

EIGHTH ANNUAL REPORT

of the President of the Residual Special Court for Sierra Leone



January – December 2021





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Special Court for Sierra Leone*



8th



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Justice Jon Moadeh Kamanda

FOREWORD

The Secretary-General of the United Nations; António Guterres; The President of the Republic of Sierra Leone, Dr Julius Maada Bio: Your Excellencies,

It is my honour and privilege to submit the Eighth Annual Report, my last as President, on the operations and activities of the Residual Special Court for Sierra Leone (Residual Special Court), covering the period 1 January 2021 to 31 December 2021.

Despite the COVID 19 pandemic, the Residual Special Court in The Hague and Sierra Leone continued executing its mandate in the reporting period. The Court functioned in strict compliance with guidelines issued by the United Nations and Residual Special Court. Principals and staff who could work remotely continued to do so.

The last seven reports have consistently covered the transitional phase of the court from its predecessor, the Special Court for Sierra Leone (Special Court), to the execution of its core mandate of ensuring that witnesses and victims are protected and supported; maintaining, preserving and managing all archival material for research and posterity, and ensuring that the enforcement of sentences of convicted persons continues to meet international standards.

Established pursuant to an Agreement dated 11 August 2010, between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (the Agreement), the Residual Special Court also responds to requests for assistance to national prosecution authorities, and supervises the terms of conditional early release of convicted persons pursuant to its Practice Direction governing early release.

The Court is also well prepared, if and when called upon, to perform the *ad hoc* functions of reviewing convictions and acquittals; conducting contempt of court proceedings; holding the trial of fugitive Johnny Paul Koroma; providing defence counsel and legal aid; responding to national authorities with respect to claims for compensation; and preventing double jeopardy.

The year under review saw the sad demise of one of the longest serving Justices of Sierra Leone and one of the first judges to join the Special Court in 2002 as a Judge of Trial Chamber I, Justice Dr Rosolu John Bankole Thompson. Justice Thompson passed away in Freetown on 15 May 2021. He was given a befitting farewell in his home country during several events to honour his memory and legacy held by the Court, the national judiciary and the Government of Sierra Leone. Another judge, Justice Miatta Maria Samba was sworn-in as a judge of the International Criminal Court in the first quarter of 2021. Their replacements, Justice Alusine Sanie Sesay, Justice of the Supreme Court, and Justice Tonia Barnett, Justice of the Court of Appeal of Sierra Leone were sworn in before me as members of

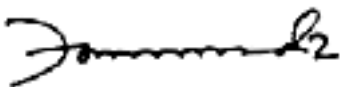
the roster of 16 Judges of the Court on 30 November 2021 in Freetown. The ceremony was witnessed by the Attorney-General and Minister of Justice, representing the Government of Sierra Leone, and the Residual Special Court Registrar, representing the United Nations.

Seven Special Court convicted persons continue to serve their sentences in three countries. Four convicted persons (Issa Hassan Sesay, Morris Kallon, Ibrahim Bassy Kamara and Santigie Borbor Kanu) are serving their sentences in Rwanda, one in the United Kingdom (Charles Taylor), and two in Sierra Leone on conditional early release (Allieu Kondewa and Augustine Gbao). Even though the Residual Special Court's annual visit to both Rwanda and the United Kingdom to supervise the conditions of imprisonment did not take place due to COVID 19, the Court, in conjunction with the respective prison authorities, has continued to ensure that the prisoners' welfare and conditions of imprisonment meet international standards.

A continued noteworthy effect of COVID 19 was the inability to host an in-person Plenary of Judges for a second successive year, to elect a new President and Vice President and to exercise other functions provided for in the Agreement, the Statute or the Rules of Procedure and Evidence. The judges have, consequently, by rule amendment further extended the terms of office of the President, Justice Jon Kamanda and Vice President, Justice Teresa Doherty for a second time. Their mandate continues until either an election at an in-person Plenary of Judges which could be safely convened during 2021, or could be safely convened during the first four months of 2022, whichever occurs first.

I am proud of the team of 16 Judges, the hard working staff of the court, and the principals of the Court, who have all dedicated themselves to ensure the achievement of the goals and aspirations of the Court despite the challenges of COVID 19.

Finally, Your Excellencies, I return to the perennial subject of financial and budgetary support without which the operations of the Court will sadly be encumbered. I appreciate the timely efforts of the Oversight Committee and the approval of subvention funds by the United Nations which ensured smooth operations for the year under review. I thank Your Excellencies for your support to the Court, and urge you to continue your support to efforts to seek for a lasting and dependable solution to the problem.



Justice Jon Moadah Kamanda

President

INTRODUCTION

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

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

The report provides an update on the Residual Special Court's work, including the fulfilment of its primary mandate, and reports on the major activities of all organs of the Residual Special Court, namely the Chambers, the Prosecutor and the Registrar (including the Defence office), during the eighth year of its existence. It covers the period from 1 January to 31 December 2021.

PRIMARY MANDATE

The Residual Special Court was established pursuant to an Agreement dated 11 August 2010, between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (the Agreement). The Agreement was ratified by the Sierra Leone Parliament on 15 December 2011 and signed into law on 1 February 2012.

Pursuant to Article 1(1) of the Agreement:

There is hereby established a Residual Special Court for Sierra Leone (the Residual Special Court) to carry out the functions of the Spe-

cial Court for Sierra Leone that must continue after the closure of the Special Court

Article 1(1) of the Statute annexed to the Agreement sets out the competence of the Residual Special Court as follows:

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

Furthermore, pursuant to Article 1(2) of the Statute:

The jurisdiction of the Residual Special Court is limited to persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. That is, the Residual Special Court shall have the power to prosecute the remaining fugitive Special Court indictee Johnny Paul Koroma, if his case has not been referred to a competent national jurisdiction, and to prosecute any applications resulting from review of convictions and acquittals.

COMPOSITION AND STRUCTURE

In line with the Agreement, even though the Residual Special Court's principal seat remains in Freetown, it carries out its functions at an interim seat in the Netherlands with a sub office in Freetown for witnesses and victims' protection and support. During the reporting period, the Residual Special Court was funded largely by United Nations subvention funds and very limited voluntary contributions.

Pursuant to Article 2 of the Agreement, the Residual Special Court maintained its composition of the Chambers, Prosecutor and Registrar. The full constitution of the Chambers is 16 judges on a roster which includes the President. During the second and third quarters of the reporting period, the number of judges on the roster was 14, due to the death of one judge and the election of another to the International Criminal Court. The vacancies created were filled with the appointment of Justice Alusine Sanie Sesay, Justice of the Supreme Court and Justice Tonia Barnett, Justice of the Court of Appeal of Sierra Leone, who were sworn in as members of the Court on 30 November in Freetown. The Residual Special Court also has a Principal Defender whose services are engaged on an *ad hoc* basis. The President and judges continued to work remotely, or at the Court's principal or interim seat as required, and are remunerated on a *pro rata* basis.

SUMMARY OF ACTIVITIES

The Residual Special Court continued to successfully execute its mandate during the period under review. In line with its on-going functions which are managed by its offices in Freetown and The Hague, Residual Special Court activities carried out

during the reporting period include:

- maintenance, preservation and management of the archives in both Freetown and The Hague;
- witness protection and support including actively monitoring and providing support (psycho-social assessments, welfare and medical assistance) to former witnesses of the Special Court located in various regions of Sierra Leone and in other countries;
- requests for assistance to national prosecution authorities including requests to take statements from convicted persons pursuant to the Practice Direction on the Procedure Following a Request to Take a Statement from a Person in the Custody of the Residual Special Court for Sierra Leone (Practice Direction on Statement Taking);
- requests for access to the Court's records pursuant to the Residual Special Court for Sierra Leone: Records and Information Sensitivity, Classification, Changes in Classification, Handling and Access Policy (Access Policy);
- supervision and monitoring of prison sentences of convicted persons in Rwanda and the United Kingdom pursuant to enforcement of sentences agreements with the respective enforcement States, and
- supervision of the terms of conditional early release of two convicted persons in Sierra Leone.

The *ad hoc* functions for which the Residual Special Court will convene or act if required include:

- the trial of Johnny Paul Koroma;
- review of convictions and acquittals;
- contempt of court proceedings;
- defence counsel and legal aid issues;
- claims for compensation, and
- prevention of double jeopardy.



President Justice Jon Kamanda

THE OFFICE OF THE PRESIDENT AND CHAMBERS

OFFICE OF THE PRESIDENT

The President handled administrative and judicial issues from the Freetown office during the reporting period. He consulted with the Vice President, Judges and the Registrar remotely and in person as and when required.

Request to Take Statements from Convicts

On 9 November 2020, the President received an interoffice memorandum from the Registrar transmitting a request from a national prosecution authority to interview five convicted persons in the custody of the Residual Special Court (in Rwanda) in accordance with Article 2 Paragraph 2 of the Practice Direction on Statement Taking. The request was copied to the convicted persons concerned, their respective counsel and the Principal Defender pursuant to Article 2 Paragraph 1 of the Practice Direction on Statement Taking. They were also notified by the Registrar pursuant to Article 2 Paragraph 4 of the Practice Direction.

The convicted persons are required to agree to the questioning before further steps could be taken in accordance with the Practice Direction. The Registrar submitted two interoffice memoranda to the President dated 15 January 2021, informing him of one of the convicted person's refusal to cooperate with the request and another's consent to be interviewed. Three convicted persons did not respond to the request. Seized of the request with respect to the convicted person who

consented, on 27 January 2021, the President issued a Direction pursuant to Article 2 Paragraph 5 of the Practice Direction on Statement Taking, ordering the filing of submissions by the Prosecutor, Principal Defender, *pro bono* counsel for the convicted person and the Registrar.

On 1 February 2021, the Registrar, by interoffice memorandum, notified the President of the withdrawal of the request by the national prosecuting authority with respect to the convicted person who had consented.

Inquiry into Allegations Against the Registrar of the Residual Special Court

On 26 January, the President requested Justice Alusine Sesay, Justice of the Supreme Court of Sierra Leone, to conduct an inquiry in a matter involving a serious allegation against the Registrar of the Residual Special Court for Sierra Leone made by convicted person Ibrahim Bazy Kamara in a video circulated on social media in late 2020. This was prompted by receipt of a letter from the Registrar in November 2020 bringing allegations made in the video to the attention of the President. The allegations consisted of claims by convicted persons Ibrahim Bazy Kamara and Issa Hassan Sesay pertaining to the enforcement of their sentences in Rwanda and other related issues. In particular, Ibrahim Bazy Kamara alleged that the Registrar had misappropriated funds meant for travel visits of convicts' family members in 2014 when they could not travel due to the Ebola



Visit of the High Commissioner of Rwanda.

Virus Disease epidemic. Justice Sesay agreed to conduct the investigation and to report to the President. Justice Sesay concluded the inquiry and submitted a report (with two annexes) on his findings to the President on 19 March. It contained several findings of fact, including specific findings on the allegation of financial impropriety and he made recommendations.

The President thoroughly perused the report and annexes following which he adopted the findings. By interoffice memorandum dated 11 May addressed to Ibrahim Bazy Kamara, Issa Hassan Sesay, their respective *pro bono* counsel, the Registrar and the Principal Defender, the President notified the parties that he had found no merit to the allegations made by Ibrahim Bazy Kamara. He also indicated that he would issue further directions on the implementation of the recommendations made by Justice Sesay.

These further directives were issued in a letter dated 21 July addressed to

Hon Johnston Busingwe, Minister of Justice of the Republic of Rwanda, copied to relevant prison authorities. In the said letter, the President requested the prison authorities in Rwanda (based on the recommendations of Justice Sesay) to:

- (i) Conduct an inquiry into how the convicted persons had access, contrary and in breach of prison regulations, to a device that enabled them record allegations and to broadcast them to the media in Sierra Leone and elsewhere;
- (ii) Facilitate the video recording of a public apology to the Registrar and retraction of the allegations against the Registrar; and
- (iii) Report back to him on progress on the above matters within one month of receipt of the letter.

On 23 August, the President received a response from the Minister of Justice to which were attached updates on what the Rwanda Correctional Service had done to investigate the matter. Also attached was a video in which Ibrahim Bazy

Kamara admitted to having circulated false allegations, pled guilty and apologized to the Registrar.

This letter and attachments were brought to the attention of the Registrar for her response.

By interoffice memorandum dated 26 October addressed to the President, the Registrar indicated her full acceptance of Ibrahim Bazy Kamara's apology. On 13 December, the President issued his public Decision and Final Directives in the Matter. Having considered his upholding of Justice Sesay's findings and the Registrar's acceptance of Ibrahim Bazy Kamara's apology, the President reiterated that he found no merit in the allegations proffered against the Registrar, who was consequently absolved of all blame. The President directed further that the video apology be made public with the widest circulation possible.

Conditional Early Release – Augustine Gbao

On 9 April, the Defence Office submitted a letter to the President captioned: “Commitment to Volunteer Service Plan to Contribute to Restitution of Victims of Small Bo Chiefdom, Kenema District”, on behalf of convicted person Augustine Gbao who had been transferred to serve the remainder of his sentence in Sierra Leone in December 2020, under conditional early release. It was stated that the letter was submitted in compliance with the Special Condition contained in Paragraph 83 (viii) of the “Decision of the President on Application for Conditional Early Release” dated 8 September 2020. In accordance with that paragraph, Augustine Gbao was to “commit to producing a community volunteer service plan in support of his stated commitment to contribute to restitution of victims” within 90 days of his release.

In an interoffice memorandum dated 5 May, the President acknowledged receipt of the letter of 9 April and noted the following:

- i. Augustine Gbao had declared his intention to identify land for a modernized agricultural project, using community youths who had been victims of his crimes;
- ii. The actualization of this goal/project is contingent on the availability of funds being sought partly from the very community which also suffered from Augustine Gbao’s crimes;
- iii. This endeavor is not likely to yield any serious result.

The President found that Augustine Gbao’s proposal did not meet the requirements for a community volunteer service plan and directed that he re-submit another proposal in satisfaction of the Special Condition within 21 days.

A second proposal from Augustine Gbao was submitted on 21 May. The President acknowledged that the latest proposal was more compliant in terms of steps outlined to fulfil the Special Condition and directed that Augustine Gbao must provide written updates to the Court on the activities listed in it every three months. The first of such updates was due to be submitted on 30 September. On 28 December, the President received an interoffice memorandum from the Defence Office submitting Augustine Gbao’s report in compliance with the Special Condition imposed in the Decision of the President on Conditional Early Release. Attached to the interoffice memorandum was Augustine Gbao’s latest report on his farming activities at Blama, Small Bo Chiefdom, Eastern Province, for the attention of the President.

OTHER CHAMBERS’ ACTIVITIES

Consultations on Plenary of Judges – 2021

The two-year terms of the incumbent President and Vice President who were elected in December 2018 expired in December 2020. However, the Plenary of Judges which, according to Rules 18 and 20 of the Rules of Procedure and Evidence was scheduled to have been held in late 2020, was postponed due to the COVID 19 pandemic. In consequence, a Rule amendment was adopted by the judges in October 2020 (Rules 18*bis* and 20*bis*) to extend the incumbents’ terms until an election at an in-person Plenary of Judges could be safely convened by 20 December, 2021.

In June, the President resumed consultations with the Residual Special Court Judges and the Registrar, seeking their views on

the possibility of hosting an in-person Plenary of Judges in 2021 to *inter alia* elect the President and Vice President of the Court. An interoffice memorandum from the President to the judges dated 18 June 2021, included a proposal on possible venues, the United Nations in New York, The Hague or Freetown, with proposed dates, and was accompanied by latest United Nations country specific information on the COVID 19 pandemic. Consultations followed with the Residual Special Court Judges, the Registrar and the Oversight Committee regarding the judges' proposal to hold the 2021 Plenary of Judges in-person at the United Nations Headquarters in New York, as well as consideration of the other proposed venues and related costs. Based on the outcome of the consultations, the President informed the judges in September by interoffice memorandum of the decision to hold the next Residual Special Court Plenary of Judges in The Hague, Netherlands on 23 and 24 November 2021.

Following the President's decision, preparations towards the hosting of the Plenary of Judges continued throughout October and most of November. However, an unexpected upsurge in COVID 19 cases in the Netherlands and parts of Europe towards the middle of November resulted in the introduction of restrictions by the Government of the Netherlands that would impact travel to and from meetings in The Hague. The Government of the Netherlands in a bid to contain the situation put in force certain restrictions including a "mini-lockdown" on 12 November, with the situation to be reviewed on 3 December. The President consulted with colleague judges to determine the way forward. The consensus of judges was for a re-scheduling of the Plenary of Judges to another date,

no later than 30 April 2022.

In consequence of the postponed Plenary of Judges, consultations for a rule amendment to further extend the terms of office of the President and Vice President for a second time were commenced. A proposal drafted by Justice Teresa Doherty was circulated to all judges. Following the circulation of proposals in writing to all judges pursuant to Rule 6, a majority of judges indicated their acceptance of the proposed rule amendments for adoption in writing pursuant to Rule 6(B)(b). The consultations concluded with an amendment to Rules 18 and 20 respectively to include Rules 18^{ter} and 20^{ter}. The amendment extended the terms of the President and Vice President respectively until either an election at an in-person Plenary of Judges which could be safely convened during 2021 or could be safely convened during the first four months of 2022, whichever occurs first. It was published on 16 December 2021.

Meeting with High Commissioner of the Republic of Rwanda

On 9 September, the President and Registrar met with the High Commissioner of the Republic of Rwanda to Ghana (with accreditation to Sierra Leone), Dr Aisa Kirabo Kacyira, in Freetown. The High Commissioner was on an official visit to Sierra Leone to present her accreditation papers to His Excellency the President of the Republic of Sierra Leone, and had scheduled the meeting with Residual Special Court officials as part of her trip. She was accompanied by the First Secretary of the High Commission of Rwanda in Ghana, Jackson Ngabonziza.

The Residual Special Court President welcomed the High Commissioner to the Court and gave her a brief history and background of the Court as well as the execution of sentence enforcement agreements with the Governments of Rwanda and the United Kingdom. The Registrar expressed the Court's delight



President and Registrar with High Commissioner of Rwanda.

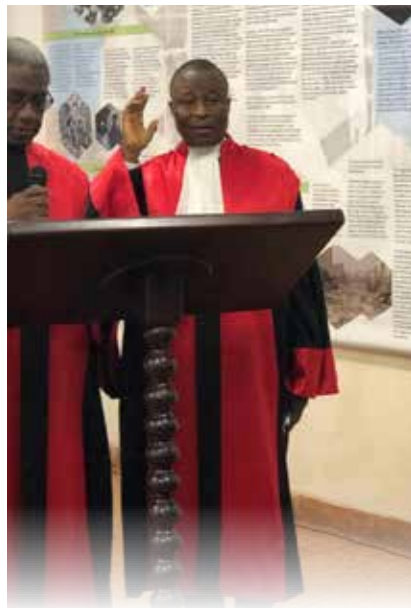
that the Republic of Rwanda now has a representative in Ghana who is also accredited to Sierra Leone, and briefed the High Commissioner on the excellent cordial working relationship and cooperation that has existed between the Court and the Republic of Rwanda over the years. She also gave an update of the status of the sentence enforcement agreement with the Republic of Rwanda and highlighted the issues that had arisen and been resolved through mutual cooperation. The High Commissioner thanked the President and Registrar for the warm welcome, and expressed the hope that the cooperation would continue. She stressed that the High Commission was available and ready to assist.

Swearing in of New Residual Special Court Judges

On 30 November, two Sierra Leonean judges, Justice Alusine Sanie Sesay, Justice of the Supreme Court, and Justice Tonia Barnett, Justice of the Court of Appeal, were sworn in before the Residual Special Court President, Justice Jon Kamanda as



Swearing in of Justice Tonia Barnett.



Swearing in of Justice Alusine Sesay.

members of the roster of 16 Judges of the Residual Special Court. In a ceremony held at the Sierra Leone Peace Museum in Freetown, each subscribed to the Solemn Declaration, laid out under Rule 14(A), to serve “honestly, faithfully, impartially and conscientiously” as a Judge of the Residual Special Court. The ceremony was witnessed by Attorney-General and Minister of Justice, Anthony Brewah, representing the Government of Sierra Leone, and Residual Special Court Registrar, Binta Mansaray, representing the United Nations.

The two new justices succeed the late Justice John Bankole Thompson, who passed away in May 2021, and Justice Miatta Maria Samba, who was sworn-in as a judge of the International Criminal Court in the first quarter of 2021. Justice Alusine Sesay has been a judge in the Sierra Leone judiciary since 2007 and Justice Tonia Barnett since 2017.

Presentations and Engagements

On 11 to 12 February, Justice Renate Winter took part in a panel discus-

sion organized by Palacky University, Czechia on the “International Criminal Court’s Contribution to Development and Enforcement of International Humanitarian Law”. Her intervention was on “Children in War Situations”, with specific reference to the Special Court for Sierra Leone and the Convention on the Rights of the Child (CRC).

On 24 March, Justice Renate Winter contributed to the discussion by Women’s International League for Peace and Freedom (WILPF) on women, peace and security and making women count.

Justice Teresa Doherty participated in the two-day webinar on 21 and 22 April organised by The Office for Democratic Institutions and Human Rights (ODIHR) and the Organisation for Security and Cooperation in Europe (OSCE) Programme Office in Bishkek on the topic of setting up associations of women judges in Central Asia. The event was intended to showcase the advantages of having associations of women judges as a tool for empowering women in the justice sector. It involved women judges and others from Turkmenistan, Kyrgyzstan and other Central Asia States. Justice Doherty gave the keynote address during which she highlighted the collegiality of women judges’ associations, their ability to inform on legal developments and issues, to raise the profile of women judges and to deal with discriminatory local practices and prejudices. She also drew on the developments in international law spearheaded by the Special Court. The webinar took place on a Zoom platform in English and Russian languages with simultaneous interpretation.

On 14 June, Justice Renate Winter participated in a high level webinar discussing child labour, including the use of child soldiers, which was

organised by the United Nations International Children’s Emergency Fund (UNICEF), International Labour Organization (ILO) and the European Union (EU).

In July, Justices Teresa Doherty and Miatta Samba were interviewed on their respective experiences with the Special Court as part of a Legacy Project of the Special Court undertaken by the Office of the Prosecutor of the Residual Special Court.

On 8 July, Justice Shireen Avis Fisher participated remotely in a meeting of the Steering Committee of the American Bar Association Initiative on International Criminal Justice Standards of which she is a member.

On 5 August, Justice Elizabeth Nahamya established contact with the former Principal Defender, Ms Simone Monasebian, and on 18 September, contacted the lead counsel representing Issa Hassan Sesay in the Revolutionary United Front (RUF) trial, Mr Wayne Jordash QC, and linked them with the interns undertaking interviews for the Residual Special Court Legacy Project on the Special Court.

On 4 November, Justice Shireen Avis Fisher participated in another meeting of the Steering Committee of the American Bar Association Initiative on International Criminal Justice Standards, during which she contributed to the section on judgment drafting, drawing extensively on the experience of the Special Court for Sierra Leone, and highlighting its jurisprudence.

On 11 November, Justice Elizabeth Nahamya presented a paper entitled “International Criminal Law in Uganda” at the International Humanitarian Law (IHL) Faculty Round Table held at the Golden Tulip Hotel in Kampala, Uganda.

On 20 November, Justice Teresa Doherty made a podcast about her work, in particular with the Special Court, for an organisation dedicated to conflict resolution which was set up after “The Troubles” in Northern Ireland called “Guardians of the Flame”. It is being edited for publication.

On 9 December, Justice Elizabeth Nahamya participated in Africa Legal Aid’s (AFLA) Assembly of States Parties Side Event entitled “Justice Must Happen for Gambia” where mostly Gambians in the Gambia and diaspora were commenting on the Truth Reconciliation and Reparations Committee Report which had been issued and debated the question as to whether a hybrid court should be set up. The obvious example of a hybrid court cited was that of the Special Court.

From 10 to 11 December, Justice Renate Winter participated in a virtual conference on the theme “Human Rights Education: International Experience and National Practice” organized by the National Centre of the Republic of Uzbekistan for Human Rights in Tashkent. The conference was dedicated to the 25th anniversary of the National Centre of the Republic of Uzbekistan for Human Rights, the 10th anniversary of the United Nations Declaration on Human Rights Education and Training and International Human Rights Day. During the event, Justice Winter was awarded a badge for services in “Protecting Human Rights” established in 2020 by Decree of the President of the Republic of Uzbekistan, in recognition of her services and contributions for advancing legislation on the rights of children and policy on the upbringing of a harmoniously developed generation.

OUTREACH PROGRAMMES SPONSORED BY GLOBAL AFFAIRS CANADA







Prosecutor James Johnson

THE OFFICE OF THE PROSECUTOR

The Office of the Prosecutor functioned partially normally during the year. The Prosecutor worked remotely from his home in New York. The Prosecution Legal Adviser also worked partially remotely from The Hague, and for two brief periods, from Freetown.

THE PROSECUTOR

In October, The Prosecutor participated in a panel made up of prosecutors from various international criminal tribunals to discuss their perspectives on the relevance of the International Military Tribunal's (IMT) Nuremberg judgment to their current work, on the 75th anniversary of those trials. The event was organized by the International Nuremberg Principles Academy.

REQUEST FOR ASSISTANCE/ INFORMATION

The Office of the Prosecutor received eight new requests for assistance from national prosecution authorities during the year, of which all but one were responded to. Of those responded to, four were from a national prosecution authority that had commenced judicial proceedings against a former prosecution protected witness residing within its jurisdiction. Public hearings in the trial commenced in February. Within the scope of its engagement with that national prosecution authority, the Office of the Prosecutor maintained regular communication on various matters including on witness scheduling, which enabled effective planning for its monitoring of the trial. Only one request remained outstanding at the close of the year.

Following the request by a State to interview five Special Court convicts in the last quarter of 2020, on 29 January, the requesting authority withdrew its request to take a statement from the only prisoner who had agreed to its request.

On 9 February, the Registrar and Prosecutor transmitted a letter stating the Court's position on the request of a State to interview a Special Court relocated and protected witness concerning the trial in Finland of another relocated witness.

TRIAL MONITORING

The commencement of trial proceedings in February against a former Special Court witness, Gibril Massaquoi, created a need for monitoring the proceedings, primarily to ensure that the safety and security of Special Court witnesses who previously testified in Special Court trials was respected. Monitoring the proceedings thus satisfied both a Prosecution interest and the wider interest of the Residual Special Court. In this regard, the Office of the Prosecutor and the Office of the Registrar coordinated efforts on trial monitoring. Shortly after the trial commenced in February, the Prosecution Legal Adviser attended court hearings in Tampere, Finland. Then in May, he spent three weeks monitoring the trial in Freetown, after the proceedings were moved to West Africa to hear witnesses in Monrovia and Freetown. Again in November as the trial drew to a close, the Prosecution Legal Adviser attended court hearings in Tampere. The trial proceedings are conducted in Finnish, with an in-court inter-

pretation service for witnesses only. No remote access to a live feed or transcript is provided for the public. A verdict is expected in late summer, 2022.

ARCHIVING

In February, the Archiving Team completed the upload and description of all prosecution physical records which were digitized in 2021. This brought to an end the project begun in 2019, involving the audit, scanning, upload and description of all prosecution physical records kept at the Dutch National Archives (DNA).

WITNESSES

The special investigation ordered by the Prosecutor into allegations of witness tampering in the last quarter of 2020 continued into the first quarter of 2021. Issues raised by the allegations were sufficient to warrant the Prosecutor issuing a press release warning of possible contempt proceedings against anyone found culpable of the conduct. The Office of the Prosecutor also liaised regularly with the Registrar and the Residual Special Court witness ex-

pert on matters related to relocated witnesses.

Also, during the last quarter of 2021, the Prosecutor received a complaint about unauthorised possession of a confidential prosecution witness statement by a party in a domestic trial. The Prosecutor immediately launched an investigation into the complaint, which involved requesting forensic assistance from the prosecution authorities in the jurisdiction concerned. The investigation on this matter continues.

OTHER ACTIVITIES

Between August and October under the direction and guidance of the Registrar, the Office of the Prosecutor represented by the Legal Adviser, collaborated with other sections of the Court to carry out a review of existing rules, practice directions, policies and other relevant documents of the Residual Special Court, with a view to identifying inadequacies in these documents and prepare proposals for amendment or improvement where deemed necessary. Contributions from the Office of the Prosecutor included the Prosecutor's input.



Prosecution Legal Adviser.



Registrar Binta Mansaray

THE REGISTRY

REGISTRY

Under Article 15 of the Statute, the Registry assisted the respective organs and carried out the administration and servicing of the Residual Special Court. The following activities were conducted between 1 January and 31 December of the year under review.

WITNESSES AND VICTIMS SECTION (WVS)

During the reporting period, the WVS staff in Freetown continued to provide protection and support services to protected witnesses in Sierra Leone and Liberia as well as those located outside of the sub-region. The support provided includes the provision of welfare and medical assistance to vulnerable witnesses. Also, WVS maintained contact with relevant authorities and agencies that provide support to the Court’s witnesses. In addition to providing support via telephone as was practised because of the COVID 19 pandemic in early 2021, WVS staff travelled to Monrovia to provide in-person support to witnesses and follow up on claims of reprisals by a witness. The concerned individual under the alleged threat was relocated temporarily to a neighbouring country while the claims were being investigated. The matter remains inconclusive.

In the last quarter of the year, the witness protection officers conducted field missions to witnesses in Sierra Leone and Liberia. The WVS conducted threat assessments following complaints of security concerns by two witnesses and provided security enhancement assistance to the witnesses based on the findings

of the threat assessment. The WVS team and civil society representatives collaborated in raising awareness in Sierra Leone about witness protection and the Residual Special Court’s mandate to mitigate the risk of reprisals against witnesses. The message was well-received in all the districts that were visited.

Additionally, based on guidelines issued by the Government of Sierra Leone, the WVS staff continued to provide information to protected witnesses and victims on the COVID 19 pandemic, and has been advising them on steps to take in the event of a COVID 19 infection or other medical complaints.

As stated above, on 1 February, the trial of Gibril Massaquoi, a Sierra Leonean national and an insider witness of the Special Court, commenced in Finland. The Finnish Court moved to Liberia in April to hear witnesses, and in May the Court moved to Freetown to hear Sierra Leonean witnesses. In September, the trial was held again in Monrovia where additional witnesses from both Liberia and Sierra Leone were heard. Hearings in Monrovia concluded in October. The proceedings in Monrovia and Freetown were monitored by Registry Court monitors. The Court monitors submitted reports on their observations of the trial.

MAINTENANCE OF ARCHIVES AND COURT MANAGEMENT

The original archives of the Residual Special Court continued to be maintained at the Dutch National Archives (DNA) in The Hague. Additionally, the archiving team responded to requests and provided

information internally and to external parties that had expressed interest in the work of the Court. Such requests relate to, *inter alia*, judicial filings before the Special Court.

The archivists continued to archive all Special Court final documents and data and identified and corrected gaps in the record. In the first quarter, the archivists continued to audit and review the records of the Residual Special Court and responded to queries regarding employment verification and access to information and evidence.

In The Hague, the archivists completed the audit and digitization of the judicial records of the Special Court. The team also assisted with the scanning of the records and documents required for the 2019-2020 financial audit of the Residual Special Court. The team continued the process of appraising, uploading, and adding metadata descriptions to the records of the Office of the Registrar. The team started reviewing the missing transcripts and videos on the Court Management database online in order to restore the broken links at a later stage.

In Freetown, the archivists completed the reproduction of the public archives which consist of both the public judicial court filings and transcripts. The team commenced working on the preservation of the records by boxing, labelling and placing them in acid-free folders, according to their categories under a project sponsored by the Global Affairs Canada.

THE PUBLIC ARCHIVES AND SIERRA LEONE PEACE MUSEUM PROJECT

The Public Archives of the Special Court, alongside the records of the Sierra Leone Truth and Reconciliation Commission, continued to be

located at the Sierra Leone Peace Museum. The Museum is a legacy project of the Special Court and the Residual Special Court. The Museum serves as a centre for the promotion of human rights and as a historical and memorial site in honour of the victims of the 11-year armed conflict that took place in Sierra Leone in the 1990s.

During the first to the third quarter, the Registrar was involved in several developmental projects aimed at preserving the legacy of the Court. This included the implementation of the President's directive to conduct outreach on conditional early release before and after the transfer of Augustine Gbao and the execution of the peace museum and the memorial garden development project.

During the reporting period, several meetings were held with grass roots women's organizations in Sierra Leone which are collaborating with the Residual Special Court on the execution of gender-related outreach activities in designated communities. This is in furtherance of the Global Affairs Canada sponsored project aimed at preserving and promoting the legacy of the Residual Special Court.

The Registrar held consultative meetings with a consortium of 77 Civil Society Organisations (CSO) in Sierra Leone, including community members, motorbike (taxi) riders, university students, and youth organisations, among other groups. The group was consulted to seek their views and contributions regarding the ongoing work at the memorial garden. The Registrar also met with the Residual Special Court President, the Chief Justice of Sierra Leone and other stakeholders who are knowledgeable about the war and could give helpful feedback on the various development projects.

GROUP VISITS TO PEACE MUSEUM

The Registry organized field trip visits to the Museum twice a week for Upper Elementary and Secondary School pupils. A total of 41 schools consisting of 984 students and their teachers visited the Museum in 2021, with the last batch of students visiting at the end of December. The cost of the trips were borne by the schools. The schools welcomed the opportunity to visit the Museum and learn about the war, peace process, and international justice. Feedback from the students and teachers indicate that it has been very informative and educational for the students to learn about the work of the Court and the peace process.

ENFORCEMENT OF SENTENCES

The Residual Special Court continues to monitor the enforcement of sentences imposed by the Special Court, pursuant to the enforcement of sentences agreements with the States enforcing the sentences of the Court's prisoners.

Seven Special Court convicted persons continue to serve their sentences in three countries. Four convicted persons are serving their sentences in Rwanda (Issa Hassan Sesay, Morris Kallon, Ibrahim Bazy Kamara and Santigje Borbor Kanu), one in the United Kingdom (Charles Taylor), and two in Sierra Leone on conditional early release (Allieu Kondewa and Augustine Gbao).

RWANDA

The Office of the Registrar continues to work closely with the Rwandan authorities to monitor the enforcement of sentences of the four remaining convicted persons at Mpanga Prison in Rwanda. Addi-

VISITS OF SCHOOLS TO THE PEACE MUSEUM SPONSORED BY FINLAND AND GLOBAL AFFAIRS CANADA





tionally, through the Principal Defender's Office and the prison authorities, the Office of the Registrar continues to respond to specific requests from the convicted persons.

In January, the Principal Defender and the Director of Mpanga Prison submitted their report to the President of the Court and the Registrar on the training of prisoner Augustine Gbao which was conducted prior to his transfer to Sierra Leone on conditional early release.

In March, positive cases of COVID 19 were detected among a few prisoners in the G-Wing of Mpanga Prison but no case of COVID 19 was recorded in the D-Wing which accommodates the Residual Special Court prisoners. The prison authorities remained vigilant and took all necessary steps to prevent the spread of the COVID 19 by continuing to provide relevant information and support to prisoners.

UNITED KINGDOM

The Registrar continues to coordinate with prison authorities and the Principal Defender on matters relevant to Charles Taylor, former President of Liberia's service of sentence at Her Majesty's Prison Frankland (HMP Frankland) in the United Kingdom. The Registrar and the Residual Special Court Prison Advisor have also been following very closely the development of the COVID 19 situation in the United Kingdom by periodically seeking an update from the prison authorities on Charles Taylor's wellbeing. Charles Taylor continues to serve his sentence in the United Kingdom for planning and for aiding and abetting the commission of war crimes and crimes against humanity in Sierra Leone during the armed conflict.

Due to the COVID 19 pandemic,

the Residual Special Court's annual visit to both Rwanda and the United Kingdom to supervise the conditions of imprisonment did not take place. Family visits have also not taken place since 2020.

SIERRA LEONE

Two convicted persons of the Residual Special Court (Allieu Kondewa and Augustine Gbao) are presently serving the remainder of their sentences in Sierra Leone, under the Court's conditional early release programme until 2023 and 2028 respectively.

The Office of the Registrar continued to work closely with the Principal Defender's Office and the monitoring authority in Sierra Leone (the Sierra Leone Police), to supervise the enforcement of sentences of Allieu Kondewa and Augustine Gbao as they continue to serve the remainder of their sentences on conditional early release in their communities in Bo and Blama, respectively. The Registrar continued to work with the Principal Defender's Office and periodically seek updates about the compliance of the convicts with the terms of their conditions of release. No incidents have been reported over the reporting period. Outreach activities in relation to the Court's conditional early release program continued in communities in Freetown and upcountry throughout the year.

As reported in the Defence Section below, the Registrar approved three requests from Augustine Gbao to travel within the country for family reasons. The Registrar granted Augustine Gbao's requests under strict conditions and close monitoring, in compliance with the President's decision of 8 September 2020, granting him conditional early release.



Staff in The Hague.

ASSISTANCE TO NATIONAL AUTHORITIES

In compliance with the Practice Direction on Statement Taking, the Registrar executed her obligations by assisting national authorities who contacted the Court to seek information that may be useful for investigations and trials in domestic jurisdictions.

STAFFING

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

The Court retained the services of certain individuals who have previously worked for the Special Court, at a minimal or no cost. These in-

cluded a press officer, a prison advisor, and a communication and information technology services officer, all of whom were briefly brought in to complete a variety of tasks and projects.

In the second, third and fourth quarters, a court monitor was recruited to monitor hearings of the Gibril Massaquoi trial on behalf of the Residual Special Court, conducted by a Finnish court in Monrovia.

Three outreach officers and other contractors were recruited on a short-term basis to assist with the implementation of the project on the preservation and promotion of the Residual Special Court. The project is funded by the Canadian Government (Global Affairs Canada). Under the same project, a team of contractors was hired to develop

the memorial garden of the Peace Museum.

In June, interns were recruited to assist with the Court's legacy project. In July, a budget and finance officer was recruited on a short-term basis to assist with the preparation of the budget of the Court due to the unavoidable absence of the substantive Residual Special Court Budget and Finance Officer.

STAFF ON A ROSTER

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

FULL-TIME STAFF

The Residual Special Court office in

The Hague continues to be served by a small team consisting of archivists, an office manager, a legal officer, an associate legal officer, a budget and finance officer, and a prosecution legal adviser.

Residual Special Court staff positions in Freetown include three full-time witness and victim protection staff, an associate defence legal officer, an office administrator and a cleaner. In New York, a liaison officer continues to serve on a part-time basis.

FACILITIES

Interim Seat in The Hague and Branch Office in Freetown

The Residual Special Court continues to share administrative and technical platforms with the International Residual Mechanism for Criminal Tribunals (IRMCT) pursuant to a Memorandum of Understanding between the two institutions.

In Freetown, the Residual Special Court continues to occupy a portion of the former Special Court site and shares the site with Western Urban DiCOVERC (the District COVID 19 Emergency Response Center), the Law Reform Commission, the Justice Sector Coordinating Office, the refurbished Sierra Leone Peace Museum and the Sierra Leone Law School.



Liaison New York Office.



Staff in Freetown.

ADMINISTRATIVE STRUCTURE AND FRAMEWORK

The Residual Special Court Offices in The Hague and Freetown combined both remote and in-person working methods due to the COVID 19 pandemic which continued in 2021.

In the first quarter, the Netherlands continued its strict COVID 19 lockdown measures, which included a nationwide night-time curfew. In January, the Government of Sierra Leone introduced additional strict COVID 19 measures including restricted movements in and out of the Western Area of the country, and, a night-time curfew among other measures. As stated in the “Other Chambers Activities” section, due to the rapid rise of positive COVID 19 cases plus the emergence of the Omicron variant in November, the Government of the Netherlands imposed urgent strict restrictions including a partial lockdown. In December, the Netherlands went into a hard lockdown to limit a surge of COVID 19 cases and to control the Omicron variant.

Broadcasts were circulated, updating all Residual Special Court judges, staff and contractors on the new

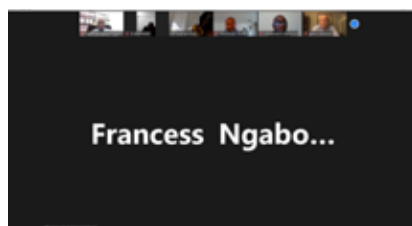
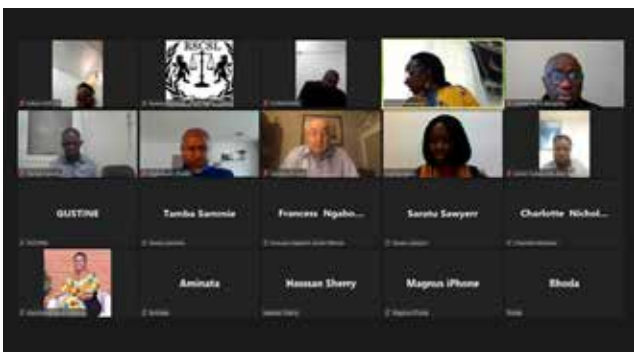


Associate Defence Legal Officer.

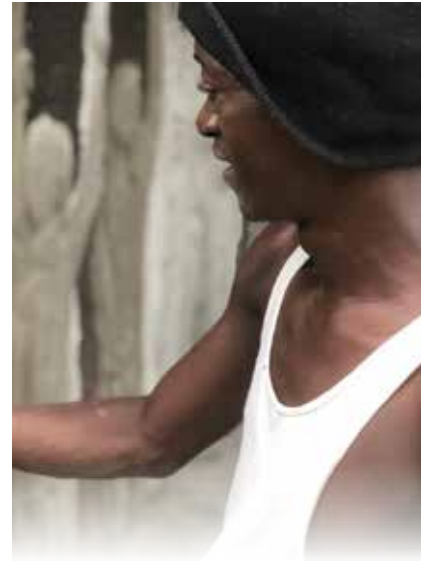


Senior Legal Officer, Chambers.

STAFF MEETING VIA ZOOM



MEMORIAL GARDEN



VISITS TO SCHOOLS IN THE PROVINCES SPONSORED BY GLOBAL AFFAIRS CANADA



variants, travel restrictions and additional measures imposed by the Netherlands and Sierra Leone governments. Residual Special Court personnel were encouraged to take precautionary measures to ensure their well being.

Despite the pandemic, the Residual Special Court in The Hague and Sierra Leone continued executing its mandate in the reporting period. The Court functioned in strict compliance with guidelines issued by the United Nations, and Residual Special Court staff who could work remotely continued to do so.

The archiving team, which was unable to do its work entirely remotely, continued to work on a scheduled alternate office attendance to perform the archiving tasks requiring their physical presence in the office. The witness protection team continued to provide support to witnesses, to a large extent by phone.

The Registrar continued to work mostly from the Residual Special Court office in Freetown because of the numerous core and non-core activities being conducted in Sierra Leone. While in Freetown, she worked in person with the President of the Court, the Principal Defender and staff in Freetown, and remotely with staff in The Hague and with the Prosecutor. She travelled and worked from the Residual Special Court office in The Hague for short periods. The Registrar also travelled to the United States for personal reasons, where she continued to work remotely.

FINANCIAL SITUATION

Budget

In February, a subvention in the amount of \$2,537,000 was received from the United Nations as a bridging financial mechanism for fiscal

year 2021.

In July, the Oversight Committee approved the Residual Special Court's 2022 budget in the amount of US \$2,949,300, following budget discussions in which the Registrar and short-term contractor Budget and Finance Officer participated. A request for a subvention towards the Residual Special Court's 2022 budget was submitted to the United Nations in September.

In the last quarter, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth Committee considered the Court's 2022 budget. The Registrar, the Residual Special Court Budget Officer, the United Nations Controller's Officer and the United Nations Office for Legal Affairs participated in the budget hearings to provide clarification and respond to questions raised by the budget committees, as appropriate.

AUDIT

The audit of the Residual Special Court's 2019 and 2020 accounts were delayed by the Auditor General of South Africa due to the COVID 19 pandemic challenges.

DISTRIBUTION OF SEVENTH ANNUAL REPORT

The Office of the President and Office of the Registrar completed publication and distribution of the Seventh Annual Report (2020) of the Residual Special Court to the parties, diplomatic and international partners, judges, Oversight Committee and staff. The distribution was done both online and by hard copies as appropriate.

FUNDRAISING AND DIPLOMATIC RELATIONS

During the year under review, the Oversight Committee and the Registrar held a series of discussions concerning ongoing efforts to secure means of funding for the Residual Special Court. On 24 May, the United Nations Secretary-General addressed letters to all United Nations Member States, seeking voluntary contributions for the financing of the Residual Special Court. In July, the Government of Sierra Leone sent a letter of appeal for financial support to the African Group at the United Nations Headquarters.

The COVID 19 pandemic made in-person fundraising meetings impossible, however, virtual fundraising efforts continued. From January to December Residual Special Court principals, in particular the Prosecutor and Registrar and staff, including the Prosecution Legal Adviser and Registry Legal Officer, held a combined total of 74 bilateral fundraising meetings by the end of 2021, the majority of which were held virtually. Meetings were held with officials from Member States in The Hague, New York, Freetown and Brussels including Albania, Australia, Bangladesh, Belgium, Benin, Brazil, Canada, China, Colombia, Croatia, Cyprus, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, India, Ireland, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, Nigeria, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russia, Rwanda, Seychelles, Sierra Leone, Singapore, Slovakia, St. Vincent & the Grenadines, Switzerland, Tanzania,

Togo, Trinidad and Tobago, Uganda, the United Kingdom, the United States, Uruguay, and Vietnam.

Meetings were also held with the United Nations Development Program (UNDP) and Global Affairs Canada in furtherance of the Residual Special Court's special projects, plus meetings were held with the Registrar of the IRMCT to explore the possibility of cost reduction under the administrative sharing arrangements and to share information and experience on matters of mutual interest, respectively.

OVERSIGHT COMMITTEE

Due to the pandemic, the Residual Special Court Oversight Committee meetings were held virtually. Both the Registrar and the Liaison Officer in New York participated virtually in the Oversight Committee meetings convened by Ms Beatrice Maille, Chair of the Oversight Committee. The Registrar and the Chair of the Oversight Committee also met fortnightly for regular updates on the Court's activities that require the attention of the Oversight Committee.

On 28 July, the Court's principals, including the Registrar, President, Vice President, Prosecutor and Principal Defender, had a virtual meeting with the Oversight Committee members to discuss the Court's ongoing work, the difficulty in securing funding for the Court, and the Committee's intensified efforts at securing subvention for the Court. The representatives of the Oversight Committee expressed their appreciation to the Court's principals, for their hard work and for continuing to fulfil the Court's mandate despite

many challenges posed by the scarcity of funds and the pandemic. The meeting was an opportunity for the Court's principals who had not met Ms Maille to welcome her as the new Chair of the Oversight Committee.

On 29 July, the Oversight Committee held their annual meeting with the Court staff virtually, via WEBEX. Residual Special Court staff at The Hague and Freetown offices were in attendance. The staff and contractors introduced themselves and talked about their work in the past year. The contractors working on the Court's Legacy Project spoke about the progress and impact of their work while the Artist contracted to design the Memorial Garden of the Peace Museum made a detailed presentation on the approved structural design and the historical meaning of every aspect of the design.

Ms Maille thanked the Residual Special Court staff for the incredible work that they are doing while noting the passion with which the staff members do their work. Other members of the Oversight Committee expressed their deepest gratitude to the Residual Special Court for all their efforts in restoring peace and justice to Sierra Leone through their good work, including the ongoing work at the Peace Museum and Memorial Garden. The Residual Special Court principals and staff thanked the Chair and all other members of the Oversight Committee for their invaluable services to the Court.

The following members of the Oversight Committee attended the meeting: Ms Maille, representative of the Canadian Mission to the United Nations, Ms Hanna Dreifeldt Laine, representative of the United Nations Office of Legal Affairs (OLA), Chanaka Wickremasinghe, representative of the United King-



Training on CER & Witness Protection - Sponsored by Germany.

dom Mission to the United Nations, Ambassador Michael Kanu, Deputy Permanent Representative to the Sierra Leone Mission to the United Nations and Ms Elizabeth Grosso, representative of the United States Mission to the United Nations. The Residual Special Court Liaison Officer in New York Mr David Cohen also attended the meeting.

OTHER EVENTS

Following an invitation from the International Nuremberg Principles Academy, the Registrar attended a special online event on 11 March honouring Ben Ferencz on his 101st birthday. Ben Ferencz is the last living prosecutor of the Nuremberg trials and is one of the leading lawyers and experts in international

criminal law since the Second World War.

On 23 March, the Residual Special Court marked the commemoration of 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 society organizations, victims, ex-combatants, and members of the Sierra Leone Police, the Republic of Sierra Leone Armed Forces, and the Sierra Leone Correctional Service. Also in attendance were students from seven schools in Freetown and Waterloo,

along with youth groups from Waterloo, Allen Town and Freetown. This occasion was also an opportunity for the Court to promote the legacy of the Special Court.

The Registrar continued to hold meetings with civil society organisations in Sierra Leone, to discuss matters related to the mandate of the Court such as conditional early release and witness protection. Matters discussed also related to the Sierra Leone Peace Museum and Memorial Garden sponsored by Canada. Outreach activities in relation to the Court's conditional early release and witness protection programmes, sponsored by the Governments of Germany and Finland were also carried out in various communities in Freetown and

in the provinces. The activities were conducted by the Residual Special Court in collaboration with the National Witness Unit and civil society organizations.

On 12 April, the Registrar was a guest lecturer via Zoom at the University of Pittsburgh, in the United States. She spoke to students in the Public International Law course and discussed the work of the Residual Special Court for Sierra Leone. The students were interested in learning about international criminal justice and were able to gain knowledge and insight from a practitioner in the field. She specifically discussed the Special Court's mandate and how the Court worked and the importance of engaging with communities about the work of the Special Court. The presentation was followed by a question and answer session.

From 15 to 16 June, the Registrar and the Senior Legal Officer in Chambers participated in an in-

son dialogue organised by the non governmental organisation Campaign for Good Governance in Freetown. At the opening of the event, the Registrar delivered a ten minute statement on the legacies of transitional justice in Sierra Leone. The Senior Legal Officer in Chambers delivered a presentation in a panel entitled: "The Legacy of the Special Court for Sierra Leone and Its Impact in Improving Justice Delivery in Sierra Leone." The dialogue was aimed at mapping out strategies on how transitional justice can be harnessed to promote reconciliation, national cohesion and human rights in Sierra Leone. The dialogue was organized by the Campaign for Good Governance, with support from the African Transitional Justice Legacy Fund (ATJLF).

The Registrar, Prosecutor and Principal Defender held several meetings with legal officers from all the organs of the Court to review the Court's Rules, Policies and Practice Directions and identify specific legal

issues that might require amendment by the Plenary of Judges. The participants of these meetings were divided into two working groups to research and present proposals and/or identify issues for the consideration of the judges. Those proposals and identified issues were submitted to the judges ahead of the Plenary of Judges that had been scheduled to take place in November.

In consultation with the President of the Court, the Attorney-General's Office and the United Nations Office of Legal Affairs, the Office of the Registrar organized the swearing in ceremony of two Sierra Leonean Judges who were appointed to replace Justice Bankole Thompson and Justice Miatta Samba. Additional information on the swearing in is provided in the Chambers section.



Training on CER & Witness Protection - Sponsored by Germany.



Principal Defender Ibrahim Yillah

DEFENCE OFFICE

The Defence Office continues to perform its functions pursuant to Rule 45 of the Rules. This report highlights various activities that were undertaken by the Defence Office for the year under review.

COMMUNICATION WITH SCSL CONVICTS AND PROVISION OF LEGAL SERVICES

During the period under review, the Defence Office closely monitored the conditions of detention of Residual Special Court prisoners in the United Kingdom and Rwanda and was also in regular communication with their *pro bono* counsel and family members. The Principal Defender was also in communication with Charles Taylor's spouse to update her on the COVID 19 situation in the United Kingdom and of Charles Taylor's general conditions of detention.

Monitoring the conditions of detention of the Residual Special Court's prisoners in Rwanda and the United Kingdom also involved providing the prisoners with regular updates on COVID 19 matters. In this regard the Defence Office, in consultation with the Registrar, has been in regular contact with prison authorities and the prisoners and has always advised them to abide by the safety measures implemented by their respective prison authorities.

The Defence Office received several requests from the Residual Special Court convicts ranging from the provision of legal services to other interventions in the form of dispute resolutions among the convicts in Rwanda as well as between them and detention officials. These re-

quests/interventions are highlighted as follows below.

In January, the Defence Office received a consignment of Augustine Gbao's remaining personal effects, including his seedlings for his proposed agricultural activities in Sierra Leone. These items have been handed over to Augustine Gbao by the Defence Office.

In February, the Defence Office received a request from Augustine Gbao to facilitate an application to visit his family at Waterloo. Augustine Gbao was granted permission by the Registrar and the monitoring authority for a period of one month. He traveled to Waterloo on 15 February and returned on 13 March. As part of its oversight functions, the Defence Office conducted a spot visit to Augustine Gbao at his home in Small Bo, Blama town, Eastern Province.

The Defence Office was also instrumental in putting together an agricultural project proposal to facilitate the implementation of Augustine Gbao's obligations pursuant to an order by the Residual Special Court President dated 8 September 2020, which requires him to provide restitution to the victims of his crimes. This project is ongoing.

On 19 February, the Defence Office provided legal services to Ibrahim Bazy Kamara during an investigation into allegations of publication of false information concerning the Registrar of the Court by an independent judge pursuant to an order of the Residual Special Court President following a complaint submitted to him by the Registrar.

During the period under review all four Residual Special Court inmates in Rwanda submitted requests for approval and inclusion of new telephone numbers of family members in the list of approved phone numbers.

In March, the Court's prisoners in Rwanda raised concerns with the Defence Office on matters relating to their detention conditions in particular matters relating to their health and choice of food from the menu provided by the prison authorities. This complaint was looked into by the Principal Defender and has been resolved amicably. The Defence Office with the assistance of the Registrar, coordinated with the Rwanda Correctional Service which provided medical support to the prisoners throughout the year.

SPOT CHECKS

During the period under review, the Defence Office carried out spot checks on Special Court convicted persons in Bo in the Southern Province and Blama in the Eastern Province, who have been granted conditional early release. This exercise is undertaken periodically by the Defence Office as part of its duties to ensure compliance with the terms and conditions of their conditional early release. The spot checks showed that the convicts were in full compliance.

MEETING WITH OVERSIGHT COMMITTEE OF THE RESIDUAL SPECIAL COURT

On 29 July, Defence Office personnel and other principals of the Court met with members of the Oversight Committee of the Residual Special Court. During that meeting, the Principal Defender briefed the Committee on the work of the Defence Office. Among other things, the Principal Defender gave

a briefing relative to the conditional early release of Augustine Gbao, his transfer from Rwanda to Sierra Leone and the Defence Office's supervision of his conditional early release.

Furthermore, the Principal Defender apprised the Oversight Committee on the cooperation of the Office of the Registrar as well as the monitoring authorities in Sierra Leone in enhancing the smooth performance of the work of the Defence Office. He also spoke about the Defence Office's continued contacts with prison authorities in Rwanda and the United Kingdom to monitor the conditions of detention of Special Court convicted persons in both countries.

In another development, the Principal Defender informed the Oversight Committee about the inquiry that was ordered by the President of the Court to investigate allegations of misconduct made by one of the Special Court convicted persons, Ibrahim Bazy Kamara. The Principal Defender highlighted the support given by the Defence Office during the inquiry which was conducted by Justice Alusine Sesay, Justice of the Supreme Court of Sierra Leone.

REQUEST BY AUGUSTINE GBAO TO TRAVEL TO THE PROVINCES OF SIERRA LEONE

On 6 July, the Defence Office sought and obtained the Registrar's permission to allow Augustine Gbao to travel to Makeni, in the Northern Province to attend his daughter's traditional wedding ceremony and to visit his extended family members at Waterloo, in the Western Rural Area. During these approved visits, the Defence Office ensured that Augustine Gbao complied with all conditions of his detention and with the monitoring authorities.

ASSIGNMENT OF PRO BONO COUNSEL

On 30 August, the Defence Office, acting on the instruction of Ibrahim Bazy Kamara, assigned Mr Mohamed Pa Momoh Fofanah, a Sierra Leonean lawyer, as his *pro bono* counsel effective the date of the assignment.

PLENARY OF JUDGES - AMENDMENT OF RULES, POLICIES AND PRACTICE DIRECTIONS

The Defence Office, in conjunction with other organs of the Court, also made significant contributions to the review of the Residual Special Court Rules, Policies and Practice Direction on Conditional Early Release. The Defence submissions were part of recommendations submitted for consideration by the judges at the Plenary of Judges which was to have been held in The Hague in November 2021.

The Principal Defender also sent in submissions on the general activities of the Defence Office, including the general conditions of detention of convicted persons serving their prison terms in Rwanda and the United Kingdom and the general conditions of Augustine Gbao and Allieu Kondewa regarding their compliance with measures relative to their conditional early release. As already reported, the Plenary of Judges was cancelled due to an unexpected surge in coronavirus cases in the Netherlands.

OBITUARY ANNOUNCEMENTS

DEATH OF JUSTICE ROSOLU JOHN BANKOLE THOMPSON

On 15 May, the President of the Residual Special Court announced the death of Justice Dr Rosolu John Bankole Thompson, who passed away at the Choithram Hospital in Freetown after a short illness. Justice Thompson was one of the first judges to join the Special Court in December 2002 as a Judge of Trial Chamber I. He also served as judge on the roster of the Residual Special Court. The Registrar recalled his contributions to the Special Court during its existence and after the Court's closure. She stated that he was a great jurist who contributed greatly to restoring the rule of law in Sierra Leone and building the legacy of the Court. Justice Bankole Thompson was part of the three Judges who sat on the Trial Chamber I which heard the Civil Defence



The late Justice Rosolu John Bankole Thompson.

Forces (CDF) and Revolutionary United Front (RUF) trials. The President conveyed his profound sympathy to Justice Thompson's family and colleagues on behalf of the Judges, the Oversight Committee and the principals and staff of the Court.

On 28 May, the Residual Special Court organized an event in honour of Justice Bankole Thompson. The memorial event entitled "Opening of Book of Condolence for the late Justice Dr Rosolu John Bankole Thompson by the Residual Special Court for Sierra Leone" was attended by Residual Special Court judges, principals and staff in Freetown. Staff in The Hague and judges who could not participate in person joined the event virtually. Former and current Court principals and staff paid tribute to Justice Bankole Thompson and spoke about his contributions to the development of international criminal jurisprudence through the judgements of the Special Court trial chamber and his academic contributions. Court principals also attended memorial services organized by the national judiciary and the Government of Sierra Leone.

DEATH OF MR LOVEMORE MUNLO – FORMER REGISTRAR, SPECIAL COURT

On 19 August, the Residual Special Court Registrar announced with sadness, the passing away of former Special Court Registrar Lovemore Munlo in Blantyre, Malawi. Mr Munlo was appointed Interim Registrar by the United Nations Secretary-General in October 2005 and was confirmed as substantive Regis-



The late Mr Lovemore Munlo – Former Registrar, Special Court.

trar in February 2006. He left the Special Court in March 2007. The Residual Special Court Registrar noted that Mr Munlo had served the Special Court, and through his work at the Court, he served the cause of international justice. She sent condolences to his family, friends and colleagues on behalf of the judges, the Oversight Committee, principals and staff of the Residual Special Court.

The Residual Special Court also mourned the passing in October of Reverend Bob Kandeh, a former District Outreach Officer of the Outreach and Public Affairs Section of the Special Court. He was one of the District Outreach Officers working in Bo District.

May their souls rest in perfect peace.

ANNEX I

Overview of the 2021 Residual Special Court Budget

Budget - 2021

The Registrar submitted the Residual Special Court 2021 Budget to the Oversight Committee for their consideration and approval. The proposed Fiscal Year 2021 Budget was US\$ 2,856,300.

Fiscal Year 2021 Budget

To manage the non-judicial residual functions and the judicial and other proceedings, the budget for the Residual Special Court's operations for 2021 is US\$ 2,856,300. Further breakdown of the 2021 figure is as follows: permanent staffing costs (US\$ 1,520,600), which includes income tax liability of (US\$ 25,000); and operational costs (US\$ 1,335,700). The operational costs include IRMCT administrative support services (US\$ 411,000) and the annual cost for enforcement of sentences of the five remaining SCSL convicted persons in Mpanga Prison, Rwanda (US\$ 65,000).

Non-Judicial and Judicial

Requirements by Object of Expenditure

(United States Dollars)

| Object of expenditure | Non Judicial | Judicial | Total Budget |
|--|---------------------|-----------------|---------------------|
| Posts | 1,083,300 | 104,600 | 1,187,900 |
| Common Staff Cost | 319,200 | 13,500 | 332,700 |
| Compensation to Judges | 49,800 | 99,600 | 149,400 |
| Consultants and experts | 27,600 | 0 | 27,600 |
| Travel | 76,200 | 135,000 | 211,200 |
| Contractual service | 569,000 | 50,000 | 619,000 |
| General operating expenses | 260,500 | 48,000 | 308,500 |
| Supplies and materials | 15,000 | | 15,000 |
| Acquisition of furniture and equipment | 5,000 | | 5,000 |
| | 2,405,600 | 405,700 | 2,856,300 |

ANNEX II

Residual Special Court Judges and Personnel Nationalities 2021

JUDGES

| | |
|--------------------------|-----------|
| Austria | 1 |
| Botswana | 1 |
| Canada | 1 |
| Ireland | 1 |
| Kenya | 2 |
| Samoa | 1 |
| Sierra Leone | 6 |
| Uganda | 1 |
| United Kingdom | 1 |
| United States of America | 1 |
| Total | 16 |

PRINCIPALS

| | |
|--------------------------|----------|
| Sierra Leone | 2 |
| United States of America | 1 |
| Total | 3 |

STAFF

| | |
|--------------|-----------|
| Nigeria | 1 |
| Sierra Leone | 10 |
| Somalia | 1 |
| Total | 12 |

SHORT-TERM CONTRACTORS

| | |
|--------------------------|-----------|
| Canada | 1 |
| Liberia | 1 |
| Pakistan | 1 |
| Sierra Leone | 15 |
| United Kingdom | 1 |
| United States of America | 3 |
| Total | 22 |

INTERNS

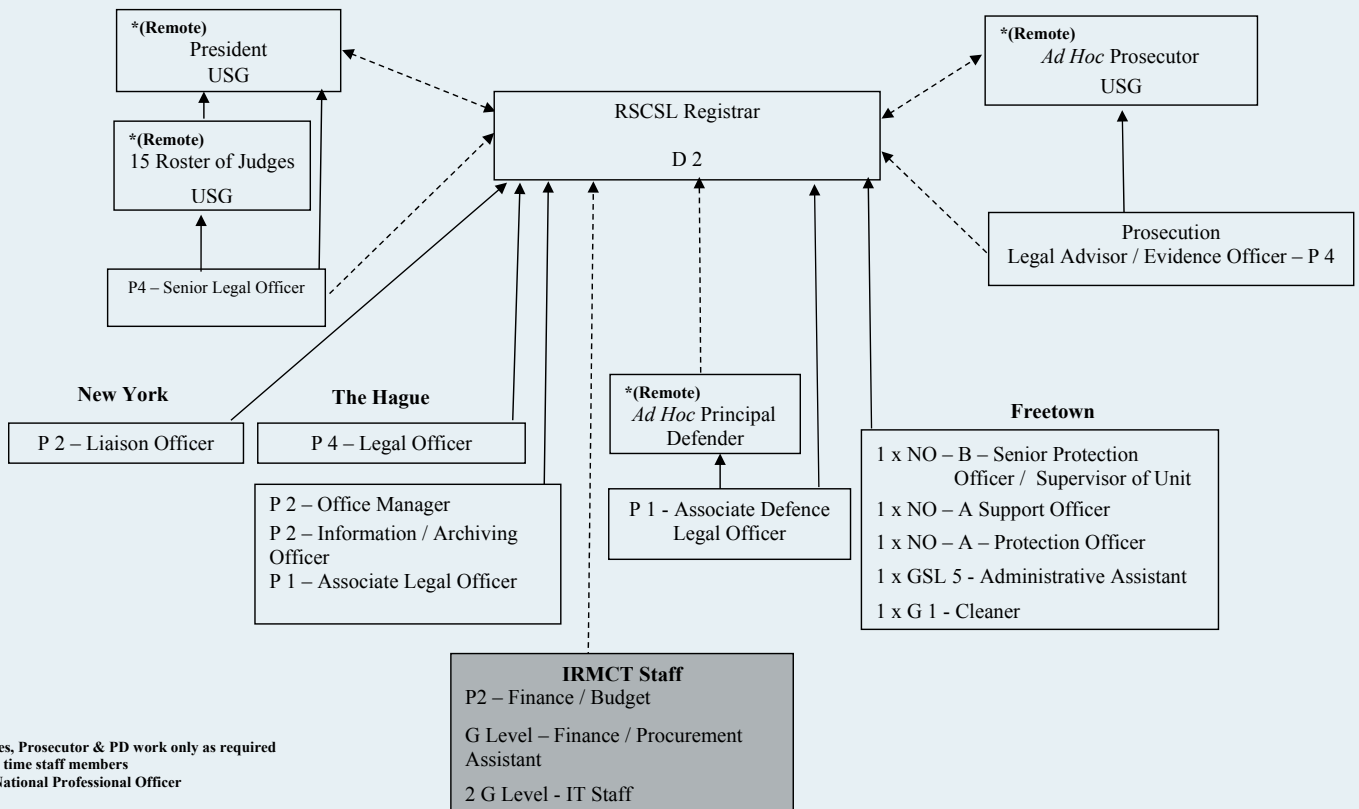
| | |
|--------------------------|---|
| United States of America | 4 |
|--------------------------|---|

Grand Total 57

ANNEX III



RESIDUAL SPECIAL COURT FOR SIERRA LEONE ORGANOGRAM 2021



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Residual Special Court for Sierra Leone

Jomo Kenyatta Road, Freetown, Sierra Leone

Churchillplein 1, 2517 JW, The Hague
P. O. Box 19536, 2500 CM The Hague

www.rscsl.org

