



**PERMANENT MISSION OF THE REPUBLIC OF  
SIERRA LEONE TO THE UNITED NATIONS**

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**STATEMENT**

by

**H. E. DR. FRANCIS M. KAI-KAI**  
Permanent Representative

at the

**Fifth Committee of the United Nations General Assembly**

**Agenda Item 136:**

**Programme Budget for the Biennium 2018-2019: Request for Subvention to  
the Residual Special Court for Sierra Leone at the Main Part of the  
Seventy-Third Session of the United Nations General Assembly**

**New York, 28<sup>th</sup> November 2018**

*[Please Check Against Delivery]*

Chair,

As this is the first time my delegation is appearing before the distinguished delegates of the Fifth Committee this session, let me congratulate you, on your election as Chair of this Committee and other members of the Bureau, and further extend our best wishes for the rest of the session.

I deliver this Statement on the “*Programme Budget for the Biennium 2018-2019: Subvention to Residual Special Court for Sierra Leone*”, with gratitude and a great sense of responsibility.

My delegation thanks the Secretary-General for his report on the agenda item and takes note, with appreciation, of his request. We also note and thank the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for its related report. Permit me, Chair, to express my thanks to Mr. Chandru Ramanathan for introducing the Secretary-General’s report; and Mr. Carlos Ruiz Massieu, Chairman of ACABQ, for introducing the related report.

My delegation aligns itself with the Statements delivered by the distinguished representatives of the Arab Republic of Egypt, on behalf of the Group of 77 and China; and the Republic of Uganda on behalf of the African Group.

Chair,

As the Committee is aware, the Residual Special Court for Sierra Leone (RSCSL) was established by an Agreement between the United Nations and the Government of Sierra Leone in August 2010, “*to carry out essential functions of the Special Court for Sierra Leone*” (SCSL); which completed its mandate and closed on 31<sup>st</sup> December, 2013, “*after announcing the final judgement in the case of Charles Ghankay Taylor, the ninth and final person prosecuted in the Special Court*”.

The Residual Special Court is mandated to carry out judicial and non-judicial functions: The judicial functions include those activities mandated by the RSCSL Statute that may arise from time to time such as the review of convictions and acquittals, the conduct of contempt of court proceedings and the provision of defence counsel for the conduct of proceedings. Furthermore, certain judicial activities will arise from the non-judicial functions of the RSCSL. For example, witness variation matters arising from the protection of witnesses, a judicial aspect of witness protection; requests for information from prosecution authorities in other jurisdictions which involve judicial functions.

The non-judicial functions include all activities that need to be carried out at all times, irrespective of whether or not the RSCSL is conducting trials or appeals. These include among others, the provision of protection and support for witnesses and victims; the supervision of enforcement of sentences; the maintenance, preservation and management of archives; the response to requests for access to evidence by national prosecution authorities; and response to requests by national authorities with respect to claims for compensation.

To effectively perform these important functions, the RSCSL needs the required resources. In that regard, the Government of Sierra Leone, the Oversight Committee and other relevant stakeholders intensified fundraising and diplomatic activities this year. In June also, the Secretary-General wrote to all UN Member States, appealing for financial support to the Court. Despite the concerted efforts, the RSCSL does not have sufficient funds from voluntary

contributions that will cover its operations in 2019. Voluntary contributions, as the funding mechanism, has proven to be unreliable and unpredictable.

Chair,

It is important to note that the Special Court for Sierra Leone served as a model and inspiration for other international judicial institutions in respect of its landmark judicial decisions. Its contribution to the rule of law and in addressing impunity need not be overstated. To maintain the legacy and accomplishments of the Special Court, robust mechanisms should be put in place to secure a sustainable means of funding for the operations of the Residual Court, while at the same time maintaining the independent legal character of the Court or its identity. My delegation will, therefore, continue to work with Member States of the UN and other major stakeholders towards this goal.

Meanwhile, in view of the Residual Special Court's current financial constraints, my delegation kindly entreats the distinguished delegates of the Fifth Committee to give favourable consideration to, and approval of, the full amount of the subvention requested by the Secretary-General, to enable the Residual Court to continue to carry out its essential mandate in 2019.

In conclusion, let me seize this opportunity to express our thanks and appreciation to Member States for their continued support to the work of the Residual Special Court for Sierra Leone. Although the guns are silent, and atrocities far removed from the news reports, the long but critical march to ensure international criminal accountability continues.

I thank you for your attention.