



Residual Special Court for Sierra Leone
Public Information

PRESS RELEASE

Freetown, Sierra Leone, 25 April 2016

Moinina Fofana Will Face Stricter Conditions for Violating Terms of his Conditional Early Release

Moinina Fofana intentionally violated the terms of his Conditional Early Release by attending a political conference in Makeni, RSCSL Designated Judge Vivian Solomon ruled on Monday. She rejected a Defence argument that Fofana had not planned to attend the conference, citing his conflicting statements, and his falsification of the police register in Bo, as evidence that he had planned from the outset to attend the conference and that “he intentionally deceived the Monitoring Authority to achieve this aim.”

Justice Solomon, who presided over Monday's Administrative Hearing, found that Fofana's presence at the conference did not impede the continuing peace and security of Sierra Leone, and she took into account his admission of the allegations and his expression of remorse.

Fofana will not be returned to prison, but Justice Solomon modified the conditions of his Conditional Early Release. For the next six months he will not be allowed to travel outside of the City of Bo. At the expiration of this period, he faces more stringent restrictions on his ability to travel outside his community. He will need to obtain advance written permission from the Registrar, and he must divulge his exact destination, the purpose of his travel, and his return date. On arriving at his destination, he must report to the designated monitoring agent in the area.

The Prosecution had argued that Fofana's attendance at a political meeting was “most serious” given his past position of authority in the Civil Defence Forces, an argument the Judge rejected. The Prosecution further argued that he had been untruthful in his testimony before the Court. The Prosecutor recommended that he be returned to prison for a period of months, and if released prior to the ending of his sentence in May 2018, that the conditions of his release be modified.

The Defence had submitted that Fofana's violations were unintentional and that he misunderstood the terms of his Conditional Early Release due to his lack of understanding and education, an argument the Judge rejected. The Defence asked that Fofana be given a stern warning and released on the same conditions as before.

In addition to the restrictions on his travel, Justice Solomon ordered Fofana to report in person to the Monitoring Authority in Bo weekly instead of twice a month. The Monitoring Authority and the Registrar will conduct spot checks to ensure that he is present at his authorised location at all times.

Fofana will undergo an intensive two week training on the modified terms and conditions of his release.

At the end of the training, he must reaffirm his understanding of the conditions of his release, including the modified special conditions.

Justice Solomon also faulted the Monitoring Authority – the Sierra Leone Police – for failing to adequately enforce the conditions of Fofana's Conditional Early Release. She ordered the Registrar to enter into discussions with the Authority to brief them on the modified special Conditions and to assess how it will ensure strict enforcement of the conditions in the future.

#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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Produced by the
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