

0005)

RSCSL - 04 - 16 - ES - 0005

(0009 - 0016)

0009



RESIDUAL SPECIAL COURT FOR SIERRA LEONE

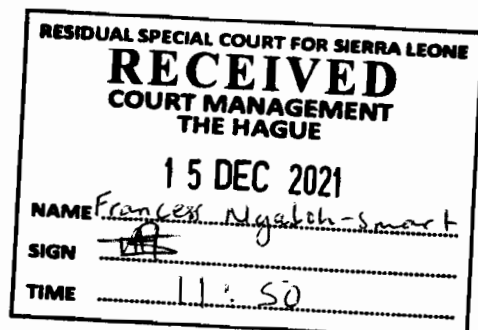
Before: Justice Jon Moadeh Kamanda, President

Registrar: Ms. Binta Mansaray

Date: 13 December 2021

IN THE MATTER OF ALLEGATIONS AGAINST THE RSCSL REGISTRAR

Public
Decision and Final Directives of the President



I JUSTICE JON MOADEH KAMANDA, PRESIDENT OF THE RESIDUAL SPECIAL COURT FOR SIERRA LEONE, (“Residual Special Court”);

SEIZED OF a letter from the Registrar of the Residual Special Court for Sierra Leone, Mrs Binta Mansaray, captioned: “Re: Misinformation against the Registrar by Ibrahim Bazy Kamara” bringing to my attention allegations contained in a video that had surfaced on social media in late October to early November 2020;

HEREBY DECIDE as follows:

A. FACTS

1. On 10th November 2020, I received a letter from the Registrar of the Residual Special Court for Sierra Leone, Mrs Binta Mansaray, captioned: **“Re: Misinformation against the Registrar by Ibrahim Bazy Kamara”** bringing to my attention allegations contained in a video that had surfaced on social media in late October to early November 2020. In the said video which was forwarded to me by Mrs Binta Mansaray, Special Court for Sierra Leone convicted persons (Residual Special Court for Sierra Leone prisoners) Ibrahim Bazy Kamara and Issa Hassan Sesay made claims and levied allegations pertaining to the enforcement of their sentences in Rwanda generally and other related issues.

2. One of the claims/ allegations contained therein was of misappropriation of funds levied by Ibrahim Bazy Kamara against Mrs Binta Mansaray. Specifically in the video, Ibrahim Bazy Kamara alleges that Mrs Binta Mansaray “took” funds not spent on travel for the prisoners’ family visit in 2014 due to the Ebola crisis, and diverted them to her personal use instead of giving those funds to the prisoners as was their expectation. Ibrahim Bazy Kamara further accused Mrs Binta Mansaray of “making a deal” with the Rwandan authorities to effect their transfer to Rwanda.

3. In light of the seriousness of the allegations levied against Mrs Binta Mansaray and their potential impact on the Registrar both in her official and personal capacities as well as on the image of the Residual Special Court for Sierra Leone, I decided to set up an

independent inquiry into the matter to ascertain the truth and substance (or not) of the allegations. I set up a one-man independent judicial inquiry, in the person of Hon. Justice Alusine S. Sesay, a judge of the Supreme Court of Sierra Leone, to investigate these allegations and to report to me on the findings thereof.

B. THE INQUIRY

4. Justice Sesay conducted an inquiry by both physical and virtual means and in the process, proceeded to:

- a. Investigate and submit a report on the allegation of financial impropriety made by Ibrahim Bazy Kamara against Mrs Binta Mansaray in respect of funds meant for family visits to Rwanda in 2014;
- b. Prove or disprove whether indeed funds meant for family travel of Special Court for Sierra Leone family members in 2014 were actually used for personal purposes by Mrs Mansaray as alleged by Ibrahim Bazy Kamara;
- c. Find out what happened with funds meant for family visits in 2014 since there was no travel during that period as a result of the outbreak of ebola in Sierra Leone; and
- d. Find out how funds allocated for official travel by the Defence office were disbursed and what if anything happened during that period in 2014 when funds allocated for family visits were not utilised.

5. The Hon. Judge instituted an in-depth investigation of these allegations by both physical and virtual means through interviews of Residual Special Court personnel and examination of records of the Court.

6. Having completed the mandate given to him and based on the interviews and review of the documentary evidence with respect to the allegations, Justice Sesay submitted his report dated 12th day of March 2021 to me. The report contains

- a. Several findings of fact;

- b. Specific findings on the allegation of financial impropriety against Mrs Binta Mansaray in respect of funds meant for the travel of family members of convicts in Rwanda in 2014; and
- c. Recommendations.

7. These are contained in pages 15 to 19 of the report. The Hon. Judge concluded and found based on the review of the evidence collected during the inquiry that the allegations made by Ibrahim Bazy Kamara against Mrs Binta Mansaray were without merit and unsupported by the evidence. He accordingly dismissed the allegations. The judge's recommendations to be implemented included a public retraction of the allegations and an apology to Mrs Binta Mansaray by Ibrahim Bazy Kamara in a video to be circulated widely on social media.

C. FINDINGS OF THE PRESIDENT

8. I thoroughly perused the report together with the two annexes and adopted the findings made by Justice Sesay. I accordingly issued my findings in a Directive dated 11 May 2021 addressed to Ibrahim Bazy Kamara, Issa Hassan Sesay, their respective *pro bono* counsel, the Registrar and the Principal Defender. I adopted the findings and recommendations made by Justice Sesay. Consequently I found no merit in the allegations broadcast by Ibrahim Bazy Kamara and indicated that I will issue further directions on the implementation of the recommendations made by Justice Sesay.

9. By way of further directions based on the recommendations, I requested the Prison Authorities in Rwanda to

- a. Conduct an inquiry into how the convicted persons had access, contrary and in breach of prison regulations, to a device that enabled them record allegations and to broadcast them to the media in Sierra Leone and elsewhere;
- b. Facilitate the video recordings of a public apology to the Registrar and retraction of the allegations against the Registrar as recommended by Justice Sesay;

c. Report back to me on progress on the above matters within one month of receipt of this letter.

10. I received the inquiry report from the Rwandan authorities on the issues mentioned above. Attached to that report was a video apology from Ibrahim Bazy Kamara in which he apologises (See Transcript No. 2). The prison authorities at the Mpanga prison in Rwanda supervised the video recording through which Ibrahim Bazy Kamara made the apology. By interoffice memorandum dated 20 October 2021, an official transcript of Ibrahim Bazy Kamara's apology in the concluding stage of the investigation into his illegal use of telephone, and the making of allegation of financial misappropriation against Mrs Binta Mansaray was forwarded to the latter for her response.

11. By interoffice memorandum dated 26 October 2021, Mrs Binta Mansaray indicated her full acceptance of Ibrahim Bazy Kamara's apology.

D. CONCLUSION

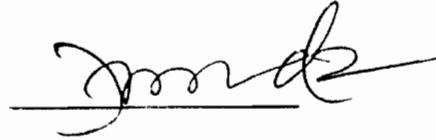
12. In the circumstances and, particularly, taking into consideration my holding in paragraph 7 above upholding the findings of Hon. Justice Alusine Sesay and Mrs Binta Mansaray's acceptance of the apology of Ibrahim Bazy Kamara, I **REITERATE** that I **FIND NO MERIT** in the allegations proffered by Ibrahim Bazy Kamara against Mrs Binta Mansaray.

FOR THE ABOVE REASONS

I FIND that Mrs Binta Mansaray has been absolved of all blame.

I DIRECT that the video apology be made public with the widest circulation possible.

Done at Freetown, Sierra Leone, this 13th day of December 2021



Justice Jon Moadeh Kamanda
President



IBRAHIM BAZZY KAMARA – VIDEO TRANSCRIPT

Mr. President of the Residual Special Court for Sierra Leone, Justice Kamanda; Justice Alusine Sesay of the Supreme Court of Sierra Leone; the Registrar of the Residual Special Court for Sierra Leone, Madam Binta Mansaray; the Principal Defender and everyone involved on this case.

First of all, I am Ibrahim Bazy Kamara, a former soldier, who served in the Sierra Leone Army. I am one of the convicts serving their prison sentences in Rwanda.

I want to say thank you to Justice Kamanda, the President of the Supreme Court and sorry to Justice Alusine Sesay, Supreme Court Judge for any inconvenience that I had been causing to them on this matter. I am sorry. I am whole-heartedly sorry for what happened especially when Justice Sesay requested to talk to me. But at that time, I was afraid to talk to him because I was already in trouble and was worried that I may have gotten myself into another. I even spoke to the Principal Defender to intervene on my behalf. That I am expecting him to call Madam Binta Mansaray for me to talk to her and apologise for what I did so that we can solve this problem as a family.

In 2020, my brothers and I came together to do a video to the government and people of Sierra Leone in order for us to apologise to them and appeal to them to allow us to serve our sentences in Sierra Leone because we are doing so now in a far-away country, a foreign country where we are suffering. Things are hard for us here. So, we decided to do a video in which I said one or two things that did not go down well with the Registrar.

I mentioned 2014 when we had ebola in Sierra Leone and we had no visits. At that time, I said the Registrar did not allow us visits and she used the money for herself. That did not go down well with the Registrar. Then I also said that at the time that we were brought here in 2009, the Registrar and the Rwandan people struck a deal to bring us here.

So, those two things which I said are not correct; I am taking them back; I am retracting them. I am doing so because they are not true. I am appealing to the Registrar to pity me; to find a place in her heart to forgive me. She is my sister. I have wronged her. I have said something about her that is not true. I am sorry. Let her forgive me. She is my sister, no matter how you look at it. I am a prisoner now but I am a Sierra Leonean like her. I have wronged her; I have made a mistake and I want her to find a place in her heart to forgive me. Let her pity me.

This is why I am doing this short video to apologise to her; to ask for her forgiveness as my sister. Having spent about eighteen years behind bars, it becomes difficult for me. Sometimes, we do stupid things and make stupid decisions because of the stress and what we are going through. I made a big mistake. I don't think it will repeat itself anymore. So please Madam Registrar, I am begging you to please forgive me for these lies that I said against you.

To the President, Justice Kamanda and the Supreme Court Judge, Justice Alusine Sesay, I want you too to regard me as your child and forgive me for what happened. It will never be repeated.

I thank you all.