

**DECREE**

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dated 7th December, 1992

**N.P.R.C. Decree  
No. 12**



**1992**

**Sierra Leone**

**The Treason And Other Serious Offences (Special short title.  
Military Tribunal) Decree, 1992**

**Being a Decree to establish a Special Military Tribunal for the  
purpose of trying Treason and other serious offences**

**[ 7th December, 1992 ]** Date of  
Commence-  
ment.

PURSUANT to paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", the National Provisional Ruling Council makes and issues the following Decree—

Power to  
constitute  
Special  
Military  
Tribunal.

Act No. 6 of 1991. 1. Notwithstanding anything to the contrary in any law (including The Constitution of Sierra Leone, 1991, The Treason and State Offences Act, 1963, The Republic of Sierra Leone Military Forces Act, 1961), the National Provisional Ruling Council may constitute a Special Military Tribunal for the purpose of the trial of any person, whether or not a member of the Armed Forces of the Republic of Sierra Leone, who, at any time before or after the commencement of this Decree in connection with or in furtherance of any act of rebellion against the National Provisional Ruling Council has committed the offence of treason, murder, manslaughter, aggravated robbery or any other serious offence under any law in force in Sierra Leone, including The Republic of Sierra Leone Military Forces Act, 1961.

Composition  
of Special  
Military  
Tribunal and  
appointment  
and duty of  
Judge  
Advocate.

2. (1) The Special Military Tribunal constituted under section 1 of this Decree shall consist of—

- (a) a President who shall be an officer in the Armed Forces of the Republic of Sierra Leone not below the rank of Lieutenant Colonel; and
- (b) not less than four other members, each of whom shall be an officer in the Armed Forces of the Republic of Sierra Leone or the Sierra Leone Police Force, who has held a Commission for not less than five years;

all of whom shall be appointed by the National Provisional Ruling Council.

(2) There shall be a Judge Advocate who shall be appointed by the Chairman of the National Provisional Ruling Council from among Judges of the High Court, whose duty shall be to advise the Special Military Tribunal on questions of law and procedure.

Jurisdiction  
and power to  
award  
appropriate  
penalty, etc.

3. (1) The Special Military Tribunal shall have jurisdiction to try any person, whether or not a member of the Armed Forces of the Republic of Sierra Leone charged with treason, murder, manslaughter, aggravated robbery or any other serious offence as provided under this Decree and may award the punishment specified in the appropriate law, including any service law.

(2) For the purposes of subsection (1), where in respect of any act or omission which is an offence under the service law the Special Military Tribunal is satisfied that any person not subject to that service law—

- (a) acted in concert with any person subject to the service law; or
- (b) knowingly took part to any extent whatsoever in the commission of the act or omission constituting an offence under the service law;

the Special Military Tribunal may treat the person in like manner as a person subject to the service law and shall proceed against him accordingly, notwithstanding anything to the contrary in the service law.

4. (1) The procedure to be followed for the purpose of any trial under this Decree shall be in accordance with such rules as the Special Military Tribunal may make either generally or for the purpose of any particular trial. Practice and procedure.

(2) Without prejudice to subsection (1), the Special Military Tribunal may direct that the practice and procedure applicable to proceedings before a Court Martial shall be followed in proceedings before the Tribunal, subject to such modifications as the Tribunal may consider necessary in the light of the spirit and general intent of this Decree.

5. The Special Military Tribunal may make such rules for their own guidance and the conduct and management of proceedings before them, and the hours and times and places for their sittings, not inconsistent with their authority, as they may from time to time think fit, and they may from time to time adjourn for such time and to such place as they may think fit. Power to regulate proceedings.

6. (1) The trial of offences under this Decree shall commence by way of warrant for the arrest of the accused in the first instance signed by the President. Institution of proceedings.

(2) If the accused is undergoing imprisonment, a warrant to bring him before the Special Military Tribunal may be directed to the keeper of any prison within which the accused is confined.

(3) A warrant shall not be issued in the first instance, unless the information is in writing and on the oath of the person laying the same or of some witness in that behalf.

7. (1) Where the Special Military Tribunal finds the accused guilty of any offence, the record of the proceedings of the Special Military Tribunal shall be transmitted to the confirming authority for confirmation of any sentence of the Special Military Tribunal for that offence. Confirmation of sentence of the Special Military Tribunal, etc.

(2) A sentence of the Special Military Tribunal shall not be treated as a final and binding sentence of that Tribunal until confirmed:

Provided that this subsection shall not affect the keeping of the accused in custody pending confirmation.

(3) The confirming authority shall deal with the sentence of the Special Military Tribunal either by confirming or withholding confirmation.

(4) In confirming the sentence of the Special Military Tribunal the confirming authority may—

(a) in the case of a sentence of death, substitute for that punishment imprisonment for a term not exceeding the maximum term which could have been imposed by the Special Military Tribunal for the offence in question;

(b) in the case of a sentence other than a sentence of death, either remit in whole or in part the punishment awarded by the Special Military Tribunal or substitute for it some other punishment which could have been imposed by the Tribunal, being a punishment less severe than the one awarded by the Tribunal.

(5) A sentence substituted by the confirming authority or any sentence having effect after the confirming authority has remitted punishment shall be treated for all purposes as a sentence of the Special Military Tribunal duly confirmed.

(6) For the purposes of this section the confirming authority shall be a special authority to be established from among members of the National Provisional Ruling Council.

No appeal from decision of Tribunal or confirming authority.

8. No appeal shall lie from any order, ruling, decision or judgement of the Special Military Tribunal or the confirming authority to any court of law.

Decision of Tribunal or confirming authority not to be questioned.

9. No decision of the Special Military Tribunal or the Confirming Authority shall be inquired into or questioned in any court of law.

10. Any person tried under this Decree shall be entitled to be represented at the trial by Counsel of his own choice. Appearance of Counsel.

11. A witness or counsel before the Special Military Tribunal shall have the same immunities and privileges as if he were a witness or counsel before the High Court. Immunities and privileges of witnesses and Counsel.

12. (1) If the Special Military Tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence, it may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the Special Military Tribunal to give evidence respecting the case, and to bring with him any specified documents or things and any other documents or things relating thereto, which may be in his possession or power or under his control. Summons to appear before the Tribunal.

(2) The Summons to be issued in respect of witnesses to appear before the Special Military Tribunal shall be in the form specified in the Schedule to this Decree.

13. (1) Notwithstanding anything to the contrary contained in any law, any person who commits an offence under this Decree and is not within the jurisdiction shall be tried in his absence. Trial *in absentia*.

(2) In such a case the substance of the charge shall be read out to the Special Military Tribunal and a plea of "not guilty" entered in favour of the accused.

(3) The Special Military Tribunal may proceed to hear the matter notwithstanding the absence of the accused.

14. (1) In relation to section 7, any sentence of death imposed by the Special Military Tribunal shall, if confirmed, be executed by causing the offender to suffer death by a firing squad. Execution of sentences of Special Military Tribunal.

Act No. 34 of 1961. (2) Subject to the provisions of subsection (1), sections 112 and 115 of the Republic of Sierra Leone Military Forces Act, 1961 (which relate to receipt into civil prisons of persons sentenced by courts-martial and the treatment there of such persons when received), and any rules relating to those matters which are for the time being in force under paragraph (a) or (b) of subsection (2) of section 128 of that Act shall apply, *mutatis mutandis*, in relation to persons so sentenced by a court-martial.

Interpreta-  
tion.

15. In this Decree—

“appropriate law” means any law applicable to the particular offence being tried;

Act No. 6 of 1991. “service law” has the same meaning as that assigned to it under the Constitution of Sierra Leone, 1991 and the Sierra Leone Military Forces Act, 1961;

Act No. 34 of 1961. “confirming authority” means an authority to be set up by the National Provisional Ruling Council;

“person” includes a non-citizen, a person not ordinarily resident in Sierra Leone or a person in the Public Service of Sierra Leone;

“special military tribunal” means a special military tribunal constituted under section (1) of this Decree;

“serious offences” include—

Sabotage or arson of any public building or structure, any vessel, ship, aircraft, vehicle or oil installation, or a mine, or workings, fittings or appliances of a mine or any munitions;

Unlawful removal, damage, disconnection or tampering with—

(a) any plant, apparatus, or works designed for the supply or use of electrical energy;

(b) installations, lines or cables for the supply of electrical energy;

(c) wires, cables, fittings or appliances used for generating, transforming, converting, conveying or supplying electrical energy.

Wilful and unlawful destruction, removal or damage of any guardrail or other structure on the highway.

Unlawful dealing in, buying, selling, exposing or offering for sale or inducing any person to buy, sell, smoke or inhale the drug popularly known as cocaine or other similar drug.

Unlawful dealing in, selling, exposing for sale or inducing any other person to sell any goods or thing prohibited or restricted from importation.

Knowingly and by means of any false representation and with intent to defraud the Government promises the delivery or payment to himself or any other person of

any property or money by virtue of any forged or false cheque, promissory note or other negotiable instrument, whether in Sierra Leone or elsewhere.

THE SCHEDULE

FORM NO. 1

TREASON AND OTHER SERIOUS OFFENCES (SPECIAL MILITARY TRIBUNAL) DECREE, 1992

SUMMONS TO WITNESS

In the Special Military Tribunal

*Between*

The Republic of Sierra Leone  
and

.....(*Accused*)

WHEREAS..... (*Name of Accused*)

of.....(*Address*)

is charged with the offence of (*Statement of Offence*)

.....  
.....  
.....

and it appears to me that you are likely to give material evidence therein on behalf of the Prosecution (or Defence);

You are therefore summoned to appear before the Special Military Tribunal named above sitting at..... on the.....day of.....19.....at the hour of..... in the .....noon, to testify what you know in such matter.

DATED the.....day of.....19.....

.....  
*President of Tribunal*

MADE AND ISSUED this 7<sup>th</sup> day of December, 1992.

CAPTAIN VALENTINE E. M. STRASSER  
*Chairman,*  
*National Provisional Ruling Council.*

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**EXPLANATORY NOTE**

*(This note does not form part of the Decree but is intended to explain its purpose).*

The Decree empowers the National Provisional Ruling Council to constitute a Special Military Tribunal for the trial of any person, whether or not a member of the Armed Forces, who in connection with any rebellion against the Government of Sierra Leone has committed the offence of Treason, Murder, Armed Robbery, Arson, Sabotage or any other serious offence under any law in force in Sierra Leone.

The Special Military Tribunal is empowered to impose appropriate penalties prescribed by law and any conviction by the Tribunal is subject to confirmation by the Confirming Authority to be set up by the National Provisional Ruling Council.

Whilst Sierra Leone is beset by a rebel war, in the interest of the preservation of peace, public order and public safety, it is necessary to take stringent and speedy measures against offenders.