



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 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 conducted themselves properly while in prison. Once found eligible, they 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, because the Government of Sierra Leone informed the Special Court that it could not ensure security to enforce their sentences.

Moinina Fofana received conditional early release in 2015, and he has now completed his 15-year sentence. Allieu Kondewa is currently serving out his sentence on conditional early release, and Augustine Gbao was approved for conditional early release this September, with a three-month delay, during which time he will receive 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 its potential to interfere with the administration of justice by the Residual Special Court. 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.

#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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