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SCSL-11-02-T
(704-706)

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SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

**Before: Justice Teresa Doherty, Presiding Judge
Single Judge, Trial Chamber II**

Registrar: Ms. Binta Mansaray

Case No: SCSL-11-02-T

Date filed: 18th October, 2012

THE INDEPENDENT COUNSEL

V.

**Hassan Papa Bangura
Samuel Kargbo
Santigie Borbor Kanu
Brima Bazzy Kamara**

PUBLIC

**URGENT APPLICATION FOR CLARIFICATION OF PARAGRAPH 101 OF
SENTENCING JUDGEMENT IN CONTEMPT PROCEEDINGS DATED 11TH
OCTOBER 2012 AND FILED ON 16TH OCTOBER 2012**

**Independent Prosecutor
Mr. Robert L. Herbst**

**Counsel for Bangura:
Mr. Melron Nicol-Wilson**

**Counsel for Kargbo:
Chief Charles A. Taku**

**Counsel for Kanu:
Mr. Kevin Metzger**

**Counsel for Kamara:
Mr. A.F. Serry-Kamal**

SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT MANAGEMENT
THE JUDGES
18 OCT 2012
NAME: SAMUEL J. FORNAH
SIGN: [Signature]
TIME: 12:37

INTRODUCTION

1. The Defence for Hassan Papa Bangura ("The Defence") files this urgent Application for clarification of paragraph 101 of the Sentencing Judgment of Justice Teresa Doherty in the Contempt Proceedings of the Independent Counsel v. Hassan Papa Bangura and others dated the 11th of October 2012 and filed on the 16th of October 2012.
2. The Defence applies for a clarification of whether the Six Months to be deducted from Mr. Bangura's Sentence is six calendar months or Six Prison term months under the Sierra Leone Prisons Ordinance 1960, as his incarceration since 16th June 2012 has being in Sierra Leone.

BACKGROUND

3. Mr. Bangura was charged with 1 count of knowingly and willfully 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), and an additional 1 count of knowingly and willfully 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).
4. Mr. Bangura was convicted on 25 September, 2012 on all 2 counts of offering a bribe and interfering with witness TF1-334 in return for recanting his testimony given to Trial Chamber II in the proceedings of the Prosecutor v Alex Tamba Brima *et al.*
5. On 11th October, 2012, Mr. Bangura was sentenced to Eighteen (18) months imprisonment for each count charged in the order in lieu of indictment, and for both sentences to run concurrently. The learned Judge in her wisdom made a deduction of Six (6) months from the Eighteen (18) months Prison Sentence, for the period spent by Mr. Bangura while incarcerated by the Special Court and for Mr. Bangura's unlawful detention at the Pademba Road Maximum Prison between 2000 and 2004.
6. Mr. Bangura has been incarcerated at the Court's Detention Facilities since 16th June, 2012, prior to the Court's sentencing judgment of 11th October 2012 amounting to a total of almost Four (4) Calendar Months less Five (5) days.

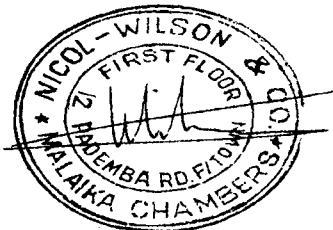
SUBMISSION

7. This is an urgent application for a clarification/or explanation of the Six (6) months to be deducted from the Eighteen (18) months imprisonment handed down on 11th October 2012.
8. The Defence for Hassan Papa Bangura respectfully seeks clarification from Your Honour as to the computation of the four (4) months deducted for time spent at the SCSL Detention facility; and the two (2) months deducted for the unlawful detention at the Pademba Road Maximum Prison; whether they are to be deducted from Eighteen (18) calendar months or from Eighteen (18) Prison term months subjected to remission pursuant to Section 49 of the Sierra Leone **Prisons Ordinance [Act No. 22 of 1960]**.

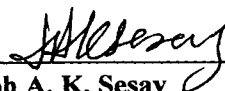
CONCLUSION

9. The Defence for Hassan Papa Bangura respectfully asked that the issues raised herein be clarified so that we can proceed with an Application for Computation of Time for the Prison term to be served by Mr. Bangura and any other matter incidental thereto.


Faithfully submitted by



Melron C. Nicol-Wilson
Counsel for Hassan Papa Bangura



Joseph A. K. Sesay
Legal Assistant for Hassan Papa Bangura



Alpha Bah
Legal Assistant for Hassan Papa Bangura