



Residual Special Court for Sierra Leone
Public Information

PRESS RELEASE

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Moinina Fofana Granted Conditional Early Release, After Six More Months in Prison

RSCSL President Justice Philip Nyamu Waki has granted an application by convicted former Civil Defence Forces Director of War Moinina Fofana for Conditional Early Release, but only after Fofana has served six more months in prison.

During these six months, Justice Waki said, the RSCSL Registrar and the Rwandan Prison Authorities will conduct training for Fofana. They will certify that he understands the nature and seriousness of the crimes for which he was convicted, that he understands that what may be a legitimate cause does not justify the use of illegal means, and that he acknowledges his own responsibility and the leadership role he played in the armed conflict in Sierra Leone.

In arriving at his decision, Justice Waki considered submissions from the Registry, the Defence and the Prosecution, amongst others, and consulted with the Special Court Judges who imposed Fofana's 15-year sentence. Today's decision will allow Fofana to eventually serve the remainder of his sentence in his community, subject to strict conditions and monitoring.

Fofana is the first war crimes convict to receive Conditional Early Release. Contempt convict Eric Koi Senessie was granted Conditional Early Release, but was unwilling to abide by the terms imposed by the Court. He was released at the end of his sentence on 13 June 2014.

Under the Court's Practice Direction on Conditional Early Release, Fofana's release is subject to a number of conditions. He must obey all orders of the Court, and he may not reveal the names of any protected witnesses, amongst others. In addition to the restrictions imposed by the Practice Direction, Justice Waki imposed several further conditions. These include an order that neither Fofana nor anyone acting for him may, either directly or indirectly, approach witnesses in the future to harm, intimidate or otherwise interfere with them, and that he may not become involved in local politics.

In a prior decision issued on 24 April 2014, Justice Waki had found Fofana eligible for consideration for Conditional Early Release on the basis that he had completed two-thirds of his sentence, that he had successfully completed all remedial, educational, moral, spiritual or other programmes to which he was referred while serving his sentence at Mpanga Prison in Rwanda, and that "he has complied with all conditions of his imprisonment as stated in his disciplinary record and that he poses no risk of danger to the community or to any member of the public including witnesses who testified against him."

Fofana was convicted by the Special Court for murder and inhumane acts, which are crimes against humanity, and for murder, cruel treatment and pillage, which are violations of Article 3 common to the Geneva Conventions and of Additional Protocol II (war crimes). The Trial Chamber originally sentenced him to five years in prison, but this was increased to fifteen years by the Appeals Chamber, which ruled that the Trial Chamber had erred in its finding that his fighting on the side of the government was mitigating circumstance in his sentencing. He was given credit for time served in detention beginning with his arrest by the Special Court in May 2003.

#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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