

# CONSTITUTIONAL INSTRUMENT

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CONSTITUTIONAL INSTRUMENT NO. 1 OF 2009

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*THE CONSTITUTION OF SIERRA LEONE, 1991*

*(Act No. 6 of 1991)*

THE COMMISSION OF INQUIRY (ALLEGATION OF RAPE AND SEXUAL ABUSE AGAINST WOMEN AT THE SIERRA LEONE PEOPLE'S PARTY HEADQUARTERS ON MARCH 16, 2009) NOTICE, 2009. Short title.

WHEREAS the Cabinet has advised that it is in the public interest to appoint a Commission of Inquiry to inquire into a matter of public interest:

NOW, THEREFORE, in exercise of the powers conferred on him by paragraph (a) of subsection (1) of section 147 of the Constitution of Sierra Leone, 1991 the President, hereby makes the following Notice:—

1. (1) There is hereby appointed a Commission of Inquiry (hereinafter referred to as "the Commission"). Appointment of Commission.

(2) The Commission shall consist of—

- (a) Hon. Justice Rosolu John Bankole Thompson who shall be the Chairman;
- (b) Professor John Abu Kamara—Member;
- (c) Mrs. Harriet Sia Eve Turay—Member;

(3) The Secretary to the Commission shall be Mr. Harun Alrashid Bah.

Terms of  
reference of  
Commission.

2. The purpose for which the Commission is appointed are—

- (a) to investigate allegations of rape and sexual abuse against women which occurred at the Headquarters of the Sierra Leone Peoples Party on 16th March, 2009;
- (b) to identify the persons involved in the substance of the allegations and to determine whether any breach of law occurred;
- (c) to recommend the action to be taken against persons who committed any breach of the law.

Proceedings  
of Comm-  
ission.

3. (1) The Commission shall commence its proceedings as soon as may be after the coming into operation of this Notice and shall sit in Freetown and such other place or places as the Commission may determine.

(2) The proceedings of the Commission shall be held in public, unless otherwise decided by the Commission, in the interest of public safety or public order.

(3) Before assuming the functions of his office, each Commissioner shall take and subscribe before the President, an oath that he will faithfully, fully, impartially and to the best of his ability perform the functions of his office under this Notice.

Rules and  
procedures of  
Commission.

4. (1) The proceedings of the Commission shall be regulated by the practice and procedure in force in the High Court with such modification, adaptation and exception as are necessary to enable the Commission to elicit all such information as may be necessary for the performance of the functions of the Commission.

(2) For the purposes of sub-paragraph (1), the Commission shall not be bound by the rules of evidence in civil or criminal proceedings.

3

5. (1) The Commission shall have the powers, rights and privileges vested in the High Court or a Judge thereof at a trial in respect of— Attendance by witnesses.

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of documents; and
- (c) the issue of a commission or request to examine witnesses abroad.

(2) Any person ordered to attend under sub-paragraph (1) shall attend at the time and place specified in the order and shall continue in attendance as directed by the Commission.

6. (1) The Commission shall submit a report to the President on each item specified in paragraph 2 either separately or compositely as soon as practicable after the Commission has ended its inquiry or investigation, but not later than six weeks after the date of its commencement. Report of Commission.

(2) A report of the Commission shall be signed by the Commissioners.