



## Special Court for Sierra Leone Chambers Release

### **PRESS RELEASE**

**Freetown, Sierra Leone, 03 May 2005**

#### **Trial Chamber issues order to indict five people for contempt of Court**

On Friday, 29 April 2005 the Trial Chamber II consisting of Justice Teresa Doherty (Presiding), Judge Richard Lussick and Judge Julia Sebutinde issued a decision ordering the prosecution of five individuals for contempt of court for allegedly revealing the identity of, and threatening a protected witness.

Under the Rules of the Special Court, contempt proceedings may be initiated when a Judge or Trial Chamber has reason to believe that a person may be in contempt of the Special Court. If there are sufficient grounds to proceed, the Chamber may issue an order in lieu of an indictment and direct an independent counsel to prosecute the matter.

In the present case, one individual named Brima Samura, is charged with contempt of Court under Rules 77 (A) ii which states:

“The Special Court, in the exercise of its inherent power, may punish for contempt any person who knowingly and willfully interferes with its administration of justice including any person who: [...] discloses information relating to proceedings in knowing violation of an order of a Chamber.”

Four other individuals named Margaret Fomba Brima, Neneh Binta Bah Jalloh, Anifa Kamara and Ester Kamara have been charged under Rule 77 (A) (iv) which states:

“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 [...] threatens, intimates, causes any injury or offers a bribe to, or otherwise interferes with a witness who is giving, has given, or is about to give evidence in the proceedings before a Chamber, or a potential witness.”

The order in lieu of an indictment alleges that on 9 March 2005 while in the public gallery of Court Room II, Brima Samura, an investigator attached to the Defence team for the accused Alex Tamba Brima spoke to Margaret Fomba Brima and Neneh Binta Bah Jalloh and asked to meet them outside the public gallery because he had something important to tell them. It also alleges the two women met Brima Samura outside the public gallery and he revealed to them the name of witness TF1-023 in knowing violation of a witness protective order. The women said they knew where the witness was resident and that they were going to attack her house.

The order in lieu of an indictment further alleges that later in the day, while witness TF1-023 was being escorted from the court premises by the Special Court’s Witnesses and Victims Services, the four women shouted out the witness’s name and told her in Krio that they knew she was testifying in the trial and that

they knew she was in the vehicle. The four women then uttered words in Krio whose effect was to threaten and intimidate the witness as a result of her testimony.

The decision containing the order in lieu of an indictment notes that the witness complained to Trial Chamber II about the incident on 10 March 2005. Her complaints were supported by the Prosecution during a closed session.

On 10 March 2005, Trial Chamber II under Rule 77 (C) (iii) ordered the Registrar to appoint an experienced independent counsel to investigate the five persons and report back to the Trial Chamber as to whether there were sufficient grounds for initiating contempt proceedings.

Also on 10 March 2005, Brima Samura was suspended from his duties as an investigator and the four women were prohibited from entering the public gallery pending the outcome of the investigation.

On 11 March 2005, the Registrar appointed an independent investigator, who reported his findings to the Trial Chamber II on 16 March 2005. Having considered that report, Trial Chamber II found that there were sufficient grounds to proceed against each of the five persons for contempt.

Through the services of the Special Court's Registry, an independent Senior Trial Attorney has been appointed to prosecute the matter.

Under Rule 77 (G) of the Special Court's Rules of Procedure and Evidence the maximum penalty for contempt of court can arise to imprisonment for seven years or a fine not exceeding 2 million leones, or both.

The Proceedings will be heard at the Special Court by a Judge of Trial Chamber I.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996. To date, the Prosecutor has indicted eleven persons on various charges of war crimes, crimes against humanity, and other serious violations of international humanitarian law. Nine indictees are currently in the custody of the Court.

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