



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**Remarks on the Occasion of the Swearing-in of the Judges of the
Residual Special Court for Sierra Leone**

by

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Your Excellency, The Chief Justice of the Republic of Sierra Leone,
Your Excellency, The Attorney-General and Minister of Justice of
the Republic of Sierra Leone,
President King,
Justices of the Court,
Madame Acting Registrar of the Residual Special Court,
Judges of the Residual Special Court,
Representatives of the Office of the Prosecutor,
Mr. Chairman and Representatives of the Management Committee,
Representatives of Civil Society,
Excellencies,
Ladies and Gentlemen,

I am pleased to represent the Secretary-General of the United Nations at this historic closing ceremony today and to witness – on his behalf – the swearing-in of you – the Judges of the Residual Special Court for Sierra Leone.

As we are “entre nous” this morning, I believe that I can be a bit less formal and a bit more personal than I will be at the formal closing ceremony this afternoon. And I am very happy that Ms. Binta Mansaray, who will officiate

this morning in her capacity as Acting Registrar of the Residual Special Court, asked me to say a few words this morning. And I was delighted to have so many good conversations with so many of you over the course of the past three days.

As you know, this is my first mission as Legal Counsel of the United Nations after Secretary-General Ban appointed me to this position a little over two months ago. This mission is very much a mission in support of international criminal justice. This is not an accident. This is a deliberate choice. It is a statement that one of my highest priorities as Legal Counsel of the United Nations will be to support international criminal justice and its role in combatting impunity for the worst crimes known to mankind and in bringing about an age of accountability.

The first stop on this mission was The Hague where I delivered a speech to the ICC Assembly of States Parties on behalf of the Secretary-General. The second stop was Dar Es Salaam where I signed the Headquarters Agreement for the Arusha Branch of the International Residual Mechanism for Criminal Tribunals. The third stop was Arusha where I visited the ICTR and the Mechanism. And since Friday I am here in Freetown. Every stop on this mission was memorable in its own special way. But the impressions I will take back to New York from Freetown are the most powerful. I am grateful that I was able to participate in the two outreach events that we attended together on Saturday because they represented a very strong reminder of what international criminal justice is all about. It is about facilitating that a post-conflict society comes to terms with its past, it is about creating sustainable peace and, most of all, it is about serving the people in whose name the Charter of the United Nations was enacted. There are very few places in the world where this is so tangible as it is here in Sierra Leone.

I am proud to head an Office that was so instrumental in delivering justice for the people of Sierra Leone. As you will remember, the Office of Legal Affairs - my Office - negotiated the Agreement between the United Nations and the Government of Sierra Leone establishing the Special Court. And in this connection allow me to briefly pay tribute to Hans Corell, Ralph Zacklin and Daphna Shraga who were the key officials in OLA for this project. I am sure that they are thinking about us today and they are with us in spirit.

At the United Nations, the support for international criminal justice comes from the very top.

The establishment of the Special Court for Sierra Leone would not have been possible without the strong support of then Secretary-General Kofi Annan; and the continued thriving of our system of international criminal justice would not be possible without the strong and principled support of Secretary-General BAN Ki-moon. What unites the two Secretaries-General is their deep conviction that no peace process can ever be sustainable without a meaningful element of justice.

But over the course of the past 20 years we have also learned another lesson. The lesson that justice is a nation's choice. Justice cannot be imposed from the outside, it has to come from within a society. And here I wish to pay tribute to the role that the vibrant civil society in Sierra Leone played in establishing the Special Court. If it wasn't for the courageous men and women who pushed their government to seek the assistance of the United Nations to establish the Special Court, it may never have been established. Perpetrators such as Charles Taylor might never have been held accountable. And we might have never seen this white UN helicopter carrying Charles Taylor land just a few meters from here to surrender him into the custody of the Special Court. This picture is deeply engraved in our common memory. And it represents the best of what the United Nations can be.

Let me now turn to the most important contributors to the success of the Special Court for Sierra Leone: you – the Judges ! All of those I mentioned helped in establishing the framework but you – the Judges - filled it with life and meaning. And you have excelled at this task. The judiciary is an indispensable element of the rule of law – at the national level in the very same way as at the international level.

You have pioneered international criminal jurisprudence through your judgements. You have defined the image of Judges of International Criminal Courts and Tribunals through your demeanor, your wisdom, your knowledge, your professionalism and your courage. And you have written an important chapter in the history of this country – international judges working hand-in-hand and side-by-side with Sierra Leonean judges. I know that many of you have served the Special Court and through it the people of Sierra Leone for a long time. You can be proud of what you have achieved.

You will leave behind a legacy – a legacy for Sierra Leone and for international criminal justice. But the job is not yet completed and this is why we are here today.

The Residual Special Court for Sierra Leone was established on 2 October 2012 with the entry into force of the Agreement between the United Nations and the Government of Sierra Leone. It has important functions including the monitoring of the enforcement of the sentences, conditions of detention, archiving and records functions and continued protection of the witnesses. These important tasks will be entrusted in you – the Judges of the Residual Special Court. In performing these tasks you will be actively defending and preserving the legacy of the Special Court. And this makes your mandate so very important.

I was moved and humbled by the sincere expression of deep gratitude – in particular by Sierra Leoneans - to the United Nations that I heard since my arrival in Freetown and I will be pleased to bring this outpour of gratitude to the attention of the Secretary-General.

You can be very proud of what we have achieved together for the people of this country. You stood by the people of Sierra Leone in their most desperate hour of need. And you will continue to stand by the people of Sierra Leone as the Special Court transitions to the Residual Special Court. This will be the inspiration for the important work that is ahead of you. And you will always be able to count on the support of my Office – the Office of Legal Affairs.

We cannot bring back the dead – but we can honour their memory by delivering justice. We cannot heal the scars of war that the victims still bear – but we can restore their dignity by delivering justice.

You – the men and women Residual Judges of the Special Court have a particular responsibility to carry on the functions of the Special Court and by doing so to preserve its legacy. I wish you well in performing your important mandate.

Thank you very much for your attention.