

*OAU DRIVE, TOWER HILL, FREETOWN*

## **PARLIAMENTARY DEBATES**

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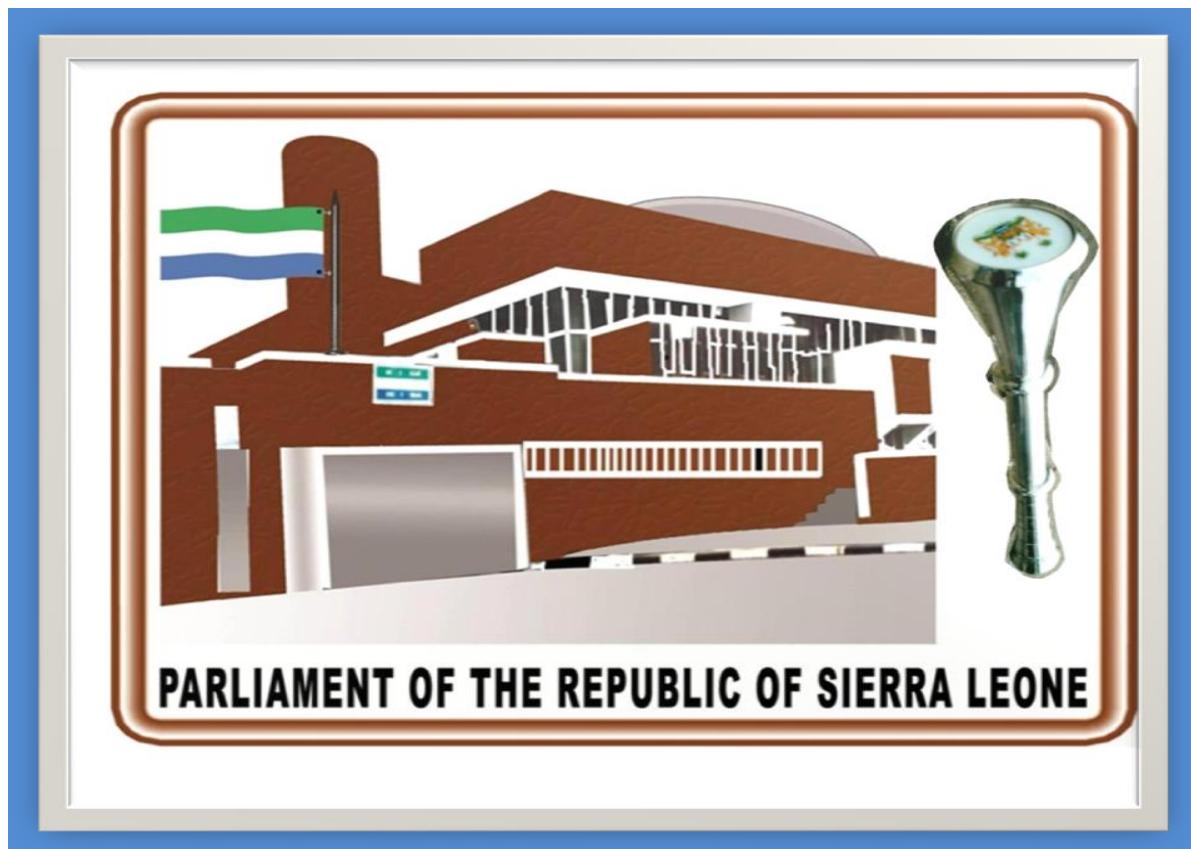
**[HANSARD]**

**OFFICIAL HANSARD REPORT**

**FIRST SESSION – FIRST MEETING**

**MONDAY 24<sup>TH</sup> JUNE 2024**

*SESSION – 2024/2025*



*OAU DRIVE, TOWER HILL, FREETOWN.*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

**OFFICIAL HANSARD REPORT**

**VOLUME: I**

**NUMBER: 55**

First Meeting of the First Session of the Sixth Parliament  
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House  
Held Monday 24<sup>th</sup> June 2024

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**THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE**



*THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE*

**Official Hansard Report of the Proceedings of the House**

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**FIRST SESSION – FIRST MEETING  
OF THE SIXTH PARLIAMENT  
OF THE SECOND REPUBLIC**

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**Monday 24<sup>th</sup> June, 2024**

**I. PRAYERS**

*[Mr. Gilbert Bosco N'habay (Acting Clerk of Parliament), read the Prayers]*

*[The House met at 10:30am in Parliament Building, Tower Hill, Freetown.]*

*[The Speaker, Hon. Segepoh Solomon Thomas in the Chair]*

The House was called to Order

*Suspension of S. O. 5[2]*

**[Question Proposed Put & Agreed to]**

**THE SPEAKER:** Honourable Members, I think we are going to skip the Vote and Proceedings, and we will come back to them later. Because I think I have just been informed that there are some technical issues with uploading the Vote and Proceedings, so please bear with us, we will come back to that later, thank you very much. Yes proceed.

**ANNOUNCEMENT BY MR SPEAKER**

**THE SPEAKER:** Honourable Members, we are meeting at 12 prompts immediately after sitting, we should meet in Committee Room 1. All Members of Parliament are all required to be there and to discuss some pertinent issues; issues bothering this House and Members of Parliament generally. So please let us meet immediately after sitting in Committee Room 1.

Secondly, I was due to travel yesterday but unfortunately, I could not go, I had cause my ticket to be changed to tomorrow, and because some serious issues came up and we are supposed to deal with a particular document tomorrow that is the more reason I could not go yesterday. So, after today we will be adjourning to tomorrow so that we address some of these issues before I leave in the evening hours. Thank you very much; proceed.

**LAYING OF PAPER**

The Minister of Transport and Aviation

**MINISTER OF TRANSPORT AND AVIATION [MR REX BONAPHA L]:** Mr Speaker Honourable Members, with your leave I beg to lay on the Table of this Honourable House the following paper;

Bilateral Air Services Agreement between the Government of the Republic of Sierra Leone and the Government of the Kingdom of Saudi Arabia.

**BILL:**

The Criminal Procedure Act, 2024

The Attorney-General and Minister of Justice

**Committee Stage:**

The House resolved itself into Committee of the Whole.

## **Presentation of Report:**

Honourable Abdul .S. Marray Conteh, Chairman of the Legislative Committee report on the Bill entitled the Criminal Procedure Act 2024.

Honourable Members, I rise to present the Third Report of the Legislative Committee, First Section of the Sixth Parliament of the Second Republic of Sierra Leone on the Bill entitled; The Criminal Procedure Act 2024, been an act to repeal and replace the Criminal Procedure Act 1965, to provide for new procedures relating to summary trials committal proceedings trials on entitlement, alternative sentences and to provide for other related matters.

Mr Chairman Honourable Members, the Bill having gone through second reading was committed to Legislative Committee for scrutinizing first one to stand in order 1511 subsequently the Committee meet on Wednesday 29, Thursday 30<sup>th</sup> May, Monday 3<sup>rd</sup> June and Tuesday 4<sup>th</sup> June 2024. In Committee Room 1 and Conference Room of the new administrative building in Parliament for the following objectives. To scrutinizing in detail the principles and provisions of the Bill and to make amendment if necessary. To certain the Constitution and legal implication contained therein. To report to plenary for consideration by the Committee of the whole House in line with S.O 53. Mr Chairman Honourable Members, in attendance where Members of the legislative Committee the Anthony General and Minister of Justice and team and representatives from advocates.

## **RECOMMENDATIONS**

Mr Chairman, Honourable Members of the Legislative Committee, having scrutinize the Bill line by line and Clause by Clause, recommend the following amendments to the House for approvals, the short title be approve, the long title of the Bill be approved.

Part 1, preliminary clause 1 Commencement be approved. Clause 2, interpretations, cooperation's be amended by inserting the phrase or related act at the end of the paragraph we now read. Includes a stator cooperation, establish by an Act of Parliament; a company in cooperated and registered under the Companies Act 2009 Act 5 of 2009 or related Act.

Interpretations law officers be amended by the deleting the letter "S" from the word divisions on the 5<sup>th</sup> line and inserting the phrase head of International and human right division after the word division and before the word and on the fifth line to now read; Includes the Anthony General and Minister of Justice the Solicitor General, the Director of Public Persecutions [DPP] the first Parliamentary Council the head of the Civil and Commercial Division, head of International and Human Right Division and every other state council and Parliamentary Councils.

Interpretations, Ministers be amended by deleting the word minister after the word "The" word the and before the word "or" on the first line and replacing it with the

phrase the Anthony General and Minister of Justice, to now reads; includes the Anthony General and Minister of Justice or ministers responsible for the Correctional Service Social Welfare and Gender and Children's Affairs.

Interpretations persecutor be amended by inserting the phrase includes complainant and at the start of the paragraph to now read; Includes complainant and means a person who gives information or cause information to be given on his behalf against the defendant and includes the Anthony General and Minister of Justice and any other law officer the Anti-Corruption Commissioner or the person duly authorize to persecute a criminal offence.

Clause 3, application of Acts be approved, part 2 general provisions arrest generally. Clause 4, notice to be given of arrest Sub-clause 1E be amended by changing the date from 2023 to 2022 and inserting the number 17 after the word NO and before the word of OFF to now read; involving one or more political parties or the Public Election Acts 2022 and number 17 of 2022.

Clause 5, mode of arrest, sub clause 4 be amended by replacing the number 16 with the number 6 on the second line after the word NO and before the word OFF to now read; Subject paragraph B of sub section 2 of section 16 of the Constitution of Sierra Leone 1991 Act number 6 of 1991 nothing in this section gives a right to cause the death of a person and cause of been arrested.

Clause 6, search of place for person to be arrested be approved.

Clause 7, procedure where entry not be obtainable be approved.

Clause 8, power to break open to liberate be approved.

Clause 9, power to take offensive weapons or other object of evidential value be approved.

Clause 10, medical examination in the case of offences against the person be approved.

Clause 11, power to other body search be approved.

Clause 12, arrested person to be brought before a court without delay, Sub-clause 2 B approved, arrest without warrant.

Clause 13, private person may arrest without warrant be approved.

Clause 14, person arrested to be handed over to police, side note be amended by inserting the word THE after the word TO and before the word POLICE to now read; Person arrested to be handed over to the police.

Clause 15, police officer may arrest without a warrant be approved.

Clause 16, refusal to give name or place of residence be approved.

Clause 17, suspect to be informed of cause of arrest be approved, instituting proceeding in the magistrate court.

Clause 18, instituting proceedings be approved.

Clause 19, summons warrant be approved.

Clause 20, issues of warrant be approved.

Clause 21, service of someone be approved.

Clause 22, Proof of service after jurisdiction be approved.

Clause 23, Power to dispense with personal attendance of defendant be approved.

Clause 24, warrant when issue be approved.

Clause 25, where summon not obey be approved.

Clause 26, form content duration and excursion of warrant be approved.

Clause 27, removal and bale be approved.

Clause 28, court may direct security to be taken be approved.

Clause 29, issuance of such warrants and proceedings warrants be approved.

Clause 30, search without warrant in cases where articles are been conveyed etc. Sub-clause A roman II be amended by inserting the word B after the word TO and before the word Committed on the third line, to now read; In respect of which he suspect that the criminal offence has been, is been or is about to be committed.

Clause 31, section 29 and 30 not applicable to post and telecommunication and data collection establishment be approved.

Clause 32, return of such warrant be approved.

Clause 33, execution of such warrant be approved. General authority of the court to bring defendant before them be approved.

Clause 35, defendant should be remitted or brought in certain cases to another court be approved.

Clause 36, should move on under the warrant be approved, Place of enquiry and trial be amended by changing the letter E to letter I in the word enquiry to become inquiry to now read; place of enquiry and trial. Place on inquiry and trial.

Clause 37, offences inquired into any part in Sierra Leone. Side note be amended by deleting the – in the word enquire to become inquired, to now read offence inquire to in any part of Sierra Leone.

Clause 37, offences inquired to any part of Sierra Leone be approved.

Clause 38, trial of cases by court other than high court, Sub-clause B be amended by replacing the word Thing with the word Act on the 6<sup>th</sup> line after the word The and before the word Was to now read; where a person is accused of the commission of an offence by reason of anything, which has been done or which has been omitted

to be done and of any consequence which has ensued the offence may be tried in a district in which the act was done or omitted to be done or any consequence that has issued.

Clause 39, offences committed on a journey, be amended by replacing the word Thin with the word Act on the third line after the word The and before the word IN to now read; an offence committed whiles the offender is on a journey or voyage may be tried in a district through or in to which the offender or the person against whom or the act in respect of which the offence was committed past in the cause of that journey of voyage.

Clause 40, offences committed at sea or out of Sierra Leone be approved.

Clause 41, offences by public officers abroad and on an aircraft, Sub-clause 3 be amended by inserting the word PART on the fourth line after the word THAT and before the word OFF to now read; a person may be protected against tried and punish for an offence under this Section in any part of Sierra Leone in which is appended or is in custody as if the offence has been committed in that part of Sierra Leone and the offence shall for all purposes, incidental to or consequential on trial or punishment be deemed to have been committed in that part of Sierra Leone.

Clause 42, power of high court to transfer committal proceedings and other criminal cases; be amended by replacing the word ENQUIRY with the word INQUIRY on the third line after the word The and before the word Into to now read; The High Court may on an application made by originating notice of motion order that an offence been inquired into, by a magistrate court maybe inquired into by another magistrate court specified in the order on the grounds that it would.

Clause 43, power of judge to transfer cases be approved.

Clause 44, notice of the intension to make application to transfer be approved, conduct of criminal proceedings.

Clause 45, Anthony General and Minister of Justice may enter nully prosecute be approved previous acquittal or conviction.

Clause 46, person convicted or acquitted be approved.

Clause 47, consequences supervening on not non at time or formal trial be approved.

Clause 48, proof of previous conviction be approved. Rules as to information and indictment be amended by deleting S from information and indictment to now read; rules as to information and indictment, rule as to information and indictment.

Clause 49, Sub-clause 1 be amended by replacing the word Accused with the word Defendant on the third line after the word the word THE and before the word IS to now read, and information on indictment shall contend and shall be sufficient if it contains a statement of the specific offence or offences with which the defendant is

charged together with such particulars as may be necessary for given reasonable information as to the nature of the charge, joinder of service and defendant.

Clause 50, joinder of charges be approved. Compensation and cause; Compensation may be ordered be approved.

Clause 52, cost payable by party convicted be approved.

Clause 53, costs to be paid by complainant in certain cases be approved.

Clause 54, payment to parties be approved.

Clause 55, recoveries of damages be amended; by replacing the number 11 with number 10 on the side to now read, from 10 in schedule 11.

Restitution of property:

Clause 56, return of property found on persons arrested Sub-clause 2B amended by deleting the phrase it to on the sixth line after the word TO and before the word BE to now read; where property is retained in court pending an appeal on application by summons, the court to which an appeal has been made or in which notice of leave to appeal has been filed, may if it considers that the property is not necessary for the determination of the question raised in the appeal order, the property, or any part of the property to be returned to the person who appears to be entitled to it.

Clause 57, restitution of property, stolen or its value, Sub-clause 1A be amended by deleting the phrase then is at the beginning of the sixth line to now read; Other than the property or part thereof be restored to the person who appears to be the owner thereof, either on payment or without payment by the owner, to the person in whose possession such property or a part thereof any sum named in the order. Restitution of property stolen or its value; Sub-clause 2b to be amended by inserting the word THE on the second line after the word THAT and before the word property. To now read where a person is convicted of an offense and the court by or before which is convicted is satisfied that the property has been lawfully seized from him or which was in his position or under his control at the time when he was apprehended for the offense, or has been used for the purpose of committing or facilitating the commission of any offense or was intended by him to be used for that purpose. The court may make such order as it thinks fit under this section in respect of that property, preservation of testimonies in certain cases.

Clause 58, power to take depositions of persons dangerously ill be approved.

Clause 59, notice to be given in certain cases be approved.

Clause 60, transmission of statement be approved.

Clause 61, statement be used in evidence be approved, written statements and depositions.

Clause 62 written statement and depositions be approved.

Clause 63, written statements or the position of medical practitioner may be read as evidence. Side note be amended by replacing the word HAS with the word AS to now read written statement or the position of medical practitioner may be read as evidence.

Clause 63, written statement of the position of medical practitioner may be read as evidence be approved.

Clause 64, statements of defendants at committal proceedings be approved.

Clause 65, signature and attestation of magistrate be approved.

Clause 66, dying declaration be approved.

Clause 67, certain scientific reports to be evidence. Side notes be amended by replacing the word SCIENTIFISE with the word SCIENTIFIC to now read; certain scientific reports to be evidence.

Clause 67, certain scientific report to be evidence. Sub-clause 1b be amended by dividing the paragraph from the word May, on the first line to drop down on a different line to now read B, the extent of injuries of a person may, if it is directed to the court or the prosecution authority, or produced by the police officer or a person to whom it is directed, or someone acting on his behalf, be used as evidence of the fact stated in a committal proceedings, trial or other proceeding under this Act. Clause 67 scientific report to be evidence Sub-clause 3b be amended by dividing the paragraph from the word MAY on the second lines to drop down on a different line to now read B; the condition or operations of any motor vehicle, vessel, aircraft or conveyance, may if it is directed to the court or the prosecuting authority or produced by a police officer, or any person to whom it is directed, or someone acting on his behalf, be used as evidence of the facts stated in it, any committal proceedings, trial or other proceedings under this Act.

Clause 67, certain scientific report to be evidence Sub-clause seven, be amended by inserting a hyphen between the words OCEAN and going to become one word oceangoing on the second line after the word and before the word SHIP to now read; for the purposes of this section, vessel includes an ongoing ship, locally constructed boats and any other vessel plying the coastal or inland waterways of Sierra Leone, defense of unsoundness of mind.

Clause 68, inquiry by court be approved. Defendant appearing to be of unsound mind at committal proceedings be approved. Defense of insanity Sub-clause 2b be amended by deleting the phrase during the Minister's pleasure on the fourth line after the word CUSTODY to now read; report to the Minister, who may order the defendant to be confined in a mental hospital, Correctional Center or other suitable place of safe custody.

Clause 71, periodical report on criminal lunatic be approved.

Clause 72, transfer and discharge of defendants of unsound mind be amended by interchanging the word SUITABLE ORDER on the fourth line, to be ORDER SUITABLE to now read the Minister May, from time to time, by order direct the transfer to a mental hospital Correctional Center, or other suitable place of safe custody of any criminal lunatic detained in any other mental hospital, Correctional Center or other suitable place of safe custody and the Criminal lunatic shall accordingly be received and detained in that mental hospital Correctional Center or other place of safe custody to which his so transferred.

Clause 73, resumption of trial of investigation be approved.

Clause 74, certificate of medical officer to be evidence be approved.

Clause 75, trial to be discontinued in certain cases, be amended by deleting the phrase Director of Public Prosecution and replacing it with the phrase Attorney General and Minister of Justice on the sixth and seventh line after the word THE and before the word INFORMS to now read, notwithstanding anything contained in Section 73 and 74 where it is certified by the officer in charge of a mental hospital or other medical practitioner appointed for that purpose by the Chief Medical Officer, that the mental balance of a defendant will be jeopardized by the strain of a trial, the proceedings against the defendant shall be discontinued unless the Attorney General and Minister of Justice informs the court that he considered it essential in the public interest for the trial to proceed.

#### **Admission to bail:**

Clause 76, admission to bail by judge or court be approved. Admission to bail by police officer be approved, conviction for offense other than that charge.

Clause 78, person charged with any offense may be convicted of attempt be approved.

Clause 79, conviction of manslaughter on the charge of murder be approved. Conviction of assault with intent to Rob on the charge of robbery be approved. Persons charged with burglary etc, may be convicted of kindred offense be approved. Person charged with misdemeanor not to be acquitted, if offense proved is a felony, evidence be approved. Spouse shall become competent and compellable witness be approved.

Clause 84, competency of person charged and his spouse or cohabiting partner to give evidence be approved. Prosecution to deliver to defendants copies of written statements before trial be approved. Evidence of persons charge be approved. Right to reply be approved, calling of spouse or cohabiting partner in certain cases be approved. Hostile witness and previous inconsistent statement be approved. Circumstances where secondary evidence is admissible be approved. Admissibility of statements be approved. Admissibility of evidence on tape, video recording of film be approved.

### **Part Three [3] Summary Trials:**

Clause 93, trials in magistrate court be approved.

Clause 94, courts to sit in public. Sub-clause two, be amended to read notwithstanding sub section one, the court may make an order for a trial to be heard in camera if it is satisfied that it is in the interest of justice to do so.

Clause 95, nonappearance of prosecutor be approved.

Clause 96, appearance of both parties be approved.

Clause 97, where defendant pleads guilty in writing be approved.

Clause 98, redacted and underacted statements to be served on defense be approved. Defendants to be called upon to plead be approved. Procedure in plea of guilty be approved. Hearing may be adjourned, be approved, custody of defendant sub clause B be amended by replacing the word RECOGNIZANCE with the word RECOGNIZANCE on the second line after the letter A and before the word with to now read; discharge the defendant on his entering into a recognizance with or without a shorty or shorties. Clause 1 or 3, non-appearance of defendants in answer to summons or after adjournment; Sub-clause 4B be amended by dividing the paragraph after the word YEAR on the second line to drop down on the different line to now read, to now read B is charged with an offense punishable by a time of imprisonment not exceeding one year. Issue a warrant for the arrest of the defendant and cause him to be brought before it.

Clause 104, procedure on plea of not guilty, Sub-clause 1b be amended by dividing the paragraph after the word guilty on the first line to drop down on a different line to now read B, the court refuses to accept a plea of guilt, proceed to hear the prosecutor and his witness and other evidence if any clause.

Clause 105, defense so Clause 3b, be amended by dividing the paragraph after the word defense on the second line to drop down on a different line to now read B; has any witnesses to examine or other evidence to had use in his defense. Here the defendant and his witnesses and other evidence if any.

Clause 106, evidence in reply be approved.

Clause 107, amendment of information Sub-clause 1b be amended by dividing the paragraph after the word charged on the third line to drop down on a different line to now read B; the evidence discloses an offense other than the offense with which the defendant is charged, make such order for the amendment of the circumstances of the case unless, having regard to the matter of the case, the required amendment cannot be made without injustice. Clause 107, amendment of information Sub-clause 5b, be amended by dividing the paragraph after the word EMBARRASSED on the second line to drop down on a different line to now read B; it is of the opinion that the defendant has been thereby deceived or embarrassed allow a witness to be

recalled and further question upon any matter relevant to the amended or very charged and adjourned the trial for such period as may be reasonably necessary.

Clause 108, order for separate trial; Clause [1A] be amended by separating the word embarrassed in at the beginning of the second line to read embarrassed in to now read. A defendant may be prejudiced or embarrassed in his defense by reason of being charged with more than one offense in the same information fore. Clause 108 order for separate trials, Sub-clause 1b be amended by dividing the paragraph after the word information on the fourth line to drop down on a different line to now read for any other reason, it is desirable to direct that the defendant should be tried separately for any one or more offences charged in one information other a separate trial of an offense or offenses charged in the information. Clause 108, order for separate trial Sub-clause 2B, be amended by dividing the paragraph after the word information on the fourth line to drop down on a different line to now read; for any other reason, it is desirable to direct that one or more defendants should be tried separately for anyone of the offenses charged on the information order a separate trial of that defendant or those defendants.

Clause 109, determination of charge be approved, part Four, committal proceedings.

Clause 110, procedure in committal proceedings be approved.

Clause 111, committal proceedings not to be held in public be approved.

Clause 112, procedure at initial appearance be approved.

Clause 113, statements to be approved; the statements to be provided, Sub-clause 1b be amended by inserting the letter B on the third line after the word paragraph and before the word off to now read, the defendant shall, if the defendant shall, if he has so elected, to take the steps mentioned in sub paragraphs one and two of paragraph B of Section 112 make available and produce and tender in court The written statements made by himself and his witness. Clause 113, statement to be provided; Sub-clause to be amended by dividing the paragraph after the war trial on the fifth line to drop down on a different line to now read B, if satisfied that the statement and order evidence as to the commission of the offense or any other indictable offense produced and tendered as aforesaid are sufficient to put the defendant on trial, proceed to commit him for trial in the High Court.

Clause 113, 114 endorsements on written statement be approved.

Clause 115, committal of defendant be approved.

Clause 116, ancillary proceedings; Sub-clause 1 be amended by replacing the word SEND with the word Q on the third line, after the word O and before the word thee to now read, a magistrate shall where a defendant has been committed to the High Court by a warrant either admit the defendant to bail or order the defendant to be remanded in custody.

Clause 117, various between charge and evidence be approved.

Clause 118, continuing magistrate be amended by separating the ward off committal at the beginning of the Second. Second line to be off committal to now read where a magistrate is compelled to interrupt the conduct of committal proceedings by sickness, absence or other sufficient cause, the Chief Justice shall appoint another magistrate to continue the proceedings and such other magistrate shall have the same powers as the magistrate who commenced the said proceedings.

Clause 119, returns to be made to trial court and the Attorney General and Minister of Justice be approved.

Clause 120, privilege of persons committed for trial be approved.

Clause 121, procedure where defendant consents to summary trials be approved, binding prosecutor and witnesses by recognizance.

Clause 122, prosecutor and witnesses to enter into recognizance Sub-clause 1A be amended by deleting the phrase to prosecute on the fourth line after the word TRIAL and before the word TOOK and inserting the word only on the fifth line, after the word EVIDENCE and before the word AS to now read, may bind by recognizance with or without a shorty or shorty's as the case may deem fit the prosecutor and every witness to appear at the trial, to prosecute and to give evidence, or to give evidence only as the case may be.

Clause 123, refusal to recognize a side note be amended by inserting the phrase enter into after the word two to now read, refusal to enter into recognizance. Clause 123, refusal to enter into recognizance, be amended by deleting the phrase "Enter Into" at the beginning of the second line. To now read, the court may where a person refuses to enter into a recognizance, under Section 112 commit him to custody until after the trial, unless in the meantime, he enters into a recognizance, but if afterwards; from want of sufficient evidence or other cause, the defendant is charged, the court shall also order that the person in custody for so refusing to be discharged.

### **Proceedings upon Recognizance:**

Clause 124, forfeiture and levy of recognizance; Sub-clause 1 be amended by changing the spelling of recognizance to recognizance with an S on the seventh line to now read; where the condition of recognizance entered into is not complied with, the court in or before which such condition ought to be performed, may endorse their own certificate addressed to the sheriff or other officer of the court, setting forth that such condition has not been performed and if the amount of the recognizers is not paid within 30 days after service of an order and notice to do so. The amount of the recognition shall be recoverable by distress and sale of the goods and cattle's of thy recognition.

Clause 125, register of recognizance be amended by inserting the letter T before the word HE to become THE on the fourth line after the word AND before the word CONSEQUENCES to now read; the court shall maintain a register of recognizances,

which shall include particulars of the names and addresses of recognizance, the date and place at which their appearance or personal appearance is required and the consequences of failure to fulfill the obligation.

### **Part Five [5] Indictment and Trials in the High Court:**

Clause 1 to 6 preferment of indictment; Sub-clause 2 be amended by separating the word COUNT CHARGING to become COUNT CHARGING at the beginning of the third line to now read, where the defendant has been committed for trial. The indictment may include either in substitution for or in addition to count charging the offense for which is he was committed, any counts found on fact or evidence disclosed in the written statement and depositions being counts which may be lawfully joined in the same indictment Indictments.

Clause 127, conditions for filing of indictment. Sub-clause two be amended by deleting the phrase under Section 142, at the beginning of the third line to now read, a law officer shall wear an indictment has been preferred unless the defendant has been acquitted and discharged, sign the indictment and proceed accordingly. Clause 127, conditions for filing of indictment. Sub-clause four be amended by inserting the phrase of this act at the end of the paragraph to now read; this section shall not be construed so as to derogate from the powers conferred upon the Attorney General and Minister of Justice by section 64 of the Constitution and on the Director of Public Prosecution by section 66 of the Constitution and section 45 of this Act.

Clause 128, feeling of indictment and its effect be approved.

Clause 129, endorsement of indictment be amended by separating the word SHALL ENDORSE to become SHALL ENDORSED at the beginning of the second line to now read, the registrar, or any other person directed by the court shall endorse on or annex to an indictment. Every copy of the indictment to be delivered to the sheriff or deputy sheriff for service on a defendant, a notice of trial, which shall be in the following four, or as near there too as may be.

Clause 130, copy of indictment and notice of trial to be delivered to Sheriff be approved.

Clause 131, time and mode of summoning parties or indictment, the second sub clause three be amended to become Sub-clause four.

Clause 132, return of service be approved.

Clause 133, postponement of trial, rest, fighting recognizance arraignment.

Clause 134, pleading to indictment, be approved.

Clause 135, effect of plea of not guilty be approved.

Clause 136, where defendant refuses to unable to plead, side not be amended to read where defendant refuses or is unable to plead. Clause 136, where defendant

refuses or is unable to plead be amended by replacing the number 71 with the number 68 at the end of the paragraph to now read; the court shall wear a defendant stands mute or refuses by reason of mental or physical disability to answer directly to the indictment unless it has risen to believe that the defendant is of unsound mind and consequently incapable of making his defense ordered the registrar to enter a plea of not guilty on behalf of the defendant and the plea so entered shall have the same force and effect as if the defendant had actually pleaded not guilty, but if the court has reason to believe that the defendant is of unsound mind or psychologically disturbed, it shall proceed in the manner prescribed session 68.

Clause 137, conduct and presence of prosecution, Sub-clause two be amended by deleting the word BE on the fourth line after the word SHALL and before the word NOT to now read indictment signed by a law officer otherwise than at the instance of any other person, shall have priority of hearing, and a jury or assessor shall not be empaneled or selected for such case until it has been so presented.

Clause 138, defendant to be released on bail or discharge if not tried within the certain period be approved.

**Mode of Trial:**

Clause 139, mode of trial referred to plenary for decision.

Clause 140, trial by Judge with the aid of assessors, referred to plenary for decisions

Clause 141, trial by Judge alone at instance of Attorney General and Minister of Justice, referring to plenary for decision.

Clause 142, trial by Judge alone on election of defendant referred to plenary for decision.

Clause 143, change of election referred to plenary for decision.

Clause 144, order for amendment of indictment; sub clause 2A, be amended by deleting the phrase JUST AND on the third line and inserting it at the end of the second line to now read. Be made upon such terms that the cost things just add 144 order for amendment of indictment, sub clause one be amended by inserting the phrase OR THE PROSECUTOR on the second line after the word COURT and before the word THAT to now read, where before trial upon indictment, or at any stage of the trial, it appears to the court or the prosecutor that the indictment is defective in the material particular or the evidence discloses an offense other than The offense with which the defendant is charged. The court shall make such order for the amendment of the indictment as the court thinks necessary to meet the circumstances of the case, unless having regard to the merit of the case, the required amendment cannot be made without injustice.

Clause 144, order for amendment of indictment, second Sub-clause 2A be renumbered to become sub clause 2b.

Clause 145, order for joint trials be approved.

Clause 146, order for separate trials Sub-clause A be amended by inserting the letter E before the letter TH on the seventh line after the word OFF and before the word OFFENSES to now read. The defendants may be prejudiced or embarrassed in his defense by reason of being charged with more than one offense in the same indictment, or that for any other reason, it is desirable to direct that the defendant should be tried separately for anyone or more of the offenses charged in the indictment, the court may order a separate trial for any count or count of the indictment board.

Clause 147, order for postponement of trial be amended by deleting the phrase or at any stage of the trial after the word indictment on the first line and before the word thee on the second line and separating the word POWER OFF at the beginning of the third line to become POWEROFF to now read. Where before a trial upon indictment, the court is of the opinion that the postponement of the trial of the defendant is expedient as a consequence of the exercise of a power of the court under this Act, the court shall make such order as to the postponement of the trial as appear as necessary.

Clause 148, court may order discharge of jury or assessor. Sub-clause 1b be amended by separating the word FORER on the second line after the figure 146 before the word separate to become 4A to now read; where an order of the court is made under Section 146 for a separate trial, or Section 147 for postponement of trial. Clause 148, court may order discharge of jury or assessors Sub-clause 1b roman figure III be deleted.

Clause 149, motion in arrest of judgment be approved.

Clause 150, objections cured by verdict be approved. Qualification of jurors and preparation of jurors list the Committee agreed to refer Clauses 151 to 183 to the plenary.

### **Trial with Assessors:**

Clause 184 selection of assessors be amended by deleting the word OFF at the beginning of the second line to now read where the trial is to be held, with the aid of assessors, the assessor shall be selected from the persons marked as special jurors who are expert in a discipline relevant to the matter before the court, the number not being less than three to sit as assessors and assist the judge in the trial.

Clause 185, decisions of court and assessors be approved, trial to proceed despite assessors unable to attend, be approved.

Clause 187, adjournment be approved.

### **Case for the Prosecution:**

Clause 188, opening of case for the prosecution, be amended by inserting the phrase THE AID OF on the first line after the word WITH and before the word

ASSESSORS to now read, where in a trial by Judge with the aid of assessors, or by a judge alone, the defendant has pleaded in the indictment or in the case of a trial by jury, the defendant has been given in charge of the jury. The prosecution shall open the case against the defendant and shall call witnesses and adduce evidence in support of the charge.

Clause 189, additional witnesses on the back of indictment be approved.

Clause 190, cross examination of prosecution witnesses be approved.

Clause 191, committal warrant to be tender. Sub clause 2c be amended by dividing the paragraph after the word JUSTICE on the fourth line to drop down on a different line to now read; for the arrest of the defendant and for fixing the date of the trial in the case of an ex official information filed by the Attorney General and Minister of Justice shall be tendered by the prosecution before the close of the prosecution's case.

Clause 192, submission of no case be approved case for the defense.

Clause 193, judge to inform defendant of his right at close of Prosecution's case be approved.

Clause 194, evidence of defendant, sub clause four be amended by replacing the word WITNESSES with the word WITNESS on the first line to now read, the witness called by the defendant may be witness as to fact or as to character.

Clause 195, addressed by defense and prosecution, be approved.

Clause 196, addressed by CO defendants, be approved.

Clause 197, defendant entitled to compel attendance of witnesses, be approved.

Clause 198, rebooting evidence be amended by dividing the paragraph after the word GIVEN on the first line to drop down on a different line to now read; evidence of good character has been given grants the prosecutor leave to call rebooting evidence where something has arisen. Ex improvise so In the course of the defense, close of hearings in trials by jury, the committee agreed to refer Clauses 199, to 206, to the plenary close of hearing in cases traffic assessors close.

Clause 207, delivery of opinion by assessors Sub-clause one be amended by replacing the word MAY with the word SHALL on the first line, after the word JUDGE and before the word WHERE to now read the judge shall where in the case tried with assessors, the case on both sides is closed, some of the evidence for the prosecution and the defense and shall then require each of the assessors to state his opinion orally, and shall record their opinion, but the decision on which the judgment is based shall be vested exclusively in the judge.

**Close of hearing in case is tried by Judge alone:**

Clause 208, judgment in trial by Judge alone be approved.

Clause 209, alucktose be approved. Evidence before sentence

Clause 210, evidence before sentence be approved. Part Six, special trials, trial of corporations or companies.

Clause 211, representation of corporation or company, Sub-clause 1 be amended by inserting the word COPORATION on the second line after the letter A and before the word OR to now read in this part the expression representative in relation to a corporation or company means a person duly appointed by the corporation or company to represent it for the purpose of doing an act or thing which the representative is, by this part, authorized to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation or company before a court for any other purpose.

Clause 212, proceedings against corporation or company, Sub-clause 1 be amended by separating the word or jointly at the beginning of the second line to be or jointly to now read, a corporation or company may be charged, either alone or jointly with another person with an offense tribally or enlightenment or tribally summarily before a magistrate court. Clause 212 proceedings against Corporation or company, sub clause two be amended by deleting the word B on the first line after the word MAY and before the word ON to now read, a representative may, on behalf of a corporation or company, make a statement before the court in answer to the charge.

Clause 213, fines and corporation or company be approved.

Clause 214, service of document be approved.

**Trial of Children:**

Clause 215, trial of children be approved. Part Seven, execution of sentences, alternative sentences.

Clause 216, authority for carrying out sentence sub clause two, be amended by separating the word THE WHOLE at the beginning of the third line to be THE WHOLE to now read except where express provision is made to the contrary, every sentence shall be deemed to commence from and to include the whole of the day of the date on which it was pronounced.

Clause 217, suspended sentences, sub clause one be amended by separating the word AN OFFENCE at the beginning of the second line to be AN OFFENCE to now read; where a court passes a sentence of imprisonment for an offense for which the time of imprisonment does not exceed two years, the court may order that the sentence be suspended and that it shall not take effect from the date of the order, unless within one year of the order the offender commits another offense punishable with imprisonment.

Clause 218, deferred sentences; sub clause two will be amended by separating the word WHICHDATE at the end of the first time to be, WHICH DATE to now read be to a date specified by the court, which date shall not be more than six months after the date so specified.

Clause 219, further powers of courts where sentence is deferred be approved.

Clause 220, absolute and conditional discharge, sub clause one be amended by separating the word IS CONVICTED at the beginning of the second line to be, IS CONVICTED to now read; Where magistrates courts by or before which a person is convicted of an offense for which the term of imprisonment does not exceed two years, or by the high court for an offense not involving life imprisonment or is not of a sexual nature, is of the opinion having regard to the circumstances, including the nature of the offense and the character of the offender, that it is in expedient to inflict punishment, the court may make an order, either discharging him.

Clause 220, absolute conditional discharge, sub-clause 1b be amended by separating the word COMMITS NO at the end of the first line to be COMMIT NO to now read; Subject to the condition that he commits no offense within two years from the date of the order.

Clause 221, commission of offense after conditional discharge be approved.

Clause 222, effect of discharge be approved.

Clause 223, community punishment order, sub-clause one be amended by replacing the number five with the number two on the second line, after the word EXCEEDS and before the word YEARS to now read. Where a person is convicted of an offense for which the time of imprisonment not exceeds in two years, the court by or before which he is convicted may make a community punishment order. Required him to perform unpaid work, including working on youth projects, old people's homes, correctional and state farms, cleaning public places such as the House of Parliament, hospitals, beaches and painting of the public buildings and road signs in such manner and for such period as the court may think fit.

Clause 223, community punishment orders sub clause 3 be amended by separating the word IN RESPECT at the beginning of the second line to be IN RESPECT to now read, a court shall not make a community punishment order in respect of a convicted person unless the court is satisfied that.

Clause 224, obligations under community punishment order be approved.

Clause 225, fine in lieu of imprisonment, be approved.

Clause 226, notice of fine to be paid be approved.

Clause 227, order for payment of money. Sub-Clause one B be amended by dividing the paragraph after the word OTHERWISE on the first line to drop down on a different line to now read; By way of compensation or otherwise, either order immediate payment allow time for payment, or direct payment to be made by

installment. Clause 227, order for payment of money, Sub-clause 4 be amended by separating the word OFF PAYMENT on the fifth line after the word TIME and before the word OR to now read. A person ordered to pay money under subsection one may pay or tender to the bailiff or other duly authorized officer having the execution of the warrant, the sum mentioned in the warrant together with the amount of the expenses of the distress up to the time of payment or tender there upon the officer shall seize to execute the warrant.

Clause 228, commitment for want of distress be approved.

Clause 229, commitment in lieu of distress, Sub-clause C be amended by dividing the paragraph after the word DISRTRESS on the second line to drop down on a different line to now read. There are other sufficient reasons instead of or after issuing a warrant of distress, commit the person order to pay to a correctional center for a period specified in the warrant, unless the money and all the expenses of the correctional center to be specified in the warrant as sooner paid.

Clause 230, fine detention in police station in Leo of imprisonment be approved.

Clause 231, statements of wages to be evidence be approved.

Clause 232, payment in full after commitment be approved.

Clause 233, part payment after commitment Sub-Clause two be amended by separating the word ISCONFINED at the beginning of the second line to be IS CONFINED and also separating the word AND THE on the fourth line, after the word COURT and before the word COURT TO BE and it will now read; The keeper of an operational center in which the person is confined, who desire us of taking advantage of sub section one shall own application be made by that person at once taken before a court and the court shall certify the amount by which the period of imprisonment originally awarded is reduced by such payment in part in satisfaction and shall make such order as is required in the circumstances.

Clause 233, part payment after commitment, Sub-clause three be amended by deleting the word RULES on the first line after the word COMMITTEE and before the word SHALL to now read, rules of court committee shall by statutory instruments made rules for carrying out the provisions of Sections 22[A2], Section 232 inclusive.

Clause 234, limitation of imprisonment be approved.

Clause 235, direct imprisonment be approved.

Clause 236, address and execution of warrants be approved.

Clause 237, enforcement of warrants be approved.

Clause 238, Procedure which regards to warrant executed outside jurisdiction be approved. Defect in orders and warrants.

Clause, 239, error or omission not to affect legality or execution of warrant, be amended by inserting the word OMISSION on the second line after the word EARN

and before the word OR and also separating the paragraph after the word WARRANT on the fifth line to now read. The court may at any time, amend a defect in substance or in form in an order or warrant an omission or error as to time and place and a defect in form, in an order or warrant given under this Act shall not be held to render void or unlawful any act done or intended to be done by virtue of such order or warrant. Provided that this is mentioned, therein or may be inferred there from that is founded on an information, indictment, and conviction of judgment sufficient to sustain the same.

#### **Part 8 Miscellaneous:**

Clause 240, forms be approved.

Clause 241, sealing of orders etc. not generally necessary be approved.

Clause 242, fingerprints etc. be approved.

Clause 243, arrest etc. of Members of Parliament or public officer to be reported, sub clause two be amended by deleting the letter A on the third line after the word AND and before the word LOCAL to now read, for the purposes of this section, the expression court means any court in Sierra Leone, and includes the Superior Courts of Judicature, a magistrate court and local court.

Clause 244, repeal and savings sub clause 2B be amended by aligning the paragraph to read, notwithstanding subsection one, any other regulation or other instruments made under the repealed Act shall remain in force and be deemed to have been made under the corresponding provisions of this act until such time as the orders regulations or other instruments amended, revoked or replaced by an order, regulation or other instruments made under this Act. Schedules be amended as attached.

Conclusion, Mr Chairman, Honourable Members, the Legislative Committee having scrutinized the Bill entitled The Criminal Procedure Act 2024 recommend this proposals to the House for approval. The report reflects the consensus of Honourable Members of the Committee; I therefore move that the House pass this Bill entitled The Criminal Procedure Act 2024 through Committee Stage, third reading and into law. I thank you for your attention.

Signed,

Honourable Abdul S. Marray Conteh,  
Chairman Legislative Committee, Fifth session 2024

*The House resumes.*

**THE SPEAKER:** Honourable Members, we are going to have another meeting in Committee Room 1, purely on the CPA. I know that the Legislative Committee has done a very good job and they have read their report, but I do not want the situation where we start arguing on Clauses here in the Plenary. So by next week, we all go to Committee Room 1. I am giving you this time from now to next week,

please try as best as possible to read the CPA, the Bill, so that when we go to Committee Room 1, if we have issues, we trash those issues there, then we come to the plenary and hurry up. Otherwise you know, this is very fat, it is extremely fat. We spend the whole day here. So read the Bill if you have issues. Let us discuss the issues in committee room one before we come to the plenary for the passing of the CPA. So thank you very much, Honourable Members....

**HON. DANIEL B. KOROMA:** I always want to join you to encourage the House, that end of this session is fast approaching, that we should commit ourselves to complete this Bill and enact before end of this session. Otherwise, you and I know it has other implications if it is prosponed to another session, let us be committed.

**THE SPEAKER:** Yes, in fact we are having a meeting around the CPA on Wednesday, 10am next week. Which date is that? So that on Thursday, by the time we come to the Plenary on Thursday? Yes, Wednesday the 3rd of July Honourable Members, Wednesday the 3<sup>rd</sup> July, at 10am we should be in Committee Room 1 to discuss all the issues, but make sure you read your Bill in tandem with the Report. Read your Bill in tandem with the report, so that you do not raise the issues that have already been dealt with in the report. So please, so that if you have issues that have not been dealt with by the report, then let's discuss those issues in Committee room one before Thursday next week. Thank you very much. Yes Mr Minister, you may leave. We can't proceed beyond this point, Honourable Members, record votes and proceedings.

#### **ADOPTION OF THE RECORDS OF VOTES AND PROCEEDINGS FOR THURSDAY, 20TH JUNE 2024.**

**THE SPEAKER:** Pages 1 to 4, Page 5, page 6, page 7, page 8, page 9, Page 10, Page 11. Can a Member please move. Who is the mover? Honourable Fabbah,

**HON. HABIB KEIFA FABBAH:** I so move Mr Speaker.

**THE SPEAKER:** Any Seconder?

**HON. SAHR KORTU MOMOODU:** I so second Mr Speaker.

*[Question Proposed, Put and Agreed to]*

*Records of Votes and Proceedings for Thursday, 20th June 2024 has been adopted.*

**THE SPEAKER:** Honourable Members, at the last adjourned date I told you that I was going to announce the composition of a particular Committee to look into the laws we pass here, to look into certain agreements that are Laid on the Table of the House and to consider certain other laws that we have tabled here. I have been properly advised by the Clerk and of course the Leader of Government Business that we add those duties to already existing duties of the Legislative Committee so that they ensure that whatever agreement or contracts that are brought here to be ratified by Parliament in the first place, Chairman are you taking note? In the first place, you ensure your Committee ensures that those agreements do not violate any

of our laws that they are not at cross purposes with other agreements. That they are not at cross purposes with other agreement we have already ratified here. As a Committee you should also ensure that before any statutory instrument is Laid on the Table of the House, you ensure that whatever there is to be done with those Statutory Instruments, whatever there is to be amended in those Statutory Instruments are done, or even regulations are done before they are Table, because Honourable Members, we all know that we cannot amend regulations of Statutory Instruments, as long as they are laid, we can either approve or we reject them; but before we reject anyone, it is but necessary that the Legislative Committee looks into the provisions of those statutory instruments, or those regulations before they are even laid so please take note, Mr Chairman of the Legislative Committee, because I had already prepared my list.

I just wanted to announce like I promised at the last adjourned date, but of course; we all know that the Clerk is the Principal Adviser to Mr Speaker and the House. So the Clerk, supported by the Leader of Government Business, profiled the advice that will add those duties to the already existing duties of the Legislative Committee and I totally buy that. So thank you very much.

Please Legislative Committee whenever any agreement is brought to Parliament, Mr Leader, because they are always presented to the House through the Clerk and you are notified, please make sure you submit those agreements to the Legislative Committee for proper vetting before we laid them and as long as you properly vet them, bring whatever issues to my notice before they are laid. Thank you very much.

## **ANNOUNCEMENTS:**

Members of the Appointment Committee are informed that they meet today at 1 o'clock in Committee Room 1, signed Leader of Government Business. Appointment Committee meets at 1pm after sitting.

Honourable Members, like I said; we have a meeting now, immediately after the sitting, we have a meeting in Committee Room 1, all Members of Parliament, please, let's meet and discuss certain pertinent issues please. Thank you very much.

## **ADJOURNMENT**

Mr Speaker adjourned the House to Tuesday, 25th June, 2024 at 10am.

The House rose at 11:35 a.m.