



**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR**

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**Statement by Prosecutor Brenda J. Hollis, Special Court for Sierra Leone
to the United Nations Security Council**

9 October 2012

Mr. President,

Your Excellencies,

I echo the comments made by President Fisher and thank the Council for its decision to convene this briefing on the Special Court for Sierra Leone.

As the Prosecutor of the Special Court, I am honored to be given this opportunity to brief the Council. I will focus my remarks on the achievements of the Special Court, and those of the Office of the Prosecutor in particular. I will also discuss some of the challenges faced by the Office of the Prosecutor, our responses to those challenges, and certain challenges the Residual Special Court for Sierra Leone may face.

I turn first to the achievements of the Special Court. President Fisher has mentioned some of the many successes of the Special Court. In my view, the principal achievement of the Special Court, and its most important legacy, will be the achievement of our mandate, to prosecute those who bear the greatest responsibility for the horrific crimes committed against the people of Sierra

Leone. All members of the Office of the Prosecutor, past and present, can be proud of the significant contribution they have made in accomplishing that mandate.

The achievements of the Special Court are the product of the hard work and dedication of all organs and members of the Special Court, who are to be commended for their untiring efforts. With the Council's permission, I will limit my comments to the achievements of the Office of the Prosecutor.

The Office of the Prosecutor has acted expeditiously. We commenced operations in mid-2002 and we presented the first indictments in March 2003. Guided by the Special Court's Statute, we focused our efforts on prosecuting those who bear the greatest responsibility. Consequently, we presented 13 indictments, charging senior leaders of the three main factions in the Sierra Leone conflict, and Charles Taylor, the then President of Liberia. The first trials commenced in 2004. With the exception of the case against Mr. Taylor, all cases were completed through appeal by October 2009. Unfortunately, it was not until 2006 that Mr. Taylor was surrendered to the Special Court, three years after he was indicted.

The Office of the Prosecutor expeditiously and effectively prosecuted Mr. Taylor. We amended the Indictment against him, reducing the number of charges in order to present the case more expeditiously. We presented evidence that resulted in Mr. Taylor's conviction on all charges, a result well noted by the Security Council in Resolution 2065 (2012). This is the first conviction of a former Head of State by an international criminal tribunal since the Nuremberg trials in 1946. On the basis of this verdict the Trial Chamber sentenced Mr. Taylor to 50 years imprisonment.

Mr. Taylor was convicted of these charges for two reasons. First, he was convicted for planning the attacks that culminated in the January 1999 invasion of Freetown and the mass crimes which resulted from those attacks. And second, he was convicted for aiding and abetting members of the Revolutionary United Front and the Armed Forces Revolutionary Council in the commission of the charged crimes. The Office of the Prosecutor and Mr. Taylor have both appealed the judgement and the sentence.

We are proud of our other achievements as well. The Office of the Prosecutor has been an active participant in the excellent Outreach program of the Special Court, a program that has been widely commended for its effectiveness. Through this program, we have succeeded in engaging the people of Sierra Leone in a judicial process carried out in their name, and have fostered a two-way conversation between the Prosecutor and the affected communities.

The Office of the Prosecutor has contributed significantly to international jurisprudence. We were the first to charge and prosecute the crimes of enlistment, recruitment and use of child soldiers, attacks on peacekeepers and forced marriage as an other inhumane act. The resulting jurisprudence may be relied upon by other international as well as national courts.

Many deserve credit for these achievements, and I extend my gratitude to them, in particular to: the people of Sierra Leone, whose demand for justice, you will recall, resulted in the creation of the Special Court; the Security Council who, through Resolution 1315 (2000) and subsequent resolutions, responded to that demand; the Secretary General, whose work advanced the creation of the Special Court and whose continued support strengthened the Special Court; the victims, survivors and those members of the perpetrator groups who showed the courage and commitment to give information and to testify, both for the Prosecution and the Defence; the Government and

the people of Sierra Leone, for their continuing commitment to the Special Court and the support they have provided; the Member States who have faithfully served on the Special Court Management Committee; the 51 States, the United Nations, the European Commission and other organizations, who have provided funding and other support for the Special Court; and to civil society organisations in Sierra Leone, Liberia and worldwide, for their commitment to justice and support for the Special Court.

Particular mention must be made of the United Nations and the Government of Sierra Leone, as partners in establishing the Special Court. Together they created a Statute which achieved two important goals. First, as I have already discussed, the Statute focused our efforts appropriately on those who bear greatest responsibility. Second, the Statute ensured the Special Court would build on the strong foundation put in place by the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, both as to substantive and procedural law. The Special Court has indeed built on that foundation in carrying out its mandate. I encourage all tribunals and courts who have followed to build on this expanded foundation.

Mr. President,

Your Excellencies,

As President Fisher has stated, the Special Court has faced numerous challenges during its decade of operation. I will now highlight some of those challenges which relate to the Office of the Prosecutor. The record will show that we have responded positively to those challenges, in ways which may have relevance to other courts and tribunals. Of the most demanding challenges before us, I would like to address three: indictment, staffing and witness issues.

First, I will discuss indictments. Charges are determined, first and foremost, by the evidence before a Prosecutor. As with other prosecutors who are faced with a multitude of crimes committed across a wide temporal and geographic area, we were challenged with developing indictments which balanced two goals: first, to truly reflect the nature and scale of the crimes to which an accused could be linked and the full extent of his criminal conduct, and second, to bring charges which could be proven expeditiously. To achieve that balance, we focused our indictments on representative crimes and on the scope of the criminal conduct of each accused person.

I now turn to staffing challenges. The Office of the Prosecutor was challenged with recruiting a sufficient number of staff to fulfil our exacting mandate, and with retaining experienced staff to maintain continuity of our work. These challenges were amplified by the uncertain nature of voluntary funding. We responded to these challenges by using short term contracts whenever possible to give us flexibility in meeting our needs, by reducing permanent posts in an orderly manner as we reached Prosecution milestones, and by relying heavily on experienced, talented professionals who were seconded to us by States. These secondments have proven to be an effective and financially desirable option. For example, we could not have conducted our investigations without the local knowledge and expertise of Sierra Leonean investigators loaned to us by the host government.

I will now discuss witness issues. Without witnesses, no trials would be possible. Our main challenges were to communicate and meet with some 800 potential witnesses in a safe environment, and, in cooperation with the Registry's Witness and Victim Section, to ensure the security before, during and after the trial, of the more than 300 Prosecution witnesses who testified. We relied extensively on investigators seconded from the Sierra Leone Police to enable

us to contact our witnesses in a manner that guarded their security. We have also had regular contact with our witnesses, before and after trial, ensuring that we receive timely alerts of any security risks or harassment. Allow me to emphasize that the security of witnesses and the enforcement of witness protection orders were, remain, and will continue to be, a significant challenge. In their testimony, many witnesses named individuals who had committed horrific crimes; these witnesses continue to live amongst those individuals and their supporters.

I now turn to the Residual Special Court for Sierra Leone. Some of the challenges it may face can be anticipated today. The Residual Special Court plans to have a relatively small footprint. This is a positive response to the challenge of balancing the requirements of its mandate with financial efficiency. Such efficiency may be enhanced by sharing an administrative platform with other courts. As already emphasized, ensuring the security of witnesses, and the enforcement of witness protection orders, will be a continuing and significant challenge. Indicative of this challenge, this year the Special Court has convicted five individuals of contempt for interfering with witnesses; these convictions, of course, are subject to appeal. As made clear by Article 18 of its Statute, the Residual Special Court shall be responsible for ensuring the security of witnesses and those put at risk by witness testimony. It shall also be responsible for the enforcement of the protection orders of the Special Court and any put in place by the Residual Special Court.

Mr President,

Your Excellencies,

It is imperative that the Residual Special Court be sufficiently resourced to meet these critical responsibilities, if we are to ensure that those who have risked their well-being to give meaning to justice continue to be protected by the court that they served.

By way of conclusion, I recall Security Council Resolution 1315 (2000), which was instrumental in the creation of the Special Court. I am constantly reminded of the prudence of this Resolution when I engage with the people of Sierra Leone. The trials conducted by the Special Court have brought some measure of justice to the victims of heinous crimes committed in Sierra Leone, and have advanced the global fight against impunity.

I again thank the Security Council for its support over the years, and for the opportunity to speak with you here today.