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SCSL-04-15-T  
(33409-33450)

33409



THE SPECIAL COURT FOR SIERRA LEONE

Before: Hon. Justice Pierre Boutet, Presiding Judge  
Hon. Justice Benjamin Mutanga Itoe  
Hon. Justice Bankole Thompson

Registrar: Herman von Hebel

Date: 25 March 2009

Case Number: SCSL-04-15-T

PROSECUTOR                      Against                      ISSA HASSAN SESAY  
   MORRIS KALLON  
   AUGUSTINE GBAO

Public Document

SUBMISSIONS OF THE REGISTRAR PURSUANT TO RULE 33(B) REGARDING  
THE CONCLUSION OF AGREEMENTS FOR THE ENFORCEMENT OF SENTENCES

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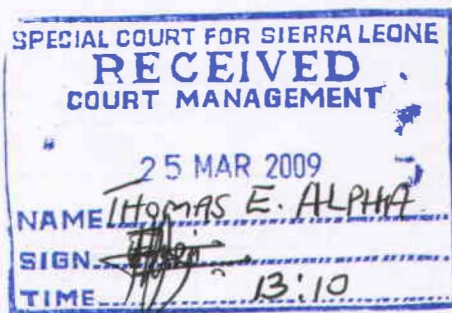
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SPECIAL COURT FOR SIERRA LEONE

## I. INTRODUCTION

1. On 23 March 2009, Trial Chamber-I heard oral submissions of the parties on sentencing, during which the issue of enforcement of sentences was raised. At the end of the hearing, the Registrar was requested to provide further information on the status of negotiations on sentencing enforcement agreements with third states, which the Registrar provides herewith.

## II. SUBMISSION

2. Article 22.1 of the Statute of the Special Court provides:

“Imprisonment shall be served in Sierra Leone. If circumstances so require, imprisonment may also be served in any of the States which have concluded with the International Criminal Tribunal for Rwanda or the International Criminal Tribunal for the former Yugoslavia an agreement for the enforcement of sentences, and which have indicated to the Registrar of the Special Court their willingness to accept convicted persons. The Special Court may conclude similar agreements for the enforcement of sentences with other States.”

3. Rule 103 of the Rules of Procedure and Evidence states:

(A) “Imprisonment shall be served in Sierra Leone, unless circumstances require otherwise. The Special Court may conclude agreements with other countries willing to accept and imprison convicted persons.”

(B) The place of imprisonment for each convicted person shall be designed by the President.

(C) Transfer of the convicted person to the place of imprisonment shall be effected as soon as possible after the time limit for appeal has lapsed.”

4. In April 2008, the Registrar identified making arrangements for the enforcement of sentences as *critical* for the timely completion of the Court’s work, and requested the Government of Sierra Leone to express its position regarding the possibility of enforcing sentences on the territory of Sierra Leone.<sup>1</sup>

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<sup>1</sup> Letter from the SCSL Registrar to the President of Sierra Leone dated 23 April 2008. (ANNEX A)

5. On 9 June 2008, the Government of Sierra Leone informed the Special Court for Sierra Leone that “this government is not in a position and is not willing to take custody of persons convicted by the Special Court in the fulfilment of the Court’s mandate. (...) [T]his government’s commitment to the sustenance of peace both in Sierra Leone and in the sub-region as well as the weakness in institutional arrangements in Sierra Leone, preclude the enforcement of the Court’s sentences in Sierra Leone.”<sup>2</sup>
6. In light of this most recent communication from the Government of Sierra Leone and pursuant to Article 22.1 of the Statute of the Special Court and to Rule 103(A) of the Rules of Procedure and Evidence, the Registrar identified states within the African continent as well as outside, willing to enter into an agreement with the Court to permit the enforcement of sentences on the territory of such states.
7. The Registrar is cognizant of all the internationally accepted principles and rules governing the treatment of prisoners, including but not limited to:
  - a. The Standard Minimum Rules for the Treatment of Prisoners approved by ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977;
  - b. The Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment adopted by General Assembly Resolution 43/173 of 9 December 1988;
  - c. Basic Principles for the Treatment of Prisoners adopted by General Assembly Resolution 45/111 of 14 December 1990;
  - d. The Recommendation Rec(2006)2 of the Council of Europe Committee of Ministers to member states on the European Prison Rules.
8. The Registrar therefore focussed his negotiation efforts on states that could guarantee compliance with those principles and rules, bearing in mind that enforcement in African states might also often require a substantial financial assistance on the part of the Special

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<sup>2</sup> Letter from the Office of the President to the Registrar of the Special Court for Sierra Leone, Ref: OP/PSF/11, 9 June 2008. (ANNEX B)



Court and its designated successor body. Much like during the operation of the Special Court, such financial assistance would essentially rely on voluntary contributions to a trust fund that would cover all costs associated with the daily upkeep and maintenance of convicted persons (food, hygiene, health, communications, welfare), as well as one-off costs related to the transfer of the convicted persons from and to Sierra Leone, and other contingency costs that go beyond what enforcement States would be willing or able to cater for.

9. While the Registrar is mindful that enforcement of sentences on the African continent is preferable, especially in West Africa to the extent that this is possible, the Registrar has the duty to also cater for alternative solutions, should the cost of enforcement or the security situation in a specific enforcement state render enforcement of sentences in that State impossible. Therefore, a number of European States have agreed to enter into similar agreements with the Special Court, on the condition that only one or, in some cases, two convicted persons be transferred to that State. Also, the maximum length of sentences in most European States is significantly shorter than some of the sentences imposed by the Special Court, hence precluding the enforcement in Europe of the *totality* of the sentence of some of the persons convicted by the Court.
  
10. To date, the Registrar has therefore concluded Sentence Enforcement Agreements with the Government of Sweden on 15 October 2004,<sup>3</sup> the Government of Austria on 16 March 2005,<sup>4</sup> the Government of the United Kingdom of Great Britain and Northern Ireland on 10 July 2007,<sup>5</sup> and with the Government of Rwanda on 18 March 2009.<sup>6</sup> The Government

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<sup>3</sup> Agreement between the Special Court for Sierra Leone and the Government of Sweden on the Enforcement of Sentences of the Special Court for Sierra Leone, signed on 15 October 2004. (ANNEX C)

<sup>4</sup> Agreement between the Republic of Austria and the Special Court for Sierra Leone on the Enforcement of Sentences of the Special Court for Sierra Leone, signed on 16 March 2005. (ANNEX D)

<sup>5</sup> Agreement between the Special Court for Sierra Leone and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the Special Court for Sierra Leone, signed on 10 July 2007 and entered into force on 9 August 2007. (ANNEX E)

<sup>6</sup> Agreement between the Special Court for Sierra Leone and the Government of the Republic of Rwanda on the Enforcement of Sentences of the Special Court for Sierra Leone, signed on 18 March 2009 and to enter into force upon the date of notification by the Government of Rwanda of ratification or approval of the Agreement by its competent authorities. (ANNEX F)



of the United Kingdom has publicly expressed that it will only accept former President Taylor for the purpose of serving his sentence, should he be convicted. The Registrar is also pursuing agreements with other states, both in Europe and in West Africa, such as Finland, Belgium, Senegal and Benin.

11. Under Rule 103(B) of the Rules of Procedure and Evidence, “the place of imprisonment for each convicted person shall be designated by the President.” Both the President of ICTY and the President of ICTR have adopted Practice Directions on the procedure for the designation of the State in which a convicted person is to serve a sentence of imprisonment,<sup>7</sup> and it is expected that the President of the Special Court adopts a similar Practice Direction prior to ordering the transfer of convicted persons to specific states. However, this decision is entirely at the President’s discretion. As a matter of practice in determining the State of detention, the President of each *ad hoc* Tribunal gives particular attention to the proximity to the convicted person’s relations, taking into account the financial resources they have available to visit the convicted person. Other relevant criteria include medical or psychological reports, linguistic skills, general conditions of imprisonment and rules governing security and liberty in the State concerned.

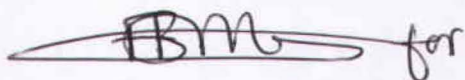
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<sup>7</sup> ‘Practice Direction on the Procedure for the International Tribunal’s Designation of the State in which a Convicted Person is to Serve His Sentence of Imprisonment’, ICTY 9 July 1998. ‘Practice Direction on the Procedure for Designation of the State in which a Convicted Person is to Serve His Sentence of Imprisonment’, ICTR 23 September 2008.

### III. CONCLUSION

12. The Registrar therefore respectfully submits that the decision to transfer convicted persons to specific enforcement states does not fall within the remit of his mandate, and that, while a certain number of sentence enforcement agreements have been signed with various countries, no commitment has been made to any of those states as to which will be designated to receive the Special Court's convicted persons to serve the remainder of their sentence.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'HBM', followed by the word 'for' in a cursive script.

**Herman von Hebel**  
Registrar  
Special Court for Sierra Leone



## ANNEX A



33416

**SPECIAL COURT FOR SIERRA LEONE**

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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Ref/Reg/ 261/2008/SS

23 April 2008

His Excellency Ernest Bai Koroma  
President of Sierra Leone  
State House  
State Avenue Road  
Freetown

Excellency,

The Special Court extends its compliments to your Excellency and His Government.

In fulfilment of its mandate under the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of A Special Court for Sierra Leone of 16 January 2002, the Special Court has issued thirteen indictments against individuals for crimes against humanity, 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, and other serious violations of international humanitarian law. Three of the accused who were indicted have passed away, and one indictee, Johnny Paul Koroma, is presently a fugitive.

With regards to the nine remaining indictments, the judicial process is well underway at the Special Court. On 19 July 2007, Trial Chamber II imposed sentences in the AFRC case on all three co-Accused: Alex Tamba Brima and Santigie Borbor Kanu were each sentenced to 50-year terms of imprisonment, while Brima Bazy Kamara was sentenced to a 45-year term of imprisonment. On 22 February 2008, the Appeals Chamber delivered its appeals judgment, and sustained those sentences.

Meanwhile, on 9 October 2007, Trial Chamber I imposed sentences in the CDF case on both of the co-Accused: Moinina Fofana received a six-year term of imprisonment and Allieu Kondewa received an eight-year term of imprisonment. The CDF case is presently pending on appeal. The parties have filed all of their written submissions and oral hearings took place on 12 and 13 March 2008. The Appeals Chamber is scheduled to deliver its judgment on appeal at the end of May 2008.

The two remaining trials are currently underway. The RUF proceeding is presently in the defence stage before Trial Chamber I, while the Charles Taylor proceeding resumed on 7 January 2008 before Trial Chamber II. In short, the Special Court is very busy with regards to completion of its judicial activities.

Thus, the Special Court nears completion of its judicial activities.



One issue that is critical for the timely completion of the Court's work is making arrangements for the enforcement of sentences of persons convicted by the Special Court.

Article 22 of the Statute of the Special Court provides, in the first instance, that imprisonment shall be served in Sierra Leone.

In spite of the mandatory language of Article 22, further provision was made in the Statute for imprisonment to be served in third states if circumstances so require. Notably, imprisonment may be served in those States which have concluded an agreement for the enforcement of sentences with the International Criminal Tribunal for Rwanda or the International Criminal Tribunal for the former Yugoslavia as well as those States which have indicated to the Special Court their willingness to accept convicted persons.

To date, the Special Court has entered into agreements with three States; namely Austria, Sweden and the United Kingdom. The United Kingdom has publicly expressed that it will accept former President Taylor for the purpose of serving his imprisonment should he be convicted. The Special Court is in the process of negotiating with a number of States with a view to securing six additional agreements so that only one convicted person (as applicable) need serve their imprisonment in a particular State to avoid overburdening the capacity of each State that is willing to enter into agreement with the Special Court. A number of those States with which the Special Court is in negotiation seek the position of the Government of Sierra Leone on enforcement as a prelude to negotiation.

One of the determining factors in securing agreements is compliance with international human rights standards on imprisonment, capacity of prisons, proximity to family and security/political considerations. The former Registrar of the Special Court, Mr. Robin Vincent, made efforts to ascertain conditions of detention during his tenure to the extent that this might impact on the enforcement of sentences here in Sierra Leone. Contact with the relevant authorities indicated that there might be challenges in having any Special Court sentences enforced in Sierra Leone.

To that end, Excellency, I respectfully request confirmation of whether your Government, in accordance with the Agreement between the United Nations and Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone and the Statute of the Special Court for Sierra Leone through which the Special Court functions under the terms of the said Agreement, is in a position and is willing to take custody of persons convicted by the Special Court in the fulfillment of its mandate for the purpose of enforcement of sentences in accordance with international standards or whether there are in existence circumstances that would preclude the enforcement of sentences in Sierra Leone.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely



Herman von Hebel  
Registrar

CC: Attorney General and Minister for Justice  
CC: Minister of Foreign Affairs

## ANNEX B



Ref: OP/PSF/11



GOVERNMENT OF SIERRA LEONE

OFFICE OF THE PRESIDENT  
STATE AVENUE  
TOWER HILL  
FREETOWN

9<sup>th</sup> June, 2008

recd  
10.06.08

33419

Mr. Herman Von Hebel  
Registrar  
Special Court for Sierra Leone  
Jomo Kenyatta Road  
Freetown.

Dear Mr. Von Hebel,

**ENFORCEMENT OF SENTENCES IN SIERRA LEONE PURSUANT  
TO ARTICLE 22 OF THE STATUTE OF THE SPECIAL COURT  
FOR SIERRA LEONE**

Under instructions of His Excellency the President, I write to acknowledge receipt of your letter dated 23<sup>rd</sup> April, 2008 on the above subject.

His Excellency wishes me, on behalf of his government and the people of Sierra Leone, to express his profound thanks and appreciation to the Special Court for its judicial activities currently in progress.

With particular reference to the enforcement of sentences in Sierra Leone under the enabling Agreements and Statutes of the Special Court, His Excellency wishes me to confirm to you that his government is not in a position and is not willing to take custody of persons convicted by the Special Court in the fulfillment of the Court's mandate. His Excellency wishes me to state further that his government's commitment to the sustenance of peace both in Sierra Leone and in the sub-region as well as the weakness in institutional arrangements in Sierra Leone, preclude the enforcement of the Court's sentences in Sierra Leone.

On behalf of His Excellency the President and his government, I have the honour to extend to you and to the entire membership of the Special Court sincere compliments and goodwill in the successful completion of your judicial activities in Sierra Leone.

Yours sincerely,

**J. SANPHA KOROMA  
SECRETARY TO THE PRESIDENT**

## ANNEX C



**AGREEMENT BETWEEN  
THE SPECIAL COURT FOR SIERRA LEONE  
AND  
THE GOVERNMENT OF SWEDEN  
ON THE ENFORCEMENT OF SENTENCES  
OF THE SPECIAL COURT FOR SIERRA LEONE**

The Special Court for Sierra Leone, established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone signed on 16 January 2002 (hereinafter "Special Court") and

The Government of Sweden (hereinafter "requested State"),

RECALLING Article 22 of the Statute of the Special Court annexed to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone, according to which imprisonment of persons sentenced by the Special Court shall be served in Sierra Leone; or if circumstances so require, in any State that has concluded with the International Criminal Tribunal For Rwanda or the International Criminal Tribunal for former Yugoslavia an agreement for the enforcement of sentences and which has indicated to the Special Court its willingness to accept convicted persons; or alternatively, in any State with which the Special Court has concluded similar agreements;

RECALLING United Nations Security Counsel Resolution 1470 (2003), adopted on 28 March 2003, which urges all the States to cooperate fully with the Special Court;

NOTING the willingness of the requested State to enforce sentences regarding violations of international humanitarian law imposed by the Special Court;

RECALLING the provisions of the Standard Minimum Rules for the Treatment of Prisoners approved by ECOSOC resolutions 663 C XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment adopted by General Assembly resolution 43/173 of 9 December 1988, and the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 of 14 December 1990;

IN ORDER to give effect to the judgements and sentences of the Special Court;

HAVE AGREED as follows:

**Article 1**

*Purpose and Scope of the Agreement*

This Agreement shall regulate matters relating to or arising out of all requests to the requested State to enforce sentences imposed by the Special Court.

## Article 2

### *Procedure*

1. A request to the requested State to enforce a sentence shall be made by the Registrar of the Special Court (hereinafter "Registrar"), with the approval of the President of the Special Court.
2. The Registrar shall provide the following documents to the requested State when making the request:
  - a. a certified copy of the judgement;
  - b. a statement indicating how much of the sentence has already been served, including information on any pre-trial detention;
  - c. when appropriate, any medical or psychological reports on the convicted person, any recommendation for his or her further treatment in the requested State and any other factor relevant to the enforcement of the sentence; and
  - d. certified copies of identification papers of the convicted person in the possession of the Special Court.
3. The requested State shall promptly decide upon the request of the Registrar, in accordance with national law, and inform the Registrar in writing of its decision whether or not to accept the convicted person.

## Article 3

### *Enforcement*

1. In enforcing the sentence pronounced by the Special Court, the competent national authorities of the requested State shall be bound by the duration of the sentence.
2. The conditions of imprisonment shall be governed by the law of the requested State, subject to the supervision of the Special Court, as provided for in Articles 6 to 8 and paragraphs 2 and 3 of Article 9 below.
3. The conditions of imprisonment shall be compatible with the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Basic Principles for the Treatment of Prisoners.

## Article 4

### *Transfer of the convicted person*

1. The Registrar shall make appropriate arrangements for the transfer of the convicted person from the Special Court to the competent authorities of the requested State. Prior to his or her transfer, the convicted person will be informed by the Registrar of the contents of this Agreement.



2. If, after the transfer of the convicted person to the requested State, the Special Court, in accordance with its Rules of Procedure and Evidence, orders that the convicted person appears as a witness in a proceeding before it, the convicted person shall, in accordance with the national law of the requested State, be transferred temporarily to the Special Court for that purpose, conditional on his or her return to the requested State within the period decided by the Special Court.

3. The Registrar shall transmit the order for the temporary transfer of the convicted person to the national authorities of the requested State. The Registrar shall ensure the proper transfer of the convicted person from the requested State to the Special Court and back to the requested State for the continued imprisonment after the expiration of the period of temporary transfer decided by the Special Court. The convicted person shall receive credit for the period he or she may have spent in the custody of the Special Court.

### **Article 5**

#### *Non-bis-in-idem*

The convicted person shall not be tried before a court of the requested State for acts constituting a crime falling within the jurisdiction of the Special Court, for which he or she has already been tried by the Special Court.

### **Article 6**

#### *Inspection*

1. The competent authorities of the requested State shall allow the inspection of the conditions of detention and the treatment of the prisoner(s) by the International Committee of the Red Cross (hereinafter "ICRC"). The frequency of visits shall be determined by the ICRC. The Special Court can furthermore request the ICRC to carry out such an inspection. The ICRC shall submit a confidential report based on the findings of these inspections to the requested States and to the President of the Special Court.

2. The requested State and the President of the Special Court shall consult each other on the findings of the reports referred to in the previous paragraph. The President of the Special Court may thereafter request the requested State to report to him or her any changes in the conditions of detention suggested by the ICRC.

### **Article 7**

#### *Information*

1. The requested State shall immediately notify the Registrar of the following:
  - a. if the convicted person has completed his or her sentence, two months prior to such completion;
  - b. if the convicted person has escaped from custody;
  - c. if the convicted person has deceased; and



- d. if the convicted person becomes eligible for early release, pardon or commutation of sentence, six months or as soon as practicable prior to such early release, pardon or commutation of sentence.
2. Notwithstanding the previous paragraph, the Registrar and the requested State shall consult each other on all matters relating to the enforcement of the sentence upon the request of either party.

### Article 8

#### *Early release, pardon and commutation of sentences*

1. If, pursuant to the applicable national law of the requested State, the convicted person is eligible for early release, pardon or commutation of the sentence, the requested State shall notify this to the Registrar, in advance of such eligibility, and shall include in any such notification all the circumstances pertaining to the eligibility for early release, pardon or commutation of the sentence.
2. The Special Court will give its view as to whether early release, pardon or commutation of sentence is appropriate. The requested State will take these views into consideration and respond to the Special Court prior to taking any decision in the matter.
3. Following the receipt of the response, the Special Court may request the transfer of the convicted person in accordance with paragraph 2 of Article 9.

### Article 9

#### *Termination of enforcement*

1. The enforcement of the sentence shall terminate:
  - a. when the convicted person has completed his or her sentence;
  - b. when the convicted person has died;
  - c. when the convicted has been released as a result of being granted early release, pardon or commutation of sentence; or
  - d. when the Special Court has issued a decision as referred to in paragraph 2.
2. The Special Court may at any time decide to request the termination of the enforcement in the requested State and transfer the convicted person to another State or to the Special Court.
3. The competent authorities of the requested State shall terminate the enforcement of the sentence as soon as it is informed by the Registrar of any decision or measure as a result of which the sentence ceases to be enforceable.
4. Upon the termination of the enforcement of a sentence, the Registrar shall in consultation with the requested State make the appropriate arrangements for the transfer of the convicted person from the requested State or in the case of death, the repatriation of the convicted person's body.

## Article 10

### *Impossibility to enforce sentence*

If, at any time after the decision has been taken to enforce the sentence, for any legal or practical reasons, further enforcement has become impossible, the requested State shall promptly inform the Registrar. The Registrar shall make the appropriate arrangements for the transfer of the convicted person. The competent authorities of the requested State shall allow for at least sixty days following the notification of the Registrar before taking other measures on the matter.

## Article 11

### *Costs*

1. Unless the parties agree otherwise, the Special Court shall bear the expenses related to the following:
  - a. the transfer of the convicted person to and from the requested State, including the temporary transfer to and from the Special Court for the purposes of appearing as a witness in a proceeding before the Special Court; and
  - b. the repatriation of the body of the convicted person, in case of his or her death.
2. The requested State shall pay all other expenses incurred by the enforcement of the sentence, including, but not limited to, medical treatment for the convicted person, if needed.

## Article 12

### *Entry into force*

This Agreement shall be signed by both Parties. It shall be subject to ratification by Sweden, and shall enter into force on the first day of the first month following the date of receipt by the Special Court of the notification from Sweden of its ratification.

## Article 13

### *Duration of the Agreement*

1. This Agreement shall remain in force as long as sentences of the Special Court are being enforced by the requested State under the terms and conditions of this Agreement.
2. Upon consultation, either party may terminate this Agreement, with two months' prior notice in writing. This Agreement shall not be terminated before the sentences to which this Agreement applies have been terminated and, if applicable, before the transfer of the convicted person as provided for in Article 10 has been effected.

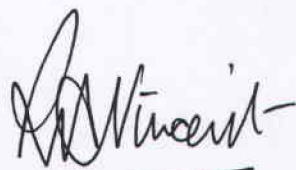
**Article 14*****Amendment***

This Agreement may be amended by mutual consent of the parties.

**IN WITNESS WHEREOF**, the undersigned, duly authorized thereto, have signed this Agreement.

Done at Freetown this 15<sup>th</sup> day of October, 2004, in duplicate, in the English language.

**FOR THE SPECIAL COURT  
FOR SIERRA LEONE**



Robin Vincent  
Registrar

**FOR THE GOVERNMENT OF SWEDEN**



Hans Dahlgren  
State Secretary for Foreign Affairs



## ANNEX D

33428

**AGREEMENT BETWEEN  
THE REPUBLIC OF AUSTRIA  
AND  
THE SPECIAL COURT FOR SIERRA LEONE  
ON THE ENFORCEMENT OF SENTENCES  
OF THE SPECIAL COURT FOR SIERRA LEONE**

**AGREEMENT BETWEEN  
THE REPUBLIC OF AUSTRIA  
AND  
THE SPECIAL COURT FOR SIERRA LEONE  
ON THE ENFORCEMENT OF SENTENCES  
OF THE SPECIAL COURT FOR SIERRA LEONE**

The Republic of Austria (hereinafter "requested State") and

The Special Court for Sierra Leone, established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone signed on 16 January 2002 (hereinafter "Special Court"),

RECALLING Article 22 of the Statute of the Special Court annexed to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court, according to which imprisonment of persons sentenced by the Special Court shall be served in Sierra Leone; or if circumstances so require, in any State that has concluded with the International Criminal Tribunal For Rwanda or the International Criminal Tribunal for the former Yugoslavia an agreement for the enforcement of sentences and which has indicated to the Special Court its willingness to accept convicted persons; or alternatively, in any State with which the Special Court has concluded similar agreements;

RECALLING United Nations Security Council Resolution 1470 (2003), adopted on 28 March 2003, which urges all the States to cooperate fully with the Special Court;

NOTING the willingness of the requested State to enforce sentences imposed by the Special Court;

RECALLING the provisions of the Standard Minimum Rules for the Treatment of Prisoners approved by ECOSOC resolutions 663 C XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment adopted by General Assembly resolution 43/173 of 9 December 1988, and the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 of 14 December 1990;

IN ORDER to give effect to the judgements and sentences of the Special Court;

HAVE AGREED as follows:



## Article 1

## Purpose and Scope of the Agreement

This Agreement shall regulate matters relating to or arising out of all requests to the requested State to enforce sentences imposed by the Special Court.

## Article 2

## Procedure

1. A request to the Republic of Austria to enforce a sentence shall be made by the Registrar of the Special Court (hereinafter: "the Registrar"), with the approval of the President of the Special Court.

2. The Registrar shall provide the following documents to the requested State when making the request:

(a) a certified copy of the judgement;

(b) a statement indicating how much of the sentence has already been served, including information on any pre-trial detention;

(c) when appropriate, any medical or psychological reports on the convicted person, any recommendation for his or her further treatment in the requested State and any other factor relevant to the enforcement of the sentence.

3. The requested State shall submit the request to the competent national authorities, in accordance with the national law of the requested State.

MFA ← 4. The competent national authorities of the requested State shall promptly decide upon the request of the Registrar, in accordance with national law. Unless the person concerned is an Austrian citizen the competent national authorities of the requested State may reject the request of the enforcement of the sentence if it would entail untenable disadvantages for the security and public order of the Republic of Austria.

## Article 3

## Enforcement

1. In enforcing the sentence pronounced by the Special Court, the competent national authorities of the requested State shall be bound by the duration of the sentence.

2. The conditions of imprisonment shall be governed by the law of the requested State, subject to the supervision of the Special Court, as provided for in Articles 6 to 8 and paragraphs 2 to 4 of Article 9 below.

3. The conditions of imprisonment shall be equivalent to those applicable to prisoners serving sentences under Austrian law and shall be in accordance with relevant human rights standards.

## Article 4

## Transfer of the convicted person

The Registrar shall make appropriate arrangements for the transfer of the convicted person from the Special Court to the competent authorities of the requested State. Prior to his or her transfer, the convicted person will be informed by the Registrar of the contents of this Agreement.

## Article 5

### Rule of Speciality

1. A convicted person transferred to the requested State pursuant to the terms of this Agreement shall not be prosecuted or proceeded against in the requested State for any act or conduct committed prior to his or her transfer to the requested State, unless:

- (a) the convicted person stays on the territory of the requested State for more than 45 days after his or her release, despite the fact that he or she could leave the requested State; or
- (b) the convicted person leaves the requested State and:
  - (i) returns voluntarily; or
  - (ii) is lawfully brought back by another State.

## Article 6

### Monitoring

1. The competent authorities of the requested State shall allow the inspection of the conditions of detention and the treatment of the prisoner(s) by the Special Court, or an entity designated by it, in accordance with Austrian law. The Special Court shall determine the frequency of visits. The Special Court or the entity designated by it shall submit a confidential report based on the findings of these inspections to the requested State.

2. The requested State and the President of the Special Court shall consult each other on the findings of the reports referred to in paragraph 1. The President of the Special Court may thereafter request the requested State to report to him or her any changes in the conditions of detention suggested in the reports.

## Article 7

### Information

1. The requested State shall immediately notify the Registrar:

- (a) two months prior to the completion of the sentence;
- (b) if the convicted person has escaped from custody before the sentence has been completed;
- (c) if the convicted person has deceased.

2. Notwithstanding the previous paragraph, the Registrar and the requested State shall consult each other on all matters relating to the enforcement of the sentence upon the request of either party.

## Article 8

### Early release, pardon and commutation of sentences

1. If, pursuant to the applicable national law of the requested State, the convicted person is eligible for early release, pardon or commutation of the sentence, the requested State shall notify the Registrar accordingly.

2. The requested State shall inform the Registrar of all circumstances pertaining to the eligibility for early release, pardon or commutation of the sentence.

3. The President of the Special Court shall determine, in consultation with the Judges of the Special Court, whether any early release, pardon or commutation of the sentence is appropriate.

The Registrar shall inform the requested State of the President's determination. If the President determines that an early release, pardon or commutation of the sentence is not appropriate, the requested State shall continue the enforcement of the sentence accordingly.



## Article 9

### Termination of enforcement

1. The enforcement of the sentence shall cease:

- (a) when the sentence has been completed;
- (b) upon the demise of the convicted;
- (c) upon the pardon of the convicted;
- (d) following a decision of the Special Court as referred to in paragraph 2.

2. The Special Court may at any time decide to request the termination of the enforcement in the requested State and transfer the convicted person to another State or to the Special Court.

3. The competent authorities of the requested State shall terminate the enforcement of the sentence as soon as it is informed by the Registrar of any decision or measure as a result of which the sentence ceases to be enforceable.

4. The provisions of this Agreement shall be without prejudice to the right of the requested State to deport the convicted person after the completion of his or her sentence enforced pursuant to this Agreement, unless the Special Court notifies the requested State of the willingness of another State to accept the convicted person.

## Article 10

### Impossibility to enforce sentence

If, at any time after the decision has been taken to enforce the sentence, for any legal or practical reasons, further enforcement has become impossible, the requested State shall promptly inform the Registrar. The Registrar shall make the appropriate arrangements for the transfer of the convicted person. The competent authorities of the requested State shall allow for at least sixty days following the notification of the Registrar before taking other measures on the matter.

## Article 11

### Costs

The Special Court shall bear the expenses related to the transfer of the convicted person to and from the requested State, unless the parties agree otherwise. The requested State shall pay all other expenses incurred by the enforcement of the sentence.

## Article 12

### Entry into force

This Agreement is subject to ratification by the requested State and shall enter into force on the first day of the second month that follows the month in which Austria has informed the Spe Court that the national procedures have been completed.

## Article 13

### Duration of the Agreement

1. Upon consultation, either party may terminate this Agreement, with two months prior notice. This Agreement shall not be terminated before the sentences to which this Agreement applies have been completed or terminated and, if applicable, before the transfer of the convicted as provided for in Article 10 has been effected.

2. Notwithstanding paragraph 1 of this Article, this Agreement shall be applicable as long as the requested State has notified its willingness to enforce sentences of the Special Court.


3. Articles 3 and 5 to 11 shall remain applicable as long as sentences of the Special Court are being enforced by the requested State under the terms and conditions of this Agreement.

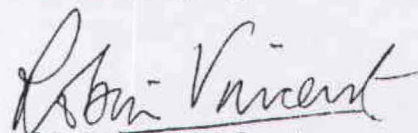


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IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Agreement.

DONE at New York on 16 March 2005 in duplicate, in the English language.

  
For the Republic of Austria

  
For the Special Court:

## ANNEX E

33435

**AGREEMENT BETWEEN THE SPECIAL COURT FOR SIERRA LEONE  
AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND ON THE ENFORCEMENT OF  
SENTENCES OF THE SPECIAL COURT FOR SIERRA LEONE**

The Special Court for Sierra Leone (hereinafter referred to as "the Special Court"), and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom");

Having regard to Article 22 of the Statute of the Special Court annexed to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, signed at Freetown on 16 January 2002;

Noting the willingness of the United Kingdom to enforce sentences imposed by the Special Court;

Have agreed as follows:

**ARTICLE 1**

**Purpose and Scope of the Agreement**

This Agreement shall regulate matters relating to or arising out of all requests to the United Kingdom to enforce sentences imposed by the Special Court.

**ARTICLE 2**

**Procedure**

1. A request to the United Kingdom to enforce a sentence shall be made by the Registrar of the Special Court (hereinafter "the Registrar"), with the approval of the President of the Special Court (hereinafter "the President").
2. The Registrar shall submit the request to the United Kingdom Foreign and Commonwealth Office, through the High Commission in Freetown.
3. The Registrar shall provide the following documents to United Kingdom Foreign and Commonwealth Office when making the request:
  - a) a certified copy of the judgement;
  - b) details of the offences to which the sentence of imprisonment relates;



- c) a statement indicating how much of the sentence has already been served, including information on any pre-trial detention, any other measure altering the length or conditions of the sentence and any other factors relevant to the enforcement of the sentence;
- d) when appropriate, any medical or psychological reports on the sentenced person, any recommendation for his further treatment in the United Kingdom and any other report relevant to the enforcement of the sentence; and
- e) The name, date and place of birth of the sentenced person together with any known family or other ties with the United Kingdom or any other reason for making the request.

4. The competent national authorities of the United Kingdom shall decide upon any such request of the Registrar, in accordance with its national law, and the United Kingdom shall promptly inform the Special Court whether or not it agrees to the request.

### ARTICLE 3

#### Enforcement

1. In enforcing the sentence pronounced by the Special Court, the competent national authorities of the United Kingdom shall be bound by the duration of the sentence.
2. The conditions of imprisonment shall be governed by the law of the United Kingdom, subject to the supervision of the Special Court, as provided for in Articles 6 to 9 of this Agreement.
3. The conditions of imprisonment shall be equivalent to those applicable to prisoners serving sentences under the law of the United Kingdom and shall be in accordance with relevant human rights standards.

### ARTICLE 4

#### Transfer of the Convicted Person

The Registrar shall make appropriate arrangements with the United Kingdom for the transfer of the convicted person from the Special Court to the competent authorities of the United Kingdom. Prior to his transfer, the convicted person will be informed by the Registrar of the contents of this Agreement. The transfer shall take place at a time and place agreed between the United Kingdom and the Registrar.

## ARTICLE 5

**Non-bis-in-idem (rule of speciality)**

The convicted person shall not be tried before a court in the United Kingdom for acts which the Special Court has the power to prosecute under Articles 2, 3, 4 and 5 of the Statute of the Special Court, for which he has already been tried by the Special Court.

## ARTICLE 6

**Inspection**

1. The competent authorities of the United Kingdom shall allow the inspection of the conditions of detention and treatment of the prisoners, detained under this Agreement, by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter "the CPT") at any time and on a periodic basis, the frequency of visits to be determined by the CPT. The CPT will submit a confidential report based on the findings of those inspections to the Foreign and Commonwealth Office and to the President of the Special Court. The confidential report shall not be released, by the President of the Special Court to any person or body, outside the Special Court, without the consent of the Government of the United Kingdom.

2. The United Kingdom and the President shall consult each other on the findings of the reports referred to in paragraph 1 of this Article. The President may thereafter request the United Kingdom to report to him or her any changes in the conditions of detention suggested by the CPT.

## ARTICLE 7

**Information**

1. The United Kingdom shall immediately notify the Registrar:
  - a) six months prior to the completion of the sentence;
  - b) if the sentenced person has escaped from custody before the sentence has been completed;
  - c) if the sentenced person has deceased; and
  - d) six months prior to the point at which early release would be considered for an equivalent domestic sentence in the jurisdiction of the United Kingdom to which the sentenced person has been transferred.



2. Notwithstanding paragraph 1 of this Article, the Registrar and the United Kingdom shall consult each other on all matters relating to the enforcement of the sentence upon the request of either Party.

3. The Registrar shall, during the course of enforcement of any sentence under this Agreement, provide the United Kingdom with any report or other information requested by the United Kingdom, which is relevant to the enforcement of such a sentence and within the possession of the Registrar.

#### ARTICLE 8

##### **Early release, pardon and commutation of sentences**

1. If, pursuant to the applicable national law of the United Kingdom, the sentenced person is eligible for early release, pardon or commutation of the sentence, the United Kingdom shall notify this to the Registrar, in advance of such eligibility, and shall include in any such notification all the circumstances pertaining to the eligibility for early release, pardon or commutation of the sentence.

2. The President of the Special Court shall determine, in consultation with the Judges of the Special Court, whether any early release, pardon or commutation of the sentence is appropriate. The Registrar shall inform the United Kingdom of the President's determination. If the President determines that an early release, pardon or commutation of the sentence is not appropriate, the United Kingdom shall act accordingly.

#### ARTICLE 9

##### **Termination of enforcement**

1. The enforcement of the sentence shall cease:

- a) when the sentence has been completed;
- b) upon the death of the sentenced person;
- c) upon the pardon or commutation of the sentenced person; or
- d) following a decision of the Special Court referred to in paragraph 2 of this Article.

2. The Special Court may at any time decide to request the termination of the enforcement of the sentence in the United Kingdom and transfer the sentenced person to another State or to the Special Court.



3. The competent authorities of the United Kingdom shall terminate the enforcement of the sentence as soon as they are informed by the Registrar of any decision or measure as a result of which the sentence shall cease to be enforceable.

4. After the enforcement of the sentence has ceased in accordance with this Agreement, the United Kingdom may transfer or deport the convicted person as appropriate and in accordance with its international obligations.

#### ARTICLE 10

##### **Impossibility of enforcement of sentence**

If, at any time after the decision has been taken to enforce the sentence, for any legal or practical reasons, further enforcement has become impossible, the United Kingdom shall promptly inform the Registrar. The Registrar shall make the appropriate arrangements for the transfer of the sentenced person. The competent authorities of the United Kingdom shall allow at least sixty days following the notification of the Registrar before taking further action on the matter.

#### ARTICLE 11

##### **Costs**

The Special Court shall bear the expenses related to the transfer of the sentenced person to and from the United Kingdom, unless the Parties agree otherwise. The United Kingdom shall pay all other expenses incurred in the enforcements of the sentence.

#### ARTICLE 12

##### **Entry into force**

This Agreement shall enter into force 30 days after signature by the Special Court and the United Kingdom.

#### ARTICLE 13

##### **Duration of the Agreement**

1. This Agreement shall remain in force as long as sentences of the Special Court are being enforced by the United Kingdom under the terms and conditions provided in this Agreement.

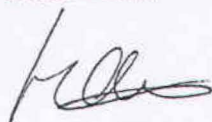
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2. Either Party may terminate this Agreement following consultations with the other Party and after the expiry of two months from the date on which written notice has been given by the terminating Party to the other Party. This Agreement shall not be terminated before any sentences to which this Agreement applies have been completed or terminated in accordance with this Agreement nor before any sentenced individual has been transferred or deported from the United Kingdom subsequent to the completion or termination of such a sentence.

In witness whereof, the undersigned, duly authorised thereto, have signed this Agreement.

Done at London this 10th day of July 2007, in duplicate, in the English language.

For the Special Court for  
Sierra Leone:



For the Government of the  
United Kingdom of Great  
Britain and Northern Ireland:



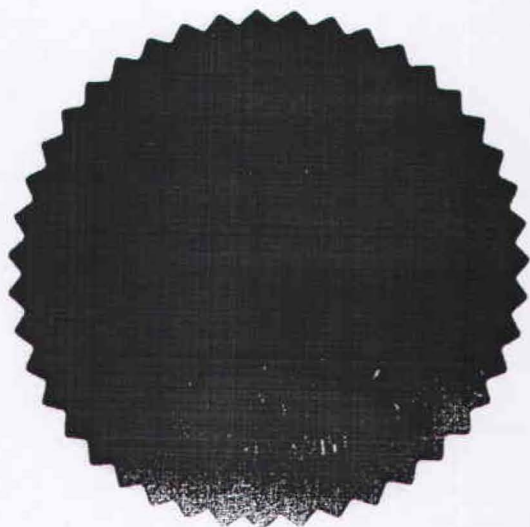
Mrs Mallon. Brown

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Lord Mark Malloch-Brown, Minister of State for Africa, Asia and the United Nations, is hereby granted full powers to sign, on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Special Court for Sierra Leone on the Enforcement of Sentences of the Special Court for Sierra Leone.

In witness whereof I, David Miliband, Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, have signed these presents.

Signed and sealed at the Foreign and Commonwealth Office,  
London, the 9<sup>th</sup> day of July, Two  
thousand and seven.



David Miliband



## ANNEX F

**AGREEMENT BETWEEN  
THE SPECIAL COURT FOR SIERRA LEONE  
AND  
THE GOVERNMENT OF THE REPUBLIC OF RWANDA  
ON THE ENFORCEMENT OF SENTENCES  
OF THE SPECIAL COURT FOR SIERRA LEONE**

The Special Court for Sierra Leone, established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone signed on 16 January 2002 (hereinafter "the Special Court") and

The Government of the Republic of Rwanda (hereinafter "the Government of Rwanda"),

RECALLING Article 22 of the Statute of the Special Court annexed to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone, according to which imprisonment of persons sentenced by the Special Court shall be served in Sierra Leone; or if circumstances so require, in any State that has concluded with the International Criminal Tribunal for Rwanda or the International Criminal Tribunal for former Yugoslavia an agreement for the enforcement of sentences and which has indicated to the Special Court its willingness to accept convicted persons; or alternatively, in any State with which the Special Court has concluded similar agreements;

RECALLING United Nations Security Council Resolution 1470 (2003), adopted on 28 March 2003, which urges all the States to cooperate fully with the Special Court;

NOTING the willingness of the Government of Rwanda to enforce sentences imposed by the Special Court for violations of international humanitarian law and Sierra Leonean law in the territory of Sierra Leone since 30 November 1996;

RECALLING the widely accepted international standards governing the treatment of prisoners, including the Standard Minimum Rules for the Treatment of Prisoners approved by ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment adopted by General Assembly resolution 43/173 of 9 December 1988, and the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 of 14 December 1990;



IN ORDER to give effect to the judgements and sentences of the Special Court;

HAVE AGREED as follows:

**Article 1**

*Purpose and Scope of the Agreement*

This Agreement shall regulate matters relating to or arising out of all requests to the Government of Rwanda to enforce sentences imposed by the Special Court.

**Article 2**

*Procedure*

1. A request to the Government of Rwanda to enforce a sentence shall be made by the Registrar of the Special Court (hereinafter "the Registrar"), with the approval of the President of the Special Court.
2. The Registrar shall provide the following documents to the Government of Rwanda when making the request:
  - a. a certified copy of the judgement;
  - b. a statement indicating how much of the sentence has already been served, including information on any pre-trial detention;
  - c. when appropriate, any medical or psychological reports on the convicted person, any recommendation for his further treatment in the Government of Rwanda and any other factor relevant to the enforcement of the sentence;
  - d. certified copies of identification papers of the convicted person in the possession of the Special Court;
3. All communications to the Government of Rwanda relating to matters provided for in this Agreement shall be made to the Minister in charge of Penitentiary Administration through the Minister in charge of Foreign Affairs.
4. The competent national authorities of the Government of Rwanda shall promptly decide upon the request of the Registrar, in accordance with national law, and inform the Registrar in writing of its decision whether or not to accept the convicted person(s).



Article 3  
*Enforcement*

1. In enforcing the sentence pronounced by the Special Court, the Government of Rwanda shall be bound by the duration of the sentence so pronounced and ensure the sentence is served in a prison facility identified and agreed to by the parties.
2. The conditions of imprisonment shall be governed by the laws of the Government of Rwanda, subject to the supervision of the Special Court, as provided for in Articles 6 to 8 and paragraphs 2 and 3 of Article 9 below.
3. The conditions of imprisonment shall be consistent with the widely accepted international standards governing treatment of prisoners.

Article 4  
*Transfer of the convicted person*

1. The Registrar shall make appropriate arrangements for the transfer of the convicted person from the Special Court to the competent authorities of the Government of Rwanda. Prior to his transfer, the convicted person will be informed by the Registrar of the contents of this Agreement.
2. If, after the transfer of the convicted person to the Government of Rwanda, the Special Court, in accordance with its Rules of Procedure and Evidence, orders that the convicted person appears in a proceeding before it, the convicted person shall be transferred temporarily to the Special Court for that purpose, conditioned upon his return to the Government of Rwanda within the period decided by the Special Court.
3. The Registrar shall transmit the order for the temporary transfer of the convicted person to the national authorities of the Government of Rwanda. The Registrar shall ensure the proper transfer of the convicted person from the Government of Rwanda to the Special Court and back to the Government of Rwanda for the continued imprisonment after the expiration of the period of temporary transfer decided by the Special Court. The duration of the temporary transfer shall be deducted from the overall sentence to be served in the Government of Rwanda.



**Article 5**  
*Non-bis-in-idem*

The convicted person shall not be tried before a court of the Government of Rwanda for acts constituting a crime falling within the jurisdiction of the Special Court, for which he has already been tried by the Special Court.

**Article 6**  
*Inspection*

1. The competent authorities of the Government of Rwanda shall allow the inspection of the conditions of detention and the treatment of the prisoner(s) at any time and on a periodic basis by the International Committee of the Red Cross (hereinafter the ICRC) or such other body or person as the Special Court may designate for that purpose. The frequency of visits will be determined by the ICRC or the designated body or person. The Special Court may furthermore request the ICRC or the designated body or person to carry out such an inspection. The ICRC or the designated body or person will submit a confidential report based on the findings of these inspections to the Government of Rwanda and to the President and the Registrar of the Special Court.
2. Representatives of the Government of Rwanda, the President and the Registrar of the Special Court shall consult each other on the findings of the reports referred to in the previous paragraph. The President of the Special Court may thereafter request the Government of Rwanda to report to him or her any changes in the conditions of detention suggested by the ICRC or the designated body or person.

**Article 7**  
*Information*

1. The Government of Rwanda shall immediately notify the Registrar of the following:
  - a. if the convicted person has completed his sentence, two months, or as soon as practicable, prior to such completion;
  - b. if the convicted person has escaped from custody;
  - c. if the convicted person has deceased;



2. Notwithstanding the previous paragraph, the Registrar of the Special Court and the Government of Rwanda shall consult each other on all matters relating to the enforcement of the sentence upon the request of either party.

### Article 8

#### *Early release, pardon and commutation of sentences*

1. If, pursuant to the applicable national law of the Government of Rwanda, the convicted person is eligible for early release, pardon or commutation of the sentence, the Government of Rwanda shall notify this to the Registrar of the Special Court in advance of such eligibility, and shall include in any such notification all the circumstances pertaining to the eligibility for early release, pardon or commutation of the sentence.
2. The President of the Special Court shall determine, in consultation with the Judges of the Special Court, whether any early release, pardon or commutation of the sentence is appropriate in the interest of justice and the general principles of law. The Registrar of the Special Court shall inform the Government of Rwanda of the President's decision. If the President determines that early release, pardon or commutation of the sentence is not appropriate, the Government of Rwanda shall act accordingly.

### Article 9

#### *Termination of enforcement*

1. The enforcement of the sentence shall terminate:
  - a. when the convicted person has completed his sentence;
  - b. when the convicted person has died;
  - c. when the convicted person has been released as a result of being granted early release, pardon or commutation of sentence;
  - d. when the Special Court has issued a decision as referred to in paragraph 2;
2. The Special Court may at any time decide to request the termination of the enforcement in the Government of Rwanda and transfer the convicted person to another State or to the Special Court.
3. The competent authorities of the Government of Rwanda shall terminate the enforcement of the sentence as soon as it is informed by the Registrar of any



decision or measure as a result of which the sentence ceases to be enforceable.

4. Upon the termination of the enforcement of a sentence, the Registrar shall in consultation with the Government of Rwanda make the appropriate arrangements for the transfer of the convicted person from the Government of Rwanda or, in the case of death, the repatriation of the convicted person's body.

#### Article 10

##### *Impossibility to enforce sentence*

If, at any time after the decision has been taken to enforce the sentence, for any legal or practical reasons, further enforcement has become impossible, the Government of Rwanda shall promptly inform the Registrar of the Special Court. The Registrar shall then make the appropriate arrangements for the transfer of the convicted person. The competent authorities of the Government of Rwanda shall allow for at least sixty days following the notification of the Registrar before taking other measures on the matter.

#### Article 11

##### *Costs*

1. Unless the parties agree otherwise, the Special Court shall bear the expenses related to the following:
  - a. the transfer of the convicted person to and from the Government of Rwanda, at the beginning and at the end of the sentence, including the temporary transfer to and from the Special Court for the purposes of appearing in a proceeding before the Special Court;
  - b. in case of death, the cost of transportation and return of the body of the deceased to the family members of the deceased, for burial, or if and when necessary, the costs of the burial by the Rwanda authorities, in the event that the family of the deceased does not take possession of the body; and
  - c. upkeep and maintenance costs (related to meals, sanitation and communications) as well as incidentals and special medical care which may entail extraordinary costs in respect of a convicted person who is to serve a sentence in the Government of Rwanda pursuant to this Agreement.



2. The Government of Rwanda shall pay all other expenses incurred by the enforcement of the sentence, including:
  - a. safety and security of the identified quarters for persons convicted by the Special Court;
  - b. prison wardens' remuneration and basic utilities (water, electricity, sewage, etc);
  - c. any travel document necessary to authorize the convicted person to exit Rwanda upon completion of his sentence, in accordance with Rwanda laws.
3. The Government of Rwanda and the Registrar will conclude a Memorandum of Understanding detailing the average yearly costs that are to be borne by the Special Court for Sierra Leone, in accordance with paragraph 1 above.

**Article 12**  
**Substitution Clause**

Upon completion of the mandate of the Special Court for Sierra Leone, as per Article 23 of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone, and Article 1 of the Statute of the Special Court, its designated successor body, mandated to discharge all residual functions of the Special Court, will take over all functions of the President, the Registrar and the Judges pertaining to the execution of this Agreement.

**Article 13**  
**Entry into force**

This Agreement shall enter into force provisionally upon the signature of both parties, and definitely upon the date of notification by the Government of Rwanda of ratification or approval of the Agreement by its competent authorities.

**Article 14**  
**Duration of the Agreement**

1. This Agreement shall remain in force as long as sentences of the Special Court are being enforced by the Government of Rwanda under the terms and conditions of this Agreement.

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2. Upon consultation, either party may terminate this Agreement, with six months prior notice in writing. This Agreement shall not be terminated before the sentences to which this Agreement applies have been terminated and, if applicable, before the transfer of the convicted person as provided for in Article 10 has been effected.


**Article 15**  
*Amendment*

This Agreement may be amended by mutual consent of the parties.


**IN WITNESS WHEREOF**, the undersigned, duly authorized thereto, have signed this Agreement.

Done at Kigali, this Eighteenth day of March in the year Two Thousand and Nine, in duplicate, in English and French, both texts being equally authentic.

**FOR THE SPECIAL COURT  
FOR SIERRA LEONE**

  
Herman von Hebel,  
Registrar of the Special Court  
for Sierra Leone

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF RWANDA**

  
Hon. Rosemary Museminali,  
Minister of Foreign Affairs and  
Cooperation of the Republic of Rwanda

