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RSCSL-04-14-ES  
(1476-1480)

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**RESIDUAL SPECIAL COURT FOR SIERRA LEONE**

**Before:** Justice Philip N. Waki,  
President

**Registrar:** Ms. Binta Mansaray

**Date:** 2 December 2016

**PROSECUTOR**                      **Against**                      **ALLIEU KONDEWA**  
(Case No. RSCSL- 04-14-ES)

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**PUBLIC**

**DECISION ON ALLIEU KONDEWA'S ELIGIBILITY FOR CONSIDERATION  
FOR CONDITIONAL EARLY RELEASE**

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Office of the Prosecutor:  
Ms. Brenda J. Hollis

Defence Office  
Mr. Ibrahim Sorie Yillah

The Republic of Rwanda

RESIDUAL SPECIAL COURT FOR SIERRA LEONE	
<b>RECEIVED</b>	
COURT MANAGEMENT THE HAGUE	
05 DEC 2016	
NAME	Francis Ngaboh-Smart
SIGN	<i>[Signature]</i>
TIME	9:00



RECALLING that, on 2 August 2007 and 9 October 2007, Trial Chamber I of the Special Court for Sierra Leone (“Trial Chamber” and “Special Court” respectively) rendered its Judgment and Sentencing Judgment in *Prosecutor v. Fofana and Kondewa*, and sentenced Kondewa to a term of 8 years imprisonment with credit for time already served;

RECALLING that on 28 May 2008, the Appeals Chamber of the Special Court (“Appeals Chamber”) rendered Judgment in *Prosecutor v. Fofana and Kondewa*, wherein by a majority it increased Kondewa’s sentence to a total term of 20 years imprisonment;

RECALLING that on 12 August 2009, the Republic of Rwanda was designated as the State in which Kondewa was to serve his sentence;

RECALLING that under Article 24 of the Statute of the Residual Special Court (“Statute”), a convicted person is eligible for pardon or commutation of sentence if the President, in consultation with the judges who imposed the sentence where possible so decides in the interests of justice and the general principles of law, following notification by the State in which the convicted person is imprisoned that he or she is eligible for pardon or commutation of sentence pursuant to the applicable law of that State;

CONSIDERING that pursuant to Article 2 of the Practice Direction a convicted person upon having served 2/3 of his or her total sentence must first establish his eligibility for consideration for conditional early release and must demonstrate that he meets the requirements set out in Articles 2 (B) to (D) of same to wit that:

He has demonstrated successful completion of any remedial, educational, moral, spiritual or other programme to which he was referred within the Prison, that he is not a danger to the community or to any member of the public and compliance with the terms and conditions of his imprisonment as required by Article 2(B) of the Practice Direction;

He has provided proof that he has shown respect for the fairness of the process by which he was convicted, has refrained from incitement against the peace and security of the people of Sierra Leone while incarcerated and has made a positive contribution to peace and reconciliation in Sierra Leone and the region as required by Article 2(C) of the Practice Direction;

He has provided a statement of understanding that his release will be subject to entering into and complying with a Conditional Early Release Agreement as required by Article 2(D);

TAKING INTO ACCOUNT that the instant Application refers to and documents Kondewa’s compliance with the requirements set out above;

NOTING that pursuant to Article 4(A) of the Practice Direction a determination of eligibility for consideration for conditional early release shall be made by the President in consultation with the Judges who imposed the sentence, if available or, if unavailable with

at least two other Judges and that the President shall determine whether the requirements set out in Articles 2 (B) to (D) of the aforementioned Practice Direction have been met;

**HAVING** carried out the required consultations;

**FINDING** that the documentation submitted at the present stage is sufficient to warrant Kondewa's consideration for conditional early release and that Kondewa has therefore met the requirements set out in Article 2 of the Practice Direction;

**FOR THE ABOVE REASONS,**

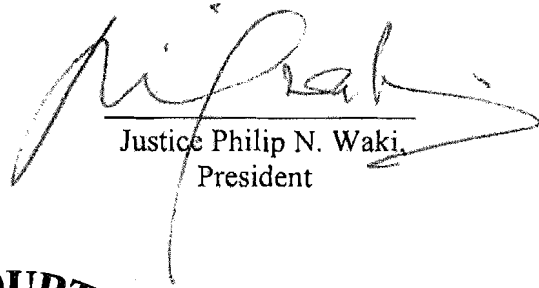
**GRANTS** the Application, and determines that Kondewa is eligible for consideration for conditional early release, and

**HEREBY ORDERS AS FOLLOWS:**

1. The Registrar shall request Kondewa to provide the information required under Article 5(B) of the Practice Direction not later than 14 days from the date of filing of this Decision;
2. The Registrar shall provide the information required under Articles 5 (C) to (H) of the Practice Direction not later than 30 days from the date of filing of this Decision;
3. The timelines prescribed under Articles 6 (A), (B) and (C) of the Practice Direction remain in force.

Done at The Hague, The Netherlands

This 2 day of December 2016



Justice Philip N. Waki  
President

[Seal of the Residual Special Court for Sierra Leone]

