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568



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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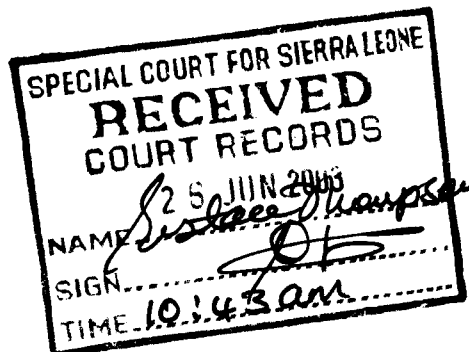
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SCSL - 2003 - 11 - I - 015
(568 - 570)

Before: Judge Bankole Thompson

Registrar: Robin Vincent

Date: 26 June 2003



The Prosecutor Against:

Moinina Fofana
(Case No. SCSL-2003-11-I)

**DECISION APPROVING THE INDICTMENT AND ORDER FOR THE CONTINUED
DETENTION OF THE ACCUSED**

The Office of the Prosecutor:

Mr. James C. Johnson
Mr. Mohammed Bangura
Ms. Adwoa Wiafe

The Defence Office:

John R.W.D Jones, Acting Chief of Defence,
Claire Carlton-Hanciles, Defence Associate
Ibrahim Sorie Yillah, Defence Associate
Haddijatou Kah-Jallow, Defence Associate
Sam Scratch, Defence Intern

THE SPECIAL COURT FOR SIERRA LEONE (“the Special Court”);

SITTING AS a Judge Bankole Thompson, Presiding Judge and Judge designated pursuant to Rule 28 of the Rules of Procedure and Evidence (“the Rules”);

HAVING RECEIVED on the 24th June 2003 from the Registrar pursuant to Rule 47 (D) of the Rules, the enclosed indictment and accompanying material against **MOININA FOFANA**, a citizen of Sierra Leone born in 1950 in the Nongoba Bullom Chiefdom, Bonthe District in the Republic of Sierra Leone, hereby accused of Crimes Against Humanity, Violations of Article 3 Common to the Geneva Convention and Additional Protocol II, and Other Serious Violations of International Humanitarian Law;

CONSIDERING the requirements under Rule 47 (C) of the Rules;

CONSIDERING that **MOININA FOFANA** was transferred to the Special Court Detention Facility on the 29th May 2003 and currently remains in the custody of the Special Court pursuant to Rule 40 *bis* of the Rules;

BEING SATISFIED from the material tendered by the Prosecutor that the indictment charges the suspect with crimes within the jurisdiction of the Special Court, and that the allegations in the Prosecutor’s case summary would, if proven, amount to crimes as specified and particularised in the indictment;

HEREBY APPROVES, pursuant to Rule 47 of the Rules the Indictment submitted by the Prosecutor against the Accused in respect to each and every of the eight (8) counts;

CONSIDERING ALSO the Prosecutor’s request that an Order for the Continued Detention of the aforesaid **MOININA FOFANA** be issued by this Special Court in respect of the said **MOININA FOFANA**;

CONSIDERING Article 17 (2) of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone (“the Agreement”)

CONSIDERING ALSO the Special Court Agreement 2002 (Ratification) Act 2002, section 20, which states that an Order of the Special Court shall have the same force or effect as if it had been issued by a Judge, Magistrate, Justice of the Peace of a Sierra Leone Court;

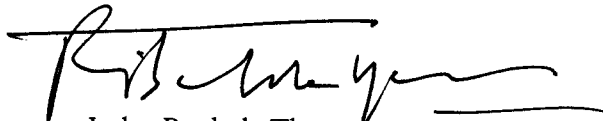
GRANTS the Prosecutor’s request for the continued detention of the said **MOININA FOFANA** in the custody of the Special Court;

HEREBY DIRECTS the Registrar, pursuant to Rule 52 and 55 (B) of the Rules, to serve on the Accused and on the Government of Sierra Leone the following documents:



1. The Decision herein of the Special Court Approving the Indictment;
2. The Approved Indictment;
3. The Order herein for the Continued Detention in the Custody of the Special Court of the said **MOININA FOFANA**

Done in Freetown, this 26th day of June 2003


Judge Bankole Thompson



Seal of the Special Court