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SCSL-11-02-T  
(633-657)

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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:** 4<sup>th</sup> October, 2012

**THE INDEPENDENT COUNSEL**

**V.**

Hassan Papa Bangura  
Samuel Kargbo  
Santigie Borbor Kanu  
Brima Bazzy Kamara

SPECIAL COURT FOR SIERRA LEONE	
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**PUBLIC**

**DEFENCE SENTENCING BRIEF ON BEHALF OF MR. HASSAN PAPA  
BANGURA, WITH PUBLIC ANNEXES A-D**

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

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

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

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

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

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## 1. Introduction

1. On 25<sup>th</sup> September 2012, Justice Teresa Doherty, Presiding as a Single Judge rendered an oral judgment in the case of the Independent Counsel v Hassan Papa Bangura, Samuel Kargbo, Santigie Borbor Kanu and Brima Bazzy Kamara. The judgment found Mr. Hassan Papa Bangura guilty of knowingly and wilfully interfering with the Special Court for Sierra Leone's (SCSL) administration of justice by offering a bribe, and otherwise interfering with a witness who has given testimony before the Court's Trial Chamber. The Court found that Mr. Bangura offered a bribe to Prosecution Witness TF1-334 between late November and early December 2010, in return for recanting his testimony given in the case of Prosecutor v. Tamba Alex Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (AFRC trial).
2. Pursuant to Rule 100 of the SCSL Rules of Procedure and Evidence ("The Rules"), the Independent Counsel filed Sentencing Submissions on the 27<sup>th</sup> September, 2012, and also relied on the Amicus Curiae Brief filed by the SCSL's Office of the Prosecutor (OTP) on 25<sup>th</sup> June, 2012<sup>1</sup>, to assist the Single Judge in determining appropriate sentences.
3. In his submissions, the Independent Counsel strenuously argued without a copy of the Full Written Judgment (filed on the 1<sup>st</sup> of October, 2012), that "a substantial term of imprisonment will be necessary to punish and deter Mr. Bangura from similar conduct in the future".<sup>2</sup> What amounts to "substantial term" was however not explained by the learned Independent Prosecutor; nonetheless, his reliance on OTP's Amicus Curiae Brief suggests that he is suggesting that Mr. Bangura be given a sentence of Five to Seven years imprisonment.
4. In a bid to justify the submission on imprisonment, the Independent Counsel attempted to identify some acts, which he believes amounted to aggravating factors.
5. This sentencing brief is filed pursuant to Rule 100 (A) of the Rules and in compliance with the Single Judge's Scheduling Order for Sentencing,<sup>3</sup> to respond to the Independent Counsel's submissions and OTP's recommendations, and to assist the Court in determining an appropriate sentence for Mr. Bangura on his two counts convictions of contempt of court.
6. The Defence for Mr. Bangura believes that "appropriate sentence" should not invariably be determined by the number of years imposed on an offender, as suggested by the Prosecution. What should be of significance is the Judge's

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<sup>1</sup> See SCSL-11-02-T, Prosecutor's Sentencing Submissions, 27<sup>th</sup> September, 2012

<sup>2</sup> Ibid, par 11, lines 13-14

<sup>3</sup> See SCSL-11-02-T, Scheduling Order for Sentencing, 28<sup>th</sup> September, 2012

construction and opinion upon which a particular penalty is imposed for an accused's involvement in an offence. The Defence respectfully submits that an appropriate sentence is one that is reasonably juxtaposed with the surrounding circumstances of a particular case and the contemnor's culpability, and how it can be construed by the learned Judge.

7. The maximum sentence which the OTP sought in its Amicus Curiae Brief and the Independent Counsel's request for substantial term of imprisonment is in the view of the Defence disproportionate and unjustifiable to the offences for which Mr. Bangura stands convicted.
8. The suggestion by the Independent Counsel that Mr. Bangura used "threats and intimidation"<sup>4</sup> to persuade TF1-334 to recant his testimony, amounts to re-writing the Court's judgment of 25 September, 2012. More appalling is the Independent's Counsel's assertion that Mr. Bangura took the witness stand and testified falsely. While this is not just an outright speculation, it runs contrary to the Judge's findings of how Mr. Bangura's business intellectual and acumen should have placed him a better position to have known the nature of the scheme he participated on, rather than finding that he lied to the Court.
9. The Prosecution clearly intends to portray Mr. Bangura as the architect of the contempt scheme, even after the Court's findings that TF1- 334 was not truthful in every aspect of his testimony, and that the Co-accused Samuel Kargbo, was the primary contact to get TF1-334 to recant his testimony, the Prosecution continues to emphasise and suggests that the gravity of Mr. Bangura's culpability should "weigh more heavily as an aggravating factor" regardless his secondary participation.
10. The Defence submits and will argue with utmost respect that Mr. Bangura's involvement cannot in itself be an aggravating factor as according to the Court's findings, his motive "was to have money from the deal". Thus in this circumstance, having regard to the nature of the offences for which Mr. Bangura stands convicted, his individual circumstances prior to and after the acts of contempt, the Defence respectfully submits that a fine in alternative to a custodial sentence will be appropriate/or wherein the Judge in her discretion considers to impose a custodial sentence, it should amount to the time already spent in detention and in any case not more than six months.

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<sup>4</sup> See SCSL-11-02-T, Prosecutor's Sentencing Submissions, 27<sup>th</sup> September, 2012, Par 11, lines 4-5

## 2. APPLICABLE LAW

### Applicable Provisions

11. Save insofar as the nature of the offence is concern, arriving at an appropriate sentence for contemptuous actions are still inconclusive, ranging from imprisonment term<sup>5</sup> to conditional discharge<sup>6</sup>, or fines. Whatever, the punishment, it is often suggested that it must be reasoned and justifiable by law.
12. **Article 19 of the Court's Statute provides that:**
  - (1) 'The Trial Chamber shall impose upon a convicted person, other than a juvenile offender, imprisonment for a specified number of years. In determining the terms of imprisonment, the Trial Chamber shall, apply, as appropriate, have recourse to the practice regarding prison sentences in International Criminal Tribunal for Rwanda and the National Courts of Sierra Leone'.
  - (2) 'In imposing the sentences, the Trial Chamber should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person'.
  - (3) 'In addition to imprisonment, the Trial Chamber may order the forfeiture of the property, proceeds and any assets acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the state of Sierra Leone'.
13. **Rule 87 (C) of the Rules provides that:**

If the Trial Chamber finds an accused guilty on one or more of the counts contained in the indictment, it shall also determine the penalty to be imposed in respect of each of the counts.
14. **Rule 101 of the Rules further provides that:**
  - (A) A person convicted by the Special Court, other than a juvenile offender, may be sentenced to imprisonment for a specific number of years.
  - (B) In determining the sentence, the Trial Chamber shall take into account the factors mentioned in Article 19(2) of the Statute, as well as such factors as:
    - (i) Any aggravating circumstances;

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<sup>5</sup> See Prosecutor v Eric Senessie, SCSL-11-01-T, 12 July, 2012

<sup>6</sup> See Independent Counsel v Margaret Fomba Brima, et al, SCSL-2005-02, September, 2005

- (ii) Any mitigating circumstances including the substantial cooperation with the Prosecutor by the convicted person before or after conviction;
- (iii) The extent to which any penalty imposed by a Court of any State on the convicted person for the same act has already been served, as referred to in Article 19(3) of the Statute.

- (C) The Trial Chamber shall indicate whether multiple sentences shall be served consecutively or concurrently.
- (D) Any period during which the convicted person was detained in custody pending his transfer to the Special Court or pending trial or appeal, shall be taken into consideration on sentencing.

**15. Rule 124 as amended, provides that:**

There shall only be pardon, commutation of sentence, or early release if the President of the Court, in consultation with the Judges, so decides on the basis of the interests of justice and the general principles of law, but an early release shall only occur after the prisoner has served a minimum of two thirds of his original sentence.

**16. Section 231 of the Criminal Procedure Act, No 32 of 1965, as amended, provides that:**

Where a person is convicted of any felony or misdemeanour or any offence punishable by imprisonment (other than an offence for which the sentence is fixed by law) the Court may, in its discretion, sentence him to a fine in addition to or in lieu of any other punishment to which he is liable.

- 17. From the foregoing, the Judge has the responsibility, which is discretionary, to impose a penalty which can be arrived at objectively, having regards to the aforementioned provisions.
- 18. The Defence, with respect, submits that in reaching an appropriate sentence for Contempt, the Single Judge in exercising her discretion should consider the sentencing practice both by the Special Court and other International Tribunals as well as the Sierra Leone Court.

**Sentencing Guidelines from International Tribunals**

- 19. A Trial Chamber of an International Tribunal may be guided in addition to its Rules, by previous decisions. While the doctrine of *Stare Decisis* might not be '*stricto sensu*' applicable, it nevertheless serves as persuasive decisions. While a Chamber cannot be bound by its own decision, a substantial deviation in cases of similar facts can however, erode public confidence. As noted by the ICTY Appeals Chamber "public confidence in the integrity of the administration of justice depends at least in part, in consistency of punishment. This means that as the jurisprudence of the tribunal

reaches the stage where a range or pattern of sentences imposed in relation to similar offences and circumstances emerges, a Trial Chamber would be obliged to consider that pattern. Whilst the Trial Chamber will not be bound by that pattern, it must at least consider it, in order to ensure that the sentence it imposes does not produce an unjustified disparity, which may erode public confidence in the integrity of the Tribunal's administration of criminal justice.<sup>7</sup>

20. From the foregoing, sentences of similar offences should be comparable. Whilst this is not to mean that similar offences must carry equal sentences, it nevertheless suggests that Judges are under the obligation to reasonably compare similar conduct and its corresponding sentence. Arguably, a disparity in sentences of similar conducts may erode public confidence.
21. However, the ICTY has noted in Kvočka appeals judgment, that comparison between similar conduct and sentences should be limited insofar as the offence and the circumstances are concerned – there must be substantial similarity to the charges and the circumstances of the conduct should be legally similar.<sup>8</sup> It is respectfully submitted that where however, the contemnor's level of participation in the commission of the contempt and the mitigating circumstances are different, it may be justifiable to impose different sentences.<sup>9</sup>
22. The Defence respectfully submits that unlike Eric Senessie who was found to have actually given bribes to Prosecution witnesses to recant testimonies, Mr. Bangura was convicted for offering a bribe, which according to Prosecution witnesses was not going to come from his pocket nor were they sure whether the bribe was forthcoming. This circumstance is therefore different and the Defence with utmost respect submits that it should receive a lesser sentence than that imposed on Senessie.
23. Also, the circumstances and gravity are substantially different, in that Senessie's circumstances warranted 9 counts charge on which he was convicted on 8 counts and subsequently received a 2 years imprisonment term.<sup>10</sup> While Mr. Bangura stands convicted on all of his 2 counts charged in the order in lieu of indictment, the Defence submits that both his circumstances and level of participation are substantially different and lesser than that of Senessie's, and thus warrants a lesser punishment.

#### **Sentencing Guidelines from Sierra Leone Judiciary**

24. There is no legislation providing for sentencing in cases of Contempt in Sierra Leone unlike other offences whose punishments are provided for either in the Legislation creating the offence or such other legislations.

<sup>7</sup> See Celebici Trial Judgment, IT-96-21-T, 16 November 1998, para 757

<sup>8</sup> See Kvočka Appeal Judgment, IT-98-30/1-A, 28 Feb, 2005, para 681

<sup>9</sup> See Nikolic Sentencing Appeal Judgment, IT-94-2-A, 4 February 2005, para 47

<sup>10</sup> See Prosecutor v Eric Senessie, SCSL-2011-01-T, sentencing judgment, 12 July, 2012

- 25. There is however guidelines which Judges and Magistrates are obliged to consider when handing down sentences. While they are not bound by provisions in these guidelines, they more often than not follow them and where applicable rely on precedent in exercising their discretions.
- 26. Currently, the Judiciary is consolidating these guidelines in order to produce a more comprehensive document on sentencing. The Defence therefore submits that Sierra Leone can benefit from this case by relying on an appropriate sentence rendered by this Honourable Court in line with the common law precedents the National Courts have relied on.
- 27. It is a common law practice that an order for committal in contempt matters must be fixed and must not on occasion exceed two years.<sup>11</sup>
- 28. Even when permitted to impose custodial sentence, the Court can use its discretion and adopt a more lenient approach of granting injunction to refrain the contemnor from acting in the same or similar manner, for which he has been convicted.<sup>12</sup> This however has to be determined after a consideration of the circumstances of the contemnor.<sup>13</sup>
- 29. We respectfully submit that, in deciding whether an act of contempt is serious enough to merit imprisonment, the Court should take into account the likelihood and nature of interference with the administration of justice and the culpability of the offender. In determining these factors, it is necessary to show that TF1-334 was actually influenced,<sup>14</sup> and that the act of Mr. Bangura caused positive interference with the Court's administration of justice. While it has been established that the contact of Mr. Bangura amounted to interference with the Court's administration of justice, it should weigh on his side in showing that he is less culpable as TF1-334 did not recant after being influenced by Mr. Bangura, nor was Mr. Bangura a part of the initial plan to get TF1-334 or any other witness to recant their testimonies. The Defence therefore submits that Mr. Bangura has not succeeded in impeding the course of justice, and this should attracts a lesser punishment, than had he succeeded in getting TF1-334 to recant.<sup>15</sup>

**Sentencing Objectives**

- 30. The Special Court in its maiden decision noted that the main objectives of sentencing in international criminal justice are deterrence, retribution and rehabilitation,<sup>16</sup> and these, the Defence submits, should be the guiding principles in determining an appropriate sentence.

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<sup>11</sup> See R v Castro (Skipworth's case) [1873], QB 230 at pp 241  
<sup>12</sup> See Brook v Evans, [1869], 29 LJ, Ch 616, Coleman v West Hartlepool Rly Co [1860], 8 WR 734  
<sup>13</sup> R v Thompson Newspapers Ltd ex p A-G [1968], 1 All ER 268 at 269-270  
<sup>14</sup> See Re B (JA) (an infant)[1965] Ch 1112, [1965] 2 All ER, 168, Schlesinger v Flershein [1845], 14 LJ QB 97  
<sup>15</sup> R v Runting [1988] 89 Cr App Rep 243  
<sup>16</sup> AFRC Sentencing Judgment, para 14



31. Deterrence is usually considered in two aspects; firstly, in relation to the contemnor and, secondly, in relation to would-be contemnor. The first aspect which is individual deterrence, aims at preventing the contemnor from engaging in the same or similar acts or omissions for which he has been convicted. The second aspect merely sends a message that such acts would not be tolerated. Whilst these two aspects are relevant in achieving sentencing objectives, the general deterrence is mainly re-echoed over individual deterrence.<sup>17</sup>
32. The Defence however submits with respect that Your Honour should be wary of giving undue prominence to either general or individual deterrence in your assessment of an appropriate sentence. This humble submission is made for two reasons: firstly the collateral act of recanting for which Mr. Bangura stands convicted cannot be committed in the future, either by Mr. Bangura or any other would-be contemnor; as it is a general principle in common law that a court of competent jurisdiction cannot listen to issues of review after 12 months of conviction. This suggests that issues of recant cannot be properly placed before the Special Court for at least three of its four completed trials; secondly, the deterrence effect both to Mr. Bangura and others, is largely satisfied by the fact that a full scale trial was conducted. Further, the fact that the convicted persons in Rwanda together with Mr. Bangura and Mr. Kargbo were indicted sends a clear message that the Court is not ready to tolerate issues of contempt, regardless the motive. These in themselves would serve as deterrence; they suggest some form of check on alleged acts of interferences.
33. More importantly, convictions for Kamara and Kanu might affect their good conduct in incarceration, it is therefore submitted that, convictions of such nature will in themselves serve as deterrence to all convicts before the Special Court, and that by itself will forestall future acts.
34. Retribution as a purpose for sentencing simply suggests an expression of condemnation for a particular act or omission. It is also an attempt to recognise any potential harm or [h]arm suffered by a victim<sup>18</sup> and condemns such act(s) that may have perpetrated such harm. It is therefore submitted by the Defence that aspects of retribution have been met, by publically condemning the acts of Mr. Bangura and acknowledging the emotional pains suffered by TF1-334. Whilst these cannot be reversed, they similarly cannot be fully relied on in imposing any substantial sentence, as retribution is not vengeance but rather an act of restraint<sup>19</sup> which will put a marker that some acts cannot be tolerated.

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<sup>17</sup> See Vasiljevic Trial Judgment, IT-98-32-T, 29 November 2002, para 273

<sup>18</sup> See Blagojevic Trial Judgment, IT-02-60-T, 17 January 2005, para 818

<sup>19</sup> See Nikolic Sentencing Judgment, para 140

35. The Defence submits that, whilst the Judge can consider retribution for purposes of sentencing, this should be done in line with other sentencing norms, such as Article 10(3) of International Covenant on Civil and Political Rights (ICCPR), which provides that [t]he penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.
36. The Appeals Chamber of the SCSL has stated that rehabilitation is the process of restoring the convicted person to a state of physical, mental and moral health through treatment and education.<sup>20</sup> The Court further stated that this can start during the trial proceedings, when the accused makes such reflection, upon hearing the testimony of victims; and can facilitate understanding on disputed issues before one another. The finding of the Court that Mr. Bangura's acts amounted to contempt and upon hearing the testimonies of Prosecution witnesses, may well serve as issues for reflections and the Defence submits that Mr. Bangura has made such reflections and should be given the opportunity to rehabilitate, knowing what he now knows.

#### **Nature of Sentence**

37. The provisions of both Article 19 and Rule 87 of the Court's Statute and Rules respectively provide for the nature of a sentence with respect to each count, and whilst the Judge shall impose a sentence which reflects the culpability of Mr. Bangura, mitigating factors should also be taken into consideration in reaching any penalty. It is submitted that consideration should be given to the particular circumstances of this case, and Mr. Bangura's degree of participation. The Defence wishes to bring the attention of the Court to the observation made in the case of **Prosecutor v Blagojevic et al**, in which it was stated that: despite the enormity of the crime underlining the case, the Trial Chamber must remember that...whenever it is called upon to determine a sentence for two individuals, it has to be based solely on their particular conducts and circumstances.<sup>21</sup>

### **3. SUBMISSIONS ON THE GRAVITY OF THE OFFENCES**

38. The gravity of an offence has been the primary consideration in determining and imposing an appropriate sentence. The Court usually considers the particular circumstances of the case as well as the individual circumstances of an accused. In sentencing based on the gravity of the offence, the punishment must be proportionate to both the seriousness of the crime and the degree of participation of an accused.<sup>22</sup>

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<sup>20</sup> See RUF Sentencing Judgment, para 16

<sup>21</sup> See Blagojevic Trial Judgment, para 815

<sup>22</sup> See Semanza Trial Judgment, ICTR-97-20-T, 15 May 2003, para 556

39. Gravity is not ordinarily determined by the act constituting the offence, but rather it is submitted that consideration should be given to the underlying criminal conduct and the specific role played by the accused and any corresponding impact on the victim.<sup>23</sup>
40. The Defence calls upon Your Honour to consider the nature and extent of Mr. Bangura's participation and not merely the nature of the contempt.
41. In this regard, and bearing in mind that the Court found that a call from Mr. Bangura and other contacts from other contemnors amounted to pressure and left TF1-334 confused; also not believing that Mr. Bangura directly offered TF1-334 US\$ 10,000, but rather enquired as to how much money he will want in order for all of them to have a financial gain, these findings it is submitted diminish Mr. Bangura's culpability and his overall individual participation for the purposes of sentencing.

**Gravity in Relation to the Nature of the Offences and Impact on the Victim**

42. With respect to the question of gravity in relation to nature of the offences and the possible impact on the victims, the Defence calls on Your Honour to consider:
- i) the legal nature of the contempt committed;
  - ii) the scale and brutality of the acts;
  - iii) the vulnerability of the victims and possible consequences; and
  - iv) the effect or impact of the offences upon the victim(s).
43. The seriousness of an act of contempt can only be determined on the nature of the interference. The legal nature of Rule 77 (A) (iv) provides for threats, intimidations, injury or offering of a bribe to a witness who is giving, has given, or is about to give evidence in proceedings before the Special Court.<sup>24</sup> While all of these acts may be serious in themselves, the Defence calls on Your Honour to consider Mr. Bangura's conduct in relation to the act which he was adjudged to have committed. The Defence submits that while such consideration might not diminish the gravity of the offence, it may nevertheless diminish Mr. Bangura's culpability for the purposes of sentencing.
44. In Paragraph 14 of the Independent Counsel's sentencing submissions, we note that the Independent Counsel argues quite to the contrary that, Mr. Bangura's role in the contemptuous act is similar to that of Mr. Kargbo who willingly agreed to contact TF1-334 and persistently discussed issues of recant with him (TF1-334).<sup>25</sup>
45. This argument falls short of the Court's Judgment of 25<sup>th</sup> September 2012 and Mr. Kargbo's testimony in which he stated that convicts from Rwanda contacted him to contact some witnesses for them as they have received advice from their Lawyers. This attempt to circumvent the Court's findings with no justifiable conclusion clearly

<sup>23</sup> See Blagojevic Trial Judgment, para 833

<sup>24</sup> See Rule 77(A)(iv) of the Rules

<sup>25</sup> See SCSL-11-02-T, Prosecutor's Sentencing Submissions, 27<sup>th</sup> September, 2012, Par 14, lines 3-6

shows the Independent Counsel's motive to shift liability to Mr. Bangura; the Defence submits that such attempt should not be considered as element weighing to gravity.

46. A further averment can be seen in line 6 of paragraph 14 of the Independent Counsel's sentencing submission, in which it was erroneously construed by the learned Counsel that Mr. Bangura threatened TF1-334 to recant.<sup>26</sup> Firstly, the issue of recanting never came up after the meeting with Lawyer Mansaray, and it was Mr. Kargbo who was discussing with TF1-334 issues of recant and Mr. Bangura could not have threatened TF1-334 after he received information, from whatever quarter, that TF1-334 was willing to recant. The Defence therefore submits that this averment by the learned Independent Counsel cannot simply rely on what appears to be a mode of liability different from that of the Court's findings and pass it off as an element that should weigh to gravity.

47. The Court found that Mr. Bangura's call to TF1-334 together with contacts from other quarters caused him (TF1-334) to be confused. TF1-334 had filed a complaint with OTP prior to Mr. Bangura's call and from his (TF1-334) evidence, TF1-334 only needed some more evidence that why he continued to listen to proposals from Mr. Kargbo or wait for the "package" they were putting together, with other contemnors. TF1-334 had his own game plan and calls from Mr. Bangura were not going to change his mind. To say that calls from Mr. Bangura would have determined whether TF1-334 was going to recant or even file a complaint with the OTP, we submit with utmost respect, will not be supported by the Court's conclusion. The Defence further submits that, the call to TF1-334 only had the propensity to enquire about information, rather than giving information to TF1-334, which would have caused him further direct distress.

#### 4. SUBMISSIONS ON AGGRAVATING CIRCUMSTANCES

48. Aggravating circumstances relate to those factors, which are directly connected to the case, which, for sentencing purposes, aggravate or exacerbate the accused's guilt or moral blameworthiness.

##### **Burden of Proof**

49. The Independent Counsel has the responsibility to prove aggravating factors beyond a reasonable doubt. Furthermore, even when the facts going to aggravating circumstances are established, the Judge still has the discretion as to what weight is to be attached to those circumstances.<sup>27</sup>

##### **Elements of a Crime as an Aggravating Factor**

50. A Sentencer must ensure that same factors do not influence the sentence twice. The Appeals Chamber of the SCSL has made it clear that where a factor is not an element

<sup>26</sup> Ibid

<sup>27</sup> See Hadzihasanovic Trial Judgment, IT-01-47-T, 15 March 2006, para 36

of a crime, that factor may be considered in aggravation of sentence. However, where a factor is an element of an offence for which a sentence is imposed, it cannot also constitute an aggravating factor for the purposes of sentencing.<sup>28</sup> Likewise, where a factor has already been taken into account in determining the gravity of the offence, it cannot be considered additionally as an aggravating factor.<sup>29</sup>

51. The Defence respectfully submits that the gravity of the offence include such factors as the scale and brutality of the offences, their impact on the victim and the possible extent of long-term physical, psychological and emotional sufferings. These factors cannot be taken into consideration both in connection with the gravity of the offence and as an aggravating factor<sup>30</sup> for sentencing purposes.

#### **Nexus and Pleading Requirement for Aggravating Factors**

52. SCSL has established that aggravating factors must be established by the Prosecution beyond a reasonable doubt and that “only circumstances directly related to the commission of the offence charged, and for which the Accused has been convicted, can be considered to be aggravating”.<sup>31</sup> This position has been supported by a number of recent authorities holding that Trial Chambers may only consider aggravating circumstances that are pleaded in the Indictment.<sup>32</sup>

53. “[A]llegations of criminal activity not specifically pleaded in the indictment may [however] be considered as aggravating factors when the accused has received sufficient notice, when the Prosecution makes a specific request for a factual finding in relation to additional crimes, and when these allegations have been proven beyond a reasonable doubt”.<sup>33</sup> This, as the case law shows, has a very high threshold. The Independent Counsel’s suggestions that frequent calls between late November and early December, 2010 go to the depth of the contempt plans, could not be considered as aggravating factors for the purposes of sentencing, as this was not part of the indictment. Further efforts to suggest that Mr. Bangura together with others met at a bar in Wilberforce cannot be supported and was rightly discarded by the Court. The Defence therefore submits that factors that are to be considered in determining aggravating circumstances must have been pleaded in the order in lieu of indictment or on the alternative, the Court must have found that such circumstances were directly related to the offences for which Mr. Bangura was convicted.

#### **Response to Independent Counsel’s Submissions on Aggravating Factors**

<sup>28</sup> See RUF Appeals Judgment, para 1235

<sup>29</sup> See AFRC Appeal Judgment, para 317

<sup>30</sup> See Rajic Sentencing Judgment, IT-95-12-S, 8 May 2006, para108

<sup>31</sup> RUF Sentencing Judgment, para 24

<sup>32</sup> See Simba Appeal Judgment, ICTR-01-76-A, 27 November 2007, para 82, see also Rugambarara Sentencing Judgement, para 29

<sup>33</sup> See Semanza Trial Judgment, para 567

54. In responding to the Independent Counsel's arguments on aggravation, the Defence wishes to draw the Honourable Court's attention to argument as a matter of law, that the Independent Counsel must have pleaded the alleged aggravating factors in the indictment and must have proved them beyond a reasonable doubt. Additionally, the aggravating factors must relate directly to the contempt for which Mr. Bangura has been convicted.
55. In his Sentencing submissions, the Independent Counsel submitted that there are essentially three aggravating factors: i) that Mr. Bangura used threats and intimidation to persuade TF1-334 334 to recant his testimony; ii) Mr. Bangura's willingness to participate in the contemptuous scheme; and iii) Mr. Bangura gave false testimony to the Court.
56. With respect to threats and intimidation to persuade TF1-334 to recant as an aggravating factor, the Defence submits as a preliminary point that this, in and of itself, should not be determinative, as the Independent Counsel suggests. By way of an analogy, Mr. Bangura's call to TF1-334, according to Mr. Kargbo, was after they (TF1-334 and Kargbo) received calls from Rwanda, and there was no evidence that Mr. Bangura threatened or intimidated TF1-334 after this period, so he could recant his testimony. What is on record is that, Mr. Bangura called Mr. Kargbo and handed the phone to TF1-334 and Mr. Bangura enquired whether Mr. Kargbo had briefed TF1-334 and that TF1-334 should "corporate with him". While the Court found that Mr. Bangura offered a bribe by enquiring how much money TF1-334 will want from the deal (during the journey to Lawyer Mansaray), he never continue the discussion with either TF1-334 or Mr. Kargbo after the legal visit. Further, we wish to state that this line of reasoning employed by the learned Independent Counsel to buttress his argument, in fact, defeats its cause. How can Mr. Bangura utters threatening words to TF1-334 when, he had received information from Kargbo that TF1-334 had consented to recant? We therefore submit that threat and intimidation cannot be aggravating factors for two reasons; firstly, they were adjudged to have constituted the offence and secondly, the time the purported threat came, the offence was already completed. The argument that threats and intimidation should constitute aggravating factors must therefore fail as it fails the precision requirement. There was not enough evidence to show that Mr. Bangura threatened or intimidated TF1-334 to recant his testimony.
57. Furthermore, and more importantly, Counsel's assertion that Mr. Bangura's willingly agreed to participate in a contemptuous scheme is both inaccurate and misleading. As seen from the evidence, it was never suggested that any of the Rwanda convicts or Mr. Kargbo contacted Mr. Bangura to participate in a scheme or any criminal enterprise. What the evidence does show is that TF1-334 suggested to OTP that Mr. Bangura might be aware of the scheme, and Mr. Kargbo testified that he informed Mr. Bangura about TF1-334's willingness to recant. With respect to the submission that

Mr. Bangura willingly participated in the contemptuous scheme, as an aggravating factor, we submit that this argument is factually inaccurate and ill-conceived, and is based on an erroneous interpretation of both the evidence and the Court's findings. From prosecution evidence, the Court noted that the scheme originated from convicts in Rwanda and attempted to use Kargbo to contact TF1-334 and TF1-033. Mr. Bangura was never contacted to further this plan, nor did the plan emanated from him, or nor did he contact TF1- 033 or directly contacted TF1-334 to have [t]hem recant their testimonies. How then can it be reasonably be inferred that Mr. Bangura willing agreed to participate in a contemptuous scheme? We respectfully submit that this cannot be an aggravating factor as Mr. Bangura did not agree to participate in an agreement between Kargbo and TF1-334.

58. The Independent Counsel's argument that Mr. Bangura gave false testimony as an aggravating factor must likewise fail as it did not meet the pleading requirement, and also while some aspects of his testimony did erode his credibility, it was never adjudged that he lied to the Court. The submission should also fail for want of a direct nexus with the crimes for which Mr. Bangura has been convicted. Mr. Bangura never denied that he spoke with convicts in Rwanda, nor did he deny that he visited lawyer Mansaray on the request of one of the convicts in Rwanda. He merely admitted to issues raised by the learned Independent Counsel, so we see no reason why his testimony should weigh as an aggravating factor.

## 5. SUBMISSIONS ON MITIGATING FACTORS

### General requirements

59. Unlike the Prosecution's burden of establishing aggravating circumstances beyond reasonable doubts, mitigating factors are only proven by a preponderance of the evidence on a balance of probability,<sup>34</sup> which according to ICTY Appeals Chamber, is "the satisfaction that, more probably than not, what is asserted is true"<sup>35</sup>
60. Mitigating factors are any circumstances relating to, or personal to a convicted person, which should move the court to reduce the sentence likely to be imposed on the convicted person.<sup>36</sup> Mitigating factors, it must be underlined, only affect the penalty and not the convicted person's liability; and we are mindful of the fact that they do not minimize the serious criminal conduct for which the person is convicted.<sup>37</sup> Thus, mitigating circumstances might not have any bearing to the offence for which a person is convicted.<sup>38</sup> It is therefore submitted that a Court may take into account any mitigating circumstances regardless of whether they have a direct nexus or not with the crimes in question.

<sup>34</sup> See Blagojevic Trial Judgment, para 850

<sup>35</sup> See Kvočka Decision on Review, para 17

<sup>36</sup> See Akeyesu Sentencing Judgment, ICTR - 96 - 4 - T, 02 OCTOBER, 98, para 5

<sup>37</sup> See Milan Babic Sentencing Appeal Dissenting Opinion, IT-03-72-A, 18 July 2005, para 5

<sup>38</sup> See Nzabirinda Sentencing Judgment, ICTR-2001-77-T, 23 February 2007, para 64

61. While there is an open-ended list as to what might constitute a mitigating factor, jurisprudence from the SCSL and other International Tribunals have considered a wide range of factors. However, we submit that with utmost respect that Your Honour exercise your discretion and consider the following as mitigating factors in order to justify a lighter sentence: i) Mr. Bangura's relentless efforts to consolidate peace in Sierra Leone; ii) Mr. Bangura's cooperation with the Independent Counsel and the Court; iii) Mr. Bangura's good behaviour during Pre-Trial detention; iv) Mr. Bangura's expression of remorse; v) Mr. Bangura's lack of prior criminal conviction; vi) Mr. Bangura as a family man with financial responsibilities; and vii) Mr. Bangura the born again Christian and Church Security.
62. Mr. Bangura's role in consolidating peace in Sierra Leone might not have been known to many. Various witnesses have testified that Mr. Bangura was handed a role by the Government of Sierra Leone as intermediary between the West side and the Freetown Community. His role included but not limited to preventing RUF from entering into Freetown for a second time.
63. Furthermore, as a Peace Ambassador, working for Action Group for Peace and Development (AGPaD), Mr. Bangura has demonstrated his love for peace by giving substantial time in preaching peace and non-violence among ex-combatant and such other youths. This position has been supported by the current Director of AGPaD( see Annex D). To date, he has served as Deputy Chairman for AGPaD since 2006 and has involved in a number of initiatives designed to consolidate peace and strengthened the security sector in Sierra Leone. For instance, in 2007, he conducted a nationwide tour to discourage people from engaging in violent conducts during the elections. While such efforts cannot be over emphasised, AGPaD was publicly recognized for their role in the 2007 general elections. The Defence submits that this effort should be considered as a mitigating factor as Mr. Bangura clearly made a real and meaningful effort in consolidating peace in Sierra Leone, and still intends to do more, by ensuring in his own little way that Sierra Leone enjoys a peaceful November, 2012 elections.
64. Rule 101 (B)(ii) of the Rules provides that the Court shall consider any mitigating circumstances including the substantial cooperation with the Prosecutor by the convicted person before or after conviction; Mr. Bangura's cooperation could be seen as far back as his meeting with the Independent Counsel in April 2011. Despite his phobia for the Special Court, he hurriedly joined Mr. A.F Serry-Kamal to go and see the Independent Investigator who subsequently prosecuted him. During his meeting with the investigator, he cooperated by responding to his question even after the purported rights advisements to remain silence. Save insofar as their language misunderstandings, Mr. Bangura provided adequate information to the investigator. Furthermore, Mr. Bangura made numerous admissions and saved the Independent Counsel from otherwise establishing those facts. Also, under oath, he responded to question from all parties, including the Bench. If it can be adjudged that his responses helped to clarify issues, it may amount to mitigation as it contributed to expediting the proceedings.<sup>39</sup> The Defence respectfully submits that the Court considers these actions as mitigating factors.

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<sup>39</sup> See Kvocka, Trial Judgment, para 743



65. Mr. Bangura's voluntary surrender to the Court should also weigh as a mitigating factor. When he learnt that contempt charges have been brought against him, he voluntarily came to the Special Court to answer to the charges. He did not merely surrender because he considered the offences minor, but rather he wanted to demonstrate his respect for the Court. This, it is submitted should amount to a mitigating factor
66. Mr. Bangura also cooperated with the court during trial proceedings, despite unfavorable conditions at the detention facilities and the psychological trauma of incarceration. As stated by the ICTY, "the behavior of the accused in the proceedings against him is of particular importance"<sup>40</sup> and his good conduct and cooperation with the Trial Chamber can constitute a mitigating factor.<sup>41</sup> Mr. Bangura assisted in the restriction of issues during trial proceedings. For instance he never forestalled the proceedings in order to establish whether his interview statements by the investigators, were not voluntarily obtained, either by conducting a *voire dire* or otherwise.
67. Mr. Bangura never absented himself from the proceedings either by way of protest or in a manner to delay proceedings.
68. In his defence, Mr. Bangura completed his case within the shortest possible time; save for some issues that needed some clarifications by the Prosecution. When an accused ensure that the trial is completed within the shortest period, the Sentencer can consider such factor as mitigation.<sup>42</sup> Treating this aspect as a mitigating factor it is submitted, will send a clear message to other accused persons on the need to cooperate with the court.<sup>43</sup>
69. Mr. Bangura continues his respect for the process not just only by submitting himself to the jurisdiction of the court, but also continues to put up good behavior while in detention, pending the outcome of his trial. As supported by Annex A (Letter Addressed to Your Honour by the Chief of Detention), the detention is satisfied that Mr. Bangura has always been of good conduct pending the outcome of his trial. It has been adjudged that an "accused extraordinarily good behaviour while detained pending trial before an International Criminal Tribunal shows good rehabilitative prospects and is a mitigating factor."<sup>44</sup>

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<sup>40</sup> See Krstic, Trial Judgment, IT-98-33-T, 02 August 2001, para 715

<sup>41</sup> See Galic, Trial Judgment, IT-98-29-T, 5 December 2003, para 766

<sup>42</sup> See Krnojelac, Trial Judgment, para 520

<sup>43</sup> See Kunarac, Trial Judgment, IT-96-23-T & 96-23/1-T, 22 February 2001, para 868

<sup>44</sup> See Kordic & Cerkez, Appeal Judgment, para 1091

70. Mr. Bangura intends to orally express his remorse for his concluded involvement in the acts of contempt. This remorse can only be expressed at this stage because he never considered his actions as being wrong, until they were adjudged to be. Since it is "better late than never",<sup>45</sup> we respectfully submit that the Court considers his remorse as a mitigating factor.
71. Mr. Bangura has no prior criminal conviction. Although there is evidence of incarceration at the Pademba Road Prison, Mr. Bangura was never convicted of any crime. Lack of criminal conviction has been considered as a mitigating factor at ICTY.<sup>46</sup> While he was unlawfully detained at the Pademba Road Prison, no charges were preferred against him and by extension; he has never been convicted of any criminal charge, with these being his first.
72. Mr. Bangura is the sole bread winner for his wife and 12 year old daughter. (see Annex B). The Court has accepted peculiar positions as husband and father to be a mitigating factor.<sup>47</sup> Mr. Bangura is married and has a 12 year old daughter who has just gained admission into secondary (High) school. While the wife remains unemployed, Mr. Bangura has been the source of income not only for his wife and daughter, but for other extended family as both his (Bangura's) parents are dead. We submit that, Mr. Bangura's position as a family man should weigh as a mitigating factor as without him, his daughter would have to face an inevitable future of dropping out from school and contend with the unequal opportunity society has to offer.
73. Mr. Bangura's contribution to the church should also not go unnoticed. Since his incarceration at the Pademba Road prison, Mr. Bangura committed his life to Christ and vowed to serve him throughout the remainder of his life. In pursuit of his commitment, he joined the security and welfare staff of the Flaming Evangelical Ministry and prior to his arrest by the SCSL he supported the work of the church during crusades and such other church activities, as noted by a Pastor (see Annex C). During his examination in chief, Mr. Bangura noted that, it has been difficult for him during the past months as he has been deprived from worshiping in his church. In order for him to be given the opportunity to re-commence his sanctuary worship, we submit that Mr. Bangura's religious life be taken into consideration by the Court and weigh as a mitigating factor.

#### **General Consideration for Reduction – Unlawful Detention at the Pademba Road Prison**

74. Mr. Bangura was a victim of circumstance between 2000 and 2004 as he was arrested and detained at the Pademba Road Prison without being tried. While such detention does not have any bearing with the SCSL, it nonetheless suggests that Mr. Bangura has spent a substantial time in prison of which he would have gone through any form of probation or rehabilitation that prison terms are designed to achieve.

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<sup>45</sup> See Eric Sennessie, Sentencing Judgment, para 22

<sup>46</sup> Rugambarara Sentencing Judgment, para 43

<sup>47</sup> See Bisengimana, Trial Judgment, ICTR-00-60-S, 13 April 2006, para 143

### **General Consideration for Reduction – Pre-Trial Detention**

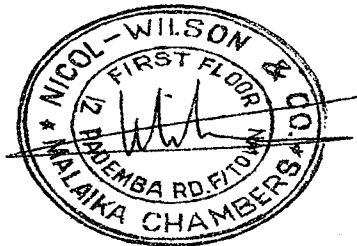
75. Mr. Bangura has been in detention since the recommencement of the contempt proceedings in July 2012; being a sole proprietor, his business has stifled and he continues to owe his creditors, from whom he collected part payments for vehicle rental without providing the complete services.
76. Also Mr. Bangura has served a reasonable period in detention through which he was able to reflect on his conduct and be able to realize that had he known that what he did was wrong, he wouldn't have done it. We therefore submit that his pre-trial detention weighs as a mitigating factor.

### **6. CONCLUSION AND RECOMMENDED PUNISHMENT**

77. The Special Court has adjudged on the seriousness of the underlying crimes for which Mr. Bangura has been convicted, and guided by the ample authorities that we have provided in these submissions, we call on Your Honour to arrive at a fair and just sentence paying due regard to the following defining factors: i) Mr. Bangura's participation as we have argue herein diminishes his criminal responsibility for sentencing purposes; as he was only caught up in the middle of a transaction initiated by others without any recourse for it legal implications; ii) his motive for financial benefit, rather than getting the convicts out or instituting a review proceedings, diminished his role in the actual commission of the offences; iii) his lack of knowledge of proceedings before the Special Court or its protective measures should also diminish his role in the ensuing offences; and iv) the presence of more compelling mitigating factors, over aggravating circumstances, should weigh in sentencing.
78. We respectfully submit that, in light of all the foregoing, it would be manifestly fair to impose a sentence, which effectively puts all moral and legal blame on those who have been found to be principal participators in getting TF1-334 to recant his testimony given before the Special Court.
79. The Court should not lend itself to any attempts by the Independent Counsel or the OTP to provide the people of Sierra Leone with the theory that Mr. Bangura had effective control over Mr. Kargbo, TF1-334 or even such other important or protected witnesses in the AFRC trial. The Independent Counsel's suggested sentence, we submit, avoids the necessary task of determining blameworthiness and acceptance of guilt. In asking for a lesser sentence for Mr. Kargbo, we submit justifies the learned Counsel's intent to transfer liability to Mr. Bangura
80. Clearly, what emerges from the Courts' judgment is a more diminishing revelation of Mr. Bangura's role in contacting TF1-334 to recant his testimony given to the Special Court. The Trial Chamber's rejection of TF1-334 assertion that Mr. Bangura offered him US\$ 10,000 places his culpability within certain confines. As submitted above, those findings should establish the considerations of his role and subsequent guilt and the basis for his sentence.


81. Notwithstanding, the guilty findings, Mr. Bangura's role should also be put into context. In essence, the Court found that Mr. Bangura only learnt of a plan (of which he was not initially or necessarily part of) and enquired how far, the plan has been executed.
82. We therefore submit that a fine will be justifiable, and mindful of the recent amendment of the Rule 77 (G) of the Rules, which cannot be retrospective in relation to the offences for which Mr. Bangura stands convicted, and therefore should not apply.
83. On the alternative, should the Court decides to pronounce a custodial sentence, for the purpose of deterrence, we submit that a custodial term of that already served will be appropriate, or in any case not more than six months, taking into consideration Mr. Bangura's individual circumstances and all the aforementioned mitigating factors.

**Faithfully submitted by**




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**Melron C. Nicol-Wilson**  
**Counsel for Hassan Papa Bangura**



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



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**Alpha Bah**  
**Legal Assistant for Hassan Papa Bangura**

Annex

A

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**SPECIAL COURT FOR SIERRA LEONE**

JOMO KENYATTA ROAD, NEW ENGLAND • FREETOWN, SIERRA LEONE  
PHONE: (212) 963-9915, EXT.: 178 7000-7029 • UNAMSIL FAX EXT.:(212) 963-0507  
FREETOWN (022) 220 240  
2 UN PLAZA • DC2-470 • UNITED NATIONS • NEW YORK, N.Y. 10017  
PHONE: (917) 367-2457 • FAX: (917) 367-2459

Date 2<sup>nd</sup> October 2012

Honorable Justice Doherty,

Hassan Papa Banguau has been held at the Detention Facility of the Special Court for Sierra Leone since 16<sup>th</sup> June 2012. From his committal date till the writing of this letter his conduct and attitude to staff and management at the Detention facility have given no cause for complaint. Mr. Bangura has been courteous to all prison staff and undemanding to management.

During his time in the facility he has accepted and abided by the Rules of Detention without question. He has maintained the standards set down by the facility and kept his accommodation and person to a high standard of cleanliness.

Regards,  
Paul Wright  
A/Chief of Detention  
Special Court for Sierra Leone  
EXT.7434  
Tel: +232 079 602 446  
Email: wrightp@un.org

Armed B  
654

**WITNESS CHARACTER STATEMENT**

**NAME:** Josephine Bangura  
**ADDRESS:** 48<sup>A</sup> Red Pump, Tengbeh, Freetown  
**TRIBE:** Mende  
**AGE:** Adult  
**GENDER:** Female  
**OCCUPATION:** House Wife  
**MARITAL STATUS:** Married

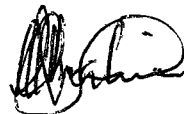
1. I am the Lawful wedded Wife of Mr. Hassan Papa Bangura and dated and have dated and live with him for about fifteen years prior to our formal wedding in 2009. I have known him in both capacities for almost 20 years now.
2. During this period, I found to be a loving and caring husband who takes his marital responsibility with seriousness.
3. Being a House Wife, Mr. Hassan Papa Bangura is the sole bread winner of our family. In addition to providing food, clothing and shelter for us, and school fees for his daughter, he also contributes to the financial wellbeing of other members of his extended family including his brother and sister, since both of their parents are dead.
4. That the family has been adversely affected by his present incarceration by the Special Court. In particular there is no one to provide and cater for our financial and material needs including monthly payments of our rent.
5. We also live in an area in which the presence of a man in the household is crucial to our security and our house has been burgled twice since his incarceration by the Special Court.
6. I make this statement in support of Mr. Hassan Papa Bangura's position that he be given a non-custodial sentence for the crimes for which he has been found guilty.

Dated this 27 day of September 2012

**SIGNATURE:**



**WITNESS:**



Ibrahim - P. Dumbuy

# WITNESS CHARACTER STATEMENT

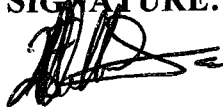
Annex C  
655

**NAME:** Edward Williams  
**ADDRESS:** 26 Sander Street, Freetown  
**TRIBE:** Krio  
**AGE:** Adult  
**GENDER:** Male  
**OCCUPATION:** Clergy  
**MARITAL STATUS:** Married

1. Hassan Papa Bangura is a friend and a member of our church, Flaming Evangelical Ministry Ascension Town. I had known him as a soldier since 1997. He was my senior in the army. In 2004, I preached Christianity to him and he wholeheartedly accepted and became a 'Born Again' Christian since 2004. In 2009, I convinced him to married Josephine Bangura.
2. He was an active member of the Crusade Team in our church. He often serves the security division of the said team. He together with his family regularly attends to church regularly.
3. During the period for which I have known him, I found him to be friendly, humorous, kind, gentle, receptive, generous and unassuming.
4. There is no doubt the said church will be adversely affected in diverse ways if the Special Court for Sierra Leone decides to levied a custodial sentence on him. Firstly, the security division has already been adversely affected by Mr. Bangura's absence at the moment and his continuing absence will no doubt affect not only the workings of this Division of the said Church but the entire congregation. Also, since his indictment at the Special Court for Sierra Leone his family's regularity at the said church has been tremendously affected. The reason for this as I was made to understand is Mr. Bangura's absence. He used to take them to church.
5. On this note, I am pleading on behalf of the church that the Special Court for Sierra Leone gives him a non-custodial sentence so that he continue to per take in the serving God. God bless you

Dated this 27 day of September 2012.

**SIGNATURE:**



**WITNESS:**

Wanda Bankole

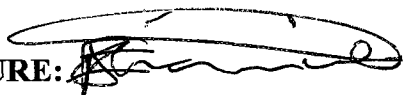



**WITNESS CHARACTER STATEMENT**

**NAME:** PATRICK F. SINNIE aka SISCO  
**ADDRESS:** 8 BOLLING STREET, KINGTOM FREETOWN  
**TRIBE:** MENDE  
**RELIGION:** MUSLIM  
**MARITAL STATUS:** MARRIED  
**AGE:** ADULT  
**GENDER:** MALE  
**OCCUPATION:** PEACE AMBASSADOR

1. Hassan Papa Bangura has been a friend and brother since 1992.
2. During this period of friendship, Mr. Bangura has been very helpful to me and my family.
3. Following the cessation of hostilities and upon Mr. Bangura's release from Pademba Road maximum prison, Mr. Bangura and I, together with other peace-loving ex-combatants, established a peace group known as Action Group for Peace and Development (AGPaD).
4. AGPaD is an organisation comprising of ex-combatants with the aim of promoting and consolidating peace in Sierra Leone and to foster peaceful relationship among ex-combatants and the civilian population, as well as to provide a security component and other job related activities for the vulnerable youths.
5. Presently, I am the Director for AGPaD, while Mr. Bangura serves as the Deputy Chairman.
6. Mr. Bangura has been very dedicated and instrumental in achieving the aims and objectives of AGPaD since his appointment as Deputy Chairman in 2006.
7. The position of Deputy Chairman is very vital and Mr. Bangura's role in that position has been very helpful in achieving our goals.

Dated this 27 day of September 2012.

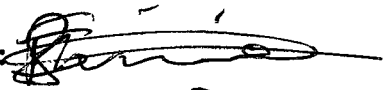
**SIGNATURE:** 

**WITNESS:** Marie Bangura  




- 8. As the Deputy Chairman, Mr. Bangura facilitated a campaign for non-violence during the 2007 elections and AGPaD's effort was recognised by the then Vice President, Inspector General of Police as well as the Army Chief of Defence Staff.
- 9. Mr. Bangura's efforts contributed to combating violence in Freetown and all provincial districts as well as preventing violence from occurring in these areas, through radio discussions, community town hall meetings and social gathering.
- 10. Currently, AGPaD is engaging in a mass sensitisation non-violence campaign in preparation for the upcoming November elections.
- 11. Being the Deputy Chairman, Mr. Bangura's role will be very significant in preaching non-violence throughout the electioneering periods as well as preventing post-elections violence in Sierra Leone.
- 12. His continuous absence from AGPaD's activities continues to hinder our progress and possible achievements.
- 13. Being the current Director of this peace-oriented organisation, I make this statement in support of Mr. Bangura's position that he be given a non-custodial sentence for the crimes for which he has been found guilty.

Dated this 27 day of September 2012.

SIGNATURE: 

Marie Bangura

WITNESS: 