



## Security Council

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### **Letter dated 25 August 2020 from the Secretary-General addressed to the President of the Security Council**

I have the honour to write to you with regard to the financing of the Residual Special Court for Sierra Leone.

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 for Sierra Leone, “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”. The Oversight Committee of the Court has informed me that the Court will run out of funding at the end of 2020 and that, while fundraising efforts will continue, it is not expected that there will be sufficient voluntary contributions for the operations of the Court beyond 2020.

The Residual Special Court was established pursuant to a mandate from the Security Council and has been carrying out residual functions of the Special Court for Sierra Leone since 1 January 2014. Those functions include supervising the enforcement of sentences of the persons who were convicted by the Special Court; providing for witness and victim protection and support; preserving and managing the archives of the Special Court; responding to requests for access to evidence by national prosecution authorities; responding to requests from national authorities with respect to claims for compensation; reviewing convictions and acquittals; conducting contempt of court proceedings; providing defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; and preventing double jeopardy.

The Residual Special Court is a lean institution with a small number of staff. The Registrar is the only full-time senior official, and the judges, the Prosecutor and the Principal Defender are remunerated on a pro rata basis for work actually performed.

In order to minimize costs further, the Office of the Residual Special Court in The Hague is co-located with and receives administrative support, on a cost-reimbursable basis, from the International Residual Mechanism for Criminal Tribunals.

In accordance with General Assembly resolution [74/263](#) of 27 December 2019, the senior officials of the Residual Special Court have continued to fundraise in 2020, despite the challenges posed by the coronavirus disease (COVID-19) pandemic, with a view to broadening the donor base of the Court. In addition, I wrote to all Member States in May 2020 to appeal for voluntary contributions for the Court. While no



contributions have been received to date, one pledge has been made in 2020 for €10,000, for which I am grateful. No contributions or pledges have been made towards the budget of the Court for the year 2021.

The Residual Special Court is helping to consolidate the rule of law and the contribution of the Special Court for Sierra Leone towards achieving peace and security in Sierra Leone and the region. If it does not secure sufficient funding, the Residual Special Court will not be able to fulfil its important mandate. The failure of the Residual Special Court would diminish the legacy of the Special Court for Sierra Leone and severely undermine the achievements made in pursuit of accountability for the serious international crimes committed in Sierra Leone.

In the light of the foregoing, I intend again this year to propose to the General Assembly that the costs of the Residual Special Court for 2021 be met through a subvention under the assessed programme budget. A subvention would be a temporary measure to address the current financial situation. I will continue to seek additional voluntary contributions for the Court and to assess the potential for achieving greater efficiencies and possible savings in coordination with the Court.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) António **Guterres**

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