

**BETWEEN:**

**THE INSPECTOR GENERAL OF POLICE**

**- COMPLAINANT**

**AND**

<b>ALHASSAN KAMARA</b>	<b>- 1<sup>ST</sup> ACCUSED</b>
<b>MOHAMED SESAY</b>	<b>- 2<sup>ND</sup> ACCUSED</b>
<b>TIMOTHY KAMAR</b>	<b>- 3<sup>RD</sup> ACCUSED</b>
<b>MOHAMED IBRAHIM MANSARAY</b>	<b>- 4<sup>TH</sup> ACCUSED</b>
<b>SHADRACK WILLIAMS</b>	<b>- 5<sup>TH</sup> ACCUSE</b>
<b>DAVID JOE LAVALLIE</b>	<b>- 6<sup>TH</sup> ACCUSED</b>
<b>GIBRIL SAWANEH</b>	<b>- 7<sup>TH</sup> ACCUSED</b>
<b>TALTON NDAWOMA THOMAS</b>	<b>- 8<sup>TH</sup> ACCUSED</b>
<b>JOHN LAMIN</b>	<b>- 9<sup>TH</sup> ACCUSED</b>
<b>AUGUSTINE KOKOFELLAY</b>	<b>- 10<sup>TH</sup> ACCUSED</b>
<b>N;FAH BANGURA</b>	<b>- 11<sup>TH</sup> ACCUSED</b>
<b>ALFRED KABIA</b>	<b>- 12<sup>TH</sup> ACCUSED</b>
<b>GIBRILLA TURAY</b>	<b>- 13<sup>TH</sup> ACCUSED</b>
<b>IBRAHIM SESAY</b>	<b>- 14<sup>TH</sup> ACCUSED</b>

**COUNSEL:**

**PRINCE A. WILLIAMS - ESQ. & CSP ZIZER T.S FOR THE PROSECUTION  
S. CAMPBELL - ESQ. R.S. BANGURA ESQ, AND S.M GBONGBOTO - ESQ. FOR  
ALL THE ACCUSED PERSONS.**

**JUDGMENT DELIVERED BY MAGISTRATE HADIRU DABOH**

**DATED ON THE 11<sup>TH</sup> DAY OF OCTOBER, 2022**

This is a Judgment in respect of a Criminal Summons dated the 5<sup>th</sup> day of September, 2022 filed for and on behalf of the Inspector General of Police against fourteen (14) Accused Persons for offences committed on the 10<sup>th</sup> day of August, 2022 against the Government and People of Sierra Leone. They were brought on two counts to wit: Riotous Conduct, Contrary to Section 12 (a) of the Public Order Act, No. 46 of 1965, and Disorderly Behaviour, Contrary to Section 12 (a) of the Public Order Act No. 46 of 1965.

**PROSECUTION'S CASE:** In prosecuting this matter, the Prosecution brought five witnesses; PW1 – Abubakar Mohamed Kamara testified as one of the Arresting Officers attached at the Operations Division of Ross Road Police Station, PW2 - Sumaila Ishmail Alie, PW3 - Mohamed Lamin Bangura, PW4 - Tamba Syrus Marrah, and PW5 - Alfred Conteh all testified as Investigators in this matter. In a whole, their Testimonies in Chief appeared to be credible and consistent with the facts that all the Accused Persons were arrested in a public place conducting themselves in a riotous and disorderly manner to the discomfort of peaceful Sierra Leoneans, with reckless songs against the Government. The riots caused the lives of innocent



Civilians and Law Enforcement Officers who were standing in the gap to control the disorderliness. It also caused wanton and malicious damage of Police Stations, Market Places, Private and Government vehicles plying the streets of Eastern Freetown. Those Actions, in context, could not be defined as freedom of speech, peaceful call for the reduction of high prices, and shortage of fuel, instead, they undermined the democratic structures relentlessly built together with International Development Partners, who also suffered the said senseless insurgence on that day. Those facts were uncontroverted by the numerous Cross Examinations by the Defence Lawyers.

**DEFENCE/ACCUSED PERSONS' CASE:** The Accused Persons at the close of the Prosecution's Case, selected to rely on their Testimonies from the Police Station. In those Testimonies, I confirmed that they all denied the allegations, and I was further informed that they were arrested on the 10<sup>th</sup> August, 2022, at the following Public Places; Kissy Road, Upgun, Canikay, Cline Town, Ferry Junction, Fourah Bay Road, Moyiba, Race Cross, PWD, and Akram in a riotous and disorderly manner.

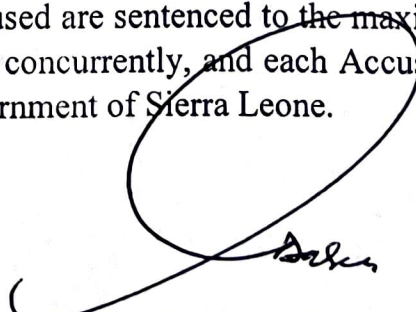
### THE LAW

In criminal cases, it is a fundamental rule of English Law that the Prosecution bear the burden of proving the guilt of the Accused. In almost all cases, this means proving all essential elements of the offence charged, ie. the Actus reus and mens rea. This was emphasized in the landmarked decision in *Woolmington Vs. DPP, 1935*, where in holding that the direction of the Jury was improper, Lord Viscount Sankey LC said:

*“Throughout the web of the English criminal law, one golden thread is always to be seen, that it is the duty of the prosecution to prove the prisoner's guilt ...If, at the end of the whole of the case, there is a reasonable doubt.... the prosecution has not made out the case and the prisoner is entitled to an acquittal. No matter what the charge or where the trial, the principle that the prosecution must prove the guilt of the prisoner is part of the common law of England and no attempt to whittle it down can be entertained”.*

The Law also imposes a higher standard of Proof on the prosecution with respect to the issues of guilt. Hence, the invariable rule is that the Prosecution must prove the guilt of the Accused beyond reasonable doubt. For this high standard requirement, *Lord Denning J, in Miller Vs. Minister of Pensions (1947)* said that the standard of Proof... *“need not reach certainty, but it must carry a high degree of probability in favour of the Prosecution. Proof beyond reasonable doubt does not mean beyond the shadow of a doubt”*

In the given circumstances, the Court is sure that the Prosecution have proven a case on a high probability against the Accused Persons. Their Actions, on the 10<sup>th</sup> August, 2022, could be defined as cruel, reckless, barbaric, malicious, and a stark product of incitement against the Government. They are therefore found guilty on both Counts, and to preserve society from reoccurrence of such, the Accused are sentenced to the maximum jail term of (18) months on each count, same to be served concurrently, and each Accused to pay fine of Le 5,000 (Five Thousand Leones) to the Government of Sierra Leone.

.....  
  
**MAGISTRATE HADIRU DABOH**  
**COURT NO. 3**  
**ROSS ROAD**