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SCSL-11-02-T
(103-105)

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SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

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

Registrar: Binta Mansaray

Case No.: SCSL-11-02-T

Date: 7 November 2012

INDEPENDENT COUNSEL

v.

Hassan Papa BANGURA
Samuel KARGBO
Santigie Borbor KANU
Brima Bazzy KAMARA

PUBLIC

DECISION ON THE PUBLIC URGENT APPLICATION FOR CLARIFICATION OF PARAGRAPH 101
OF SENTENCING JUDGMENT IN CONTEMPT PROCEEDINGS DATED 11TH OCTOBER 2012 AND
FILED ON 16TH OCTOBER 2012

Independent Counsel:
Robert L. Herbst

Counsel for the Accused:
Melron Nichol-Wilson

SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT MANAGEMENT
THE HAGUE
07 NOV 2012
NAME Z. ALIAB T. FORTAALAH
SIGN [Signature]
TIME 16:00

I, Justice Teresa Doherty, acting as Single Judge of Trial Chamber II of the Special Court of Sierra Leone (“Special Court”);

SEISED of the “Urgent Application (sic) for Clarification of Paragraph 101 of Sentencing (sic) Judgement in Contempt Proceedings dated 11th October 2012 and filed on 16th October 2012”, filed on 18 October 2012 (“Motion”), wherein Defence Counsel for Hassan Papa Bangura requests “clarification of whether the Six Months to be deducted from Mr. Bangura’s Sentence is six calendar months or Six Prison term months under Sierra Leone Prisons Ordinance 1960...”¹ in order to “proceed with an Application for Computation of Time for the Prison term to be served by Mr. Bangura and other matters incidental thereto.”²

COGNISANT of the provision of Articles 22, 23 of the Statute of the Special Court for Sierra Leone (“the Statute”); the recital of the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (“Agreement”); Sections 32 and 33 of the Special Court Agreement, 2002 (Ratification) Act, 2002, Sierra Leone, (the “Ratification Act”); and Rules 7, 73, 101, 102, 123 and 124 of the Rules of Procedure and Evidence (“Rules”).

NOTING that notwithstanding the provisions of Rule 7 no Response was filed to this Motion.

CONSIDERING that the Agreement recites that the Government of Sierra Leone and the Security Council agreed “to create an *independent* Special Court...”³ (emphasis added).

CONSIDERING FURTHER that the Ratification Act, Section 33(1) provides that the length of a sentence imposed by the Special Court shall only be modified or altered by the Special Court.

CONSIDERING FURTHER that Article 22(2) of the Statute and Section 32 (1) and (2) of the Ratification Act provide that only the conditions of imprisonment shall be governed by the State of

¹ Motion, para. 2.

² Motion, para. 9.

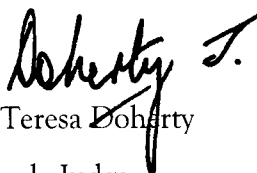
³ Recital to the Agreement.

enforcement (subject to the supervision of the Special Court) and that the State of enforcement shall be bound by the duration of the sentence subject to Article 23 of the Statute and Rule 124.

CONSIDERING FURTHER that Rule 102(A) provides that a sentence shall begin to run from the day it is pronounced.

HOLDING therefore that the provisions of Section 49 of the Prisons Ordinance Act No. 22 of 1960 providing for remission of sentence have no application to any sentence imposed by the Special Court for Sierra Leone and accordingly Mr. Bangura's sentence, following deduction of a total of six months, is a net period of twelve months to commence on 11 October 2012.

Done at The Hague, The Netherlands, this 7th day of November 2012.



Justice Teresa Doherty

Single Judge

[Seal of the Special Court for Sierra Leone]

