



**I, RENATE WINTER**, President of the Special Court for Sierra Leone (“Special Court”);

**NOTING** the Judgment rendered by the Appeals Chamber on 26 October 2009 in the case of *Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao*, Case No. SCSL-2004-15-A, in which Augustine Gbao was sentenced to 25 years of imprisonment, subject to credit being given for the period already spent in detention;

**PURSUANT** to Article 22 of the Statute of the Special Court, Rule 103(B) of the Rules and paragraphs four to six of the Practice Direction for Designation of State for Enforcement of Sentence, issued 10 July 2009 (“Practice Direction”);

**CONSIDERING** that, pursuant to Article 22 of the Statute of the Special Court, imprisonment shall be served in Sierra Leone unless circumstances require that imprisonment 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, or any other States with which the Special Court may conclude similar agreements;

**CONSIDERING** that, on 9 June 2008, the President of the Republic of Sierra Leone communicated to the Registrar that the Government of Sierra Leone 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, and further communicated on 24 April 2009 that the 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 sentences imposed by the Special Court in Sierra Leone;

**CONSIDERING** the “Agreement between the Government of the Republic of Rwanda and the Special Court on the Enforcement of Sentences of the Special Court,” that was signed on 18 March 2009 and which entered into force on 11 August 2009, concerning the enforcement of sentences passed by the Special Court (“Agreement”);

**CONSIDERING** the “Amended 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,” which was reached by exchange of correspondence between the Acting Registrar and Minister of Foreign Affairs and Cooperation of the Republic of Rwanda, dated 16 September 2009 and 24 September 2009 (“Amended Agreement”);

**CONSIDERING** the confidential internal memorandum of today's date, submitted to me by the Acting Registrar within the terms of paragraph three of the Practice Direction and listing the States in which Augustine Gbao may serve his sentence;

**CONSIDERING** that the Government of the Republic of Rwanda has indicated to the Registry its willingness to enforce Augustine Gbao's sentence;

**HAVING CONSIDERED** all of the factors enumerated in the Practice Direction, including the family situation of Augustine Gbao;

**FOR THE FOREGOING REASONS**

**DECIDE** that Augustine Gbao shall serve his sentence in the Republic of Rwanda;

**INVITE** the Acting Registrar to officially request the authorities of the Republic of Rwanda to enforce the sentence of Augustine Gbao and, should the Government of the Republic of Rwanda accede to this request, so inform and take all necessary measures to facilitate the transfer of Augustine Gbao to the Republic of Rwanda;

**ORDER** that Augustine Gbao remain in the Special Court's custody while awaiting his transfer to the Republic of Rwanda; and

**INSTRUCT** the Registry of the Special Court to lift the confidential status of the present Order once the transfer of Augustine Gbao to the Republic of Rwanda has been completed and **ORDER** that this Order shall thereupon and henceforth be considered a public filing.

Done this 26th day of October 2009 at Freetown, Sierra Leone.



Hon. Justice Renate Winter  
President of the Special Court for Sierra Leone

