

# FAIR HEARING GUIDELINES

FOR

TRIBUNALS



MAY, 2023



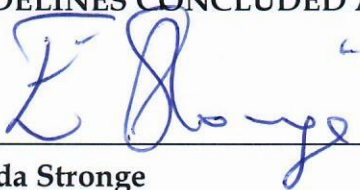
## FAIR HEARING GUIDELINES FOR TRIBUNALS

These Fair Hearing guidelines are made in fulfilment of the provisions of S.23(2) of the 1991 Constitution which guarantees “fair hearing” in proceedings before any court and shall apply to any Tribunal established under the Constitution or any other law. Adjudicating, investigatory and other quasi-judicial bodies shall be at liberty where applicable to adopt and use these fair hearing guidelines. The word ‘Tribunal’ is used throughout the guidelines and it will include any other adjudicating bodies or authorities that may opt to use these guidelines.

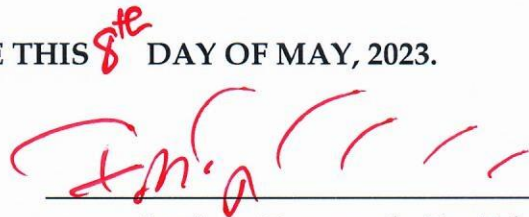
1. The membership of the Tribunal shall be as stated in the Constitution of Sierra Leone or any other constituting instrument. The Tribunal shall at its commencement set the number of its members that shall be sufficient for the Tribunal to proceed with its business.
2. In the furtherance of the Rule of Law and natural justice;
  - a. All persons appearing before the Tribunal shall be given Fair Hearing within a reasonable time.
  - b. All persons are equal before the Tribunal. No preferential treatment shall be given to any person or official appearing before the Tribunal
  - c. All persons are presumed innocent until a contrary finding is made by the Tribunal
  - d. No one shall be compelled to incriminate him or herself
  - e. All sides must be heard
3. Formalities of process and the form of documents filed should be kept to the barest minimum save that which is absolutely necessary for the orderly conduct of the business of the Tribunal.
4. The Tribunal shall have liberty to add to or vary these guidelines save that same must not be inconsistent with these guidelines set in which case such New guidelines shall be void.
5. The Tribunal shall be at liberty to give directions on the future conduct of proceedings of the Tribunal as appear best adapted to secure the just and expeditious disposal of the hearings and findings of the Tribunal.
6. The party being investigated shall have full opportunity with the assistance of counsel of his choice to present its case. The Tribunal shall ensure that ample time within the scope of the Tribunal’s overall time table is made available to the person under investigation.
7. The State is encouraged to provide fully any and all relevant documents which the person being investigated shall require for his/her case.

8. Save as may be otherwise ordered by a Court in the interest of public morality, public safety or public order, all proceedings of the Tribunal shall be held in public.
9. The parties shall be at liberty to call witnesses who may appear in person or through other electronic means.
10. Parties may call expert witness(es) as they may find necessary.
11. The Tribunal shall receive all evidence put before it as long as it is relevant and decide what weight it will give to the evidence received.
12. The Tribunal will not reject any document filed due to its form so long as the content and purpose of the document are identifiable.
13. Forms and affidavits used in the High Court may be used and adapted as may be necessary for the effective dispatch of the Tribunals business.
14. Persons found presenting false testimony to the Tribunal shall be deemed to be in contempt.
15. At the close of hearing the parties may address the Tribunal. Such addresses may be made in writing if the Tribunal gives those directions or otherwise.
16. A person under investigation shall designate in writing an address for service. If such person is represented by counsel unless he expressly states otherwise service on counsel shall be sufficient.
17. Unless the Tribunal directs otherwise any document produced, filing or thing done 10 days after it was directed to be done will be out of time and subject to further guidance from the Tribunal.
18. The Solicitor-General's office shall be the States address for service.
19. The findings/decision of the Tribunal shall be announced in public within three (3) months from closure of the Hearings. It shall be in writing and communicated to the President or the relevant Authority no more than three (3) months after the conclusion of the Hearing. Dissenting Decisions may be given but the decision of the majority shall be the findings of the Tribunal.
20. The Tribunal shall be at liberty to award costs against any party for delays and wasted costs.

**GUIDELINES CONCLUDED AND MADE THIS <sup>8<sup>th</sup></sup> DAY OF MAY, 2023.**



**Emilda Stronge**  
**Ag. Executive Secretary**  
**Judicial & Legal Service Commission**



**Justice Desmond B. Edwards**  
**Hon. Chief Justice and Chairman**  
**Judicial & Legal Service Commission**