



Case No. SCSL 2011-02-T
THE INDEPENDENT COUNSEL

-V-

HASSAN PAPA BANGURA, SAMUEL KARGBO, SANTIGIE BORBOR KANU AND
BRIMA BAZZY KAMARA

Before the Judge:	Justice Teresa Doherty
For Chambers:	Elizabeth Budnitz
For the Registry:	Elaine-Bola Clarkson Thomas Alpha
For WVS:	Tamba D. Sammie
For the Prosecution:	Robert L. Herbst
For the accused Hassan Papa Bangura:	Melron Nicol-Wilson
For the accused Samuel Kargbo:	Charles Taku
For the accused Santigie Borbor Kanu:	Kevin Metzger
For the accused Brima Bazy Kamara:	Abdul Serry-Kamal Wara Serry-Kamal
For the Principal Defender:	Claire Carlton-Hanciles

1 [Thursday, 5 July 2012]

2 [Open session]

3 [Accused present]

4 [Upon resuming at 11.00 a.m.]

11:01:23 5 JUSTICE DOHERTY: Mr Lansana, I must apologise. The
6 judgment has been prepared, it's just the final typing is being
7 done and that's the cause for the delay. Mr Court Attendant has
8 informed me you have commitments. Please be assured that they
9 will be met.

11:03:05 10 MR LANSANA: I rest assured.

11 JUSTICE DOHERTY: Thank you.

12 MR LANSANA: As Your Honour pleases.

13 JUSTICE DOHERTY: I'll take appearances in the Bangura
14 matter now.

11:03:14 15 MR NICOL-WILSON: Your Honour, Melron Nicol-Wilson appears
16 for Hassan Papa Bangura.

17 JUSTICE DOHERTY: Thank you.

18 MS CARLTON-HANCILES: Your Honour, Claire Carlton-Hanciles,
19 Principal Defender.

11:03:25 20 JUSTICE DOHERTY: Thank you, Ms Carlton-Hanciles. I note
21 that Mr Kargbo is also appearing this morning. Because yesterday
22 when we rose, we had only dealt with the bail application of
23 Mr Hassan Papa Bangura. So Mr Kargbo, I must acknowledge how
24 very proper it was for you to come this morning to deal with your
11:03:50 25 bail also.

26 I will come to it in due course.

27 This is the matter of the Independent Counsel v. Hassan.

28 Papa Bangura for interim decision on an application for
29 bail. Mr Nicol-Wilson has made a very impassioned plea on behalf

1 of the applicant accused Hassan Papa Bangura. He has stressed
2 several times that the accused is no longer a flight risk. In
3 fact, he has said that he was never a flight risk; that he is in
4 steady business and family environment; that he has surrendered
11:04:38 5 his passport; and that as the Prosecution case has now finished,
6 there is a change in circumstances. In earlier submissions he
7 also said that the witnesses have given evidence and that Hassan
8 Papa Bangura is no longer a threat to them.

9 Mr Nicol-Wilson also refers to the fact that the accused's
11:05:10 10 passport has been surrendered and to his religious commitments.
11 The Prosecutor, in response, notes that there is no perceived
12 change in circumstances, other than his acknowledgment that the
13 case for the Prosecutor has closed.

14 Interference with witnesses and the risk of flight are very
11:05:35 15 onerous and heavy considerations for any Court in a case such as
16 this. I accept that Mr Nicol-Wilson, as an officer of the Court,
17 will not make a submission that is without foundation and has, as
18 the Prosecution said, spoken commendably on behalf of his client.

19 It is his power of persuasion that is here. After
11:06:09 20 considerable thought and weighing up the rights of both the
21 witnesses and the accused, I have given some considerable thought
22 to this situation and have decided that I will allow the accused
23 bail, pending the recommencement --

24 Would the people in the public gallery stop clapping,
11:06:38 25 otherwise I might change my mind. We'll have proper decorum in
26 this Court.

27 -- on the following conditions: (1), that the accused
28 enter a bail surety of 1.5 million leones forthwith; (2), that
29 each of three sureties put forward on behalf of Hassan Papa

1 Bangura by Mr Nicol-Wilson enter into a bond in the sum of 2.5
2 million leones. Each of the three securities is to come to this
3 Court to sign a bond and acknowledge that they will forfeit 2.5
4 million leones in the event of the accused not appearing; that
11:07:30 5 Hassan Papa Bangura report to the Registrar or to the security or
6 persons designated by her on each Monday, Wednesday, Friday and
7 Saturday; that he will not leave the country; that he will not
8 approach any witness or any co-accused by any direct or indirect
9 means; that he will appear for hearing for the continuation of
11:07:58 10 this case.

11 The three persons named as surety were given as follows:
12 Amanda Cole - and Mr Nicol-Wilson, you will have to assist with
13 the proper spelling of these names, please - who is the Assistant
14 Secretary to - and Idrissa Kamara, and the Assistant Secretary or
11:08:30 15 Deputy Permanent Secretary, whose name I have not recorded
16 clearly, but perhaps you could give it to me again the spelling,
17 please, Mr Nicol-Wilson. If you could spell that name for me,
18 please.

19 MR NICOL-WILSON: Your Honour, I don't have the name with
11:08:48 20 me now but I will get it to you after --

21 JUSTICE DOHERTY: It will be the registrar's department who
22 will have to deal with this.

23 Mr Bangura, did you hear what I said?

24 ACCUSED BANGURA: Yes, my Lord.

11:09:06 25 JUSTICE DOHERTY: Do you understand what I said?

26 ACCUSED BANGURA: Yes, my Lord.

27 JUSTICE DOHERTY: Very well. You're allowed bail, but on
28 conditions. This is not something that I do lightly. You have
29 to pay 1.5 million as a bond now and each of the three people

1 that you have put forward as a surety must sign a bond or a
2 document promising that you will appear in Court. They are
3 basically taking responsibility for you. You know yourself that
4 you're responsible for yourself, but now you've got three other
11:09:43 5 people responsible for you. You appreciate that?

6 ACCUSED BANGURA: Yes, my Lord.

7 JUSTICE DOHERTY: If you fail to turn up in Court or you do
8 something else that is a breach of these conditions, they end up
9 paying as well. So they won't be very happy with you. You
11:09:58 10 appreciate that.

11 ACCUSED BANGURA: Yes, my Lord.

12 JUSTICE DOHERTY: You are to report Mondays, Wednesdays,
13 Fridays and Saturdays as you've been doing. You are not to leave
14 Sierra Leone, and you are not to approach any witnesses or any
11:10:11 15 co-accused in any way. That means phone calls, messages to their
16 children, messages to their wives. When I say indirect, it means
17 any form of contact. Do you appreciate?

18 ACCUSED BANGURA: Yes, my Lord. Thank you very much,
19 Mammy. God bless you, Ma.

11:10:34 20 JUSTICE DOHERTY: [Microphone not activated] the only one
21 who is going to. Thank you, Mr Bangura.

22 MR NICOL-WILSON: I'm grateful, my Lord.

23 JUSTICE DOHERTY: Thank you. Mr Nicol-Wilson, you have
24 carried a heavy burden on convincing me on this.

11:10:49 25 Now, Mr Kargbo, I have no reason to change your status.
26 You are on bail and you are subject to conditions. You know
27 those conditions. They include reporting, and therefore I am
28 extending your bail also on the same terms. In other words you
29 have to report; you haven't to contact any other witnesses; and

1 you will be notified once we have a firm date for the resumption
2 of this case. Do you understand?

3 ACCUSED KARGBO: Yes, ma'am.

4 JUSTICE DOHERTY: Very good. I will adjourn briefly and
11:11:27 5 then recommence as soon as possible in the other matters.

6 Mr Nicol-Wilson, please see Mr Court Attendant with the
7 names. I have prepared a document, a surety, which will be shown
8 to you. Please adjourn Court temporarily.

9 [The Court adjourned at 11.15 a.m. to a date to
11:11:58 10 be fixed]

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29