



Residual Special Court for Sierra Leone
Public Information

PRESS RELEASE

Freetown, Sierra Leone, 12 March 2015

CDF Convict Moinina Fofana Granted Conditional Early Release, Will Complete His Sentence in Bo

Moinina Fofana, the former Civil Defence Forces (CDF) Director of War, was returned to Sierra Leone from Rwanda's Mpanga Prison early today after having been granted Conditional Early Release by the RSCSL. Fofana will complete the remainder of his 15-year sentence in his own community in Bo, subject to strict conditions and stringent monitoring. He will complete his sentence in May 2018.

Fofana is the first Special Court prisoner convicted of war crimes and crimes against humanity to be released from prison. Since his arrest by the Special Court in May 2003, Fofana has spent nearly twelve years in detention.

In August 2014, RSCSL President Justice Philip Waki granted Fofana's application for Conditional Early Release, but ordered that the former CDF leader serve an additional six months in prison. During that time, Fofana was required to receive instruction to ensure that he understood the nature and seriousness of the crimes for which he was convicted, and that he understood that what may have been a legitimate cause did not justify the use of illegal means.

Fofana appeared this afternoon before RSCSL Registrar Binta Mansaray and confirmed that he understood the conditions of his release and was willing to abide by them. Ms. Mansaray then arranged for his transport to Bo, the capital of Sierra Leone's Southern Province.

"Although Fofana will reside in Bo, he must still complete his sentence for his convictions for war crimes and crimes against humanity that he committed against the people of Sierra Leone," Ms. Mansaray said. "He has agreed to abide by the conditions imposed by Justice Waki. If he fails to do so he could be returned to prison to serve the remainder of his sentence."

These conditions require Fofana to cooperate with a Monitoring Authority, to obey all orders of the Court, to refrain from committing any crime, and to pose no threat to former witnesses, amongst others. In addition to these, Justice Waki also ordered that Fofana acknowledge his guilt, publicly apologise, and show remorse. He is forbidden from interfering with witnesses, and he must not engage in secret meetings to plan civil unrest or join politics.

During the past year, Sierra Leone has been at the centre of a regional Ebola outbreak which has resulted in over 8,000 cases in the country and more than 3,000 deaths. While 314 cases were registered in Bo District, no new cases have been reported there since mid-January. The Registrar advised Fofana on the risk of infection for persons residing in Sierra Leone, and gave him the option to remain at Mpanga Prison until the country is declared Ebola-free. Fofana certified that the risks had been explained to him, and that this

notwithstanding, he preferred to return to Bo. The RSCSL has provided him with information to minimise the possibility of his contracting the disease.

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 six 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 a mitigating circumstance in his sentencing.

#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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