



Residual Special Court for Sierra Leone
Office of the Prosecutor

OTP PRESS RELEASE

Freetown, Sierra Leone, 13 March 2015

Statement by RSCSL Prosecutor Brenda J. Hollis on Conditional Early Release for Moinina Fofana

The President of the Residual Special Court for Sierra Leone has granted war crimes convict Moinina Fofana Conditional Early Release from Mpanga Prison in Rwanda. He will return to Sierra Leone to serve the balance of his 15-year sentence in his community if he meets the conditions of his release.

It is important to understand that the President's decision does not free Moinina Fofana from his sentence. Conditional Early Release does not mean that he has been found not guilty. It is not a pardon. It is not a retrial. Mr. Fofana is still convicted of extraordinarily serious crimes against humanity and war crimes. His victims were the most vulnerable people in society. He was convicted of crimes against children, women, and men who were not involved in the war. He was convicted of murder, of inflicting serious physical harm and great suffering, of looting property. These were crimes so serious that they still affect his Sierra Leonean victims and offend every member of our global community.

Conditional Early Release means that the President of the Residual Special Court has granted mercy to Mr. Fofana. That grant of mercy is subject to strict conditions which he must follow. If he fails to abide by these conditions, he may lose his freedom and be sent back to serve the remainder of his sentence in Rwanda.

What are those conditions? They are many, including acknowledging his guilt for his crimes and showing that he is truly sorry for having committed them. But for me as Prosecutor of the Residual Special Court, the most important condition is that Mr. Fofana must not threaten or harass the witnesses who testified against him. Let me make it even clearer. Mr. Fofana, or any person acting with Mr. Fofana's consent or authority, must NOT, directly or indirectly, contact witnesses who testified against him to try to harm them, threaten them, intimidate them, coerce them, or otherwise interfere with these courageous men and women. If he violates this condition, he will with no doubt whatsoever return to prison.

As Prosecutor of the Residual Special Court one of my duties is to do everything I can to ensure that prosecution witnesses who were called to testify or were prepared to testify remain safe. If Mr. Fofana, or any of his family, friends or supporters, tries to harass, threaten, harm or in any way interfere with these witnesses, or encourages or solicits anyone else to do that, they will be investigated and prosecuted.

The Residual Special Court has protection officers in Sierra Leone, and the witnesses know how to contact them. Any such misconduct - any at all - will not go unreported. If Mr. Fofana engages in such

criminal conduct toward the witnesses, he can expect not only to return to prison, but to be tried for offenses punishable by as much as seven years in prison, or even longer if the crime results in serious injury to the victim. Anyone else who interferes with witnesses can expect to go to prison as well.

This mercy of Conditional Early Release which has been granted to Moinina Fofana may allow him to spend the rest of his life at home atoning for his crimes against Sierra Leone's children, women and men. It gives him the opportunity to promote reconciliation and true peace in Sierra Leone, by admitting responsibility for his crimes, promoting the rule of law, and by each day advocating for fair and equal treatment under the law for all citizens of his country.

Moinina Fofana now has the chance to make amends for his most serious crimes against his fellow Sierra Leoneans, and to help Sierra Leone in its progress as a united, peaceful country in which the basic human rights of all its citizens are respected. I hope he makes the most of this opportunity.

I thank all those courageous victims and witnesses who came forward to testify. We all owe them a great debt. Their courage promoted true peace in Sierra Leone.

#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.

INFORMATION FOR MEDIA - NOT FOR ADVERTISING

Produced by the Office of the Prosecutor
Residual Special Court for Sierra Leone
Email: prosecution@rscsl.org

Visit our website at www.rscsl.org