

Eighth Annual Report

of the President of the Special Court for Sierra Leone



8th



June 2010 to May 2011



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FOREWORD

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

It is my honour and pleasure to submit to you the Eighth Annual Report on the operations and activities of the Special Court for Sierra Leone, covering the period 1st June 2010 to 31st May 2011.

The period under review has been filled with activities in anticipation of the Special Court's completion of its judicial mandate by mid 2012 and its transition to a residual mechanism.

The Completion Strategy which sets out a timeline for the judicial milestones necessary for the completion of the Special Court's mandate, was not met during the reporting period, due to unforeseen legal and procedural developments in its final trial involving the former Liberian President Charles Taylor. In the last Completion Strategy, it was envisaged that Trial Judgment in the Charles Taylor case would be delivered in June 2011, and that a Sentencing Judgment, if applicable, would be delivered in August 2011, with an Appeal Judgment, if applicable, in February 2012.

After the Defence closed its case on 12 November 2010, the Trial Chamber scheduled final arguments for 8 February 2011 and final trial briefs to be submitted on 14 January 2011. The Defence however failed to file its final trial brief on the date scheduled by the Trial Chamber – 14 January 2011. Counsel for the Accused argued that he had received written instructions from the Accused, not to file a final trial brief until decisions were reached on all outstanding motions and appeals. The Defence eventually filed its final trial brief three weeks later and the Trial Chamber, by a majority, refused to accept the untimely filed brief. The Appeals Chamber reversed the decision of the Trial Chamber and Defence closing arguments were heard on 9 and 10 March 2011. The Prosecution had already made its oral closing arguments on the 8 and 9 February 2011. Oral responses by both parties were heard on 11 March 2011. A verdict is expected later in 2011.

The Special Court continues to use the Special Tribunal for Lebanon's (STL) courtroom and office space and also the International Criminal Court's (ICC) detention facilities in the ongoing trial of Charles Taylor in The Hague. I take this opportunity to express my sincere gratitude to the respective Presidents and other officials of the STL and the ICC, and to the Government of the Netherlands for their continued cooperation and assistance in the trial.

In June 2010, the United Nations Secretary-General H.E. Mr. Ban Ki-moon visited the Special Court during a two day trip to Sierra Leone. During discussions with the Special Court's principals and other members of staff, the Secretary-General was briefed on the activities of the Special Court. He expressed appreciation for the contribution of the Special Court to the establishment of peace and security in Sierra Leone, the sub-region and to the enrichment of international humanitarian law.

The 15th Plenary Meeting of the Judges was held in The Hague from 24 to 27 May 2011. This location was chosen in order that minimal disruption would be caused to the on-going trial being held in The Hague. The Judges adopted Resolutions on enforcement of sentences, possible amendments to the Agreement establishing the Residual Special Court and the annexed Statute; and contempt proceedings that may arise after Trial Chamber II completes its mandate. The Plenary also approved this Annual Report.

The Special Court's legacy activities continue to be an integral aspect of its operations. During the reporting period several legacy initiatives were implemented and promoted by the Special Court, with the active support of some Sierra Leonean non-governmental bodies, international development agencies and other stakeholders. In April 2011, the Special Court hosted the opening ceremony of the Sierra Leone Peace Museum



*Hon. Justice
Jon Moadeh
Kamanda,
President,
Special Court
for Sierra Leone*

preview exhibition. The preview exhibition which lasted three days was organised as part of celebrations for Sierra Leone's 50th Independence Anniversary. Mr Michael Schulenberg, the Executive Representative of the Secretary-General, represented the United Nations and the United Nations Peacebuilding Commission which is funding the establishment of the Peace Museum. The Peace Museum project was proposed by the Government of Sierra Leone as a future use of the Special Court site, to narrate the story of Sierra Leone's decade-long civil war and its return to peace; and to honor the victims of the civil war. It will open officially in 2012. I thank Mr Michael Schulenberg, Ambassador McNee of the United Nations Peacebuilding Commission and all other stakeholders for their support towards this venture.

In December 2010, the Special Court transferred originals of its archives to The Hague where they are stored by the Government of the Netherlands in the Dutch National Archives. The Special Court's sub-office in The Hague maintains custody over the records. Copies of these archives remain in Freetown.

In February 2011, the United Nations peacekeepers of the Special Court's Mongolian Guard Force completed their mandate and formally handed over security responsibility for the Special Court to the Sierra Leone Police. United Nations peacekeepers, working in cooperation with Special Court's Security Section and the Sierra Leone Police, had maintained security at the Special Court since its inception in 2002. In addition to securing the premises of the Special Court in Freetown, they provided security during the movement of detainees and prisoners within and outside of Sierra Leone. The Mongolian peacekeepers, who served as part of the United Nations Mission in Liberia (UNMIL), took over the Special Court's security from Nigerian peacekeepers in January 2006. The handover marks a significant milestone as the Special Court is in the process of completing its judicial mandate and transition to a Residual Mechanism.

Staffing levels at the Special Court continue to diminish both as a result of downsizing processes associated with the completion of cases and the achievement of milestones in the Charles Taylor trial. In addition,



several staff members with critical institutional knowledge have accepted more secure jobs in other institutions. With the reduction in its staff level, the Special Court, in March 2011 consolidated its operations to one portion of its site. Unused parts of the Special Court's site would be transferred to the Government of Sierra Leone prior to the completion of its judicial mandate.

Mr Robin Vincent, former Registrar of the Special Court died on 11 June 2011. He was appointed the Special Court's first Registrar in 2002 by then Secretary-General of the United Nations H.E. Mr. Kofi Annan and served in that capacity from July 2002 to September 2005. The Special Court also lost a number of its staff during the reporting period. The Appeals Chamber for instance lost one of its legal officers Mr Joakim Dungal who was killed in Afghanistan on 1 April 2011. Mr Joakim Dungal joined the Appeals Chamber in January 2009 and was particularly instrumental in the Appeals phase of the RUF trial. The former Registrar and staff members will be fondly remembered and dearly missed. May their souls and the souls of all those who have departed rest in peace.

The Outreach and Public Affairs Section continues to bring the activities and accomplishments of the Special Court to towns, villages, schools, colleges and institutions in Sierra Leone through the media and by the organization of regular visits to the Court's premises which includes its custom built courthouse. By virtue of such relentless efforts, people have come to realize that the Special Court remains committed to ensuring that persons who commit heinous crimes are tried in accordance with its mandate; and that the rule of law in Sierra Leone is preserved and maintained in all circumstances.

On behalf of the Special Court, I would like to express sincere gratitude to the donor countries for their unwavering financial assistance which has enabled the Special Court to operate so effectively up to this point.

Finally, I would like to express my appreciation to my fellow Judges and the staff of the Court for their consistent hard work and commitment to ensure that the Special Court will realise a successful conclusion of its mandate.



Hon. Justice Jon M. Kamanda

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





Kamabai Community Town Hall Meeting

INTRODUCTION

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

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

Drawing upon previous Annual Reports, it also covers the period from the 1st of June 2010 to the 31st of May 2011. It examines the major activities of the Special

Court, including Chambers, the Registry (with the Defence Office) and the Office of the Prosecutor.

Drawing upon previous Annual Report, it also reflects the significant steps taken by the Special Court during this period to create and implement policies that will ensure a lasting legacy for the people of Sierra Leone. The Report explains the Special Court's funding situation and illustrates the work undertaken, in cooperation with the Management Committee, during this period in relation to its funding and administration duties.



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

JUDICIAL PROCEEDINGS

TRIAL CHAMBER II

THE PROSECUTOR

V. CHARLES GHANKAY TAYLOR

Justice Julia Sebutinde, succeeding Justice Richard Lussick, served as the Presiding Judge of Trial Chamber II from 18 January 2010 to 17 January 2011. Justice Teresa Doherty succeeded Justice Sebutinde as Presiding Judge of the Trial Chamber on 18 January 2011.

The trial of Charles Ghankay Taylor is in its final stage and a verdict is expected in the second half of 2011. The Defence case, which opened on 14 July 2009, was formally closed on 12 November 2010. During the Defence case, 21 witnesses were called, including the Accused Issa Hassan Sesay, a person previously convicted by the Special Court. Issa Hassan Sesay was transferred from detention in Rwanda to The Hague in order to give his testimony. The Trial Chamber granted a request by the Prosecution to re-open its case and to call three additional witnesses who were heard, for reasons of expediency and efficiency, in August 2010, during the Defence case.

Following the closure of the Defence case, final arguments were scheduled for 8 February 2011, with final trial briefs to be submitted on 14 January 2011. The Defence however filed its final trial brief three weeks late, arguing that since important motions had not been decided by the Trial Chamber and Appeals Chamber, Charles Taylor had given the Defence written instructions not to file the final trial brief on the date ordered by the Trial Chamber. Consequently, the Trial Chamber, by a majority, refused to accept the Defence final trial brief. The Defence successfully appealed the decision to refuse the final trial brief and Defence closing arguments were heard on 9 and 10 March 2011. The Prosecution had already made its oral closing arguments on the 8 and 9 February 2011. Oral responses by both parties were heard on 11 March 2011.

On 11 March 2011, after 420 trial days during the three years and ten months since the opening statement by the Prosecution on 4 June 2007, the case was formally declared closed. A total of 115 *viva voce* witnesses testified, 1522 exhibits were admitted into evidence, 49622 pages of trial records were transcribed and 275 decisions were issued by the Trial Chamber during the case.

During the reporting period, the Trial Chamber rendered numerous oral decisions and 71 written decisions, including 10 decisions on the admission of documentary evidence pursuant to Rule 92*bis*. The following represents a selection of the most significant written Decisions and Orders handed down by the Trial Chamber during the reporting period:

a) Decision on Defence Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgment Pursuant to Rule 94(B) and Prosecution Motion for Judicial Notice of Adjudicated Facts from the RUF Judgment, 17 June 2010:

The Trial Chamber by a majority, Judge Sebutinde dissenting, dismissed the Defence Motion and Prosecution Motion requesting judicial notice of facts adjudicated in the trial judgment of the *Prosecutor v. Sesay, Kallon, Gbao* on the basis that the motions were filed at a very late stage of the proceedings and did not serve the interests of justice and judicial economy.

b) Decision on Public with Confidential Annexes A and B Prosecution Motion to Call Three Additional Witnesses, 29 June 2010:

The Trial Chamber granted a Prosecution motion to re-open its case in order to call three additional witnesses, Ms. Naomi Campbell, Ms. Mia Farrow and Ms. Carol White, and directed the Prosecution, for reasons of expediency and efficiency, to call the three witnesses during the Defence case.

c) Decision on Prosecution Motion for the Issuance of a Subpoena to Naomi Campbell, 30 June 2010:

The Trial Chamber granted a Prosecution Motion for the issuance of a subpoena *ad testificandum* to Naomi Campbell, requiring her appearance before the Trial Chamber. The Trial Chamber ordered the Registrar to serve a copy of the subpoena *ad testificandum* upon Ms Campbell and to transmit copies of the Order and the attached Subpoena to the responsible authorities of the State where Ms. Campbell was residing.

d) Decision on Defence Motion to Exclude Custodial Statements of Issa Sesay, 12 August 2010:

The Trial Chamber by a majority, Judge Sebutinde dissenting, dismissed a Defence Motion to exclude eleven custodial interview statements taken from Issa Sesay by the Prosecution in 2003 on the basis that the Motion was premature, as the custodial statements had not been filed with the Motion and thus the Trial Chamber was unable to make a ruling on their use and/or admissibility. When the Prosecution attempted to use one of the custodial statements in its cross-examination of Issa Sesay on 13 August 2010, the Trial Chamber held that the statement could not be used for the purposes of impeachment, holding that as the statement had been involuntarily obtained from the witness and as it contained information that went to proof of the guilt of the Accused, to allow the statement to be used in cross-examination would not be in the interests of justice and would violate the Accused's fair trial rights. The Trial Chamber denied the Prosecution leave to appeal the oral decision.

e) Decision on Defence Motion for Disclosure of Statement and Prosecution Payments made to DCT-097, 23 September 2010:

The Defence requested the Trial Chamber to order the Prosecution to disclose exculpatory information, and in particular a statement made to the non governmental organisation, Global Witness, by witness DCT-097 and payments or benefits conferred upon witness DCT-097 by the Prosecution during the period from 2004 to 2006. The Trial Chamber found that the Defence had not demonstrated on a *prima facie* basis that the Prosecution had breached an obligation under Rule 68(B)

with regard to the alleged statement to Global Witness. The Trial Chamber found, however, that the Prosecution payments to DCT-097 could affect the credibility of the Prosecution case and ordered the disclosure of all payments made to or benefits conferred upon DCT-097 by the Prosecution during the relevant time period.

f) Decision on Defence Motion to exclude Evidence falling Outside the Scope of the Indictment and/or the Jurisdiction of the Special Court for Sierra Leone, 6 October 2010:

The Trial Chamber dismissed a Defence Motion to exclude evidence falling outside the scope of the indictment and jurisdiction of the Court on the basis that the issues raised by the Defence were matters to be determined at the judgment stage when the judges consider the totality of the evidence.

g) Decision on Public with Confidential Annexes A-D Defence Motion for Disclosure of Exculpatory Information Relating to DCT-032, 20 October 2010, and Decision on Public with Confidential Annexes A-D Defence Motion for Admission of Documents and Drawing of an Adverse Inference Relating to the Death of Johnny Paul Koroma, 11 November 2010:

The Trial Chamber granted a Defence Motion to disclose exculpatory evidence and ordered the Prosecution to disclose to the Defence the details and results of an investigation that was conducted by the Prosecution into the alleged death of Johnny Paul Koroma, as well as records of disbursements made to DCT-032 and an indemnity letter. However, it dismissed a Defence request to admit these materials into evidence pursuant to Rule 92*bis*, on the basis that the information went to the acts and conduct of the accused. The Trial Chamber granted the Defence leave to appeal the second decision.

h) Decision on Public with Confidential Annexes A-J and Public Annexes K-O Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecutor and its Investigators, 11 November 2010:

The Trial Chamber dismissed a Defence request to order an independent investigation into allegations

that the Prosecution and all its employees and agents since the inception of the court committed contempt of court in relation to witnesses and potential witnesses by means of threatening conduct, payments and offers of relocation to witnesses, potential witnesses or sources. The Trial Chamber held that the allegations were not brought to its attention in a timely manner and that in any event the Defence had not established reason to believe that the allegations were true. The Trial Chamber held that any payments made by the Prosecution had been disclosed to the Defence and that the Defence had been given the opportunity to cross-examine the Prosecution witnesses in relation to such payments. It therefore held that there was no prejudice to the Accused.

i) Decision on Public with Annexes A-H and Confidential Annexes I-J Defence Motion to Recall Four Prosecution Witnesses and to Hear Evidence From Chief of WVS regarding Relocation of Prosecution Witnesses, 24 January 2011:

The Trial Chamber dismissed a Defence Motion for an order to recall four Prosecution witnesses and to hear evidence of the Chief of the Witness and Victims Section on the relocation of Prosecution witnesses, filed after it had closed its case. The Trial Chamber considered that the disclosure of sensitive information regarding relocation of the concerned witnesses could jeopardize the safety of such witnesses and their dependants. Further, the Trial Chamber considered that the request to call the Chief of the Witness and Victims Section was in effect a request to reopen the Defence case, for which the Defence had not sought leave. The Trial Chamber therefore found that the Defence had not demonstrated good cause or compelling circumstances justifying a re-opening and recalling of these witnesses.

j) Decision on Urgent and Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution and the Registry based on Leaked USG cables, 28 January 2011, and Decision on the Urgent and Public with Annexes A-C Defence Motion to Re-Open its Case in Order to

Seek Admission of Documents Relating to the Relationship between the United States Government and the Prosecution of Charles Taylor, 27 January 2011:

The Trial Chamber by a majority (Judge Sebutinde voluntarily withdrew from deciding the motion) dismissed a Defence Motion for disclosure or investigation of United States Government (USG) sources within the Trial Chamber, the Prosecution and the Registry based on two leaked USG cables. The Trial Chamber found that the Defence had not shown any *prima facie* evidence that there had been interference with the independence and impartiality of the Court, and therefore had shown no evidentiary basis for either disclosure by or an investigation of, any organ of the Court. However, the Trial Chamber by a majority (Judge Sebutinde voluntarily withdrew from deciding the motion), granted a Defence request to re-open its case and admitted the two leaked USG cables into evidence pursuant to Rule 92*bis*, but refused to admit a newspaper article related to the same.

k) Decision on late Filing of Defence Final Trial Brief, 7 February 2011:

The Trial Chamber by a majority, Judge Sebutinde dissenting, refused to accept the late filing of the Defence Final Trial Brief. The Majority noted that the explanation given by the Defence did not provide any new grounds for rescinding its original order that the brief had to be filed on 14 January 2011. The Trial Chamber granted the Defence leave to appeal this decision.

l) Decision on Public with confidential Annexes A E and Public Annex F Urgent Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone and Public with Confidential Annexes A and B Urgent Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone, 25 February 2011 and Decision on Public with Confidential Annexes A and B Urgent Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone and on Prosecution Supplementary Requests, 17 March 2011:

The Trial Chamber granted in part two Prosecution Motions requesting that it order a contempt investiga-

tion pursuant to Rule 77, and directed the Registrar to appoint independent experienced counsel to investigate allegations that certain persons had disclosed information in knowing violation of an order of the Trial Chamber, offered a bribe to and/or otherwise interfered with Prosecution witnesses. The Trial Chamber granted a further Prosecution request in part, and ordered that the Registrar direct the same counsel to investigate an additional allegation of contempt pursuant to Rule 77, and to provide him with certain supplementary materials. In accordance with the Report of the Independent Counsel, the Trial Chamber issued an order in lieu of indictment in respect of one suspect, directing independent counsel to prosecute the suspects or contempt. Judge Doherty was assigned the conduct of the contempt proceedings.

THE PROSECUTOR V. BRIMA, KAMARA & KANU

In addition to the Charles Taylor case the Trial Chamber was also seized with an application by the Prosecution in the former case of the *Prosecutor v. Brima, Kamara and Kanu* (Brima et al. case).

APPEALS CHAMBER

The Appeals Chamber and the Office of the President have in the past year issued several important decisions in the case of Charles Taylor and other matters relating to the conduct of trials at the Special Court. The Special Court's fourth and final trial of *Prosecutor v. Charles Taylor* was completed on 11 March 2011 and is awaiting judgment. The Appeals Chamber is accordingly preparing itself for any appeals that may arise.

INTERLOCUTORY APPEALS IN PROSECUTOR V. CHARLES GHANKAY TAYLOR

a) Decision on Urgent Prosecution Motion to Classify as "Confidential" the 'Public Defence Notice of Appeal and Submissions Regarding the Decision on the Defence Motion for Admission of Documents and Drawing of an Adverse Inference Relating to

Decision on Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone

The Trial Chamber granted in part the Prosecution's application requesting an order for contempt investigations pursuant to Rule 77. The Trial Chamber directed the Registrar to appoint experienced independent counsel to investigate the allegations that a person or persons disclosed information relating to the *Brima et al.* case in knowing violation of an order of a Chamber, offered a bribe and intimidated and/or otherwise interfered with a witness, who had given evidence in that case. It further directed that the independent counsel should report back to the Trial Chamber as to whether there are sufficient grounds for instigating contempt proceedings. In accordance with the Report of the Independent Counsel, the Trial Chamber issued an order in lieu of indictment in respect of four suspects, directing independent counsel to prosecute the suspects for contempt. Judge Doherty was assigned the conduct of the contempt proceedings.

the Alleged Death of Johnny Paul Koroma' Due to Protective Measures Violations:

On 10 January 2011, the Appeals Chamber filed a decision on a Prosecution motion concerning the 'Public Defence Notice of Appeal and Submissions Regarding the Decision on the Defence Motion for Admission of Documents and Drawing of an Adverse Inference Relating to the Alleged Death of Johnny Paul Koroma' of 10 December 2010. The Prosecution requested the Appeals Chamber to classify the aforementioned Defence Appeal as "Confidential" because it violated the protective measures granted to Witness TF1-375 by Trial Chamber II, in that it revealed information provided in private session by Witness TF1-375 about the alleged murder of Johnny Paul Koroma that will allow Witness TF1-375's sources to identify him. The Defence did not dispute that certain portions of its Appeal



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

disclosed information that could potentially identify Witness TF1-375. The Appeals Chamber granted the Prosecution request in respect of those portions of the Defence Appeal that contained information that could potentially identify Witness TF1-375; and ordered the Defence to file a public redacted version of the Appeal.

b) Decision on Public Defence Notice of Appeal and Submissions Regarding the Decision on the Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecutor and its Investigators:

On 21 January 2011, the Appeals Chamber issued a decision on the Taylor Defence's appeal against Trial Chamber II's dismissal of the Defence request that an independent investigator be appointed pursuant to Rule 77 to investigate contempt and/or ethical violations allegedly committed by the Prosecution. The Appeals Chamber dismissed the appeal, holding that the Appeals Chamber only has competence to review a conviction rendered in a contempt proceeding, and has no competence to review preliminary decisions regarding investigation, initiation or referral of potential contempt cases arising before the Trial Chamber. In reaching their decision the Appeals Chamber noted that the authority to initiate contempt proceedings is a discretionary power conferred on the Trial Chamber and the preclusion of interlocutory appeals in contempt cases recognizes this discretion.

c) Decision on Defence Appeal Regarding the Decision on the Defence Motion for Admission of Documents and Drawing of an Adverse Inference Relating to the Alleged Death of Johnny Paul Koroma:

On 25 January 2011, the Appeals Chamber issued a decision on the Taylor Defence's appeal concerning Trial Chamber II's decision regarding the tender of documentary evidence in the Taylor case. The Defence requested Trial Chamber II to admit into evidence, the following documents pursuant to Rule 92*bis*: (a) an affidavit sworn to by Defence Witness DCT-032 denying that he was involved in the killing of Johnny Paul Koroma pursuant to the orders of the Accused; (b) an index/record of disbursements made by the Prosecution to DCT-032; and (c) a letter of indemnity

against prosecution before the Special Court written by Stephen Rapp to Defence Witness DCT-032. Trial Chamber II rejected the Defence request. The Appeals Chamber affirmed the Trial Chamber's decision to exclude the affidavit of DCT-032 pursuant to Rule 92*bis* on the basis that a relevant purpose for which it was admitted goes to proof of the acts and conduct of the Accused; and reversed the Trial Chamber's decision in respect of the other two documents. The Appeals Chamber held that the index/record of disbursements made by the Prosecution to DCT-032; and the letter of indemnity written by the Prosecution to DCT-032, were independently relevant of DCT-032's affidavit and met the requirements for admission into evidence pursuant to Rule 92*bis*.

d) Decision on Defence Notice of Appeal and Submissions Regarding the Decision on Late Filing of Defence Final Trial Brief:

On 3 March 2011, the Appeals Chamber issued a decision on the Taylor Defence's Appeal against the majority of Trial Chamber II's refusal to accept the late filing of the Defence Final Trial Brief. Lead Counsel for Charles Taylor explained that the Defence failed to file its final trial brief on 14 January 2011 - the date ordered by the Trial Chamber for the Parties to file their final trial briefs - because it had received written instructions from Charles Taylor not to file a final trial brief until decisions were reached on all outstanding motions and appeals. The Appeals Chamber held that the right to be heard at trial and the right to present a defence are fundamental rights of the Accused that are protected by the Statute and Rules of the Special Court and by major human rights instruments. As such, the Trial Chamber had an obligation to ascertain on the record that when Defence Counsel stated that his failure to file a final trial brief as ordered by the Court was based on the "instructions" of his client, the Accused understood that the consequences of that violation included the possibility that his right to present a defence could be considered waived. The Appeals Chamber found that the Trial Chamber did not establish that there was a knowing, intelligent and voluntary waiver by the Accused and held that in the absence of such a clear waiver by the Accused,

the Trial Chamber erred in assuming that the Accused had waived his rights and in proceeding as if he had. The Appeals Chamber reversed the Trial Chamber's decision and directed it to (i) accept the Defence Final

Trial Brief, subject to its determination as to length and format; and (ii) set a date for the Defence closing arguments and any rebuttal arguments.

Deutsche Presse-Agentur

Tuesday, 8 March 2011

Date set for closing arguments for Charles Taylor's defence

The Hague - A court in The Hague has set Wednesday as the deadline for Charles Taylor's defence lawyers to submit their final brief in the war crimes trial of Liberia's former president.

The defence is to provide its closing oral arguments on Wednesday and Thursday. Any rebuttal arguments from the prosecution are to be discussed on Friday, the appeals chamber of the UN-backed Special Court for Sierra Leone ruled.

The three-year trial had been due to close in February, with judges then retiring to consider their verdict.

But judges granted the defence team more time to present its arguments in light of evidence recently published by whistleblower website WikiLeaks.

According to Taylor and his British lawyer, Courtenay Griffiths, diplomatic cables published by WikiLeaks suggest the United States and Britain tried to influence the trial and push through a guilty verdict to prevent Taylor from returning to Liberia.

Taylor and Griffiths had boycotted earlier hearings in protest at judges' refusal to let them submit a lengthy analysis of the trial proceedings.

The maximum length of the defence brief was set by appeal judges at 600 pages.

Taylor faces 11 charges of war crimes and crimes against humanity. He is accused of fuelling a bloody 10-year civil war in neighbouring Sierra Leone and of pocketing a large amount of looted diamonds to deliver weapons to the Revolutionary United Front.

Taylor has dismissed the allegations as a 'pack of lies.'

More than 120,000 people died in the civil war until it ended with the deployment of West African peacekeepers, in 1999.

*OFFICE OF THE PRESIDENT***e) Decision on Public with Confidential Annexes Urgent Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone**

On 10 January 2011, the President, Hon. Justice Jon M. Kamanda, issued a decision on an urgent Prosecution motion concerning allegations of contemptuous conduct by persons including certain former members of the AFRC, and AFRC Special Court convicted persons Brima Bazzy Kamara and Santigie Borbor Kanu. The conduct complained about by the Prosecution included intimidation, bribery and other interference with witnesses who gave evidence in the proceedings in the AFRC Case. The Prosecution requested Justice Kamanda to direct the Registrar pursuant to Rule 77(C) (iii), to appoint an experienced independent counsel to investigate the alleged contemptuous conduct. Justice Kamanda held that the motion was not properly before him because Rule 77 envisages the involvement of an Appeals Judge in contempt proceedings in only two scenarios; namely: (i) appeals from final contempt decisions pursuant to Rule 77(J); and (ii) in a case of contempt occurring during proceedings before the Appeals Chamber or a Judge of the Appeals Chamber under Rule 77(L). Cases under Rule 77(L) can be dealt with summarily or referred to a Trial Chamber for proceedings in accordance with Rules 77(C) to (I).

f) Order for Expedited Filings

On 14 February 2011, the President, Hon. Justice Jon M. Kamanda, issued an Order for Expedited Filing in respect of any appeal filed by the Defence pursuant to Trial Chamber II's Decision on Defence Motion Seeking Leave to Appeal the Decision on Late Filing of Defence Final Trial Brief dated 11 February 2011, in which the Trial Chamber granted the Defence request for leave to appeal.

*OTHER ACTIVITIES OF THE CHAMBERS***14th Plenary Meeting of the Special Court**

The 14th Plenary Meeting of the Judges was held in The Hague from 26 to 28 May 2010 in order to minimize disruption to proceedings in the *Prosecutor v. Taylor*

trial. The Judges discussed judicial legacy activities, the Special Court's residual issues, updated projections for the completion strategy and the difficulties experienced by the Special Court in securing adequate funds for its operations. The Plenary adopted amendments to Rule 81(B) of the Rules of Procedure and Evidence – Records of Proceedings and Preservation of Evidence, which provides that after the publication of the daily final public transcript, the record of proceedings shall not be amended except by order of the Chamber on its own motion or on the application of a party to the Chamber. The Plenary also adopted the following: a motion for the creation of a working group on sentence enforcement; resolutions of thanks to the International Criminal Court; the President of the Special Tribunal for Lebanon Hon. Justice Antonio Cassese; the Ambassador-at-large for War Crimes Issues, Ambassador Stephen Rapp; and approved the seventh Annual Report.

International Conference on Forced Marriage in Conflict Situations

Between 24 and 26 February 2011, the Special Court hosted an international Conference on the topic: "Forced marriage in conflict situations." The Conference was organized by York University Law & Society Professor, Annie Bunting, and The Harriet Tubman Institute for Research on the Global Migrations of African Peoples, in partnership with the Special Court; and brought together women's human rights scholars, survivor groups, local NGOs and activists. The President of the Special Court, Justice Jon Kamanda, delivered the opening remarks at the Conference. He stated that it was historic to be holding this conference at the Special Court where the crime of forced marriage was first judicially pronounced to be a crime under international humanitarian law. The Conference is the second of two events supported by a Social Sciences & Humanities Research Council of Canada International Opportunities Fund Grant.

Handover of Special Court Security to Sierra Leone Police

In February 2011, the United Nations peacekeepers of the Special Court's Mongolian Guard Force formally

handed over responsibility for the Special Court's security to the Sierra Leone Police. The UN peacekeepers, working in cooperation with Special Court's Security Section and the Sierra Leone Police, have maintained security at the Special Court since its inception in 2002. In addition to securing the premises of the Special Court in Freetown, they have provided security during the movement of detainees and prisoners within and outside of Sierra Leone. The Mongolian peacekeepers, who served as part of the United Nations Mission in Liberia (UNMIL), took over the Special Court's security from Nigerian peacekeepers in January 2006. Since then, a total of 2,300 Mongolian peacekeepers have served at the Special Court. Persons present at the handover ceremony included senior government officials, heads of diplomatic missions, civil society representatives, journalists, and Special Court staff. Vice-President Alhaji Sahr Sam-Sumana, represented the Government of Sierra Leone and UNMIL Force Commander Major-General Mohammad Khalid, represented the United Nations. Both President Kamanda and Binta Mansaray represented the Special Court. The handover marks a significant milestone as the Special Court is set to become the first international tribunal to complete its mandate and transition to a Residual Mechanism.

ACTIVITIES OF THE PRESIDENT

Meeting with the UN Secretary-General,

H.E. Mr. Ban Ki-moon

In June 2010, the U.N. Secretary-General H.E. Mr. Ban Ki-moon, paid a visit to the Special Court during a two day trip to Sierra Leone. The Secretary-General was received by the President of the Special Court, Justice Jon M. Kamanda, the Registrar Ms. Binta Mansaray and the erstwhile Deputy Prosecutor, Mr. Joseph Kamara. At a meeting with these principals and other members of staff, the Secretary-General was briefed on the activities of the Special Court. The Secretary-General affirmed the UN's support for the Special Court and expressed his appreciation of its work and its contribution to international justice. The Secretary-General also inspected a guard of honor by the Mongolian Guard Force and made a tour of the Special Court's premises.

Meeting with the General Commander of the MGF

In November 2010, the President met with the General Commander of the Mongolian Guard Force (MGF) in UNMIL, to discuss issues concerning the handing over of the Special Court security to the Sierra Leone Police Force upon the withdrawal of the MGF from Sierra Leone. Following the discussions, a delegation from the Special Court consisting of the President, Registrar, Deputy Registrar, OIC Security and Senior Legal Advisor to the President, together with delegations from UNMIL and the Mongolian Contingent (MONBATT); met with a number of Sierra Leone Government Officials to discuss modalities for the final withdrawal of the MGF from Sierra Leone.

Meeting with Officials from the UN Peacebuilding Commission

In November 2010, the President met with a delegation from the UN Peacebuilding Commission, chaired by the Canadian Permanent Representative to the United Nations, Ambassador McNee. The purpose of the meeting was to provide comprehensive information relating to the activities of the Special Court, including the Completion Strategy, legacy, funding and residual issues. The Registrar and Deputy Registrar of the Special Court were also present at the meeting.

Meeting with Representatives from the Department of Peacekeeping Operations (DPKO)

In December 2010, the President met with representatives from the Department of Peacekeeping Operations (DPKO) in Freetown, to discuss pertinent issues relating to the proposed withdrawal of the Mongolian Guard Force (MGF) from Sierra Leone. Representatives from the DPKO present in the meeting included Mr. Raisedon Zenenga of the Assessment Team; Lt. Col. Douglas Langrehr, Director of Africa 11-DPKO; and Gloria Ntegeye, Political Affairs Officer

Meeting with the SRSG of UNMIL

In January 2011, the President together with the Registrar met with the SRSG of UNMIL, Ms. Ellen Løj, during her visit to the Special Court in Freetown. They discussed the Special Court's Completion Strategy paying particular attention to the proposed withdrawal of

the Mongolian Guard Force (MGF) from Sierra Leone. The MGF, who served as part of the United Nations Mission in Liberia (UNMIL), took over the Special Court's security from Nigerian peacekeepers in January 2006.

Meeting with Officials on the Committee on Justice and Human Rights of the Pan African Parliament

In January 2011, the President met with a number of officials from the Committee on Justice and Human Rights of the Pan African Parliament in Freetown. During the meeting, the President discussed the history and the mandate of the Special Court and provided updates on the Special Court's activities, including the status of the Charles Taylor trial, legacy and Completion Strategy.

Visit to The Hague

In March 2011, the President travelled to The Hague and met with Trial Chamber II Judges to discuss matters relating to the Special Court.

Peace Museum Event

In April 2011, the President chaired the opening ceremony of the Sierra Leone Peace Museum preview exhibition. The preview exhibition which lasted three days and was opened to the public was organized by the Peace Museum Project Management Team as part of celebrations for Sierra Leone's 50th Independence Anniversary. Michael Schulenberg, the Executive Representative of the Secretary-General, represented the UN and the UN Peacebuilding Fund which is funding the establishment of the Peace Museum. The Peace Museum was proposed by the Government of Sierra Leone as a future use of the Special Court site, to narrate the story of Sierra Leone's decade-long civil war and its return to peace; and to honor the victims of the civil war. It will open officially in 2012.



UN Secretary General Ban Ki-moon during his visit to the Special Court in June 2010

OFFICE OF THE PROSECUTOR

Over the last year the Office of the Prosecutor (OTP) played a seminal role in reaching a key milestone for the Special Court, with the closure of the trial of Charles Taylor on 11 March 2011. Prosecutor Brenda J. Hollis looks forward to a fair and expeditious judicial verdict, stating in her Closing Oral Argument that “now it is for the Judges to decide, based on all the evidence, whether we have met our burden of proof.” Prior to the closure of the Defence case in November 2010, the Prosecution trial team continued to meet the challenges of the Defence case, testing the evidence of the Accused and other Defence witnesses through cross-examination. After being granted the right to re-open its case, the Prosecution called three additional witnesses to testify in August 2010.

A second prominent feature of OTP’s year was the departure of Mr. Joseph F. Kamara, Deputy Prosecutor, who left in September 2010 to take up the key position of Commissioner at the Sierra Leone Anti-Corruption Commission. After serving as a Senior Trial Attorney, in August 2008, Mr. Kamara was appointed Deputy Prosecutor by the Government of Sierra Leone, the first Sierra Leonean to hold that position. He also served as Acting Prosecutor, and on his departure Prosecutor Hollis hailed Mr. Kamara as a man of “the highest standards and integrity” who provided exemplary service to the people of Sierra Leone during his tenure at the Special Court.

In Freetown, OTP operations focused on providing investigative and administrative support to The Hague-based trial team, with investigatory missions conducted both within and outside Sierra Leone. Missions focused on investigating the credibility and accuracy of the Defence witnesses and following leads for potential rebuttal evidence. Anticipating the completion of the trial of Mr. Taylor, OTP continued its ongoing process of keeping Prosecution witnesses informed of the status of the trial, responding to their concerns and keeping current on their security and wellbeing.

Consistent with the completion strategy, significant progress was made in managing the OTP records and preparing for eventual archiving. A key event was the transfer of OTP records and evidence to The Netherlands along with other Special Court records in December 2010. OTP operations, particularly in Freetown, have been drastically reduced, with resultant personnel and logistical downsizing. The OTP Freetown operation is now housed in a part of one building unit, as compared to the four previously occupied.



Active diplomatic schedules were maintained by Prosecutor Hollis, Deputy Prosecutor Kamara and OTP senior staff, promoting the work of the Special Court and keeping interested parties informed of the progress toward completion of the Special Court’s Mandate. The OTP engaged with a wide variety of governmental, non-governmental and academic groups, and a number of lectures and presentations were delivered on the work of the Special Court, the OTP and international criminal and humanitarian law. In October 2010 Prosecutor Hollis held a roundtable discussion for a group of seventeen diplomatic representatives, and the following month co-hosted a best practices workshop attended by the Prosecutors from the STL, ICTR, ICTY, ECCC and a representative from the ICC/OTP. In March 2010, the Prosecutor delivered a lecture on “Tribulations of Trials: Challenges of High Level International Criminal Trials”, hosted by the Frederick K. Cox International Law Center and Case Western Reserve School of Law.

On 14 and 15 May 2011, the Prosecutor hosted the Sixth Colloquium of International Prosecutors, which brought together in Freetown the Prosecutors, or

their representatives, from the International Criminal Court, the International Tribunals for the former Yugoslavia and Rwanda, the Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon. This year, the Colloquium highlighted the themes of completion of mandates, the legacy of international courts and the future of international justice. The Pros-

ecutors and other invited guests, including international and national legal experts, scholars, diplomats, local and international civil society and human rights activists, focused on the practical issues that affect the efficient and effective conclusion of Court's mandates and on ways to ensure that the legacy of the Courts will positively impact the societies we serve.

PRINCIPAL LEGACY INITIATIVES OF THE OFFICE OF THE PROSECUTOR

The Office of the Prosecutor has actively engaged in legacy initiatives emphasizing the rule of law, free access to law and best practices.

Training of Police Prosecutors

The OTP continued its training programme for local police prosecutors. The training is designed to introduce participants to the basics of prosecutorial skills, strategy and ethics, covering topics on the objectives of prosecution, witness and victim's management, case management, Police liaison with the Prosecutions Department, analysis of the Rules as to Information and Indictment, basic advocacy skills and the ethics of prosecuting. Over 100 police prosecutors benefited from this training during the period covered by this Annual Report.

Sierra Leone Legal Information Institute

A project that began in February 2009, the OTP continued to develop the Sierra Leone Legal Information Institute (Sierra Lii). Sierra Lii will provide free online access to Sierra Leone primary legal materials and related information. With generous seed money provided by the Open Society Institute and the SCSL Legacy Program, a pilot website has been developed

and a training workshop was conducted to familiarise potential users with the functionality of the website. The OTP is now working with primary stakeholders, including Parliament, Judiciary, Attorney General's Office, Sierra Leone Bar Association, Fourah Bay College, Law Reform Commission and Civil Society to identify or create an entity that will eventually host Sierra Lii for the long term and to develop a long term management sustainability plan. The pilot web site can be found at www.sierraleonelii.org.

International Prosecutor's Best Practices Project

Thanks to a generous grant from the Government of Canada, the OTP is working together with the Offices of the Prosecutor from the International Tribunals for the former Yugoslavia and Rwanda, the Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon to document the recommended practices from each of the Offices for use of practitioners of international criminal and humanitarian law at the international level and by National Prosecuting Authorities. The Project will deliver both physical and web based publications of the notable practices of the combined OTPs.



Prosecutor, Brenda Hollis doing an outreach event in Gbalamuya

OFFICE OF THE REGISTRAR

In accordance with the Special Court Agreement¹, the Registrar is responsible for servicing all organs of the Court (the Registry, the Chambers and the Office of the Prosecutor), the administration of all financial and staff resources, and for protecting and supporting the Court's witnesses. From June 2010 until May 2011, these responsibilities have entailed ongoing support to the Court's judicial proceedings, witness protection, securing the detention of the Court's remaining detainee, enforcement of sentences for the Court's convicted persons, preparing the Court's archives and making arrangements for the closure of the Court following the completion of its mandate.

The Registrar of the Court is Binta Mansaray, who was appointed in February 2010 by United Nations Secretary-General Ban Ki-Moon. Ms. Mansaray has served the Court since 2003, first as Outreach Coordinator, then as Deputy Registrar from July 2007 until June 2009 when she became Acting Registrar following the departure of former Registrar Herman von Hebel.

The Registrar is assisted by Deputy Registrar Fidelma Donlon, who assumed the position in June 2010. Ms. Donlon served as an independent consultant for the Court on two occasions in 2008 and 2009, leading the Court's work on residual issues. The Deputy Registrar also serves as the head of the Court's Hague Sub-Office.

The Immediate Office of the Registrar consists of a legal advisor, a special assistant, an administrative officer and an administrative assistant who support the Registrar and Deputy Registrar in their work. Further, a Liaison Officer in New York represents the Registrar before the Court's Management Committee and assists with external relations.

¹ Article 4, 'Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone' and Article 16, 'Statute of the Special Court for Sierra Leone'.

The Registrar provides all necessary support to the Taylor trial and meets the Office's completion, residual and legacy responsibilities through the Registry Sections. Pursuant to Rule 45 of the Court's Rules of Procedure and Evidence, the Defence Office was established as part of the Registry to ensure the rights of suspects and accused through advice, assistance, representation and the provision of duty counsel². In the completion phase of the Court, the Defence Office also assists the Court with issues relating to the rights of the Court's convicted persons.

The Court Management Section (CMS) is responsible for various activities underpinning two priority work areas of the Court i.e. judicial proceedings and the management and archiving of the Court's records. The section consists of a Court Officers Unit, Stenography Unit, Language and Interpretation Unit, Documents and Archiving Unit, Library Unit and a Communication and Information Technology Unit. The Communication and Information Technology Unit provides IT support to the entire Court and, in particular, to the archiving process.

Pursuant to Article 16 of the Special Court Agreement³, the Witness and Victims Section was established to provide protective measures and security arrangements, counseling and other appropriate assistance for witnesses and victims who appear before the Court. This Section was merged with the Security Section following the completion of the evidentiary phase of the Taylor trial. The new Witness, Victims and Security Section provides post-trial witness support and ensures the security of the Court's facilities, staff, assets and archives.

² Rule 45: Defence Office, 'Rules of Procedure and Evidence'

³ Article 16, Paragraph 4, 'Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone'



Registrar,
Binta Mansaray

Together the Defence Office, the Court Management Section and the Witness, Victims and Security Section form the Judicial and Legal Services Division of the Registry.

The Administration Secretariat is part of the Registry and consists of the Budget, Finance and Procurement Unit, the Personnel and Travel Unit and the General Service Unit. The Budget, Finance and Procurement Unit is responsible for the Court's accounts, it prepares the Court's budget, receives contributions and handles expenditure. The Personnel and Travel Unit administers the Court's human resources and the official travel

of Judges and staff members. Lastly, the General Service Unit manages the Court's facilities, which includes control of the Court's assets, maintenance of its vehicles and providing electricity for the site, among other responsibilities.

The Outreach and Public Affairs Section liaises with the international and national media to keep them apprised of developments at the Court and conducts the Court's Outreach programme, which enhances understanding of the Court's mandate and proceedings in Sierra Leone and Liberia.



Registrar awards medals to members of the Mongolian Guard Force



Principal Defender interacts with school children at the Day of the African Child event

SERVICING OF THE JUDICIAL PROCEEDINGS

THE HAGUE SUB-OFFICE

Pursuant to Security Council Resolution 1688 (2006), the Charles Taylor trial was relocated to The Hague in 2006. The Registrar coordinates the provision of all necessary assistance to the Taylor trial through the Hague Sub-Office (HSO), which includes staff from the Registry Sections. The Deputy Registrar acts as the head of the HSO to allow effective coordination between the offices.

The HSO, in coordination with Special Court headquarters, continues to provide support to the proceedings in the *Taylor* trial conducted by Trial Chamber II. The Special Court is conducting the *Taylor* trial in the courtroom of the Special Tribunal for Lebanon in The Hague. The Court also makes use of the International Criminal Court's facilities, in particular its detention cells to house Mr. Taylor.

The HSO assisted with administrative matters concerning the supervision of Mr. Taylor's detention, including facilitating his detention and family visits.

The HSO, in coordination with the Defence Office, worked with Dutch authorities, the Witness and Victims Section of the Court and the parties to ensure

the timely and efficient movement of witnesses to and from The Hague, and provision of support for witnesses who testified in the *Taylor* trial. The *Taylor* trial received significant public attention and the HSO engaged in numerous activities to spread awareness of the Taylor trial and to facilitate public access to the proceedings (including journalists, NGOs, diplomatic missions and academics). In particular, major Court events received significant interest from hundreds of journalists; their requests were all handled by the HSO.

As discussed in the Residual Issues section below, the Court transferred its records to The Hague in December 2010. The documents are now being stored by the Government of the Netherlands in the Dutch National Archives. The HSO worked closely with the Special Court headquarters and the Government of the Netherlands to ensure the smooth transfer of the records and their proper storage in the Dutch National Archives. The HSO continues to maintain custody over the records.

In late May 2010, the HSO hosted the 14th Plenary Session of the Judges of the Special Court.

LEGAL UNIT

Within the Registrar's Office, there is a Legal Unit which provides advice on all matters before the Registrar such as detention of accused or convicted persons, defense issues, witness issues including protection and relocation, international agreements concluded on behalf of the Special Court, contractual obligations of the Court, and matters related to personnel. The Legal Office is also involved with the negotiation and drafting of bilateral agreements and memoranda of understanding.

During this period, the Legal Office worked with all Registry sections and bilateral partners to provide necessary legal support to the Registry. The Legal Office continued to focus on matters related to the accused, the enforcement of sentences and preparations for the transition to the Residual Special Court and the Court's closure.

WITNESSES AND VICTIMS SUPPORT

The Court's trials have relied heavily on witness testimonies for evidence. Rigorous measures are required to ensure that witnesses before international tribunals are able to testify without fear of reprisal and with the confidence to recount their traumatic experiences. Pursuant to Article 16 of the Special Court Statute, the Witness and Victims' Section (WVS) was established to provide all necessary support and protection to witnesses appearing for both Prosecution and Defence.

WVS constantly evaluates the threat faced by the Court's witnesses and provides the appropriate protection. A variety of protective measures are available before, during and after trial, which allows WVS to respond to the individual threat faced by a particular witness. The section also ensures that witnesses receive relevant support, counseling and other appropriate assistance, including medical assistance, physical and psychological rehabilitation, especially in cases of rape, sexual assault and crimes against children.

Across the Court's four trials, WVS facilitated the appearance of 557 witnesses before the Court. The Taylor Defence team concluded its case in November 2010, calling a total of 21 witnesses including the accused Charles Taylor, who remained on the stand for 8 months in his defence. During the reporting period the Defence called one of the Court's convicted persons, Issa Sesay, to testify. WVS provided all necessary assistance to transfer him from Rwanda to The Hague to give his testimony, with the cooperation of the Governments of the Netherlands and Rwanda, the International Criminal Tribunal for Rwanda and the

International Criminal Court. Further WVS managed the appearance of three high-profile witnesses called by the Prosecution in August 2010⁴. The significant media interest generated by their testimony required additional security and witness protection measures.

Following the conclusion of the Defence case in November 2010, WVS downsized all but three of its witness protection and assistance staff and merged with the Security Section. The remaining staff will handle any post-trial witness protection issues that arise.

The Court's obligation to its witnesses does not end with the final judgment of the Court. If the Court fails to respond adequately to ongoing threats against witnesses, the Court would put its witnesses and the credibility of the international criminal justice system at risk. WVS is preparing for the transfer of witness protection responsibilities to the Residual Special Court. In particular, the Registry is beginning discussions with organizations that could host the small Freetown office of the Residual Special Court that would house its two witness protection staff.

WVS also leads the National Witness Protection Unit legacy project. See the 'Legacy' section of this report for additional information.

⁴ On 5, 9 and 10 August 2010 Naomi Campbell, Mia Farrow and Carole White were called to testify before the Court.

PERSONNEL

Personnel Section continues to hold training workshops for newly-recruited staff members and those who wish to refresh their knowledge, specifically in CV Writing and Interviewing Skills.

Between the period June 2010 to March 2011, seven Sierra Leonean General Service Level staff were promoted, five of whom were upgraded to the National

Professional Level and one of whom was upgrade to National Level.

During the reporting period, a total of 138 posts were downsized in both Freetown and The Hague. It is estimated that only 66 regular budgeted posts will remain by December 2011 in both Freetown and The Hague.

INTERNS AND SECONDED PERSONNEL

During the period July 2010 to March 2011, two funded Sierra Leonean interns were recruited for the Sub-Office in The Hague to perform duties within the Outreach Section. Two funded National Professional Interns were recruited for professional services in the Office of the Prosecutor and the Court Management Section in Freetown. Sixteen funded Sierra Leonean interns were also recruited to perform tasks within the Registry and the Office of the Prosecutor. In addition, forty-seven unfunded international interns worked at the Special Court for Sierra Leone in both Freetown and The Hague.

Throughout its life the Court has been assisted by the services of seconded personnel from many countries and agencies. During the reporting period one member of staff was provided on loan from the International Criminal Court. In addition, the International Senior Lawyers Project provided the services of two pro-bono lawyers, who served as independent counsel at the Court.

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

Total number of posts downsized between the period June 2010 to March 2011

Sections	No. of Posts downsized
Security	15
WVS	48
Court Management	11
Outreach & Public Affairs	7
OTP	0
Administration	0
General Services	46
Personnel	2
Procurement	1
Finance	2
CITS	1
Clinic	3
Office of the Registrar	0
Defence	1
Trial Chamber II	1
Total	138

Nationalities of Judges and Court Personnel as at 31 March 2010 (Regular budgeted staff in Freetown and The Hague)

Country	No. of Staff
Austria	1
Canada	2
Gambia	1
Germany	1
Ghana	1
India	1
Ireland	2
Kenya	2
Lebanon	1
Macedonia	1
Netherlands	4
Nigeria	1
Pakistan	2
Philippines	1
Rwanda	1
Samoa	1
Senegal	1
Sierra Leone	41
St. Lucia	1
Tanzania	2
Trinidad and Tobago	1
Uganda	2
United Kingdom	5
United States	6
Uzbekistan	1
Zimbabwe	2
Grand Total	85

COURT MANAGEMENT

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

CMS is responsible for the receipt, filing, reproduction and dissemination of all the court documents such as Transcripts to Court Orders. Documents are served personally on counsel in The Hague, and also electronically through the Court Management Database to counsel situated abroad. It accommodates all court filed documents available internally and also externally, through password controlled web access.

The Court Support Unit is based in the Hague Sub-Office (HSO) and ensures the readiness of the Courtroom for the *Taylor* hearings in liaison with other sections, in particular Trial Chamber II. The HSO had a small team of interpreters who provided translation of the *Taylor* trial into Krio. They were assisted

by contracted interpreters for other languages such as Liberian English and Gio when required. These posts have been downsized following the completion of witness testimony. The sub-office also contains a small team of Court Reporters/Stenographers.

Since the completion of the *AFRC*, *CDF*, and *RUF cases*, the Archiving Unit has been working to transform the Court's judicial, financial and administrative records into a permanent archive. After the completion of the Court's mandate the Residual Special Court for Sierra Leone will be responsible for managing the Court's records from its office in The Hague. This year CMS completed the archiving process for existing permanent records in Freetown and transferred these records to the Dutch National Archives. The Section created a copy of the Court's public records, which will remain in Sierra Leone after the Court's completion. The Archiving Unit continues to work on the Charles Taylor trial records in The Hague and permanent records created in both Freetown and The Hague.

OFFICE OF THE PRINCIPAL DEFENDER (DEFENCE OFFICE)

Pursuant to Rule 45 of the Court's Rules of Procedure and Evidence, the Defence Office was established to ensure the rights of suspects and accused through advice, assistance, representation and the provision of duty counsel. During the year under review all necessary support to the Taylor Defence team was provided. The Office successfully administered the Special Court's legal aid scheme in relation to the Taylor trial. All relevant services were provided during the investigations stage of the Taylor Defence case. Additional support by way of researchers, and experts requested by the Taylor Defence team were also brought onboard by the Office. The Defence Office also acts as liaison between Mr. Taylor and the Registry.

The Principal Defender carried out her duty counsel functions in relation to the Office's client, Mr.

Charles Ghankay Taylor and is in regular touch with him. As the Defence Office continues to await the Court's announcement for the date of the delivery of Judgment in the Taylor trial it continues to exercise its mandate in all four countries namely Sierra Leone, The Netherlands, Liberia and Rwanda.

The Defence Office is the designated office to play a day-to-day supervisory role for all issues that emanate from the Court's convicts presently serving sentence in Rwanda. The Defence Office continues to address all sentence enforcement issues referred to the Office by either the



Rwandan Prison Authorities or the convicts themselves for the attention of the Special Court.

The Office's interaction with Civil Society Organizations is also worthy of mention. Various Special Court Outreach Section activities gave personnel of

the Office or Assigned Counsel in the Taylor trial the opportunity to carry out public information dissemination about the Taylor Defence team activities during the year. Defence Office personnel represented the Office both in and out of the Court in all relevant activities in accordance with its mandate.

Reuters

Thursday, 17 February 2011

Sierra Leone eyes new future as last U.N. troops go



A boy returning from exile in Sierra Leone travels on the back of a U.N. lorry to a transit centre in his native Liberia on World Refugee Day, June 20, 2006.

Credit: Reuters/STR Nev

By Simon Akam

FREETOWN | Thu Feb 17, 2011 12:14pm EST

FREETOWN (Reuters) - Twelve years after they arrived during the West

African country's devastating civil war, the last United Nations troops officially withdrew from Sierra Leone Thursday.

The main UN peacekeeping contingent -- once the largest such deployment per capita in the world -- departed in 2005. But a detachment of troops remained to guard the Special Court set up in 2002 to try those held responsible for the war's atrocities.

A contingent of Mongolian soldiers -- known to expatriates in Freetown as "the Mongol Horde" -- has guarded the court since 2006 under the aegis of the UN mission in neighboring Liberia.

"Gentlemen from Mongolia have provided security for this court," said the special court's president Justice Jon Kamanda at a ceremony in Sierra Leone's capital Freetown.

"By the efficient working of these gentlemen from far away we have been able to work in peace."

"Sierra Leoneans are grateful to the international community for the role played in bringing the war to an end," added Sierra Leone's vice-president Samuel Sam-Sumana.

Nine years after the end of hostilities in Sierra Leone, and two decades since the beginning of the diamond-fueled conflict, the country is considered a successful example of international intervention.

COMPLETION STRATEGY AND COMPLETION BUDGET

THE COMPLETION STRATEGY

The Court's Completion Strategy sets out a timeline for the judicial milestones necessary for the completion of the Court's mandate. The previous Completion Strategy, approved by the Plenary in May 2010, set out the following milestones for the Court's final trial, that of former Liberian President Charles Taylor. The closing arguments were expected to be concluded in December 2010, with a Trial Judgment to be delivered in June 2011. A Sentencing Judgment, if applicable, would be delivered in August 2011, with an Appellate Judgment, if applicable, in February 2012.

As a result of unforeseen developments in the CT trial the milestones were not met. The Taylor trial's evidentiary phase concluded on 12 November 2010. Trial Chamber II accepted written briefs and heard oral pleadings under Rule 86 of the Rules of Procedure and Evidence in February and March 2011, with the final day of argument taking place 11 March 2011.

The Completion Strategy approved at the 14th Plenary (25-27 May 2011) estimates that the Trial Chamber will deliver a Judgment within six months from the end of the closing arguments. Therefore it is estimated that the Trial Judgment and Sentencing Judgment, if applicable, will be delivered in September and November of 2011 respectively. The Appeals Chamber estimates that any appellate process would last approximately six months from the date of delivery of the sentencing judgment (if any), with a projected Appellate Judgment, if applicable, delivered in late May 2012, subject to any potential delays that may arise from a number of additional factors, such as requests for extensions of time to file submissions, motions proposing additional evidence and potential appeals in contempt proceedings which may have a delaying effect on the planning of any appeal. Whether these requests are granted and affect the milestones cannot be predicted at this time.

With the completion of each judicial milestone, the Court responds to ensure that only the necessary operational and staffing resources are in place to achieve the completion of its mandate. The conclusion of the Taylor trial's evidentiary phase allowed for the Court's investigators and the majority of the Court's witness protection and support staff to be downsized.

The Court works to ensure a smooth transition to its Residual Special Court upon the completion of its judicial mandate. In this regard, the Court organized its permanent records and transferred the records held in Freetown to The Hague in preparation for the handover to the Residual Special Court.

The transfer of the Court's records allowed for additional progress toward completion. The final contingent of UN Peacekeepers in Sierra Leone, the Mongolian Guard Force (MGF), had been retained to provide security to the Court's facilities, personnel and highly confidential records. However, with those highly confidential records in The Hague, on 17 February 2011 the MGF handed over responsibility for the Court's security to the Sierra Leone Police.

The Court now has a reduced presence in Freetown and as a result consolidated its operations to one portion of the Court's site in March 2011. As in early 2010 when the Court handed over its former detention facility to the Sierra Leone Prison Service, the Court intends to transfer any unused parts of its site to the Government of Sierra Leone prior to the completion of its mandate. Planning is underway to begin co-sharing the site with the Government during 2011.

The Court made progress in preparing for the phased liquidation of assets in accordance with its liquidation policy and the Agreement between the United Nations

and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (see the Residual Issues section for further information on the Agreement).

The administrative steps outlined above have resolved a number of the Court's completion issues and pave the way for a smooth closure and transition to the Residual Special Court upon the completion of the Court's mandate.

THE COMPLETION BUDGET

The Court's Eighth Revised Completion Budget covers the period from 1 January 2011 to 31 May 2012 and was submitted to the Court's Management Committee in April 2011. The budget provides the estimated resources required to complete the Court's judicial mandate and transition to a residual mechanism in a timely manner. The budget actively applies the Court's policy of phased downsizing, so that posts are removed as soon as the relevant judicial or administrative milestone is reached, while ensuring that the Court maintains the minimum diversity of professional skills required to fulfill its mandate.

The budget stipulates that the Court requires \$20,702,000 in order to complete its mandate across its Freetown, The Hague and New York offices. The requirement for 2011 is \$16,013,400 and for 2012 is \$4,688,600.

The Court has taken steps to minimize costs as it approaches completion. With the implementation of phased downsizing resulting in fewer staff, the Court has restructured its Sections to streamline its management arrangements. An energy saving campaign, started in January 2010 led to a 41% drop in fuel consumption by February 2011.

In 2010, the Court faced a series of funding crises, which would have resulted in a shortfall of funds without the extraordinary efforts of a number of contributors to the Court. In light of the increasingly

The milestones have been calculated in consultation with the President of the Court, the Presiding Judge of Trial Chamber II, the Judges, the Office of the Prosecutor and the Office of the Principal Defender. The Completion Strategy draws on the Court's Rules of Procedure and Evidence and the experience of prior trials. However proceedings may be delayed as a result of the actions of the Parties, as mentioned above. The current milestones only represent the best estimate, rather than a definitive set of deadlines.

precarious financial situation, the Secretary-General of the United Nations requested that the UN General Assembly provide a subvention grant to the Special Court for 2011 and 2012. The General Assembly subsequently authorized the Secretary-General, as an exceptional measure, to provide up to approximately \$9.9 million to supplement voluntary contributions received by the Court for 2011 operations. A further subvention of \$2,356,750 may be authorized by the UN for the Court's budget in 2012.

Additional funding is sought for the Court's legacy projects and for the enforcement of sentences of the Court's convicted persons.

Cost in Freetown and The Hague Jan 2011 - May 2012

	Freetown	The Hague	Total
2011	6,387,400	9,626,000	16,013,400
2012	1,802,900	2,885,700	4,688,600

Cost for each section of the Special Court in both The Hague and Freetown from January 2011 - May 2012

	Approved Budget	January 2011 to May 2012	
	Jan-Dec 2010	2011	2012
Organ			
<i>Judges</i>			
Proposed Staffing	9	10	6
Permanent Staffing Cost (Net Salaries)	1,943,100	1,904,300	573,900
Common Staff Costs	111,200	120,500	105,000
Operational Costs	44,800	72,000	35,500
Total Costs Judges	2,099,100	2,096,800	714,400
<i>Chambers</i>			
Proposed Staffing	16	13	8
Permanent Staffing Cost (Net Salaries)	967,700	953,500	329,300
Common Staff Costs	162,500	122,700	71,500
Operational Costs	-	-	-
Total Costs Chambers	19,010,750	11,944,800	3,342,000
<i>Office of The Prosecutor</i>			
Proposed Staffing	21	16	14
Permanent Staffing Cost (Net Salaries)	1,803,800	1,691,400	542,700
Common Staff Costs	209,300	159,000	131,100
Operational Costs	418,000	156,200	87,800
Total Costs OTP	2,431,100	2,006,600	761,600

Cost for each section of the Special Court in both The Hague and Freetown
from January 2011 - May 2012

	Approved Budget	January 2011 to May 2012	
	Jan-Dec 2010	2011	2012
<i>The Defence Office</i>			
Proposed Staffing	1	2	1
Permanent Staffing Cost (Net Salaries)	121,800	136,000	54,300
Common Staff Costs	13,500	15,100	9,900
Operational Costs	1,552,900	1,078,400	318,000
Total Costs Defence	1,688,200	1,229,500	382,200
<i>Registry</i>			
Proposed Staffing	192	62	37
Permanent Staffing Cost (Net Salaries)	5,923,000	3,821,500	1,174,300
Common Staff Costs	842,700	474,600	241,400
Temporary Posts & Overtime	1,412,800	763,700	103,400
Operational Costs	4,534,600	3,632,000	587,200
Total Costs Registry	12,713,100	8,691,800	2,106,300
10% Vacancy Rate	979,500	-	-
5% Contingency Funds	-	762,500	223,300
Income Tax Liability	700,000	150,000	100,000
Total Vacancy Rate	1,679,500	912,500	323,300
Total Proposed Posts	239	103	66
Total Organisation Costs	21,741,200	16,013,400	4,688,600

FUNDRAISING AND DIPLOMATIC RELATIONS

As the Court's funding regime is based on voluntary contributions, it must regularly seek funding from members of the international community. In accordance with Articles 6 and 7 of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone dated 16 January 2002, the United Nations Secretary-General, with the assistance of the Court's Management Committee, is responsible for obtaining adequate funding for the operations of the Court.

During the reporting period, the Court faced severe funding problems. It was only the extraordinary efforts of the Court's Management Committee members that averted a financial crisis. Many Management Committee members were able to find funding from within their own Governments beyond their expected annual commitment to allow the Court's to continue its operations. The Management Committee also encouraged other countries to contribute to the Court through their bilateral diplomatic meetings.

Additionally, the Management Committee worked closely with the Registrar to secure a UN subvention grant. The Management Committee initiated the application process by notifying the UN Secretary General of the Court's impending shortfall. The Committee members engaged with member states in the UN Security Council and UN General Assembly in order to seek support for the subvention grant. As a result the UN approved the subvention for 2011 operations in the amount of \$9.9 million and may authorize a subvention in 2012 in the amount of \$2,356,750.

In fulfilling her role of assisting the Management Committee in fundraising, the Registrar regularly conducted fundraising activities and diplomatic meetings to raise the necessary funds for the Court to complete its mandate. The Registrar's fundraising efforts were supported by the Court's President and the Office of the Prosecutor through their own diplomatic meetings.

MAJOR DIPLOMATIC AND FUNDRAISING MEETINGS

At the end of May 2010, the Registrar traveled to Brussels to meet with officials from European Union institutions and member states, before going on to The Hague to meet officials of the Government of The Netherlands and other international tribunals.

The Court has close ties with a number of European nations, not least the Netherlands, which hosts the Taylor trial. Alongside their role as financial supporters of the Court, a number of nations cooperate with the Court on witness relocation and sentence enforcement issues. The European Commission has also been a major supporter of the Court, providing past funding for both core and legacy budgets. The meetings were

held to update states on the Court's progress toward the completion of its mandate, to discuss matters of mutual cooperation and to appeal for the necessary contributions to fund the Court's operations through to completion.

While in Brussels the Registrar met with officials from the Permanent Representations to the EU from Belgium, the Czech Republic, Denmark, Luxembourg, the Netherlands, Norway, Spain, Sweden, and the United Kingdom; the Ambassador of Sierra Leone to Belgium; and officials representing the High Representative for Foreign Affairs and Security Policy of the EU, and a representative of the European Commissioner

for Development. At the invitation of the Spanish Presidency of the European Union, the Registrar also addressed the European Council Working Group on Africa (COAFR).

The Registrar traveled on to The Hague where she met with Dutch Government officials to discuss the Taylor trial proceedings and potential cooperation on residual issues, among other topics, and met with representatives of the International Criminal Court (ICC) and the International Criminal Tribunal for the former Yugoslavia (ICTY).

Immediately following the visit to Europe, the Registrar traveled on to Uganda for the ICC's Review Conference of the Rome Statute at the beginning of June 2010. At the Kampala conference the Registrar was a panelist on the ICC's panel on the Impact of the Rome Statute system on victims and affected communities. She also gave an address on the SCSL's experience with Outreach at a side event organized by the Open Society Justice Initiative and the Human Rights Centre of the University of California, Berkeley.

The Review Conference was an excellent opportunity to brief ICC Member States on the Court's progress toward completion, the transition to the Residual Special Court and the Court's funding situation. To this end, the Registrar met with representatives of the Australian, Austrian, Belgian, Canadian, Chilean, Croatian, Danish, Finnish, German, Greek, Irish, Israeli, Luxembourg, Norwegian, Saudi Arabian, Serbian, South African, Spanish, Swedish, Turkish, UAE, UK and US Governments. The Registrar also attended a colloquium for the Registrars of the international criminal tribunals after the Review Conference had concluded.

As the final leg of the May/June trip, the Registrar traveled to Rwanda to meet with Government officials

and discuss issues of mutual cooperation, in particular the enforcement of sentences of the Court's convicted persons.

Despite this intensive diplomatic effort, within a few months it was clear that the Court had been unable to secure sufficient voluntary contributions to fund its operations in 2010.

The Deputy Registrar traveled to Brussels in November 2010 to update and appeal once more to officials from the European Commission (EC) and European Union Member states. Following the address of the Registrar in May 2010, the Deputy Registrar updated the European Council Working Group on Africa (COAFR) on the work of the Court at the invitation of the Belgian Presidency of the European Union. She also met with officials representing the High Representative for Foreign Affairs and Security Policy of the EU.

The Deputy Registrar was able to meet with officials from the Permanent Representations to the EU from Austria, Czech Republic, Norway, Slovenia, Sweden, and the United Kingdom, the Minister Counsellor of the Embassy of Sierra Leone to Belgium, and the Ambassador of Germany to Belgium.

The Deputy Registrar went on to visit The Hague during this trip. She met with officials of the Dutch Government to prepare for the shipment of the Court's archive to The Hague and met with representatives of the ICC and ICTY.

As discussed in the 'Completion Budget' section above, it became necessary in 2010 to appeal to the United Nations for a subvention grant to fund the Court's budget and the fundraising drive described above proved unable to secure sufficient voluntary contributions for the Court.

NEW YORK LIAISON OFFICE

The New York Liaison Officer assists the Registrar with fundraising activities by working closely with the Management Committee for the Special Court, liaising with representatives of the United Nations Member States on matters pertaining to funding and cooperation with the Court, meeting with officials from the United States Government in Washington, and devel-

oping relationships with the NGO community and various foundations in the United States.

The Liaison office supported the Management Committee with the application for a subvention by providing up to date information on the Court's financial and budgetary situation. The Liaison office also provided assistance to the Prosecutor during her fundraising and diplomatic meetings in the United States.

UNITED NATIONS

In March 2011, the Prosecutor travelled to the United Nations to brief the Court's Management Committee, the Assistant Secretary-General from the UN Office of Legal Affairs, officials of the Permanent Representa-

tions to the UN, and NGOs. The President, Prosecutor and Registrar also met with a delegation of ambassadors to the UN in Freetown, in their function as members of the UN Peacebuilding Commission.

FREETOWN

The Registrar and Deputy Registrar conducted periodic briefings with the international community in Freetown. During the reporting period they met with representatives of the Australian, British, Canadian, Finnish, German, Ghanaian, Irish, Japanese, Nigerian, Spanish and US Governments. The Registrar also met with two Government figures who were visiting Freetown: the UK's Minister for Africa and Canada's Permanent Representative to the United Nations.

The Court worked with Government of Sierra Leone officials and the United Nations Office of Legal Affairs to provide the necessary assistance to facilitate the conclusion of the Agreement to Establish the Residual Special Court for Sierra Leone.



Transfer of Documents to The Hague



Outreach Event

OUTREACH AND PUBLIC AFFAIRS

The Outreach and Public Affairs Section, both in Freetown and in The Hague, as the portal to the Special Court, has worked from the beginning to ensure transparency and access to information, not only to

journalists, scholars, students, jurists and other visitors, but also to the public most affected by the trials – the people of Sierra Leone and Liberia.

SIGNIFICANT MEDIA EVENTS

- ◆ In August 2010, the Prosecution reopened its case to call three additional witnesses: Naomi Campbell, Mia Farrow and Carole White. Their testimony attracted extensive international media interest, especially in Europe and North America. Three hundred reporters were accredited and 11 television satellite trucks covered the proceedings. In advance of the testimony, the office worked with the journalists to ensure that the focus remained on the trial and the Special Court for Sierra Leone – an effort that was largely successful.
- ◆ The closing arguments in the Taylor case also attracted significant international media attention.

VIDEO SCREENING OF TRIAL PROCEEDINGS

Since the Taylor trial is conducted in The Hague, the screening of video summaries brings the trial closer to the people of Sierra Leone and Liberia. With funds provided by the EC and the Macarthur Foundation, Outreach Field Officers and civil society partners in Sierra Leone and Liberia are able to screen trial summaries produced within the Section at local community gatherings in Sierra Leone and Liberia. The videos have also been shown on television in Monrovia and Freetown.

Outreach Freetown-based staff and interns regularly do video screenings in the Western Area (Freetown) of Sierra Leone. In 2010 to date, 450 video screenings were conducted in all 12 districts, 200 of those in Freetown and the surrounding communities, while there have been 305 screenings in Liberia.

PUBLIC LECTURES

In the past year, Public Lectures by the Outreach Coordinator, the Deputy Prosecutor, District Outreach Officers, and members of the Outreach Secretariat of Liberia highlighted issues on topics such as human rights, international humanitarian law, impunity and the rule of law in public lectures at various universi-

ties and institutions. District Outreach Officers gave 45 public lectures, and the Outreach Coordinator conducted six more. Court principals participated in four Public Lectures in Sierra Leone and Liberia, and the Outreach Secretariat of Liberia organized ten additional lectures.

LEGACY-SPECIFIC ACTIVITIES

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

The Office has continued its efforts to help the ANCs institutionalize, broaden their scope, and become self-sustaining so that they can carry on their work at a time when the Special Court will have completed its mandate. With assistance from Outreach and Public Affairs, students from all 14 ANCs in Sierra Leone, including past and present members, have formed the Coalition of Accountability Now Clubs (CANC). The CANC will help facilitate, coordinate and advocate on behalf of the ANCs, taking over the role of the Office, ensuring the ongoing viability of the organization.

CIVIL SOCIETY VISITS TO THE HAGUE

Outreach and Public Affairs continued to facilitate the travel of civil society representatives to monitor the Taylor trial in The Hague. These included 16 members of civil society and human rights groups, three parliament chiefs, three parliamentarians, two members of the Freetown city council, and Sierra Leone's Chief Justice and the Consultant Master and Registrar of the High Court.

Upon returning, they reported their perceptions of the court and the Taylor trial to their constituencies and the general public through radio programmes and community town hall meetings.

SCHOOL VISITS AND OTHER PROGRAMMES

Children, as displaced, as victims, as child soldiers were among those most affected by a decade of conflict in Sierra Leone, and they are consequently one of the Court's target groups. Outreach staff made 165 school visits around the country during the reporting year to discuss the Special Court, human rights and the rule of law. Each school visit included the distribution of informational materials about the Court.

On 16 June, Outreach and Public Affairs brought together 800 school children from 25 primary schools in Freetown, and another 400 children from 10 primary schools in Port Loko, for the annual 'Day of the African Child' celebrations. Court principals and Outreach staff attended and made presentations on the Special Court.

COURT VISITS AND TOURS

The Court receives frequent unannounced visits from journalists, researchers, human rights advocates, jurists, religious groups, and other members of the public and visitors to Sierra Leone. In our commitment to openness, no one is turned away. In addition, the Outreach and Public Affairs Office organizes tours

and briefings. Fifteen court tours were organized for 650 school children, and other groups. Among those who visited were groups of handicapped and hearing-impaired who received briefings – the latter through a sign-language interpreter – on the Court and the Taylor trial.

TOWN HALL MEETINGS

In addition to the ongoing town hall meetings conducted by Outreach Field Officers in the provinces, and court-based staff and interns in the Western Area, the Office organized large town-hall meetings for court principals in the provinces, the Western Penin-

sula and Liberia. Town hall meetings took place at the towns of Kamabai and Karina in Bombali District; at Magburaka in Tonkolili District, at Njala and Bo in Southern Province, and at Tombo, Newton, Fogbo, Bassah Town and Brigit, on the Peninsula.

THE HAGUE SUB-OFFICE

The Hague sub-office is staffed with one Press and Outreach Officer, assisted until late 2010 by Sierra Leonean and international interns, and in close consultation with the Office in Freetown. At times of greatest court activity, as during the testimony of Naomi Campbell, their efforts have been supplemented by Special Court and STL staff.

During the past year, the Outreach office hosted and arranged briefings for 66 visiting groups from four continents, including university students and their professors, diplomats, lawyers, judges, human rights workers, military personnel and high school students.

The Office hosted dozens of civil society representatives from Sierra Leone and Liberia who were sent through Outreach to monitor the Taylor trial proceedings.

The Public Affairs Office hosted an outreach event in commemoration of The Hague International Day Celebrations on 19 September 2010. The programme which comprised a screening of trial videos and presentations attracted an estimated 500 visitors at The Hague City Hall.



A member of the Mongolian Guard Force

LEGACY

As the Special Court moves towards completion, focus is being placed on the legacy that it will leave in Sierra Leone. Legacy, in the context of hybrid courts, has been defined as the ability to create a “lasting impact on bolstering the rule of law... by conducting effective trials to contribute to ending impunity, while also strengthening domestic judicial capacity.”⁵

Through its projects, the Court works to strengthen the domestic justice system and various national institutions. The Court’s transparent and independent judicial process serves as a model for rule of law. Fur-

⁵ UN OHCHR: Rule of Law Tools for Post-Conflict States: Maximizing the Legacy of Hybrid Courts, April 2008.

thermore, Sierra Leonean staff has acquired significant skills that assist their professional development.

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

PRINCIPAL LEGACY INITIATIVES OF THE REGISTRY SECTIONS

The Court’s records were transferred to The Hague in December 2010. Pursuant to the Residual Special Court Agreement, the Court prepared a copy of its public records that will be transferred to the Government of Sierra Leone after the closure of the Special Court. The Peace Museum project could house these records and is discussed in more detail below. The public records will enhance access for academics, journalists, civil society members and the general public to one of the richest sources of information about the conflict in Sierra Leone. This increased accessibility will assist the national legal system to use the Court’s jurisprudence in national cases.

The Registry continued to work with the Sierra Leone Police (SLP) to establish a national witness protection unit. The unit would provide support to threatened witnesses in national cases including organized crime, gender based violence and corruption cases. Further, such a unit would assist the Court to protect its witnesses even after the completion of its mandate (see the Residual Issues section for further information). In 2009 the Court conducted training with 38 Police

Officers in witness protection skills. Since that time the Court has worked with these officers and senior SLP leadership to provide witness protection in specific cases to support the national judiciary. The Court will continue to work with the SLP to formally establish a unit prior to the Court’s completion.

Professional development for the Court’s staff and those of other relevant national institutions has been a priority for many years. The Court’s training sessions allow skills to be transferred to national staff and national institutions. During the reporting period the Court concluded an archive management training programme. The programme involved nine sessions and the final 3-day sessions on ‘Planning an Archival Building’ and ‘Disaster Planning’ were conducted in June and July 2010. The total course lasted for 36 days and 21 people participated, the majority of whom were from national archival institutions. This programme was funded by the European Commission.

The Court makes use of recent graduates and legal associates to support its work for a maximum of six

months each. This project gives its participants the opportunity to work with and learn from the Court's staff in a wide range of fields. In particular, the legal associates are involved in the research and drafting of motions, decisions and judgments and can learn from the guidance of their supervisors. Often former participants return to the national judicial system and are able to apply their experience of the international criminal system. The European Commission funded this and previous years' internships.

On 24-25 February 2011, the Court hosted a conference on Forced Marriage in Conflict Situations

SITE PROJECT

The Government of Sierra Leone allocated land in New England, Freetown for the exclusive use of the Special Court during its operations. As the Court concludes its mandate the site is gradually being transferred back to the Government.

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

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

In collaboration with the Government, the Special Court developed a project proposal to establish a memorial on the site which would include an exhibition, a memorial and an archive of war-related mate-

organized by York University, Canada. The conference brought together leading historians of slavery and women's human rights scholars, survivor groups, local NGOs, officials and leading academics and activists working on the issue to explore the phenomenon of forced marriage and enslavement from comparative and historical perspectives. The First Lady of the Republic of Sierra Leone delivered a keynote address and the Court's Chief of Prosecutions gave a presentation discussing the Office of the Prosecutor's prosecutorial strategy on forced marriage.

In December 2010 the United Nations Peacebuilding Fund approved a grant of \$195,000 for the Court to realize the Government's vision and the Peace Museum project officially began in March 2011.

The exhibition will narrate the history of the civil war and the efforts made to attain peace with relics from the war and interactive exhibits. The memorial will honour the suffering of the war's victims and provide a place for visitors to contemplate the impact and lessons of the conflict. Lastly, the archive will include a paper and electronic copy of the Court's public records and its law library, as well as other war-related materials, including potentially the Truth and Reconciliation records and those of the National Commission for Demobilization, Disarmament and Reintegration, subject to the approval of relevant authorities.

As the Museum will be an independent national institution, the Court has convened a committee of national stakeholders to design the content and management arrangements of the Museum. This committee includes Government and national institutions such as the Attorney-General's office, the Chief Justice's office, the Ministry of Tourism and Culture, the Human Rights Commission, the National Museum, the National Archives, the University of Sierra Leone and the Monuments and Relics Commission. The

Peace Museum project will conclude at the end of February 2012.

The downsizing of Special Court staff resulting from the completion of the Defense case and the transfer of the archives allowed the Court to consolidate its remaining staff to one portion of the site in March 2011. As security for the site is now entirely provided by the Court's staff and the Sierra Leone Police, the Court is in a position to share the site with the Gov-

ernment. Planning is currently underway to make the unused portion of the site accessible to the Government of Sierra Leone during 2011.

Since the Government first expressed its preferences for the future use of the site, the Court has received many requests from institutions hoping to use the site after the Court's completion. These requests are under consideration by the Government.

Patriotic Vanguard (website)

Saturday, 30 April 2011

4

Peace Museum preview opens at Special Court

Sierra Leone's new Peace Museum opened a three-day preview exhibition Thursday at its future location on the Special Court complex in Freetown. The opening ceremony was chaired by the President of the Special Court, Justice Jon Kamanda. Michael Schulenberg, the Executive Representative of the Secretary-General, represented the United Nations and the UN Peacebuilding Fund, which is funding the establishment of the Museum.



The Peace Museum was proposed by the Government of Sierra Leone as a future use of the Special Court site. When it opens officially in 2012, the Museum will tell the story of Sierra Leone's decade-long civil war and its return to peace, and honour the victims of the conflict. It will also contain an archive of war-related materials, including the permanent archives of the Special Court.

The preview was organized as part of celebrations for Sierra Leone's 50th Independence Anniversary. Yasmin Jusu-Sheriff, a Commissioner for Sierra Leone's Human Rights Commission, declared the exhibition officially open.

On display this week are videos, including "The Sierra Leone Story," on the country's independence; materials relating to the Truth and Reconciliation Commission's "National Vision," and a preview of the Special Court's archives. A number of historical documents are on loan from the National Archives, including the 1788 treaty between King Naimbama and the British Government.

Thursday's exhibition was organized by the Peace Museum Project Management Team, which includes representatives from the Special Court, the Ministry of Justice, the Sierra Leone Judiciary, the Human Rights Commission, the Sierra Leone Museum, the National Archives, the Monuments and Relics Commission, and Civil Society.



Preview Exhibition of Peace Museum

RESIDUAL ISSUES

The Agreement on the Establishment of a Residual Special Court for Sierra Leone that will continue to fulfill the Court's obligations after the completion of its mandate was signed by the United Nations and the Government of Sierra Leone in August 2010. In accordance with Article 1.1 of the Residual Special Court Statute the competence of the Residual Special Court is the following:

The purpose of the Residual Special Court is to carry out the functions of the Special Court for Sierra Leone that must continue after the closure of the Special Court.

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

UPDATE ON THE RESIDUAL ACTIVITIES OF THE SPECIAL COURT

Although the Agreement provides that the Residual Special Court shall have its primary seat in Sierra Leone, it also stipulates that the interim seat will be in The Netherlands and the Court's archives shall be co-located with the Residual Special Court. In this regard, the Registry successfully transferred the Court's permanent records from Freetown to The Hague during December 2010. This transfer followed months of preparatory work at the Special Court and was made possible by the cooperation and assistance of the Government of Sierra Leone, the government of the Netherlands, the Management Committee and the Mongolian Guard Force.

As witness protection and support activities require a presence in the region, the Residual Special Court will include a sub-office in Sierra Leone for this purpose. The Court is pursuing discussions with institutions which may be able to host the witness protection

staff. These staff will be responsible for responding to threats with the support of national authorities. As discussed in the Legacy section, the Court is working with the Sierra Leone Police to establish a national Witness Protection Unit that will assist the Residual Special Court in its work, among other functions.

On 31 October 2009, the Court's convicted persons were transferred from the Court's detention facility in Freetown to Mpanga Prison in Rwanda for the enforcement of their sentences. The prison is administered by the Rwandan Prison Services (RPS) and the Court works with the RPS Commissioner-General's office to ensure that international standards in the prison are maintained until the Court's closure. The Residual Special Court will take on this responsibility and will continue to work with the Rwandan authorities until all the sentences have been served.

ANNEX I

SIGNIFICANT FUNDRAISING AND DIPLOMATIC MEETINGS HELD DURING THE REPORTING PERIOD

African Union

Office of the Legal Counsel
Office of the Permanent Observer of the African Union to the United Nations

Australia

Department of Foreign Affairs and Trade
Agency for International Development

Austria

Permanent Representation of Austria to the European Union

Belgium

Ministry of Foreign Affairs

Canada

Department of Foreign Affairs and International Trade
Permanent Mission of Canada to the United Nations
Embassy of Canada to the Netherlands

China

Embassy of China to Sierra Leone

Czech Republic

Permanent Representation of Czech Republic to the European Union

Denmark

Ministry of Foreign Affairs

European Union

High Representative of the Union for Foreign Affairs and Security Policy
European Commission
European Union Delegation to Sierra Leone
Working Group on Africa (COAFR Working Group)

Finland

Ministry of Foreign Affairs
Embassy of Finland to Ghana

Germany

Embassy of the Federal Republic of Germany to Sierra Leone
Embassy of Germany to Belgium

Ghana

Permanent Mission of Ghana to the United Nations

Ireland

Ministry of Foreign Affairs
Permanent Representation of Ireland to the European Union

Israel

Ministry of Foreign Affairs
Permanent Mission of Israel to the United Nations

Liberia

Permanent Mission of the Republic of Liberia to the United Nations

Mongolia

Ministry of Defence

The Netherlands

Ministry of Foreign Affairs
Permanent Mission of the Kingdom of the Netherlands to the United Nations

Nigeria

Federal Ministry of Justice

Norway

Ministry of Foreign Affairs
Permanent Mission of Norway to the United Nations

Permanent Representation of Norway to the European Union

Rwanda

Ministry of Foreign Affairs

Ministry of Justice

National Prison Services

Sierra Leone

Government of Sierra Leone

Permanent Mission of Sierra Leone to the United Nations

Embassy of Sierra Leone in Brussels

Slovenia

Permanent Representation of Slovenia to the European Union

South Africa

Ministry of Foreign Affairs

Spain

Embassy of Spain to Liberia

Sweden

Ministry of Foreign Affairs

Permanent Representation of Sweden to the European Union

Turkey

Ministry of Foreign Affairs

United Kingdom

Foreign & Commonwealth Office

British High Commission in Sierra Leone

Permanent Mission of the United Kingdom to the United Nations

Permanent Representation of the UK to the European Union

Embassy of the United Kingdom to the Netherlands

United Nations

Office of the Secretary-General

Office of Legal Affairs

Advisory Committee on Administrative and Budgetary Questions

Department of Peacekeeping Operations

Office on Drugs and Crime (UNODC)

Peacebuilding Commission

Peacebuilding Mission in Sierra Leone (UNIPSIL)

Peacekeeping Mission in Liberia (UNMIL)

United States

State Department

United States Embassy in Sierra Leone

United States Embassy in Liberia

United States Mission to the United Nations

International Tribunals and Courts

Extraordinary Chambers in the Courts of Cambodia

International Court of Justice

International Criminal Court

International Criminal Tribunal for the former Yugoslavia

International Criminal Tribunal for Rwanda

Special Tribunal for Lebanon

International Organisations

International Committee for the Red Cross

Pan African Parliament

Foundations

Gordon Foundation

MacArthur Foundation

Open Society Institute

ANNEX II

SIGNIFICANT PRESENTATIONS ON THE SPECIAL COURT'S JURISPRUDENCE

June 2010

Justice Renate Winter participated in The Academic Council on the United Nations System (ACUNS) meeting which took place in Vienna, Austria and whose focus was on new security challenges. Justice Renate Winter was a panelist at a Round Table on Post-Conflict Tribunals, where representatives of international tribunals discussed their respective jurisprudence and its impact and stabilizing effect on the countries formerly involved in armed conflict.

Justice Teresa Doherty gave a lecture at the T.C. Asser Instituut to post graduate students of the American University on the subject of Hybrid Tribunals. Justice Teresa Doherty showed the similarities and the differences between the ad hoc tribunals, the reasons for their appointments and the developments in jurisprudence of prosecution of crimes against humanity, war crimes and the growth of International Criminal Law.

September 2010

Justice Renate Winter attended a conference at Perth College, Scotland, where she delivered a lecture on the topic of 'Reintegration of Child Soldiers in a rural setting: the jurisprudence of the SCSL on child soldiers'.

Justice Shireen Avis Fisher attended the final DOMAC conference in Amsterdam, The Netherlands, at which research on the Special Court was presented. Justice Shireen Avis Fisher served as a commentator at the Conference. The DOMAC project is a research program funded by the European Union and participants include Reykjavik University, the University of Amsterdam, Hebrew University and University College London. The project focuses on the interaction between national and international courts involved in prosecuting individuals for mass atrocity.

Justice Teresa Doherty spoke to a group of 20 students from the University of Washington Law School, who were visiting the Special Court in The Hague. The students asked various questions concerning the work of the Special Court and appeared to be interested in its developments.

The Judges of Trial Chamber II met with a visiting delegation of Judges from various courts and districts in the United States of America and spoke of the work of the Special Court. The Hon. Justices answered many questions from the visiting Judges concerning the work and developments in jurisprudence made by Special Court.

October 2010

Justice Shireen Avis Fisher was invited to travel to The Hague by the International Center for Transitional Justice to engage with Ugandan Judges regarding their upcoming work for the Ugandan War Crimes Chamber. The meeting was a follow-up to the meeting between the Special Court and Ugandan officials which took place in Freetown last October.

Justice Renate Winter and Justice Shireen Avis Fisher were invited to speak at the University of Cologne. The Hon. Judges gave a two-hour joint presentation on the work of the Special Court, and also participated in seminars which brought together scholars from Germany, Georgia, and Russia on the topic of 'International Law's Contribution to Containment of Conflicts.'⁶

Justice Teresa Doherty attended a meeting at the Peace Palace following launch of the publication of International Law for Humankind and partook in discussions.

⁶ The trip was sponsored by the University and the Deutsche Stiftung Fur Internationale Rechtliche Zusammenarbeit.

November 2010

Justice Renate Winter conducted a three day seminar for resident magistrates in Jamaica organized by the Ministry of Justice and the Justice Training Institute. Justice Renate Winter delivered a speech on victim and witness protection and also conducted a roundtable discussion on the issues of child soldiers and forced marriage. She discussed the jurisprudence of the Special Court, its practical consequences, and its legacy on national legislation.

At the invitation of the Registrar of the ICC, Justice Renate Winter participated in a seminar on the Registry's role in providing support and assistance to victims. The seminar consisted of Heads of Sections of the ICC, Experts, and representatives of the ad hoc tribunals. Justice Renate Winter discussed the Statute, jurisprudence and the practice of the Special Court regarding victims and witnesses. She also assisted in the formulation of the recommendations for the review of the strategy paper of the ICC.

Justice Shireen Avis Fisher participated in a seminar in Spain organized by the ATLAS project entitled "Armed Conflicts, Peacekeeping, and Transitional Justice: Law as Solution". The objectives of the seminar were to review the current activity of the EU and its member states in promoting human rights and international humanitarian law both during and after armed conflicts, mainly through its peacekeeping operations, to offer recommendations for improvements and best practice in these activities; and to consider how the EU and its member states may contribute to promoting respect for human rights and international humanitarian law in its peacekeeping operations in Kosovo, Sierra Leone, Bosnia and Herzegovina and Cambodia.

Justice Julia Sebutinde attended the International Civilian Peace-building Training (IPT) in Stadschlaining, Austria, during which time she conducted her part of the training. Justice Julia Sebutinde also delivered two papers in two sessions on "Women in Armed Conflict." Both papers were delivered on the same day.

At the invitation of the Dean of the faculty of Law at Amsterdam University, Justice Julia Sebutinde addressed post-graduate law students doing their Masters Degree course on International Criminal Law. The University had invited several speakers representing the Judiciary, Prosecution and Defence from the various War-Crimes Courts in The Hague. The session was arranged in such a way that the Speaker would give a brief general overview of their work in the court followed by a longer question and answer session. Justice Julia Sebutinde gave a presentation on the Special Court, from a judicial perspective and fielded questions from students.

Justice Teresa Doherty was a speaker at the Cambodian conference on the developments in the Prosecution of gender based crimes in the Extraordinary Chambers of the Cambodian Court. Justice Teresa Doherty spoke on the development of the prosecution of sexual based violence in the Special Court with a particular emphasis on recent decisions and the Special Court's contribution to international criminal law. Justice Teresa Doherty also joined a panel of experts discussing the developments in the jurisprudence and its application to the events during the Khmer Regime in Cambodia and the work of the Extraordinary Chambers.

December 2010

Justice Renate Winter was invited to chair a workshop on "Child Friendly Judicial and Administrative Procedures," organized by the European Agency for Fundamental Rights and the Ministry of Justice of Belgium. The theme of the conference was "Ensuring Justice and Protection for all Children". In her discussion, Justice Winter focused on the victims and witnesses' protection mechanism of the Special Court, making specific reference to child soldiers and bush wives.

Justice Teresa Doherty acted as a judge at the Leiden University students' moot court and acted as the president of the final rounds of the competition. This was held at the Leiden University branch in Hague. The subject matter was the "Application of International Criminal Law".

January 2011

Justice Teresa Doherty participated with others in judging a children's moot court held at Haags Montessori Lyceum School in Leiden. The theme of the competition was the Convention on the Rights of the Child and its application to domestic law.

February 2011

Justice Teresa Doherty acted with Judges from ICJ and the ICTY in the final rounds of the Owen Jessup moot courts for the Netherlands. This made the selection of the team to go forward to New York to partake in the finals of the International Owen Jessup moots. The theme of the moot was the applications of various international treaties to a hypothetical political and criminal situation. This is the third year that Justice Teresa Doherty has been invited to judge the moot competitions and represent the Special Court.

March 2011

Justice Renate Winter participated in the third 'Journée Humanitaire sur la Santé des Femmes' in Paris, France, where she lectured on teenage pregnancies and the law, focusing on the experience of 'bush wives' in Sierra Leone and related jurisprudence in the domestic legislation in Sierra Leone.

Justice Shireen Avis Fisher represented the Special Court at a conference sponsored by the Project on International Courts and Tribunals in The Netherlands; and was part of the concluding panel whose members made short presentations on the topic: 'Sharing experience on the exercise of judicial functions among international courts.'

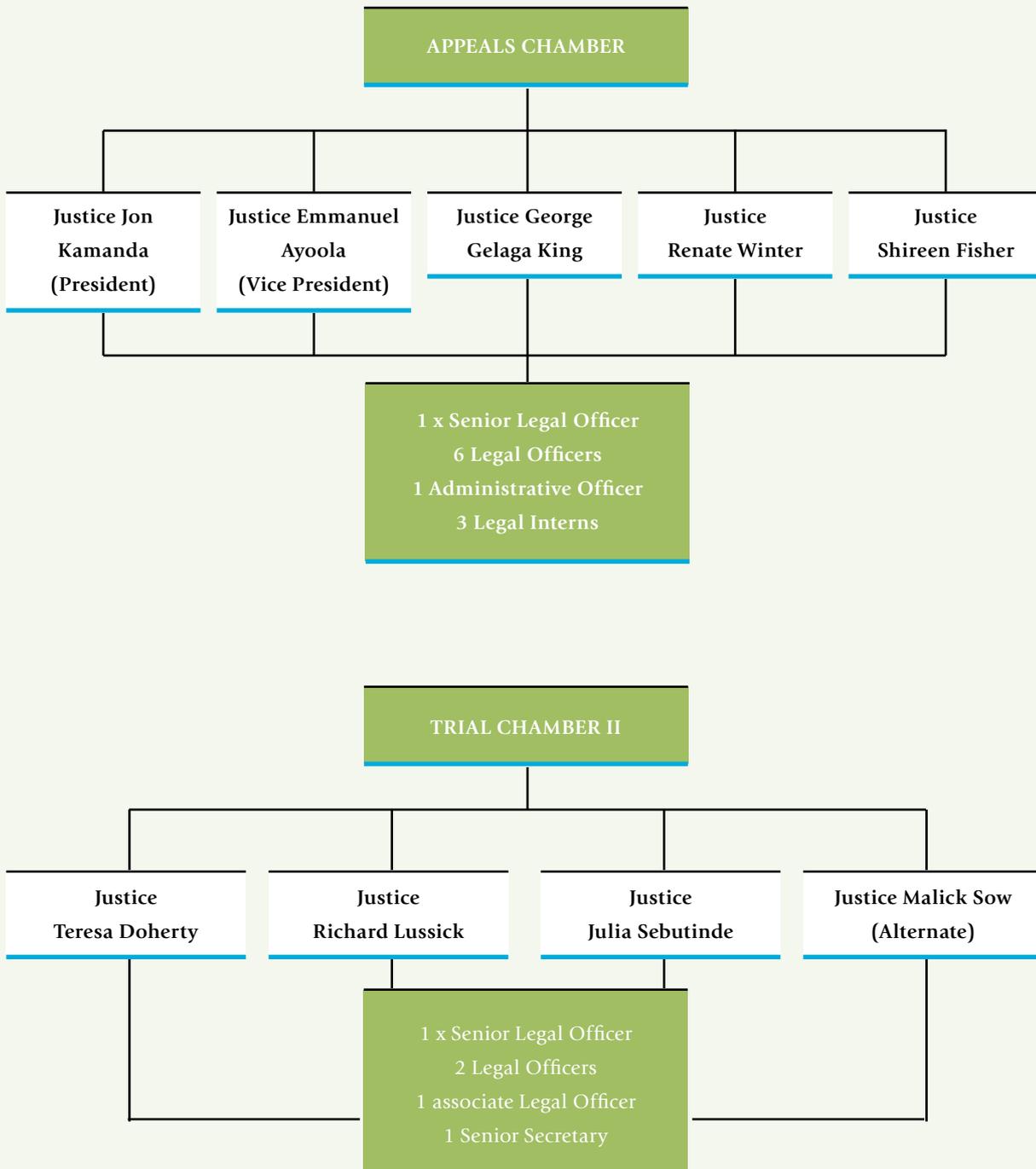
At the Invitation of the organizers of The Hague Film Festival, Justice Julia Sebutinde participated in a Panel discussion on the film "Telling Truths in Arusha," a documentary about the ICTR genocide trial of the *Prosecutor v. Nsengimana*. The documentary featured one of the Trial Judges, the Prosecutor and Defence Counsel and the Accused, Father Nsengimana, a Catholic Priest. The screening was followed by a debate on the notion of "truth-finding in international tribunals, from the Judicial, prosecutorial and defence perspectives.

April 2011

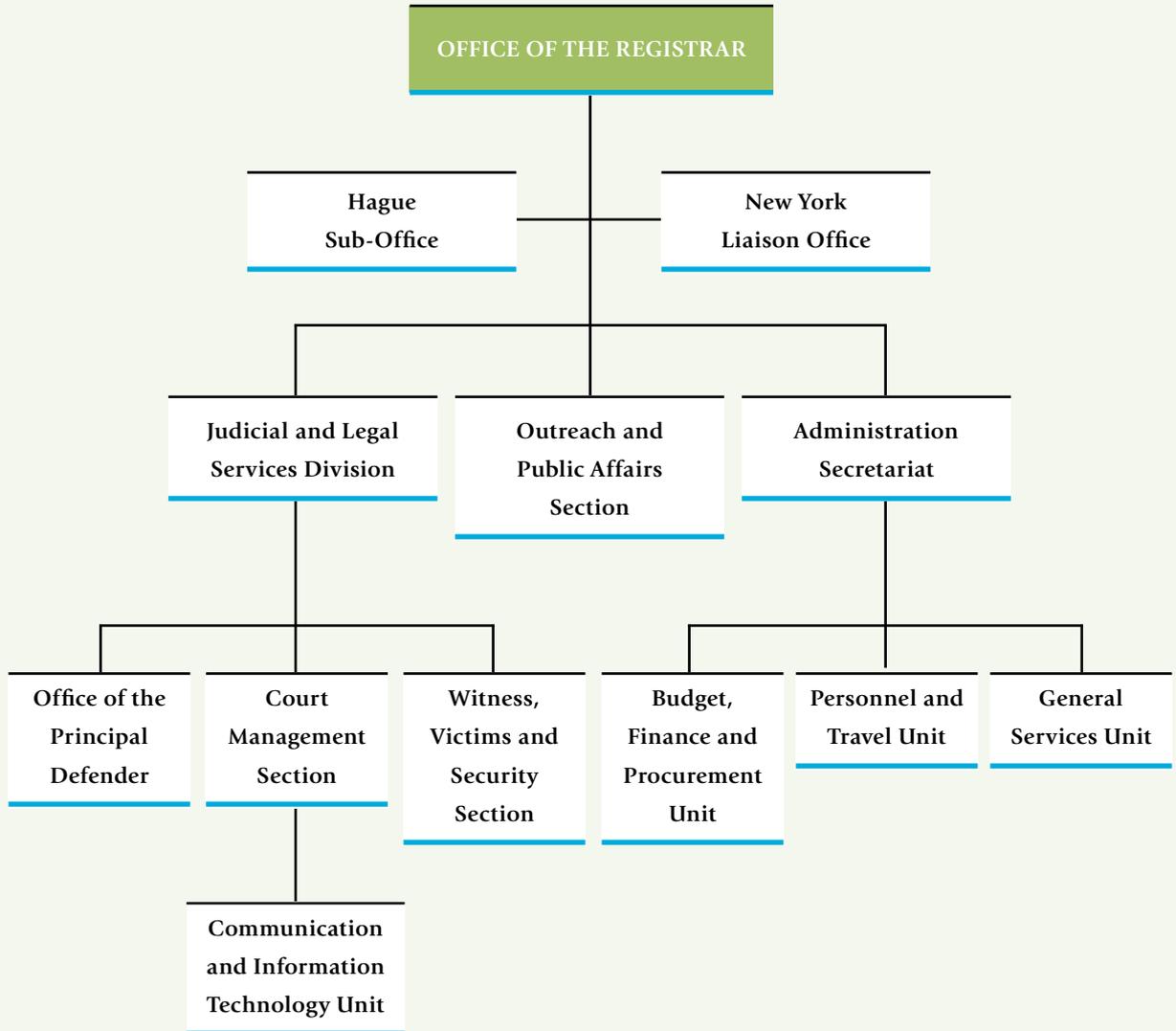
Justice Teresa Doherty was invited to give a paper at the second Hague symposium on Systematic Sexual Violence and Victim's Rights. The second Hague symposium drew experts and attendees from Africa, Asia, America, Australia and Europe. Justice Teresa Doherty's paper drew the contrasts between the prosecution of gender based violence in the Special Court to the other ad hoc tribunals contrasting the differences in the Statutes and prosecutorial policies with particular reference to Security Council resolutions 1315 and 1820.

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

ANNEX III



During the reporting period, the Appeals Chamber was staffed with one Senior Legal Officer, One Legal Officer and one Administrative Officer. The Appeals Chamber has since then, recruited five additional Legal Officers and three Legal Interns.





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