

IN THE HIGH COURT OF SIERRA LEONE  
HOLDEN AT FREETOWN  
THE STATE  
V  
ALFRED KALLON  
ALIE IBRAHIM KANU  
AND  
SULAIMAN ISSA TURAY

**BEFORE THE HONOURABLE JUSTICE MIATTA MARIA SAMBA, J.A**  
DATED THE 4<sup>TH</sup> DAY OF MARCH 2020

Counsel:

S. Harlston Esq for the State

S. Nicol Esq for the 1<sup>st</sup> Accused

H.M Jengo Esq for the 2<sup>nd</sup> Accused

H.M Gevao Esq for the 3<sup>rd</sup> Accused

**Judgment**

1. The matter before this Court commenced by way of an amended Indictment against all three Accused persons, dated the 26<sup>th</sup> day of March 2019 for the various offences herein stated:

COUNT 1

STATEMENT OF OFFENCE

Conspiracy to commit a corruption offence contrary to Section 128(1) of the Anti-Corruption Act No. 12 of 2008

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2015 and the 31<sup>st</sup> day of July 2018, at Freetown aforesaid, conspired with other persons unknown to commit a corruption offence to wit: by using his office to improperly make requests for Republic of Sierra Leone Service Passports on behalf of certain persons who are not entitled to be holders of same.

COUNT 2

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2015 and the 31<sup>st</sup> day of December 2016, at Freetown

aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Samuel Dawo, who is not entitled to be a holder of same.

#### COUNT 3

##### STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

##### PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2015 and the 31<sup>st</sup> day of December 2016, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Assiatu Suma, who is not entitled to be a holder of same.

#### COUNT 4

##### STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

##### PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2015 and the 31<sup>st</sup> day of December 2016, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Leslie Sylvanus Robert, who is not entitled to be a holder of same.

#### COUNT 5

##### STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

##### PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2015 and the 31<sup>st</sup> day of December 2016, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Abu Melleh Kargbo, who is not entitled to be a holder of same.

#### COUNT 6

##### STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2015 and the 29<sup>th</sup> day of February 2016, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Abdulai Bangalie Feika, who is not entitled to be a holder of same.

COUNT 7

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2015 and the 31<sup>st</sup> day of May 2016, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Abu Alimatu Bangura, who is not entitled to be a holder of same.

COUNT 8

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 28<sup>th</sup> day of February 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Bernadette Conteh-Barrat, who is not entitled to be a holder of same.

COUNT 9

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the



1<sup>st</sup> day of January 2016 and the 28<sup>th</sup> day of February 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Sabieu Mansaray, who is not entitled to be a holder of same.

COUNT 10

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 28<sup>th</sup> day of February 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Samba Barrie, who is not entitled to be a holder of same.

COUNT 11

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 28<sup>th</sup> day of February 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Lansana Suma, who is not entitled to be a holder of same.

COUNT 12

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of March 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Samuel Olu Johnson, who is not entitled to be a holder of same.

COUNT 13

STATEMENT OF CLAIM



Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of March 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Alieu Jalloh, who is not entitled to be a holder of same.

COUNT 14

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of March 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Princess Davies, who is not entitled to be a holder of same.

COUNT 15

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of March 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Deborah Christiana Nyuma, who is not entitled to be a holder of same.

COUNT 16

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the

1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of March 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Alhassan Kamara, who is not entitled to be a holder of same.

COUNT 17

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of March 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Sheknatu Ramatulai Mansaray, who is not entitled to be a holder of same.

COUNT 18

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of April 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Abdulai Pateh Barrie, who is not entitled to be a holder of same.

COUNT 19

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of April 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Hawao Jalloh, who is not entitled to be a holder of same.

COUNT 20

STATEMENT OF CLAIM



Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of April 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Alhassan Daramy, who is not entitled to be a holder of same.

COUNT 21

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of March 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Isatu Sillah, who is not entitled to be a holder of same.

COUNT 22

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of April 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Kelfala Kamara, who is not entitled to be a holder of same.

COUNT 23

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the

1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of May 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Ibrahim Aziz Bangura, who is not entitled to be a holder of same.

COUNT 24

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of June 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Lamrana Barrie, who is not entitled to be a holder of same.

COUNT 25

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of June 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Martin Conteh, who is not entitled to be a holder of same.

COUNT 26

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 30<sup>th</sup> day of June 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Mohamed Kamara, who is not entitled to be a holder of same.

COUNT 27

STATEMENT OF CLAIM



Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of July 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Mariama Jawaneh, who is not entitled to be a holder of same.

COUNT 28

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of July 2017, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Mariama Conteh, who is not entitled to be a holder of same.

COUNT 29

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2017 and the 31<sup>st</sup> day of July 2018, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Khadijatu Koroma, who is not entitled to be a holder of same.

COUNT 30

STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the

1<sup>st</sup> day of January 2017 and the 31<sup>st</sup> day of July 2018, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Foday Sesay, who is not entitled to be a holder of same.

#### COUNT 31

##### STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

##### PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2017 and the 31<sup>st</sup> day of July 2018, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Isatu Dainkeh, who is not entitled to be a holder of same.

#### COUNT 32

##### STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

##### PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2017 and the 31<sup>st</sup> day of July 2018, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Christiana Biatta Coker, who is not entitled to be a holder of same.

#### COUNT 33

##### STATEMENT OF CLAIM

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

##### PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2017 and the 31<sup>st</sup> day of July 2018, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Abdul Bangura, who is not entitled to be a holder of same.

#### COUNT 34

##### STATEMENT OF CLAIM



Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALFRED KALLON of No. 5 Tough Drive, Allen Town, in the Western Area of the Republic of Sierra Leone, being the Senior Human Resource Officer at the Office of the Administrator and Registrar-General (OARG) on diverse dates between the 1<sup>st</sup> day of January 2017 and the 31<sup>st</sup> day of July 2018, at Freetown aforesaid, abused his office to wit: by using his office to improperly make a request for a Republic of Sierra Leone Service Passport, on behalf of Musa Sesay, who is not entitled to be a holder of same.

COUNT 35

STATEMENT OF OFFENCE

Conspiracy to commit a corruption offence contrary to Section 128(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALIE IBRAHIM KANU of No. 1 Marikan Drive, Bawbaw, Freetown in the Western Area of the Republic of Sierra Leone, being the Executive Director of the Sierra Leone Institute of International Law, on diverse days between the 1<sup>st</sup> day of January 2018 and 30<sup>th</sup> day of September 2018 conspired with other persons unknown to commit a corruption offence to wit: by making use of his influence, to obtain Republic of Sierra Leone Service Passports through the Ministry of Foreign Affairs and International Cooperation (MFAIC) for certain persons who are not entitled to be holders of same.

COUNT 36

STATEMENT OF OFFENCE

Peddling Influence contrary to Section 31(3) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALIE IBRAHIM KANU of No. 1 Marikan Drive, Bawbaw, Freetown in the Western Area of the Republic of Sierra Leone, being the Executive Director of the Sierra Leone Institute of International Law, on diverse days between the 1<sup>st</sup> day of January 2018 and 12<sup>th</sup> day of September 2018, at Freetown aforesaid peddled influence to wit: by accepting an advantage from Musu Abibatu Bangura the sum of Le. 10,000,0000/00 (Ten Million Leones), as consideration to make use of his influence to obtain a Republic of Sierra Leone Service Passport through the Ministry of Foreign Affairs and international Cooperation (MFAIC), for the said Musu Abibatu Bangura, who is not entitled to be a holder of same.

COUNT 37

STATEMENT OF OFFENCE

Peddling Influence contrary to Section 31(3) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALIE IBRAHIM KANU of No. 1 Marikan Drive, Bawbaw, Freetown in the Western Area of the Republic of Sierra Leone, being the Executive Director of the Sierra Leone Institute of International Law, on diverse days between the 1<sup>st</sup> day of January 2018 and 12<sup>th</sup> day of September 2018, at Freetown aforesaid peddled influence to wit: by accepting an advantage from Justina Williams, the sum of \$1,000/00 (One Thousand United States Dollars) as consideration to make use of his influence to obtain a Republic of Sierra Leone Service Passport through the Ministry of Foreign Affairs and international Cooperation (MFAIC), for the said Justina Williams, who is not entitled to be a holder of same.

COUNT 38

STATEMENT OF OFFENCE

Peddling Influence contrary to Section 31(3) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALIE IBRAHIM KANU of No. 1 Marikan Drive, Bawbaw, Freetown in the Western Area of the Republic of Sierra Leone, being the Executive Director of the Sierra Leone Institute of International Law, on diverse days between the 1<sup>st</sup> day of January 2018 and 12<sup>th</sup> day of September 2018, at Freetown aforesaid peddled influence to wit: by accepting an advantage from Ibrahim Sorie Koroma the sum of \$500 (Five Hundred United States Dollars) as consideration to make use of his influence to obtain a Republic of Sierra Leone Service Passport through the Ministry of Foreign Affairs and international Cooperation (MFAIC), for the said Ibrahim Sorie Koroma, who is not entitled to be a holder of same.

COUNT 39

STATEMENT OF OFFENCE

Conspiracy to commit a corruption offence contrary to Section 128(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

ALIE IBRAHIM KANU of No. 1 Marikan Drive, Bawbaw, Freetown in the Western Area of the Republic of Sierra Leone, being the Executive Director of the Sierra Leone Institute of International Law and Sulaiman Issa Turay of No. 6 Ascension Town Road, Freetown in the Western Area of the Republic of Sierra Leone, being the Head of the Consular Section, Ministry of Foreign Affairs and International Cooperation (MFAIC), on diverse dates between the 1<sup>st</sup> day of January 2018 and 30<sup>th</sup> day of September 2018 conspired together with other persons unknown to commit a corruption offence to wit: by improperly making recommendations to Sierra Leone Immigration Services (SLIS) to obtain a Republic of Sierra Leone Service Passports for certain persons who are not entitled to be holders of same.

COUNT 40

STATEMENT OF OFFENCE

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE



SULAIMAN ISSA TURAY of No. 6 Ascension Town Road, Freetown in the Western Area of the Republic of Sierra Leone, being the Head of the Consular Section, Ministry of Foreign Affairs and International Cooperation (MFAIC), between the 1<sup>st</sup> day of January 2018 and the 12<sup>th</sup> day of September 2018 at Freetown aforesaid abused his office to wit: by improperly making a recommendation to Sierra Leone Immigration Services (SLIS) for a Republic of Sierra Leone Service Passports for Musu Abibatu Bangura, who is not entitled to be a holder of same.

COUNT 41

STATEMENT OF OFFENCE

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

SULAIMAN ISSA TURAY of No. 6 Ascension Town Road, Freetown in the Western Area of the Republic of Sierra Leone, being the Head of the Consular Section, Ministry of Foreign Affairs and International Cooperation (MFAIC), between the 1<sup>st</sup> day of January 2018 and the 12<sup>th</sup> day of September 2018 at Freetown aforesaid abused his office to wit: by improperly making a recommendation to Sierra Leone Immigration Services (SLIS) for a Republic of Sierra Leone Service Passports for Justina Williams, who is not entitled to be a holder of same.

COUNT 42

STATEMENT OF OFFENCE

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

SULAIMAN ISSA TURAY of No. 6 Ascension Town Road, Freetown in the Western Area of the Republic of Sierra Leone, being the Head of the Consular Section, Ministry of Foreign Affairs and International Cooperation (MFAIC), between the 1<sup>st</sup> day of January 2018 and the 12<sup>th</sup> day of September 2018 at Freetown aforesaid abused his office to wit: by improperly making a recommendation to Sierra Leone Immigration Services (SLIS) for a Republic of Sierra Leone Service Passports for Ibrahim Sorie Koroma, who is not entitled to be a holder of same.

COUNT 43

STATEMENT OF OFFENCE

Abuse of Office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008.

PARTICULARS OF OFFENCE

SULAIMAN ISSA TURAY of No. 6 Ascension Town Road, Freetown in the Western Area of the Republic of Sierra Leone, being the Head of the Consular Section, Ministry of Foreign Affairs and International Cooperation (MFAIC), between the 1<sup>st</sup> day of January 2016 and the 31<sup>st</sup> day of December 2017 at Freetown aforesaid abused his office to wit: by obtaining a Republic of Sierra Leone Service Passport from Sierra Leone Immigration Services for Ebunoluwa Finda Amanda M. Tengbeh, who is not entitled to be a holder of same.

2. This matter was first mentioned by this Honourable Court on the 11<sup>th</sup> day of March 2019 with all three Accused persons present and represented by their respective Counsel. Charges as per the amended Indictment dated the 26<sup>th</sup> day of March 2019 was put to all three Accused persons separately on each of the Counts as they apply to each of them. The 1<sup>st</sup> Accused (hereinafter referred to as A1) pleaded 'not guilty' to Counts 1-34 of the amended Indictment read out to him in open Court; the 2<sup>nd</sup> Accused (hereinafter referred to as A2) pleaded 'not guilty to Counts 35-39 of the amended Indictment read out to him in open Court and the 3<sup>rd</sup> Accused (hereinafter referred to as A3) pleaded 'not guilty to Counts 39 – 43 of the Indictment read out to him in open Court.
- 2.1. On applications made by their respective Counsel on the 11<sup>th</sup> day of March 2019 when this matter was first mentioned, bail was granted all three Accused persons on the condition as they appear in the Judge's notes on file. The Prosecutor was asked to serve all documents obtained during the investigations, exculpatory and otherwise on Counsel for all three Accused persons. The Court is satisfied that the Court's direction was complied with by the Prosecutor as confirmed by each Counsel for all three Accused persons.
  - 2.1.1. On the 20<sup>th</sup> day of March 2019, the Prosecutor made an application pursuant to Section 148(1) of the Criminal Procedure Act No. 32 of 1965 for an amendment of Counts 36 and 37 of the Indictment to wit: that the amount \$,1,000 in Count 36 be amended to read Le.10,000,000/00 and for the amount Le. 10,000,000/00 in Count 37 to be amended to read \$1,000. There being no objection by any of the Counsel for any of the Accused, the said application for amendment was granted.
  - 2.1.2. Pursuant to an instrument dated the 13<sup>th</sup> day of March 2019 under the hands of the Attorney General and Minister of Justice, an application that this Court tries this matter by Judge alone was made by the Prosecutor and there being no objection by any of the Counsel for the Accused persons to the said application, same was granted by this Court.
  - 2.1.3. On the 27<sup>th</sup> day of March 2019, the Prosecutor again made a further application pursuant to Section 148(1) of the Criminal Procedure Act No. 32 of 1965, for an amendment to the Indictment hereinbefore referred so as to include an additional Count to the said Indictment. The reason given by the Prosecutor for this second amendment was that the Commission got the information it now wants to lay on the Indictment after filing the Indictment of 26<sup>th</sup> March 2019. An application for further amendment was opposed by H.M Gevao Esq, no doubt because it will be a charge against his client, A3. Gevao argued that A3 already having taken his plea, an additional Count will amount to grave injustice as he, A3 would have had no opportunity to be



questioned on the new allegation now sought to be added. Referring to the case of *Kamara V Kamara*, for which no reference was given by Counsel, Gevao argued that Section 148(1) of the Criminal Procedure Act of 1965 does not support additional Counts on amended Indictments.

- 2.1.4. In Counter argument, the Prosecutor referred to the case of *Johal* 1973 QB 475 where Ashford J said at page 481 that there is no rule of law which precludes amendment of an Indictment after arraignment either by the addition of a new Count or otherwise. He referred to the case of *Osaeh* (1996) 1 WLR 1260 where it was held that the power to amend Section 5 of the Amendment Act 1915 was amongst other things not limited by evidence served at committal.
- 2.1.5. The Prosecutor submitted that the question to be assessed before amendment is granted is whether or not the Accused will be unfairly prejudiced by the amendment. He submitted that he, A3 will not be prejudiced and that he, A3 has an opportunity to make his plea on the additional Count if accepted. On the strength of the authorities referred to by the Prosecutor, including the cases and Section 148(1) of the 1965 Act, local case law and submissions made by both Counsel, the application was granted.
- 2.1.6. Counts 36 and 37 were again read out in open Court to A2 who pleaded, 'not guilty' to the amended Counts. The additional Count 43 was read out to A3 in open Court to which he pleaded 'not guilty'. The Court began hearing testimonies of Prosecution Witnesses on the 27<sup>th</sup> day of March 2019.

## **The Law**

3. Section 42(1) Anti-Corruption Act, 2008 reads:

*A public officer who uses his office to improperly confer an advantage on himself or any other person commits an offence.*

**To succeed on a Section 42(1) offence, the Prosecution must prove the following:**

**i. that the Accused is a public officer –**

In respect of A1, I refer to Exhibit FFF1-118 especially Exhibit FFF4, answer to question 6 where A1 confirmed that he, during the period covered by the Indictment was a civil servant occupying the position of Senior Human Resource Officer at the OARG. By his answer to question 8 on page 5, it is clear that he was employed by the Government of Sierra Leone (GoSL) on 27<sup>th</sup> November 2001 and was promoted and assigned to the Office of the Administrator and Registrar-General (OARG) in February 2018. He confirmed in Exhibit FFF5 that he gets his salary from the consolidated revenue fund.

In respect of A3, I refer to Exhibit HHH1-31 especially Exhibit HHH2, 3 and 9 where A3 said that he was, during the period covered by the Indictment, Head of the Consular Section at the Ministry of Foreign Affairs and International Co-operation (MFAIC), having assumed that role in April 2016. He confirms at Exhibit HHH22 that he was during the period under consideration, a civil servant appointed to head the Consular section of the MFAIC on 8<sup>th</sup> day of April 2016, the period covered by the Indictment.

The OARG and the MFAIC qualify under the interpretation section of the 2008 Act as public bodies and their being members of those offices make both A1 and A3 Public Officers, as provided by the interpretation section of the 2008 Act. I am satisfied that both A1 and A3 were, during the period covered by the Indictment, Public Officers.

- ii. **that the Accused used his office 'to improperly confer an advantage on another'** –Part of the allegation against A1 is that as a public officer during the period covered by the Indictment, he improperly conferred an advantage on persons named in Counts 2-34 of the Indictment. Part of the allegation against A3 is that as a public officer and during the period covered by the Indictment, he improperly conferred an advantage on persons named in Counts 40-43 of the Indictment. Proof of these allegations will best come out if at all, in evidence, so I shall look at and deal with the Counts one after the other and relate them to the facts and evidence as appropriate. The Prosecutor must prove that the A1 and A3 dishonestly conferred an advantage or benefit on each of the persons named in Counts 2-34 and 40-43 respectively of the Indictment.
- iii. **that the Accused 'improperly conferred an advantage on another'** – the word 'improperly' connotes an element of dishonesty.

3.1. The elements of the offence of abuse of office was considered by the Court of Appeal in the *Attorney General's Reference* (No. 3 of 2003) (2004) 3 WLR 451 where Pill LJ emphasized the need for 'a serious departure from proper standards before the criminal offence is committed' and that 'for such a departure to be criminal will not be merely negligent'. He went on to say that a mistake, even if it is a serious one, will not itself suffice. For Lord Widgery, CJ, the neglect, if at all must be willful and not merely inadvertence and it must be without reasonable excuse.

3.1.1. Lord Widgery, CJ, rejecting the argument in the *Dytham* (1979) QB 722 case stated that '*misconduct in a public office is more vividly exhibited where dishonesty is revealed ....*'

In *R V Borron* (1820) 3 B (and) Ald 432, Abbott, CJ stated:



*The questions has always been, not whether the act done might upon full and mature investigation, be found strictly right, but from what motive it had proceeded; whether from a dishonest, oppressive or corrupt motive under which description fear and favour may generally be included or from mistake or error. In the former case, alone, they have become the objects of punishment.*

- 3.1.2. In the Hong Kong Court of Final Appeal in *Sin Kam Wah and anor V HKSAR* (2005) 2 HKLRD 375, Sir Anthony Mason NPJ in giving the leading judgment set out a mental element solely in relation to misconduct whether by act or omission:

*The present position, then, is that the misconduct must be deliberate rather than accidental in the sense that the official either knew that his conduct was unlawful or willfully disregarded the risk that his conduct was unlawful. Willful misconduct which is without reasonable excuse or justification is culpable.*

- 3.1.3. It is clear from the above that there needs to be proof of a mental element, an element of dishonesty to succeed on a Section 42(1) Anti-Corruption Act, 2008, charge.

### **Conspiracy**

4. Section 128(1) of the Anti-Corruption Act, Act No. 12 of 2008 reads:  
*Any ... conspiracy to commit a corruption offence .... shall be punishable as if the offence had been completed and any rules of evidence which apply with respect to the proof of any such offence shall apply in like manner to the proof of conspiracy to commit such offence.*

- 4.1. As per E.E. Roberts, J.A, as he then was, now JSC, in the case of *The State Vs. Alphajor Y. Bah et al* (unreported), Paul, J in the case of *The State Vs. Solomon Hindolo Katta & Oths* (unreported), in the case of *The State Vs. Mustapha Amara & Others* (unreported), Section 128(1) of the Anti-Corruption Act of 2008 (hereinafter referred to as the Act), creates the offence of conspiracy.

- 4.1.1. For the Prosecution to succeed on a charge of conspiracy, it must prove beyond reasonable doubt that there was:

- a. an agreement between two or more persons
- b. an agreement to commit a corruption offence contrary to the Anti-Corruption Act of 2008.

- 4.1.2. It must be noted that with the offence of conspiracy, the evidence required need not include evidence of some tacit agreement on the part of the alleged conspirators to commit any crime. It is enough that it can be safely inferred that the role of each of the alleged conspirators show that they were part of a larger scheme which resulted in the Principal; in the instant case, which resulted in obtaining Service Passports by persons who were not eligible for same. In other words, if the alleged conspirators agreement is carried

out in accordance with their intention, it will amount to or involve the commission of any offence or offences by one or more of them. Such agreement can, as said be inferred; it need not be specifically proven. The evidence that must be adduced by the Prosecution is the role played by each of the alleged conspirators showing that they were in fact part of the enterprise which resulted in the commission of the corruption offence.

- 4.1.3. Proof of *mens rea* is important in proving the offence of conspiracy much as is in proof of any other crime. It was held in *R Vs. Griffiths* (1966) 14 B 589 that for an offence to be complete, the Defendants must adopt a criminal design as their common purpose. The Prosecution must prove that the Accused had in mind a common design or purpose and did certain criminal acts in pursuance of this purpose. With conspiracy, proof of *mens rea* is found in the Accused' willingness to perform his own part of the plot. The Accused may know full well that the entire enterprise would involve the commission of offence(s) by one or more of the conspirators. Lord Bridge in *R Vs. Anderson* (1986) AC. 27 H.L said: "*The necessary mens rea of the crime in my opinion is established if it is shown that the Accused when he entered into the agreement intended to play some part in the agreed course of conduct in pursuance of the criminal purpose which the agreed course of conduct was intended to achieve, nothing less will suffice, nothing more is required*". Archbold at para 4075 of its 36<sup>th</sup> Edition says, the Prosecution need not prove that a party to the conspiracy had knowledge of the illegality of the acts to be done. Where proof is available however, *R Vs. Siracusa* 90 Cr. App. R. 340, (cited favourably in Archbold 2001 Edn p 2641) says it is sufficient that the Accused knew that there was going to be the commission of some offence.

### **Burden of Proof**

5. This Court sits both as a tribunal of fact and as a tribunal of law. I must therefore keep in my mind and in my view at all times, that in all criminal cases it is the duty of the prosecution to prove its case beyond a reasonable doubt That the principle enshrined in the case of *Woolmington Vs. DPP* applies to all criminal cases, is without doubt. The principle that the burden of proof in all criminal cases rests with the prosecution is applied much more strongly when the Judge is both Judge of law and fact. Numerous Sierra Leone cases have confirmed this principle; those which have been reported include *Hall Vs. R* (1964-66) ALR SL 189; *Labor-Jones Vs. R* (1964-66) ALR SL 471; *Koroma Vs. R* (1964-66) ALR SL 542; *Bob-Jones Vs R* (1967-68) ALR SL 267; *Amara Vs. R* (1968-69) ALR SL 220; *Kargbo Vs. R* (1968-69) ALR SL 354. Those not reported include *The State Vs. Francis Mohamed Fofanna Komeh and John Mans* (unreported); *The State Vs. Hamzza Alusine Sesay & Sarah Finda Bendu* (unreported); *The State Vs. Philip Conteh & Two Oths* (unreported) *The State Vs. Philip Lukulay* (unreported) and *The State Vs. Alieu Sesay & Four Oths* (unreported). All of



these cases confirm that the legal burden of proof in a criminal case always rests on the prosecution and that the burden rests on the prosecution to prove every element of the offence with which an accused person has been charged beyond reasonable doubt.

- 5.1. If there is any doubt in my mind, as to the guilt or otherwise of any of the Accused persons, in respect of any or all of the charges in the Indictment, I have a duty to acquit and discharge the said Accused person of that charge or charges. I must be satisfied in my mind so that I am sure that the Accused persons have not only committed the unlawful acts charged in the Indictment, but that each or any of them did so with the requisite *mens rea*, that is that the acts were done willfully.
- 5.1.1. I am also mindful of the principle that even if I do not believe the version of events put forward by the Defence, I must give it the benefit of the doubt if the Prosecution has not proved its case beyond a reasonable doubt. No particular form of words is 'sacrosanct or absolutely necessary' as was pointed out by Sir Samuel Bankole Jones, P, in the Court of Appeal in *Koroma V R* (1964-66) ALR SL 542 at 548 LL4-5. What is of importance is that the Prosecution establishes the guilt of the Accused beyond a reasonable doubt. A wrong direction in this all important issue will result in a conviction being quashed.
- 5.1.2. The Court refers to the case of *Sahr Mbambay V The State* App. 31/74 CA (unreported)-the cyclostyled judgment of Livesey Luke, JSC at pages 11-13. At Page 12, where Luke JSC referring to *Woolmington V R* said, that '*if at the end of the whole case, there is a reasonable doubt created by the evidence given either by the Prosecution or the prisoner ... the Prosecution has not made out the case and the prisoner is entitled to an acquittal*'. The onus is never on the Accused to establish his defence any more than it is upon him to establish provocation and any other defence apart from that of insanity.
- 5.1.3. I must also bear in mind and keep in view at all times that though the Accused persons are tried jointly, the case against each of them must be treated separately. At no time must I treat evidence which is only applicable to, or which inculcates only one Accused person against the other Accused person(s). Each Accused person is entitled to an acquittal if there is no evidence, direct or circumstantial, establishing his guilt, independent of the evidence against his co-Accused.
- 5.1.4. The Court notes that after the Prosecution's case, upon being put to their elections as required by Section 194 of the Criminal Procedure Act No. 32 of 1965, the A1 and A2 persons chose to testify on oath which they did separately in their defence; A3 chose to rely on his statement he made to the ACC. I must state that an Accused person need not give evidence on his own behalf but when he does, the Court takes it into consideration and accords to it such weight as it thinks appropriate in the circumstance. The Accused does not bear the

burden of disproving the case of the Prosecution, nor of proving his own innocence. What this Court is concerned about is whether the explanation given by the Accused raises a reasonable doubt in the mind of the tribunal of fact. If it does, the Accused is entitled to an acquittal.

- 5.1.5. Having stated the applicable law and its elements, I shall now proceed to evaluate the evidence before the Court.

### **Background**

6. The allegations against each of the 3 Accused persons is that during the period covered by the Indictment, they each conspired among themselves and with other persons unknown to assist in one way or another, and did assist, persons who were not entitled to Service and Diplomatic Passports in Sierra Leone to acquire same by fraudulent or unlawful means. All three the Accused persons deny the allegations against them on the Indictment.

### **The Evidence**

7. Counts 2-34

It is the Prosecutor's case that A1 improperly made a request for the issuance of Service Passports for the benefit of the following persons who are not entitled to same as shown by Exhibits in the following orders and on the following Counts:

- Count 2: Samuel Dawo - Exhibit M1-6;
- Count 3: Assiatu Suma - Exhibit L1-6;
- Count 4: Leslie Sylvanus Roberts - Exhibit K1-6;
- Count 5: Abu Melleh Kargbo - Exhibit J1-6
- Count 6: Abdulai B. Feika - Exhibit H1-6;
- Count 7: Alimatu Bangura - Exhibit G1-6;
- Count 8: Bernadette Conteh - Exhibit N1-6;
- Count 9: Sabieu Mansaray - Exhibit O1-6;
- Count 10: Samba Barrie - Exhibit P1-6;
- Count 11: Lansana Suma - Exhibit Q1-6;
- Count 12: Samuel Olu Johnson - Exhibit R1-6;
- Count 13: Alieu Jalloh - Exhibit S1-6;
- Count 14: Princess Davies - Exhibit T1-6
- Count 15: Deborah Christiana Nyuma - Exhibit U1-6;
- Count 16: Alhassan Kamara - Exhibit V1-6;
- Count 17: Sheknatu Ramatulai - Exhibit W1-6;
- Count 18: Abdulai P. Bah - Exhibit X1-6;
- Count 19: Hawao Jalloh - Exhibit Y1-6;
- Count 20: Alhassan Daramy - Exhibit AA1-6;
- Count 21: Isatu Sillah - Exhibit BB1-6;
- Count 22: Kaifala Kamara - Exhibit CC1-6;
- Count 23: Ibrahim A. Bangura - Exhibit DD1-6;
- Count 24: Lamrana Barrie - Exhibit EE1-6
- Count 25: Martin Conteh - Exhibit FF1-6;
- Count 26: Mohamed Kamara - Exhibit GG1-6;



Count 27: Mariama Jawaneh – Exhibit HH1-6;  
Count 28: Mariama Conteh – Exhibit JJ1-6;  
Count 29: Khadijatou Koroma – Exhibit KK1-6;  
Count 30: Foday Sesay – Exhibit LL1-6;  
Count 31: Isatu Dainkeh – Exhibit MM1-6;  
Count 32: Christiana Biatta Coker – Exhibit NN1-6;  
Count 33: Abdul Bangura – Exhibit OO1-4;  
Count 34: Musa Sesay – Exhibit PP1-6.

#### **8. Section 128(1) of the Anti-Corruption Act No. 12, 2008**

I refer to the final addresses submitted by Counsel on behalf of both the 1<sup>st</sup> and 2<sup>nd</sup> Accused in which both Counsel submit that Section 128(1) of the Anti-Corruption Act No. 12 of 2008 does not create an offence. I refer to the judgment of this Court dated 6<sup>th</sup> day of November, 2017, *The State V Mohamed Sesay & Anoth* (unreported) where relying on the judgment of E.E Roberts, J.A as he then was, in the case of *The State V Alphajor Y. Bah et al* (unreported) and on the judgment of Paul J, in the case of *The State V Solomon Hindolo Katta & Oths* (unreported) and in the case of *The State V Mustapha Amara & Oths* (unreported), I held that Section 128(1) of the Anti-Corruption Act No. 12 of 2008 does create the offence of conspiracy. I did say in the said judgment, that is *The State V Mohamed Sesay & Anoth* that conspiracy is a common law offence made statutory by Section 128(1) of the Act and that the term ‘conspiracy’ describes the offence of conspiracy to commit an offence. My position in respect of Section 128(1) of the Act has not changed.

#### **Counts 2-29**

9. I refer to the second pages of Exhibits M, L, K, J, H, G, N, O, P, Q, R, S, T, U, V, W, X, Y, AA, BB, CC, DD, EE, FF, GG, HH and JJ 3<sup>rd</sup> column of each, under the rubric ‘Recommender’ where the name Mariama Seray Kallay, the then Administrator and Registrar General is inscribed with an email address thereon.
- 9.1. I refer to the testimonies of PW2 and PW3, Abdul Rashid Bayoh and Haja Mariama Seray Kallay, both retired civil servants. PW2 was Director General HRMO between 25<sup>th</sup> March 2013 and May 2018 and PW3 was Administrator and Registrar-General, Office of the Administrator and Registrar General, OARG between February 2008 and July 2018.
- 9.1.1. PW2 referred to Exhibits M4, L4, K4, J4, H4, G4, N4, O5, P5, Q4, R5, S4, T4, U5, V5, W4, X4, Y4, AA4, BB4, CC5, DD5, EE5, FF5, GG5, HH5, JJ5 and KK4 in favour of persons named therein and as they relate to Counts 2-29 and denied the signature on each of those said Exhibits as his. The Court notes that the Exhibits referred to are letters of appointment for each of the persons referred to in Counts 2-29 including appointments as Payroll Officers, Registration Officers, ICT Officers and Estate Officers.

- 9.1.2. PW2's duties and responsibilities included supervising in the day to day affairs of about 7 Directorates including the Recruitment and Selection Directorate in the Civil Service between the period March 2013 and May 2018. He explained the procedure for such recruitment, including requests for specific vacancies at the HRMO. On satisfaction of the necessary criteria, a Form is endorsed by the HRMO in respect of the particular MDA making the request or where the vacancy is at. The vacancies are then advertised and interviews conducted by the respective Commissions which then issue an Order for the appointment of the successful candidate(s).
- 9.1.3. The HRMO then issues a letter of appointment to such Appointee(s) stating certain details including the grade and job title. These letters of appointment are produced in 8 to 12 copies signed by PW2 in his capacity as Director General, HRMO save for appointments under Grade 5 which is signed by the Director of Recruitment and Selection. If he is on leave, he delegates signing of these appointment letters to the Director of Recruitment and Selection. After verification and meeting all necessary requirement including health and fitness, the Appointee(s) name(s) is/are imputed into the Government payroll.
- 9.1.4. The witness told the Court that in the Civil Service, the Administrative cadre is a separate cadre and that appointees are recruited in the administrative services as Cadet Officers and that the Civil Service does not appoint Administrative Officers to any particular office including the OARG. In respect of appointment of Estate Officers, the witness told the Court that the Civil Service does not appoint Estate Officers; that there is no such post in the Civil Service.
- 9.1.5. In answer to questions put to him in cross examination by Counsel for the A1, PW 2 told the Court that he is not aware that there are Estate Officers at the OARG. The Court notes the witness' testimony to be that the Civil Service does not appoint persons as Estate Officers. It is therefore not for the witness to tell Counsel whether or not there are Estate Officers at the OARG especially appreciating that the evidence before the Court is a letter of appointment allegedly signed by the witness for the position of an Estate Officer. He told the Court that issued letters of appointments are copied to the office which needs the new staff/appointee and such other offices including the Accountant-General's Department. He said he signs all appointment letters which are for Grade 7 upwards appointees and letters of promotion, leave, terminal leave except if such letters are needed at a time that he is not available but that even at that, the HMRO will wait for him because of the sensitivities of issues.
- 9.1.6. In answer to questions put to him by Counsel for A3, referring to Exhibits C1-13 and G-PP, as they cover Counts 2-34, the witness said his signature is common in MDAs for as long as issues dealt with have to do with the Civil Service transfers, promotions, discipline etc during



the time of his tenure. He agreed the layout of the form in Exhibits G to PP is usually what comes for the HRMO and that he will be the last person to say whether or not the signatures on Exhibits G to PP were his signatures.

- 9.1.7. PW3, Haja Serray Kallay identified A1 as the former Head of the Human Resource Section of the OARG. She agreed there were staff members of the OARG who held Service Passports and these she said included the Deputy Administrator and Registrar-General, the Deputy Head of Intellectual Property and other staff member in the senior cadre of the OARG, that were staff members, Grade 5 and above and that she it was who facilitated the issuance of these Service Passports for the said staff officials of the OARG in her capacity as Administrator and Registrar-General. To implement the above, PW3 told the Court that she wrote directly to the Director-General of the MFAIC.
- 9.1.8. PW3 told the Court that when staff members of the OARG who were below the senior staff cadre, wanted to travel outside Sierra Leone, she will direct a letter to the Chief Immigration Officer for purposes of obtaining an ordinary passport for such staff members. She said no other person had the mandate or authority to request for a Service Passport from the MFAIC other than herself as Head of OARG during the period concern.
- 9.1.9. The Court recalls that during the PW1's testimony, A1 denied the signature on Exhibit DDD4 as his as a result of which the Court called in an Expert hand writing Court witness, Mr. Abubakarr Sanu who made his appearance before the Court. Having done his analysis of documents submitted to him, including A1's statement to the ACC as in Exhibits FFF1-118, D and E and A1's specimen signature, the Court witness, in respect of Exhibit DDD4 and Count 6 concluded that there is a high probability that A1 signed Exhibit DDD4 because he found identifying characteristics in the signature on Exhibits DDD4 and D5 and E when compared with Exhibit FFF1-118. The Court notes that Exhibit FFF1-118 is A1's caution statement to the ACC which he acknowledged as true and accurate by signing on each page and which he, in testimony under oath, admitted to be true and accurate. In answer to questions put to him under cross examination by Counsel for A1, the Court witness said that his analysis of Exhibit DDD4 and other documents submitted to him connotes the highest degree of certainty and that he left only a small room because he was not present when A1 signed the said document. I have looked at Exhibits DDD4, D, E and FFF1-118 and I am satisfied that A1 did sign Exhibit DDD4 as evidenced by the Court witness' Report in Exhibit 0001-5.
10. I refer to Counts 2, 3, 4, 5, 6, 7, in respect of Samuel Dawo, Assiatu Suma, Leslie Sylvanus Robert, Abu Melleh Kargbo, Abdulai Bangalie Feika and Alimatu Bangura.

10.1. PW3 referred to Exhibits M2, L2, K2, J2, G2, H2 in respect of the said Counts 2-7 and denied the signatures on page 2 of the said Exhibits as hers. PW3 referred to Exhibits DDD4 and PPP2 dated 30<sup>th</sup> December 2015 and 28<sup>th</sup> January 2016 respectively, titled "Request for the issuance of six Service Passports in respect of the undermentioned officials of the Administrator and Registrar General's Office" in favour of Samuel Dawo, Assiatu Suma, Leslie Sylvanus Robert, Abu Melleh Kargbo and Abdulai Bangali Feika in respect of Counts 2, 3, 4, 5 and 6 of the Indictment herein.

10.1.1. Both Exhibits DDD4 and PPP2 were signed by A1 for, as he allege, PW3, the Administrator and Registrar General. PW3 now tells the Court that it was not part of A1's responsibilities to make and sign requests for issuance of Service Passports to staff members. She denied ever giving A1 instructions to write and send out Exhibits DDD4 and PPP2.

10.1.2. I refer to Counts 8, 9, 10, 11 and 12 in respect of Bernadette Conteh-Barrat, Sabieu Mansaray, Samba Barrie, Lansana Suma and Samuel Olu Johnson. PW3 referred to Exhibits N2, O2, P2, Q2 and R2 in respect of the said Counts 8 to 12 and denied the signatures on page 2 of each of the said Exhibits. I refer to Exhibits N5 and O4 letters of "Request for ECOWAS service passports" in favour of Bernadette Conteh-Barrat and Sabieu Mansaray in respect of Counts 8 and 9 respectively, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request. I further refer to Exhibit P4 letter of "Request for ECOWAS service passports" in favour of Mr. Samba Barrie, Mr. Lansana Suma and Mr. Samuel Olu John in respect of Counts 10, 11 and 12 respectively, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request.

10.1.3. I refer to Counts 13, 14, 15, 16 and 17 in respect of Alieu Jalloh, Princess Davies, Deborah Nyuma, Alhassan Kamara and Sheknatu Mansaray. PW3 referred to Exhibits S2, T2, U2, V2 and W2 in respect of the said Counts 13 to 17 and denied the signatures on page 2 of each of the said Exhibits. I refer to Exhibit U3 letter of "Request for ECOWAS service passports" in favour of Ms. Princess Davies and Ms. Deborah Christiana Nyuma in respect of Counts 14 and 15 respectively, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request. I refer to Exhibit V3 letter of "Request for ECOWAS service passports" in favour of Mr. Alhassan Kamara and Ms. Sheknatu Ramatulai Mansaray in respect of Counts 16 and 17 respectively, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request.



- 10.1.4. I refer to Counts 18, 19, 20, 21, and 22 in respect of Abdulai Barrie, Hawao Jalloh, Alhassan Daramy, Isata Sillah and Keifala Kamara. PW3 referred to Exhibits X2, Y2, AA2, BB2 and CC2 in respect of Counts 18 to 22 and denied the signatures on page 2 of each of the said Exhibits. I refer to Exhibit U3 letter of "Request for ECOWAS service passports" in favour of Mr. Abdulai Pateh Barrie and Ms. Isatu Sillah in respect of Counts 18 and 21 respectively, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request. I refer to Exhibit AA3, CC4, DD4, letters of "Request for ECOWAS service passports" with the same contents, in favour of Mr. Alhassan Daramy and Mr. Kelfala Kamara in respect of Counts 20 and 22 respectively, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request
- 10.1.5. I refer to Counts 23, 24, 25, 26 and 27 in favour of Ibrahim A Bangura, Lamrana Barrie, Martin Conteh, Mohamed Kamara and Mariama Jawaneh. PW3 referred to Exhibits DD2, EE2, FF2, GG2 and HH2 in respect of the said Counts 23 to 27 and denied the signatures on page 2 of each of the said Exhibits. I refer to Exhibits EE4 and FF4 letters of "Request for ECOWAS service passports" with the same contents in favour of Ms. Lamrana Barrie and Mr. Martin Conteh in respect of Counts 24 and 25 allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request. I refer to Exhibit GG4 letter of "Request for ECOWAS service passports" in favour of Mr. Mohamed Kamara in respect of Count 26, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request. I refer to Exhibit HH4 and JJ4 letter of "Request for ECOWAS service passports" with same contents in favour of Ms. Mariama Jawaneh and Mariama Conteh in respect of Counts 27 and 28 respectively, allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request
- 10.1.6. I refer to Counts 28 and 29 in favour of Mariama Conteh and Khadijatu Koroma. PW3 referred to Exhibits JJ2, and KK2 in respect of the said Counts 28 and 29 and denied the signatures on page 2 of each of the said Exhibits. I refer to Exhibit KK5, letter of "Request for ECOWAS service passports" in favour of the said Khadijatu Koroma in respect of Count 29 allegedly written by PW3 in her capacity then as Administrator and Registrar-General which PW3 denies; she said she never made such request.
- 10.1.7. PW3 told the Court that the stamp used on each of the said Exhibits is not what was used in her office during the period concerned and that the email address used on page 2 of each of the said Exhibits has never been her email address.

10.1.8. PW3 referred to the names on Exhibits JJ4, KK5, HH4 and GG4 above referred to and told the Court that she is not familiar with those names as staff members of OARG during the period covered by the Indictment during which said period the Court notes, PW3 was Administrator and Registrar-General of the OARG.

10.1.9. In answer to questions put to her in cross examination by Counsel for A1, PW3 told the Court that she was familiar with all her staff members including messengers as her staff strength was not up to 50 in Freetown and not more than 10 in the provinces. She told the Court that she has a list of staff at the OARG for the past 2 years from the date of her testimony in her possession; Counsel was not minded to ask for production of the list.

11. She agreed she gave instructions, written and oral during her tenure to A1 but clarified that such instructions were only in respect of staff matters not for issuance or facilitation of the issuance of passports. She reiterated that the A1 was in the Human Resource Section of the OARG but insisted that his duties did not include facilitation even of Ordinary Passports for public officers let alone Service Passports.

11.1. The Court notes that the name of the recipient of all the Service Passports on the applications made pursuant to Exhibits M1-6 to PP1-6 relating to Counts 1 through 29 of the Indictments was that of A1.

#### Counts 30 - 34

12. PW2 was referred to Exhibit C1-13 as they relate to Counts 30 to 34; he told the Court he did not sign any of those documents which the Court notes are appointment letter signed in his name as Director General, HRMO. I refer specifically to Exhibits C8, 10, 11, 12 and 13 as they relate to Counts 30-34. The witness denied signing any of those appointment letters in favour of the said Foday Sesay, Isatu Dainkeh, Christiana Biatta Coker, Abdul Bangura and Musa Sesay. He drew the Court's attention to the date in Exhibit C8, 30<sup>th</sup> March 2012, in favour of Christiana Biatta Coker in respect of Count 32 by which date he said, he was not Director General of HRMO, having been appointed only on 25<sup>th</sup> March 2013. He said the title Payroll Officer as appear in Exhibit C8 is a strange term in the Civil Service.

12.1. He referred to Exhibits C2 and C3 both of which the witness said he did not sign and that the title of the job, 'Payroll Officer' is strange in the Civil Service; that Budget Officers are not recruited in the Accountant General's Department. He said Budget Officers are recruited in the Budget Bureau under the Ministry of Finance and then posted to the Ministry as Budget Officers. He reiterated that no one is recruited as a Budget Officer in the Civil Service.



- 12.1.1. PW2 referred to Exhibit C4 to which he said he did not sign. He said the Civil Service does not appoint Business Registration Officers; that rather a Registration Officer is appointed.
- 12.1.2. He referred to Exhibits C5, Budget Officer, C6 for Registration Officer, C7 for Budget Officer, all of which said recruitment he told the Court, are never done in the Civil Service.
- 12.1.3. PW2 referred to Exhibit C13 for the position of Senior ICT Officer in favour of Abdul Bangura as in Count 33 for MOFED and told the Court that the Civil Service does not recruit ICT Officers for any particular MDA; that the ICT cadre is under the Ministry of Information and Communications which said Ministry posts the ICT Officers to the MDA where the appointee will be needed. He told the Court that apart from the Ministry of Finance where ICT Officers are brought in as Consultants on a World Bank funded project, the HRMO does not appoint ICT Officers. He denied the signature of Exhibit C13 as his.
- 12.1.4. He referred to Exhibits C10, C11 and C12 for the positions of Budget Officers and Payroll Officers in favour of Isatu Dainkeh, Musa Sesay and Foday Sesay in relation to Counts 30, 31 and 34 and denied the signatures thereon as his.
- 12.1.5. PW 4 was Mr. Richard R Williams, the Accountant General. I refer to Counts 30, 31, 32, 33 and 34 as they relate to Foday Sesay, Isatu Dainkeh, Christiana Biatta Coker, Abdul Bangura and Musa Sesay, PW4 referred to Exhibits LL2, MM2, NN2, OO2 and PP2, in respect of the said Counts 30 to 34 and denied the signatures on page 2 of each of the said Exhibits as his. He denied recommending issuance of service Passports to any of the persons referred to in counts 30 to 34.
- 12.1.6. I have looked at the 2<sup>nd</sup> page of Exhibits LL, MM, NN, OO and PP, third column thereto under the rubric "Recommender" with the name Mr. Richard S. Williams, the then Accountant General thereon stated, with an email address on each of the said documents. I have also looked at Exhibits LL4, MM4, NN4 and PP4 letters titled 'Request for Service Passport' for persons therein referred.
- 12.1.7. In these proceedings PW4 told the Court that he assumed office as Accountant-General on 1<sup>st</sup> August 2017. He told the Court that the Assistant Accountant-General, Mr. Kainwah has the responsibility of taking care of staff matters including making requests for Service Passports on behalf of staff members and that this responsibility covers the period before he was appointed Deputy Accountant-General in April 2007.
- 12.1.8. PW4 denied the stamp on each of the exhibits and denied the email address listed as his on each of the said Exhibits. He referred to Exhibit LL4, MM4, NN4 and PP4 requests for service passport in

favour of Foday Sesay, Isatu Dainkeh, Christiana Biatta Coker, Abdul Bangura and Musa Sesay mentioned in Counts 30, 31, 32, 33 and 34 and he denied signing the said documents of requests. PW4's testimony remained unshaken in cross examination.

12.1.9. He tendered Exhibits RRR1-3; he tendered and SSS1-12 a list of staff members at the Accountant General's Department for the period 2011 to 2018, the period covered by the Indictment.

13. I refer to Exhibits LL3 & 4, MM3 & 4, NN3 & 4, OO3 and PP3 & 4 which refers to the persons therein listed as staff of the Accountant General's Department. I have looked at Exhibit RRR1-3 and SSS1-12. I am satisfied that the names Foday Sesay, Isatu Dainkeh, Christiana Biatta Coker, Abdul Bangura and Musa Sesay mentioned in Counts 30, 31, 32, 33 and 34 of the Indictment were not staff members of the Accountant General's Department during the period covered by the Indictment.

13.1. The Court observes that the recipient on each of the Service Passports as in Exhibits LL1-6, MM-16, NN1-6, OO1-4 and PP1-6 were the beneficiaries themselves. I am not a handwriting expert but it is clear to me that the person who wrote out the name Richard S. Williams on the 2<sup>nd</sup> page of each of those Exhibits as 'Recommender' was the same person who wrote out the names of the recipients of those said Service Passports.

13.1.1. More interesting, in respect of those Counts, 30 – 34 against the A1 is the testimony of PW1 when he told the Court that a search was executed in A1's office during which certain documents were found in his, A1's bag and ceased. These documents so found and ceased, the Court notes include Exhibits C12, C10, C8, C13 and C11 as they touch and concern Counts 30-34 and are in fact the same letters of recommendation for Service Passports found in the application jackets in Exhibits LL to Exhibit PP.

13.1.2. For the avoidance of any doubt and for clarity, Exhibits C12, C10, C8, C13 and C11 are letters of appointment from the HRMO, Ministerial Building, Freetown, for Foday Sesay, Isatu Dainkeh, Christiana Biatta Coker, Abdul Bangura and Musa Sesay as payroll officer in the MOFED, Budget Officer in the MOFED, Payroll Officer in the MOFED, ICT Officer in the MOFED and Budget Officer in the MOFED respectively, same as are attached to the applications as in Exhibits LL5, MM5, NN5, OO3 and PP5. PW2 has already told the Court that the 'civil Service does not recruit Payroll Officers, Budget Officers or ICT Officers and this piece of evidence has not been controverted.

13.1.3. I refer again to Exhibits C1-13, especially Exhibit C8, C10, C11, C12 and C13 as they relate to Count 30-34. PW2, A.R Bayoh, whose signature appears on each of these Exhibits deny signing any of them. Mr. Bayoh retired as Director General of HRMO in May 2018 having assumed that role on 25<sup>th</sup> March 2013. I refer to the date on Exhibit C8



in favour of Ms. Christiana Biatta Coker by which said date, according to Mr. Bayoh's testimony on oath, he was not even Director-General for HRMO. Mr. Bayoh, PW2 referred to Exhibit C13, the supposed appointment letter of Abdul Bangura in respect of Count 33 and told the Court that the Civil Service does not recruit ICT Officers for any particular MDA and that the ICT cadre is under the MIC which will then post such officers to MDAs as necessary. This piece of evidence was not controverted by Counsel for any of the Accused persons.

13.1.4. I refer to Exhibits C10, 11 and 12 which as said, PW2 denied any knowledge of. Exhibits C10 and 11 relate to Isatu Dainkeh and Musa Sesay charged under Counts 31 and 34 respectively of the Indictment; the said Exhibits are appointment letters for these said two beneficiaries for the positions of Budget Officer at the MOFED. PW2 told the Court that Budget Officers are not recruited in the Accountant General's Department. Rather, they are recruited in the Budget Bureau under the MOFED after which they are posted to the Ministry as Budget Officers. Exhibit C12 is the appointment letter for Foday Sesay as Payroll Officer in the MOFED, a title which PW2 refers to as strange because according to him, such persons are not recruited within the Civil Service. These pieces of evidence remain untainted.

13.1.5. As a way of tidying up on Counts 2-34, the Court refers to the testimony of PW6, Unisa Small Sesay, a Senior Human Resource Officer at the OARG, who tendered Exhibit WWW 1-42, a list of payroll from the Accountant General's Department with the names of all staff members of the Office of the Administrator and Registrar General during the period covered by the indictment in respect of Counts 2-34, for the period 1<sup>st</sup> January 2016 to 31<sup>st</sup> July 2018. I have perused Exhibit WWW 1-42 from which it is clear that aside the name Abdulai Bangalie Feika which appears in Count 6 of the Indictment, none of the beneficiaries referred to in Counts 2-5 and 7-34 were staff members of the OARG during the period covered by the Indictment as they relate to those said Counts.

13.1.6. It is of vital importance to note that PW1's testimony that Exhibits C1-13 were found in the possession of A1 was never contested on oath nor in the A1's statement to the ACC. I have no reason to doubt that A1, being a Senior Human Resource Officer at the Office of the Administrator and Registrar-General between the 1<sup>st</sup> day of January 2017 and 31<sup>st</sup> day of July 2018 abused his office by using his office improperly and dishonestly to make a request for a Republic of Sierra Leone Service Passport on behalf of persons who were not entitled to be a holders of same.

13.1.7. The Court takes note of the testimonies of the then Administrator and Registrar General when she referred to staff members entitled to Service Passports; the beneficiary in Count 6, Abdulai Bangalie Feika,

the Court notes, is not one of such staff members. The Court also notes that the recipient of Feika's Service Passport was A1.

13.1.8. I have stated the law above as it relates to conspiracy as charged contrary to Section 128(1) of the Anti-Corruption Act No. 12 of 2008. I refer to Count 1 of the Indictment and I adopt my reasoning and the entire content hereinbefore referred touching and concerning the A1 and hold that it is proven beyond reasonable doubt that A1 did conspire with other person(s) unknown to commit a corruption offence to wit: by improperly using his office to improperly make requests for and obtain Service Passports for persons referred to in Counts 2-34 above who are not entitled to same.

14. Counts 36-38 charge the A2 with the offence of peddling influence contrary to Section 31(3) of the Anti-Corruption Act No. 12 of 2008. Section 31(3) provides:

*A person who solicits, accepts or obtains an advantage from any other person for himself or for any other person in order to make use of his influence, real or fictitious, to obtain any work, employment, contract or other benefit from a public body commits an offence.*

14.1. It is clear that persons who commit a Section 31(3) offence need not be public officers. The elements to be proven by the Prosecutor are as follows:

- a. the accused must have solicited, accepted or obtained an advantage from another person;
- b. the advantage could be for the accused himself or for any other person;
- c. the purpose of the advantage must be to make use of the accused' influence which said influence could be real or fictitious;
- d. the influence must be for purposes of obtaining work, employment or other benefit;
- e. what is obtained or the benefit must be from a public body.

14.1.1. The Court takes note that the A2 was, during the period covered by the Indictment the Executive Director of the Sierra Leone Institute of International Law. The evidence before the Court is that A2 used his influence to obtain Service Passports for Musu Abibatu Bangura, Justina Williams and Ibrahim Sorie Koroma.

14.1.2. I refer to the testimony of PW8, Mr. Olu Campbell who told the Court that it was through the help of A1 that he obtained Service Passports for Justina Williams, and Ibrahim Sorie Koroma as in Counts 37 and 38 of the Indictment. He stated in no uncertain terms in his testimony, that A2 had nothing to do with the issuance of Service Passports to Ibrahim Sorie Koroma and Justina Williams; that the role A2 played was in respect of issuing letters of employment to these two persons



and assisting and rather unlawfully, with the issuance of American visas to attend the UNGA meeting 2018 in New York.

14.1.3. There is no charge on the Indictment for using his influence to obtain American visas. According to PW8, A2's role, in respect of Counts 37 and 38 only came in after he, PW8 had obtained Service Passports for persons named in those Counts through A1.

14.1.4. I also refer to the testimony of PW7, Ibrahim Sorie Koroma who told the Court that he got to know A1 through PW8, Olu Campbell. Campbell was to assist PW7 obtain an American visa on a Service Passport for which said Service Passport he said, he met A1 at the Immigration Department. He obtained the Service Passport as in Exhibit AAA1-6 but was refused visa at the American Embassy in Freetown. Justina Williams in respect of Count 37 also obtained a Service Passport to which she is not entitled but was refused entry visa to the United States of America.

14.1.5. I have stated the elements that need to be proven for the Prosecutor to succeed on a charge for peddling influence and those elements must include, in this case, A2 the accused must have

- a. solicited, accepted or obtained an advantage from another person;
- b. the advantage could be for the accused himself or for any other person;
- c. the purpose of the advantage must be to make use of the accused' influence which said influence could be real or fictitious;
- d. the influence must be for purposes of obtaining work, employment or other benefit;
- e. what is obtained or the benefit must be from a public

14.1.6. I refer again to Counts 37 and 38 of the Indictment and note that the Prosecutor did not adduce any evidence to prove that \$1,000 (One Thousand United States Dollars) was solicited, accepted or obtained by A2 from Justina Williams nor did he adduce evidence to prove that A2 solicited, accepted or obtained \$500 from Ibrahim Sorie Koroma as advantage to use his influence to obtain Service Passports for them as charged.

14.1.7. I refer to Count 36 and to the testimony of PW10 Musu Abibatu Bangura who told the Court that A2 assisted in getting a Service Passport for her as in Exhibit BBB1-7 but that she was also refused entry visa to the United States. Her testimony to the Court was that A2 accompanied her to the Immigration Department to do her photo for her Service Passport.

14.1.8. The testimony of Musu Abibatu Bangura is that she paid Le. 10,000,000.00 (Ten Million Leones) to one Issa Kamara and not to A2 as appear on the Indictment. In cross examination by A2, she said when she made her statement to the Anti-Corruption Commission, being that she was pregnant when she was refused an entry visa to the

United States and was arrested with other persons including A2, she was confused and so gave information against A2 that was incorrect. The position of the Court is that to make out a successful charge of a Section 31(3) offence, the person who is alleged to have used his influence and in this case A2 to obtain a Service Passport for the said Musu Abibatu Bangura must have solicited and accepted an advantage whether for himself or some other person(s) for the purpose of using his influence. 'Advantage' is defined in Part 1, Section 1(1)(a-g) in the interpretation section of the Anti-Corruption Act, 2008. The testimony of PW10 was quite clear, that she paid no advantage to A2 for purposes of obtaining a Service Passport. The Prosecution also did not prove that A2 solicited, accepted or obtained an advantage from PW10 or anyone else for purposes of using his influence to obtain a Service Passport for PW10. Counts 36, 37 and 38 therefore fail.

14.1.9. I have above stated the law as it relates to the offence of conspiracy. I refer to the Counts of conspiracy against A2 as in Counts 35 of the Indictment and hold that the Prosecutor failed to prove that A2 conspired with any other person to commit a corruption offence by his making use of his influence to obtain Service Passports for persons not entitled to same. I also refer to Count 39 and hold that the Prosecutor has not proved to the Court that A2 conspired with A3 and/or with any other person(s) to commit a corruption offence by improperly making recommendations to the Sierra Leone Immigration Services for the issuance of Service Passports to persons not entitled to same; no such recommendation for issuance of Service Passports to persons not entitled was shown to the Court by the Prosecution.

15. The above notwithstanding, one would expect much better from A2 as a lawyer of at least over 25 years standing and having worked in the developed world in no lesser capacity than an Ambassador for Sierra Leone to the United Nations. A2, I believe was a very much respected personality, respect which could no longer be accorded him by any right thinking person of society for his unlawful act of attempting in a fraudulent and dishonest manner to obtain American visas for persons who he very well knew were not staff members of his institution. The testimonies of Ibrahim Sorie Koroma, Musu Abibatu Bangura and Mr. Olu Campbell are quite clear on A2's dishonest and fraudulent conduct. Even if they were staff members of his institution, the Sierra Leone Institute of International Law, by the provisions of the Cabinet conclusions as in Exhibits JJJ1-2 and EEE1-4, such persons were not entitled to Service Passports and he knew that; according to Musu Abibatu Bangura, A2 it was, who handed over her package including her Service Passport to her at the frontage of the American Embassy on the day they were refused entry visas and arrested by the Anti-Corruption Commission. Mr. Alie Ibrahim Kanu's name is clearly tainted by his unlawful conduct even though the elements of the offence charged on the Indictment against him were not proven by the Prosecutor.



15.1. I refer to Counts 40-43 of the Indictment herein against A3 who is charged on the Indictment for the offence of abuse of office contrary to Section 42(1) of the Anti-Corruption Act No. 12 of 2008. I have above stated the law as it relates to a Section 42(1) offence and the elements that must be proven by the Prosecution beyond reasonable doubt.

15.1.1. I refer to Count 40 of the Indictment in respect of Musu Abibatu Bangura. I note that unlike Counts 2-34 and Count 43 which are supported by application forms or jackets, Counts 40, 41 and 42 are not so supported. I refer to Exhibit BBB1-7 which shows a Service Passport in favour of Musu Abibatu Bangura issued to her on the 5<sup>th</sup> February 2018 and an appointment letter by A2 and a pay slip for the month of August 2018. I have already stated in reference to Counts 35-39 touching on A2 that all of these attached documents were fake documents deliberately and fraudulently used for purposes of obtaining entry visas to the United States of America. That said, there is nothing in evidence to suggest that A3 made any recommendation to the Sierra Leone Immigration Department for the issuance of a Service Passport to Ms. Musu Abibatu Bangura.

15.1.2. I refer to Count 41 of the Indictment in respect of Justina Williams. I have said that Counts 40, 41 and 42 are not supported by application forms/jackets which could have shown who made recommendations for issuance of Service Passports for persons referred to in those Counts including Count 41 of the Indictment for Justina Williams. I refer to Exhibit YY1-8 which shows a Service Passport in favour of Justina Williams issued to her on the 11<sup>th</sup> July 2018 and an appointment letter by A2 and a pay slip for the month of June 2018. I have already stated in reference to Counts 35-39 touching on A2 that all of these attached documents were fake documents, deliberately and fraudulently used for purposes of obtaining entry visas to the United States of America. That said, there is nothing in evidence to suggest that A3 made any recommendation to the Sierra Leone Immigration Department for a Service Passport for Justina Williams. I refer to the testimony of PW8, Olu Campbell who told the Court that apart from A1, A2 and A3 did not assist him in obtaining Service Passports for his customers including persons named in the Indictment.

15.1.3. I refer to Count 42 of the Indictment in respect of Ibrahim Sorie Koroma. Again, unlike Counts 2-34 and Count 43 which are supported by application forms or jackets, Count 42 is not so supported. I refer to Exhibit AAA1-6 which shows a Service Passport in favour of Ibrahim Sorie Koroma issued to him on the 11<sup>th</sup> July 2018 and an appointment letter by A2 and a pay slip for the month of August 2018. I have already stated in reference to Counts 35-39 touching on A2 that all of these attached documents were fake documents, deliberately and fraudulently used for purposes to obtaining entry visas to the United

States of America. That said, there is nothing in evidence to suggest that A3 made any recommendation to the Sierra Leone Immigration Department for a Service Passport for Ibrahim Sorie Koroma. I must refer to the testimony of Ibrahim Sorie Koroma when he said that the persons he dealt with in respect of obtaining his Service Passport were A1 and PW8.

15.1.4. I refer to Count 43 of the Indictment herein and to the testimony of PW 5, Ms. Ebunoluwa Finda Amanda Tengbe, a Legal Practitioner. She told the Court that she knew when she obtained a Service Passport, that she was not entitled to same. She told the Court that A3 it was who obtained a Service Passport to which she was not at the material time entitled, from the Sierra Leone Immigration Department for her.

15.1.5. I have looked to Exhibit QQQ1-7 and I note from Exhibit QQQ2 that A3's name is inserted as the person who recommended issuance of a Service Passport for Ms. Tengbe. I see Exhibit QQQ4 and note that A3's name is inserted as the person who made the request for issuance of a Service Passport to Ms. Tengbe. I have looked at Exhibit QQQ7 and I note that A3's name is inserted as recipient of Ms. Tengbe's Service Passport. Ms. Tengbe was issued and she did obtain a Service Passport as in Exhibit LLL1-10 on the 1<sup>st</sup> day of December 2016.

15.1.6. The Court notes that Count 43 is an additional Count and was not addressed during A3's interview by the Anti-Corruption Commission. It is however appreciated that A3 was given ample time to accept or deny the allegation in Count 43 of the Indictment.

15.1.7. I refer to paragraphs 99 and 100 on pages 30 and 31 of the Prosecution's Final Address where Counsel, relying particularly on Exhibit QQQ2 and 4 stated as follows:

'... Crucially, the 3<sup>rd</sup> Accused never contested his authorship of the said two exhibits when they were being tendered in evidence by PW1 ... that Counsel for the 3<sup>rd</sup> Accused failed to cross examine to throw any doubt on or provide any contrary proof of what PW1 and PW5 testified to in their respective examinations in chief'.

15.1.8. I also refer to paragraph 102 on page 32 of the Prosecutions Final Address where Counsel states as follows:

"... The 3<sup>rd</sup> Accused persons elected to rely on Exhibit HHH1-31 in his defence .... Crucially, Exhibit HHH1-31 only concerns Counts 39 to 42, being that Count 43 was added to the Indictment by way of a subsequent amendment after the trial had opened .... The 1<sup>st</sup> Accused (I believe Counsel meant the 3<sup>rd</sup> Accused) had an evidential burden to discharge ... which the 1<sup>st</sup> Accused (3<sup>rd</sup> Accused) neglected to discharge by relying on Exhibit HHH1-31 only in defence to the charge against him ... and failing to open a defence with respect to this Count ...."



15.1.9. In light of the Prosecutor's reasoning as shown in the above quotations, I wish to reiterate the burden of proof which rests on the prosecution, at all times; it is indeed a heavy burden. I agree with Counsel that in some instances the evidential burden does shift to the Accused but did the evidential burden of proving that the A3 did not sign Exhibit QQQ 2 and 4 in particular shift in the instant case? I think not.

16. It is wrong of the Prosecutor to have concluded as he did in his Address that the authorship of Exhibit QQQ2 and 4 was never contested by Counsel for A3. I refer Counsel to page 35 of the Judge's notes, where H.M Gevao Esq, Counsel for A3, contesting A3's signatures on Exhibits KK1-6, LL1-6, MM1-6 and NN1-6 said "The last Count for Ebunoluwa Finda Tengbeh should have a jacket like the rest so that we see the signature thereon". I refer to the Court's instructions thereafter that "the Prosecutor tenders the Passport jacket for Ms. Tengbeh re Count 43".

16.1. I refer to the Court's hand writing expert's testimony especially on page 46 of the Judge's notes where he acknowledged receipt of, among other documents, an Application Form A with serial numbers, 027575 in respect of Ms. Tengbeh, allegedly signed by A3 which the Court Expert Witness marked as his Exhibit C3. The Court notes that the Exhibit marked C3 by the Court Expert witness is the same as Exhibit QQQ2-4.

16.1.1. The Court refers to the testimony of the Handwriting Expert witness of the 15<sup>th</sup> and 22<sup>nd</sup> May 2019 on pages 44 to 55 of the Judge's notes and especially his conclusions on page 49 and in Exhibit 0001-5 where he said that the similarities in Exhibits C3, KK3, MM3, LL3 and HHH1-31 when compared to A3's specimen signature as in Exhibit G, are not sufficient to conclude on a similarity or dissimilarity in authorship. I refer to page 52 of the Judge's notes where the Court expert witness said "it is not easy to say A3 was the author". I sense a doubt cast by the Court witness as to whether or not the A3 signed Exhibit QQQ2, 4 and 7

16.1.2. It is also not correct as the Prosecutor stated in his Final Address that Counsel for A3 never contested the authorship of Exhibit QQQ2 and 4 when they were tendered by PW1. I must state at this juncture that on the 22<sup>nd</sup> May 2019, after the testimony of the expert Court Witness, PW1 continued his testimony before the Court. I refer to page 52 of the Judge's notes where PW1 was about to tender Exhibit QQQ1-7, Gevao Esq said: "We object on that document being tendered on the grounds that the authorship of same is in dispute". The notes show that the objection was overruled and Exhibit QQQ 1-7 was admitted, advisedly, for reference and completion of the records, this being a Court of law and facts.

16.1.3. It is A3's right to rely on his statement he made to the ACC. Why would he not rely on his statement? He must have known that the burden is

on the Prosecution to prove his signature on the contested documents. The Court's Expert witness advises by his testimony and Report as in Exhibit 0001-5 that it will be unsafe to convict the A3 on the disputed Exhibits NN3, LL3, MM3 and QQQ1-7 especially QQQ2, QQQ4 and 7. I am guided by the Court's Handwriting Expert. Appreciating that I am not a handwriting expert. I remind myself that if there is any doubt on my mind, as to the guilt or otherwise of any of the Accused persons, in respect of any or all of the charges in the Indictment, I have a duty to acquit and discharge the said Accused person of that charge or charges. I am also mindful of the principle that even if I do not believe the version of events put forward by the Defence, I must give it the benefit of the doubt if the Prosecution has not proved its case beyond a reasonable doubt.

16.1.4. I have above stated the law as it relates to the offence of conspiracy as charged contrary to Section 128(1) of the Anti-Corruption Act No. 12 of 2008. I have also stated the Court position that Section 128(1) does create a statutory offence of conspiracy.

16.1.5. I refer to paragraph 95 on page 29 of the Prosecutor's Final Address where the Prosecutor states that PW8, Mr. Olu Campbell and PW11, Mrs. Khadijatou Bassir were unfavorable witnesses. It appears to me that Counsel knows that the Prosecution failed to prove the charge of Conspiracy charged in Count 39 touching on the A3.

17. The records show that PW1 was an investigator; he was a formal witness. PW1 never told the Court that he was present when A2 and A3 conspired and with other persons unknown to commit a corruption offence neither has Counsel pointed to any inference that can be made by the Court from evidence adduced that A3 conspired with A2 or with other persons unknown to commit a corruption offence. If the Prosecutor tells me that PW8 and PW11 on whom he relied were not helpful to his case, I wonder which part of PW8 and/or PW11's testimony Counsel urge the Court to consider in making a finding other than one of 'not guilty' against the A3 in respect of Count 39.

**IN LIGHT OF THE FOREGOING, I RETURN THE FOLLOWING VERDICT:**

**A1**

**Count 1 – Guilty**  
**Count 2 – Guilty**  
**Count 3 – Guilty**  
**Count 4 – Guilty**  
**Count 5 – Guilty**  
**Count 6 – Guilty**  
**Count 7 – Guilty**  
**Count 8 – Guilty**  
**Count 9 – Guilty**  
**Count 10 – Guilty**



Count 11- Guilty  
Count 12 - Guilty  
Count 14 - Guilty  
Count 15 - Guilty  
Count 16- Guilty  
Count 17 - Guilty  
Count 18 - Guilty  
Count 19 - Guilty  
Count 20 - Guilty  
Count 21 - Guilty  
Count 22 - Guilty  
Count 23 - Guilty  
Count 24 - Guilty  
Count 25 - Guilty  
Count 26 - Guilty  
Count 27 - Guilty  
Count 28- Guilty  
Count 29 - Guilty  
Count 30 - Guilty  
Count 31 - Guilty  
Count 32 - Guilty  
Count 33 - Guilty  
Count 34 - Guilty

A2

Count 35 - Not Guilty  
Count 36 - Not Guilty  
Count 37 - Not Guilty  
Count 38 - Not Guilty  
Count 39 - Not Guilty

A3

Count 39 - Not Guilty  
Count 40 - Not Guilty  
Count 41 - Not Guilty  
Count 42 - Not Guilty  
Count 43 - Not Guilty



Honourable Justice Miatta Maria Samba, J.A