



Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

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Appeals Chamber Overturns Convictions, Enters New Ones, and Increases Sentences for Former Civil Defence Forces Leaders

The Special Court Appeals Chamber, in a majority Judgment, today overturned convictions imposed by the Trial Chamber against Moinina Fofana and Allieu Kondewa for collective punishments and against Kondewa for recruiting of child soldiers. The Appeals Chamber, by a majority, also entered two new convictions against both men for murder and inhumane acts as crimes against humanity.

In the Judgment, the majority of the Appeals Chamber upheld Trial Chamber convictions of the two men



on counts of murder and cruel treatment as war crimes, but increased their sentences substantially. Fofana, who had been sentenced by the Trial Chamber to concurrent sentences totalling six years, has now been sentenced to fifteen years. Kondewa's total sentence was increased from eight to twenty years.

The Judges considered nine grounds of appeal by the Prosecution and six grounds by Allieu Kondewa. Moinina Fofana did not appeal his conviction or sentence, but he was a respondent to the Prosecution appeals.

The Appeals Chamber majority reversed acquittals by the Trial Chamber on counts 1 and 3 of the indictment, for murder and inhumane acts as crimes against humanity, granting the Prosecution's appeal that the CDF had directed attacks against a civilian population, and not just against military targets.

The Appeals Chamber, again by majority, sustained war crimes convictions on counts 2 and 4 for murder and cruel treatment, but increased the sentences. The Judges, however, unanimously overturned Kondewa's conviction for murder in Talia.

On count 5, pillage as a war crime, the majority of the Judges sustained the Trial Chamber's conviction of Kondewa based on acts committed in Bonthe District, but said the Trial Chamber erred when it convicted him of acts committed in Moyamba District.

The five Judges unanimously upheld the Trial Chamber's acquittal of the two men on Count 6, acts of terrorism as a war crime.

The majority of the Appeals Chamber reversed the two men's convictions on Count 7, collective punishments as a war crime, concluding that the Trial Chamber had erred in its definition of the crime.

The majority also reversed Kondewa's conviction on Count 8, for the enlistment of children under the age of 15 as combatants.

The Appeals Chamber, by a majority, held that the Trial Chamber erred in considering political motives or fighting in a "just cause" as mitigating factors in sentencing.

Dissenting opinions were read out by Justice George Gelaga-King on convictions and sentencing, by Justice Jon Kamanda on sentencing, and by Justice Renate Winter in relation to the enlistment of child soldiers, collective punishments, and politically mitigating circumstances.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

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Press and Public Affairs Office
Special Court for Sierra Leone
Mobile: 232 76 655732
Email: SCSL-pressoffice@un.org

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