Monitoring Authority for the Residual Special Court, supervise convicted persons on conditional early release, and will provide security for them if they are in danger.

How was Charles Taylor involved in the war in Sierra Leone?

Charles Taylor was convicted of planning, and of aiding and abetting rebel forces during the war, including the 1999 attack on Freetown. He provided training to RUF forces and provided weapons and other supplies to the rebels in exchange for Sierra Leone's diamonds.

Why was the unemployment rate so high following the war?

The unemployment rate was high in the immediate postwar years because of the destruction of livelihoods, property and institutions that happened during the war, and because many people, including those involved in agriculture, had been displaced.

Why was Samuel Hinga Norman arrested?

Samuel Hinga Norman was accused of committing a number of war crimes and crimes against humanity during the war. These include murder, inhumane acts, pillage (looting and burning), acts of terrorism and collective punishments. Norman died after his trial but before the judgment was issued. Therefore, the case against him was stopped.

Why was Johnny Paul Koroma not arrested?

Johnny Paul Koroma fled Sierra Leone for Liberia before he was charged by the SCSL. His whereabouts are unknown, and it is not known whether he is still alive. If he is alive and found at any time he will be arrested, and arrangements will be made to bring him to trial.

ACKNOWLEDGEMENTS

The booklet was produced by the Registry of the Residual Special Court. We are grateful to all those who contributed to its production, including the office of the Registrar, the office of the Prosecutor, the office of the Principal Defender, and Chambers.

This book production is funded by the Federal Republic of Germany and Italy.

FOREWORD

This second edition of "The Residual Special Court Made Simple" is produced by the Registry of the Residual Special Court for Sierra Leone. The booklet provides information on the mission and the functions of the Residual Special Court. Its objective is to make the information accessible to all Sierra Leoneans, including those living in parts of the country remote from Freetown, and to all those interested in the work of the Court.

The booklet reminds readers about the legacy of the Special Court and its role in addressing crimes committed during the war, and its work to end impunity and re-establish the rule of law in Sierra Leone and in the sub-region. It provides information on the important role of the Residual Special Court in preserving the Special Court's legacy.

As in the first and second editions of "The Special Court Made Simple", and the first edition of "The Residual Special Court Made Simple," this booklet explains the functions of the Residual Special Court in non-legal language, accompanied by illustrations which communicate the same message. These illustrations are not meant to be exact representations, but are meant to communicate ideas which can be abstract and complex.

This booklet is one of the Residual Special Court's many initiatives to provide insight and information on its continued functions after the closure of the Special Court.

Binta Mansaray
Registrar, Residual Special Court for Sierra Leone
June 2022

Were witnesses protected after giving statements at the SCSL?

The RSCSL has a Witness and Victims Support unit that monitors witnesses who testified at trials held before the Special Court, to ensure their welfare, especially to ensure that they are not threatened because they testified.

We are seeing early warning signs of the causes of war. Will Sierra Leone be safe during the next election?

The Government of Sierra Leone, especially its security services with the backing of the international community, continue to maintain security in the country. We hope that the country will be safe during the next election. The SCSL was one of the institutions that worked to train police, prisons officers, and members of the judiciary, to ensure safety and the rule of law in the country.

Where does the Peace Museum get its artefacts?

Many of the artefacts were donated to the Peace Museum by their owners (individuals and institutions). Others were donated by the Special Court for Sierra Leone and the Truth and Reconciliation Commission.

What were the causes of the war?

Witness to Truth, the report of the Sierra Leone Truth and Reconciliation Commission, Vol. 2, states that the causes of the war in Sierra Leone include:

- Bad governance
- Injustice
- Political intimidation
- Political violence
- Youth marginalization
- Youth unemployment
- Uneven distribution of resources
- Nepotism
- Illiteracy

Why is RUF leader Foday Saybana Sankoh not listed as a prisoner?

Foday Sankoh was charged by the SCSL in 2003, but he died of natural causes before his trial began.

Why were mid-level commanders who were known to have committed crimes not arrested and tried?

The SCSL's mandate was to prosecute those “bearing the greatest responsibility”. In the view of the Prosecutor, that meant those at the top who, by their acts or omissions, were responsible for their own crimes and for the crimes committed by those who were fighters under their command.

Is the Peace Museum open to the public?

The Museum is open to all persons on weekdays between 10:00 a.m. and 5:00 p.m.

Who takes care of the prisoners in Rwanda and the UK?

The prison services of those countries are responsible for enforcing the sentences of the prisoners. The RSCSL has the responsibility of ensuring that the sentences are being enforced in conformity with international standards as laid out by the United Nations.

Will the Peace Museum be here forever?

The Peace Museum is designed to be a permanent institution, so that future generations may learn about the war and the peace process. This includes artefacts and documents from the conflict era, and documents from the Truth and Reconciliation Commission and the Special Court.

What are the meanings of UNOMSIL and UNAMSIL?

United Nations Observer Mission in Sierra Leone, and United Nations Mission in Sierra Leone.

Why were the convicted persons sent to Rwanda?

It was felt for security reasons, the prisoners should serve their sentences in another country that can provide maximum security. The Rwandan government had a prison facility built to international standards, originally meant to house those convicted by the International Criminal Tribunal for Rwanda (ICTR). Part of that facility was made available to the Special Court for its prisoners.

YESTERDAY: The Special Court for Sierra Leone, from 2002 to 2013

The Special Court for Sierra Leone (Special Court or SCSL), was created in 2002 after the Government of Sierra Leone asked the United Nations (UN) to set up a “special court”. The Court was set up by an agreement between the Government of Sierra Leone (GoSL) and the United Nations (UN) and was mandated to try those bearing the greatest responsibility for serious crimes committed in the country from the 30 of November 1996. This was the date for the failed Abidjan Peace Accord which would have ended Sierra Leone's 11-year civil war. The war began in March 1991 and ended in January 2002.

The publication of this booklet coincides with the twentieth anniversary of the end of Sierra Leone's civil war, and the twentieth anniversary of the agreement that set up the Special Court.

During the war, tens of thousands of civilians and non-combatants were killed, and thousands more were maimed, mutilated, tortured, amputated and raped. Combatants burnt down villages, and hundreds of thousands of people were forced to flee their homes for displaced persons camps and refugee camps.

The Special Court indicted (or charged) 13 persons with war crimes, crimes against humanity, and other serious violations of international humanitarian law. Some of these crimes were murder, rape, sexual slavery, pillage (looting and burning of property), acts of terrorism, extermination, inhumane acts, forced marriage, attacks on UN peacekeepers, and the use of child soldiers.

Five of those indicted were leaders of the Revolutionary United Front (RUF), four were leaders of the Armed Forces Revolutionary Council (AFRC), and three were leaders of the pro-government Civil Defence Forces (CDF). The last accused, Charles Taylor, was the sitting President of Liberia when he was indicted. Only nine accused persons were tried and convicted. Two RUF leaders, Foday Sankoh and Sam Bockarie, died before the Court could try them. CDF leader Sam Hinga Norman died near the end of his trial before a judgement could be delivered. AFRC leader Johnny Paul Koroma fled Sierra Leone before he could be arrested.

Those accused were indicted because of their personal responsibility for crimes they committed themselves or that they encouraged or assisted others to commit. They were indicted for crimes they committed during the war and not because they went to war, or because they were leaders of a warring group.

The Special Court for Sierra Leone was the first court in the world to try and convict persons for the recruitment and use of child soldiers, for forced marriage as a crime against humanity, and for attacks on UN peacekeepers. The Special Court was the first international court since the Nuremberg trials of German war criminals after World War II to successfully try a former head of state: Charles Taylor, the former President of Liberia. He was indicted while he was a sitting head of state, tried and convicted of crimes committed in Sierra Leone. The SCSL was also the first modern international court to complete its mandate, close, and transition to a residual mechanism – the Residual Special Court for Sierra Leone.

TODAY: The Residual Special Court for Sierra Leone, from 2014 to present

The Residual Special Court for Sierra Leone, or RSCSL, was set up to carry out the continuing legal obligations of the SCSL after the court closed in December 2013. It also works to preserve and continue the legacy of the SCSL.

The RSCSL, like the SCSL, was set up by an agreement between the United Nations and the Government of Sierra Leone. Unlike the SCSL, which at its height had more than 500 staff, contractors and interns, the RSCSL currently has a small staff of just thirteen people. Some of the staff are located in the Netherlands and share office space with the International Residual Mechanism for Criminal Tribunals, or (IRMCT), the successor to the International Criminal Tribunal for the (former) Yugoslavia and the International Criminal Tribunal for Rwanda. There is also an RSCSL office in Freetown which houses the witness protection unit and the Defence Office. The Registrar maintains a list of former SCSL staff members who can be called upon to assist when needed.

can see artefacts and pictures from the Museum and discuss them with Museum staff.

Why was Charles Taylor's trial held in The Hague?

The United Nations felt that holding the trial so close to Liberia, which at the time was not as far advanced in the peace process as Sierra Leone, could create instability in the sub-region. It was decided therefore to hold the trial in The Hague, the Netherlands. The trial was first held by the SCSL in a courtroom belonging to the International Criminal Court (ICC), and later when the ICC needed that courtroom, in a courtroom belonging to the Special Tribunal for Lebanon (STL).

Why was Charles Taylor sent to the UK to serve his sentence?

Before a court can hold a trial in The Hague, the Government of the Netherlands requires that a country will commit to enforcing the sentence of the accused if that person is found guilty. The Government of the UK made that commitment, allowing the trial to proceed. When Charles Taylor was found guilty and sentenced to 50 years of imprisonment, the President of the Special Court ordered that he serve his sentence in the UK for security reasons.

Why were some prisoners given longer sentences than others?

The length of the sentences depended on the number of offenses and the seriousness of the crimes for which individual accused was found guilty.

Why did the Special Court close down?

The SCSL closed in December 2013 after successfully completing its mandate.

How are RSCSL staff paid?

Money to pay RSCSL staff comes from voluntary contributions received from countries and institutions that support the RSCSL, and from United Nations subventions.

Who were the other leaders of the CDF?

The CDF leaders tried by the SCSL were Samuel Hinga Norman, Moinina Fofana and Alieu Kondewa.

Why were the AFRC leaders arrested?

Alex Tamba Brima, Ibrahim Bazy Kamara and Santigie Borbor Kanu were charged with war crimes and crimes against humanity, including for acts of terrorism, collective punishments, murder, rape, physical violence, recruitment and use of child soldiers, enslavement and pillage.

FREQUENTLY ASKED QUESTIONS BY SIERRA LEONE PUPILS IN 2020 AND 2021

Why did the Special Court's mandate not cover crimes committed before 30 November 1996?

Those who negotiated the agreement that set up the SCSL felt that it should have a mandate limited in scope, that it should complete its mission more quickly than the tribunals that preceded it, and that it should only try those believed to hold the “greatest responsibility” for the crimes committed during the war.

How did students come together to agitate for change?

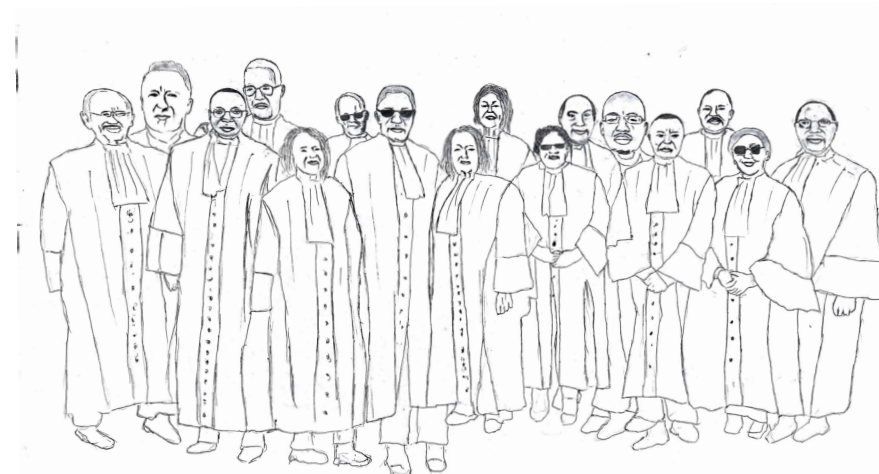
Students were holding public meetings, forming social clubs to agitate for change. But, because they felt that no one was listening to them and there was no freedom of speech, they held demonstrations, which sometimes turned violent like the one held by Fourah Bay College students in 1985.

What will be done for schools that don't have easy access to the Peace Museum? Will students still be invited to the Memorial Garden after it is completed?

Students will continue to be invited to visit the Peace Museum and the Memorial Garden. For those who might find it difficult to travel to Freetown, as part of the development of the Peace Museum, the RSCSL set up a mobile exhibition which will be sent around the country, where students and others

COMPOSITION OF THE RSCSL

Current Judges of the RSCSL



The RSCSL has a roster, or official list, of up to 16 Judges. That is to make sure that if a judicial matter arises there will be Judges who can be called upon to serve. The Judges are not paid for being on the roster. Instead, they are paid on a *pro rata* basis. That is, they are paid only when they carry out functions for the Court.

Ten of the Judges on the Roster are appointed by the United Nations, and six by the Government of Sierra Leone. The Judges elect a President and a Vice-President of the RSCSL. The current President is Justice Pierre G. Boutet. He succeeds Justice Jon Kamanda, whose term ended in March 2022. The current Vice-President is Justice Emmanuel Ekundayo Roberts. He succeeds Justice Teresa Anne Doherty whose term ended in March 2022. The President serves as a duty Judge and may call upon the roster Judges to fulfill judicial functions.

The first 16 Judges were sworn in on 2 December 2013. The first set of Judges appointed by the Government of Sierra Leone were Justices George Gelaga King, John Bankole Thompson, Jon Moadeh Kamanda, Vivian Margarete Solomon, Abdulai Hamid Charm, and Emmanuel Ekundayo Roberts. The first set of Judges appointed by the United Nations were Justices Richard Brunt Lussick, Pierre G. Boutet, Renate Winter, Teresa Anne Doherty, Shireen Avis Fisher, Philip Nyamu Waki, Elizabeth Ibamda Nahamya, Oagile

Bethuel Key Dingake, Andrew John Hatton, and Isaack Lenaola.

Justice King died in April 2016, and he was succeeded by Justice Desmond Babatunde Edwards. Justices Solomon and Charm completed their terms in December 2020, and they were succeeded by Justices Eldred Taylor-Camara and Miatta Maria Samba. Justice Thompson died in May 2021, and he was succeeded by Justice Alusine Saine Sesay in November 2021. Justice Miatta Maria Samba was sworn in as a Judge of the International Criminal Court in early 2021, and she was succeeded by Justice Tonia Barnett in November 2021.

RSCSL Officials

The first Registrar of the RSCSL is Binta Mansaray, who was the last Registrar of the SCSL. The first Prosecutor of the RSCSL was Brenda J. Hollis, who was the last Prosecutor of the SCSL. She was succeeded by James C. Johnson in September 2019. The first Principal Defender is Ibrahim Yillah, a lawyer who had worked at the Special Court in 2003 and 2004, and afterwards at the International Criminal Court.

The Registrar is the only official who works on a day-to-day basis. The Registrar is responsible for all administrative matters of the Court.

The Prosecutor works remotely, and only visits the seat of the Court when necessary. The Prosecutor is paid on a *pro rata* basis.

The Principal Defender also works remotely and is paid on a *pro rata* basis. The Principal Defender keeps a roster of qualified defence counsel, and may provide legal assistance to prisoners and persons accused of contempt of court, when they are not represented by their own lawyer.

The Oversight Committee

Like the SCSL which had a Management Committee, the RSCSL has an Oversight Committee. The Committee is made up of representatives from the Government of Sierra Leone, or GOSL, and the United Nations, or UN, and also from significant donor countries. The committee members help the Court to raise money to operate, because the RSCSL, like the SCSL, relies on donations from UN Member countries. The Committee also provides policy advice to the RSCSL on non-judicial matters, such as budget and fundraising.

RSCSL statute.

Pardon and commutation of sentence would only be considered in exceptional circumstances. For example, if a prisoner were terminally ill his sentence might be commuted so that he could return home and spend his last days with his family.

If the Court grants a prisoner conditional early release, does that mean he would now be free?

No. Conditional Early Release means that he would serve the remainder of his sentence in his community under close supervision. Any violation of those conditions could result in him being returned to prison to serve the remainder of his sentence. Those conditions are set out in the SCSL's "Practice Direction on the Conditional Early Release of Persons Convicted by the Special Court for Sierra Leone," which can be viewed on the RSCSL website.

Can the President of Sierra Leone pardon a Special Court prisoner?

No. the President of Sierra Leone cannot pardon a Special Court prisoner.

Where can I access the documents of the SCSL/RSCSL?

The RSCSL has a website which provides not only information on the Residual Special Court, but also contains the electronic records of the Special Court for Sierra Leone. The website is <http://www.rscsl.org>. In addition, paper copies and digital copies are available at the Peace Museum on the former Special Court compound on Jomo Kenyatta Road in Freetown.

What is the meaning of CDF?

Civil Defence Forces. This was described as an umbrella organization which included local militias, including the Kamajors, the Donsos, the Tamaboros, the Kapras and the Gbethis.

What is the meaning of RUF?

Revolutionary United Front, the rebel group, of which Foday Saybana Sankoh was the leader.

supplement its voluntary contributions. The RSCSL has an Oversight Committee to assist in exploring alternative means of funding, obtaining voluntary funds and to provide advice and policy direction on non-judicial aspects of the Court. The Oversight Committee is the successor to the SCSL's Management Committee. Court officials are working with the Oversight Committee to achieve sustainable means of funding the Court.

Who are the Members of the SCSL Management Committee and RSCSL Oversight Committee?

The Government of Sierra Leone, the United Nations, Canada, the United States, United Kingdom, The Netherlands and Nigeria were members of the SCSL Management Committee. The same countries are members of the RSCSL Oversight Committee, except for Nigeria, which continues to support the RSCSL's mandate

Will the RSCSL indict anyone?

The RSCSL will not bring any new indictments for war crimes, crimes against humanity, or other serious violations of international humanitarian law. If it is alleged that someone is in contempt of court, such as interfering with or threatening former witnesses, and an investigation shows that there is sufficient evidence to prosecute, then the Judges may issue an Order in Lieu of an Indictment, and that person will be brought to trial.

What is Conditional Early Release?

Conditional Early Release, if granted, means that the prisoner will serve the remainder of his sentence in the community under strict conditions and with monitoring by the Sierra Leone Police as Monitoring Authority. Conditional Early Release is not the same as a pardon or commutation of sentence.

How is Early Conditional Release different from early release, pardon, commutation, or amnesty?

Conditional Early Release is different from early release, where the person is simply freed without any conditions or monitoring. It is also different from pardon, where a person is set free and absolved of his conviction as if he had never been convicted. It is not the same as commutation, which is a reduction in the length of the sentence. Amnesty is an act of forgiveness for past offences, especially to a class of persons as a whole. Amnesty is not part of the

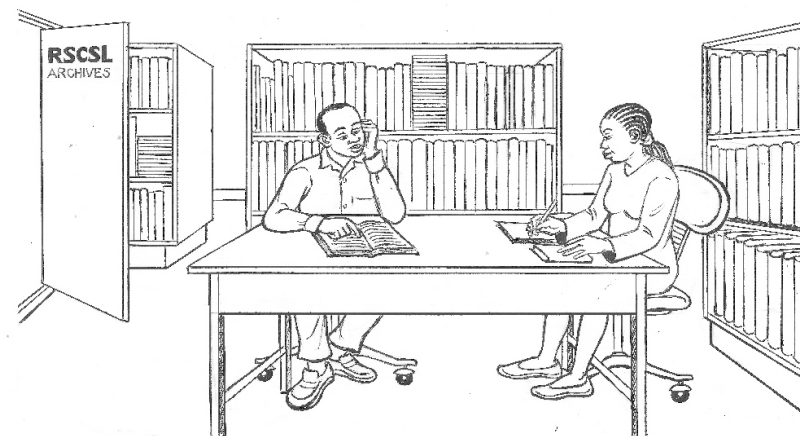
THE CONTINUING OBLIGATIONS OF THE (ONGOING FUNCTIONS)

The continuing obligations are divided into two types. The first are called “ongoing”, which means that they have to be done regularly. These include witness protection and support, the supervision of the enforcement of sentences of SCSL convicts, the maintenance and management of the SCSL's archives, and provision of assistance to national prosecution authorities.

There are also *ad hoc* functions. *Ad hoc* is a Latin term meaning “done for a particular purpose only.” This means that the function will only be carried out if there is a need for it. Some of these are arranging for the trial of AFRC leader Johnny Paul Koroma, should he be found alive and if his case is not transferred to a country willing and able to try him; the review of convictions and acquittals of prisoners, contempt of court proceedings, assigning of defence counsel and legal aid issues, claims for compensation, and prevention of double jeopardy.

Maintenance, Preservation and Supervision of the Archives

The SCSL archives have to be preserved in a secure environment. In 2010, the original records were moved to the Dutch National Archive in The Hague, but copies of the Special Court public archives are kept alongside the Truth and Reconciliation records at the Sierra Leone Peace Museum, located on the old SCSL compound on Jomo Kenyatta Road in Freetown.



Mandate of the Residual Special Court: Maintenance of the Archives of the Special Court.

Assistance to National Prosecution Authorities

The Special Court's mandate was to try only “those bearing the greatest responsibility” for serious crimes committed in Sierra Leone during the war. Governments and other courts, however, may want to try someone in cases where they need “confidential” or “strictly confidential” (non-public) evidence or information held by the RSCSL. They might also request evidence and information to support investigations and asylum cases.

The RSCSL has a strict Access Policy to make sure that confidential information is handled correctly. The security classification of judicial records can only be determined by the President of the Court, a duty judge, or a chamber. The authority to determine the security level of non-judicial records lies with the organ that originally created them. The Access Policy also ensures maintaining confidential information in order that former witnesses and their families will not be threatened.

Witness Protection and Support

Many of the witnesses who testified were war victims. Some of them were “insider” witnesses who were close to the accused. The SCSL had a duty to protect these witnesses against threats to themselves, their families and their friends. The RSCSL has to make sure that there are no threats against them now that the SCSL has closed. The RSCSL also has a duty to make sure that the witnesses are not interfered with by the convicts or by people acting for the convicts. The RSCSL has the power to bring charges against anyone who threatens or interferes with witnesses.

Threatening or interfering with any witness is contempt of court and it's a serious crime. A person found guilty of such an offence can be sentenced to a maximum of seven years in prison, or to pay a fine of 20 million leones, or to both a sentence and a fine. Several persons have already served prison sentences for trying to bribe or otherwise interfere with former SCSL witnesses.

The RSCSL has a witness protection office in Freetown at the site of the old SCSL. The witness protection officers meet the former witnesses throughout Sierra Leone and Liberia to make sure that they are alright and that no one has threatened them or tried to interfere with them. A person who tries to do this will face serious consequences.

How long will the Residual Special Court be around?

The RSCSL will continue until it completes its mandate or until the GoSL and the UN decide otherwise.

Can the RSCSL prosecute people for war crimes and crimes against humanity as the SCSL did?

Apart from Johnny Paul Koroma, the RSCSL will not indict or try any other person for war crimes or crimes against humanity. The RSCSL can try persons accused of contempt of court, such as those who interfere with witnesses.

What exactly is meant by *ad hoc*?

Ad hoc is a Latin term meaning "for this" or "for this special purpose." It means that these functions will only be exercised by the RSCSL if the need arises. For example, the RSCSL will try persons for contempt if there is evidence that they have interfered with witnesses who testified before the Special Court, or revealed the names of protected witnesses. The RSCSL would make a decision on trying Johnny Paul Koroma only if Koroma were apprehended and transferred to the jurisdiction of the Court. The Court would only review convictions if a convict produced new evidence that was not available at the time of his trial, and if such evidence might have caused the Judges to render another decision.

How many staff members are there at the RSCSL?

There are 13 full-time staff members, located in both The Hague and Freetown.

Where is the RSCSL located?

The principal seat of the RSCSL is in Sierra Leone, but its interim headquarters is located in The Hague in the Netherlands, where it shares space with the ICTY residual mechanism. It will remain there until the parties (the Government of Sierra Leone and the United Nations) decide otherwise.

Where does the RSCSL get its funding?

The RSCSL, like the SCSL, is funded by voluntary contributions from the international community and by the United Nations subvention grant to

FREQUENTLY ASKED QUESTIONS

Why was the RSCSL established?

The RSCSL was established "to continue the jurisdiction, functions, rights and obligations of the Special Court for Sierra Leone (SCSL) subject to the provisions of the Agreement and the Statute" of the RSCSL

(Article 1(3) of the Special Court Statute). Those ongoing functions are described in this booklet. There are also some *ad hoc* functions for which the RSCSL will be responsible if the need ever arises. These include conducting contempt trials if people interfere with or threaten former witnesses. The RSCSL would also arrange for the trial of SCSL indictee Johnny Paul Koroma, should he be apprehended.

What was the SCSL's mandate?

The Special Court for Sierra Leone was an international criminal tribunal established jointly in 2002 by the Government of Sierra Leone and the United Nations. It was mandated to try those bearing the greatest responsibility for war crimes, crimes against humanity, and other serious violations of international humanitarian law committed in Sierra Leone after 30 November 1996. It completed its mandate and closed in December 2013. Between 2002 when it started and 2013, the SCSL tried and convicted nine persons for serious crimes, contributed to the jurisprudence of international criminal law with convictions for the use of child soldiers, forced marriage as a crime against humanity, sexual slavery, and attacks directed against UN peacekeepers. The SCSL generated archives which document the trials, the jurisprudence, and many of the crimes committed during the war.

If the SCSL completed its mandate, why is there a need for the RSCSL?

All of the international courts will need a "residual mechanism" to carry out their ongoing legal obligations when they close. For example, the jointly created residual mechanism for the the International Criminal Tribunal for Rwanda (ICTR) the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the former Yugoslavia (ICTY) started functioning in mid-2013, although those courts closed in 2016 and 2017, respectively.

The witness protection and support officers also provide medical and other welfare support to witnesses who continue to suffer serious war-related medical problems.



Residual Special Court protects witnesses and their family members from interference, intimidation, threats, or violence for their role at the Special Court. Violators will be arrested and prosecuted, and if found guilty will be punished.

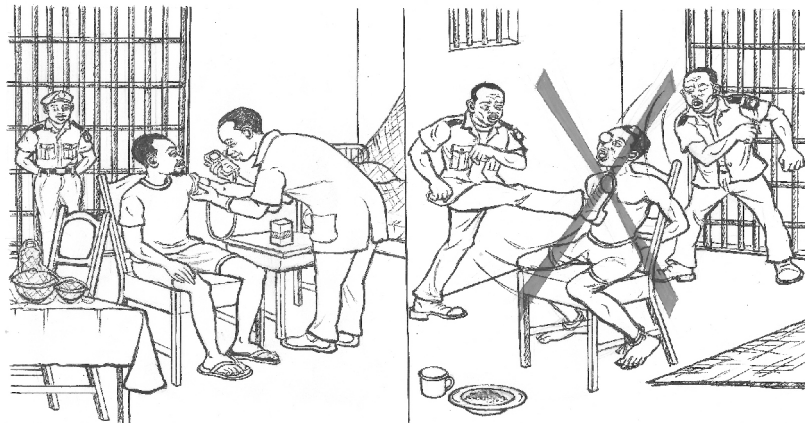
Enforcement of Sentences: Supervision of Sentences and the Rights of Prisoners

The SCSL prisoners who were tried and convicted in Freetown are serving their sentences in Rwanda. Former Liberian President Charles Taylor was tried and convicted by the SCSL in The Hague in the Netherlands, and he is serving his sentence in the United Kingdom. Those countries enforce the sentences under agreements with the SCSL, but the RSCSL has the duty to supervise the sentence enforcement. The RSCSL makes sure that the prisoners are being treated humanely, and that their rights as prisoners are respected.



Mandate of the Residual Special Court: Supervision of the sentences of the Prisoners convicted by the Special Court.

People who are convicted of crimes, even the most serious ones, do not lose all their rights. They have the right to be treated humanely, and they have the right to have contact with their families, amongst others. The RSCSL, through the Registrar and the Principal Defender, work with Rwanda, the United Kingdom and human rights groups like the International Committee of the Red Cross to make sure that the prisoners are treated in accordance with international standards.



In spite of the crimes committed by convicts, the Residual Special Court does not abuse the rights of prisoners. They are held under internationally accepted minimum rules of detention.

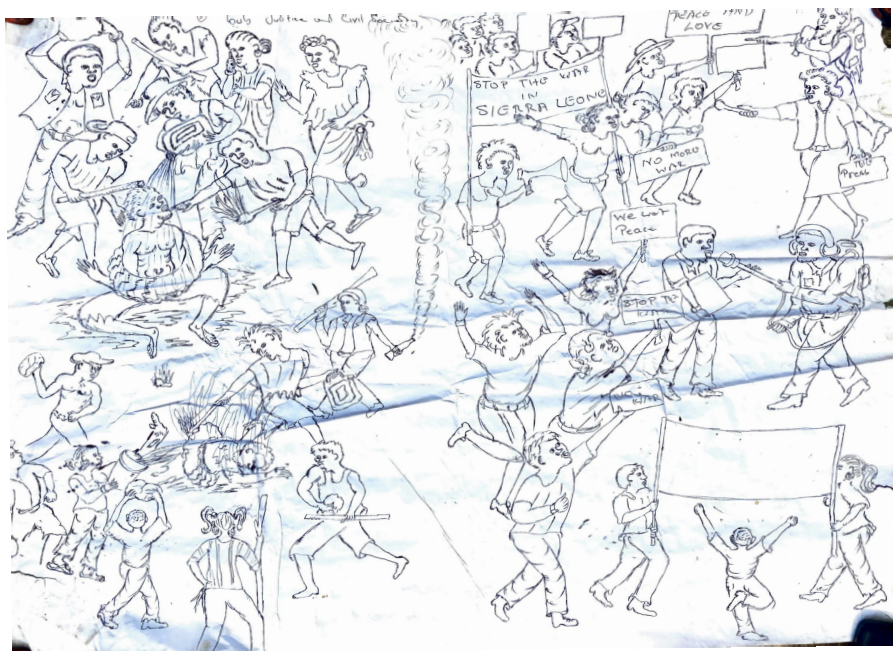
anniversary of the formal end of Sierra Leone's civil war and the signing, two days earlier, of the Agreement between the United Nations and the Government of Sierra Leone which set up the Special Court.

The declaration of the end of the war put an end to an armed conflict which saw tens of thousands killed and maimed, and hundreds of thousands displaced or in refugee camps. The signing, on 18 January 2002, was followed by a ceremonial burning of arms in Lungi, across the river estuary from Freetown.



Burning of arms collected by the war

Former principals of the SCSL, and representatives of the two parties that set up the Court – the United Nations and the Government of Sierra Leone – spoke at the event and recalled the important role of the SCSL in fighting impunity for crimes committed during the war in the 1990s.



Samples of carving from the memorial garden, depicting the war and citizens struggle for peace

COMMEMORATION OF THE 30TH ANNIVERSARY OF THE BEGINNING OF THE WAR

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 featured speakers from the Human Rights Commission, the National Commission for Democracy, and the Sierra Leone Police. The event brought together civil society organizations, victims, ex-combatants, school children from the Western Rural and Urban areas, along with 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 RSCSL to promote the legacy of the Special Court.

COMMEMORATION OF THE 20TH ANNIVERSARY OF THE ESTABLISHMENT OF THE SPECIAL COURT AND THE END OF THE WAR IN SIERRALEONE

On 18 January 2022, the Residual Special Court, in partnership with the Centre for International Law and Policy in Africa (CILPA), commemorated the 20th

Pardon, Commutation, Early Release

The President of the RSCSL, in consultation when possible with the Judges who imposed the sentence, may decide whether to grant a prisoner a pardon, a commutation, or early release. The President of the RSCSL will also consider the interests of the Prosecutor, the witnesses and victims, and will listen to the prisoner or his lawyer. The President's decision will be made on the basis of the interests of justice and the general principles of law.

Pardon, commutation and early release are not the same. A pardon sets aside the punishment for a crime. A commutation lessens the sentence. For example, the President might decide to commute the sentence of a convict who is seriously ill and cannot be cured so that he could spend his final days at home with his family.

Early release at the Residual Special Court is Conditional Early Release (CER). This means that the prisoner will serve the rest of his sentence in his community, under strict conditions and supervision. If he disobeys the conditions, he may be sanctioned or even returned to prison.

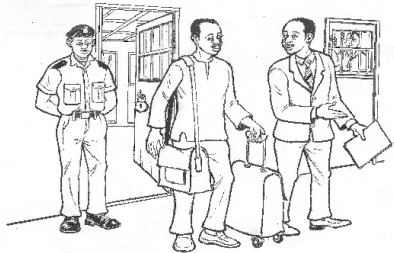
CER is not automatic. To be eligible, the prisoner must have served two-thirds of his sentence, he must have behaved well while in prison, and he must not be a danger to the community or any person if he is released. He should respect the fairness of his trial, and he should make a positive contribution to peace and reconciliation in Sierra Leone, such as public acknowledgment of guilt or an apology.

Once the President of the RSCSL decides the prisoner is eligible for CER, the Registrar will work with the community to make sure that the prisoner is able to reintegrate in the community where he would serve the rest of his sentence. The Registrar will also identify a Monitoring Authority, and will advise the prisoner on the conditions of his release. The Principal Defender is responsible for making sure that the prisoner understands his conditions of release.

Timeline for Conditional Early Release

Prisoner	Arrested	Full Sentence	Eligibility to Apply for CER
Moinina Fofana ¹	May 2003	May 2018	May 2013* (10y, 0m)
Allieu Kondewa	May 2003	May 2023	September 2016 (13y 4m)
Augustine Gbao	April 2003	April 2028	December 2019 (16y 8m)
Morris Kallon	March 2003	March 2043	November 2029 (26y, 8m)
Issa Sesay	March 2003	March 2055	November 2037 (34y 8m)
Ibrahim Bazy Kamara	March 2003	March 2048	March 2033* (30y 0m)
Santigie Borbor Kanu	September 2003	September 2053	January 2037* (33y 4m)
Alex Tamba Brima	March 2003	March 2053	July 2036* (33y 4m)
Charles Taylor	March 2006	March 2056	July 2039 (33y 4m)

Moinina Fofana was granted CER in 2015. He completed his full 15-year sentence in May 2018. Allieu Kondewa was granted CER in 2017 and he is currently serving the remainder of his 20-year sentence in his community. He will complete his sentence in 2023. Augustine Gbao was granted CER in 2020, and he is serving the remainder of his sentence in his community. His sentence will end in 2028. The other SCSL prisoners are serving sentences ranging from 40 to 52 years, with credit given for time served since 2003. They may apply for consideration for CER when they have served two-thirds of their sentences.



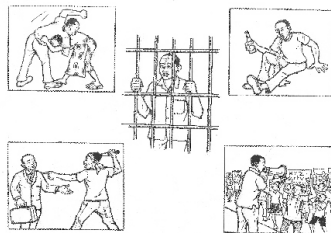
Prisoners who qualify are released under Conditional Early Release agreement.



The Prisoner appears before the Registrar and is reminded of the conditions of his release.

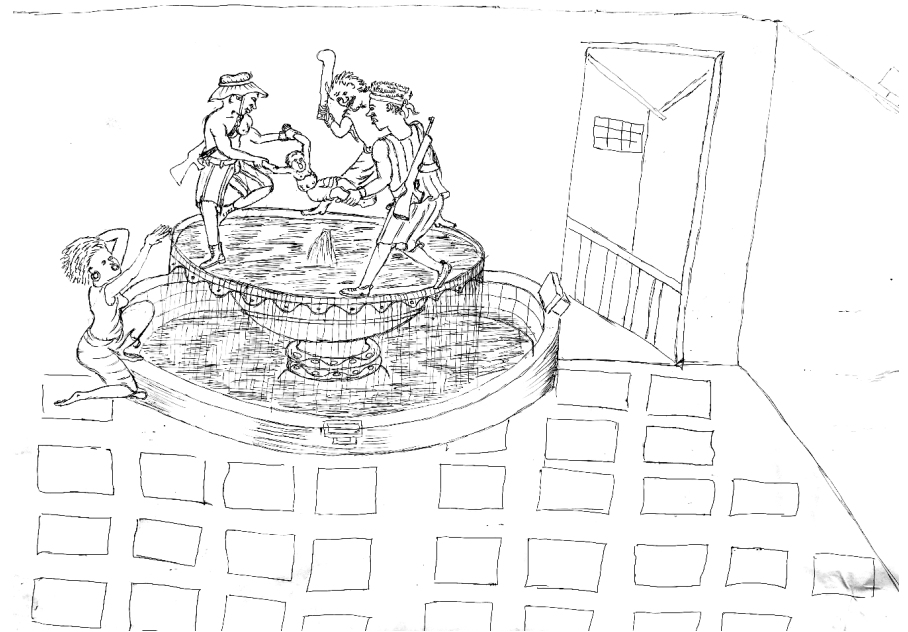


The Prisoner appears before the Monitoring Authority. The Monitoring Authority explains the conditions of his early release.



While on early release, the prisoner must not commit a crime or be involved in violence, must not drink alcohol or take illegal drugs, must not be involved in politics or in public demonstrations, and must not interfere with witnesses.

archives and the archives of the Truth and Reconciliation Commission. It includes exhibition areas such as the Peace Hall, the Crime Scenes Room, the Hallway, the Ante Room and the Peacekeepers Room. The Peace Museum also has an audio-visual unit, an audio tour guide device, a mobile exhibition, and a Memorial Garden. The Memorial Garden has carved depictions of the war, the peace negotiations, the end of the war, and the creation of the transitional justice mechanisms (SCSL & the TRC) in Sierra Leone. The Memorial Garden also has symbolic graves in honor of the war dead all over the country. The Memorial Garden asks an open question to all those who visit the Museum and to all Sierra Leoneans: “With all that you have learned about the war, what can you do now to build a better Sierra Leone?” The Peace Museum and the Memorial Garden are located at the old SCSL compound on Jomo Kenyatta Road in Freetown, and they tell the story of Sierra Leone's war and the restoration of peace through stories and artefacts. It honors the victims of the war and serves as a place of learning, and remembrance while promoting a culture of human rights. It is open for the use of victims, researchers, scholars and visitors from Sierra Leone and abroad.



Samples of carving from the memorial garden, depicting the war crimes

where the Special Court was “first” or “best”, such as in its judicial decisions on the use of child soldiers, for forced marriage as a crime against humanity, and for attacks directed against United Nations peacekeepers.

The Court's Legacy

To preserve the judicial legacy of the Special Court, and to make its jurisprudence available to future courts and legal scholars, the RSCSL Judges published a digitized compilation of the SCSL's ground-breaking judgements. The book is called *'Bearing the Greatest Responsibility'*, and contains the judgements of the two Trial Chambers and the Appeals Chamber in one volume. It was launched in October 2019, and can be accessed for free on the RSCSL website.

For the people of Sierra Leone, the Court's Legacy will be weighed against its contribution to justice and reconciliation, its role in re-establishing of the rule of law following a decade of conflict, and the fight against impunity for serious crimes against civilians and protected persons. The Court worked in collaboration with governmental institutions, national and international organizations and civil society groups to establish the Sierra Leone Peace Museum, the National Witness Protection Programme, and the Archives Development Programme. The Court also inspired and contributed to the establishment of the Legal Aid Programme. It also trained police prosecutors, and worked to improve detention standards and access to justice for women and juveniles in Sierra Leone.

In 2013, the SCSL handed the courthouse and the court compound back to the Government of Sierra Leone, retaining a small part of the site for the RSCSL Witness & Victims Section, the building which houses the Sierra Leone Peace Museum, and for its other operations. Part of the site is now occupied by the Sierra Leone Law School, the Law Reform Commission, and the Justice Sector Coordination office. The Commissions of Inquiry set up by the Government of Sierra Leone were also located at the site. After the Commissions of Inquiry completed their work, these offices were occupied by NaCOVERC, the agency that handles Covid-19 related matters, including testing.

The Sierra Leone Peace Museum

In December 2019, the RSCSL developed and opened the refurbished and expanded Sierra Leone Peace Museum, which houses the Special Court public

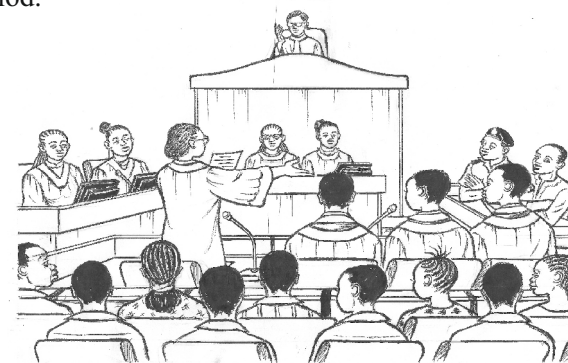
AD HOC FUNCTIONS AND PROCEEDINGS

Conditional Early Release of Moinina Fofana

In August 2014, former CDF Director of War Moinina Fofana was granted conditional early release, after serving two-thirds of his fifteen year sentence in prison in Rwanda. The President of the Court delayed his release by six months for him to receive additional training, to ensure that he understood the nature and seriousness of the crimes for which he was convicted, and that what may have been a legitimate cause did not justify the use of illegal means.

On 12 March 2015, Fofana was returned to Sierra Leone under very strict conditions. These conditions required Fofana to cooperate with a Monitoring Authority, to obey all orders of the Court, to refrain from committing any crime, and to pose no threat to former witnesses, amongst others. In addition to these, the President of the Court ordered that Fofana acknowledge his guilt, apologize publicly to his victims and the people of Sierra Leone, and to show remorse. He was forbidden from interfering with witnesses, from engaging in secret meetings to plan civil unrest, or from joining politics.

On the 10 March 2016, Fofana was arrested for allegedly violating the terms of his Conditional Early Release. He appeared before RSCSL Designated Judge, Vivian Solomon and admitted allegations that he had taken part in local politics, that he had signed the police register in advance of the reporting date and falsely claimed that he was physically present in Bo when he was not there. He also did not return to Bo on the date he promised, and missed one required reporting period.



The Court may hold administrative hearings where a prisoner is not accused of a crime. If a prisoner violates the terms of his Conditional Early Release agreement, he will be arrested and will appear before an RSCSL judge. If he is found guilty he will be punished.

On the 25 April, Justice Solomon tightened the conditions of Fofana's early release. He was monitored more closely and there were new restrictions on his travel outside Bo. He was to report once a week to the monitoring authority, and the Court conducted spot checks to make sure he was present in Bo all the time.

Conditional Early Release of Allieu Kondewa

On 30 May 2017, former CDF Initiator and High Priest Allieu Kondewa was granted conditional early release, after serving two-thirds of his 20 year sentence in prison in Rwanda but with a ten-month delay to receive additional training that focused on human rights and correct behaviour as a citizen of Sierra Leone. The President of the Court ordered similar conditions to those imposed on Fofana. He was returned to Sierra Leone on 3 June 2018, and he is now serving the balance of his sentence in Bo, under strict conditions and monitoring. His full term ends in 2023.

Conditional Early Release of Augustine Gbao

On 8 September 2020, Augustine Gbao became the first RUF commander to be granted conditional early release after serving two-thirds of his 25 year sentence in prison in Rwanda, but with a three-month delay to undergo specific training for him to understand and accept responsibility for the harm he inflicted by his crimes. He was returned to Sierra Leone on 21 December 2020, and he is serving the remainder of his 25-year sentence in Blama, Small Bo Chiefdom, under the similar strict conditions and monitoring which were also imposed on Fofana and Kondewa. He will complete his full sentence in 2028.

Review of Judgement

Prisoners have the right to ask that their judgment be reviewed if new evidence is found which could not have been discovered at their trial and which, if it had been available, might have affected the Judges' decision. The Prosecutor can ask for a review within one year of the Appeal Judgement, but there is no time limit for the prisoners to make a request.

Trial of Johnny Paul Koroma

Johnny Paul Koroma, the former Chairman of the Armed Forces Revolutionary Council, is the only indictee who was never in SCSL custody. If he is alive and found, the RSCSL has the power to try him or to refer his case to

They dismissed the motion.

On 7 September 2020, Justice Doherty dismissed the motion for transfer to a third country without Covid-19. She noted that Taylor had failed to comply with the Court's directions to specify which countries he considered safe from the pandemic. She also noted that the World Health Organization had not declared any country safe from Covid-19

IMPACT OF PUBLIC HEALTH CRISIS ON THE RSCSL

Ebola Virus – Concerns

In early 2014, an outbreak of Ebola Virus Disease was identified in Guinea, and it spread rapidly to Sierra Leone and Liberia. Due to the outbreak, the Sierra Leone Government limited travel within Sierra Leone, and travel outside the country was difficult. This affected missions by the Outreach staff, and Witness and Victims unit staff, and it prevented travel to Rwanda by RSCSL staff. Family visits to the prisoners had to be put on hold during that period. When Moinina Fofana was granted CER in 2015 to return to Sierra Leone to serve the remainder of his sentence, the Registry provided him with information on Ebola, so that he could protect himself and others.

Coronavirus – Covid-19 Concerns

In 2019, an outbreak of a serious disease caused by the SARS-CoV-2 virus, commonly referred to as Covid-19, spread rapidly and was described as a pandemic by the World Health Organization, or WHO. At this writing there have been over 525 million cases reported worldwide, and over six million deaths. In line with WHO recommendations, RSCSL staff worked remotely where possible, and only worked in person when it was safe to do so. Family visits to the convicted persons were suspended until it is deemed safe for them to resume. The Registrar also worked to ensure that all RSCSL personnel and convicts were given access to public health information on how to keep safe.

PRESERVING AND MAINTAINING THE SCSL's LEGACY

For international justice, the Special Court's Legacy will be its jurisprudence; for international tribunals it may be its innovative Outreach programme or its unique experience in being the first hybrid *ad hoc* court, as well as being the first international court since the Nuremberg Tribunal to successfully try a head of state, achieve its mandate and close. Judges and Courts often look at

The President of the RSCSL created a three-Judge Trial Chamber to advise him on the motion.

The Judges concluded that the authorities were not preventing Taylor's wife and children from visiting him. They said this was caused because his wife didn't fill out the visa application properly, and she ignored the RSCSL's offer to help her to re-apply.

The Judges also found that Taylor was not receiving inhuman or degrading treatment, and that his conditions of imprisonment were up to international standards. They also said that all reasonable measures were taken to ensure his security.

The Trial Chamber made its advisory decision on 30 January 2015, after considering arguments from both Defence and Prosecution. The decision was only made public on 25 March 2015 because the Defence had made another application on some of the same issues.

Taylor's lawyers asked the President of the RSCSL, Justice Waki, for permission to appeal the decision. On 21 May 2015, Justice Waki confirmed the advisory decision of the Trial Chamber and denied Taylor permission to appeal. He ruled that in a case like this, the Rules do not allow an appeal. He said that even if the Rules permitted an appeal, Taylor had not shown "exceptional circumstances" or "irreparable prejudice" which are the standards for an appeal.

Charles Taylor Motion to be Transferred to a Country Without Covid-19

On 15 June 2020, Charles Taylor made a motion requesting that he be transferred temporarily to a third country due to what he called a massive outbreak of Covid-19 in the UK. The President designated Justice Teresa Doherty to hear the motion, and the judge ordered Taylor to disclose to the Court what nationalities he holds, and name the country to which he wanted to be transferred. Taylor failed to respond to the Judge's orders. He instead requested that Justice Doherty be removed from the case. He claimed that she might not be impartial because, as she is a citizen of the UK, she might not want to rule against the UK prison service. The Prosecutor opposed the motion to remove Justice Doherty. The President of the Court appointed three judges to hear the motion. They found that Justice Doherty has both UK and Irish citizenship, and there was nothing to show that she would not be fair.

another competent jurisdiction for trial. It is unknown whether he is still alive, but since his death has not been proved the case remains open. The SCSL indictment does not expire, and the Court's warrant of arrest for Johnny Paul Koroma warns that if he is found he must be turned over to the RSCSL.



Johnny Paul is a fugitive from the Special Court. If arrested his trial will be arranged by the Residual Special Court.

Contempt of Court Proceedings

Anyone who interferes with the Court may be found guilty of contempt, which is a serious crime. Contempt can be refusing to cooperate with the Court or violating a court order. A person who knowingly helps an accused person to evade the court's jurisdiction is guilty of contempt.

Anyone who threatens, offers bribes to, or otherwise interferes with witnesses will be charged with contempt. Anyone who knowingly spreads disinformation to undermine the administration of justice may be charged with contempt. Anyone charged with contempt will be tried by an RSCSL Judge. If found guilty, the convicted person could face a maximum penalty of seven years in prison, a fine of up to Le20 million, or both a prison sentence and a fine.

Several people have already been convicted of contempt for interfering with witnesses. In July 2012 an SCSL Judge convicted Eric Koi Senessie, a former RUF member, of trying to bribe witnesses and of otherwise interfering with witnesses who had testified against Charles Taylor. Senessie wanted the witnesses to tell the Court they had lied and now wanted to change their testimony in the hope that Mr Taylor would be released. The witnesses all refused and contacted the SCSL Prosecutor. On 21 June 2012, Senessie was found guilty on 8 of the 9 counts against him. He was sentenced to a two-year prison term.

An SCSL Judge also convicted two SCSL prisoners who tried to make a witness recant (take back) his testimony against them. The two, Ibrahim Bazy Kamara and Santigie Borbor Kanu, were serving sentences of 45 and 50 years in Rwanda. They telephoned two of their former colleagues, Hassan Papa Bangura (aka: “Bomblast”) and Samuel Kargbo (aka: “Sammy Ragga”) and asked them to bribe or otherwise induce a protected witness to tell the Court he had lied about them. The witness refused and contacted the SCSL Prosecutor.

Samuel Kargbo pleaded guilty, was convicted, and agreed to testify against the others. On 25 September 2012, Kanu and Bangura were convicted of offering a bribe and for otherwise trying to make a witness recant (deny) his testimony. Kamara was convicted of trying to make a witness recant his testimony and also for revealing the name of a protected witness. Kamara and Kanu were each sentenced to 50 additional weeks in prison in addition to the sentences they were already serving. Bangura was sentenced to 18 months in prison, which he served in Freetown. Kargbo was given an 18-month suspended sentence because he had admitted his guilt, expressed remorse, and cooperated with the Court.

If, after serving two-thirds of their sentences, Kamara and Kanu wish to apply for conditional early release, the President of the RSCSL will take their contempt convictions into consideration to decide whether they are eligible to apply.

Harming, threatening, bribing or otherwise interfering with current or former witnesses is a crime, and the punishment will be serious. Harming or threatening former or current staff members and officials of the court is a serious crime and will be prosecuted.

The Legal Aid Programme

The Legal Aid Programme provides defence counsel to indigent (without financial resources) accused persons. It also provides defence counsel to convicted persons having their case reviewed by order of the Court, who would otherwise not be able to afford a lawyer to represent them.

Defence Counsel and Legal Aid Issues

When there are legal proceedings and a defendant is accused of a crime, the RSCSL will pay the defendant's legal fees if they have no money to pay for themselves. The Court may appoint Counsel, the Principal Defender and defence staff may provide legal advice to an accused person, or the accused person may pay for his own lawyer or seek the assistance of a *pro bono* (free) lawyer. In this case the RSCSL would not pay for an accused person's lawyer unless the Court orders it. If, at the request of the RSCSL Prosecutor or a person convicted of a crime, the RSCSL orders review proceedings, the RSCSL will pay for the convicted person's legal fees if he has no money to pay for himself.

Complaints and Request for Transfer by Prisoners in Rwanda

On 1 July 2020, four of the SCSL convicts serving their sentences at Rwanda's Mpanga Prison wrote a letter to RSCSL President Jon Kamanda with a list of complaints. The most serious claim was that the prison director had threatened their lives. The prisoners wanted to be transferred to Sierra Leone or another country in West Africa. Justice Kamanda asked the Registrar to investigate the claims. She interviewed the prisoners and Rwandan officials. The inquiry found that there was no threat to the lives of the prisoners and that they were well treated. Justice Kamanda denied their request to be transferred to Sierra Leone or another country.

Taylor Motion for Transfer to Rwanda

On 24 June 2014, Charles Taylor asked that the RSCSL transfer him from the prison in the UK where he is serving out his 50-year sentence, and send him to Rwanda with the other RSCSL prisoners convicted in Sierra Leone. He claimed that his family members in Liberia were not able to visit him in the UK. He also argued that he was not safe in the UK prison and that he was being kept isolated because of threats to his safety.