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**RESIDUAL SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PRESIDENT**  
CHURCHILLPLEIN 1, 2517 JW • THE HAGUE • THE NETHERLANDS  
P. O. BOX 19386, 2500CM • THE HAGUE • THE NETHERLANDS  
(BRANCH OFFICE : ) JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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

**Ag. Registrar:** Ms. Binta Mansaray

**Date:** 29 April 2014

**PROSECUTOR**                      **Against**                      **ERIC SENESSIE**

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**PUBLIC**  
**DECISION ON ERIC SENESSIE'S ELIGIBILITY FOR CONSIDERATION FOR  
CONDITIONAL EARLY RELEASE**

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**Office of the Prosecutor:**  
Ms. Brenda Hollis

**Defence Office:**  
Ms. Claire Carlton-Harvillat

**The Republic of Sierra Leone**

RESIDUAL SPECIAL COURT FOR SIERRA LEONE  
**RECEIVED**  
COURT MANAGEMENT  
THE HAGUE  
29 APR 2014  
NAME *Frances Ngabala-Smart*  
SIGN *[Signature]*  
TIME *13:36*

**THE PRESIDENT OF THE RESIDUAL SPECIAL COURT FOR SIERRA LEONE**  
**(Residual Special Court)**

**SEIZED OF** Eric Senessie's ("Senessie") "Petition by Convicted Person to Establish Eligibility for Conditional early Release" dated 16 April 2014 as set out in "Form A1" annexed to the Practice Direction on the Conditional Early Release of Persons convicted by the Special Court for Sierra Leone ("Application" and "Practice Direction" respectively);

**CONSIDERING** the "Notification by State of Enforcement to Establish Eligibility for Conditional Early Release" dated 22 April 2014 contained in "Form B" annexed to the Practice Direction and also annexed to the Application, by which the Republic of Sierra Leone in accordance with the Sierra Leone Prisons Ordinance of 1961 and Article 2 of the Practice Direction notified the Residual Special Court of Senessie's eligibility to be considered for Conditional Early Release;

**RECALLING** that on 21 June 2012 and 5 July 2012, A Single Judge of Trial Chamber III of the Special Court for Sierra Leone ("Trial Chamber" and "Special Court" respectively) rendered Judgment and Sentencing Judgment in contempt proceedings in *Prosecutor v. Eric Senessie*, and sentenced Senessie to a term of 2 years imprisonment with credit for period spent in remand;

**RECALLING** that on 4 September 2012, the Appeals Chamber of the Special Court ("Appeals Chamber") dismissed Senessie's Motion for Review on the ground that it was unfounded pursuant to Article 21(2) of the Statute of the Special Court ("SCSL Statute") and Rule 121 of the Rules of Procedure and Evidence of the Special Court ("SCSL Rules");

**RECALLING** that on 10 May 2013, the Republic of Sierra Leone was designated as the State in which Senessie 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;

**HAVING** carried out the consultations prescribed in Article 4 of the Statute aforesaid, Rule 124 of the Rules of Procedure and Evidence of the Residual Special Court for Sierra Leone ("Rules") and Article 4(A) of the Practice Direction;

**CONSIDERING** however that pursuant to Article 2 of the Practice Direction a convicted person upon having served 2/3 of his total sentence must first establish his eligibility for consideration for conditional early release; and that under Article 4(A) of the said Practice Direction, in order to establish this eligibility, the convicted person must demonstrate that he meets the requirements set out in Articles 2 (B) to (D) of same: to wit that

Under Article 2(B) of the Practice Direction the convicted person shall demonstrate: 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;

Pursuant to Article 2(C) of the Practice Direction the convicted person shall, in addition, provide proof that: he has shown respect for the fairness of the process by which he was convicted, he has refrained from incitement against the peace and security of the people of Sierra Leone while incarcerated and he has made a positive contribution to peace and reconciliation in Sierra Leone and the region; and that pursuant to Article 2(D) he shall further provide a statement of understanding that his release will be subject to entering into and complying with a Conditional Early Release Agreement;

**OBSERVING** that the Application refers to and documents *inter alia* Senessie's good behavior within detention, favourable prospects for reintegration into society and a statement of understanding that his release will be subject to entering into and complying with a Conditional Early Release Agreement;

**FINDING** that these factors, at the present stage warrant Senessie's consideration for conditional early release and that Senessie has therefore met the requirements set out in Article 2 of the Practice Direction;

**FOR THE ABOVE REASONS,**

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

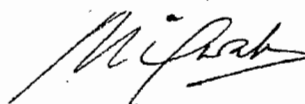
**ORDERS** that

1. The Registrar shall request Senessie to provide the information required under Article 5(B) of the Practice Direction not later than 7 days from the date of service of this Decision;
2. The Registrar shall provide the information required under Articles 5 (C) to (H) of the Practice Direction not later than 21 days from the date of filing of this Decision;
3. Submissions under Articles 6(A) and (B) of the Practice Direction shall be delivered not later than 7 days from receipt of the portfolio, reports and information served in accordance with Article 5(I) of same;

- 4. Responses under Article 6(C) of the Practice Direction shall be submitted not later than 48 hours from receipt of information submitted under either Articles 6(A) or (B) of same.

Done at The Hague, The Netherlands

This 29 day of April 2014



Justice Philip N. Waki,  
President

