

DECREE

Supplement to the Sierra Leone Gazette Extraordinary Vol. CXXIII, No. 75

dated 7th December, 1992

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



Sierra Leone

1992

**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 Commencement.

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—

(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.

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.

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

No appeal from decision of Tribunal or confirming authority.

Decision of Tribunal or confirming authority not to be questioned.

interpretation.

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 7th day of December, 1992.

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