



Residual Special Court for Sierra Leone
Public Information

PRESS RELEASE

Freetown, Sierra Leone, 12 November 2020

Statement by the Residual Special Court on the Conditional Early Release of Prisoners Convicted by the Special Court for Sierra Leone

In view of misinformation being circulated online about the treatment of prisoners convicted by the Special Court, in part by several of the prisoners themselves but also by persons living outside of Sierra Leone, the Residual Special Court, or RSCSL, finds it necessary to address a misunderstanding about one issue in particular: the Court's conditional early release of prisoners.

Under the Residual Special Court (RSCSL) Statute, convicted persons are eligible to apply for conditional early release after they have served two thirds of their sentences, and if the President of the RSCSL determines that they have fulfilled a number of conditions, including conducting themselves properly while in prison. Once found eligible, the Court will investigate to establish that they are not a danger to the community in which they intend to reside, or to the witnesses who testified against them. The convicted person may then be allowed to finish serving his sentence in that community, subject to strict conditions and monitoring.

We stress that the release or transfer of prisoners is a judicial decision only, made by the President of the Residual Special Court in line with the RSCSL Statute and the Rules of Procedure and Evidence. Neither the United Nations nor the Government of Sierra Leone has a role in these decisions. It is important to remember that these prisoners were convicted by an international court, with each chamber having a majority of international judges. The length of their sentences is based on the seriousness of the crimes for which they, as individuals, were found guilty. The prisoners are serving their sentences outside of Sierra Leone, in Rwanda and the UK, to avoid the risk of jailbreaking.

Moinina Fofana was granted conditional early release in 2015 after serving two-thirds of his sentence at Mpanga Prison in Rwanda. He completed his 15 year sentence in May 2018. Allieu Kondewa has completed two thirds of his 20 year sentence and is currently serving out the remainder of his sentence on conditional early release. Augustine Gbao was approved for conditional early release this September after he served two thirds of his 25 year sentence. Before being released, Augustine Gbao is undergoing a three-month training geared to his understanding of and acceptance of responsibility for the harm he inflicted by his crimes. Five other persons, including former Liberian President Charles Taylor at HM Prison Frankland in the UK, have not yet served two thirds of their sentences and so are not yet eligible to apply for conditional early release. They are being held in accordance with international standards, with their sentences supervised by the RSCSL and prison conditions monitored by international human rights organizations, including the International Committee of the Red Cross.

We take these attempts at disinformation seriously because of their potential to interfere with the administration of justice. Under Rule 77 of the RSCSL Rules of Procedure and Evidence, “The Residual Special Court, in the exercise of its inherent power, may punish for contempt any person who knowingly and willfully interferes with the administration of justice by the Special Court or Residual Special Court”.

A conviction for contempt is punishable by a sentence of up to seven years in prison, a fine of up to 20 million leones, or both.

Further information on conditional early release can be found on the Court’s website, at www.rscsl.org.

#END

The Residual Special Court for Sierra Leone is responsible for the ongoing legal obligations of the Special Court for Sierra Leone, which concluded its mandate in December 2013. These include supervision of prison sentences, witness protection and support, maintenance and preservation of the archives, and assistance to national prosecution authorities.

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Produced by the
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