

2. In the event of a trial or appeal by the Residual Special Court, the President and the Prosecutor shall submit six-monthly reports to the Secretary-General and to the Government of Sierra Leone.

Passed in Parliament this 15th day of December, in the year of our Lord two thousand and eleven.

IBRAHIM S. SASAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SASAY,
Clerk of Parliament.

ACT

*Supplement to the Sierra Leone Gazette Vol. CXLIII, No. 6
dated 9th February 2012*

SIGNED this 1st day of February, 2012.

DR. ERNEST BAI KOROMA,
President.



No. 1



2012

**The Residual Special Court for Sierra Leone Agreement
(Ratification) Act, 2011**

Short title.

Being an Act to ratify the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of Residual Special Court for Sierra Leone signed on the 11th August, 2010 and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

WHEREAS, pursuant to Security Council resolution 1315 (2000) adopted on 14 August, 2000, the Special Court for Sierra Leone (hereinafter “the Special Court”) was created by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November, 1996;

WHEREAS, according to Article 23 of the Agreement, the Agreement shall be terminated by agreement of the Parties upon completion of the judicial activities of the Special Court;

WHEREAS, in anticipation of the completion of the judicial activities of the Special Court, the United Nations and the Government of Sierra Leone are convinced of the need to establish a small and efficient residual court comprising such number of staff as is commensurate with its reduced functions, to carry out essential functions of the Special court after its closure;

NOW THEREFORE the United Nations and the Government of Sierra Leone (hereinafter referred to jointly as “the Parties”) have agreed as follows:

Article 1
Establishment and Functions

1. There is hereby established a Residual Special Court for Sierra Leone (the “Residual Special Court”) to carry out the functions of the Special Court for Sierra Leone that must continue after the closure of the Special Court.
2. The Residual Special Court shall be governed by the Statute annexed to this Agreement, which forms an integral part hereof.
3. The Residual Special Court shall continue the jurisdiction, functions, rights and obligations of the Special Court subject to the provisions of this Agreement and the Statute.

Article 2
Composition

The Residual Special Court shall be composed of the Chambers, consisting of the President and when necessary a Trial Chamber and Appeals Chamber, the Prosecutor, and the Registrar.

Article 3
Expenses

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 financing the Residual Special Court.

Article 4
Oversight Committee

The Residual Special Court shall have an oversight committee to assist in obtaining adequate funding and to provide advice and policy direction on all non-judicial aspects of its operation. The oversight committee shall consist of the Parties and significant contributors to the Residual Special Court.

Article 5
Juridical Capacity

The Residual Special Court shall possess the juridical capacity necessary to:

- (a) contract;
- (b) acquire and dispose of moveable and immovable property;

- (c) institute legal proceedings;
- (d) enter into agreements with States and International Organizations as may be necessary for the exercise of its functions and for its operation.

Article 6
Seat

The Residual Special Court shall have its principal seat in Sierra Leone. The Residual Special Court shall carry out its functions at an interim seat in The Netherlands, with a branch or sub-office in Sierra Leone for witness and victim protection and support, until such time as the Parties agree otherwise. The Residual Special Court may meet away from its seat if it considers it necessary for the efficient exercise of its functions.

Article 7
Archives

1. The archives and other documents of the Special Court shall be the property of the Residual Special Court, without prejudice to the rights of, and conditions imposed by, information providers and other third parties. The Residual Special Court shall maintain, as necessary, the confidentiality of the archives and shall ensure the continued protection of information that was provided by individuals, States and other entities with confidentiality restrictions under the Rules of Procedure and Evidence of the Special Court for Sierra Leone or protected by judicial orders of the Special Court.

2. The original archives shall be co-located with the Residual Special Court. In order to preserve and promote the legacy of the Special Court, electronic access to, and printed copies of, the public archives shall be available to the public in Sierra Leone.

3. The Parties may at any time agree to re-locate the original archives to Sierra Leone when there is a suitable facility for their preservation and sufficient security for maintaining the archives in accordance with international standards.

4. The Residual Special Court shall be responsible for the management, including preservation and provision of access, of its archives.

5. The archives, and in general all documents and materials made available, belonging to or used by the Residual Special Court, wherever located and by whomsoever held, shall be inviolable in Sierra Leone. Arrangements shall be made to ensure that the archives, and in general all documents and materials made available, belonging to or used by the Residual Special Court, wherever located and by whomsoever held, shall be inviolable.

Article 8
Inviolability of premises

1. The premises of the Residual Special Court in Sierra Leone shall be inviolable. Appropriate arrangements shall also be made to ensure that any premises of the Residual Special Court elsewhere are inviolable.

2. The property, funds and assets of the Residual Special Court, wherever located and by whomsoever held, shall be immune in Sierra Leone from search, seizure, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial, or legislative action. Appropriate arrangements shall be made for such immunity at any other location of the Residual Special Court.

Article 9
Immunity of Funds, Assets and other Property

The Residual Special Court, its funds, assets and other property, wherever located and by whomsoever held, shall enjoy immunity in Sierra Leone from every form of legal process, except insofar as in any particular case the Residual Special Court has expressly waived its immunity. A waiver of immunity does not extend to any measure of execution. Appropriate arrangements shall be made for such immunity at any other location of the Residual Special Court.

Article 10**Privileges and Immunities**

1. The President, Judges, Prosecutor, Registrar, and staff serving with the Residual Special Court shall be accorded in Sierra Leone those privileges and immunities accorded to officials of the United Nations, *mutatis mutandis*, under Section 18 of the 1946 Convention on the Privileges and Immunities of the United Nations. Appropriate arrangements shall be made for such privileges and immunities to be accorded to those serving at other locations of the Residual Special Court.

2. These privileges and immunities will be accorded in the interest of the Residual Special Court and not for the personal benefit of the individuals themselves.

3. Other persons, including the accused, witnesses, victims and defence counsel required at the seat or other location of the Residual Special Court shall be accorded in Sierra Leone such treatment as is necessary for the proper functioning of the Residual Special Court. Appropriate arrangements shall be made for such treatment to be accorded to these persons at other locations of the Residual Special Court.

Article 11**Cooperation with the Residual Special Court**

The Government of Sierra Leone shall cooperate with the Residual Special Court in all its operations. The Government shall comply without undue delay with any request for assistance by the Residual Special Court or an order issued by the Chambers, including, but not limited to:

- (a) Identification and location of persons;
- (b) Service of documents;

- (c) Arrest or detention of persons;
- (d) Transfer of an indictee to the Residual Special Court.

Article 12**Practical Arrangements**

Appropriate arrangements shall be made to ensure that there is a coordinated transition from the activities of the Special Court to the activities of the Residual Special Court. Priority shall be given to the needs of the Residual Special Court in the liquidation of the assets of the Special Court, after which the assets shall be disposed of to the Government of Sierra Leone in accordance with the liquidation policy of the Special Court.

Article 13**Settlement of Disputes**

Any dispute between the Parties concerning the interpretation or application of this Agreement shall be settled by negotiation, or by any other mutually agreed upon mode of settlement.

Article 14**Entry into Force**

The present Agreement shall enter into force on the day after both Parties have notified each other in writing that the legal requirements for entry into force have been complied with. The Residual Special Court shall commence operations immediately upon the closure of the Special Court.

Article 15
Amendment

This Agreement may be amended by written agreement of the Parties.

Article 16
Termination

This Agreement shall be terminated by written agreement of the Parties. The provisions relating to the inviolability of the funds, assets, archives and documents of the Residual Special Court, the privileges and immunities of those referred to in this Agreement, as well as provisions relating to the treatment of defence counsel, victims and witnesses, shall survive the termination of this Agreement.

Article 17
Disposition of Assets

On the completion of the work of the Residual Special Court, any assets inherited from the Special Court or acquired by the Residual Special Court shall become the property of the Government of Sierra Leone.

IN WITNESS WHEREOF, the following duly authorized representatives of the United Nations and of the Government of Sierra Leone have signed this Agreement in two originals in the English language.

For the United Nations

Peter Taksoe-Jensen
*Assistant Secretary-General
for Legal Affairs*

Date: 29th July, 2010

For the Government of Sierra Leone

Abdul Serry Kamal
*Minister of Justice and
Attorney-General*

Date: 11th August, 2010

STATUTE OF THE RESIDUAL SPECIAL COURT FOR SIERRA LEONE

The Residual Special Court established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (“the Agreement”) shall function in accordance with the provisions of the present Statute.

Article 1
Competence

1. 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.

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

Article 2
Crimes against humanity

The Residual Special Court shall have the power to prosecute persons who committed the following crimes as part of a widespread or systematic attack against any civilian population:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation;
- (e) Imprisonment;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence;
- (h) Persecution on political, racial, ethnic or religious grounds;
- (i) Other inhumane acts.

Article 3
Violations of Article 3 common to the
Geneva Conventions and of Additional Protocol II

The Residual Special Court shall have the power to prosecute persons who committed or ordered the commission of serious violations of Article 3 common to the Geneva Conventions of 12 August, 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include:

- (a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) Collective punishments;
- (c) Taking of hostages;
- (d) Acts of terrorism;

- (e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) Pillage;
- (g) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;
- (h) Threats to commit any of the foregoing acts.

Article 4
Other serious violations of international humanitarian law

The Residual Special Court shall have the power to prosecute persons who committed the following serious violations of international humanitarian law:

- (a) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- (b) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (c) Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

Article 5
Crimes under Sierra Leonean Law

The Residual special Court shall have the power to prosecute persons who have committed the following crimes under Sierra Leonean law:

- (a) Offences relating to the abuse of girls under the Prevention of Cruelty to Children Act, 1926 (Cap. 31):
- (i) Abusing a girl under 13 years of age, contrary to section 6;
 - (ii) Abusing a girl between 13 and 14 years of age, contrary to section 7;
 - (iii) Abduction of a girl for immoral purposes, contrary to section 12.
- (b) Offences relating to the wanton destruction of property under the Malicious Damage Act, 1861:
- (i) Setting fire to dwelling-houses, any person being therein, contrary to section 2;
 - (ii) Setting fire to public buildings, contrary to sections 5 and 6
 - (iii) Setting fire to other buildings, contrary to section 6.

Article 6
Individual Criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Articles 2 to 4 of the present Statute shall be individually responsible for the crime.
2. The official position of any accused persons, whether as Head of State or Government or as a responsible government official, shall not relieve such person of criminal responsibility nor mitigate punishment.
3. The fact that any of the acts referred to in Articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate

was about to commit such acts or had done so and the superior had failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the Residual Special Court determines that justice so requires.

5. Individual criminal responsibility for the crimes referred to in Article 5 shall be determined in accordance with the respective laws of Sierra Leone.

Article 7
Referral of cases to national jurisdictions

1. The Residual Special Court shall have power, and shall undertake every effort, to refer the case of the remaining fugitive Special Court indictee to a competent national jurisdiction for investigation and prosecution, if the Special Court has not referred the case to a national jurisdiction.

2. After the referral, the Residual Special Court shall monitor the case through cooperation with international or regional organizations.

3. The Residual Special Court may revoke the referral only if:

- (a) The national jurisdiction is unwilling or unable to prosecute the accused; or
- (b) The national court proceedings are not impartial or independent, are designed to shield the accused from international criminal responsibility, or the case is not diligently prosecuted; and
- (c) The accused has not yet been found guilty or acquitted.

Article 8
Concurrent Jurisdiction

1. The Residual Special Court and the national courts of Sierra Leone shall have concurrent jurisdiction.

2. The Residual Special Court shall have primacy over the national courts of Sierra Leone in matters falling within Article 1 (2) above. At any stage of proceedings, the Residual Special Court may formally request a national court to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence.

Article 9
Non bis in idem

1. No person shall be tried before a national court of Sierra Leone for acts for which he or she has already been tried by the Special Court for Sierra Leone or the Residual special Court.

2. Should the remaining fugitive Special Court indictee be tried by a national court, the Residual Special Court may try him subsequently, or may refer his case to a competent national jurisdiction, only if:

- (a) The act for which he was tried was characterized as an ordinary crime; or
- (b) The national court proceedings were not impartial or independent, were designed to shield him from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the Residual Special Court shall take into account the extent to which any penalty imposed by a national court shall take into account the extend to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10
Amnesty

An amnesty granted to any person falling within the jurisdiction of the Residual Special Court in respect of the crimes referred to in Articles 2 to 4 of the present Statute shall not be a bar to prosecution.

Article 11
Roster of Judges

1. There shall be a roster of no fewer than 16 judges who may be assigned to the Trial Chamber and Appeals Chamber. The judges shall not receive any remuneration or other benefits for being on the roster, but shall be remunerated on a *pro-rata* basis if called upon by the President to serve the Residual Special Court.

2. The judges shall be persons of high moral character, impartiality and intergrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. They shall be independent in the performance of their functions, and shall not accept or seek instructions from any Government or any other source.

3. Ten judges shall be appointed to the roster by the Secretary-General and six judges shall be appointed to the roster by the Government of Sierra Leone. Additional judges shall be appointed, when necessary, by the Secretary-General in consultation with the Government of Sierra Leone. In the appointment of judges, particular account shall be taken of the experience of former judges of the Special Court, the International Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Extraordinary Chambers in the Courts of Cambodia, the International Criminal Court, and the Special Tribunal for Lebanon.

4. Judges shall be appointed to the roster for a six-year term and shall be eligible for reappointment.

Article 12**The President**

1. The judges on the roster shall elect a President, who shall serve as the duty judge of the Residual Special Court to handle any judicial work, including but not limited to contempt proceedings, that arises but that does not require convening a Trial Chamber pursuant to Article 13 (1) or Appeals Chamber pursuant to Article 13 (2).

2. The President shall in as far as possible carry out his or her functions remotely and shall be present at the seat of the Residual Special Court only as necessary to carry out functions. The President shall be remunerated on a *pro-rata* basis.

Article 13**Assignment of Judges**

1. In the event that the need arises for a trial or to review a judgement, the President shall have the authority to convene a Trial Chamber consisting of two judges appointed by the Secretary-General and one judge appointed by the Government of Sierra Leone. The judges shall elect a presiding judge from amongst themselves.

2. In the event of an appeal, the President shall have the authority to convene an Appeals Chamber consisting of three judges appointed by the Secretary-General and two judges appointed by the Government of Sierra Leone. The judges shall elect a presiding judge from amongst themselves.

3. In exceptional circumstances, the President may also designate from the roster an additional duty judge to exercise judicial functions that cannot be carried out by the President or by a Trial Chamber or Appeals Chamber which has been convened already.

4. The judges assigned to the Chambers and any additional duty judge shall be present at the seat of the Residual Special Court only as necessary at the request of the President to carry out their functions. In so far as possible, they shall carry out their functions remotely.

Article 14**The Prosecutor**

1. The Secretary-General, after consultation with the Government of Sierra Leone, shall appoint a Prosecutor for a three-year term. The Prosecutor shall be eligible for reappointment.

2. The Prosecutor shall be of high moral character and integrity, and shall possess the highest level of professional competence and extensive experience in the conduct of investigations and prosecutions of international criminal cases. The Prosecutor shall be independent in the performance of his or her functions and shall not accept or seek instructions from any Government or any other source.

3. The Prosecutor shall be responsible for the investigation and prosecution of the remaining fugitive Special Court indictees, of any cases of contempt of court that may arise, and of any cases resulting from review of convictions and acquittals. The Prosecutor shall act independently as a separate organ of the Residual Special Court.

4. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor shall, as appropriate, be assisted by the Sierra Leonean authorities concerned.

5. The Prosecutor shall in so far as possible carry out his or her functions remotely and shall be present at the seat of the Residual Special Court only as necessary to carry out functions. The Prosecutor shall be remunerated on a *pro-rata* basis.

Article 15**The Registrar**

1. The Secretary-General, in consultation with the President of the Residual Special Court, shall appoint a Registrar for a three-year term. The Registrar shall be eligible for reappointment.

2. The Registrar shall be of high moral character and integrity, and shall possess the highest level of professional competence. The Registrar shall be independent in the performance of his or her functions and shall not accept or seek instructions from any Government or any other source.

3. The Registrar shall be responsible for the servicing of the Residual Special Court, and for the recruitment and administration of staff. The Registrar shall also administer the financial resources of the Residual Special Court.

4. The Residual Special Court shall retain a small number of staff commensurate with its functions. The Registrar shall also create and maintain a roster of suitably qualified potential staff who may be called on as necessary to perform functions required by the Residual Special Court. Particular account shall be taken of the experience of former staff of the Special Court, the International Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Extraordinary Chambers in the Courts of Cambodia, the International Criminal Court, and the Special Tribunal for Lebanon.

5. The Registrar shall be based permanently at the seat of the Residual Special Court.

Article 16**Rules of Procedure and Evidence**

1. The Rules of Procedure and Evidence of the Special Court for Sierra Leone obtaining at the time of the closure of the Special Court shall apply *mutatis mutandis* to the conduct of the legal proceedings before the Residual Special Court.

2. The President may convene a plenary meeting of five international judges and three Sierra Leonean judges from the roster of the Residual Special Court to amend the Rules of Procedure and Evidence or adopt additional rules where the applicable Rules do not, or do not adequately, provide for a specific situation. In so doing, they may be guided, as appropriate, by the Criminal Procedure Act, 1965, of Sierra Leone.

Article 17**Rights of the Accused**

1. All accused shall be equal before the Residual Special Court.
2. The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Court and/or the Residual Special Court, including for the protection of victims and witnesses.
3. The accused shall be presumed innocent until proven guilty pursuant to this Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, he or she shall be entitled to the following minimum guarantees, in full equality:
 - (a) To be informed promptly and in detail in a language which he or she understands, of the nature and cause of the charge against him or her;
 - (b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
 - (c) To be tried without undue delay;
 - (d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing, to be

informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

- (e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
- (f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the Residual special Court;
- (g) Not to be compelled to testify against himself or herself or to confess guilt.

Article 18
Protection of witnesses and victims

The Residual Special Court shall provide for protective measures and security arrangements, counselling and other appropriate assistance for witnesses and victims who appeared before the Special Court or who appear before the Residual Special Court and others who are at risk on account of testimony given by such witnesses and victims. Such protection measures shall include, but shall not be limited to, the conduct of *in camera* proceedings and the protection of the victim's identity.

Article 19
Judgement

1. The Trial Chamber shall pronounce judgments and impose sentences and penalties on persons convicted of crimes pursuant to this Statute.

2. The judgment shall be rendered by a majority of the judges of the Trial chamber, and shall be delivered in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 20
Penalties

1. The Trial Chamber shall impose upon a convicted person imprisonment for a specified number of years. In determining the terms of imprisonment, the Trial Chamber shall, as appropriate, have recourse to the practice regarding prison sentences in the Special Court, the International Criminal Tribunal for Rwanda and the national courts of Sierra Leone.

2. In imposing the sentences, the Trial Chamber should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chamber may order the forfeiture of the property, proceeds and any assets acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the State of Sierra Leone.

Article 21
Appellate Proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chamber or from the Prosecutor on the following grounds:

- (a) A procedural error;
- (b) An error on a question of law invalidating the decision;
- (c) An error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chamber. The judgment shall be rendered by a majority of the judges of the Appeals Chamber, and shall be delivered in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

3. The judges of the Appeals Chamber shall be guided by the decisions of the Appeals Chambers of the Special Court for Sierra Leone, the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. In the interpretation and application of the laws of Sierra Leone, they shall be guided by the decisions of the Supreme Court of Sierra Leone.

Article 22
Review Proceedings

1. Where a new fact has been discovered which was not known at the time of the proceedings before the Special Court or the Trial Chamber or Appeals Chamber of the Residual Special Court and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit an application for review of the judgment.

2. An application for review shall be submitted to the President. The President may reject the application if he or she considers it to be unfounded. If the President determines that the application is meritorious, he or she may, as appropriate, reconvene the original Trial Chamber, or if not possible, constitute a new Trial Chamber.

Article 23
Enforcement of sentences

1. Imprisonment may be served in Sierra Leone or in any of the States which have concluded with the Residual Special Court or the Special Court an agreement for the enforcement of sentences, and which have indicated to the Registrar their willingness to accept convicted persons.

2. Conditions of imprisonment, whether in Sierra Leone or in a third State, shall be governed by the law of the State of enforcement subject to the supervision of the Residual Special Court. The State of enforcement shall be bound by the duration of the sentence, subject to Article 24 of the present Statute.

3. The Residual Special Court shall have the power to supervise the enforcement of sentences, including the implementation of the sentence enforcement agreements, and other agreements with international and regional organizations and other appropriate organizations and bodies.

Article 24
Pardon or Commutation of Sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the Residual Special Court accordingly. There shall only be pardon or commutation of sentence if the President of the Residual Special Court, in consultation with the judges who imposed the sentence where possible, so decides on the basis of the interests of justice and the general principles of law.

Article 25
Working Language

The working language of the Residual Special Court shall be English.

Article 26
Annual Report

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