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Request for a subvention to the Residual Special Court for Sierra Leone

Report of the Secretary-General

Summary

In his letter dated 14 October 2015 addressed to the President of the Security Council ([S/2015/855](#)), the Secretary-General drew the attention of the Council to the intensive efforts that had been deployed since the commencement of the operations of the Residual Special Court for Sierra Leone and noted that the prevailing financial situation of the Court was such that it would be unable to continue its work beyond March 2016 if there were no further voluntary contributions. The Secretary-General proposed that the matter be brought to the attention of the General Assembly with a view to seeking funding for the Court through a subvention under the assessed programme budget. The Secretary-General indicated that the proposal would be a temporary measure to address the current financial situation. In his reply of 10 November 2015 ([S/2015/856](#)), the President of the Security Council informed the Secretary-General that the members of the Council had taken note, with certain reservations, of the intention expressed in the letter of the Secretary-General on the understanding that the requested subvention would be on a one-time basis, covering the proposed period, and would be subsequently reimbursed from the voluntary contributions received by the Court. The President also informed the Secretary-General that the members of the Council requested the Secretariat, the Oversight Committee of the Court and Court officials to intensify their efforts to lower costs and fund the activities of the Court through voluntary contributions.

The present report, submitted in response to the exchange of letters, provides information on the overall financial situation faced by the Residual Special Court, sets out the level of resources required for the Court's activities for the period from 1 January 2016 to 31 December 2017 and seeks the approval of a subvention of \$6,034,800, after taking into account the voluntary contributions expected to be available for 2016, to enable the Court to continue to carry out its functions at the interim seat in The Hague and its sub-office in Sierra Leone.



I. Introduction

1. The present report on the financial difficulties encountered by the Residual Special Court for Sierra Leone is submitted to the General Assembly to request a subvention to the Court for the period from 1 January 2016 to 31 December 2017.

2. As the first United Nations or United Nations-assisted tribunal to fully transition to a residual institution, the Residual Special Court represents a landmark step in international criminal law and practice. The successful discharge of its functions over the first two years of its operations has strengthened and confirmed the legacy of the Special Court for Sierra Leone, contributing to the maintenance of peace and stability and to the deepening of the rule of law in Sierra Leone and the region. While the Residual Special Court has been exemplary as a model of efficient residual judicial administration, its core work is threatened by a lack of sufficient and sustainable funding. The Court has been funded from voluntary contributions since its inception. However, despite the efforts of the Secretary-General, the Government of Sierra Leone and key donors of the Court, including the States members of the Oversight Committee of the Court, and the intense fundraising efforts made by its principals, financing through voluntary contributions will not be sufficient to meet the budgetary requirements for the Court's operations and there are no prospects for additional voluntary contributions.

3. In his letter dated 14 October 2015 (S/2015/855), the Secretary-General informed the Security Council that, despite the intensive efforts that had been deployed since the commencement of the operations of the Residual Special Court, there would not be sufficient voluntary contributions for the continuation of the Court's work beyond March 2016. In that light, the Secretary-General expressed his intention to propose to the General Assembly that the costs of the Court for the biennium 2016-2017 be provided through a subvention under the assessed programme budget. The Secretary-General indicated that the proposal would be a temporary measure to address the current financial situation and that he would consult closely with the Government of Sierra Leone, the Oversight Committee and associated stakeholders during the biennium to seek and propose more comprehensive solutions to the Security Council and the General Assembly.

4. In his reply dated 10 November 2015 (S/2015/856), the President of the Security Council informed the Secretary-General that the Council members had taken note, with certain reservations, of the intention expressed in the Secretary-General's letter on the understanding that the requested subvention would be on a one-time basis, covering the proposed period, and would be subsequently reimbursed from the voluntary contributions received by the Court. The President also informed the Secretary-General that the Council members requested that the Secretariat, the Oversight Committee and the Court intensify their efforts to lower costs and fund the activities of the Court through voluntary contributions.

II. Historical background

5. In its resolution 1315 (2000), the Security Council requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court with the primary objective of prosecuting persons who bore the greatest responsibility for the commission of crimes against humanity, war

crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone. The Agreement between the United Nations and the Government of Sierra Leone establishing the Special Court of Sierra Leone (S/2002/246 and Corr.2 and 3, appendix II) was concluded in 2002. The Court indicted 13 individuals, of whom 10 were brought to trial, including Charles Taylor, the former President of Liberia. Two indicted persons died, and one remains at large. Nine individuals were convicted and sentenced to terms of imprisonment ranging from 15 to 52 years. The Court was a groundbreaking institution in many respects: its jurisprudence was seminal, as the first international criminal tribunal to try and to convict persons for the use of child soldiers, forced marriage as a crime against humanity, and attacks directed against United Nations peacekeepers. It was the first modern international court (and the first court since Nuremberg) to indict a sitting Head of State and complete his trial. On 31 December 2013, it became the first United Nations-assisted international criminal tribunal to complete its mandate successfully, to close and to transition to its residual mechanism, the Residual Special Court for Sierra Leone.

6. The Residual Special Court was established by an Agreement concluded in August 2010 between the United Nations and the Government of Sierra Leone. The mandate of the Residual Special Court is to carry out a number of vital functions of the Special Court that must continue after its closure. These important and ongoing functions include the supervision of the enforcement of sentences; review of convictions and acquittals; conduct of contempt of court proceedings or referral thereof to national jurisdictions; witness and victim protection and support; maintenance, preservation and management of the archives of the Special Court, as well as of its own archives; responding to requests from national authorities for access to evidence and responding to claims for compensation; providing defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; and preventing double jeopardy by monitoring national proceedings. The Residual Special Court also has the power to prosecute the remaining fugitive, Johnny Paul Koroma, should he be alive and if his case is not referred to a competent national jurisdiction.

7. The Residual Special Court commenced operations on 1 January 2014, immediately upon the closure of the Special Court. The Residual Special Court carries out its functions at its interim seat in The Hague, with a branch/sub-office in Freetown for witness protection and support and coordination of defence issues. The present arrangement will remain in effect until such time as the United Nations and the Government of Sierra Leone agree otherwise.

8. Pursuant to article 3 of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court, the expenses of the Residual Special Court shall be borne by voluntary contributions from the international community. The parties and the Oversight Committee may explore alternative means of funding the Residual Special Court. As with the Special Court, this funding arrangement continues to pose serious challenges for the continued sustainability of the Residual Special Court and the effective discharge of its functions.

9. The Secretary-General expressed concern about the Residual Special Court being funded by voluntary contributions in his letter dated 8 November 2012 addressed to the President of the Security Council (S/2012/891). The Secretary-General also drew the attention of Council members to the need for alternate means

of funding the Court. In his reply dated 28 November 2012 (S/2012/892), the President informed the Secretary-General that there was no agreement among the members of the Council with respect to the possible need for alternate means of financing of the Court. In paragraph 22 of its report of 14 December 2012 (A/67/648), the Advisory Committee on Administrative and Budgetary Questions noted the challenges posed by voluntary contributions and recommended that the General Assembly request the Secretary-General to analyse the lessons learned and to examine alternatives, such as, for example, the possibility of including the Court in the financing arrangements for the International Residual Mechanism for Criminal Tribunals.

III. Progress to date

A. Set-up of the Residual Special Court

10. Since the commencement of the operations of the Residual Special Court on 1 January 2014, significant progress has been made in implementing the structures and systems necessary for the proper functioning of the institution. Recruitment of the required full-time staff members has been completed, and a roster of former staff members and defence counsel has been created. Staff rules and regulations, a code of conduct and 11 related personnel policies have been issued, as have six practice directions.

B. Activities of the Residual Special Court

11. The Residual Special Court has made significant progress since its inception in January 2014, successfully and efficiently handling all of the residual functions of the Special Court since the latter's closure. As detailed below, the Residual Special Court conducted two proceedings related to conditional early release matters. It was also engaged in proceedings stemming from a motion filed by Mr. Taylor for the termination of the enforcement of his sentence in the United Kingdom of Great Britain and Northern Ireland and his transfer to Rwanda. The Court issued 15 decisions flowing from these proceedings. The processing of the two applications for conditional early release of its prisoners required extensive consultations by the Court with witnesses, victims, local community members and authorities in the Government of Sierra Leone. It also required the deployment of significant resources, including the participation of existing full-time, as well as specially contracted short-term, staff. A panel of three judges assigned by the President was convened to consider Mr. Taylor's application.

12. Other significant activities that the Residual Special Court has been undertaking include the management and preservation of archives and completion of archiving work from the Special Court, engaging with witnesses to address their security and psychosocial needs, supervision of the enforcement of sentences and responding to requests for information from national prosecuting authorities.

1. Protection of victims and witnesses

13. Staff of the Witness and Victim Protection and Support Office of the Residual Special Court, based in Freetown, continued to actively monitor more than 100

witnesses within and outside Sierra Leone and, through regular contact, maintain updated information on them. Although the movement of staff was limited during the Ebola virus outbreak, the Office still carried out certain functions. It conducted threat assessments with respect to several vulnerable witnesses and provided psychosocial counselling and security services. Some witnesses were also relocated. There were regular contacts with States accommodating relocated witnesses and with those that had requested assistance from the Court. In addition to such regular contacts, in order to provide information necessary for the Registrar's submission in two conditional early release applications, witness and victim support staff travelled in 2014 to four areas of Sierra Leone, which were the proposed locations for the two separate releases of prisoners, where they met with witnesses and victims to explain the conditional early release policy and to seek their views on the prospect of an early release for the respective prisoners.

2. Judicial and administrative proceedings

14. Mr. Taylor was convicted of aiding, abetting and planning of war crimes and crimes against humanity and other serious violations of international humanitarian law. He was sentenced to 50 years in prison, with credit for time served in custody since March 2006. Mr. Taylor is serving his sentence in the United Kingdom. On 13 June 2014, the counsel acting for Mr. Taylor filed a motion for termination of enforcement of sentence in the United Kingdom and for transfer to Rwanda.

15. On 21 July 2014, the President convened a special trial chamber to consider the matter. The Trial Chamber issued its decision on 30 January 2015, denying the motion. The defence subsequently filed a motion for leave to appeal to the President. On 21 May 2015, the President adopted the Trial Chamber's decision and denied the motion for leave to appeal.

16. Pursuant to rule 124 of the Rules of Procedure and Evidence of the Residual Special Court, persons convicted by the Special Court or the Residual Special Court are eligible to apply for consideration of conditional early release after serving two thirds of their sentence. Of the 10 prisoners in custody under the authority of the Residual Special Court in 2014, 2 have filed applications for conditional early release, having become eligible to do so. In his consideration of the applications for conditional early release, the President consulted with as many of the judges who imposed the sentences as possible and took into account the views of the Prosecutor and prosecution witnesses, as well as those of victims and members of the community to which the prisoners were to be released.

17. Eric Koi Senessie was convicted of contempt of court for offering a bribe to multiple witnesses and attempting to influence a witness to recant testimony given in the trial of Mr. Taylor. He was sentenced to two years in prison, with credit for time served in custody since 14 June 2012. Mr. Senessie submitted an application for eligibility for consideration for conditional early release to the President of the Residual Special Court on 16 April 2014. The President, satisfied that Mr. Senessie had met all requirements for conditional early release, granted the application. Owing to Mr. Senessie's unsatisfactory cooperation with the Court at the time of implementation of the President's decision granting him conditional early release, he was not released until 13 June 2014, after serving his full term of imprisonment.

18. Moinina Fofana, the former Director of War of the Civil Defence Forces during the armed conflict in Sierra Leone, was convicted of war crimes and crimes

against humanity and sentenced to 15 years in prison, with credit for time served in custody since 2003. He served his sentence in Rwanda. Mr. Fofana applied for conditional early release on 7 March 2014. The President issued his decision on Mr. Fofana's application on 11 August 2014, granting the application but ordering a suspension of his release for six months, during which Mr. Fofana was to receive intensive training regarding the gravity of his crimes and the law relevant thereto. Mr. Fofana was to apologize for his crimes and to make a full acknowledgement of responsibility for the leadership role that he had played in the armed conflict in Sierra Leone before being released.

19. The Office of the Registrar, through the Witness and Victim Protection and Support Office and the Outreach Section, consulted with witnesses, victims and community leaders, as required by the practice direction, in order to verify that Mr. Fofana would not be a danger to the witnesses who had testified against him or the community to which he would be returned and that he would be welcomed by the community where he would be resettled. The training ordered by the President was successfully conducted by the Rwanda Correctional Service in consultation and coordination with the Office of the Registrar.

20. Mr. Fofana was subsequently released early in 2015 to serve the remainder of his sentence in his community, under the supervision of the local police, the first time that an international criminal tribunal had granted supervised conditional early release to a war crimes convict. The management by the Residual Special Court of the release of a high-profile war crimes convict through a process of supervised release subject to strict conditions is the first implementation of such measures. It has facilitated the reintegration of the prisoner in the community and helps to mitigate the risk of recidivism and reprisals against witnesses.

3. Supervision of enforcement of sentences

21. Pursuant to article 23 of its statute, the Residual Special Court has the responsibility to supervise the enforcement of sentences for persons convicted by the Special Court. At the commencement of operations in 2014, eight persons convicted by the Special Court were serving their sentences in Rwanda, one was serving his sentence in the United Kingdom and one, who was convicted of contempt of the Special Court, was serving his sentence at the Court's detention centre in Freetown.

22. The Registrar undertook annual visits and provided regular updates to the Rwandan and United Kingdom authorities in order to keep them up to date on the operations of the Residual Special Court, as well as on the Ebola virus situation in Sierra Leone, and to maintain an open line of communication with respect to the prisoners. Dialogue with Rwanda was also necessary to maintain open discussions about ongoing cooperation between the Residual Special Court and Rwanda, with specific regard to the conditional early release procedures and facilitating family visits. In turn, the Rwandan and United Kingdom authorities provided regular updates on the status of the prisoners and on any issues requiring the Registrar's action that arose.

23. The supervision of sentences also requires an assessment by independent monitoring authorities. Annual visits to Rwanda were conducted by the International Committee of the Red Cross and to the United Kingdom by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

4. Assistance to national authorities

24. Pursuant to the aspect of its mandate relating to the provision of assistance to national prosecuting authorities, the Residual Special Court has been receiving and responding to requests for assistance from such authorities. To date, the Office of the Prosecutor has fully responded to at least 12 such requests, while work continues on follow-up issues on a handful of others. Typically, the requests are for information on individuals accused of involvement in war-related crimes during the conflicts in Sierra Leone and Liberia who are now resident in the jurisdictions of the requesting authority pursuant to an asylum claim or other status. In addition, the Office of the Prosecutor receives and responds to requests for information or assistance from researchers on academic and media projects. In this regard, the Office has also responded to two major requests.

5. Maintenance of archives and court management

25. Maintenance of the Special Court and Residual Special Court archives is ongoing. Archivists continue to work to complete archiving of all final Special Court documents and data, as well as establish a system that will enable the filing of Residual Special Court documents in real time and allow for a more efficient future file management system. At present, the physical archives of the Residual Special Court occupy approximately 580 linear metres of paper records, and the digital archives occupy a total space of approximately 13.4 terabytes (13,401 gigabytes). An assessment was conducted in the fourth quarter of 2014 to review progress made and to identify gaps remaining in the Special Court archiving. Following that assessment, a plan was devised to address the gaps efficiently. The plan is being implemented with the assistance of an information technology specialist hired from the Residual Special Court roster of staff, who had previously been seconded to the Special Court from the Government of Switzerland.

6. Plenary of judges

26. The plenary of judges is scheduled to be held during the first week of December 2015 and will be the first opportunity, after nearly two years of operations, for the Residual Special Court to review its rules and other procedures necessary for the functioning of the Court.

IV. Resource requirements and current financial situation

27. The concerns expressed by the Secretary-General in document [S/2012/891](#) have been realized: the current financial situation of the Residual Special Court is such that it will be unable to continue its work beyond early 2016 if there are no further voluntary contributions.

Resource requirements

28. The resource requirements of the Residual Special Court for the biennium 2016-2017 are estimated at \$7,192,600, the yearly amount of which is less than 10 per cent of the yearly requirements of the Special Court at its peak (\$36 million per year). Still, the challenge of raising the funds required to guarantee sustained funding for the work of the Residual Special Court is proving to be insurmountable. While the total requirements of the Court for 2016-2017 amount to \$7,192,600, part

of the requirements in the amount of \$1,157,800 would be met from the voluntary contribution expected to be available in 2016. Thus, the subvention requested in the present report, which amounts to \$6,034,800, would fund the remaining balance of the total requirements. The subvention requested in the present report would be in the form of a grant to the Court. A breakdown of the Court's total requirements by component, object of expenditure and funding availability is provided in tables 1 and 2.

29. Information on the availability of funds and expenditure as at 30 September 2015 and on the distribution of resources between judicial and non-judicial functions is contained in annexes I and II, respectively.

Table 1
Requirements by component and funding availability

(United States dollars)

<i>Component</i>	<i>1 January-31 December 2015 (estimated requirements)^a</i>	<i>1 January-30 September 2015 (actual expenditure)</i>	<i>1 October-31 December 2015 (projected expenditure)</i>	<i>1 January-31 December 2015 (estimated expenditure)^b</i>	<i>1 January-31 December 2016 (estimated requirements)^a</i>	<i>1 January-31 December 2017 (estimated requirements)^a</i>	<i>Total estimated requirements 2016-2017</i>
<i>Component</i>	<i>(a)</i>	<i>(b)</i>	<i>(c)</i>	<i>(d) = (b) + (c)</i>	<i>(e)</i>	<i>(f)</i>	<i>(g) = (e) + (f)</i>
Expenditure/requirements							
1. Chambers/judges/judicial	902 400	176 237	198 000	374 237	1 124 000	1 124 000	2 248 000
2. Office of the Prosecutor	35 000	2 746	10 000	12 746	60 000	60 000	120 000
3. Registry	2 516 600	1 463 702	838 415	2 302 117	2 412 300	2 412 300	4 824 600
Subtotal	3 454 000	1 642 685	1 046 415	2 689 100	3 596 300	3 596 300	7 192 600
Funds available							
Balance brought forward (1 January)	–	–	–	1 146 600	1 157 800	–	1 157 800
Pledges and contributions	–	–	–	1 866 680	–	–	–
Anticipated pledges	–	–	–	833 620	–	–	–
Subtotal	–	–	–	3 846 900	1 157 800	–	1 157 800
Surplus/(shortfall)	–	–	–	1 157 800	(2 438 500)	(3 596 300)	(6 034 800)

^a Approved by the Oversight Committee.

^b While the budget for 2015 approved by the Oversight Committee amounted to \$3,454,000, the projected expenditure amounts to \$2,689,100. The lower projected expenditure is due to a reduction in judicial activity: a trial chamber and an appeals chamber were budgeted for in 2015, but the Trial Chamber was expeditious in its delivery, and the Appeals Chamber was not constituted, as the final decision was made by the President.

Table 2
Requirements by object of expenditure and funding availability

(United States dollars)

<i>Object of expenditure</i>	<i>1 January-31 December 2015 (estimated requirements)^a</i>	<i>1 January-30 September 2015 (actual expenditure)</i>	<i>1 October-31 December 2015 (projected expenditure)</i>	<i>1 January-31 December 2015 (estimated expenditure)^b</i>	<i>1 January-31 December 2016 (estimated requirements)^a</i>	<i>1 January-31 December 2017 (estimated requirements)^a</i>	<i>Total estimated requirements 2016-2017</i>
	(a)	(b)	(c)	(d) = (b) + (c)	(e)	(f)	(g) = (e) + (f)
Expenditure/requirements							
Posts (gross)	1 088 100	764 626	267 800	1 032 426	1 102 200	1 102 200	2 204 400
Common staff costs	408 200	37 981	241 700	279 681	786 300	786 300	1 572 600
Compensation to judges	802 600	113 798	149 100	262 898	218 900	218 900	437 800
Consultants and experts	52 500	–	22 000	22 000	31 500	31 500	63 000
Travel	240 500	58 777	63 500	122 277	352 100	352 100	704 200
Contractual services	553 000	423 228	197 400	620 628	581 000	581 000	1 162 000
General operating expenses	291 200	223 469	71 400	294 869	502 300	502 300	1 004 600
Supplies and materials	17 900	14 652	20 900	35 552	17 000	17 000	34 000
Acquisition of furniture and equipment	–	6 154	12 615	18 769	5 000	5 000	10 000
Subtotal	3 454 000	1 642 685	1 046 415	2 689 100	3 596 300	3 596 300	7 192 600
Funds available							
Balance brought forward (1 January)	–	–	–	1 146 600	1 157 800	–	1 157 800
Pledges and contributions, 2015	–	–	–	1 866 680	–	–	–
Anticipated pledges	–	–	–	833 620	–	–	–
Subtotal	–	–	–	3 846 900	1 157 800	–	1 157 800
Surplus/(shortfall)	–	–	–	1 157 800	(2 438 500)	(3 596 300)	(6 034 800)

^a Approved by the Oversight Committee.

^b While the budget for 2015 approved by the Oversight Committee amounted to \$3,454,000, the projected expenditure amounts to \$2,689,100. The lower projected expenditure is due to a reduction in judicial activity: a trial chamber and an appeals chamber were budgeted for in 2015, but the Trial Chamber was expeditious in its delivery, and the Appeals Chamber was not constituted, as the final decision was made by the President.

30. The fundamental assumptions forming the basis of the budget are derived from the practical experience of approximately two years of Residual Special Court operations. The Residual Special Court shall continue to carry out its functions at an interim seat in The Hague, with a sub-office in Sierra Leone to manage functions including witness and victim protection and support, defence issues and coordination of matters related to persons convicted by the Special Court. The Residual Special Court will consist of 13 full-time staff to be based in the two locations.

31. The office of the Residual Special Court in The Hague will consist of six staff members: the Registrar (D-2), one Prosecution Legal Adviser (P-4), one Legal Officer in the Office of the Registrar (P-3), one Archiving Officer (P-2/1), one Office Manager (P-2) and one Associate Legal Officer (P-2/1). The Court's sub-office

in Freetown will consist of seven staff members: one Senior Legal Officer (P-4), one Associate Defence Legal Officer (P-2/1), three Witness Protection and Support Supervisors/Officers (National Professional Officer), one Administrative Assistant (Local level) and one Cleaner (Local level). The Court will rely on short-term consultancies, expert services, interns and pro bono services to supplement its staff resources.

32. Annex III provides the details of post requirements by category, level and location for the biennium 2016-2017, inclusive of judicial functions, the President and the Prosecutor at the USG level and the Principal Defender at the P-4 level.

33. The Residual Special Court is a new entity still in the very early stages of its operations. The scope of its judicial functions and the frequency of the exercise of those functions cannot be fully determined and anticipated.¹ For that reason, the Court is expected to evolve progressively as it continues to execute its mandate.

Current financial situation

34. The bank balance of the Residual Special Court as at 30 September 2015 was \$1,056,604. Currently, there are four outstanding pledges for €500,000, €150,000, SKr 500,000 and \$50,000 from the Netherlands, Ireland, Sweden and Turkey, respectively. If those outstanding pledges are paid, there will be sufficient funds for the Court until the end of April 2016.

V. Intensive fundraising efforts in 2014 and 2015

35. Cognizant of the difficulties of securing funds through voluntary contributions, the Oversight Committee, the Registrar and other officials of the Residual Special Court have intensified fundraising efforts since the commencement of operations of the Court in 2014. The Court adopted a proactive fundraising approach by seeking funds for three to five years based on an annual budget of \$3.5 million while exploring an alternative source of long-term sustainable funding. As soon as the Court commenced operations in 2014, the Court and the Oversight Committee held numerous meetings to discuss fundraising challenges and possible options for short- and long-term sustainable funding. A fundraising plan was developed that targeted Member States and regional groups, including the African Union and the European Union, in order to raise the Court's profile and ensure adequate funding for the implementation of its mandate.

36. In July 2014, the Chair of the Oversight Committee and the Permanent Representative of Sierra Leone to the United Nations jointly sent letters requesting donations for the Court to 90 diplomatic missions to the United Nations. Subsequently, introductory and preparatory meetings were held with approximately 50 diplomatic missions to raise awareness of the Court and its core mandate, as well as to advise them of upcoming fundraising missions that would be undertaken by the Court's principals (the President, the Prosecutor and the Registrar).

¹ The estimated resource requirements for judicial activities for 2016-2017 detailed herein do not include resources for review proceedings that may arise pursuant to article 22 of the Court's statute or for the trial of Mr. Koroma, should he be alive and apprehended. The Prosecutor has concluded negotiations with a country willing and able to prosecute Mr. Koroma, and transfer of the case is a matter of judicial determination.

37. From October to December 2014, the three principals of the Residual Special Court held a combined total of 70 bilateral meetings and briefings with various diplomatic missions, organizations and institutions in Brussels, Addis Ababa, The Hague, New York and Washington, D.C. During one of the fundraising events, a total of 28 countries participated.

38. In May 2015, the Secretary-General sent a letter of appeal to all States Members of the United Nations seeking their financial support for the operations of the Residual Special Court. The Permanent Mission of Sierra Leone to the United Nations has since sent 80 notes verbales to non-African members of the Group of 77, and the Permanent Representative and the Deputy Permanent Representative of Sierra Leone to the United Nations have been holding bilateral meetings with States Members of the United Nations and regional groupings. There have been at least 25 such meetings to date.

39. The Oversight Committee and the Residual Special Court also continued to intensify fundraising efforts through follow-up meetings and communications with diplomatic missions. The Court has also been interacting with international non-governmental organizations,² seeking their advocacy support to enhance its fundraising efforts. More than 40 meetings have been held so far by the Oversight Committee, the non-governmental organizations and the Residual Special Court, bringing the total number of fundraising-focused meetings held in 2015 to more than 70.

40. Despite the 282 appeal letters that have been sent and more than 150 fundraising meetings held since the Residual Special Court commenced operations, the Court's financial situation remains dire.

VI. Efficiency measures

41. The Residual Special Court is committed to reducing costs and increasing efficiency, continuing and improving on policies adopted by its predecessor. The Court's sub-office in Freetown is co-located with the National Witness Unit, while its interim seat in The Hague is co-located and shares an administrative and technical platform with the International Tribunal for the Former Yugoslavia.

42. The Registrar is the only senior full-time staff member of the Residual Special Court. The President, the judges (called from the roster as and when needed), the Prosecutor and the Principal Defender all work remotely only as necessary and are remunerated on a pro rata basis. A total of 13 full-time staff members provide all of the required support services to the Court.

43. The Residual Special Court also relies on short-term contractors, pro bono assistance and interns to supplement its staff resources. In respect of the determination of two applications for conditional early release and four motions relating to the enforcement of sentences, which resulted in the issuance of

² International Centre for Transitional Justice, Human Rights Watch, Open Society Justice Initiative, No Peace Without Justice and Amnesty International.

15 judicial and administrative decisions throughout 2014 and 2015,³ the Court relied on short-term contractors and pro bono assistance rather than increasing staffing levels. The Court has also retained the expert services of professionals, such as a Press Officer and a Detention Adviser, who will be called upon to work on an ad hoc basis only as necessary and will be remunerated on a pro rata basis. Furthermore, at the Oversight Committee's request, the Auditor General of South Africa agreed to conduct the annual audit of the Court on a pro bono basis.

VII. Conclusion and recommendation

44. **Given the lack of adequate and sustained voluntary contributions for the Residual Special Court for Sierra Leone to fulfil its mandate, the Secretary-General requests the General Assembly to approve a subvention in the amount of \$6,034,800 in order to fund the activities of the Court for 2016 and 2017, after taking into account the voluntary contributions totalling \$1,157,800 expected to be available for 2016. Any further voluntary contributions received during 2016 and 2017 would reduce the utilization of the subvention, which would be reported in the second performance report on the programme budget for the biennium 2016-2017 accordingly.**

45. **The General Assembly is requested:**

(a) **To approve a subvention in the amount of \$6,034,800 for the period from 1 January 2016 to 31 December 2017 for the Residual Special Court for Sierra Leone, after taking into account the voluntary contributions expected to be available for 2016;**

(b) **To appropriate the amount of \$6,034,800 as a subvention to the Residual Special Court for Sierra Leone under the programme budget for the biennium 2016-2017.**

³ See e.g. *In the matter of Charles Ghankay Taylor*, Case No. RSCSL-03-01-ES (“*In Re Taylor*”), Decision on Charles Ghankay Taylor’s motion for termination of enforcement of sentence in the United Kingdom and for transfer to Rwanda and on defence application for leave to appeal decision on motion for termination of enforcement of sentence in the United Kingdom and for transfer to Rwanda, 21 May 2015; *In Re Taylor*, Decision on motion for a formal request or order directing the United Kingdom to permit family visits, 17 October 2014; *The Prosecutor v. Moinina Fofana*, Case No. SCSL-04-14-ES, Decision of the President on application for conditional early release, 11 August 2014; *The Prosecutor v. Eric Koi Senessie*, Case No. SCSL-11-01-ES, Decision of the President on application for conditional early release, 4 June 2014.

Annex I

Funds available for the Residual Special Court for Sierra Leone and actual expenditure as at 30 September 2015

A. Income as at 30 September 2015

(United States dollars)

Cash balance brought forward as at 1 January 2015	1 146 600
Contributions received from 1 January to 30 September 2015	1 866 680
Contributions anticipated and pledges, 1 October to 31 December 2015	833 620
Total	3 846 900

B. Expenditure as at 30 September 2015

(United States dollars)

	<i>Disbursement</i>	<i>Obligation</i>	<i>Total expenditure</i>
	<i>(a)</i>	<i>(b)</i>	<i>(c) = (a) + (b)</i>
January	128 634	20 000	148 634
February	168 828	19 000	187 828
March	206 715	19 000	225 715
April	128 952	18 000	146 952
May	220 341	19 000	239 341
June	158 702	19 000	177 702
July	130 701	19 000	149 701
August	126 577	19 000	145 577
September	195 235	26 000	221 235
October	–	–	–
November	–	–	–
December	–	–	–
Total	1 464 685	178 000	1 642 685

Annex II**Requirements by object of expenditure: non-judicial and judicial proceedings**

(United States dollars)

<i>Object of expenditure</i>	<i>Non-judicial</i>			<i>Judicial</i>			<i>Total</i>
	<i>2016</i>	<i>2017</i>	<i>Subtotal</i>	<i>2016</i>	<i>2017</i>	<i>Subtotal</i>	
	<i>(a)</i>	<i>(b)</i>	<i>(c) = (a) + (b)</i>	<i>(d)</i>	<i>(e)</i>	<i>(f) = (d) + (e)</i>	
Posts (gross)	915 900	915 900	1 831 800	186 300	186 300	372 600	2 204 400
Other staff costs	434 200	434 200	868 400	352 100	352 100	704 200	1 572 600
Salary to judges	92 900	92 900	185 800	126 000	126 000	252 000	437 800
Consultants and experts	31 500	31 500	63 000	–	–	–	63 000
Travel	127 000	127 000	254 000	225 100	225 100	450 200	704 200
Contractual services	547 700	547 700	1 095 400	33 300	33 300	66 600	1 162 000
General operating expenses	389 100	389 100	778 200	113 200	113 200	226 400	1 004 600
Supplies and materials	17 000	17 000	34 000	–	–	–	34 000
Furniture and equipment	5 000	5 000	10 000	–	–	–	10 000
Total	2 560 300	2 560 300	5 120 600	1 036 000	1 036 000	2 072 000	7 192 600

Annex III

Staffing requirements

A. Post requirements for the Residual Special Court for the biennium 2016-2017 (on a full-time basis)

Location	International staff							National staff			Total
	USG	D-2	P-4	P-3	P-2	P-1	Subtotal	National Professional Officer	Local level	Subtotal	
The Hague	–	1	1	1	2	1	6	–	–	–	6
Freetown	–	–	1	–	–	1	2	3	2	5	7
Total	–	1	2	1	2	2	8	3	2	5	13

B. Staffing requirements for the Residual Special Court for the biennium 2016-2017 by location and component (sourced from the roster if required for judicial activity)

Location and component	International staff							National staff			Total
	USG	D-2	P-4	P-3	P-2	P-1	Subtotal	National Professional Officer	Local level	Subtotal	
The Hague											
Judicial	6	–	4	2	–	–	12	–	5	5	17
Non-judicial ^a	2	–	–	–	–	–	2	–	–	–	2
Total	8	–	4	2	–	–	14	–	5	5	19

^a The President and the Prosecutor (USG level) work remotely; the posts have been included in the staffing table because they have been budgeted for six months and four months per annum, respectively.