



**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PRESIDENT**

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**Practice Direction for
Designation of State for Enforcement of Sentence**

I. INTRODUCTION

1. In accordance with Rule 19(B) of the Rules of Procedure and Evidence; pursuant to Article 22 of the Statute and Rule 103 of the Rules of Procedure and Evidence; considering Article 2 paragraph 1 of the Model Agreement on the Enforcement of Sentences; and having consulted with the Registrar and the Prosecutor; this Practice Direction is hereby issued for the purpose of establishing an internal procedure for the Special Court's designation of the State in which a convicted person shall serve his sentence of imprisonment.

THE REGISTRAR'S COMMUNICATIONS TO STATES

2. After the sentencing of a convicted person, the Registrar shall engage in a communication process with any of the States that have declared their willingness to accept convicted persons and have signed an agreement with the Special Court to that effect pursuant to Article 22 of the Statute. At the preliminary stage of the communication process, the Registrar shall request the Government(s) concerned to give, before a certain date, an indication of their readiness, as a practical matter, to receive a person convicted by the Special Court.
3. Upon receiving positive response(s) from any of the concerned Government(s) to the preliminary inquiry, the Registrar shall give to any of the said Government(s) relevant information concerning the particular convicted person whom the Special Court intends to transfer to the State(s) concerned for purposes of serving the sentence of imprisonment as imposed. At this stage of his communication, the Registrar shall provide to the Government(s) concerned the following documents:
 - (i) a certified copy of the judgment;
 - (ii) a statement indicating how much of the sentence has already been served, including information on pre-trial detention;
 - (iii) when appropriate, any medical or psychological reports on the convicted person, any recommendation for his further treatment in the receiving State, and any other information relevant to the enforcement of the sentence; and
 - (iv) certified copies of identification papers of the convicted person in the Special Court's possession.

THE REGISTRAR'S REPORT TO THE PRESIDENT

4. On the basis of the indication(s) of readiness and willingness, by the concerned Government(s), to accept the convicted person, the Registrar shall prepare a confidential memorandum for the President of the Special Court. This

memorandum shall enumerate the States in which the sentence of the convicted person may be carried out and shall contain information concerning:

- (i) the marital status, dependants and other family relations of the convicted person, as well as the usual place(s) of residence of such relations; and, when appropriate, the financial resources they have available to visit the convicted person;
- (ii) whether the convicted person is expected to serve as a witness in further proceedings of the Special Court;
- (iii) whether the convicted person is expected to be relocated as a witness and, in such case, which State(s) has or have entered into relocation agreement(s) with the Special Court;
- (iv) where available or desirable, any medical or psychological report(s) on the convicted person;
- (v) linguistic skills of the convicted person;
- (vi) vocational and educational training of the convicted person;
- (vii) religious practices of the convicted person, if any;
- (viii) if possible, general conditions of imprisonment and rules governing security and liberty in the State(s) concerned;
- (ix) any other consideration related to the case.

THE PRESIDENT'S DESIGNATION

5. After the sentencing of a convicted person has become final, the President of the Special Court will on the basis of the submitted information and on any other inquiries he/she chooses to make, designate the State in which imprisonment shall be served. In his/her designation, the President will take into account the desirability of serving sentences in States that are within close proximity or accessibility of the relatives of the convicted person. Before making the designation, the President may consult with the Sentencing Chamber or its Presiding Judge and/or the Registrar and shall notify the Government of Sierra Leone. The President may also request the submissions of the convicted person and/or the Office of the Prosecutor.
6. The President shall transmit the decision to the Registrar. The President may decide that the designation of the State shall not be made public.

REQUEST TO THE DESIGNATED STATE

7. The Registrar shall, in accordance with the relevant provisions of the agreement on the enforcement of sentences between the Special Court and the State that

has been designated by the President, request the Government of the State concerned to enforce the sentence of the convicted person. Both the Registrar and the President shall sign the request.

THE REGISTRAR'S NOTIFICATIONS

8. If the requested Government accepts the Special Court's request to receive the convicted person, the Registrar shall notify the President and, whenever possible, the Sentencing Chamber or its Presiding Judge. The Registrar shall further inform the convicted person of the State designated for the enforcement of the sentence, the contents of the agreement on the enforcement of the sentences between the Special Court and the State concerned, and on any other issues of relevance.

REFERRAL BACK TO THE PRESIDENT

9. If the requested Government declines the Special Court's request to enforce the sentence of the convicted person, the Registrar shall refer the issue back to the President, who will designate another State in accordance with paragraph 5 of this Practice Direction.

A handwritten signature in black ink, appearing to read 'Renate Winter', is centered on the page. The signature is written in a cursive, somewhat stylized font.

Hon. Justice Renate Winter
President of the Special Court for Sierra Leone
10 July 2009