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SCSL-04-16-ES
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SPECIAL COURT FOR SIERRA LEONE

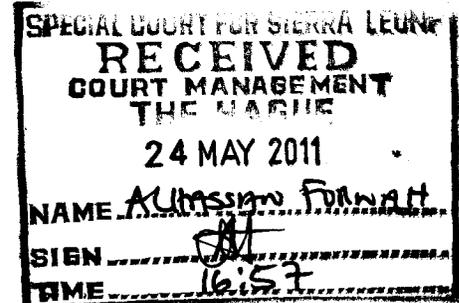
TRIAL CHAMBER II

Before: Justice Teresa Doherty, Presiding Judge
Justice Richard Lussick
Justice Julia Sebutinde
Justice El Hadji Malick Sow, Alternate Judge

Registrar: Binta Mansaray

Case No.: SCSL-04-16-ES

Date: 24 May 2011



Prosecutor Against Alex Tamba Brima
Brima Bazzy Kamara
Santigie Borbor Kanu
(Case No.SCSL-04-16-ES)

DECISION ON THE REPORT OF THE INDEPENDENT COUNSEL

Office of the Prosecutor:
Brenda J. Hollis

Counsel for Suspected Persons:
A. F. Serry Kamal

Independent Counsel:
Robert L. Herbst

Office of the Principal Defender:
Claire Carlton-Hanciles

TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”);

RECALLING the Trial Chamber’s “Decision on Public with Confidential Annexes Prosecution Motion for an Investigation into Contempt of the Special Court for Sierra Leone”, dated 18 March 2011,¹ wherein the Trial Chamber directed the Registrar to appoint an experienced independent counsel to “investigate the allegations that a person or persons, including Ragga, Bomblast, Kanu and Kamara may be in contempt of the Special Court” and to report to the Trial Chamber as to whether there are sufficient grounds for instigating contempt proceedings;

NOTING that the Registrar appointed Robert L. Herbst as Independent Counsel (“Independent Counsel”) on 23 March 2011;²

CONSIDERING the Confidential and Under Seal “Report of the Independent Counsel Robert L. Herbst Appointed Pursuant to the Decision of 18 March 2011”, dated 11 May 2011 (“Investigator’s Report”),³ wherein the Independent Counsel reports the findings of his investigations;

COGNISANT that pursuant to Rule 77(A) of the Rules of Procedure and Evidence (“Rules”) the Special Court in the exercise of its inherent power, may punish for contempt any person who knowingly and wilfully interferes with its administration of justice, including any person who offers a bribe to or otherwise interferes with witnesses who have given evidence in proceedings before the Trial Chamber;

COGNISANT ALSO that pursuant to Rule 77(C)(iii) of the Rules, a Trial Chamber may issue an order in lieu of an indictment and direct the independent counsel to prosecute the matter, if it considers that there are sufficient grounds to proceed against a person for contempt and that pursuant to Rule 77(D) the proceedings “may be assigned to be heard by a single judge of any Trial Chamber or a Trial Chamber”;

¹ SCSL-04-16-ES-691.

² SCSL-04-16-ES-692.

³ SCSL-04-16-ES-693.

FINDING that there are sufficient grounds to proceed against Hassan Papa Bangura (aka Bomblast), Samuel Kargbo (aka Sammy Ragga), Santigie Borbor Kanu and Brima Bazy Kamara for contempt of court;

FOR THE ABOVE REASONS;

ORDERS THAT an Order in lieu of Indictment as contained in Annex A be issued in respect of Hassan Papa Bangura (aka Bomblast), Samuel Kargbo (aka Sammy Ragga), Santigie Borbor Kanu and Brima Bazy Kamara;

DIRECTS Independent Counsel to prosecute Hassan Papa Bangura (aka Bomblast), Samuel Kargbo (aka Sammy Ragga), Santigie Borbor Kanu and Brima Bazy Kamara for contempt of court in accordance with the Order in lieu of Indictment;

ASSIGNS the contempt proceedings pursuant to the Order in lieu of Indictment to Justice Teresa Doherty, in accordance with Rule 77(D) of the Rules;

DIRECTS the Registrar to serve the Decision and the Order in lieu of Indictment on Hassan Papa Bangura (aka Bomblast), Samuel Kargbo (aka Sammy Ragga), Santigie Borbor Kanu and Brima Bazy Kamara.

Done at The Hague, The Netherlands, this 24th day of May 2011.



Justice Richard Lussick



Justice Teresa Doherty
Presiding Judge



Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]



Annex A:

Independent Counsel v. Hassan Papa Bangura,
Samuel Kargbo,
Santigie Borbor Kanu,
Brima Bazzy Kamara

Order in Lieu of Indictment

Charges

HASSAN PAPA BANGURA (AKA BOMBLAST), a resident of Freetown, is charged with the following offences:

COUNT 1: Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 3 December 2010 in Freetown, Hassan Papa Bangura offered a bribe to protected witness TF1-334, who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, in return for recanting his testimony in that trial.

COUNT 2: Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 16 December 2010 in Freetown, Hassan Papa Bangura attempted to influence protected witness TF1-334, who gave testimony



before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, to recant his testimony.

SAMUEL KARGBO (AKA SAMMY RAGGA), a resident of Freetown, is charged with the following offences:

COUNT 1: Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 16 December 2010 in Freetown, Samuel Kargbo offered a bribe to protected witness TF1-334, who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, in return for recanting his testimony in that trial.

COUNT 2: Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 16 December 2010 in Freetown, Samuel Kargbo, attempted to influence protected witness TF1-334, who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, to recant his testimony.

SANTIGIE BORBOR KANU, resident of Mpanga Prison, Rwanda, is charged with the following offences:

COUNT 1: Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 16 December 2010, from Mpanga Prison, Rwanda, Santigie Borbor Kanu offered a bribe to protected witness TF1-334, who gave

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testimony before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, in return for recanting his previous testimony in that trial, both directly by telephone on or around 29 November 2010, and through instructions to Samuel Kargbo and Hassan Papa Bangura.

COUNT 2: Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 16 December 2010, from Mpanga Prison, Rwanda, Santigie Borbor Kanu attempted to influence protected witness TF1-334, who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, to recant his previous testimony in that trial both directly by telephone on or around 29 November 2010, and through instructions to Samuel Kargbo, and Hassan Papa Bangura, aka Bomblast.

BRIMA BAZZY KAMARA, resident of Mpanga Prison, Rwanda, is charged with the following offences:

COUNT 1: Knowingly and wilfully interfering with the Special Court's administration of justice by offering a bribe to a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 16 December 2010, from Mpanga Prison, Rwanda, Brima Bazy Kamara offered a bribe to protected witness TF1-334, who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, in return for recanting his previous testimony in that trial, both directly by telephone on or around 29 November 2010, and through instructions to Samuel Kargbo and Hassan Papa Bangura.

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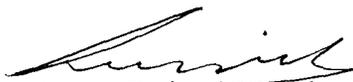
COUNT 2: Knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv).

Particulars: On or about 27 November 2010 to 16 December 2010, from Mpanga Prison, Rwanda, Brima Bazzy Kamara attempted to influence protected witness TF1-334, who gave testimony before Trial Chamber II in the proceedings of *Prosecutor v. Brima, Kamara and Kanu*, to recant his previous testimony in that trial, both directly by telephone on or around 29 November 2010, and through instructions to Samuel Kargbo, and Hassan Papa Bangura, aka Bomblast.

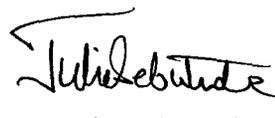
COUNT 3: Knowingly and wilfully interfering with the Special Court's administration of justice by disclosing information relating to proceedings in knowing violation of an order of a Chamber, in violation of Rule 77(A)(ii).

Particulars: On or about 29 November 2010, Brima Bazzy Kamara from Mpanga Prison, Rwanda, disclosed confidential information in knowing violation of an order of Trial Chamber I (*Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, dated 5 July 2004) by revealing the identity of protected witness TF1-033 to Samuel Kargbo during a telephone conversation.

Done at The Hague, The Netherlands, this 24th day of May 2011.


Justice Richard Lussick


Justice Teresa Doherty
Presiding Judge


Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]

