



**THE APPEALS CHAMBER** of the Special Court for Sierra Leone (“Special Court”) composed of Justice Emmanuel Ayoola, Presiding, Justice Renate Winter and Justice Jon M. Kamanda, sitting in accord with the President’s “Order Assigning Judges to a Case Before the Appeals Chamber” of 23 October 2012;<sup>1</sup>

**SEIZED** of the Defence Motion for Extension of Time to File Grounds of Appeal Pending the Determination of an Application to Justice Teresa Doherty, sitting as Single Judge for clarification of paragraph 101 of the Sentencing Judgment delivered on the 11<sup>th</sup> October 2012 and filed on the 16<sup>th</sup> October 2012, With Annex A – Notice of Appeal (“Motion”), filed on 22 October 2012 by the Defence for Mr. Bangura, in which he requests an extension of the deadline for filing his Notice of Appeal pending a ruling on its application before the Single Judge;<sup>2</sup>

**NOTING** the Judgment in Contempt Proceedings issued on 25 September 2012 and filed on 1 October 2012 (“Judgment”)<sup>3</sup> and the Sentencing Judgment in Contempt Proceedings, issued on 11 October 2012 and filed on 16 October 2012 (“Sentencing Judgment”);<sup>4</sup>

**DECIDES** as follows:

1. This is an application by Mr. Bangura who was convicted on 25 September 2012 on a two-count charge of contempt and sentenced on 11 October 2012 to 18 months imprisonment on each count by Justice Doherty sitting as a single judge. The sentences were to run concurrently. Justice Doherty made a deduction of 6 months from the sentence for the period spent by Mr. Bangura while incarcerated by the Special Court, and what Mr. Bangura described as “Mr Bangura’s unlawful detention at the Pademba Road Maximun Prison between 2000 and 2004” thereby making the

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<sup>1</sup> *Independent Prosecutor v. Bangura, Kargbo, Kanu and Kamara*, SCSL-11-02-A-077, Order Assigning Judges to a Case Before the Appeals Chamber, 23 October 2012 [*Bangura et al* Order Assigning Judges].

<sup>2</sup> *Independent Counsel v. Bangura, Kargbo, Kanu and Kamara*, SCSL-11-02-A-075, Motion for Extension of Time to File Grounds of Appeals Pending the Determination of an Application to justice Teresa Doherty, sitting as a Single Judge for Clarification of Paragraph 101 of the Sentencing Judgment delivered on the 11<sup>th</sup> October 2012 and filed on the 16<sup>th</sup> October 2012, With Annex A – Notice of Appeal [Motion].

<sup>3</sup> *Independent Counsel v. Bangura, Kargbo, Kanu and Kamara*, SCSL-11-02-T-66, Single Judge, Judgment in Contempt Proceedings, issued on 25 September 2012, filed on 1 October 2012 [*Bangura et al*. Trial Judgment].

<sup>4</sup> *Independent Counsel v. Bangura, Kargbo, Kanu and Kamara*, SCSL-11-02-T-071, Single Judge, Sentencing Judgment in Contempt Proceedings, issued on 11 October 2012, filed on 16 October 2012 [*Bangura et al*. Sentencing Judgment].

effective sentence to be served by Mr. Bangura to be 12 months.<sup>5</sup> The Bangura *et al* Sentencing Judgment was delivered on 11 October 2012, but it was filed in written form on 16 October, 2012.

2. In appeals pursuant to Rule 77 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (“Rules”), the notice and grounds of appeal shall be filed within 7 days of the receipt of the decision. Pursuant to Rule 108(A) of the Rules a party seeking to appeal shall file with the Registrar and serve upon the other parties a written notice of appeal, setting forth the grounds. No such notice was filed with the Registrar by Mr. Bangura. However, on 22 October 2012 he filed this motion for extension of time to which was annexed a “Notice of Appeal”. The ground on which he relied for his application is that he had a pending application before Justice Doherty for clarification of a passage which he referred to as being contained in paragraph 101 of the Sentencing Judgment.<sup>6</sup> He sought from Justice Doherty “some clarification regarding credit for time served, pending the hearing of the contempt proceedings, and remission period accorded to prisoners.”<sup>7</sup> However, he did not intimate the Appeals Chamber the contents of the clarification he sought from Justice Doherty.
3. Mr Bangura’s counsel was mistaken in thinking that annexing a “Notice of Appeal” to an application for extension of time was compliance with the requirement in Rule 108(A) that a notice of appeal must be filed with the Registrar. Had he filed a notice of appeal with the Registrar, as required, on the date he had filed the application for extension of time and had annexed a copy of the notice of appeal duly filed to the motion of extension of time, there would have been no need for this application since he would have been within the prescribed time limit.
4. He was mistaken in not taking that step. That notwithstanding, there has been a clear intention evinced to appeal. The justice of the matter would be served by not denying him of the opportunity to appeal by reason merely of a slight error. For this reason an extension of time to file a Notice of Appeal would be granted; but not in terms sought by Mr. Bangura “pending the Determination of an Application to Justice Theresa

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<sup>5</sup> Bangura *et al* Sentencing Judgment, para. 101

<sup>6</sup> Motion, para. 8.

<sup>7</sup> Motion, para. 10.

Doherty". It is inexpedient to extend time till an indefinite period or contingent on an uncertain event. Should the clarification sought by the defendant reveal that there was no need for an appeal, then he is always at liberty to withdraw his appeal. Should the clarification necessitate an amendment to the notice of appeal, he is also always at liberty to apply for leave to amend the notice of appeal. It needs be said, for avoidance of doubt, that granting the extension of time has nothing to do with the merits of the proposed appeal.

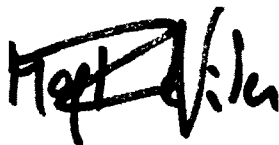
**DISPOSITION**

- 5. The defendant, Mr Bangura, is **GRANTED** an extension of time within which to file a Notice of Appeal. Time to file a Notice of Appeal is extended for three days from delivery of this ruling.

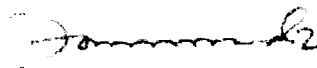
Done in The Hague, The Netherlands, this 30<sup>th</sup> day of October 2012.



Justice Emmanuel Ayoola,  
Presiding



Justice Renate Winter



Justice Jon Kamanda

