

TRIAL CHAMBER I (“The Chamber”) of the Special Court for Sierra Leone (“Special Court”) composed of Hon. Justice Bankole Thompson, Presiding Judge, Hon. Justice Pierre Boutet and Hon. Justice Benjamin Mutanga Itoe;

NOTING the information provided to The Chamber and submissions made during court proceeding in closed session held on the 5th of October 2006;[\[1\]](#)

NOTING that Rule 77 “Contempt of the Special Court” of the Rules of Procedure and Evidence of the Special Court (“Rules”) in its relevant parts reads as follows:

(A) The Special Court, in the exercise of its inherent power, may punish for contempt any person who knowingly and willfully interferes with its administration of justice, including any person who:

[...]

(iv) threatens, intimidates, causes any injury or offers a bribe to, or otherwise interferes with, a witness who is giving, has given, or is about to give evidence in proceedings before a Chamber, or a potential witness;

[...]

(B) Any incitement or attempt to commit any of the acts punishable under Sub-Rule (A) is punishable as contempt of the Special Court with the same penalties.

(C) When a Judge or Trial Chamber has reason to believe that a person may be in contempt of the Special Court, it may:

(i) deal with the matter summarily itself;

(ii) refer the matter to the appropriate authorities of Sierra Leone; or

(iii) direct the Registrar to appoint an experienced independent counsel to investigate the matter and report back to the Chamber as to whether there are sufficient grounds for instigating contempt proceedings. If the Chamber considers that there are sufficient grounds to proceed against a person for contempt, the Chamber may issue an order in lieu of an indictment and direct the independent counsel to prosecute the matter.

(D) Proceedings under Sub-Rule (C)(iii) above may be assigned to be heard by a single judge of the Trial Chamber or a Trial Chamber.

[...]

CONSIDERING that what has been reported to The Chamber may constitute *prima facie* grounds for bringing a person or persons named therein before the Court to show why they are not in breach of Rule 77(A)(iv) and 77(B);

CONSIDERING that in the particular circumstances of this case the most appropriate course of action would be to proceed pursuant to Rule 77(C)(iii) of the Rules and direct the Registrar to appoint an experienced independent counsel to investigate the matter first and report back to The Chamber as to whether there are sufficient grounds for instigating contempt proceedings;

PURSUANT TO Rule 77 of the Rules;

THE CHAMBER DIRECTS the Registrar to appoint, as soon as possible, an experienced independent counsel to investigate the matter which has been reported to The Chamber in closed session on the 5th of October 2006 and report back to The Chamber, as soon as possible, as to whether there are sufficient grounds for instigating contempt proceedings against the person or persons named before the Court;

Done in Freetown, Sierra Leone, this 9th day of October 2006.

Hon. Justice Benjamin Mutanga
Itoe

Hon. Justice Bankole
Thompson
Presiding Judge
Trial Chamber I

Hon. Justice Pierre Boutet

[Seal of the Special Court for Sierra Leone]

[1] Transcript of the 5th of October 2006, pp. 8-27.
